

**TOWNSHIP OF CONSTANTINE
ST. JOSEPH COUNTY, MICHIGAN**

ORDINANCE NO. 22-58

ADOPTED: October 11, 2022

EFFECTIVE: October 19, 2022

An Ordinance to amend the Constantine Township Ordinance’s Article III, “Definitions” to add “Solar Energy”; to amend Article V “General Provisions” to add a section labeled “Large Solar Energy Systems”; to amend Article XIII “Special Exception Uses” to add a section labeled “Large Solar Energy Systems”; to amend Article IV “Zoning Districts and Zoning Map” by adding to section 4.1 at the bottom “S-1. Solar Overlay District”; to amend Article IV “General Provisions”, Section 4.3 by adding additional language; to amend Article IV “General Provisions”, Section 4.2 to add a section labeled “6. District Boundaries of Solar Overlay District”; to amend Article V, “General Provisions” by adding section “25. Accessory Use Small Scale Solar Energy System”; and to provide an effective date and to repeal all Ordinances or parts of Ordinances in conflict herewith.

THE TOWNSHIP OF CONSTANTINE,

ST. JOSEPH COUNTY, MICHIGAN

ORDAINS:

SECTION I

AMENDMENT TO ARTICLE I “ DEFINITIONS”

A new category entitled “Solar Energy: is hereby added to Article I “Definitions: of the Constantine Township Zoning Ordinance to read as follows:

“Solar Energy. The following definitions shall apply to solar energy provisions in this Ordinance:

Accessory Ground-Mounted Solar Energy System: A ground-mounted solar energy system with the purpose primarily of generating electricity for the principal use on the site.

Ancillary Solar Equipment: Any accessory part or device of a solar energy system that does not require direct access to sunlight, such as batteries, electric meters, converters, or water heater tanks.

Building-Integrated Solar Energy System (“BIPV”): A solar energy system that is an integral part of a primary or accessory building or structure (rather than a separate mechanical device), replacing or substituting for an architectural or structural component of the building or structure. Building-integrated systems include, but are not limited to, photovoltaic or hot water solar energy systems that are contained within roofing materials, windows, skylights, and awnings.

Dual Use: A solar energy system that employs one or more of the following land management and conservation practices throughout the project site:

- Pollinator Habitat: Solar sites designed to meet a score of seventy-six (76) or more on the Michigan Pollinator Habitat Planning Scorecard for Solar Sites. Alternatively, the Tier 2 Pollinator Scorecard developed by the Rights-of-Way as Habitat Working Group can be used to evaluate pollinator habitat and management practices.
- Conservation Cover: Solar sites designed in consultation with conservation organizations that focus on restoring native plants, grasses, and prairie with the aim of protecting specific species (eg. bird habitat) or providing specific ecosystem services (eg. carbon sequestration, soil health).
- Forage for Grazing: Solar sites that incorporate rotational livestock grazing and forage production as part of an overall vegetative maintenance plan.
- Agrioltaics: Solar sites that combine raising crops for food, fiber, or fuel, and generating electricity within the project area to maximize land use.
- Dual Use: Does not include the use of solar arrays on parcel or lots that already have an established use such as dwellings, commercial buildings, etc.

Ground-Mounted Solar Energy System: A solar energy system mounted on support posts, like a rack or pole that are attached to or rest on the ground.

Large Solar Energy System: A utility-scale solar energy system where the primary use of the land is to generate electric energy or other energy by converting sunlight, whether by Photovoltaic Devices or other conversion technology, for the sale, delivery, or consumption of the generated energy with a capacity greater than one megawatt (MW).

Maximum Tilt: The maximum angle of a solar array (ie., most vertical position) for capturing solar radiation as compared to the horizon line.

Minimum Tilt: The minimal angle of a solar array (ie., most horizontal position) for capturing solar radiation as compared to the horizon line.

Non-Participating Parcel(s): One or more existing lots or parcels for which there is not a signed lease or easement for development of a principal-use SES associated with the applicant project.

Participating Parcel(s): One or more lots under a signed lease or easement for development of a principal-use SES associated with the applicant's project.

Photovoltaic (PV) System: A semiconductor material that generates electricity from sunlight.

Principal-Use Solar Energy System: A commercial, ground-mounted solar energy system that converts sunlight into electricity for the primary purpose of off-site use through the electrical grid or export to the wholesale market.

Principal-Use (Large) Solar Energy System: A Principal-Use SES generating more than 5,000 KWH/5MW for the primary purpose of off-site use through the electrical grid or export to the wholesale market.

Accessory-Use (Small) Solar Energy System: An accessory SES generating up to and including 5,000KWH/5MW per month installed and used for the primary purpose of serving an individual residence or structure; with any minor generated excess available to place on the grid.

Property Owner or Lessor: Any person, agent, firm, corporation, limited liability company, or partnership that alone, jointly, or severally with others: (1) has legal or equitable ownership or title to any premises, dwelling, or dwelling unit, with or without accompanying actual possession thereof; or (2) has charge, possession care, or control of any premises, dwelling or dwelling unit, as an agent of the owner or as executor, administrator, trustee, or guardian of the estate of the beneficial owner. The person shown on the records of the St. Joseph County Register of Deeds to be the owner of a particular property shall be presumed to be the person who owns or is in control of that property.

Repowering: Reconfiguring, renovating, or replacing an SES to maintain or increase the power rating of the SES within the existing project footprint.

Roof-Mounted Solar Energy System: A solar energy system mounted on racking that is attached to or ballasted on the roof of a building or structure.

Small-Scale Solar Energy Collector: A solar energy collector primarily intended to provide energy for on-site uses and to provide power for use by owners, lessees, tenants, residents, or other occupants of the lot on which it is erected. It may be comprised of the following: building-integrated photovoltaic systems ("BIPV"), ground-mounted solar energy collectors, and/or building-mounted solar energy collectors.

Solar Array: A photovoltaic panel, solar thermal collector, or collection of panels or collectors in a solar energy (electric energy or other energy) system that collects solar radiation.

Solar Carport: A solar energy system of any size that is installed on a structure that is accessory to a parking area, and which may include electric vehicle supply equipment or energy storage facilities. Solar panels affixed on the roof of an existing carport structure are considered a Roof-Mounted SES.

Solar Collector Surface: Any part of a solar energy system that absorbs solar energy for use in the system's transformation process. The collector surface does not include frames, supports, and mounting hardware.

Solar Energy: Radiant energy received from the sun that can be collected in the form of heat or light by a solar energy system.

Solar Energy System (SES): A photovoltaic system or solar thermal system for generating and/or storing electricity or heat, including all above and below ground equipment or components required for the system to operate properly and to be secured to a roof surface or the ground. This includes any necessary operations and maintenance building(s), but does not include any temporary construction offices, substation(s) or other transmission facilities between the SES and the point of interconnection to the electric grid.

Solar Thermal System: A system of equipment that converts sunlight into heat.

UL Listed: Refers to the Underwriters Laboratory product certification database.

Utility Scale Solar Energy System: A Large Solar Energy System that meets one or more of the following:

- A. It is primarily used for generating electricity for sale, distribution of site to an authorized public utility or other firm for use in the electrical grid.
- B. The total surface area of all solar collector surfaces exceeds one-thousand five hundred (1,500) square feet; and/or
- C. It is not considered an accessory use or structure by the Township Zoning Administrator.

Weed: Native or non-native plant that is not valued in the place where it is growing.

Wildlife-Friendly Fencing: A fencing system with openings that allow wildlife to traverse over or through a fenced area.”

SECTION II

AMENDMENT TO ARTICLE V “GENERAL PROVISIONS”

A new subsection identified as Section 5.26 is hereby added to Article V “General Provisions” of the Constantine Township Zoning Ordinance to read as follows:

“5.26 Large Solar Energy Systems: Large Scale Solar Energy Systems are permitted only in the Solar Overlay Zoning District. Classification as defined by this Ordinance, refer to Section 13.7 “Specific Standards Required of Particular Special Exception Uses” , subsection 18, “Large Solar Energy System(s).”

SECTION III

AMENDMENT TO ARTICLE XIII “SPECIAL EXCEPTION USES”

A new subsection identified as Section 13.7, subsection 18 is hereby added to Article XIII “Special Exception Uses” to read as follows:

“18. Large Solar Energy System(s).

- A. Purpose and Intent: The purpose and intent of this Section is to establish standards for the siting installation, operation, repair, decommissioning and removal of Large Solar Energy Systems.
- B. Application Escrow Account: An escrow account shall be deposited with the Township by the Applicant when the Applicant applies for a Special Land Use for a Large Solar Energy System. The monetary amount deposited by the Applicant in escrow with Township shall be the amount of \$ 15,000.00 (fifteen thousand), to cover all reasonable costs and expenses associated with the Special Land Use review and approval process, which costs shall include, but are not limited to, reasonable fees of the Township Legal Counsel, Township Planner and Township Engineer, as well as costs for any reports or studies that are reasonably related to the zoning process for the application. Such escrow amount shall be in addition to any filing or application fees applicable to special land use applications as established by resolution. At any point during the Special Land Use review process, the Township may require that the Applicant place additional funds into escrow with the Township if the existing escrow amount deposited by the Applicant is deemed insufficient by the Township. If the escrow account needs

replenishing and the Applicant refuses to do so within thirty (30) days, the Special Land Use process shall cease unless and until the Applicant makes the required additional escrow deposit. Any applicable zoning escrow Resolutions or other Ordinances adopted by the Township must also be complied with by the Applicant. The Township shall provide a summary of all account activity to the Applicant within a timely manner upon request. Any funds remaining within the escrow after approval of the Special Land Use shall be returned in a timely manner to the Applicant.

- C. Compliance with the State Construction Code and the National Electric Safety Code: Construction of a Large Solar Energy System shall comply with the National Electric Safety Code and the State Construction Code (consisting of Building, Electric, Mechanical and Plumbing Codes) as administered and enforced by Constantine Township as a condition of any Special Land Use under this section. In the event of a conflict between the Local Building Code and National Electric Safety Code (NESC), the more restrictive shall apply.
- D. Certified Solar Array Components: Components of a Solar Array shall be approved by the Institute of Electrical and Electronics Engineers (“IEEE”), Solar Rating and Certification Corporation (“SRCC”), Electronic testing Laboratories (“EIL”), Underwriters Laboratories (UL), National Fire Protection Association (NFPA), and the National Electrical Code (NEC) or other similar certification organization if the similar certification organization is approved by the Township, which approval shall not be unreasonably withheld.
- E. Height: Maximum height of a Solar Array, other collection device, components or buildings of the Large Solar Energy System, excluding substation and electrical transmission equipment, shall not exceed fifteen (15) feet (as measured from the natural grade at the base of improvements) at any time or location on the property. Substation and electrical transmission equipment shall not exceed one hundred (100) feet in height.
- F. Setbacks: All above-ground components of the large solar energy system; all buildings and solar arrays, shall be setback a minimum of fifty (50) feet from all exterior property lines, existing public roads, and railroad rights-of-way; as well as from all bodies of water, delineated wetlands, or other protected land or water. In addition, a setback of two-hundred and fifty (250) feet shall be required from any parcel line of a property containing an existing residential structure. Contiguous parcels which are all part of a single Large Solar Energy Project need not maintain side yard setbacks for

the panels/array so long as the planning commission approves the elimination of the side yard setback in its statement of conditions.

- G. Lot Coverage: A Large Solar Energy System is exempt from maximum lot coverage limitations. Setbacks must be complied with.
- H. Screening and Security: A Large Solar Energy System shall be completely enclosed by perimeter security fencing to restrict unauthorized access. Such fencing shall be at least four (4) feet in height. Barbed wire, razor wire and electric fencing are not permitted. The perimeter of Large Solar Energy System shall also be screened and buffered by installed evergreen or native vegetative plantings whenever existing natural vegetation does not otherwise reasonably obscure the Large Solar Energy System from adjacent residential structures, subject to following requirements:

The evergreen or native vegetative buffer shall be composed of native or evergreen trees that at planting shall be a minimum of four (4) feet in height and shrubs two (2) feet in height. The evergreen trees shall be spaced no more than fifteen (15) feet apart on center (from the central trunk of one plant to the central trunk of the next plant), native trees shall be placed no more than thirty (30) feet apart on center and shrubs shall be spaced no more than seven (7) feet apart on center. All unhealthy, dead, or dying plant or tree material shall be replaced by the Applicant within one (1) year, or the next appropriate planting period, whichever occurs first. In case of a question, the Township Zoning Administrator shall make the determination as to whether a plant or tree must be replaced.

1. All plant materials shall be installed between March 15 and November 15. If the Applicant requests a Final Certificate of Occupancy from the Township and the Applicant is unable to plant during the installation period, the Applicant will provide the Township with a letter of credit, surety or corporate guarantee for an amount equal to one and one-half (1.5) times the cost of any planting deficiencies that the Township shall hold until the next planting season to ensure planting takes place. The Township may contact the applicant if plantings are not completed timely and use the proceeds to accomplish the required plantings. After all plantings have occurred, the Township shall return the financial guarantee.
2. Failure to install or continuously maintain the required vegetative buffer shall constitute a violation of this Ordinance and any Special Land Use may be subject to revocation.

- I. Signage: No advertising or non-project related graphics shall be on any part of the Solar Arrays or other components of the Large Solar Energy System. This exclusion does not apply to entrance gate signage or notifications containing points of contact or all other information that may be required by authorities having jurisdiction for electrical operations and the safety and welfare of the public.
- J. Noise: No component of any Large Solar Energy System shall emit noise exceeding sixty (60) dBA as measured at the exterior property boundary or the existing right-of-way line.
- K. Lighting: All lighting for parking lots, driveways, external illumination of buildings, or the illumination of signs shall be directed away from and be shielded from adjacent properties and shall be so arranged as to not adversely affect driver visibility on adjacent public roads.
- L. Distribution Transmission and Interconnection: All collection lines and interconnections from the Solar Array(s) to any electrical substations shall be located and maintained underground inside the Large Solar Energy System, except in areas where technical or physical constraints make it preferable to install equipment above ground. This requirement excludes transmission equipment meant to connect the project substation to the local transmission system.
- M. Abandonment and Decommissioning: Following the operational life of the project, the Applicant shall perform decommissioning and removal of the Large Solar Energy System and all its components. The Applicant shall prepare a Decommissioning Plan and submit it to the Planning Commission for review and approval prior to issuance of the Special Land Use. Under the plan, all structures, concrete, piping, facilities, and other project related materials above grade and any structures up to seventy-two (72) inches below-grade shall be removed off-site for disposal. Any Solar Array or combination of Photovoltaic Devices that is not operated for a continuous period of twelve (12) months shall be considered abandoned and shall be removed under the Decommissioning Plan. The ground must be restored to its original topography within three hundred and sixty-five (365) days of abandonment or decommissioning. Restoration shall also include bringing soil to its pre-development composition to ensure return to prior use is possible upon restoration. Soil tests shall be required as a part of the Decommissioning Plan both before development and prior to decommissioning. Soil shall be brought back to pre-development state within three hundred sixty-five (365) days of abandonment or decommissioning.

1. Continuing Security for Decommissioning: If any Large Solar Energy System is approved for construction under this Section, Applicant shall post decommissioning security prior to the start of construction (in a mutually agreed upon form) for an amount necessary to accomplish the work required to decommission the project as agreed upon by the Township and Applicant. The amount shall be reasonably sufficient to restore the property to its previous condition prior to construction and operation of the Large Solar Energy System. Such financial security shall be kept in full force and and non-cancelable. The amount required for decommissioning security shall be reviewed by the Planning Commission every two (2) years from the date of issuance of zoning approval. Failure to submit any additional charges shall be construed as a violation of the Special Exception Use Permit.
 2. Continuing Obligations: Failure to keep any required financial security in full force and effect at all times while a Large Solar Energy System exists or is in place shall constitute a material and significant violation of the Special Land Use and this Ordinance, and will subject the Large Solar Energy System Applicant, owner and operator to all remedies available to the Township, including any enforcement action, civil action, request for injunctive relief, and revocation of the Special Land Use.
- N. General Standards: The Planning Commission shall not approve of any Large Solar Energy System Special Land Use unless it finds that all of the general standards for Special Exception Land Uses contained in Article XIII of the Constantine Township Zoning Ordinance, as amended, are met.
- O. Township Board Oversight: Upon Planning Commission approval, the record of approval, finding of fact and any conditions shall be forwarded to the Township Board for consideration at its next available meeting. The Township Board may require a development agreement with the Applicant, which shall be in the form of a contract signed by both parties. The decommissioning agreement may be a part of the development agreement, or it may be in a separate document. The Township Board has the authority to consider and approval all proposed agreements, and to authorized the supervisor or his/her designee to sign on behalf of the Township.
- P. Conditions and Modifications: Any conditions and modifications approved by the Planning Commission shall be recorded in the Planning Commission's meeting minutes. The Planning Commission may, in addition to other reasonable conditions, require landscaping, walls, fences and other

improvements that are reasonable in relation to and consistent with the nature of the applicable or adjacent zoning districts. After approval, at least two (2) copies of the final approved Site Plan shall be signed and dated by the Chairperson of the Planning Commission and authorized representative of the Applicant. One copy shall be kept on file by the Township Clerk, and one copy shall be returned to the Applicant's authorized representative.

- Q. Approval Time Limit and Extension: Special Land Use and Site Plan approvals, under this Section, shall be valid for one (1) year beginning on the date of Township Board approval. Once commenced, should construction cease for period of twelve (12) consecutive months, the Special Land Use and Site Plan approvals shall be considered null and void. If construction begun prior to the expiration date established by Township Board approval, the Special Land Use and Site Plan approvals shall remain in force as long as construction continues toward a reasonable date of completion. However, if requested by the Applicant prior to the expiration date established by Township Planning Commission approval, the Township Board may consider an additional one-year period upon showing of good cause for the extension.
- R. Inspection: The Township shall have the right at any reasonable time, to provide a twenty-four (24) hour notice prior to the desired inspection to the Applicant to inspect the premises on which any Large Solar Energy System is located. The Township may hire one or more consultants to assist with inspections at the Applicant's or project owner's expense. Inspections must be coordinated with, and escorted by, the Applicant's operations staff at the Large Solar Energy Facility to ensure compliance with the Occupational Safety and Health Administration (OSHA), NESC and all other applicable safety guidelines.
- S. Annual Reports: The Large Solar Energy System operator shall submit an annual report to the Planning Commission by no later than October 1st of each year. The annual report shall document the amount of electricity produced each month for the reporting period in units of Megawatt-hours. The annual report shall list all complaints received regarding the Large Solar Energy Systems along with the status of the complaint resolution and the actions taken to mitigate the complaints. The report shall also contain a certification that the estimated decommissioning costs have not changed, and that any surety bond is still valid. If said report does not contain such certification, then the report shall include an update cost estimate for decommissioning and proof of a new and updated surety bond.

- T. Maintenance and Repair: Each Large Solar Energy System must be kept and maintained in good repair and condition at all times. If the Township Zoning Administrator determines that a Large Solar Energy System fails to meet the requirements of this Ordinance and the Special Land Use, or that it poses a safety hazard, the Zoning Administrator, or his/her designee, shall provide notice to the Applicant of the safety hazard. If, after a reasonable cure period (not to exceed seven (7) days), the safety hazards are not corrected, the Applicant is entitled to a hearing before the Township Board. If the Township Board determines that the safety hazard requires that the Large Solar Energy System must be shut down, Applicant shall immediately shut down the Large Solar Energy System must be shut down, and not operate, start or restart the Large Solar Energy System until the issues have been resolved. Applicant shall keep a maintenance log on the Solar Array(s), which shall be available for the Township's review within forty-eight (48) hours of such request. Applicant shall keep all sites within the Large Solar Energy System neat, clean and free of refuse, waste or unsightly, hazardous or unsanitary conditions.
- U. Roads: Any material damages to a public road located within the Township resulting from the construction, maintenance or operation of Large Solar Energy System shall be repaired at the Applicant's expense. In addition, the Applicant shall submit to the appropriate County or State agency a description of the routes to be used by construction and delivery vehicles; any road improvements that will be necessary to accommodate construction vehicles, equipment or other deliveries. The Applicant shall abide by all County and/or State requirements regarding the use and/or repair of County roads or State highways.
- V. Other Requirements: Each Large Solar Energy System shall also comply with all applicable federal, state and county requirements, in addition to other applicable Township Ordinances and the Michigan Land Division Act which includes MCL 560.102. In the case of such land division requirements the following will apply:
1. The property on which the Large Solar Energy System is planned shall be exempt from the parcel size requirement of the Township Zoning Ordinance.
 2. The property on which the Large Solar Energy System is planned shall be exempt from the road frontage requirement of the Township Zoning Ordinance.

3. The property on which the Large Solar Energy System is planned land shall be exempt from the 4 to 1 rule requirement of the Land Division Act and Township Zoning Ordinance.
 4. If such land division creates a landlock parcel, a dedicated easement of forty (40) feet in width for the purpose of ingress and egress must be recorded.
 5. If the Large Scale Solar Energy System on a portion of a parcel is decommissioned and no longer in use, the land division approval shall be eliminated, and the parcel returned to a single parcel.
- W. Transfer of Ownership: Any and all conditions that have been approved as a part of the approval process, shall remain in place in the event of transfer of ownership, or sale of the property. Any change of conditions would have to be recommended by the Constantine Township Planning after a public hearing is held to the Constantine Township Board for approval.
- X. Security: Lock boxes and keys shall be provided at locked entrances for emergency personnel access. The Township shall be provided with a list of emergency contacts for the site. Such list shall be updated as needed by the owner and/or administrator of the Large Solar Energy System to ensure that said list always contains current and correct contacts.
- Y. Glare and Reflection: The exterior surfaces of solar energy collectors shall be generally neutral in color and substantially non-reflective of light. A unit may not be installed or located so that sunlight or glare is reflected into dwellings on other lots or onto roads or private roads.
- Z. Storage: If solar storage is included as part of the Large Solar Energy System, said storage must be placed in a security container or enclosure when in use in accordance with applicable laws and regulations, and when no longer used, shall be disposed of in accordance with applicable laws and regulations. Security containers or enclosures must also be in compliance with any and all local and state ordinances and codes.
- AA. Submittal Requirements:
1. Site Plan Requirements and Standards: (Site Plan Drawing and Supporting Materials) All applications for a Large Solar Energy Systems must be accompanied by detailed site plans, drawn to scale and dimensioned and certified by a registered engineer, architect or land surveyor licensed in the State of Michigan, displaying the following information:

- a. All requirements for site plan application contained in Article XIV, Section 14.4 of the Constantine Township Zoning Ordinance.
- b. All parcel lines and dimensions, including a legal description of each lot or parcel comprising the Large Solar Energy System.
- c. Names of owners of each lot or parcel within Constantine Township that is proposed to be within the Large Solar Energy System.
- d. A vicinity map showing the location of all surrounding land uses and existing buildings on parcels included in the proposed Large Solar Energy System.
- e. The location and height of all proposed Solar Array(s), buildings, structures, electrical tie lines and transmission lines, security fencing, and all above-ground structures and utilities associated with a Large Solar Energy System.
- f. Horizontal and vertical (elevation) scaled drawings with dimensions that show the location of the Solar Array(s), buildings, structures, electrical tie lines and transmission lines, security fencing and all above-ground structures and utilities on the property.
- g. Location of all existing and proposed overhead and underground electrical transmission or distribution lines within the Large Solar Energy System and within one-hundred (100) feet of all exterior property lines of the Large Solar Energy System.
- h. Proposed setbacks from the Solar Array(s) to all existing and proposed structures, road right-of-ways (public or private), property lines shall be consistent with Article XII.
- i. Land elevations for the Solar Array(s) location and the relationship to the land elevations of all existing and proposed structures within the Large Solar Energy System at a minimum of five (5) foot contours.

- j. Access driveways within and to the Large Solar Energy System, together with a detailed narrative regarding dimensions, composition, and maintenance of each proposed driveway. All access drives shall be subject to St. Joseph County Road Commission or the Michigan Department of Transportation approval and shall be planned so as to minimize the use of lands for that purpose.
- k. Planned security measures to prevent unauthorized trespass and access during the construction, operation, removal, maintenance or repair of the Large Solar Energy System.
- l. A written description of the maintenance program to be used for the Solar Array(s) and other components of the Large Solar Energy System, including decommissioning and removal. The description shall include maintenance schedules, types of maintenance to be performed, and decommissioning and removal procedures and schedules if the Large Solar Energy System is decommissioned.
- m. Planned lightening protection measures.
- n. Additional detail(s) and information as required by the Special Land Use requirements of the Constantine Township Zoning Ordinance, or as required by the Planning Commission.
- o. Notarized written permission or copy of lease or deed establishing that the property owner authorizes the use of the property for a Large Solar Energy System.
- p. Documentation of the pre-construction soil types and conditions. If the USDA Natural Resources Conservation Service Soil survey(s) is not available, provide agricultural soil test information and/or obtain from Michigan State University Extension.

BB. Operational Plan: An Applicant for a Large Scale Solar Energy System shall prepare and submit an operational plan supported by the following:

- 1. Full Project Operational Plan. In addition to those requirements and procedures established in Article XIV, Section 14.4 any site plan must show the following:
 - a. A project description and rationale which identifies the type, size, rate power output, performance, safety and noise

characteristics of the system, including the transmission line/grid connection for the project, and which identifies the project construction time frame, project life, development phases (and potential future expansions).

- b. Estimated construction jobs and estimated permanent jobs associated with the development.
 - c. Photos and/or renditions of the project that graphically demonstrate the visual impact of the project, including, but not limited to, setbacks and proposed landscaping.
 - d. Any impacts on surface water quality and any impacts to county drains and/or established natural or private drainage features in the area.
 - e. Any solid or hazardous waste generated by the project.
 - f. Any emergency and normal shutdown procedures, and any potential hazards to adjacent properties, public roadways and to the general public that may be created.
 - g. A fire suppression plan as required by this Ordinance.
 - h. An operations plan describing the operation of the Large Solar Energy System, including, but not limited to, the proposed technology, type of Solar Panels, and maintenance schedule.
 - i. Environmental Impact analysis if required by this Ordinance.
 - j. Proof of public liability insurance for at least two(2) million (\$ 2,000,000.00) dollars covering the Large Solar Energy System and the property owner.
2. Existing Conditions Site Plan. The Operational Plan shall include a site plan of existing conditions and shall show:
- a. Existing property lines and property lines extending one-hundred (100) feet from the exterior boundaries, including the names of the adjacent property owners and current use of those properties.
 - b. Existing public and private roads, showing widths of the roads and any associated easements.
 - c. Location and size of any known wells (including any abandoned wells), sewage treatment systems and dumps.

- d. Existing buildings and any impervious surfaces.
 - e. Topography at five (5) foot intervals and source of contour interval. A contour map of the surrounding properties may also be required.
 - f. Existing vegetation (list type and percent of coverage, ie. Grassland, plowed field, wooded areas, etc.).
 - g. Waterways, watercourses, lakes and public water wetlands.
 - h. Wetland boundaries, if applicable.
 - i. The 100-year flood elevation and Regulatory Flood Protection Elevation, if available.
 - j. Floodway, flood fringe, and/or general flood plain district boundary, if applicable.
 - k. the waterfront boundary, if any portion of the project is located along a natural or man-made lake, river, stream, pond or other waterway.
 - l. If any portion of the project is located along a natural or man-made lake, river, stream, pond or other waterway, the ordinary high-water level and the highest known water level.
 - m. If any portion of the project is located along a natural or man-made lake, river, stream, pond or other waterway, the toe and top of any bluffs within the project boundaries.
 - n. Mapped soils.
 - o. Surface water drainage patterns.
3. Solar Panels Operation and Site Plan. In addition to those requirements and procedures established in Article XIV, Section 14.4, any site plan of proposed solar panels must show the following:
- a. Location and spacing of Solar Panels.
 - b. Location of access roads.
 - c. Planned location of underground or overhead electric lines connecting the Large Solar Energy System to the building, substation or other electric load.

- d. New electrical equipment other than at the existing building or substation that is the connection point for the Large Solar Energy System.
- e. Proposed erosion and sediment control measures.
- f. Proposed storm water management measures.
- g. Sketch elevation of the premises accurately depicting the proposed solar energy conversion system and its relationship to structures on adjacent lots (if any).
- h. A site lighting photometric plan for the Large Solar Energy System.
- i. Proposed sign to be posted at the Large Solar Energy System, along with its proposed dimensions, location and manner of display.

SECTION IV

AMENDMENT TO ARTICLE IV “ZONING DISTRICTS AND ZONING MAP

- A. Article IV “Zoning Districts and Zoning Map”, Section 4.1 “Zoning Districts” is hereby amended by adding the following to the bottom of the list thereon:

“S-1 Solar Overlay District”.

- B. Article IV “Zoning Districts and Zoning Map”, Section 4.3 ‘Areas not included within a district’ is hereby amended by adding the following after the word “district”:

“There is here by created a Solar Overlay District identified as S-1, the purpose of which is to facilitate the establishment of utility-scale solar energy collector systems by providing standards for their placement, design, construction, operation, monitoring, modification, and removal consistent with public safety, while minimizing negative impacts on adjacent and area property, and while promoting the Township’s goals of preserving agricultural lands and open spaces. Minimizing loss of rural character and open spaces and the desire to preserve farms and agricultural-based activities are strongly supported in the Master Plan. To promote the preservation of the Township’s rural character and agricultural heritage, the lands included in the Utility-Scale Solar Energy Collector Systems Overlay District are limited to portions of the Township that may not presently be used for agricultural

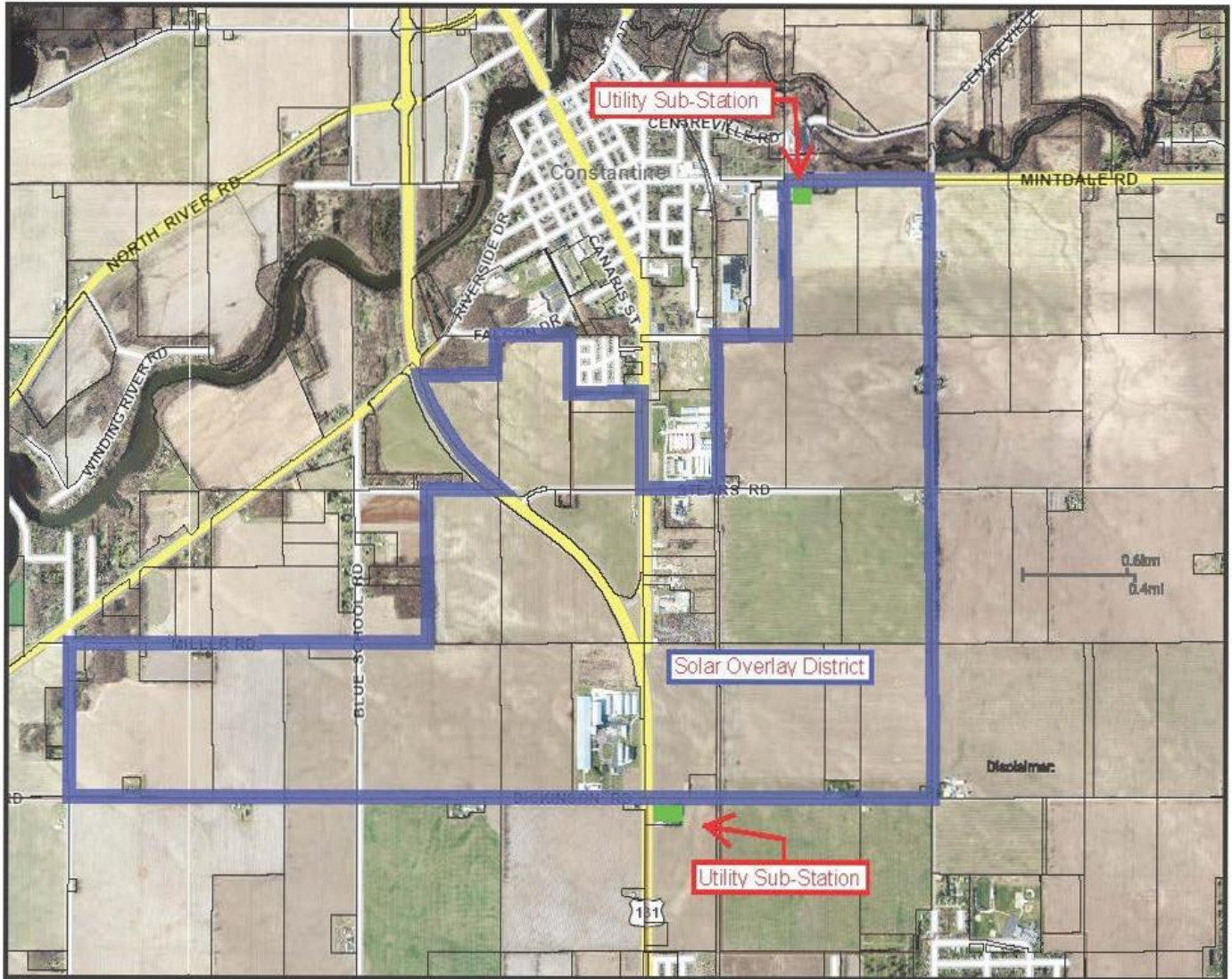
purposes or production, are within reasonable proximity to existing major transportation infrastructure, and are within reasonable proximity to existing electric power transmission infrastructure including substations, utility easements, and transmission lines.

The Solar Overlay District is the only district in which a Large Scale Solar Energy System is authorized as a Special Land Use. As an overlay district, the Special Land Use is allowed, subject to the submittal and Special Land Use requirements contained in this Ordinance. The underlying land use and zoning district is retained and shall apply to all parcels and portions of parcels that are not part of a Large Scale Solar Energy System Special Land Use.

Such overlay district has been designated in an area of the township that is located near a utility substation. Such area has been calculated to allow for a suitable area for utility solar array(s) in a specific area while protecting the rural character and residential area within the Township. Said size and area of the parcel will be considered as it was described as of January 1, 2022.”

- C. Article IV, Section 4.2 “Zoning Map and Use District Boundaries” is hereby amended by the addition of a new subsection 6, to be titled “District Boundaries of Solar Overlay District”.

“6. District Boundaries of Solar Overlay District. The Solar Overlay District (S-1) is established within the purple boundaries of the attached map. All other areas of Constantine Township have been considered and have been deemed incompatible for solar and/or wind renewable energy sites.”



SECTION V

AMENDMENT TO ARTICLE V “GENERAL PROVISIONS”

Article V, “General Provisions”, hereby adds a new subsection as 5.25 titled

“Accessory Use Small Scale Solar Energy System” and to read as follows:

“5.25 Accessory Use Small Scale Solar Energy System: Small scale solar is designed to either ground-mount or roof-mount solar array(s) for personal use whether residential or commercial (private business) shall follow the Township Zoning Ordinance as it relates to accessory uses, and or accessory buildings or structures.

Accessory Use Small Scale Solar Energy Collectors Systems

1. Applicability. This section applies to any system of small-scale personal use solar energy collector systems. This section does not apply to utility-scale solar energy collector systems. Nothing in this section shall be construed to prohibit collective solar installations or the sale of excess power through a net billing or net-metering arrangement.
2. General requirements.
 - a. Applications. In addition to all other required application contents as listed in Article V, Section 5.4, equipment and unit renderings, elevation drawings, and plot plans or site plans depicting the location and distances from lot lines and adjacent structures shall be submitted for review. No small-scale solar energy collector system shall be installed or operated excepted in compliance with this section. If such small-scale solar energy collector system to be designed as a roof-mount system on a dwelling, building or structure, such small-scale solar energy collector system shall have stamped engineer licensed in the State of Michigan.
 - b. Glare and Reflection. The exterior surfaces of solar energy collectors shall be generally neutral in color and substantially non-reflective of light. A unit may not be installed or located so that sunlight or glare is reflected into neighboring dwellings or onto adjacent roads or private roads.
 - c. Installation.
 - i. A solar energy collector shall be permanently and safely attached to the ground or structure. Solar energy collectors, and their installation and use, shall comply with building codes and other applicable Township, State and Federal requirements.
 - ii. Solar energy collectors shall be installed, maintained, and used only in accordance with the manufacturer's directions. Upon request, a copy shall be submitted to the Township prior to installation.
 - d. Power lines. On site power lines between solar panels and inverters shall be placed underground.

- e. Abandonment and Removal. A solar energy collector system that ceases to produce energy on a continuous basis for twelve (12) months will be considered abandoned unless the responsible party with ownership interest in the system provides substantial evidence to the Township every six (6) months after the twelve (12) months of no energy production of the intent to maintain and reinstate the operation of that system. The responsible party shall remove all equipment and facilities and restore the lot to its condition prior to the development of the system within one (1) year of abandonment.
- 3. Solar-Thermal Systems. These systems may be established as accessory uses to principal uses in all zoning districts.
 - 4. Building-Mounted Solar Energy Collectors. These systems may be established as accessory uses to principal uses in all zoning districts subject to the following conditions:
 - a. Maximum Height. The maximum height of the zoning district in which the building-mounted solar energy collectors are located shall not be exceeded by more than three (3) feet.
 - b. Obstruction. Building-mounted solar energy collectors shall not obstruct solar access to adjacent properties.
 - 5. Ground-Mounted Solar Energy Collectors. These systems may be established as accessory uses to principal uses in all zoning districts subject to the following conditions:
 - a. Location.
 - i. Rear and Side Yards. The unit may be located in the rear or side yard but shall be subject to the setbacks for accessory structures.
 - ii. Front Yard. The unit may be located in the front yard only if located no less than one-hundred and fifty (150) feet from the front line.
 - b. Obstruction. Ground-mounted solar energy collectors shall not obstruct solar access to adjacent properties.

- c. Vegetation. All vegetation underneath solar energy infrastructure shall be properly maintained as to not block access to solar collectors and in accordance with the noxious weed ordinance.
- d. Maximum Number.
 - i. Residential Uses. There shall be no more than one (1) ground-mounted solar energy collector unit per principal building on a lot.
 - ii. Agricultural, Commercial, and Industrial Uses. There shall be no more than ten-thousand (10,000) square feet of collector panels on a ground-mounted solar energy collector system unless a larger system is approved in accordance with this section.
- e. Maximum Size.
 - i. Residential Uses. There shall be no more than one percent (1%) of the lot area up to one-thousand five hundred (1,500) square feet of collector panels on a ground-mounted solar energy collector system unless a larger system is approved in accordance with this section.
 - ii. Agricultural, Commercial and Industrial Uses. There shall be no more than ten-thousand (10,000) square feet of collector panels on a ground-mounted solar energy collector system unless a larger system is approved in accordance with this section.
- f. Maximum Height.
 - i. Residential Uses. The maximum height shall be six (6) feet, measured from the natural grade below the unit to the highest point at full tilt.
 - ii. Agricultural, Commercial and Industrial Uses. The maximum height shall be sixteen (16) feet, measured from the natural grade below the unit to the highest point at full tilt.
- g. Minimal Lot Area. Two (2) acres shall be the minimum lot area to establish a ground-mounted solar energy collector system.

- h. Screening. Screening shall be required in cases where a ground-mounted solar energy collector unit impacts views from adjacent residential properties. Screening methods may include the use of material, colors, textures, screening walls, and landscaping that will blend the unit into the natural setting and existing environment.
- i. Applicants requesting ground-mounted solar energy collectors shall demonstrate the system's projected electricity generation capability, and the system shall not exceed the power consumption demand of the principal and accessory land uses on the lot. However, larger systems may be approved if greater electricity need is demonstrated to power on-site buildings and uses."

SECTION VI

EFFECTIVE DATE AND REPEAL OF ORDINANCES

This Ordinance shall take effect eight (8) days following publication, following adoption. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

Marcia Skelton, Clerk
Constantine Township
165 Canaris Street
Constantine, MI 49042

CONSTANTINE TOWNSHIP
ST. JOSEPH COUNTY, MICHIGAN

Constantine Township Zoning Ordinance
(Ordinance No. 22)

Adopted: October 11, 1994

Effective: October 21, 1994

As amended through Ordinance No. 38, July 2006

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CONSTANTINE TOWNSHIP ZONING ORDINANCE

ORDINANCE NO. 22

ADOPTED: October 11, 1994

EFFECTIVE: October 21, 1994

An ordinance to establish zoning districts, provisions and regulations for the unincorporated portions of the Township of Constantine pursuant to the provisions of Act 184 of the Public Acts of 1943, as amended, Act 110 of the Public Acts of 2006 (the Michigan Zoning Enabling Act), as may be amended, and any other applicable laws; to set forth regulations and minimum standards for the use and protection of lands and structures within each district; to establish provisions for the administration, enforcement and amendment of this ordinance; to establish a Zoning Board of Appeals; to designate a violation of the Ordinance as a municipal civil infraction subject to civil fines and other sanctions; and to repeal all ordinances or parts of ordinances in conflict herewith.

THE TOWNSHIP OF CONSTANTINE,

ST. JOSEPH COUNTY, MICHIGAN,

ORDAINS:

ARTICLE I

SHORT TITLE, PURPOSE AND SCOPE

- 1.1 SHORT TITLE: This ordinance shall be known as the Constantine Township Zoning Ordinance.
- 1.2 PURPOSE: The Zoning Districts established by this ordinance and the regulations specified for each such district have been developed in accordance with the continuing formulation of a Land Use Plan for the physical development of Constantine Township as a part of St. Joseph County. This ordinance is also designed to limit the location, height, number of stories, and size of buildings, dwellings, and structures that may be erected or altered, and the specific uses for which such dwellings, buildings and structures may be erected, used or altered in the various zoning districts. This ordinance also provides for the area of yards and other open spaces, and other sanitary, safety and protective measures applicable to dwellings, buildings and structures. In their application and interpretation the provisions of this ordinance shall be held to be minimum

requirements adopted to promote the public safety, health, and general welfare. Among other purposes, these provisions are designed to conserve and protect lands, water and other natural resources in the Township for their most suitable purposes, whether for residences, recreation, industry, trade, service, or other appropriate uses; to ensure that uses of land shall be situated in appropriate locations and relationships; to preserve productive agricultural lands for agricultural uses, and to protect such lands against encroachments by incompatible non-agricultural uses; to reduce hazards to life and property; to secure safety from fire and other dangers of excessive public costs which result from unguided community development; to avoid inappropriate concentration of population by regulating and limiting the density of use of land; to lessen congestion in the public highways and streets, and other public facilities; to facilitate the economical and efficient provision of adequate streets and highways, educational and recreational facilities, energy, sewerage, drainage and water supply systems while avoiding the installation of such utility services to illogical locations; and to enhance the social and economic stability of Constantine Township.

- 1.3 SCOPE: It is not intended by this ordinance to repeal, abrogate, annul or interfere with existing provisions of other laws or ordinances except those specifically or impliedly repealed by this ordinance, or with any private restrictions placed upon property by covenant, deed or other private agreement unless repugnant hereto. Where this ordinance imposes a greater restriction than is imposed or required by such laws, other ordinances, or private restrictions, the provisions of this ordinance shall control.

ARTICLE II

CONSTRUCTION OF LANGUAGE

- 2.1 The following rules of construction apply to the text of this ordinance:
- I. The particular shall control the general.
 2. In the case of any difference of meaning or implication between the text of this ordinance and any caption or illustration, the text shall control.
 3. The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
 4. Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
 5. A "building" or "structure" includes any part thereof.
 6. The phrases "used for", "arranged for", "designed for", "intended for", "maintained for", and "occupied for" are intended to have interchangeable meaning.
 7. The word "person" includes an individual, corporation, partnership, incorporated association, trust, joint venture, or any other entity, or a combination thereof.
 8. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and" or "or", the conjunction shall be interpreted as follows:
 - A. "and" indicates that all the connected items, conditions, provisions or events shall apply;
 - B. "or" indicates that the connected items, conditions, provisions or events may apply singly or in any combination.
 9. The word "he" shall mean he or she.
 10. Any word or term not specifically defined in this ordinance shall be considered to be defined in accordance with its customary or common meaning.

ARTICLE III

DEFINITIONS

- 3.1 DEFINITIONS: For the purpose of this ordinance the following terms and words are herein defined, and these definitions shall apply in the interpretation and enforcement of this Ordinance unless otherwise specifically stated:
1. Accessory Building: A building subordinate to and located on the same lot with a principal building, the use of which is incidental to that of the principal building or the use of the land, and which is not attached by any part of a common wall or common roof to the principal building. Where an accessory building is attached to a principal building, such accessory building shall be considered part of the principal building.
 2. Accessory Structure: A structure (which is not a building) subordinate to and located on the same lot with a principal building, the use of which is incidental to that of the principal building, and which is not attached to the principal building. (This definition shall include swimming pools, satellite/cable television dish antennas and related apparatus, and conventional television antenna towers and related apparatus.)
 3. Accessory Use: A use of a building, lot or portion thereof, which is incidental and subordinate to the principal use of the lot.
 4. Agricultural Production: The production for commercial purposes and sale for the purpose of obtaining a profit in money by the raising, harvesting, and selling of crops and forage; by feeding or breeding or management and sale of, or the produce of livestock, poultry, fur-bearing animals, or honey bees; or for dairying and the sale of dairy products of animal husbandry or any combination thereof; or any other agricultural, horticultural or floricultural use such as fruits, plants, ornamental trees, timber, shrubs, nursery stock, and vegetables; including in each instance the right to sell at wholesale or retail from the premises any goods or products produced thereon.
 5. Alteration of Building: A change in the supporting members of a building, or an addition, diminution, change in use or conversion of a building, or the removal of a building from one location to another.
 6. Automotive Repair Garage: A garage, building or area where repairs of motor vehicles, boats, trailers, farm equipment or similar equipment are made for a fee, or other consideration, including body and paint work.

7. Automotive Sales Area: An area used for the display, sale or rental, but not for the repair, of new or used motor vehicles, boats, trailers, farm equipment or similar equipment.
8. Automotive Service Station: A building or structure designed or used for the retail sale of fuel, lubricants, air, water and other operating commodities for motor vehicles, aircraft or boats, and including the customary space and facilities for the installation of such commodities on or in such vehicles, and including space for facilities for storage, minor repair, or servicing; but not including bumping, painting, refinishing, major repairs and overhauling, steam cleaning, rust proofing, or high-speed washing thereof, or sales of used cars, new cars, used trucks, new trucks, motorcycles or other land vehicle type, or sales unrelated to service station use.
9. Basement: A portion of a building which is partially or wholly below grade; provided that where the vertical distance from the average finished grade to the ceiling of said area is greater than one-half of the total height of the area, said area shall not be considered a basement.
10. Bed & Breakfast Facility: A use which is subordinate to the principal use of a single family dwelling in which transient guests are provided a sleeping room and board in return for compensation for a period not to exceed seven days.
11. Billboard: See "Sign" definitions.
12. Boarding House: A dwelling having one kitchen and used for the purpose of providing meals and/or lodging, for compensation, to more than two persons other than members of the resident family occupying such dwelling, for a period exceeding seven days.
13. Building: An independent structure having a roof supported by columns or walls, intended and/or used for shelter or enclosure of persons, animals or property of any kind. When any portion thereof is completely separated from every other part by division walls from the ground up, and without openings, each portion of such building shall be deemed a separate building.
14. Building Code/Township Building Code: The nationally recognized model building, mechanical, plumbing and electrical code(s) in effect in Constantine Township.
15. Building or Structure (Peak) Height: The vertical distance measured from the average grade at the building or structure foundation to the highest point of the building roof or structure.

16. Building Line: The line adjacent to a building and parallel to the front lot line, formed by the junction of the outer surface of the building or enclosure wall with the finish grade or surface of the adjacent ground.
17. Building/Occupancy and Use Permit: The written authority issued by the Building Inspector/Zoning Administrator of the Township, permitting the construction, removal, moving, alteration, or occupancy and use of a building. Also see "Zoning Compliance Permit" definition.
18. Building Official/Inspector: The person or persons appointed by the Township Board or State to inspect buildings for conformance to the building codes and administer the building codes effective in this Township.
19. Building/Structure Setback Line (Minimum): The line which pertains to and defines those minimum building/structure setback lines which are established parallel to the front, side and rear lot lines and within which setback areas no part of a building or structure shall project or be located, except as otherwise provided for by this ordinance.
20. Child (Family) Day Care Home: A private residence properly registered or licensed under 1973 Public Act 116, as amended (MCLA 722.111 et seq), in which 1-6 minor children are received for care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. This term is not intended to include a home that gives care to an unrelated minor child for less than 4 weeks during a calendar year.
21. Child (Group) Day Care Home: A private residence properly registered or licensed under 1973 Public Act 116, as amended, (MCLA 722.111 et seq), in which 7-12 minor children are given care and supervision for periods of less than 24 hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. This term is not intended to include a home that gives care to an unrelated minor child for less than 4 weeks during a calendar year.
22. Child Day Care Center: A facility, other than a private residence, properly registered or licensed under 1973 Public Act 116, as amended (MCLA 722.111 et seq), receiving one or more preschool or school age children for care for periods of less than 24 hours a day, and where the parents or guardians are not immediately available to the child. A Child Day Care Center includes a facility which provides care for not less than two consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, or

drop-in center. Child Day Care Center is not, however, intended to include any of the following:

- A. A Sunday school, a vacation bible school, or a religious instructional class that is conducted by a religious organization where children are in attendance for not greater than 3 hours per day for an indefinite period, or not greater than 8 hours per day for a period not to exceed 4 weeks during a 12 month period.
 - B. A facility operated by a religious organization where children are cared for not greater than 3 hours while persons responsible for the children are attending religious services.
23. Church: A building whose primary purpose is to provide a place where persons regularly assemble for religious worship which is maintained and controlled by a religious body organized to sustain public worship for a local congregation.
24. Commercial Recreational Enterprise: A facility providing athletic or other recreational use on a commercial basis, including golf driving range, miniature golf, baseball batting cage, ice or roller skating rink, bowling alley, or other similar and compatible recreational use, with such similarity and compatibility to be determined, if necessary, by the Zoning Board of Appeals.
25. Communication Tower (or Tower): Any Structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio and similar communication purposes, including self-supporting lattice towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and also includes any supporting apparatus; provided that for purposes of these provisions of the Zoning Ordinance this term shall not include any tower/antenna under 50' in height that is owned and operated by a federally-licensed amateur radio station operator or that is used exclusively for receive-only antennas.
- A tower/antenna within the scope of this definition shall not be considered to be either "Public Utility Service Facilities" or as "Essential Services" for purposes of this Ordinance, as those terms are defined in Section 3.1 of this Ordinance.
26. Contiguous: Adjoining; actually touching at a point or common boundary line.
27. Contractor's Workshop: A business base for a contractor who provides personal services directly to clients in the electrical, plumbing, heating,

painting, woodwork or similar occupations, where any production, assembly or fabrication of a product is by the owner and/or not to exceed two employees, and where there is no manufacturing, assembling or fabrication of products on a wholesale basis for other persons or businesses.

28. Convalescent or Nursing Home: A home for the care of children or the aged or the infirm, or a place of rest for those suffering serious bodily disorders, wherein three (3) or more persons are cared for (excluding day care facilities).
29. Deck: A structure consisting primarily of flooring which is raised above the ground level, and which may be constructed as part of the principal structure or building, or as an accessory structure.
30. District (or Zoning District): An area within which certain designated uses of land and buildings are allowed and all others are prohibited, yards and other open spaces are required, and lot areas, building height limits and other requirements are established.
31. Dwelling or Residence: A building, mobile home, premanufactured or precut dwelling structure designed and used for the complete living accommodations of a single family, but in no case shall a recreational vehicle, automobile chassis, tent or portable building be considered as a dwelling. In case of mixed occupancy where a building is occupied in part as a dwelling, the part so occupied shall be deemed a dwelling for the purpose of this ordinance and shall comply with the provisions hereof relative to dwellings. Garage space, whether in an attached or detached garage, shall not be deemed a part of a dwelling for purposes of complying with the area requirements in this ordinance.

All dwellings shall comply with the standards set forth in Section 5.5 of this ordinance.

- A. Dwelling, Multiple-Family: A building containing three or more separate dwelling units designed for residential use.
- B. Dwelling, Single-Family: A detached building containing only one dwelling unit designed for residential use.
- C. Dwelling, Two-Family: A detached building containing two separate dwelling units designed for residential use.
- D. Dwelling Unit: A building or portion thereof arranged or designed to provide permanent living and cooking facilities for not more than one family.

32. Earth Removal and Commercial Excavation: The digging and/or screening and washing of soil, sand, gravel, rock, minerals, clay, or other earthen material from a land surface for a commercial, manufacturing or industrial purpose other than the improvement, development, grading and selling of land; but not including any quarrying, asphalt manufacturing or concrete or cement manufacturing operations.
33. Essential Services: The erection, construction, alteration or maintenance by public utilities or public authorities, of underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, wire mains, drains, sewers, pipes, conduits, cables, towers, fire alarm boxes, police call boxes, traffic signals, hydrant or other similar equipment and accessories in connection therewith, not including buildings, electrical substations or gas regulator stations, as shall be reasonably necessary for the furnishing of adequate services by public utilities, or public authorities, or for the public health, safety, or general welfare (not including buildings other than those which are primarily enclosures or shelters of the above essential service equipment).
34. Family: One or more persons related by blood, marriage, or adoption, including those related as foster children or servants, and not more than one additional unrelated person, occupying a dwelling unit and living as a single, nonprofit housekeeping unit; or, a collective number of individuals living together in one dwelling under one head, whose relationship is of a permanent and distinct domestic character, and cooking as a single housekeeping unit, but not including any society, club, fraternity, sorority, association, lodge, combine, federation, group, coterie, or other organization which is not a recognized religious order, and also not including a group of individuals whose association is temporary and resort-seasonal in character or nature.
35. Family Business: An occupation, business or activity which is incidental to the principal residential use of the property (but which is not a home occupation).
36. Farm: Any parcel of land containing at least forty (40) acres which is used for the raising of agricultural products, livestock, poultry or dairy products for gain, and uses incidental thereto. Farm includes a farm dwelling and necessary accessory farm structures within the property boundaries and the storage of crops produced thereon, as well as equipment used in farming operations.
37. Farm Structures: Any building or structure other than a dwelling, moved upon, maintained, used or built on a farm, which is essential to and

customarily used on farms of that type for the pursuit of their agricultural activities.

38. Floor Area:

- A. Floor Area, Gross: The sum of the gross horizontal areas of the several floors of the building measured from the exterior faces of the exterior walls or from the center line of walls separating two (2) buildings, excluding any basement floor area (see "Basement" definition), and also excluding any space devoted to off-street parking or loading, breezeways, unfinished attics, porches (enclosed or unenclosed), or garages.
- B. Floor Area, Usable: The portion of the floor area, measured from the interior face of the exterior walls, used for or intended to be used for services to the public or customers, patrons, clients, or patients; including areas occupied by fixtures or equipment used for display or sale of goods or merchandise, but not including areas used or intended to be used for storage of merchandise, utility or mechanical equipment rooms, or sanitary facilities.

39. Foster Care Facility:

- A. Foster Care (Small Group) Facility: A residential facility licensed by the state pursuant to 1979 Public Act 218, as amended (MCLA 400.701 et seq), or 1973 Public Act 116, as amended (MCLA 722.111 et seq), which provides resident services, supervision and care for 6 or fewer persons 24 hours a day.
- B. Foster Care (Large Group) Facility: A residential facility licensed by the state pursuant to 1979 Public Act 218, as amended (MCLA 400.701 et seq), or 1973 Public Act 116, as amended (MCLA 722.111 et seq), which provides resident services, supervision and care for 7-20 persons 24 hours a day.

40. Front Line: See "Lot Line, Front" definition.

41. Golf Course: A comparatively large area of land laid out for the game of golf, which may include a clubhouse/pro shop providing locker facilities and the sale of food/beverages and golf related merchandise.

42. Health Department: The St. Joseph County Health Department or comparable governmental agency.

43. Home Occupation: Any occupation or activity carried out for gain and conducted as an accessory use in a residential dwelling unit, which has the following characteristics:

- A. The occupation is operated in its entirety by the person or persons residing in the dwelling.
 - B. The occupation is operated in its entirety within the dwelling unit, and not in a garage or accessory building.
 - C. The occupation is clearly incidental and secondary to the residential use of the building, and does not utilize more than 20% of the gross floor area of the dwelling, or 300 square feet, whichever is less.
 - D. All goods sold from the premises are created on the premises, or are incidental to services sold on the premises.
 - E. The dwelling has no exterior evidence indicating that the building is being utilized for any purpose other than that of a dwelling, except a name plate sign not exceeding one square foot in area containing the name and occupation of the occupant of the premises.
 - F. Noise or other objectionable characteristics associated with the home occupation are not discernible beyond the boundaries of the premises.
44. Horse Boarding or Riding Stable: A facility where four or more horses are boarded for others and/or where riding horses are rented and/or where horse riding lessons are given, including the indoor and outdoor facilities for same.
45. Institutional or Public Use: Churches, schools teaching academic subjects, public parks, cemeteries, libraries, and other public or semi-public uses, including governmental administration or service
46. Interior Boundary Line: A property boundary line which is not contiguous to or within a street.
47. Junk: Any motor vehicles, machinery, appliances, products, merchandise with parts missing, or scrap metals or other scrap materials that are damaged, deteriorated, or otherwise in such a condition as to be practicably unusable for the purposes for which the product was manufactured or designed.
48. Junk/Salvage Yard: Any place where the storing, dismantling, wrecking, and disposition of junk is carried on, including automobile wrecking yards and salvage areas used for the storage, keeping or abandonment of junk and scrap materials. This term does not include uses established entirely within enclosed buildings in conformance with all other provisions of the Zoning Ordinance.

49. Kennel: The housing or keeping of more than three dogs and/or cats on a lot or in a structure, for any purpose whatsoever, either permanently or temporarily, excluding not more than one litter per year of less than six months of age.
50. Livestock: Domestic animals raised or kept for any purpose, including but not limited to, cattle, sheep, hogs, horses, chickens, rabbits, ducks, goats, turkeys and geese, but excluding dogs and cats.
51. Lot: A parcel of land with frontage on a public street or a private road, as provided in this Ordinance, and separated from other parcels by legal description, deed or subdivision plot. Provided that the owner of any number of contiguous lots may have as many of said contiguous lots considered as a single lot for the purpose of this Ordinance as he so elects, or as may otherwise be lawfully required by the Township to render the property buildable in conformance with this Ordinance, and in such cases the outside perimeter of said group of lots shall constitute the front, rear, and side lot lines of what may be referred to as a "Zoning Lot".
- A. Lot, Area: The total horizontal area within the lot lines of a lot, including street right-of-way.
- B. Lot, Corner: A lot situated at the intersection of two (2) or more streets.
- C. Lot, Double Frontage: A lot other than a corner lot having frontage on two (2) more or less parallel streets.
- D. Lot, Frontage/Width: The horizontal distance between the side lot lines, measured at both the front lot line (see definition of "Lot Line, Front") and the building line (see definition of "Building Line"). Notwithstanding the foregoing, the lot frontage/lot width of a waterfront lot shall be determined at both that portion of the property abutting the water, and that portion of the property abutting a street or private road.
- E. Lot, Waterfront: A lot having frontage directly upon a natural or man-made lake, river, stream, pond, or other waterway.
- F. Lot, Lines: Any line dividing one (1) lot from another, and thus constituting property lines bounding a lot.
- G. Lot Line, Front: That portion of a lot fronting on a street or private road; except that the front line of a waterfront lot shall be that portion of the lot abutting the water. In the case of a corner or double frontage lot, the front lot line shall be that line separating the

lot from that street which is designated as the front street in the plat and/or in the request for a Building or Zoning Compliance Permit.

- H. Lot Line, Rear: That boundary which is opposite and most distant from the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be that assumed line parallel to the front lot line not less than ten (10) feet long lying farthest from the front lot line and wholly within the lot. In any case, when this definition does not apply the Zoning Board of Appeals shall designate the rear lot line.
 - I. Lot Line, Side: Any lot boundary line not a front lot line or a rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot or lots is an interior lot line.
 - J. Lot, of Record: A lot of record is a lot the dimension and configuration of which are shown on a map recorded in the Office of the Register of Deeds for St. Joseph County, or a lot or parcel described by metes and bounds, the accuracy of which is attested to by a professional engineer or land surveyor (so registered and licensed by the State of Michigan) and likewise so recorded with the county.
- 52. Mini-Storage Facility: A facility with one or more completely self-enclosed buildings containing separate and individualized units rented or leased solely for the storage of personal property.
 - 53. Mobile Home: A portable vehicular unit primarily designed for year-round dwelling purposes, built upon a chassis, equaling or exceeding twelve (12) feet in width and sixty (60) feet in length, and not motorized or self-propelled. Modular, prefab, pre-cut or sectional dwelling units which require being transported to the site separately in two (2) or more sections, and to which such major elements as the heating system or a substantial portion of the siding are installed after transport, and which are non-movable after erection, shall not be considered a mobile home, if same complies with the Township Building Code and the provisions of this ordinance. Recreational Vehicles, as defined in this Ordinance, are not mobile homes.
 - 54. Mobile Home Park: A specifically designated parcel of land designed and developed to accommodate three (3) or more mobile home sites for continual and non-recreational residential use.
 - 55. Mobile Home Site: A plot of ground within a mobile home park designed to accommodate and support one (1) mobile home. It is not the same as a building lot.

56. Mobile Home Subdivision: An area of land with mobile home lots subdivided, surveyed, recorded, and sold in accordance with 1967 Public Act 288, as amended.
57. Modular, Prefab, Pre-cut and Sectional Dwellings: A dwelling unit consisting of two (2) or more transportable factory fabricated units designed to be assembled as a single residential structure on a foundation as required for a site-built residence.
58. Motel: A group of attached or detached dwellings not more than two stories in height containing guest rooms which are provided for transient occupancy only, including auto courts, motor lodges, tourist homes, and similar transient lodging facilities not otherwise within the scope of another term defined in this Ordinance (such as Bed & Breakfast Facility, Boarding House, etc.).
59. Non-Conforming Use, Building/Structure or Lot of Record:
- A. Non-Conforming Use: A use which lawfully occupied a building/structure or land prior to the enactment of this ordinance or amendments thereto, and that does not conform to the use regulations of this ordinance for the zoning district in which it is located.
 - B. Non-Conforming Building/Structure: A building/ structure or portion thereof lawfully existing prior to the enactment of this ordinance or amendments thereto, and which does not conform to the provisions (e.g. set-backs, height, lot coverage) of this ordinance for the zoning district in which it is located.
 - C. Non-Conforming Lot of Record: A lot or parcel lawfully existing of record prior to the enactment of this ordinance and which does not conform to the provisions of this ordinance (i.e. area, width, etc.).
60. Occupied: The word "occupied" includes the terms arranged, designed, built, altered, converted to, rented, leased, or intended to be inhabited, not necessarily for dwelling purposes.
61. Parking Area, Off-Street: An area (not utilizing any portion of a public street right-of-way) providing vehicular parking spaces along with adequate drives and aisles.
62. Parking Space: That area required by this Ordinance for the parking or storage of one automobile or other motor vehicle.
63. Permitted Use: See Section 4.5 of this Ordinance.

64. Principal Building: A building in which is conducted the principal use of the lot upon which it is situated.
65. Principal Use: The main, primary or predominant use of a lot.
66. Private Road: A private right-of-way for vehicular access to abutting properties which has been lawfully established in accordance with this Ordinance and any other applicable ordinances of Constantine Township, and any other applicable county or state laws, rules and regulations.
67. Public Utility: Any person, firm, corporation, municipal department or board duly authorized under governmental regulation to furnish to the public either transportation, water, gas, electricity, telephone, telegraph, cable television, steam, or sewage disposal services.
68. Public Utility Service Facilities: Gas or electric substations, regulator stations, including buildings accessory thereto, and other public utility service buildings or structures.
69. Recreational Vehicle: A portable vehicular unit primarily designed for travel and/or recreational usage, which may also contain facilities for temporary lodging. This term includes folding campers, truck-mounted campers, and motor homes, but does not include mobile homes.
70. Recreational Vehicle Campground: A recreational oriented facility for the overnight or short term use of recreational vehicles and tents, including a year-round residence for the facility owner/operator; may also be known as a recreational vehicle park.
71. Residential District (or Zone): Any one or more of the following zoning districts established by this ordinance: the "RR" Rural Residential District, "R-1" Single Family and Two Family Residential District, "MHP" Mobile Home Park Residential District, and any other subsequently established zoning district which includes an "R" or the word "Residential" in its title.
72. Seasonal Mobile Home Park: A parcel or tract of land upon which three or more mobile homes are located on a continual or temporary basis but occupied on a temporary basis only, and which is offered to the public for that purpose regardless of whether a charge is made therefore, including a year-round residence for the park owner/operator.
73. Separate Ownership: Ownership of a parcel of property wherein the owner does not own adjoining vacant property, provided that the owner of any number of contiguous lots of record may be considered as the owner of a single "zoning lot" of record for the purpose of this Ordinance, as he so elects, or as may otherwise be lawfully required by the Township to render the property buildable in conformance with this Ordinance, and in

such cases the outside perimeter of the group of lots of record shall constitute the front, rear and side lot lines thereof. The "owner" of a property may include dual or multiple ownership by a partnership, corporation, or other group.

74. Setback (Building or Structure): The minimum horizontal distance required to exist between a building or structure (including steps or porches), and the front, side or rear lot line. The required setback area is that area encompassed by the respective lot lines and setback lines.
75. Sign: Any structure or device using words, numerals, figures, designs or trademarks designed to inform or attract the attention of persons. Also see Article XV of this Ordinance for additional definitions of related terms.
76. Special Exception Use: See Section 4.6 of this Ordinance.
77. Stock Farming: The raising or keeping of beef or dairy cattle, horses, swine, sheep, goats, poultry, or other livestock or small animals (not including dogs and cats) as a source of income, food, or pleasure.
78. Street: A dedicated public right-of-way, other than an alley, over which the public has the right of vehicular access.
79. Structure: Anything constructed or erected, the use of which requires permanent location on the ground or attachment to something having a permanent location on the ground.
80. Swimming Pool: Any structure or container located above or below grade designed to hold water to a depth of greater than 24 inches, intended for swimming or bathing. A swimming pool shall be considered as an accessory structure for the purpose of determining required yard spaces and maximum lot coverage.
81. Township Board: The Constantine Township Board.
82. Variance: A modification of the literal provisions of a dimension or other requirement, as opposed to the use of the property, which is granted when strict enforcement would cause undue hardship or practical difficulties because of circumstances unique to the individual property on which the variance is granted.
83. Yard, Side-Rear-Front: A general term applied to the space on a lot or parcel, which contains a building or group of buildings, lying between the building or group of buildings and the nearest respective lot or property line facing each building.

84. Yard, Required Side-Rear-Front: An open space of prescribed width or depth, adjacent to a lot or property line, on the same land with a building or group of buildings, lying in the area between the building or group of buildings and the nearest lot line, and which is unoccupied and unobstructed from the ground upward, except for plants, trees, shrubs, fences, and as otherwise provided herein.
- A. Front: An open space extending across the full width of a lot between the front lot line and the building setback line. The depth of such yard shall be the shortest horizontal distance between the front lot line and the building setback line, measured at right angles.
- B. Rear: An open space extending across the full width of a lot between the rear lot line and the nearest line of a building, porch or projection thereof. The depth of such yard shall be the shortest horizontal distance between the rear lot line and the nearest point of the building, porch or projection thereof.
- C. Side: An open space extending on each side of the lot from the required front yard to the required rear yard. The width of such yard shall be the shortest distance between the side lot lines and the nearest point of a building, porch or projection thereof.
85. Zoning Administrator: The person or persons appointed by the Township Board to administer and enforce this ordinance; may also be known as the Zoning Ordinance Enforcement Officer.
86. Zoning Board: The statutory Zoning Board established pursuant to 1943 Public Act 184, as amended; provided that the Constantine Township Zoning Board in existence on July 1, 2006 shall thereafter continue and be known as the Constantine Township Zoning Commission, and shall continue to perform its duties and exercise its powers and jurisdiction as provided by law and this Ordinance until such time as the Constantine Township Board creates a Planning Commission and transfers the powers and duties of the Zoning Board/Zoning Commission to the Planning Commission under applicable law. The term "Zoning Board" wherever it is used in this Ordinance shall therefore mean "Zoning Commission" beginning July 1, 2006.
87. Zoning Board of Appeals: The Constantine Township Zoning Board of Appeals.
88. Zoning Compliance Permit: An authorization issued by the Zoning Administrator indicating that the proposed use and location of a building or structure conforms with the pertinent provisions of this ordinance, including the setback and yard requirements.

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ARTICLE IV

ZONING DISTRICTS AND ZONING MAP

4.1 ZONING DISTRICTS: For the purpose of this Ordinance, Constantine Township is hereby divided into the following Zoning Districts:

AG-1 EXCLUSIVE AGRICULTURE DISTRICT (New)

AG-2 GENERAL AGRICULTURE DISTRICT
(Formerly "A" Agricultural District)

RR RURAL RESIDENTIAL DISTRICT
(Derived from former "R" Residential District)

R-1 SINGLE FAMILY AND TWO FAMILY RESIDENTIAL DISTRICT
(Derived from former "R" Residential District)

MHP MOBILE HOME PARK RESIDENTIAL DISTRICT
(Formerly "M" Mobile Home District)

C-I COMMERCIAL/INDUSTRIAL DISTRICT
(Consolidation of former "C" Commercial District and "I" Industrial District)

4.2 ZONING MAP AND USE DISTRICT BOUNDARIES: The location and boundaries of the zoning districts are hereby established as set forth in Appendix "A" of this Ordinance (Classifications of Lands), and as shown on the Zoning Map of Constantine Township, which accompanies and is hereby made a part of this Ordinance, as same may be amended from time to time. The Constantine Township Supervisor shall be the official custodian of the Zoning Map. Where uncertainty exists as to the boundaries of zoning districts as shown on the Zoning Map which is not clarified by Appendix "A", the following rules of construction and interpretation shall apply:

1. Boundaries indicated as approximately following the centerlines of streets, highways, or alleys shall be construed to follow such centerlines.
2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
3. Boundaries indicated as approximately following township boundaries shall be construed as following township boundaries.
4. Boundaries indicated as approximately following shorelines shall be construed as following such shorelines, and in the event of change in the location of shorelines, shall be construed as moving with the shoreline.

5. Boundaries indicated as approximately following property lines, section lines or other lines of a government survey shall be construed as following such property lines, section lines or other lines of a government survey as they exist as of the effective date of this ordinance or applicable amendment thereto.
- 4.3 AREAS NOT INCLUDED WITHIN A DISTRICT: In every case where land has not been clearly included within another district pursuant to this Article, such land shall be in the AG-2 Agriculture District.
- 4.4 PERMISSIVE ZONING CONCEPT: Land uses are allowed in the various zoning districts by express specific designation in this Ordinance. Where a use is not so designated it is prohibited, unless construed by the Zoning Board of Appeals to be sufficiently similar to a use expressly allowed. No land contained within any zoning district within Constantine Township shall be used for any purpose other than those uses specifically allowed in the district in which the building or land is located, except as otherwise provided herein.
- 4.5 PERMITTED USES: A use listed as a "permitted use" in Article VI through and including Article XI of this Ordinance is recognized as a use of land and buildings in certain zoning districts which is harmonious with other such uses which may lawfully exist within the same district. A permitted use is subject to the various applicable provisions of this Ordinance, but otherwise it is considered to be a lawful use not requiring special or extraordinary controls or conditions.
- 4.6 SPECIAL EXCEPTION USES: A use listed as a "special exception use" in Article VI through and including Article XI of this Ordinance is recognized as possessing characteristics of such unique and special nature (relative to location, design, size, public utilities needs, and other similar characteristics) as necessitating prior Zoning Board authorization and individual standards and conditions in order to safeguard the general health, safety and welfare of the community.

ARTICLE V

GENERAL PROVISIONS

These general provisions shall apply to all zoning districts, unless specifically stated otherwise in this Ordinance.

- 5.1 ZONING AFFECTS ALL STRUCTURES AND LAND AND THE USE THEREOF: No structure, land or premises shall hereafter be used or occupied and no building shall be designed, erected, enlarged, moved, removed, reconstructed, extended or altered, except in conformity with the regulations set forth herein and the Township Building Code.
- 5.2 RESTORING UNSAFE STRUCTURES: Nothing in this ordinance shall prevent the strengthening or restoring to a safe condition of any legally rebuildable structure declared unsafe by the Building Inspector, in accordance with the Building Code.
- 5.3 BUILDING PERMITS AND PLANS/UTILITY SERVICES: No building or structure shall hereafter be erected, enlarged, altered, moved, removed, reconstructed, extended or altered until a building permit, and all other applicable code permits, have been obtained in accordance with the Township Building Code.

No building permit shall be issued unless the plans and intended use conform in all respects to the provisions of this Ordinance and the provisions of the Township Building Code.

Where municipal water and/or sewer services are available, no building or occupancy permit shall be issued for any building to be occupied for human purposes unless provisions have been made to install the available municipal water and/or sewer services to such building. In the absence of such municipal services, no building or occupancy permit shall be issued for any building to be occupied for human purposes unless all required well system and septic system permits have first been obtained from the Health Department and/or other governmental agency with jurisdiction.

- 5.4 ZONING COMPLIANCE PERMITS: No building or structure, other than accessory structures, which is hereafter constructed, enlarged, altered, moved or reconstructed shall be occupied or otherwise used, in whole or in part, until a zoning compliance permit has been issued by the Zoning Administrator/Building Official, certifying that the location of the building or structure, and the intended use thereof, is in compliance with the provisions of this Ordinance. This zoning compliance permit requirement shall apply to a building or structure which is exempt from a building permit requirement pursuant to the Township Building Code.

5.5 DWELLING STANDARDS: A dwelling or residence shall comply with the following standards:

1. It shall have a minimum gross floor area in accordance with the requirements of Article XII for the applicable zoning district, and shall have a minimum floor to ceiling height of 7.5 feet.
2. It shall have a minimum width or depth of 20 feet for at least 20 feet of the length of the dwelling.
3. It shall be permanently attached to a solid foundation constructed on the site in accordance with the Township Building Code and having the same perimeter dimensions as the dwelling, which attachment shall also meet all building codes or other applicable state regulations. In the case of a mobile home, the mobile home shall be secured to the premises by an anchoring system or device compatible with those required by the Michigan Mobile Home Commission pursuant to regulations promulgated under Act 96 of the Public Acts of 1987, as amended. All construction required herein shall be commenced only after a building permit has been obtained in accordance with this ordinance and the Township Building Code.
4. No exposed towing mechanisms, undercarriage, wheels, or chassis shall be permitted. Any space that exists between the foundation and the ground floor of the dwelling shall be fully enclosed by a solid, permanent extension of the foundation wall along the perimeter of the dwelling, constructed of poured concrete, concrete block, brick, metal, vinyl, or other material which is aesthetically compatible with other dwellings in the area. If the dwelling is on a slab-type foundation the slab shall consist of approved materials and shall be at least four (4) inches in thickness, with footings in accordance with the Township Building Code.
5. The dwelling shall be connected to a public sewer and water supply or to private sewer and water facilities approved by the Health Department.
6. The dwelling shall have at least two exterior doors with the second one being in either the rear or side of the dwelling, and permanently attached steps shall be connected to all exterior door areas or to porches connected to said door areas where a difference in elevation requires the same.

The dwelling and all additions or other areas shall comply with all pertinent building and fire codes. In the case of mobile homes, all construction and all plumbing, electrical apparatus and insulation within and connected to said mobile home shall be of a type and quality conforming to the standards for mobile home construction as contained in the United States Department of Housing and Urban Development (HUD) regulations

entitled "Mobile Home Construction and Safety Standards", effective June 15, 1976, promulgated at 24 CFR 3280, and in compliance with such amended standards as may from time to time be promulgated. Where a dwelling is required by law to comply with any federal or state standards or regulations for construction and where such standards or regulations allow standards of construction which are less stringent than those imposed by the Township Building Code, then, and only in that event, the less stringent federal or state standards or regulations shall apply. In addition, all dwellings shall meet or exceed applicable roof snow load and strength requirements.

The foregoing standards shall not apply to a mobile home located in a licensed mobile home park, except to the extent required by state law pertaining to such parks.

- 5.6 USED DWELLINGS: All the dwelling standards in Section 5.5 of this Ordinance apply to a used dwelling which is to be installed in the Township. A building permit shall be obtained for any used dwelling proposed to be installed in the Township. A certificate indicating that the dwelling complies with all pertinent building and fire codes shall be submitted with the application for a building permit. In the case of a mobile home or other pre-manufactured type of housing subject to construction and safety standards promulgated by the United States Department of Housing and Urban Development, the certificate must indicate that the dwelling meets the most recent applicable HUD standards. The required certificate shall be signed by a building inspector currently registered with the State of Michigan pursuant to 1986 Public Act 54, as may be amended.
- 5.7 BASEMENT DWELLING: The use of a basement of a partially built or planned building as a residence or dwelling unit is prohibited in all zones. The use of a basement in a completed building for sleeping quarters or a dwelling unit is prohibited except where direct access to the outside is provided in accordance with the Township Building Code. However, where one wall is entirely above grade level of the yard adjacent to said wall and access or egress to the out-of-doors is provided through said wall, the structure is not a basement dwelling for purposes of this section. It is not the intent of this ordinance to prevent the construction or occupancy of earth sheltered housing, provided that it meets building code requirements.
- 5.8 REQUIRED LOT, YARD, AREA OR SPACE: All lots, yards, and other open spaces shall comply with the lot, yard and area requirements of the zoning district in which they are located. A lot is not "buildable" unless it complies with the minimum lot area and minimum lot frontage requirements of the zoning district in which the lot is located. No lot, yard or other open space shall be divided, altered or reduced so as to make it less than the minimum required under this ordinance, and if already less than the minimum required it shall not be further divided, altered or reduced. No yard or other open space provided about any building for the purpose of complying with the requirements of this

Ordinance shall be considered as a yard or open space for any other building. See Article XII of this ordinance for the lot, yard and area requirements for the various zoning districts.

- 5.9 TRAFFIC VISIBILITY AND CORNER CLEARANCE: On any corner lot in any zone no solid fence, retaining wall or other structure, or planting (except deciduous trees) which is over 30 inches in height shall be erected or maintained within 20 feet of an intersection right-of-way, in order to prevent traffic hazards arising from inadequate visibility.
- 5.10 WALLS AND FENCES: Walls and fences are permitted in the required yards of all zones. Walls and solid fences of not more than six feet in height are permitted in side or rear yards in any zone, and well maintained wire protective fencing without height limitation is permitted in all yards in all zones. The provisions of Section 5.9 must be met in all instances.
- 5.11 HEIGHT EXCEPTIONS: The height limitations of all zoning districts may be exceeded by the following structures: flag poles, chimneys, farm structures, non-commercial television and radio antennas, communication towers/antennas (except as otherwise specifically regulated in this Ordinance), monuments, cupolas, belfries, steeples, spires or other ornamental projections, water towers, or fire towers. In the "C-1" Commercial/Industrial zone, smokestacks, chimneys, cooling and fire towers, parapet walls, elevator buildings and bulkheads, roof storage tanks and roof structures for other necessary appurtenances are also permitted above the height limitations provided they are located at least the same distance as their height from any adjoining property lines."
- 5.12 TEMPORARY PERMITS:
1. Upon application, the Zoning Administrator may issue a permit for a temporary office building or yard for construction materials and/or equipment which is both incidental and necessary to construction at the site where located. Each permit shall be valid for a period of not more than six calendar months, subject to renewal for up to four additional successive periods of six calendar months at the same location if such construction work is being diligently pursued towards completion and such building or yard is still incidental and necessary to construction at the site where located. Debris shall be removed from the site at frequent intervals during construction and within 15 days after the completion or abandonment of the construction work.
 2. Upon application, the Zoning Administrator may issue a permit for a temporary office which is both incidental and necessary for the sale or rental of real property in a new subdivision or housing project. Each permit shall specify the location of the office and shall be valid for a period of not more than six calendar months, subject to renewal for four additional successive periods of six calendar months at the same location

if such office is still incidental and necessary for the sale or rental of real property in a new subdivision or housing project.

3. A recreational vehicle or tent may be situated and occupied for temporary recreational purposes upon premises within any zoning district allowing single family dwellings, subject to the following conditions and limitations:
 - A. Only one recreational vehicle or tent is allowed per lot or parcel of land.
 - B. The occupancy of such a recreational vehicle or tent must be associated with recreational purposes or activities.
 - C. Such a recreational vehicle or tent may not be occupied for more than 30 days, calculated cumulatively, within any calendar year.
 - D. Such a recreational vehicle or tent may not be leased or rented to the occupants.
 - E. Such a recreational vehicle or tent must be situated and occupied in compliance with all applicable regulations of the Health Department regarding drinking water and waste disposal.
 - F. When not in use such a recreational vehicle or tent must be stored neatly in the rear yard or side yard or in an enclosed building on the property of the owner of the recreational vehicle or tent, or on contiguous property.

5.13 ESSENTIAL SERVICES: Essential services may be located in any zone following the review and approval of a site development plan by the Zoning Administrator prior to the issuance of a building permit. Such site plan shall be approved if all aspects therein conform to the requirements of this ordinance, and the physical layout and relationship of improvements will provide for the convenience, safety and welfare of the general public and will not adversely affect existing or potential adjacent uses; provided, however, that the repair, maintenance or replacement of existing essential services in residential zones shall not be subject to the site plan requirement. Essential services may be located in any non-residential zone without being subject to this provision.

5.14 MINIMUM LOT FRONTAGE/PRIVATE ROAD/PUBLIC STREETS: The minimum lot frontage for a buildable lot required pursuant to Section 5.8 and the schedule of Lot, Yard and Area Requirements of this Ordinance (Article XII) may be satisfied with frontage upon a public street or a private road, as provided in this Section.

- A. Where frontage upon a private road is used to comply with the minimum lot frontage requirement.

1. The private road shall be evidenced by a deeded easement or other right-of-way recorded in the Office of the Register of Deeds for St. Joseph County.
 2. The private road shall provide access to a public street.
 3. If the private road provides planned or potential access to/fro a public street for 1-2 lots or dwellings, it shall have an easement/right-of-way width of at least 20 feet for the entire length of the private road from all lots thereon to the street.
 4. If the private road provides planned or potential access to/fro a public street for 3-9 lots or dwellings, it shall have an easement/right-of-way width of at least 40 feet for the entire length of the private road from all lots thereon to the street.
- B. A development of 7 or more lots and/or 7 or more dwelling shall satisfy the minimum lot frontage requirement on a public street accepted by the County Road Commission. Notwithstanding any lesser requirements of the County Road Commission such street shall have a prime and surface, or better.
- 5.15 JUNK/REFUSE: Nothing herein shall be construed to allow the storage, collection or placing of discarded materials, inoperable or unlicensed motor vehicles (or parts thereof), or junk or refuse, for purposes of operating a junk, salvage or scrap yard, or for any other purposes, without complying with Article XI and any other applicable provisions of this Ordinance.
- 5.16 GREENBELT PRESERVATION: In order to preserve water quality in rivers and streams and to prevent deterioration of these resources and their tributaries, no building permit for any construction, or authorization for any grading, lot or subdivision preparation involving lands and land uses abutting or adjoining rivers or streams, shall be granted until it is first determined that any removal of ground cover conforms to the Sedimentation and Erosion Control Regulations enforced by the County of St. Joseph.
- 5.17 CHANNELIZATION: There shall be no new channelization on lake or river front properties which would increase the numbers of lake/river users and, therefore, substantially increase the dangers of polluting or degrading the water quality of the lake/river. Any alteration of any shoreline or river/stream shall conform to all rules and regulations of the Michigan Department of Natural Resources.
- 5.18 SWIMMING POOLS: See Constantine Township Building Code for regulations applicable to location and maintenance of swimming pools.
- 5.19 SPECIAL WATERFRONT DEVELOPMENT REGULATIONS: Notwithstanding the generally applicable setback requirements specified in the Schedule of Lot,

Yard and Area Requirements, or elsewhere in this ordinance, the following setback requirements shall apply to all lots and building sites with frontage on a lake, river, stream, pond or other natural or artificial watercourse:

1. Septic systems shall not be constructed within 100 feet of any watercourse or such greater distance as may be required by regulations enforced by the County or State. Dwellings or other principal uses or structures shall not be constructed within 25' of any watercourse, or within 25' of any slope greater than 6% leading to the water-course, or within 25' of any area determined to be wetland pursuant to the Goemaere-Anderson Wetland Protection Act, 1979 Public Act 203, as amended.
2. Accessory uses or structures, other than docks, boat lifts, and swimming pools, shall not be located in the required minimum front yard setback area specified in this Ordinance for the principal structure. Boat houses shall not be placed over any body of water or within the required minimum front, side or rear yard areas specified in this Ordinance for the principal structure.

5.20 SCREENING AND FENCING: Every commercial or industrial use occupying land immediately adjacent to a Residential District shall have a screening area separating the commercial or industrial use from the adjoining residential district. The screen shall be in the form of either a wall, berm, fence or evergreen planting, or combination of same, which is compact and maintained in good condition at all times. Such screening materials shall be at least six feet in height, except where the height of the screen would interfere with traffic safety, in which case it may be reduced to not less than three feet in height.

5.21 REMOVAL OF UNUSED BUILDING FOUNDATIONS AND RESTORATION OF LOT GRADE: In the event a dwelling or other type of building is destroyed or otherwise removed from its foundation, within three days the site shall be posted and fenced so as to preclude entry by unauthorized persons. Further, no more than 30 days after the destruction or removal of the building the building site shall be filled so as to restore the established grade; provided, however, that this latter requirement shall not apply if rebuilding operations have been projected or approved, and during the preconstruction period, which shall not exceed six months, the building site is fenced so as to preclude access by unauthorized persons, the lot is maintained free from the accumulation of rubbish and all unsafe or hazardous conditions which are unsightly or endanger the health or safety of the public, and provision is made to prevent damage from water runoff or otherwise to any adjoining property.

5.22 EARTH REMOVAL AND COMMERCIAL EXCAVATION: Top soil, sand or other earth material may be removed from a lot for the purpose of erecting or constructing a building, rather than for the purpose of mining, without cubic yard limitation. Top soil, sand or other earth material may also be removed from a lot for the purpose of constructing a structure or pond on the lot, rather than for the

purpose of mining, provided that not more than 2,000 cubic yards of material is removed. In addition, earth materials may be moved from one part of a lot to another part of the same lot, provided that not more than 2,000 cubic yards of material is involved, and further provided that such movement will not cause, or be likely to cause, sand blows, stagnant water pools, bogs, alteration of the groundwater table, or damage to adjoining properties. All other activities involving "earth removal" as defined in this Ordinance, shall be allowed only where designated by this Ordinance in a particular zoning district, and pursuant to all applicable use and site plan approval requirements.

5.23 SEPARATION OF MULTIPLE PRINCIPAL BUILDINGS ON SINGLE LOT: A lot may contain more than one lawful principal building on a single lot, but all such principal buildable buildings must be separated from each other by a distance equal to at least twice the applicable side yard setback requirement specified in Article XII of this Ordinance (Schedule Of Lot, Yard and Area Requirements).

5.24 OPEN SPACE PRESERVATION/CLUSTERING: In order to comply with Section 506 of the Michigan Zoning Enabling Act (2006 Public Act 110), notwithstanding the generally applicable minimum lot frontage/lot width and minimum lot area per dwelling unit requirements in Article XII of this Ordinance (Schedule of Lot, Yard and Area Requirements), land in the AG-2 General Agriculture District and the RR Rural Residential District may be developed, at the option of the landowner, with the same number of dwelling units that could otherwise be developed on the land under existing ordinances, laws, and rules, on not more than 50% of the land, if all of the following apply:

1. the land is zoned at a density equivalent to 2 or fewer dwelling units per acre; or, if the land is served by a public sewer system, 3 or fewer dwelling units per acre.
2. not less than 50% of the land area will remain perpetually in an undeveloped state by means of a conservation easement, plat dedication, restrictive covenant, or other legal means that runs with the land.
3. the development does not depend upon the extension of a public sewer or public water supply system, unless development of the land without the exercise of the development option provided by this provision would also depend upon such an extension.
4. the development option provided pursuant to this section has not previously been exercised with respect to the subject property.

The development of land under this section is subject to all other applicable ordinances, laws, and rules, including but not limited to:

- a. The provisions of the Zoning Ordinance that are not in conflict with and preempted by Section 506 of the Michigan Zoning Enabling Act (MCL 125.3506).
- b. The Land Division Act/Subdivision Control Act (MCL 560.101 et seq).
- c. Any ordinance regulating the division of land, the platting of land into subdivisions, or the creation of a site condominium.
- d. Rules relating to suitability of groundwater for on-site water supply for land not served by public water.
- e. Rules for on-site sewage disposal for land not served by public sewers.

As used in this section the term “undeveloped state” means a natural state preserving natural resources, natural features, or scenic or wooded conditions; agricultural use; open space; or a similar use or condition. This term does not include a golf course; but may include a recreational trail, picnic area, children’s play area, greenway, or linear park.

A residential development proposed pursuant to this section shall be submitted to the Zoning Board for review and a determination as to whether the development complies with the open space preservation/clustering provisions of 2006 PA 110, and all other applicable laws and ordinances.

ARTICLE VI

"AG-1" EXCLUSIVE AGRICULTURE DISTRICT

- 6.1 STATEMENT OF PURPOSE AND DESCRIPTION OF DISTRICT. This zoning district is derived from the Agricultural 1 land use classification in the Constantine Township Land Use Plan. Consistent with this planning classification, this zoning district has been created to serve two primary purposes: (1) preserve for agricultural production purposes prime agricultural lands, including but not limited to properties enrolled in the Public Act 116 Farmland Preservation Program; (2) allow maximum freedom of operations for agricultural pursuits by protecting such uses from encroachment of non-agricultural uses. To implement these purposes of the "AG-1" zoning district, non-agricultural uses are substantially precluded, and severe restrictions are imposed on allowed development, including new single family dwellings. While most of the areas included in this zoning district will be crop lands, the district may also include lands which are presently or may in the future appropriately be used for other types of agricultural production, including livestock production.
- 6.2 PERMITTED USES. Land and buildings in the "AG-1" Exclusive Agriculture District shall only be used for one or more of the following:
1. Agricultural Production, including Stock Farming.
 2. Existing Single Family Dwelling.
 3. Child (Family) Day Care Home.
 4. Signs, in accordance with Article XV of this Ordinance.
 5. Accessory Uses, Buildings and Structures incidental to any use allowed in this district.
 6. Essential Services.
 7. Home Occupation.
 8. New Single Family Farm Dwelling [a dwelling located on a Farm, as defined in this Ordinance, for the residence of the farm's owner, the immediate family of the farm's owner (children, parents, grandchildren, grandparents), the farm's operator, or a person employed on the farm].
- 6.3 SPECIAL EXCEPTION USES. Land and buildings in the "AG-1" Exclusive Agriculture District may also be used for one or more of the following uses, subject to special exception use approval and site plan approval in accordance with this Ordinance:

1. Family Business (for specific standards see Section 13.7.5 of this Ordinance).
 2. Child (Group) Day Care Home (for specific standards see Section 13.7.2 of this Ordinance).
 3. Bed & Breakfast Facility (for specific standards see Section 13.7.1 of this Ordinance).
 4. Communication Tower (for specific standards see Section 13.7.3 of this Ordinance).
 5. Private airstrip (for specific standards see Section 13.7.12 of this Ordinance).
 6. Public Utility Service Facilities (for specific standards see Section 13.7.13 of this Ordinance).
- 6.4 DENSITY, AREA, HEIGHT AND PLACEMENT REQUIREMENTS: In accordance with Article XII of this Ordinance.
- 6.5 OFF-STREET PARKING REQUIREMENTS: In accordance with Article XVI of this Ordinance.
- 6.6 SITE PLAN REVIEW: In accordance with Article XIV of this Ordinance.

ARTICLE VII

"AG-2" GENERAL AGRICULTURE DISTRICT

- 7.1 STATEMENT OF PURPOSE AND DESCRIPTION OF DISTRICT. This zoning district is derived from the general Agricultural land use classification in the Constantine Township Land Use Plan. This District is composed of those areas of the Township where agricultural production and other rural-type activities exist and should be preserved or encouraged as the principal land uses within the foreseeable future. Large vacant areas, fallow land and wooded areas are also included in this district. The regulations of this district are designed to stabilize and protect the essential characteristics of the district without unduly restricting its use solely to that of an agricultural nature; however, large non-agricultural uses, such as housing developments and subdivisions, should be discouraged from locating in this district, to minimize conflicts between agricultural production and non-agricultural uses, and also to preserve an agricultural land base for the production of a food supply. To these ends, development is limited to a low concentration and to those uses which would not be detrimental to future development.
- 7.2 PERMITTED USES. Land and buildings in the "AG-2" General Agriculture District shall only be used for one or more of the following:
1. Agricultural Production, including Stock Farming.
 2. Single Family Dwelling.
 3. Two Family Dwelling.
 4. Child (Family) Day Care Home.
 5. Foster Care (Small Group) Facility .
 6. Home Occupation.
 7. Signs, in accordance with Section XV of this Ordinance.
 8. Accessory Uses, Buildings and Structures incidental to any use allowed in this district.
 9. Essential Services.
 10. Institutional or Public Use.
- 7.3 SPECIAL EXCEPTION USES. Land and buildings in the "AG-2" General Agriculture District may also be used for one or more of the following uses, subject to special exception use approval and site plan approval in accordance with this Ordinance:

1. Family Business (for specific standards see Section 13.7.5 of this Ordinance).
2. Golf Course (for specific standards see Section 13.7.7 of this Ordinance).
3. Private non-commercial club.
4. Public Utility Service Facilities (for specific standards see Section 13.7.13 of this Ordinance).
5. Earth Removal and Commercial Excavation (for specific standards see Section 13.7.4 of this Ordinance).
6. Horse Boarding or Riding Stable (for specific standards see Section 13.7.8 of this Ordinance).
7. Equine racetrack.
8. Communication Tower (for specific standards see Section 13.7.3 of this Ordinance).
9. Child (Group) Day Care Home (for specific standards see Section 13.7.2 of this Ordinance).
10. Bed & Breakfast Facility (for specific standards see Section 13.7.1 of this Ordinance).
11. Recreational Vehicle Campground (for specific standards see Section 13.7.14 of this Ordinance).
12. Seasonal Mobile Home Park (for specific standards see Section 13.7.15 of this Ordinance).
13. Private airstrip (for specific standards see Section 13.7.12 of this Ordinance).
14. Kennel (for specific standards see Section 13.7.10 of this Ordinance).
15. Veterinarian clinic.
16. Farm Equipment and Machinery (new or used) Commercial Sales, Storage and Repair (for specific standards see Section 13.7.6 of this Ordinance).
17. Convalescent or Nursing Home.
18. Foster Care (Large Group) Facility (for specific standards see Section 13.7.16 of this Ordinance).

- 7.4 DENSITY, AREA, HEIGHT AND PLACEMENT REQUIREMENTS: In accordance with Article XII of this Ordinance.
- 7.5 OFF-STREET PARKING REQUIREMENTS: In accordance with Article XVI of this Ordinance.
- 7.6 SITE PLAN REVIEW: In accordance with Article XIV of this Ordinance.

ARTICLE VIII

"RR" RURAL RESIDENTIAL DISTRICT

- 8.1 STATEMENT OF PURPOSE AND DESCRIPTION OF DISTRICT. This zoning district is derived from the Residential 2 land use classification in the Constantine Township Land Use Plan. This district is composed of certain land in outlying areas presently of a rural residential character where large lot single family residential development has occurred or is likely to occur which does not require urban services such as municipal water supply or sanitary sewer facilities. This district is intended to apply to areas which have topographical limitations or soil characteristics which render the area generally unsuitable for agricultural uses or for large-scale residential development. This district is intended to meet the needs of those persons who wish to live in a rural environment, while protecting those portions of the Township which are appropriately zoned for agricultural purposes from haphazard residential growth. The regulations for this district are designed to protect and stabilize the essential characteristics of these areas and to promote and encourage a suitable and safe environment for family life in a rural environment. To these ends, development is restricted to very low density single family and two family residential use and other compatible uses consistent with limited rural type facilities and services. Since this zoning district serves as somewhat of a transition district between true agricultural areas and residential areas allowing for more dense residential development, general agricultural uses are allowed, but livestock-related uses are restricted.
- 8.2 PERMITTED USES. Land and buildings in the "RR" Rural Residential District shall only be used for one or more of the following:
1. Single Family Dwelling.
 2. Two Family Dwelling.
 3. Child (Family) Day Care Home.
 4. Home Occupation.
 5. Foster Care (Small Group) Facility.
 6. Signs, in accordance with Article XV of this Ordinance.
 7. Essential Services.
 8. Agricultural Production, excluding commercial greenhouses, and also excluding Stock Farming or other activities involving the keeping of livestock, except as allowed herein as an accessory use to an existing dwelling on the premises.

9. Accessory Uses, Buildings and Structures which are incidental to any use allowed in this district; provided, however, that the raising or keeping of livestock is only allowed as an accessory use to an existing dwelling on the premises, and subject to all applicable provisions of this Ordinance, including the following density, setback, and other requirements:
 - A. The minimum lot area for the keeping of such livestock is three acres.
 - B. Numbers of livestock shall not exceed the following ratio of land to animals:
 - (1) Horses --- one per two acres
 - (2) Cattle --- one per two acres
 - (3) Swine --- one per two acres
 - (4) Poultry --- 25 per one acre
 - (5) Rabbits --- 20 per one acre
 - C. Barns or shelters for livestock, and holding pens, paddocks and riding rings shall be located at least 100 feet from all existing residences on adjacent properties.
 - D. Pastures used for grazing livestock shall be located at least 25 feet from all existing residences on adjacent properties.
 - E. Animal waste storage areas shall be located at least 100 feet from all existing residences on adjacent properties, and at least 75 feet from all adjoining property lines.

8.3 SPECIAL EXCEPTION USES. Land and buildings in the "RR" Rural Residential District may also be used for one or more of the following uses, subject to special exception use approval and site plan approval in accordance with this Ordinance:

1. Institutional or Public Use (for specific standards see Section 13.7.9 of this Ordinance).
2. Golf Course (for specific standards see Section 13.7.7 of this Ordinance).
3. Public Utility Service Facilities (for specific standards see Section 13.7.13 of this Ordinance).
4. Family Business (for specific standards see Section 13.7.5 of this Ordinance).

5. Communication Tower (for specific standards see Section 13.7.3 of this Ordinance).
 6. Child (Group) Day Care Home (for specific standards see Section 13.7.2 of this Ordinance).
 7. Bed & Breakfast Facility (for specific standards see Section 13.7.1 of this Ordinance).
 8. Private airstrip (for specific standards see Section 13.7.12 of this Ordinance).
 9. Multiple Family Dwellings.
 10. Commercial greenhouse.
 11. Convalescent or Nursing Home.
 12. Foster Care (Large Group) Facility (for specific standards see Section 13.7.16 of this Ordinance).
- 8.4 DENSITY, AREA, HEIGHT AND PLACEMENT REQUIREMENTS: In accordance with Article XII of this Ordinance.
- 8.5 OFF-STREET PARKING REQUIREMENTS: In accordance with Article XVI of this Ordinance.
- 8.6 SITE PLAN REVIEW: In accordance with Article XIV of this Ordinance.

ARTICLE IX

"R-1" SINGLE FAMILY AND TWO FAMILY RESIDENTIAL DISTRICT

- 9.1 STATEMENT OF PURPOSE AND DESCRIPTION OF DISTRICT. This zoning district is derived from the Residential land use classification in the Constantine Township Land Use Plan. This District is intended for single family dwellings and two family dwellings on medium size lots which do not require urban services such as municipal water supply or sanitary sewer facilities. The District is intended to allow for a slightly more dense suburban/urban type of development than is allowed in the "RR Rural Residential District, generally in areas of the Township where such development has occurred or seems desirable to occur. As with the "RR" District, non-residential uses are essentially excluded from this District, or severely restricted, to avoid disrupting the residential nature of the District.
- 9.2 PERMITTED USES. Land and buildings in the "R-1" Single Family and Two Family Residential District shall only be used for one or more of the following:
1. Single Family Dwelling.
 2. Child (Family) Day Care Home.
 3. Home Occupation.
 4. Foster Care (Small Group) Facility.
 5. Signs, in accordance with Article XV of this Ordinance.
 6. Essential Services.
 7. Accessory Uses, Buildings and Structures incidental to any use allowed in this district; provided, however, that the raising or keeping of livestock shall not be allowed in this district.
- 9.3 SPECIAL EXCEPTION USES. Land and buildings in the "R-1" Single Family and Two Family Residential District may also be used for one or more of the following uses, subject to special exception use approval and site plan approval in accordance with this Ordinance:
1. Institutional or Public Use (for specific standards see Section 13.7.9 of this Ordinance).
 2. Public Utility Service Facilities (for specific standards see Section 13.7.13 of this Ordinance).

3. Family Business (for specific standards see Section 13.7.5 of this Ordinance).
 4. Child (Group) Day Care Home (for specific standards see Section 13.7.2 of this Ordinance).
 5. Boarding House.
 6. Two Family Dwelling.
 7. Foster Care (Large Group) Facility (for specific standards see Section 13.7.16 of this Ordinance).
- 9.4 DENSITY, AREA, HEIGHT AND PLACEMENT REQUIREMENTS: In accordance with Article XII of this Ordinance.
- 9.5 OFF-STREET PARKING REQUIREMENTS: In accordance with Article XVI of this Ordinance.
- 9.6 SITE PLAN REVIEW: In accordance with Article XIV of this Ordinance.

ARTICLE X

"MHP" MOBILE HOME PARK RESIDENTIAL DISTRICT

- 10.1 STATEMENT OF PURPOSE AND DESCRIPTION OF DISTRICT. This zoning district is derived from the Mobile Home Park land use classification in the Constantine Township Land Use Plan. This District is intended solely for mobile home parks and accessory uses, under appropriate construction and development standards to promote the health, safety, and general welfare of the residents of such areas, as well as the residents of adjoining premises. The area zoned for such purposes should be able to accommodate the increased traffic generated from such developments and the requirements of same, and be suitable for residential use.
- 10.2 PERMITTED USES. Land and buildings in the "MHP" Mobile Home Park Residential District shall only be used for one or more of the following:
1. Mobile Home Park, including a residence for the mobile home park owner or operator and his family, but excluding any retail sales of mobile homes, unless the same are located upon a developed mobile home site, subject, however, to the following conditions and limitations:
 - A. All mobile home parks shall comply with the requirements imposed by Michigan Public Act 96 of 1987 and any and all amendments thereto and with any and all regulations promulgated thereunder by the Michigan Mobile Home Commission and the Michigan Department of Public Health.
 - B. Off-street parking areas shall be provided in accordance with Article XVI of this Ordinance.
 2. Accessory buildings and uses incidental to a mobile home park, such as recreational buildings and facilities, laundry facilities, maintenance garage and storage facilities; provided, however, that the raising or keeping of livestock shall not be allowed in this district.
 3. Essential Services.
 4. Child (Family) Day Care Home.
 5. Signs, in accordance with Article XV of this Ordinance.
- 10.3 SPECIAL EXCEPTION USES: Land and buildings in the "MHP" Mobile Home Park Residential District may also be used for one or more of the following uses, subject to special exception use approval and site plan approval in accordance with this Ordinance:

1. Public Utility Service Facilities (for specific standards see Section 13.7.13 of this Ordinance).
- 10.4 DENSITY, AREA, HEIGHT AND PLACEMENT REGULATIONS: In accordance with Article XII of this Ordinance.
- 10.5 OFF-STREET PARKING REQUIREMENTS: In accordance with Article XVI of this Ordinance.
- 10.6 SITE PLAN REVIEW: In accordance with Article XIV of this Ordinance.

ARTICLE XI

"C-I" COMMERCIAL/INDUSTRIAL DISTRICT

11.1 STATEMENT OF PURPOSE AND DESCRIPTION OF DISTRICT. This zoning district is derived from the Commercial/Industrial land use classification in the Constantine Township Land Use Plan. This district is intended to serve three primary purposes:

1. To accommodate retail sales and service business establishments serving the community, near areas of localized concentration of residential population;
2. To accommodate commercial establishments primarily serving persons in transit, located along or in close proximity to US 131;
3. To accommodate industries of a manufacturing or assembly nature where such activities can be conducted in a manner which produces little external effect of an objectionable nature to the surrounding area; and warehousing and other land uses which are similar in nature.

11.2 PERMITTED USES. Land and buildings in the "C-I" Commercial/Industrial District shall only be used for one or more of the following:

1. Retail stores for the sale/service of books, stationary, newspapers, clothing, drygoods, drugs, pharmaceuticals, groceries, foodstuffs, hardware, furniture, household appliances and furnishings, electronics, hobby supplies, sporting goods, photograph supplies, shoes, varieties, antiques, gifts, and any general retail use similar to these uses permitted in this section, with such similarity determined, where necessary, by the Zoning Board of Appeals.
2. Bank, credit unions and savings and loan associations.
3. Barber and beauty shop.
4. Laundry and dry cleaning pickup station.
5. Music and dancing school.
6. Photograph/art studio.
7. Offices, business and professional.
8. Child Day Care Center.

9. Institutional or Public Use, in accordance with Section 13.7.9 of this Ordinance.
10. Essential Services.
11. Restaurant.
12. Signs, in accordance with Article XV of this Ordinance.
13. Tailoring and dressmaking shops.
14. Garden and florist shop.
15. Accessory Uses, Buildings and Structures which are incidental to any use allowed in this district.
16. Automotive Service Station.
17. Automotive Repair Garage.
18. Automotive Sales Area.
19. Boat and equipment sales/service.
20. Commercial Recreational Enterprise.
21. Contractor's Workshop.
22. Funeral establishment.
23. Greenhouse and nursery.
24. Motel.
25. Laundromat.
26. Mobile home sales.
27. Construction and farm equipment sales/service.
28. Contractor's equipment yard.
29. Builder supply sales and lumber yard.
30. Grain processing facility.
31. Machine shop.
32. Machinery and heavy equipment sales/service.

33. Warehouse.
34. Manufacturing, assembly, processing, compounding, packaging and warehousing of products, materials, or commodities, unless pertaining to a use which is specifically designated herein as a special exception use.
35. Printing, lithographic, blueprinting and similar uses.

11.3 SPECIAL EXCEPTION USES. Land and buildings in the "C-I" Commercial/Industrial District may also be used for one or more of the following uses, subject to special exception use approval and site plan approval in accordance with this Ordinance:

1. Public Utility Service Facilities (for specific standards see Section 13.7.13 of this Ordinance).
2. Bar, tavern or nightclub.
3. Mini-Storage Facility (for specific standards see Section 13.7.11 of this Ordinance).
4. Bus and truck terminal, maintenance and service yard.
5. Planing mill.
6. Earth Removal and Commercial Excavation (for specific standards see Section 13.7.4 of this Ordinance).
7. Junk/Salvage Yard and bulk material yard.
8. Redi-mix concrete and asphalt plant.
9. Communication Tower/Antenna (for specific standards see Section 13.7.3 of this Ordinance).
10. Any other industrial use which meets the intent and purpose of this district where all work is carried on within an enclosed building, and which does not emanate noise, vibration, odor, smoke, liquid wastes, or light to such an extent as to be objectionable to surrounding properties. Where necessary, the Zoning Board of Appeals shall make a determination as to whether a particular use is within the scope of this provision.

11.4 DENSITY, AREA, HEIGHT AND PLACEMENT REGULATIONS: In accordance with Article XII of this Ordinance.

11.5 OFF-STREET PARKING REQUIREMENTS: In accordance with Article XVI of this Ordinance.

11.6 SITE PLAN REVIEW: In accordance with Article XIV of this Ordinance.

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ARTICLE XII

SCHEDULE OF LOT, YARD AND AREA REQUIREMENTS

No building/structure shall be erected, reconstructed, moved, altered, or enlarged, and no land or building shall be used, designed, built, or arranged, and no open space surrounding any building/structure shall be encroached upon or reduced in any manner, except in conformity with the lot, yard and area regulations hereinafter designated for the zoning district in which such building/structure or land or open space is located.

(See Schedules and footnotes for applicable regulations).

ARTICLE XII: SCHEDULE OF LOT, YARD AND AREA REQUIREMENTS

	AG-1	AG-2	RR	R-1	MHP	C-I
Min. Lot Frontage/Lot Width (Ft.)	1,320	200	160	100	/2	200
Single Family	1,320	200	160	100		
Two Family	-----	200	160	100		
Multiple Family	-----	-----	160	-----		
Min. Lot Area (Gross Acre or Sq. Ft.)	40 ac	1 ac	25,600	10,000	20 ac	2 ac
Single Family	40 ac	1 ac	25,600	10,000	20 ac	
Two Family	-----	2 ac	1 ac	20,000		
Multiple Family	-----	-----	1 ac 5/	-----		
Min. Dwelling Structure Width	20	20	20	20		-----
Max. Building or Structure (Peak) Height (Ft.) 1/	35	35	35	35		35
Min. Gross Floor area Per Dwelling Unit (Sq. Ft.)						-----
Single Family	960	960	960	960		
Two Family	-----	960	960	960		
Multiple Family	-----	-----	960	-----		
Min. Front Yard Setback	25	25	25	25		50
Min. Side Yard Setback (Ft.) 4/	15	15	15	10		20
Min. Rear Yard Setback (Ft.) 3/	15	15	10	10		20

FOOTNOTES TO ARTICLE XII:

SCHEDULE OF LOT, YARD AND AREA REQUIREMENTS

- 1/ See Section 5.11 for exceptions to general height requirements.
- 2/ Except as specified herein, the lot, yard and area requirements for principal buildings/structures, accessory buildings/structures and private garages in a mobile home park are the applicable requirements imposed by Michigan Public Act 96 of 1987 and any and all amendments thereto, and the applicable regulations promulgated thereunder by the Michigan Mobile Home Commission or the Michigan Department of Public Health, which are hereby incorporated by reference.

The lot, yard and area requirements for all principal buildings/ structures, accessory buildings/ structures and private garages not situated in a mobile home park are the pertinent requirements set forth in this ordinance for the "R-1" Single Family and Two Family Residential zoning district, which are hereby incorporated by reference.
- 3/ Buildings and structures on a double frontage lot shall comply with the minimum front yard setback requirement on each adjoining street.
- 4/ Buildings and structures on a corner lot shall comply with the minimum front yard setback requirement on each adjoining street.
- 5/ 1 acre per dwelling unit.

ARTICLE XIII

SPECIAL EXCEPTION USES

- 13.1 EXPLANATION OF SPECIAL EXCEPTION USES. In order to make this Ordinance a flexible zoning control and still afford protection of property values and facilitate orderly and compatible development of property within the Township, the Township Zoning Board, in addition to its other functions, is authorized to approve the establishment of certain uses designated as Special Exception Uses within the various zoning classifications set forth in the ordinance.

Such Special Exception Uses have been selected because of the unique characteristics of the use which, in the particular zone involved, under certain physical circumstances and without proper controls and limitations, might cause it to be incompatible with the other uses permitted in such zoning district and accordingly detrimental thereto.

With this in mind, such special exception uses are not allowed to be engaged in within the particular zone in which they are listed unless and until the Zoning Board determines, after a public hearing, that the particular property can be developed and used for the proposed use in accordance with the applicable standards and other criteria for special exception use approval set forth in this Ordinance.

- 13.2 SPECIAL EXCEPTION USE PROCEDURE.

1. All applications for Special Exception Use Permits shall be filed with the Zoning Administrator and shall include all pertinent plans, specifications and other data upon which the applicant intends to rely for a Special Exception Use Permit. An application shall not be submitted for Zoning Board consideration until it is administratively complete, and all required fees have been paid.
2. The Zoning Board shall, upon receipt of the application in proper form, schedule and hold a hearing upon the request, preceded by notification as required by law. The applicant shall have the burden of proof for issuance of the Special Exception Use Permit, which shall include the burden of going forward with the evidence, and the burden of persuasion on all questions of fact which are to be determined by the Zoning Board.
3. Following such hearing, the Zoning Board shall either approve, deny, or approve with conditions a permit for such Special Exception Use and shall state its reasons for its decision in the matter. All conditions, limitations, and requirements upon which any such permit is granted shall be specified by the Zoning Board in its decision and shall be filed with the Zoning Administrator and the Township Clerk.

13.3 CRITERIA FOR DECISION. Special exception uses are not permitted to be engaged in within a particular zone in which they are listed in this ordinance unless and until the Zoning Board approves or approves with conditions a special exception use permit. Such approval shall be granted when the Zoning Board finds from the evidence produced at the hearing that:

1. The size, nature and character of the use will be compatible with the other uses and buildings and structures expressly permitted within the zoning district, especially where the location of the use is adjacent to or in the approximate area of residential dwellings;
2. The use will be compatible with the natural environment of the area;
3. The use will not adversely affect the capacities of public services and facilities, and will not cause unreasonable traffic congestion or otherwise specially burden the public roads and streets in the area;
4. The lot upon which the use is proposed is able to accommodate all off-street parking facilities required by this ordinance;
5. The use will not in any manner be detrimental or injurious to the use or development of adjacent properties, to the occupants thereof, or to the general neighborhood;
6. The use will not adversely affect the public health, safety, and general welfare of the community;
7. The use will be in accordance with the character and adaptability of the land at issue;
8. The general standards hereinabove required for the allowance of such a Special Exception Use can and will, in the Zoning Board's judgment, be met at all times by the applicant;
9. The specific standards applicable to particular uses as set forth in Section 13.7 or elsewhere in this Ordinance can and will, in the Zoning Board's judgment, be complied with at all times.

13.4 CONDITIONS IMPOSED UPON APPROVED SPECIAL EXCEPTION USES. Any conditions upon which approval is based shall be reasonable and necessary to insure that public services and facilities affected by the proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, or necessary to protect the natural environment and conserve natural resources and energy, or necessary to insure compatibility with adjacent uses of land, or necessary to promote the use of land in a socially and economically desirable manner. Any such conditions shall also meet all of the following requirements:

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

The Township Zoning Board shall have the right to limit the duration of a special exception use where the same is of a temporary nature and may reserve the right of periodic review of compliance with the conditions and limitations imposed upon such use.

13.5 COMPLIANCE WITH APPROVAL. The plot plan and specifications and all conditions, limitations and requirements imposed by the Zoning Board shall be recorded with the Township Clerk and Zoning Administrator, and shall be incorporated as a part of the Special Exception Use Permit. An approved special exception use which at any time fails to comply with the terms of the permit, or any provision of this Ordinance, shall cease to be a lawful use, and shall be subject to suspension and/or revocation in accordance with Section 13.6 of this Ordinance, in addition to the legal penalties and remedies generally applicable to any violation of this Ordinance.

13.6 SUSPENSION AND/OR REVOCATION OF SPECIAL EXCEPTION USE PERMITS. All special exception uses for which a permit has been approved by the Zoning Board shall be subject to the following provisions, as a condition upon every such approved special exception use:

1. Suspension of Special Exception Use Permit. Upon a finding by a Township official authorized to enforce this Ordinance, including the Township Supervisor, of a probable violation of the terms and conditions of the special exception use permit, the ordinances of Constantine Township, or the laws of the State of Michigan, the Township Supervisor may suspend the special exception use permit and require the permit holder to immediately cease and suspend use of the property for the purposes for which the special exception use permit was previously granted, pending a public hearing and further determination of the Zoning Board as provided hereinbelow in subsection 2. Notice of the suspension shall be provided to the permit holder/property owner by personal delivery or by certified mail, return receipt requested.

2. Zoning Board Review of Suspension. The Zoning Board shall review the status of the suspension at the earliest feasible opportunity, after a public hearing before the Zoning Board has been held. Notice of the public hearing shall be provided in accordance with the statutory provisions governing special exception use matters. A majority of the Zoning Board members present and voting may vacate the suspension upon a determination that the violations causing the suspension have been cured, or may modify or extend the suspension upon a finding that the violations causing the suspension have not been cured, but are reasonably likely to be cured in a further period of time to be specified by the Zoning Board.
3. Revocation of Special Exception Use Permit. A majority of the Zoning Board members present and voting may, after notice and public hearing as provided herein, determine to revoke a special exception use permit which has been suspended, upon a finding that the violations causing the suspension have not been cured within a reasonable period of time as established by the Zoning Board. Notification of a Zoning Board determination to revoke a special exception use permit shall be provided to the permit holder and property owner by personal delivery or by certified mail, return receipt requested. A determination of the Zoning Board revoking a special exception use permit may be appealed to the Township Zoning Board of Appeals within 21 days of the determination. Premises for which a special exception use permit has been revoked by the Zoning Board shall be used only as allowed pursuant to the relevant sections of the Zoning Ordinance for the applicable use district.

13.7 SPECIFIC STANDARDS REQUIRED OF PARTICULAR SPECIAL EXCEPTION USES. The following specific standards shall be required of the particular special exception uses designated in this section, pursuant to Section 13.3 of this Ordinance.

1. Bed & Breakfast Facility.
 - A. All bed & breakfast facilities shall be subject to and comply with the characteristics of a "home occupation" as set forth in Section 3.1, subsection 43 of this Ordinance.
 - B. A dwelling in which a bed & breakfast facility is allowed shall be occupied by the owner of the premises as his/her principal residence.
 - C. The maximum stay for patrons of a bed & breakfast facility shall be seven days.
 - D. Sufficient off-street parking area shall be available on the premises so as to provide one parking space per sleeping room, not including spaces required for the permanent occupants of the premises.

- E. All bed & breakfast facilities shall have a smoke detector in proper working order in every sleeping room, and a fire extinguisher in proper working order on every floor of the dwelling.

2. Child (Group) Day Care Home

- A. It shall be located at least 1,500 feet from any of the following facilities (measured along a road, street or other thoroughfare open to use by the public as a matter of right for the purpose of vehicular traffic, excluding an alley):
 - (1) Another state licensed group day care home;
 - (2) Another adult foster care small group home or large group home licensed by the State of Michigan under the Adult Foster Care Facility Licensing Act (1979 Public Act 218, as amended --- MCLA 400.701 et seq);
 - (3) A facility offering substance abuse treatment and rehabilitation service to 7 or more people licensed by the State of Michigan under article 6 of the Michigan Public Health Code (1978 Public Act 368, as amended --- MCLA 333.6101 et seq);
 - (4) A community correction center, resident home, half way house, or other similar facility which houses an inmate population under the jurisdiction of the Michigan Department of Corrections.
- B. It shall have appropriate fencing enclosing all outdoor play areas, as determined by the Zoning Board. Such fencing shall be at least 48" high and non-climbable in design.
- C. It shall maintain the property consistent with (or better than) the visible characteristics of the neighborhood.
- D. It shall not exceed 16 hours of operation during a 24 hour period, operating only between 6:00 a.m. and 10:00 p.m.
- E. It shall meet all applicable sign regulations set forth in this ordinance.
- F. It shall meet all applicable off-street parking requirements set forth in this ordinance.

3. Communication Tower/Antenna.

- A. Purpose. The purpose of this portion of the Zoning Ordinance is to establish standards for the siting of wireless communication towers and antennas based on the following goals: (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 telecommunications services to provide such services to the community quickly, effectively, and efficiently; (8) protect the public health and safety; and (9) avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures.
- B. Definitions. The following terms used in this portion of the Zoning Ordinance shall be defined as follows:
- (1) "Alternative tower structure" means man-made trees, clock towers, steeples, light poles and similar alternative-design mounting structures that camouflage or minimize 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) "Height" means, when referring to a tower or structure, the distance measured from the finished grade to the highest point on the tower or other structure, including the base pad and any antenna.

- (5) "Communication Tower" or "Tower" (see definition in Section 3.1.25).

C. Information Required with Special Exception Use Application.

- (1) In addition to any information required for applications for special exception use permits pursuant to Section 13.2 of the Zoning Ordinance, applicants for a special exception use permit for a communication tower/antenna shall submit the following information:
 - (a) A scaled site plan clearly indicating the location, type and height of the proposed tower, specifications on all proposed antennas, on-site land uses and zoning, adjacent land uses and zoning (including when adjacent to other municipalities), Land Use Plan classification of the site and all properties within the applicable separation distances set forth in subpart D(3), 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 or Zoning Board to be necessary to assess compliance with the standards for approval in this Ordinance.
 - (b) Legal description and ownership of the parent tract and leased parcel (if applicable).
 - (c) The setback distance between the proposed tower and the nearest dwelling unit, and the nearest property in a Residential zoning district.
 - (d) An inventory of existing towers, antennas, or sites approved for towers or antennas, that are owned/used by the applicant or any affiliated entity within St. Joseph County, or within any adjoining county within 1 mile of Constantine Township. This inventory shall include the location, height, and design of each existing tower. The location of all such existing towers, and sites approved for towers or antennas, shall also be depicted on a single scaled map. The applicant shall also designate on this map the location of all existing towers not owned/used by the applicant or any affiliated entity located within Constantine Township or within 1 mile of any boundary thereof, and indicate the owner/operator of such towers if known.

- (e) A landscape plan showing fencing and specific landscape materials.
- (f) Finished color and, if applicable, the method of camouflage and illumination.
- (g) A description of compliance with all applicable federal, state and local laws.
- (h) A notarized statement by the applicant as to whether construction of the tower will accommodate co-location of additional antennas for future users.
- (i) 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.
- (j) 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.
- (k) A description of the desirable characteristics justifying the suitability of the proposed location.
- (l) Point of view renderings of how the proposed tower will appear from the surrounding area.

All information of an engineering nature, whether civil, mechanical, or electrical, shall be certified by a licensed professional engineer.

D. Specific Standards for Approval of Special Exception Use Permit for Communication Tower/Antenna. In addition to the generally applicable standards for approval of special exception use permit applications pursuant to Section 13.3 of the Zoning Ordinance, the applicant for special exception use approval of a communication tower shall present evidence demonstrating compliance with the following standards specific to this land use:

- (1) Availability of Suitable Existing Towers, Other Structures, or Alternative Technology. The applicant shall demonstrate that no existing tower, structure, or alternative technology that does not require the use of towers or structures, can accommodate the applicant's proposed antenna. The applicant shall submit information requested by the Zoning Board 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:

- (a) No existing towers or structures are located within the geographic area which meet applicant's engineering requirements.
 - (b) Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.
 - (c) Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.
 - (d) 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.
 - (e) 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.
 - (f) The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.
 - (g) 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.
- (2) Setbacks. The tower base must be set back a distance equal to 110% of the height of the tower from any adjoining lot line; provided that the Zoning Board is authorized to approve a lesser minimum setback in circumstances where the tower is designed, in the event of failure, to fold-over or

otherwise collapse within a fall zone less than the total height of the tower. The Zoning Board determination as to the appropriate minimum required setback shall be based on the tower design and other pertinent circumstances of each individual application, and shall be made pursuant to the general standards for special exception use approval in Section 13.3 of this Ordinance. Tower support apparatus, including guy lines and accessory buildings, must satisfy the minimum building/structure setback requirements for the applicable zoning district.

(3) Separation.

(a) Separation from off-site uses/designated areas. The tower shall comply with the minimum separation requirements from off-site uses and designated areas as specified in Table 1, measured from the base of the tower to the lot line of the off-site uses and/or designated areas (straight line measurement):

TABLE 1

Off-Site Use/Designated Area	Separation Distance
Single-family, two-family or multiple-family residential uses	200 feet or 300% of height of tower, whichever is greater
Areas in any Residential zoning district	200 feet or 300% of height of tower, whichever is greater
Non-residentially zoned lands and non-residential uses	None; only setbacks apply

(b) Separation distances between towers. The tower shall comply with the minimum separation requirements from other towers as specified in Table 2, measured between the bases of the proposed tower and preexisting towers (straight line measurement).

TABLE 2

	Lattice	Guyed	Monopole 75 ft in Height or Greater	Monopole Less than 75 Ft in Height
Lattice	5000 ft.	5000 ft.	1500 ft.	750 ft.
Guyed	5000 ft.	5000 ft.	1500 ft.	750 ft.
Monopole 75 ft in Height or Greater	1500 ft.	1500 ft.	1500 ft.	750 ft.
Monopole Less Than 75 Ft in Height	750 ft.	750 ft.	750 ft.	750 ft.

- (4) Maximum Tower/Antenna Height. The maximum tower and antenna apparatus height is 300 feet.
- (5) Colocation. The tower shall be designed and constructed (structurally, electrically, and in all other respects) to accommodate compatible antennas for at least five users, unless the Zoning Board determines pursuant to specific information submitted by the applicant that this multiple user requirement is not technically feasible for the site, or would result in a tower that fails to otherwise comply with all applicable special exception use approval standards. Where a multiple user tower is proposed, or is otherwise required by the Zoning Board pursuant to this Ordinance, the applicant shall furnish a written agreement providing that the applicant shall not prevent or deny space on the tower for compatible antennas of the various users, and shall make the tower available to share at a fair market rate as determined by customary industry standards.
- (6) Security fencing. The base of the tower and structural support apparatus shall be enclosed by security fencing or other suitable enclosure not less than six feet in height, to be determined by the Zoning Board, sufficient to restrict access to authorized personnel only, and shall also be equipped with an appropriate anti-climbing device.
- (7) Landscaping and Site Maintenance. A six foot tall landscape screen is required to effectively screen the tower compound from adjacent residential property, streets and public property, except in locations where the visual impact of the

tower would be minimal. The tower site shall be mowed or otherwise maintained in such a manner as to effectively control undesirable or noxious weeds.

- (8) Lighting. The tower shall not be illuminated by artificial means and shall not display strobe lights unless specifically required by the Federal Aviation Administration or other federal or state authority for the tower. If lighting is required it shall be oriented inward so as to not project onto surrounding property or roadways, shall be designed to cause the least disturbance to surrounding properties, and shall be designed to minimize bird collisions with the tower.
- (9) Signs. The use of any portion of a tower/antenna for signs other than warning or equipment information is prohibited.
- (10) Weather Resistance. The tower and all antennas located on the tower shall be designed, constructed and maintained so as to withstand all generally expected weather conditions in the area.
- (11) Non-Interference. The tower and all antennas located on the tower shall not interfere with any radio or television transmission or reception in the area.
- (12) Abandonment of Unused Towers or Portions of Towers. The applicant shall be required by deed, land contract, lease, or license agreement provisions to remove the tower or portion of tower and associated facilities upon cessation of the use of same. A tower or portion of tower that has no users for a continuous period of at least 1 year shall be considered abandoned, and shall be dismantled and removed from the premises within 90 days after receipt of notice of such abandonment to the owner of the subject premises.
- (13) 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) The design of the buildings and related structures at a tower site 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.

Notwithstanding the foregoing, the Zoning Board may also require tower and guy wire devices designed to minimize bird-tower collisions.

- (14) **Accessory Structures.** All buildings and structures accessory to a tower shall be architecturally designed to blend in with the surrounding environment and shall meet the minimum setback requirements of the underlying zoning district. Ground mounted equipment shall be screened from view by suitable vegetation, except where a design of non-vegetative screening better reflects and complements the architectural character of the surrounding neighborhood.
- (15) **Site Plan.** No tower, antenna or accessory building shall be constructed or installed except in conformance with an approved site plan. An antenna may be installed on a tower in conformance with such tower's special exception use permit and approved site plan.
- (16) **Inspection and Maintenance.** An approved tower/antenna shall be inspected at regular intervals, not less than once a year, and shall be serviced as frequently as may be necessary to maintain same in a safe and weather-withstanding condition. Reports of all inspections and maintenance shall be made available to the Township upon written request.
- (17) **Minimum Lot and Yard Requirements.** For purposes of determining whether a proposed tower site complies with zoning regulations for the applicable district, including minimum lot area, maximum lot coverage, and yard requirements, the dimensions of the entire lot shall control where a proposed tower site is created pursuant to a lease or license agreement encompassing less than the entire lot.

- E. Installation of Antenna on Existing Tower. The following provisions govern the installation of antenna apparatus on an existing communication tower, and the construction of associated accessory buildings/structures on the site of an existing communication tower:
- (1) Where the existing tower has been granted special exception use and site plan approvals, and the proposed antenna apparatus and, where applicable, proposed associated accessory buildings/structures, are in complete conformance with the underlying special exception use permit and approved site plan for the tower with respect to the total approved number of antenna apparatus on the tower, the array of the antenna apparatus, and the number, size and location of associated accessory buildings/structures, no further zoning approvals are required.
 - (2) Where the existing tower has been granted special exception use and site plan approvals, but the proposed antenna apparatus and, where applicable, proposed associated accessory buildings/structures, are not in complete conformance with the underlying special exception use permit and approved site plan for the tower, as provided in preceding subparagraph (1), the Zoning Administrator is authorized to administratively approve the proposed antenna apparatus and/or associated accessory buildings/structures upon determining, after consultation with the Chairperson of the Zoning Board, that the proposed antenna apparatus and/or accessory buildings/structures constitute a minor modification of the underlying special exception use permit and approved site plan for the tower. For purposes of this subparagraph a request shall be subject to administrative approval as a "minor modification" only if approval of the request is not in any manner contrary to the applicable standards for special exception use approval and site plan approval for the subject tower and any conditions imposed on such approvals. A determination by the Zoning Administrator pursuant to this subparagraph shall be subject to appeal to the Zoning Board of Appeals pursuant to Section 18.4.1 of this Ordinance and applicable provisions of law.
 - (3) Where the existing tower is a lawful nonconforming use/structure that has not been granted special exception use and site plan approvals pursuant to this Ordinance, new and/or additional antenna apparatus may be located on the

existing tower, with new and/or additional guy-wire supports necessitated by such antenna (and necessary associated accessory buildings/structures may be located on the site) without such zoning approvals or relief from the limitations on nonconforming uses/structures imposed by Section 17.3 of this Ordinance; provided that the existing tower shall not be expanded, extended or enlarged in violation of Section 17.3 of this Ordinance.

4. Earth Removal and Commercial Excavation.

A. Location:

- (1) All such operations shall be located on a primary road, for ingress and egress thereto, or on a road which does not create traffic through an area developed primarily for residential purposes. Where necessary, the Zoning Board may require the applicant to construct and/or improve a road to accommodate the truck travel necessitated by the operations as a condition to approval of such operations, and for the purpose of routing traffic around residential areas and preventing the breaking up of existing roads which are not "all weather" roads.
- (2) Sufficient setbacks shall be provided from all property lines and public highways to assure adequate lateral support for adjacent public and private property. All excavation operations shall be at least 150 feet from interior boundary lines of the property, and the Zoning Board may increase such setback if required to adequately protect adjoining properties. However, if the adjoining property is also used for such mining and excavation operation, then the Zoning Board may reduce or eliminate the required setback from that interior boundary line. In addition, such setback may be temporarily reduced to 50 feet if reclamation of the land is promptly effected to increase the setback to at least 150 feet in accordance with the reclamation plan approved by the Zoning Board and adequate lateral support is at all times maintained. However, notwithstanding the foregoing, all excavation operations shall be at least 400 feet from any dwelling, regardless of the zoning district in which such dwelling may be located.
- (3) All excavation operations shall be at least 50 feet from adjoining public rights of way, except for the lowering of land adjoining said rights-of-way to the grade level of said rights of way. Excavation operations shall not be allowed where

adequate lateral support for the maintenance of adjoining lands is not maintained.

- (4) A processing plant and its accessory structures shall be located at least 250 feet from the interior property lines and adjoining public rights of way and shall, where practicable, be located at a lower level than the surrounding terrain to lessen visual and noise impact. In addition, the foregoing shall apply to digging or excavating apparatus and to the stockpiling or loading of materials and to the location of transportation equipment. However, notwithstanding the foregoing, all excavation operations shall be at least 400 feet from any dwelling, regardless of the zoning district in which such dwelling may be located.
- (5) All excavation operations, processing plants, and accessory structures shall be at least 250 feet from the banks of any lake, river, stream, or other watercourse unless a lesser setback is approved, in writing, by the Michigan Water Resources Commission or such other state commission having jurisdiction thereof. No such mining operations shall interfere with the natural established flow of surface waters to the detriment or damage of adjoining public or private properties. Where it appears that substantial sediment may be carried into any nearby watercourse, the Zoning Board may require, as a condition of approval, that the applicant construct an adequate sediment basin.
- (6) All private drives and private access routes serving excavation or processing operations shall be located at least 250 feet from any dwelling, regardless of the zoning district in which such dwelling may be located.

B. Sight Barriers:

- (1) Sight barriers shall be provided and maintained along all boundaries of the site which lack natural screening conditions through existing contours or evergreen growth. Such barriers shall consist of one or more of the following:
 - (a) Earth berms constructed to a height of 6 feet above the mean elevation of the center line of the adjacent public highway or 6 feet above the general level of terrain along interior property lines, as the case may be. Such berms shall have slopes that are not in excess of 1 foot vertical to 3 feet horizontal and shall be planted with grass, trees or shrubs.

- (b) Plantings or evergreen trees or shrubbery in rows parallel to the boundaries of the property, not less than 4 feet in height at the time of planting and which grow to not less than 6 feet in height at maturity and sufficiently spaced to provide effective sight barriers when 6 feet in height.
- (c) Masonry walls or attractive solid fences made of uniform new materials, constructed to a height of not less than 6 feet and maintained in good repair.

C. Nuisance Abatement:

- (1) Noise and vibration shall be minimized in their effect upon adjacent properties by the utilization of modern equipment designed to accomplish such minimization and by the proper use of berms, walls, and natural planting screens. All equipment shall be maintained and operated in such a manner so as to eliminate, as far as practicable, excessive noise and vibrations which are not necessary in the operation of such equipment.
- (2) Air pollution in the form of dust and dirt shall also be kept to a minimum by the use of modern equipment and methods of operation designed to avoid any excessive dust or dirt or other air pollution potentially injurious or substantially annoying to adjoining property owners. Interior and adjoining roads used in the operations shall have their surface treated to minimize any such nuisance.
- (3) The operation shall be restricted to the hours of 7:00 a.m. until 7:00 p.m. and no operations shall be allowed on Sundays or legal holidays.
- (4) All dangerous excavations, pits, pond areas, banks or slopes shall be fenced and posted with signs around the perimeter thereof and maintained to prevent injury to children or others, and shall be eliminated as expeditiously as possible.

D. Environmental Protection.

- (1) Earth removal operations shall not create erosion problems, or alter the groundwater table of the area.
- (2) Earth removal operations shall not cause the creation of sand blows, stagnant water pools, or stagnant swampy areas.

- (3) Earth removal operations shall not cause a permanent adverse affect to the environment, the natural topography, or any natural resource, other than the earth materials involved.

E. Reclamation of Mined Areas:

- (1) Reclamation and rehabilitation of mined areas shall be accomplished as soon as practicable following the mining or excavation of an area. Rehabilitation and reclamation shall be commenced immediately upon the termination of the mining or excavation operations in any area consisting of one acre or more. Substantial completion of reclamation and rehabilitation shall be effected with one year of termination of mining or excavation activity. Inactivity for a 12 month consecutive period shall constitute, for this purpose, termination of mining activity.
- (2) The following standards shall control reclamation and rehabilitation:
 - (a) All excavation shall be either to a water-producing depth of not less than 5 feet below the average summer level of water in the excavation, or shall be graded or back-filled with non-noxious, non-inflammable and non-combustible solids to insure:
 - (i) That the excavated area shall not collect stagnant water and not permit the same to remain therein; or
 - (ii) That the surface of such area which is not permanently submerged is graded or back filled as necessary to produce a gently rolling surface that will minimize wind and water erosion, and which will be generally compatible with the adjoining land area.
 - (b) The banks of all excavations shall be sloped to the waterline in a water-producing excavation, and to the pit floor in a dry operation, at a slope which shall not be steeper than 1 foot vertical to 3 feet horizontal.
 - (c) Top soil of a quality at least equal to that occurring naturally in the area shall be replaced on excavated areas not covered by

water, except where streets, beaches, or other planned improvements are to be completed within a one year period. Where used, top soil shall be applied to a minimum depth of 4 inches sufficient to support vegetation.

- (d) Vegetation shall be restored by the appropriate seeding of grasses or the planting of trees and shrubs, to establish a permanent vegetative cover on the land surface and to minimize erosion.
- (e) Upon cessation of mining operations by abandonment or otherwise, the operating company, within a reasonable period of time not to exceed 12 months thereafter, shall remove all structures, foundations, buildings, stockpiles and equipment, provided that buildings and structures which have a function under the reclamation plan and which can be lawfully used under the requirements of the zoning district in which they will be located under such plan may be retained.
- (f) A performance bond or cash shall be furnished to the township clerk insuring the proper rehabilitation and reclamation of the mined and excavated areas prior to the commencement of any such mining or excavating operations. The amount of the guarantee shall be not less than \$5,000 per acre proposed to be mined or excavated in the following 12 month period and which has previously been mined or excavated during any preceding period and not reclaimed and rehabilitated in accordance with this Ordinance and the applicant's filed plan. Mined areas resulting in a water depth of 5 feet or more shall be deemed to be reclaimed areas to within 15 feet of any vertical shore line thereof and to the extent of the shore line where the same has been sloped to a grade of not more than one foot vertical to three foot horizontal, for the purpose of this financial guarantee. The Zoning Administrator and/or Zoning Board may review such financial guarantee annually, on or about the

anniversary date of the excavation permit, for adjustment and compliance with the foregoing requirements. In no event shall such financial guarantee be less than \$5,000 in amount.

F. Submission of Operational and Reclamation Plans:

- (1) No earth removal, gravel processing, mining, and related mineral extraction shall be allowed or commenced until a plan has been submitted to the Zoning Board disclosing compliance with all of the provisions of the within Ordinance or the manner in which compliance will be secured by the applicant. Such plans shall comply with the general site plan content requirements set forth in this Ordinance, and shall in any event also include the following:
 - (a) A contour map of the tract of land involved in the operations, including dimensions of the same, access to abutting public streets, and whether or not the same are "all weather" roads, additional roads, if any, to be constructed, and the location and nature of abutting improvements on adjoining property.
 - (b) The number of acres and the location of the same proposed to be operated upon within the following 12 month period after commencement of operations.
 - (c) The type of mining or processing proposed to be conducted and the nature of the equipment to be used.
 - (d) The location of the principal processing plant and the distance of any proposed excavation or mining from the boundaries of the site.
 - (e) A map or plan disclosing the final grades and elevations to be established following the completion of the mining operations, including the proposed uses then contemplated for the land, future lakes and roads and such other matters as may evidence the bona fide nature of the reclamation and rehabilitation plans and the fact that the land will not be devastated and rendered unusable by the proposed mining activities.

- G. Liability Insurance: All owners/operators of property involved in such earth removal operations shall be required to carry personal injury and property damage insurance while any unreclaimed or

unrehabilitated area exists, in the amount of not less than \$100,000.00 for each person or property injured or damaged and not less than \$300,000.00 for injury or damage to more than one person or one person's property arising out of one occurrence. Such insurance shall cover injury or damage occurring upon the site of the operations as well as upon properties adjoining thereto, as a result of conditions or activities existing upon the site. A copy of the policy shall be filed with the Township Clerk.

5. Family Business.

- A. All work in connection with any family business permitted hereunder shall be conducted solely within an enclosed building.
- B. No outdoor storage shall be allowed unless the family business involves storage needs which cannot reasonably be accommodated within a building or structure. In such event an allowed outdoor storage area shall be located to the rear of the building in which the business is conducted, and shall be adequately screened to effectively block all view from adjoining roads or properties.
- C. The business shall not operate between the hours of 9:00 p.m. and 7:00 a.m. Monday through Saturday, and shall not operate at all on Sundays and legal holidays recognized by the State of Michigan.
- D. There shall be no expansion of the family business facilities permitted hereunder without further approval of the Zoning Board.
- E. Noise, smoke, odor, electrical disturbance or lighting shall not be discernable beyond the boundaries of the property from which the business is conducted.
- F. The building where the business is conducted shall be located at least 150 feet from any existing residence on adjoining property.
- G. The business shall be located on the same parcel as the family's dwelling.
- H. In addition to those family members residing on the parcel, no more than four other individuals may work on the premises in connection with the family business.
- I. The Zoning Board may limit the family business to a particular type of business, and it may allow the business to operate for only a specific period of months or years unless an additional permit is granted.

6. Farm Equipment and Machinery (new or used) Commercial Storage and Repair.
- A. Only fully assembled and operable equipment and machinery with all main component parts attached shall be allowed to be displayed in an outdoor sales area.
 - B. There shall be a minimum distance of 25 feet between any outdoor sales display area and the boundary lines of adjoining properties.
 - C. No outdoor sales display area shall be located within the road right-of-way.
 - D. All outdoor sales display area, outdoor storage areas, and outdoor repair areas associated with any single business, whether on one or more parcels of land, shall not exceed a combined total of 2.5 acres.
 - E. Outdoor storage areas and outdoor repair areas shall be located to the rear of any residential building or other building or structure on the premises, and shall in any event be adequately screened so as to effectively block all view of the storage/repair areas from adjoining roads and properties.
 - F. There shall be a minimum distance of 25 feet between any outdoor storage area or outdoor repair area and the boundary lines of any adjoining properties.
 - G. There shall be a minimum distance of 150 feet between any outdoor storage area or outdoor sales display area and any existing residence on adjoining property.
 - H. No activities shall be conducted upon or from the premises in connection with the sales, storage or repair of farm equipment or machinery which shall constitute a nuisance to adjoining residents by reason of noise, smoke, odor, electrical disturbance, night lighting, or the creation of unreasonable traffic to the premises. Noise, smoke, odor, electrical disturbance and lighting shall not be discernable beyond the boundaries of the property from which the allowed activities are conducted.
 - I. No more than four persons shall be employed in connection with the allowed sales, storage or repair activities, without the specific prior approval of the Zoning Board.
 - J. There shall be no expansion of the outdoor sales and outdoor storage areas, or increase in the number of employees originally

approved by the Zoning Board without the further prior approval of the Zoning Board.

7. Golf Course.

- A. All tees, fairways and greens shall be located so as to be at least 50 feet from any adjacent residentially zoned property under separate ownership.
- B. All tees, fairways and greens shall be located so as to be at least 50 feet from any public street right-of-way.
- C. All tees, fairways and greens which are located within 150 feet from any property used for residential purposes under separate ownership, regardless of the zoning classification of such property, shall be adequately fenced to prevent trespassing upon said residential property.
- D. Clubhouses and other buildings shall be set back at least 500 feet from any adjacent residentially zoned land under different ownership, and shall be set back at least 80 feet from every street. Overnight accommodations shall not be provided for or permitted, except for a dwelling unit for the owner or manager of the facility complying with applicable provisions of this Ordinance and the Township Building Code.
- E. Adequate public rest rooms and other facilities shall be constructed and properly maintained upon the premises.
- F. Rubbish receptacles and disposal service shall be provided in such a manner as to adequately handle rubbish generated on the premises and avoid any nuisance or annoyance to adjoining property owners or the general public.
- G. Off-street parking and loading areas shall be provided as set forth in Article XVI of this Ordinance.
- H. Any sale of foodstuffs, beverages or merchandise shall be clearly incidental to the needs of the occupants and users of the golf course facilities while on the property.
- I. All night lighting shall be designed and arranged so that it does not produce a glare on adjoining premises and/or streets.
- J. No more than one advertising sign shall be allowed on the premises, as set forth in Article XV of this Ordinance.

- K. No golf course shall be designed or arranged so as to require patrons, whether in a golf cart or on foot, to cross a street, except by use of a bridge or viaduct.
8. Horse Boarding or Riding Stable.
- A. Unreasonable noise, odor or other objectionable characteristics shall not be discernible beyond the boundaries of the property upon which the stable is situated.
 - B. Any sale of foodstuffs, beverages, or merchandise shall be clearly incidental to the needs of the users of the stable facilities while on the property, including when scheduled horse shows or other equestrian events are taking place.
9. Institutional or Public Use.
- A. The lot location shall be such that at least one property line abuts a collector street, secondary thoroughfare, or major thoroughfare, and all ingress and egress to and from the lot shall be directly from and on to said street or thoroughfare.
 - B. The off-street parking area required by Article XVI of this Ordinance shall not be located within the required front yard setback area.
 - C. For every foot of height by which the building, exclusive of spire, exceeds the maximum height limitation for the district, an additional foot of front, side and rear yard setback shall be provided beyond the minimum setback requirements.
10. Kennel.
- A. All kennel facilities, including animal run areas, shall be located at least 200 feet from all property lines. Each kennel facility shall provide sufficient square footage for each animal kept, boarded, bred or trained on the property, in accordance with applicable state laws, and the recommendations of the American Kennel Association. All kennel facilities shall have waste disposal systems adequate to handle all animal waste generated from the kennel facilities.
 - B. Noise, odor, or other objectionable characteristics incident to the facility shall not be discernible beyond the boundaries of the premises upon which the facility is conducted.
 - C. All kennel facilities shall be designed, constructed, operated and maintained in such a manner as to provide humane and sanitary

conditions for each animal kept, boarded, bred or trained upon the premises.

11. Mini-Storage Facility.

- A. The mini-storage facility shall not be open between 9:00 p.m. and 7:00 a.m.
- B. The premises shall be completely fenced and screened, with the design, height and type of such fencing and screening to be approved by the Zoning Board.
- C. The storage building(s) and its location on the premises shall be approved by the Zoning Board.
- D. A dwelling unit for an on-site manager and family is permissible, provided the dwelling unit contains at least 960 square feet of floor area, and complies with all applicable provisions of this ordinance and the Township Building Code.

12. Private Airstrip.

- A. All private airstrips shall be located so that the centerline of such airstrip is at least:
 - (1) 200 feet from the property line of the premises upon which the airstrip is located.
 - (2) 200 feet from all public roadways, railroad tracks or dwellings.
 - (3) 250 feet from any building or structure intended for the congregation of people.
- B. The ends of all private airstrips shall be located so that each end is at least:
 - (1) 250 feet from the property lines of the premises upon which the airstrip is located.
 - (2) 340 feet from any interstate highway, and 300 feet from any other public roadway.
 - (3) 500 feet from any railroad track.
 - (4) 500 feet from any structure intended for the congregation of people.

(5) 500 feet from any dwelling.

13. Public Utility Service Facilities.

- A. Public utility buildings shall, whenever practicable, have an exterior appearance similar to or aesthetically compatible with buildings in the immediate area.
- B. All substations, regulator stations and similar facilities shall be enclosed by fencing, or other suitable means of enclosure, not less than six feet in height as determined by the Zoning Board, so as to restrict access to authorized personnel only.
- C. All substations, regulator stations or similar facilities shall be designed, constructed and operated in accordance with all applicable federal, state and local laws, regulations and ordinances, including such laws and regulations of the Michigan Public Service Commission as may apply.
- D. All substations, regulator stations and similar facilities shall be inspected and approved by state-authorized inspectors prior to any operation of the facility.

14. Recreational Vehicle Campground.

- A. All campground facilities shall comply with the requirements imposed by part 125 of the Michigan Public Health Code (MCLA 333.12501 et seq; and any and all amendments thereto, and with any and all regulations promulgated thereunder.
- B. Any sale of food stuffs, beverages or merchandise shall be clearly incidental to the needs of the occupants and users of the campground and related facilities while on the property.

15. Seasonal Mobile Home Park.

- A. All seasonal mobile home parks shall comply with the requirements applicable thereto imposed by Michigan Public Act 96 of 1987, (MCLA 125.01 et seq) and any and all amendments thereto, and with any and all regulations promulgated thereunder by the Michigan Mobile Home Commission or the Michigan Department of Public Health.

16. Foster Care (Large Group) Facility.

- A. (Subsection A. of Section 13.7.2 is incorporated herein by reference).

- B. It shall maintain the property consistent with (or better than) the visible characteristics of the neighborhood.
- C. If the facility involves more than 12 residents, it shall provide a designated passenger loading/ unloading area near a barrier-free entrance to the facility.
- D. If the facility involves more than 12 residents, it shall provide a loading/unloading area of adequate dimensions for delivery vehicles servicing the facility.

ARTICLE XIV

SITE PLAN REVIEW

- 14.1 PURPOSE. The intent of these Ordinance provisions is to provide for consultation and cooperation between the land developer and the Township Zoning Board in order that the developer may accomplish his objectives in the utilization of his land in accordance with the regulations of this Zoning Ordinance and with minimum adverse effect on the use of adjacent streets and on existing and future land uses in the immediate area and vicinity.
- 14.2 USES SUBJECT TO SITE PLAN REVIEW. The following uses shall not be conducted upon any land or in any building/structure, nor shall a building permit be issued for the construction of a building/structure associated with such uses, until a site plan has been submitted to, reviewed, and approved by the Zoning Board in accordance with the provisions of this ordinance pertaining to site plans:
1. Special exception uses.
 2. Office and commercial buildings and developments.
 3. Multiple family dwellings.
 4. Industrial buildings and developments.
 5. Mobile home parks.
 6. Churches.
 7. Planned unit developments, including site condominium projects.
- 14.3 SKETCH PLAN REVIEW. Preliminary sketches of site and development plans may be submitted to the Township Zoning Board. The purpose of the sketch stage is to allow discussion between the developer and the Zoning Board as to site, building and general requirements, to allow the developer to become acquainted with proper procedure and to investigate the feasibility of the project prior to extensive engineering plans being prepared for the final site plan review procedure. All sketch plan stage applications shall include:
1. The name and address of applicant. If a corporation, the name and address of the resident agent thereof. If a partnership, the names and addresses of each partner.
 2. Legal description of the property.
 3. Drawings showing tentative plans.

14.4 FORMAL SITE PLAN APPLICATION CONTENT. All formal site plan review applications shall include, in addition to 1 and 2 above, the following:

1. The date, north arrow and scale [the scale shall be not less than one inch equals twenty feet for property under three acres and at least one inch equals one hundred feet for those three acres or more].
2. All lot and/or property lines shown and dimensioned, including building setback lines.
3. The location, type and height of all existing and proposed structures on and within one hundred feet of the subject property.
4. The location and dimensions of all existing and proposed acceleration and deceleration lanes, sidewalks, curb openings, signs, exterior lighting, parking spaces, drives and aisles, loading and unloading areas, outdoor display and storage areas, and recreation areas, etc.
5. The location of the pavement and right-of-way width of all abutting roads, streets or alleys.
6. The name and firm address of the professional individual responsible for the preparation of the site plan (including imprint of professional seal, if any).
7. The name and address of the property owner or petitioner.
8. The location of all rubbish receptacles and landscaping and the location, height and type of fences and walls.
9. The size and location of existing and proposed utilities, including proposed connections to public sewer or water supply systems, if available.
10. The location of all fire hydrants.
11. The lot size (basis of calculation), setbacks, trailer pads, patios, and complete park layout for mobile home parks.
12. The location and dimensions of all existing and proposed interior and exterior areas and structures (including above or below ground storage tanks) to be used for the collection, storage, use, loading/unloading, recycling or disposal of any chemicals, fuels, flammable materials, contaminated stormwater or washwater, or hazardous materials.
13. The size, type and location of all existing and proposed floor drains.
14. The location and size of all existing and proposed exterior drains, drywells, catch basins, retention/detention areas, sumps and other facilities

designed to collect, store or transport stormwater, including the point of discharge for all associated drains and pipes.

15. The location of all areas on the site which are known or suspected to be contaminated, together with a report on the status of site clean-up.
16. The percentage of the property covered by buildings, and the portion reserved for open space.
17. A property survey by registered surveyor.
18. The existing and proposed contour of the property, and its relationship to adjoining lands [two foot intervals, minimum].
19. The location of all lakes, rivers, streams, wetlands, county drains, and other waterways abutting or within 100 feet of the subject property.
20. The front, side and rear elevations for all buildings on the property. Also, with respect to site plans involving multiple dwellings, either floor plans for all such buildings or information which is otherwise sufficient to show compliance with the applicable minimum gross floor area per dwelling unit square footage requirement. (Complete floor plans are optional with respect to other types of developments subject to site plan review, but may be required by the Zoning Board where deemed necessary to properly evaluate compliance with the criteria for site plan approval).
21. A description of the operation proposed in sufficient detail to indicate the effects of those operations in producing traffic congestion, noise, glare, air pollution, water pollution, land pollution, fire or safety hazards, or the emission of all potentially harmful or obnoxious matter or radiation.
22. A statement of the environmental impact of the development, to the extent not addressed by the description of the operation, as required above.
23. Engineering and architectural plans for the treatment and disposal of sewage and industrial waste tailings and unusable by products.
24. The proposed number of shifts to be worked and the maximum number of employees on each shift.
25. Any other information deemed necessary by the Township Zoning Board.
26. The Zoning Board may waive any of the above enumerated requirements whenever the Zoning Board determines that such requirement is not necessary for a specific site plan due to the fact that:

- A. The Zoning Board finds from the evidence presented that the condition does not apply and is therefore unnecessary to evaluate the use for which approval is sought; or
- B. The Zoning Board finds from the evidence that the condition can be waived or modified because there are practical difficulties or unnecessary hardships of a non monetary nature in carrying out the strict letter of the condition, and the Zoning Board finds as a fact that the waiver or modification is appropriate so that the spirit of the Ordinance is observed, public safety is secured, there is no detriment resulting therefrom, or a detriment is alleviated thereby.

14.5 FORMAL SITE PLAN SUBMITTAL AND REVIEW SCHEDULING PROCEDURES.

- 1. The applicant shall submit the site plan and all related information to the Township Zoning Administrator (or other designee of the Zoning Board) at least 14 days before the Zoning Board meeting at which the applicant would like to have the site plan reviewed.
- 2. The Township Zoning Administrator (or other designee of the Zoning Board) shall initially review the site plan and all related information submitted by the applicant for "administrative completeness", and shall identify all concerns relating to the ordinance criteria for approval of the site plan.
- 3. A site plan which is determined by the Zoning Administrator (or other designee of the Zoning Board) to be administratively incomplete shall not be distributed to the Zoning Board or placed on the agenda of a Zoning Board meeting.
- 4. When the Zoning Administrator (or other designee of the Zoning Board) has determined a site plan to be administratively complete the applicant shall supply the Zoning Administrator with 7 copies of the administratively complete site plan and all related information. The Zoning Administrator shall distribute a copy of the site plan and all related information submitted by the applicant, and the Administrator's report on same, to each member of the Zoning Board and to the Building Official no later than 7 days prior to the Zoning Board meeting at which the applicant would like to have the site plan reviewed. The Zoning Administrator shall retain 1 copy of the administratively complete site plan and all related information submitted by the applicant, and shall file 1 copy of same with the Township office to be available for public examination.

14.6 SITE PLAN APPROVAL.

1. The Township Zoning Board shall approve or disapprove, or approve subject to compliance with certain modifications, the site plan in accordance with the purpose and intent of this Ordinance and the criteria set forth in this Ordinance. Prior to reviewing or approving a site plan the Zoning Board may, in its discretion, request comments and recommendations on the site plan from the Township Planner, the Township Engineer, the Township Fire Chief/Fire Marshall, the Township Building Official, and such other parties as the Zoning Board may, in its discretion, determine to be advisable or necessary with respect to a particular site plan.

2. Criteria for Site Plan Review:

The site plan shall be reviewed and approved by the Township Zoning Board upon a finding that:

- A. The proposed use will not have a harmful effect on the surrounding neighborhood development, and any adverse effect upon surrounding property is minimized by appropriate screening in the form of fencing, walls and/or landscaping.
- B. There is a proper relationship between the existing streets and proposed service drives, acceleration and deceleration lanes, and driveways and parking areas so as to insure the safety and convenience of pedestrian and vehicular traffic.
- C. The adverse effects resulting from the locations of buildings and accessory structures are minimized to the occupants of adjacent properties.
- D. The proper development of roads, easements and utilities has been provided to protect the general health, safety and welfare of the citizens of the Township.
- E. The natural features of the landscape, such as ponds, streams, hills, wooded areas, etc. have been retained as practicable, where they afford a barrier or buffer between adjoining properties being put to different use or where they assist in preserving the general appearance of the area, and any grade changes are in keeping with the general appearance of neighboring developed areas and not detrimental to erosion control.
- F. The height and location of all portions of buildings and structures are accessible to available emergency vehicles and equipment.

- G. The proposed development will comply with all applicable provisions of this Ordinance, and all other applicable ordinances, laws, rules and regulations.
 - H. The development plan is consistent with the purposes of zoning regulation in Constantine Township, as set forth in Section 1.2 of this Ordinance.
 - I. All areas and structures where chemicals, fuels, flammable materials, contaminated stormwater or washwater, or hazardous materials are to be collected, stored, used, loaded/unloaded, recycled, generated or disposed of have been designed and located to prevent spills and discharges to the air, surface of the ground, groundwater, lakes, streams, rivers and wetlands, except as may be specifically permitted by a state or federal governmental agency.
 - J. All floor drains have been approved by the responsible governmental agency for connection to an on-site closed holding tank, or, where appropriate, to a septic system or public sewer system, or regulated through a State of Michigan groundwater discharge permit.
3. Security Deposit:
- A. To insure compliance with the zoning ordinance and conditions imposed at the time of site plan approval, the Zoning Board may require that a cash deposit, certified check, irrevocable bank letter of credit or surety bond acceptable to the Zoning Board, covering one hundred twenty five percent (125%) of the estimated costs of improvements associated with a project for which the site plan approval is sought, be deposited with the Township Clerk to insure faithful completion of the improvements.
 - B. The Zoning Board shall by resolution request the Township Clerk to rebate said security deposit in reasonable proportion to the ratio of work completed on the required improvements as the work progresses. The amount of rebate shall be determined from time to time at regular or special meetings of the Zoning Board based upon evidence presented by the applicant and/or appropriate township officials demonstrating the ratio of work completed on the required improvements.
 - C. If any improvements are not constructed within the time limit established as part of the site plan approval or within any extension thereof, then the Zoning Board shall by resolution request the Township Board to take appropriate legal steps to insure

completion using so much of the security deposit as is necessary for such purpose.

- D. As used herein, "improvements" means those features and actions associated with a project which are considered necessary by the Zoning Board to protect natural resources, or the health, safety, and welfare of the residents of a Township and future users or inhabitants of the proposed project or project area, including roadways, lighting, utilities, sidewalks, screening, and drainage. Improvements does not include the entire project which is the subject of zoning approval.

- 14.7 MODIFICATIONS. Any modifications of the site plan desired by the Township shall be so stated to the applicant. Site plan approval may then be granted contingent upon the revision of said site plan by the petitioner to the satisfaction of the Township Zoning Board. If any part of the approved site plan is in conflict with any section of this Ordinance in terms of setbacks, parking spaces, maneuvering lanes, etc., a variance must first be obtained from the Zoning Board of Appeals. A copy of the final approved site plan, with its modifications, shall be on record in the Township offices. The copy shall have the signature of the Zoning Board Chairman. If variances are required and have been secured, the document granting variance shall show the signature of the Chairman of the Zoning Board of Appeals.
- 14.8 CONFORMITY TO APPROVED SITE PLAN. Property which is the subject of site plan approval must be developed in strict conformity with the approved site plan for that property, including any site plan modifications approved by the Zoning Board and variances granted by the Zoning Board of Appeals in accordance with this Ordinance.
- 14.9 REVOCAION. Any site plan approval may be revoked when the construction of said development is not in conformance with the approved plans, in which case the Township Zoning Board shall give the applicant notice of intention to revoke such approval at least ten days prior to review by the Zoning Board. After conclusion of such review, the Zoning Board may revoke its approval of the development if the Zoning Board determines that a violation in fact exists and has not been remedied prior to such hearing.
- 14.10 TERM OF APPROVAL. The site plan approval shall be valid for a period of one year. One six month time extension may be granted by the Zoning Board upon a showing of good cause. At the end of the approval period, including any extension granted by the Zoning Board, if no building permit has been obtained and on site development actually begun the site plan approval becomes void, and the developer shall submit a new application for approval before any construction or earth change is commenced.

Pages 84-86 reserved for expansion

ARTICLE XV

SIGN REGULATIONS

- 15.1 PURPOSE AND INTENT. The purpose of this Article is to regulate and limit the construction and reconstruction of various types of signs, including billboards, to protect the public health, safety, and general welfare. These regulations are therefore designed to restrict or prohibit signs which would, by reason of their size, location, construction or manner of display, endanger life or property, confuse or mislead traffic, obstruct vision necessary for vehicular and pedestrian traffic safety, or otherwise be inconsistent with other allowed land uses or contrary to the public welfare.
- 15.2 DEFINITIONS. For purposes of this Article, the following words and terms shall have the meanings hereinafter set forth in this Section.
1. Accessory Sign: A secondary sign relating in its subject matter to the premises on which it is located, or to products, accommodations, services, or activities on the premises.
 2. Advertising Sign: Any sign, or portion thereof, including the wall of any building, advertising a business, service, product, activity, person, or event, which is made, produced, assembled, stored, distributed, leased, sold, or conducted on the premises upon which the sign is located.
 3. Area (Surface Area): The entire area within a regular geometric form or combination of regular geometric forms comprising all of the display area of the sign and including all of the elements of the matter displayed. Frames and structural members not bearing advertising matter shall not be included in computation of surface area. If a sign is designed to have matter displayed on more than one side, then all such sides shall be included in computation of surface area.
 4. Billboard: Any outdoor sign, or portion thereof, including the wall of any building, advertising a business, service, product, activity, person, or event, which is not made, produced, assembled, stored, distributed, leased, sold, or conducted on the premises upon which the sign is located.
 5. Election/Campaign Signs: Signs advertising candidates for any public office, or soliciting votes in support of or against any ballot proposition or issue, at any general, primary, special, school or other election. These types of signs shall, by their nature, also be considered "Temporary"; provided, however, that permanent Billboards advertising such political matters shall not constitute an Election/Campaign sign for purposes of this Article.

6. Free-Standing Sign: A sign supported by one or more uprights, poles or braces placed in or upon the ground surface and not attached to any building.
7. Identification Sign: A sign that only identifies the name and street address of the owner or resident of premises.
8. Illuminated (or Illumination): These terms refer to any artificial means of lighting, either directly or indirectly, any portion of a sign.
9. Institutional Bulletin Board: A sign containing a surface area upon which is displayed the name of a religious institution, school, library, community center or similar institution, and the announcement of its institutional services or activities.
10. Number (of Signs): Except as otherwise provided in this Article with respect to Billboards, for the purpose of determining the permitted number of signs, a sign shall be considered to be a single display surface or display device containing elements organized, related, and composed to form a unit. Where matter is displayed in a random manner without recognized relationship of elements, or where there is reasonable doubt about the relationship of elements, each element shall be considered to be a single sign.
11. Off-Premises: This term refers to a sign whose message relates to a business, service, commodity, or profession lawfully being conducted, sold or offered on premises other than that upon which the sign is situated.
12. On-Premises: This term refers to a sign whose message relates to a business, service, commodity, or profession lawfully being conducted, sold or offered on the premises upon which the sign is situated.
13. Portable Sign: A type of free-standing sign not permanently anchored or secured to either a building or the ground.
14. Real Estate Sign: A sign advertising the sale, rental or leasing of the land or buildings upon which the sign is located, or buildings under construction and intended for sale, rental or leasing upon completion of construction.
15. Subdivision Sign: A sign placed at the primary entrance to a subdivision, containing information only about that subdivision.
16. Temporary Sign: A type of sign which may or may not have a structural frame, and which because of its function, such as advertising seasonal produce sales, holiday or civic events, political candidates or issues, or

other short-term matters, is not intended or usually designed to be permanent.

17. Wall Sign: A sign which is attached directly to or painted upon a building wall or window.

15.3 SIGNS ALLOWED/PROHIBITED. Signs are allowed to be located according to the zoning district in which they are situated in accordance with the provisions of this Article pertinent to the particular zoning district, in accordance with Section 15.6 governing signs allowed in all zoning districts, and further in accordance with the General Provisions section of this Article governing certain aspects of signs in all zoning districts. A sign not expressly allowed in a specific zoning district or generally allowed in all zoning districts pursuant to this Article is prohibited.

15.4 SIGNS IN THE "AG-1", "AG-2", "RR" AND "R-1" AGRICULTURE AND RESIDENTIAL DISTRICTS: The following types of signs are allowed in the "AG-1", "AG-2", "RR" and "R-1" Agriculture and Residential Districts, provided that the height of any such allowed signs shall not exceed five feet above (1) the grade of the ground on which the sign sits or (2) the grade of the abutting roadway, whichever is greater; such signs, including all supporting members and overhangs, shall be set back in accordance with the applicable setback requirements for buildings/structures in the district, except that such signs shall be situated, with respect to side lot lines, so as to be placed within the middle 1/3 of the street frontage of the parcel upon which the sign is erected:

1. One non-illuminated Identification Sign per dwelling unit, not exceeding two square feet in area.
2. One or more signs that serve only to identify the name of a farm, farm owner, types of crops, or types of livestock produced thereon, not exceeding an aggregate total of eight square feet for all such signs pertaining to the same farm or farm parcel.
3. One on-premises Institutional Bulletin Board per Institutional or Public Use, not exceeding 32 square feet in area.
4. One Temporary Sign per lot advertising for sale produce raised on the premises, not exceeding 32 square feet in area.
5. One on-premises Advertising Sign per lot, not exceeding 32 square feet in area, relating to a conforming non-residential use on the premises, other than a sign for a use specifically provided for herein.
6. Two on-premises Subdivision Signs or signs identifying or containing information about a Mobile Home Park, placed at the primary entrance to

a subdivision or mobile home park, each not exceeding 16 square feet in area; or, in the alternative, one such sign not exceeding 32 square feet in area.

15.5 SIGNS IN THE "C-I" COMMERCIAL/INDUSTRIAL DISTRICT. The following types of signs are allowed in the "C-I" Commercial/Industrial District:

1. One on-premises Advertising Sign per lot, complying with the following requirements:
 - A. The total sign area shall not exceed 80 square feet; provided, however, that the maximum sign area shall be 125 square feet for conforming lots fronting on U.S. 131.
 - B. The height of the sign shall not exceed 20 feet above (1) the grade of the ground on which the sign is situated or (2) the grade of the abutting roadway, whichever is higher.
 - C. The sign, including all supporting members and overhangs, shall be set back a minimum of ten feet from the adjoining street right-of-way line.
 - D. The sign shall be situated, with respect to side lot lines, so as to be placed within the middle 1/3 of the street frontage of the parcel upon which the sign is erected.
2. In addition, not more than five accessory signs, including wall signs, are allowed for on-premises advertising, complying with the following requirements:
 - A. The combined area of all such accessory signs shall not exceed 100 square feet, or, in the case of wall signs, 15% of the total area of the wall to which the signs are attached, not to exceed 100 square feet; provided, however, in cases where a commercial building houses multiple business enterprises each of which exclusively occupies a distinct portion of the building accessed by a separate entrance, each such separate business enterprise shall be allowed wall signs covering not more than 15% of the total front wall space pertaining to such business entity, not to exceed 100 square feet.
 - B. All wall signs shall project no more than 18 inches from the wall, and shall be no less than eight feet above the abutting grade.
 - C. Free-standing or portable accessory signs (not wall signs) shall comply with the height, setback and placement requirements

applicable to the primary Advertising Sign allowed pursuant to subsection 1 of this section.

3. Billboards shall be allowed on conforming lots fronting on U.S. 131, in accordance with the following regulations:
 - A. Not more than three billboards may be located per linear mile of street or highway regardless of the fact that such billboards may be located on different sides of the same street or highway. The linear mile measurement shall not be limited to the boundaries of Constantine Township where the particular street or highway extends beyond such boundaries. 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. No billboard shall be located within 1,000 feet of another billboard abutting either side of the same street or highway.
 - C. No billboard shall be located within 200 feet of a Residential District and/or existing residence, church, or school. If the billboard is illuminated, this required distance shall instead be 300 feet.
 - D. No billboard shall be located closer than 50 feet from a property line adjoining a public right-of-way or 3 feet from any interior boundary lines of the premises on which the billboard is located.
 - E. The surface display area of any side of a billboard shall not exceed 300 sq. feet. In the case of billboard structures with tandem or stacked billboard faces, the combined surface display area of both faces shall not exceed 300 sq. feet.
 - F. The height of a billboard shall not exceed 25 feet above (1) the grade of the ground on which the billboard sits or (2) the grade of the abutting roadway, whichever is higher.

- G. No billboard shall be on top of, cantilevered or otherwise suspended above the roof of any building.
- H. 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.
- I. A billboard established within a business, commercial, or industrial area, as defined in the "Highway Advertising Act of 1972" (1972 PA 106, as amended) bordering interstate highways, freeways or primary highways as defined in said Act shall, in addition to complying with the above conditions, also comply with all applicable provisions of said Act and the regulations promulgated thereunder, as such may from time to time be amended. In the event of a conflict between the applicable provisions of said Act and the applicable provisions of this Ordinance, the provisions of this Ordinance shall be controlling.

15.6 SIGNS ALLOWED IN ALL ZONING DISTRICTS. The following types of signs shall be allowed in all zoning districts, subject to the lighting, maintenance and locational regulations in Section 15.7 of this Ordinance, and any other applicable laws:

- 1. Flags and insignia of any government, except when displayed in connection with commercial promotion.
- 2. Legal notices posted by any governmental body.
- 3. Identification, informational or directional signs, or other types of signs lawfully erected or required by any governmental body including, but not limited to, the State of Michigan, St. Joseph County, or Constantine Township.
- 4. Governmental use signs erected by governmental bodies to designate hours of activity or conditions of use for parks, parking lots, recreational areas, governmental buildings, or other public places.
- 5. Signs directing and guiding traffic and parking on private property, including private off-street parking areas open to the public, provided any such sign does not exceed four square feet in area, and is limited to traffic control functions, and bears no advertising matter.

6. Historic signs designating sites recognized by the State of Michigan as Centennial Farms or Historic Landmarks, provided any such sign does not exceed 16 square feet in area.
7. Signs posted to control or prohibit trespassing, hunting or fishing upon private property or public property.
8. Essential service signs designating utility lines, railroad lines, hazards, or precautions, properly erected and placed by a public or private utility company or railroad, or a governmental entity.
9. Headstones and monuments in public or lawfully established private cemeteries, and memorial signs or tablets which are either (1) cut into the face of a masonry surface, or (2) constructed of bronze or other incombustible materials and located flat on the face of a building.
10. Banners and similar devices erected by a governmental entity to advertise a public event or civic function sponsored by a governmental entity.
11. Temporary Election/Campaign signs.
12. One Real Estate Sign per lot, located on-premises only while the premises are actually on the market for sale, rent or lease, and not exceeding eight square feet in area; provided, however, that on a corner lot or lot with more than 300 feet of road frontage, more than one Real Estate Sign is allowed so long as the aggregate total of all such signs does not exceed eight square feet in area.
13. Temporary construction signs designating architects, engineers, or contractors in conjunction with construction work under construction, not exceeding one per project of no more than eight square feet for single family dwelling and two-family dwelling construction projects, and not exceeding 32 square feet in area for all other types of construction projects.
14. Signs or other special decorative displays used for holidays, public demonstrations, or promotion of civic welfare or charitable purposes, only when authorized by the Township Board, based upon the following standards:
 - A. The size, character and nature of the sign or display shall be compatible with the nature of the matter being promoted.
 - B. The duration or time period during which the sign or display will be utilized shall be reasonably related to the nature of the matter being promoted and the proper promotion of same. Arrangement shall be

made for the prompt removal of the sign or display after the conclusion of the matter being promoted.

- C. The sign or display shall not affect light or air circulation for lots which are either adjoining or in the surrounding neighborhood of the proposed sign or display.
- D. The sign or display shall not constitute a traffic hazard.
- E. The sign or display shall not have an adverse or detrimental impact on adjoining lots or the surrounding neighborhood.

- 15. One temporary auction or garage sale/yard sale sign located on the premises where such a sale is lawfully being conducted, only while the sale is in progress, and not exceeding 8 square feet in area.

15.7 GENERAL PROVISIONS AND REQUIREMENTS. The following provisions and requirements shall be applicable to all types of signs in all zoning districts, unless specifically stated to the contrary in this Article:

- 1. No free-standing Advertising Sign or Billboard shall be erected without a permit for same being first obtained from the Zoning Administrator or Building Official, or such other appropriate official as may be designated by the Township Board, which permit shall be granted upon a showing of compliance with the provisions of this Ordinance and payment of the required fee. Fees for such permits shall be established from time to time by motion or resolution of the Township Board, with the amount of such fees being reasonably related to the costs to the Township of administering the portions of this Ordinance and any other ordinances applicable to such signs.
- 2. No sign shall be erected at any location where, by reason of position, size, shape or color, it may interfere with, obstruct the view of, or be confused with an authorized traffic sign, signal or device, or so as to interfere with, mislead or confuse vehicular or pedestrian traffic.
- 3. No rotating beam, beacon or flashing illumination shall be used in connection with any sign.
- 4. Subject to the preceding restriction, signs may be illuminated unless prohibited by another Section of this Article applicable to a particular type of sign; where illumination is allowed, such illumination shall be concentrated on the surface of the sign, and the source of illumination shall be designed and located so as to avoid glare or reflection on to any portion of an adjacent street, the path of on-coming vehicles, or any adjacent premises.

5. All signs shall be designed and constructed in such a manner as to withstand all wind and other weather conditions normally expected to occur in the area. All signs shall be properly maintained and repaired so as to assure proper alignment of structure, continued structural soundness, and continued readability of message, and also so as to not become unsightly or dilapidated in appearance or function through disrepair or exposure to the elements.
6. Temporary signs shall be removed from view of public roadways and adjoining properties within five days after the event or matter to which they pertained has been concluded.
7. All lawful nonconforming signs and sign structures shall be subject to the regulations governing nonconforming uses and nonconforming structures set forth in Article XVII of this Ordinance.

ARTICLE XVI

PARKING AND LOADING SPACES

- 16.1 GENERAL OFF-STREET PARKING REQUIREMENT. In all zoning districts, every property owner shall provide and maintain at all times sufficient off-street parking areas, and the necessary loading and unloading facilities associated thereto, for all the occupants, employees and patrons of all land uses on the property, in accordance with the provisions of this Article. No parking area or space, or loading/unloading facilities which exist at the time this Ordinance becomes effective, or which subsequently is provided for the purpose of complying with the provisions of this Ordinance, shall thereafter be relinquished or reduced in any manner below the requirements established by this Ordinance.
- 16.2 PARKING SPACE SIZE AND ACCESS. Each off-street parking space required by this Article shall be at least nine feet in width and 180 square feet in area, exclusive of access drives or aisles. Handicapped parking spaces shall be provided in accordance with state law. There shall be adequate provision for ingress and egress to all parking spaces.
- 16.3 BUILDING ADDITIONS. Whenever an addition is made to an existing building, the parking area shall be increased sufficiently to comply with the requirements of this Article.
- 16.4 MULTIPLE AND JOINT USE. The number of parking spaces required for land or buildings used for two or more purposes shall be the sum of the requirements for the various individual uses, computed in accordance with this Article. Parking facilities for one use shall not be considered as providing the required parking facilities for any other use; provided, that requirements for the provisions of parking facilities with respect to two or more property uses of the same or different types may be satisfied by a common parking facility, cooperatively established and operated, which permanently allocates a number of spaces not less than the sum of the requisite number of spaces for each use as provided in this Article.
- 16.5 PROHIBITED DESIGN. All off-street parking areas that make it necessary for any vehicle to back out directly into a public street are prohibited.
- 16.6 PARKING SPACES FOR USES NOT SPECIFIED. In the case of a use not specifically mentioned in this Article in the Table of Off-Street Parking Requirements, the applicable requirement for the number of off-street parking spaces shall be the requirement for a use which is so mentioned and which is most similar to the unspecified use.
- 16.7 FRACTIONAL SPACES. When the calculation of the required number of parking spaces pursuant to this Article results in a fractional space, any fraction up to and

including one half shall be disregarded, and fractions over one half shall require one parking space.

16.8 REQUIREMENTS FOR PARKING IN AGRICULTURE AND RESIDENTIAL DISTRICTS. All uses and buildings on premises in the Agriculture Districts or any of the Residential Districts shall comply with the following:

1. The requirements in Sections 16.1 - 16.7 of this Article.
2. The applicable portion of the Table of Off-Street Parking Requirements set forth hereafter in this Article.
3. All off-street parking spaces required pursuant to this Article shall be located on the same lot as the principal use.
4. All off-street parking spaces shall be at least 5 feet from any property line or street.
5. (applicable only in "R-1" District) The parking of motor vehicles, except those used for agricultural production in conjunction with an allowed use on the premises, shall be limited to passenger vehicles, including vans and pickup trucks, motor homes, and not more than one commercial vehicle of the light delivery type not exceeding 8,500 pounds of gross vehicle weight (weight of vehicle and load capacity). The parking of any other type of commercial vehicle is prohibited in this zone.

16.9 REQUIREMENTS FOR PARKING IN COMMERCIAL/INDUSTRIAL DISTRICT. All uses and buildings on premises in the Commercial/ Industrial District shall comply with the following:

1. The requirements of Sections 16.1 - 16.7 of this Article.
2. The applicable portion of the Table of Off-Street Parking Requirements set forth hereafter in this Article.
3. All off-street parking facilities required pursuant to this Article shall be located on the same parcel as the principal use, or on an contiguous lot, which shall include a lot separated from the main lot by a street.
4. All off-street parking spaces shall be at least 10 feet from any property line or street.
5. All off-street parking facilities shall be drained so as to prevent run-off on adjacent properties or public streets.
6. Off-street parking areas which adjoin premises situated in a Residential District shall be set back at least 30 feet from all property in that District,

and shall be effectively screened by either a dense evergreen planting, fence, or retaining wall, not less than four feet or more than eight feet in height, as determined, with respect to type and height of screening, by the Zoning Board in the site plan review process.

7. Lighting of off-street parking areas shall be designed and arranged so as to reflect the light away from all adjacent residentially used lots, regardless of the zoning district in which such lots are situated.
8. Service or access drives shall be located at least 70 feet from a lot line abutting a residentially used lot, regardless of zoning classification, and at least 10 feet from all other lot lines.
9. No ingress or egress to a parking area shall utilize any residential street, other than a side street with no residential lots facing upon it.
10. All off-street parking areas shall be maintained in a usable dust-free condition.
11. All off-street parking areas providing space for more than four vehicles shall have the individual parking spaces marked on the surface of the parking area.
12. Sufficient on-premises loading/unloading space shall be provided in such a manner as to avoid undue interference with public use of the streets or any access aisles for off-street parking areas. For any commercial or industrial use requiring more than four off-street parking spaces pursuant to this Article, the loading/unloading areas shall be conducted in side or rear areas of the building, and shall not in any manner utilize the required off-street parking spaces.
13. No parking area may be constructed, enlarged or altered before a building permit is obtained. A permit shall not be issued until the site development plan has been approved by the Zoning Board in accordance with this Ordinance. No parking area shall be occupied or used as a parking area prior to the issuance of an Occupancy Permit for the use which the parking area is intended to serve.

16.10 TABLE OF OFF-STREET PARKING REQUIREMENTS: The amount of required off-street parking space for new uses or buildings, additions thereto, and additions to existing buildings as specified above, shall be determined in accordance with the following table, and the space so required shall be stated in the application for a building permit and shall be irrevocably reserved for such use; provided, however, that notwithstanding the following minimum parking space requirements designated for various land uses, every property owner shall provide and maintain at all times a sufficient number of off-street parking spaces

and, where applicable, the necessary loading and unloading facilities associated therewith, for all the occupants, employees and patrons of the property. Thus, depending upon individual circumstances, a greater number of parking spaces may be required in order to comply with this overriding requirement.

<u>USE</u>	<u>NUMBER OF MINIMUM PARKING SPACES PER UNIT OF MEASURE</u>
1. <u>Residential</u>	
A. Single Family and Two Family Dwelling	Three for each dwelling unit
B. Multiple Family Dwelling	Two for each dwelling unit
C. Mobile Home Park	Two for each mobile home site; plus one for each employee
D. Boarding House	One for each sleeping room
E. Child Day Care Home (family or group); Foster Care Facility	One for each sleeping room
2. <u>Institutional and Recreational</u>	
A. Church	One for each 35 feet of gross floor area
B. Hospital	1.75 for each bed; plus the number required for office, clinic and similar uses, where applicable
C. Convalescent or Nursing	0.5 for each bed; plus one for each employee
D. Elementary and Junior High School	One for each teacher and administrator; plus the number required for the auditorium/gym, where applicable

<u>USE</u>	<u>NUMBER OF MINIMUM PARKING SPACES PER UNIT OF MEASURE</u>
E. Senior High School	One for each teacher and administrator; plus one for each ten students; plus the number required for the auditorium/gym, where applicable
F. Private Club	One for each 350 square feet of usable floor area
G. Golf Course	Six for each golf hole; plus one for each 100 square feet of usable floor area of clubhouse/pro shop; plus one for each employee
H. Miniature Golf Course	Three for each hole; plus one for each employee
I. Auditorium, Gymnasium, Indoor Theater, Stadium, Sports Arena or similar place of assembly	Indoor theater: one for each three seats; plus five for employees; Others: one for each four seats
3. <u>Business and Commercial</u>	
A. Automotive Service Station/Repair Garage	Six for customer vehicles; plus one for each employee
B. Car Wash	One for each employee
C. Barber and Beauty Shop	Two for each barber chair; and three for each beautician station
D. Child Day Care Center	One for each staff member; plus one for each five children (or one for each ten children if adequate drop-off facilities are provided)

<u>USE</u>	<u>NUMBER OF MINIMUM PARKING SPACES PER UNIT OF MEASURE</u>
E. Drive-in Establishment	One for each 50 square feet of gross floor area
F. Restaurant or other Establishment for Sale/Consumption of Beverages, Food or Refreshments on the premises	One for each 75 square feet of gross floor area; plus one for each employee
G. Furniture and Appliance Household Equipment, Repair Shop, Showroom for Plumber, Decorator, Electrician or Similar Trade, Shoe Repair and other similar uses	Showrooms: one for each 400 square feet of usable floor area Repair Shops: One for each 350 square feet of usable floor area
H. Laundromat and Coin Operated Dry Cleaner	One for each 350 square feet of usable floor area
I. Funeral Establishment	Three for each 100 square feet of gross floor area
J. Automotive Sales Area (including boats, farm equipment, etc.)	One for each 400 square feet of usable floor area
K. Retail Store, except as otherwise specified herein	One for each 350 square feet of usable floor area
4. <u>Offices</u>	
A. Bank, Credit Union, Savings and Loan	One for each 250 square feet of gross floor area
B. Business or Professional Office, except as indicated in the following item (C)	One for each 400 square feet of gross floor area
C. Medical or Dental Clinic, Professional Offices of Doctor, Dentist or similar professions	One for each 175 square feet of gross floor area

<u>USE</u>	<u>NUMBER OF MINIMUM PARKING SPACES PER UNIT OF MEASURE</u>
5. <u>Industrial</u>	
A. Industrial or Research Establishment	One for each 1,000 square feet of floor area; plus one for each 350 square feet of office, sales, or similar space. Space on-site shall also be provided for all construction workers during periods of plan construction
B. Wholesale or Warehouse Establishment	One for each 1,000 square feet of floor area for the first 20,000 square feet; plus one for each 2,000 square feet of gross floor area for the second 20,000 square feet; plus one for each 4,000 square feet of gross floor area over 40,000 square feet

ARTICLE XVII

NONCONFORMING USES, BUILDINGS/STRUCTURES AND LOTS

- 17.1 SCOPE OF REGULATIONS. This Article governs lawfully established nonconforming uses, buildings, structures, and lots, and nothing herein shall be interpreted as authorization for or approval of the initiation, continuance or reestablishment of an unlawful use, building/structure or lot.
- 17.2 CONTINUATION OF NONCONFORMING USES AND BUILDINGS/STRUCTURES. Except where specifically provided to the contrary, and subject to the provisions of this Article, a lawful use, building/structure or lot which is existing and lawful on the effective date of this ordinance, or in the case of an amendment of this ordinance then on the effective date of such amendment, may be continued even though such use, building/ structure or lot does not conform with the provisions of this ordinance or applicable amendment thereof. A change in the ownership, tenancy or occupancy of a use, building/structure or lot shall not affect such continuation rights.
- 17.3 EXPANSION OF NONCONFORMING USE OR BUILDING/STRUCTURE. A nonconforming use or nonconforming building/structure shall not be expanded, extended, enlarged, or otherwise altered, unless:
1. Such expansion, extension, enlargement or alteration is, by itself, in conformity with the provisions of this ordinance and does not aggravate the existing nonconforming condition; or,
 2. Such expansion, extension, enlargement or alteration is authorized by the Zoning Board of Appeals pursuant to Article XVIII of this Ordinance and upon a showing that the requested expansion, extension, enlargement or alteration will not substantially extend the otherwise reasonably anticipated useful life of the nonconforming use or building/structure.
- 17.4 REPAIR, MAINTENANCE AND RESTORATION OF NONCONFORMING USE OR BUILDING/STRUCTURE. Such ordinary repairs and maintenance work as may be necessary to keep a nonconforming use or building/structure in sound condition, or as may be required to conform with law, may be made provided that no such work shall include structural alterations which are likely to extend the reasonably anticipated useful life of the building/structure. If a nonconforming building/structure is damaged or destroyed by fire, flood, wind, or other calamity to the extent of 50% or more of its fair market value at the time of such damage or destruction, said building/structure shall not be repaired or otherwise restored or reconstructed except in conformity with this ordinance. Where such damage or destruction is less than 50% of the fair market value of the building/structure at the time of such damage or destruction, the building/structure may be repaired or otherwise restored and reconstructed so as to be not more nonconforming than at the time of the damage or destruction. Any such reconstruction right shall be considered terminated by abandonment if reconstruction is not started within six months from the time of the damage or destruction.

1. Special Rule For Nonconforming Single Family Dwellings. Notwithstanding the foregoing, a single family dwelling situated in a zoning district where a single family dwelling is an allowed use, which is damaged or destroyed to the extent of 50% or more of its fair market value at the time of damage or destruction may be reconstructed at the same location in such a manner as to comply with the minimum gross floor area requirement for a single family dwelling in the R-1 Single Family and Two Family Residential District. Any such reconstruction right shall be considered terminated by abandonment if reconstruction is not started within six months from the time of the damage or destruction.
- 17.5 CHANGE OF NONCONFORMING USE. A nonconforming use shall not be changed to any other nonconforming use except as may be authorized by the Zoning Board of Appeals pursuant to Article XVIII of this Ordinance, and upon a finding that the proposed new use will substantially decrease the degree of nonconformity and be more compatible with adjacent uses than the prior nonconforming use.
- 17.6 DISCONTINUATION AND REESTABLISHMENT OF NONCONFORMING USES AND BUILDINGS/STRUCTURES.
 1. Reestablishment. A nonconforming use shall not be reestablished after it has been changed to a conforming use. A nonconforming building/structure shall not be reestablished after it has been changed to a conforming building/structure.
 2. Discontinuation. A nonconforming use or nonconforming building/structure shall not be reestablished after being discontinued, vacant, not conducted or abandoned without an intention to resume same. Such an intention shall be presumed after discontinuation, etc. for a period of one year.
- 17.7 NONCONFORMITY DUE TO REZONING OR TEXT AMENDMENT. The provisions of this Article shall also apply to uses, buildings/structures or lots which hereafter become nonconforming due to any rezoning or a change in the text provisions of this ordinance.
- 17.8 BUILDING UPON NONCONFORMING LOTS. Any lot that was lawfully created prior to October 21, 1994 (including in compliance with any zoning ordinance then in effect) but which fails to comply with the minimum lot area or lot width requirements of this Ordinance, shall be considered to be a "buildable" lot for a single family dwelling; provided that notwithstanding any of the foregoing, two or more undeveloped contiguous lots or portions of lots in single ownership on October 21, 1994 or at the date of building permit application shall be required to be considered as an undivided "zoning lot" to create a conforming or less nonconforming lot for purposes of this Ordinance, regardless of when such lots were created.

Except as provided above, a nonconforming lot created prior to October 21, 1994 shall be "buildable" only pursuant to a variance approved by the Zoning Board of Appeals.

Except as specifically provided herein, all use and development of a "buildable" nonconforming lot must comply with all applicable provisions of this Ordinance (setbacks, parking, signage, etc.).

ARTICLE XVIII

ZONING BOARD OF APPEALS

- 18.1 CREATION. There is hereby created a Zoning Board of Appeals, which shall perform its duties and exercise its powers and jurisdiction as provided by applicable laws and by the provisions of this ordinance to the end that the objectives of this ordinance are observed, public safety and general welfare secured, and substantial justice done.
- 18.2 MEMBERSHIP/ELECTION OF OFFICERS. The Zoning Board of Appeals shall be appointed by the Township Board as prescribed by statute with all the powers and authority prescribed by law or delegated to it under specific provisions of the ordinance. The Zoning Board of Appeals shall consist of three members; one member shall be a member of the Township Zoning Board. The Zoning Board of Appeals shall elect a chairman and a secretary. A member of the Township Board may be a regular member of the Zoning Board of Appeals, but shall not serve as Chair of the Zoning Board of Appeals. An employee or contractor of the Township Board shall not serve as a member of the Zoning Board of Appeals.

The Township Board may also appoint not more than two alternate members of the Zoning Board of Appeals for the same term as regular members. An alternate member may be called to sit as a regular member in the absence of a regular member if the regular member will be unable to attend one or more meetings. An alternate member may also be called to serve in the place of a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest. In such situations the alternate member shall serve until a final decision as been made. An alternate member of the Zoning Board of Appeals shall have the same voting rights, when called to serve, as a regular member.

- 18.3 TERM. The term of each member shall be three years and until a successor has been appointed and qualified; such successor shall be appointed not more than one month after the expiration of the preceding term. Staggered terms shall be effected by one or more of the first appointed members serving for less than three years. Members from the Township Board and from the Zoning Board shall have terms limited to their respective other official terms or to such lesser period determined by resolution of the Township Board.
- 18.4 JURISDICTION AND POWERS. The Zoning Board of Appeals shall have all powers and jurisdiction granted by applicable laws and as prescribed in other Articles of this Ordinance, including the following specific powers and jurisdiction:
1. The jurisdiction and power to hear and decide appeals from and review any order, requirement, decision or determination made by the Zoning Administrator. The Zoning Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination as in

its opinion ought to be done, and to that end it shall have all the powers of the Zoning Administrator and may issue or direct the issuance of a permit.

2. The jurisdiction and power to act upon all questions as they may arise in the administration of this Ordinance, including interpretation of the zoning map.
3. The jurisdiction and power to authorize, subject to Sections 18.9-18.10 of this Article, requests for a nonuse variance relating to the construction, structural changes, or alteration of buildings or structures related to dimensional requirements of the Zoning Ordinance, or to any other nonuse-related requirement in the Ordinance, if there are practical difficulties in the way of carrying out the strict letter of the Zoning Ordinance, so that the spirit of the Zoning Ordinance is observed, public safety secured, and substantial justice done.

18.5 EMPLOYEES. The Zoning Board of Appeals may employ clerical or other assistance as may be necessary, provided that it shall not at any time incur any expense beyond the amount made available for that purpose.

18.6 MEETINGS/RULES OF PROCEDURE. Meetings of the Zoning Board of Appeals shall be held at the call of the chairman and at such other times as the Zoning Board of Appeals may determine for the efficient conduct of its business. All meetings shall be open to the public. The Zoning Board of Appeals shall not conduct business unless a majority of its regular members is present. The Zoning Board of Appeals may adopt such rules of procedure consistent with applicable statutes, this zoning ordinance, and other local ordinances as it deems necessary to the proper performance of its duties and the proper exercise of its powers.

18.7 APPEALS. Appeals to the Zoning Board of Appeals may be taken by any party aggrieved by a decision or order of the Zoning Administrator. A notice of appeal specifying the grounds thereof shall be filed with the Zoning Board of Appeals within 21 days after the date of the action appealed. A copy of the notice shall promptly be served upon the officer from whose decision or order the appeal is taken, who shall forthwith transmit to the Zoning Board of Appeals all records pertaining to the action appealed from. An appeal shall stay all proceedings, decisions or orders unless said officer certifies to the Zoning Board of Appeals that a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed except upon a restraining order by the Township Board or by the circuit court.

18.8 (deleted)

18.9 VARIANCE STANDARDS AND CONDITIONS.

1. Standards: No variance in the provision or requirements of this ordinance shall be authorized by the ZBA unless the ZBA finds from reasonable evidence that:

- By reason of the exceptional narrowness, shallowness, or shape of the property in question, or by reason of exceptional topographic conditions or other extraordinary conditions of the property in question, there are practical difficulties preventing compliance with the strict letter of the Ordinance.
- Such variance will not be of substantial detriment to adjoining property.
- Such variance will not materially impair the intent and purpose of this ordinance or of the public health, safety and welfare.

If the ZBA finds all of the preceding standards to be satisfied, to grant variance relief the ZBA must further find that two (2) of the following facts and circumstances exist:

- a. That the exceptional or extraordinary circumstances or conditions applying to the specific property do not apply generally to other properties in the same zone; or,
- b. That such variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the zone; or,
- c. That the condition or situation of the specific property or the intended use is not of so general or recurrent a nature as to make reasonably practical a general regulation as part of this zoning ordinance.

In determining whether the standards for variance relief have been shown to be satisfied the ZBA shall be governed by the following additional legal principles:

- The circumstances or conditions submitted by the applicant to justify the variance relief must pertain to the property at issue, and not the personal circumstances of the applicant and/or other occupants or users of the property.
- The circumstances or conditions submitted by the applicant to justify the variance relief must not have been self-created by the applicant or some other person under the control of the applicant or for whose conduct the applicant is responsible.
- Increased costs associated with complying with the strict letter of the ordinance are not a basis for variance relief.
- Increased financial return if variance relief is granted is not a basis for variance relief.
- The ZBA may find the standards for relief from the strict letter of the ordinance have been shown to be satisfied, but not to the extent of the

variance requested by the applicant, and in such circumstances the ZBA shall grant only such lesser variance relief as is necessary.

2. Conditions. The Zoning Board of Appeals may attach conditions or limitations upon a variance, where such are necessary to insure that public services and facilities affected by a requested variance and the associated land use or activity will be capable of accommodating increased service and facility loads caused by the variance and associated land use or activity, and to protect the natural environment and conserve natural resources and energy, and to insure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner.

Prior to attaching a condition or limitation to a variance, the Zoning Board of Appeals shall also specifically determine the following:

- A. That the condition or limitation is 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 associated with the variance under consideration, residents and land owners immediately adjacent to the land use or activity, and the community as a whole; and,
- B. That the condition or limitation is related to the valid exercise of the police power, and purposes which are effected by the proposed variance; and,
- C. That the condition or limitation is necessary to meet the intent and purpose of this ordinance, is related to the standards established in this ordinance for the variance under consideration and the associated land use or activity, and is necessary to insure compliance with those standards.

Any such conditions and limitations may impose greater or more restrictions and requirements than are included in this Ordinance generally, and may include the provision of reasonable financial security to guarantee performance. Violation of any such conditions or limitations shall be deemed a violation of this Ordinance.

18.10 LAND USE VARIANCE. The Zoning Board of Appeals shall not act on a request for a land use variance (for a use not allowed in a zone).

18.11 APPLICATION SITE PLAN REQUIREMENTS. A site plan, plot plan or other acceptable diagram showing the general development plan of the property which is the subject of a variance or appeal request shall be submitted with each such request. The plan shall show, at a minimum, the location of all abutting streets, the location of all existing and proposed buildings and structures, the types of buildings and their uses, and the existing or proposed setback of each building or structure which is the subject of the variance or appeal request, and all pertinent lot lines.

- 18.12 PUBLIC HEARINGS. Upon the filing of any appeal or other matter over which the Zoning Board of Appeals has jurisdiction, the Zoning Board of Appeals shall hold a public hearing on such matter preceded by notice as required by law.
- 18.13 DECISIONS. The Zoning Board of Appeals shall render its decision upon such application within 60 days after the hearing thereon and notify the applicant of its decision.
- 18.14 TIME LIMITS:
- A. If a variance is granted or other action by the applicant is authorized, the necessary permit shall be secured and the authorized action begun within six months after the date the variance is granted or said variance shall be deemed abandoned and withdrawn.
 - B. No application for a variance which has been denied shall be reheard for a period of one year from the date of the last denial, unless the Zoning Board of Appeals finds that grounds for such a rehearing exists on the basis of either newly discovered evidence or proof of changed conditions which were not known to the applicant or the Board at the time of the initial hearing.
- 18.15 VOTE NECESSARY FOR DECISION. The final decision of the Zoning Board of Appeals on any matter shall require the concurring vote of a majority of its membership.
- 18.16 MINUTES AND RECORDS. The secretary shall keep minutes of the Zoning Board of Appeals' proceedings showing the vote of each member upon every question, or if absent or failing to vote, indicating that fact. The secretary shall keep records of the Zoning Board of Appeals' examinations and official actions; all of which shall be filed with the Township Clerk and be a public record.
- 18.17 LIMITATION OF BOARD ACTION. Except as authorized in this Article, the Zoning Board of Appeals may not, through any decision, interpretation or action, alter, vary or otherwise negate any provisions of this ordinance, and where the Zoning Board of Appeals considers that any specific provision is inappropriate it shall submit to the Township Zoning Board a request for review of said provision.

ARTICLE XIX

ADMINISTRATION AND ENFORCEMENT OF ZONING ORDINANCE

- 19.1 ZONING ADMINISTRATION AND ENFORCEMENT. The provisions of this Ordinance shall be administered and enforced by the Zoning Administrator (who may also be known as the Zoning Ordinance Enforcement Officer), and such other persons as the Township Board may designate.
- 19.2 ZONING ADMINISTRATOR APPOINTMENT. The Zoning Administrator shall be appointed by the Township Board for such term and subject to such conditions and at such rate of compensation as the Township Board shall determine.
- 19.3 ZONING ADMINISTRATOR DUTIES.
1. Violations. The Zoning Administrator shall investigate any alleged violation of the Zoning Ordinance coming to his or her attention. If a violation is found to exist, the Zoning Administrator shall proceed in accordance with policies established by the Township Board and as otherwise provided by law.
 2. Administration. The Zoning Administrator shall, upon the request of the Township Board or the Zoning Board, review special exception use and site plan review applications for administrative completeness, and shall identify any concerns relative to the standards for approval of such applications.
 3. Records. The Zoning Administrator shall keep records of all official activities in carrying out his/her responsibilities pursuant to this Ordinance.
 4. Responsibility. The Township Board may in its discretion require the Zoning Administrator to attend the meetings of the Township Board, Zoning Board, and the Zoning Board of Appeals, and keep the members of same informed of all matters pertaining to zoning.
- 19.4 ZONING FEES. The Township Board is authorized to establish, by motion, fees for an application to the Zoning Board for consideration of a request for a special exception use permit, site plan review, a rezoning of property, an amendment to the text of the Zoning Ordinance or Land Use Plan, a zoning compliance permit, or other matter properly heard or reviewed by the Zoning Board and/or Township Board and/or Zoning Administrator. The Township Board is also authorized to establish, by motion, fees for an application to the Zoning Board of Appeals for consideration of a request for a variance, interpretation of the Zoning Ordinance or Zoning Map, or other matter properly heard by the Zoning Board of Appeals. Said fees may be established at different levels for matters being considered at a regular meeting and matters being considered at a special meeting. All such fees applicable to a particular application shall be paid to the Township Clerk in order for the application to be considered administratively complete and processed for consideration. Such fees may be changed by motion of the Township Board at any lawful meeting, and may take effect immediately or upon such later date as the Board may specify.

ARTICLE XX

VIOLATION AND PENALTIES

20.1 NUISANCE PER SE. Any building or structure which is erected, moved, placed, reconstructed, razed, extended, enlarged, altered, maintained or used, and any use of a lot or land which is begun, maintained or changed in violation of any term or provision of this Ordinance, is hereby declared to be a nuisance per se.

20.2 SANCTIONS:

- A. Any person who violates any of the regulations or provisions of this Ordinance, whether as owner, lessee, licensee, agent, servant, or employee, shall be liable as a principal.
- B. Each day that a violation exists shall constitute a separate offense for enforcement purposes.
- C. Any violation of this Ordinance shall constitute a basis for injunctive relief against the violator, restraining and prohibiting continuation of the violation, in addition to any other relief or sanction herein set forth or allowed by law.
- D. Any person who violates any of the provisions of this Ordinance shall be deemed to be responsible for a municipal civil infraction as defined by Michigan statute which shall be punishable by a civil fine determined in accordance with the following schedule:

	Minimum Fine	Maximum Fine
1 st offense within 3-year period*	\$75.00	\$500.00
2 nd offense within 3-year period*	150.00	500.00
3 rd offense within 3-year period*	325.00	500.00
4 th offense within 3-year period	500.00	500.00

*Determined on the basis of the date of commission of the offense(s).

Additionally, the violator shall pay costs which may include all expenses, direct and indirect, which the Township has incurred in connection with the municipal civil infraction.

20.3 AUTHORITY TO INITIATE LEGAL ACTION. The Township Supervisor, the Zoning Administrator, and such other persons as the Township Board may properly designate, may initiate such criminal and/or civil legal actions or proceedings as may be appropriate to prevent, enjoin, abate, remove or punish any violation of this Ordinance; provided, that civil actions shall be authorized by the Township Board.

ARTICLE XXI

AMENDMENT OF ORDINANCE

- 21.1 INITIATION OF AMENDMENTS. Amendments to this Ordinance (text or rezoning) may be initiated by the Zoning Board or Township Board, or by any interested person or persons by application.
- 21.2 AMENDMENT APPLICATION PROCEDURE. All applications for amendment of this Ordinance shall be in writing, signed and filed with the Township Clerk for presentation to the Zoning Board, and shall be accompanied by such amendment application fee as may be established by the Township Board. No action shall be taken on any amendment request until such fee is paid in full. Such applications shall include the following:
1. The applicant's name, address, and interest in the application, as well as the name, address and interest of every person having a legal or equitable interest in any land which is to be rezoned.
 2. The nature and affect of the proposed amendment.
 3. If the proposed amendment would require a change in the zoning map, a fully dimensioned map showing the land which would be affected by the proposed amendment, a legal description of such land, the present zoning district of the land, the zoning district of all abutting lands, and all public and private rights-of-way and easements bounding and intersecting the land to be rezoned.
 4. In the case of a text amendment, the applicant shall submit the proposed text to be added and/or the existing text to be revised/deleted.
 5. The alleged error in the Ordinance which would be corrected by the proposed amendment, with a detailed explanation of such alleged error and detailed reason why the proposed amendment will correct the same.
 6. The changed or changing conditions in the area or in the Township that make the proposed amendment reasonably necessary to the promotion of the public health, safety, and general welfare.
 7. All other circumstances, factors, and reasons which the applicant offers in support of the proposed amendment.
- 21.3 AMENDMENT PROCEDURE. After initiation, amendments to this Ordinance shall be considered as provided in applicable laws.

ARTICLE XXII

MISCELLANEOUS PROVISIONS

- 22.1 SEVERABILITY. This Ordinance and the various parts, sections, subsections, paragraphs, sentences, phrases and clauses thereof are hereby declared to be severable. If any part, section, subsection, paragraph, sentence, phrase or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of this Ordinance shall not be affected thereby.
- 22.2 REPEAL. This Ordinance shall be deemed to repeal and supersede in its entirety the Constantine Township Zoning Ordinance which was effective March 29, 1969, and all amendments thereto.
- 22.3 EFFECTIVE DATE. This Ordinance was approved by the Township Board on October 11, 1994 and is ordered to take immediate effect upon publication as allowed by law.
- 22.4 ADMINISTRATIVE LIABILITY. No officer, agent, employee, or member of the Zoning Board, Township Board or Zoning Board of Appeals shall render himself or herself personally liable for any damage that may accrue to any person as the result of any act, decision, or other consequence or occurrence arising out of the discharge of his or her duties and responsibilities pursuant to this Ordinance.

APPENDIX A

CLASSIFICATION OF LANDS

The location and boundaries of the Zoning Districts of Constantine Township are set forth below on a land section by land section basis. The zoning classification of land in a recorded plat/subdivision is described separately in each land section where such a plat/subdivision is located. If unplatted land subsequently becomes part of a recorded plat/subdivision the zoning classification of that land at the time it becomes part of a recorded plat/subdivision shall apply after it is platted/ subdivided.

It is intended that these descriptions of the zoning classifications of the lands in the Township be accurately reflected on the Zoning Map. In the event of a conflict between the Zoning Map and these descriptions, these descriptions shall be controlling as to the zoning classification of any particular property.

LAND SECTION 1

"AG-2" GENERAL AGRICULTURE DISTRICT: All of Section 1, except that part designated "RR" Rural Residential District, or "MHP" Mobile Home Park Residential District.

"RR" RURAL RESIDENTIAL DISTRICT: Commencing 2,475 feet east of the southwest corner of Section 1 for the point of beginning, thence northeasterly to a point 3,493.2 feet east of the west section line of Section 1 and 764.94 feet south of the east west quarter line of Section 1, thence east to the St. Joseph River, thence southwesterly along the St. Joseph River to the south section line of Section 1, thence west along the south section line of Section 1 to the point of beginning.

"MHP" MOBILE HOME PARK RESIDENTIAL DISTRICT: Commencing on the north line of the southeast quarter of Section 1, 3,493.2 feet east of the northwest corner of the south half of Section 1; thence south at right angles, 11.59 chains; thence east 612 feet, more or less, to a point 100 feet westerly of the water's edge of the St. Joseph River; thence at right angles north, 40 feet; thence east to the St. Joseph River; thence northwesterly along the St. Joseph River to the north line of the southeast quarter of Section 1; thence west 447 feet, more or less, to the place of beginning.

LAND SECTION 2

"AG-2" GENERAL AGRICULTURE DISTRICT: All of Section 2.

LAND SECTION 3

"AG-2" GENERAL AGRICULTURE DISTRICT: All of Section 3.

LAND SECTION 4

"AG-2" GENERAL AGRICULTURE DISTRICT: All of Section 4.

LAND SECTION 5

"AG-2" GENERAL AGRICULTURE DISTRICT: All of Section 5.

LAND SECTION 6

"AG-2" GENERAL AGRICULTURE DISTRICT: All of Section 6.

LAND SECTION 7

"AG-2" GENERAL AGRICULTURE DISTRICT: All of Section 7.

LAND SECTION 8

"AG-2" GENERAL AGRICULTURE DISTRICT: All of Section 8.

LAND SECTION 9

"AG-2" GENERAL AGRICULTURE DISTRICT: All of Section 9.

LAND SECTION 10

"AG-2" GENERAL AGRICULTURE DISTRICT: All of Section 10.

LAND SECTION 11

"AG-1" EXCLUSIVE AGRICULTURE DISTRICT: All of Section 11, except that part designated "AG-2" General Agriculture District.

"AG-2" GENERAL AGRICULTURE DISTRICT: The north half of the northwest quarter of Section 11.

LAND SECTION 12

"AG-2" GENERAL AGRICULTURE DISTRICT: All that part of Section 12 lying easterly of the St. Joseph River.

"AG-1" EXCLUSIVE AGRICULTURE DISTRICT: All that part of Section 12 lying westerly of the St. Joseph River, except that part designated "RR" Rural Residential District, or "R-1" Single Family and Two Family Residential District.

"RR" RURAL RESIDENTIAL DISTRICT: Commencing 2,475 feet east of the northwest corner of Section 12 for the point of beginning, thence east to the St. Joseph River, thence southerly along the St. Joseph River to the northeast corner of River Heights plat/subdivision, thence south 88E 47' west 206.47 feet to the northwest corner of River Heights plat/subdivision, thence north to the point of beginning.

"R-1" SINGLE FAMILY AND TWO FAMILY RESIDENTIAL DISTRICT: River Heights plat/subdivision.

LAND SECTION 13

"AG-2" GENERAL AGRICULTURE DISTRICT: All that part of Section 13 lying easterly of the St. Joseph River.

"RR" RURAL RESIDENTIAL DISTRICT: All that part of Section 13 lying westerly of the St. Joseph River, except that part designated "R-1" Single Family and Two Family Residential District.

"R-1" SINGLE FAMILY AND TWO FAMILY RESIDENTIAL DISTRICT: River Heights No. 2 plat/subdivision; and also that part of the south half of Section 13 lying westerly of the St. Joseph River, including Northpark plat/subdivision and Yanzi plat/subdivision.

LAND SECTION 14

"AG-1" EXCLUSIVE AGRICULTURE DISTRICT: All of Section 14, except that part designated "RR" Rural Residential District, or "R-1" Single Family and Two Family Residential District.

"RR" RURAL RESIDENTIAL DISTRICT: That part of the southwest quarter of Section 14 located within the triangle formed and bounded by the centerline of Millers Mill Road, the centerline of Youngs Prairie Road, and the centerline of Shaffer Road; and also commencing at the west quarter post of Section 14, thence south on the west section line of Section 14 726.79 feet to the point of beginning, thence east 300 feet, thence south parallel with and 300 feet distant from the centerline of Shaffer Road to a point 300 feet east of the intersection of Shaffer Road and Youngs Prairie Road, thence southeasterly parallel with and 300 feet distant from the centerline of Youngs Prairie Road to a point 300 feet north of the intersection of Youngs Prairie Road and Millers Mill Road, thence east parallel with and 300 feet distant from the centerline of Millers Mill Road to a point 300 feet north of the intersection of Millers Mill Road and the westerly line of Highway U.S. 131, thence northeasterly parallel with and 300 feet distant from the westerly line of Highway U.S. 131 to a point 383.5 feet north of the centerline of Millers Mill Road, thence east 300 feet to the west line of Highway U.S. 131, thence southwesterly along the west line of Highway U.S. 131 to the centerline of Millers Mill Road, thence west along the centerline of Millers Mill Road to the centerline of Youngs Prairie Road, thence northwesterly along the centerline of Youngs Prairie Road to the centerline of Shaffer Road, thence north along the centerline of Shaffer Road to the point of beginning.

Also, commencing at the southwest corner of Section 14 thence east along the south line of the section 1215.5 feet to the center line of Youngs Prairie Road, thence north 34E 43' 418.5 feet, thence east 183.94 feet to the point of beginning, thence east 177.13 feet, thence north along the 1/8 line 976.44 feet, thence west 747.53 feet, thence south 10E 19' 20" east 364.26 feet, thence south 57E 41' west 90.77 feet to the center line of Youngs Prairie Road, thence south 34E 29' east along the center line of Youngs Prairie Road 379.82 feet, thence south 85E 54' east 366.66 feet, thence south 230.24 feet to the point of beginning; excepting the westerly 300 feet of this described property (which is also zoned "RR" Rural Residential District).

"R-1" SINGLE FAMILY AND TWO FAMILY RESIDENTIAL DISTRICT: That part of the southeast quarter of Section 14 lying southeasterly of Highway U.S. 131, including the part of the Yanzi plat/subdivision in Section 14.

LAND SECTION 15

"AG-2" GENERAL AGRICULTURE DISTRICT: All of Section 15, except that part designated "RR" Rural Residential District.

"RR" RURAL RESIDENTIAL DISTRICT: The east 250 feet of the south half of Section 15; and also that part of Section 15 lying 250 feet easterly of the centerline of Youngs Prairie Road, and that part lying 250 feet westerly of the centerline of Youngs Prairie Road, in each instance from the north section line of Section 15 to the east section line of Section 15.

LAND SECTION 16

"AG-2" GENERAL AGRICULTURE DISTRICT: All of Section 16.

LAND SECTION 17

"AG-2" GENERAL AGRICULTURE DISTRICT: All of Section 17.

LAND SECTION 18

"AG-2" GENERAL AGRICULTURE DISTRICT: All of Section 18.

LAND SECTION 19

"AG-2" GENERAL AGRICULTURE DISTRICT: All of Section 19.

LAND SECTION 20

"AG-2" GENERAL AGRICULTURE DISTRICT: All of Section 20.

LAND SECTION 21

"AG-2" GENERAL AGRICULTURE DISTRICT: All of Section 21.

LAND SECTION 22

"AG-2" GENERAL AGRICULTURE DISTRICT: All of Section 22, except that part designated "RR" Rural Residential District.

"RR" RURAL RESIDENTIAL DISTRICT: That part of the east half of the southeast quarter of Section 22 lying southerly of North River Road.

LAND SECTION 23 (excluding all portions within Constantine Village)

"AG-2" GENERAL AGRICULTURE DISTRICT: All of Section 23, except that part designated "RR" Rural Residential District, or "R-1" Single Family and Two Family Residential District.

"RR" RURAL RESIDENTIAL DISTRICT: That part of Section 23 located within and bounded by the westerly line of Highway U.S. 131 to the east, Constantine Village to the south, the centerline of Youngs Prairie Road to the west, and the centerline of Millers Mill Road to the north; also the frontage on the westerly side of that portion of Youngs Prairie Road lying northerly of Constantine Village, at a depth of 300 feet measured from the centerline of Youngs Prairie Road.

"R-1" SINGLE FAMILY AND TWO FAMILY RESIDENTIAL DISTRICT: That part of the northeast quarter of Section 23 lying easterly of Highway U.S. 131 and westerly of the St. Joseph River.

LAND SECTION 24 (excluding all portions within Constantine Village)

"AG-2" GENERAL AGRICULTURE DISTRICT: All of Section 24, except that part designated "RR" Rural Residential District.

"RR" RURAL RESIDENTIAL DISTRICT: That part of Section 24 lying northerly of Mintdale Road and southerly of the St. Joseph River (Fawn River).

LAND SECTION 25 (excluding all portions within Constantine Village)

"AG-1" EXCLUSIVE AGRICULTURE DISTRICT: All of Section 25, except that part designated "AG-2" General Agriculture District.

"AG-2" GENERAL AGRICULTURE DISTRICT: The north half of the northeast quarter of Section 25.

LAND SECTION 26 (excluding all portions within Constantine Village)

"AG-1" EXCLUSIVE AGRICULTURE DISTRICT: All of Section 26, except that part designated "RR" Rural Residential District, or "R-1" Single Family and Two Family Residential District.

"RR" RURAL RESIDENTIAL DISTRICT: That part of the northwest quarter of Section 26 lying northerly of the St. Joseph River; and also commencing 478 feet east of the southwest corner of Section 26 for the point of beginning, thence north

250 feet, thence east 1,510 feet, thence south 250 feet to the centerline of Stears Road, thence west to the point of beginning.

"R-1" SINGLE FAMILY AND TWO FAMILY RESIDENTIAL DISTRICT: That part of Section 26 lying southerly of the St. Joseph River and northerly of Riverside Drive (Constantine-Mottville Road); and also the Mowat plat/subdivision.

LAND SECTION 27

"AG-2" GENERAL AGRICULTURE DISTRICT: All of Section 27, except that part designated "RR" Rural Residential District, or "R-1" Single Family and Two Family Residential District.

"RR" RURAL RESIDENTIAL DISTRICT: That part of the east half of the northeast quarter of Section 27 lying northerly of the St. Joseph River; and also that part of Section 27 lying southerly of the St. Joseph River and northerly of Riverside Drive (Constantine-Mottville Road); and also that part of the southeast quarter of Section 27 lying southerly of Riverside Drive (Constantine-Mottville Road), except for the Milliman plat/subdivision.

"R-1" SINGLE FAMILY AND TWO FAMILY RESIDENTIAL DISTRICT: Milliman plat/subdivision; and also that part of Winding River Acres plat/subdivision lying in Section 27.

LAND SECTION 28

"AG-2" GENERAL AGRICULTURE DISTRICT: All of Section 28, except that part designated "R-1" Single Family and Two Family Residential.

LAND SECTION 29

"AG-2" GENERAL AGRICULTURE DISTRICT: All of Section 29.

LAND SECTION 30

"AG-2" GENERAL AGRICULTURE DISTRICT: All of Section 30.

LAND SECTION 31

"AG-2" GENERAL AGRICULTURE DISTRICT: All of Section 31.

LAND SECTION 32

"AG-2" GENERAL AGRICULTURE DISTRICT: All of Section 32, except that part designated "RR" Rural Residential District.

"RR" RURAL RESIDENTIAL DISTRICT: That part of Section 32 lying southerly of the St. Joseph River.

Also, that part of the Southeast 1/4 of Section 32 lying North of the St. Joseph River.

Also, beginning at the Southwest corner of the Northeast quarter of Section 32, thence East 1.5 rods, thence North to the center of North River Road to Hayman's Mill, thence along the center of North River Road to the West line of the Northeast quarter of Section 32, thence South to the point of beginning; excepting the following described property:

Commencing at the East 1/4 corner of Section 32, and running thence south $00^{\circ} 16' 22''$ West, along the Section line, 816.61 feet to an iron bar, thence South $00^{\circ} 16' 22''$ West, along said Section line, 85.64 feet, thence South $48^{\circ} 06' 32''$ West, along a random traverse line along the Northerly side of the St. Joseph River, 60.63 feet, thence North $08^{\circ} 28' 12''$ East, along a random traverse line along the Easterly side of Black Run, a county drain, 127.51 feet to an iron bar, thence South $90^{\circ} 00' 00''$ West 484.66 feet to an iron bar, thence South $19^{\circ} 24' 48''$ West 173.89 feet, thence Westerly and Southerly along a 65 foot radius curve to the left an arc distance of 154.23 feet, (chord - South $41^{\circ} 26' 11.5''$ West 120.51 feet), thence Southerly along a 40 foot radius curve to the right an arc distance of 32.08 feet, (chord - South $03^{\circ} 33' 48.5''$ East 31.23 feet), thence South $19^{\circ} 24' 48''$ West 279.55 feet, thence Southerly along a 966 foot radius curve to the left an arc distance of 150.55 feet, (chord - South $14^{\circ} 56' 55.6''$ West 150.40 feet), thence Southwesterly along a 30 foot radius curve to the right an arc distance of 47.46 feet, (chord - South $55^{\circ} 48' 09.8''$ West 42.66 feet), thence North $78^{\circ} 52' 43''$ West 1003.37 feet, thence Westerly along a 2765.75 foot radius curve to the left an arc distance of 530.77 feet, (chord - North $84^{\circ} 22' 35.1''$ West 529.95 feet), thence Northwesterly along a 250 foot radius curve to the right an arc distance of 393.43 feet, (chord - North $44^{\circ} 47' 24.8''$ West 354.07 feet), thence North $00^{\circ} 17' 37''$ East 1049.39 feet, to a point on the 1/4 line 74 feet East of the center of said Section as monumented, thence South $89^{\circ} 45' 13''$ East, along said 1/4 line, 2573.94 feet to the point of beginning.

Also, all that land lying between the above random traverse lines and the water's edge of the St. Joseph River and Black Run.

Also, the East 80 feet of the West 104.75 feet of that part of the Northeast 1/4 of Section 32 that lies South of the centerline of North River Road.

LAND SECTION 33

"AG-2" GENERAL AGRICULTURE DISTRICT: All of Section 33, except that part designated "RR" Rural Residential District, or "R-1" Single Family and Two Family Residential District.

"RR" RURAL RESIDENTIAL DISTRICT: That part of Section 33 lying southerly or easterly of the St. Joseph River and northerly of Riverside Drive (Constantine-Mottville Road), except for Balkan Acres plat/subdivision and that part of Oxbow plat/subdivision lying in Section 33; and also that part of the southeast quarter of Section 33 lying southerly of Riverside Drive (Constantine-Mottville Road) and Miller Road and easterly of Country Acres plat/subdivision at a depth of 300 feet measured from the respective centerlines of Riverside Drive and Miller Road; and also commencing at a point on the south line of Section 33 lying south of the southeast corner of Country Acres plat/subdivision, thence east along the south line of Section 33 660 feet, thence north 300 feet, thence west parallel with the south line of Section 33 660 feet, thence south 300 feet to the point of beginning.

"R-1" SINGLE FAMILY AND TWO FAMILY RESIDENTIAL DISTRICT: Balkan Acres plat/subdivision; and also Country Acres plat/subdivision; and also that part of the southwest quarter of Section 33 bounded by Country Acres plat/subdivision, Dickinson Road, and Riverside Drive (Constantine-Mottville Road); and also that part of Oxbow Acres plat/subdivision lying in Section 33; and also that part of Winding River Acres plat/subdivision lying in Section 33.

LAND SECTION 34

"AG-1" EXCLUSIVE AGRICULTURE DISTRICT: All that part of Section 34 lying south of Miller Road, except that part designated "AG-2" General Agriculture District.

"AG-2" GENERAL AGRICULTURE DISTRICT: All that part of Section 34 lying north of Miller Road, except that part designated "RR" Rural Residential District, or "R-1" Single Family and Two Family Residential District; and also that part of Section 34 lying south of Miller Road described as the north quarter of the southwest quarter of Section 34, and the west 660 feet of the south half of the north half of the southwest quarter of Section 34.

"RR" RURAL RESIDENTIAL DISTRICT: Commencing at the intersection of the centerline of Burke Road and the centerline of Miller Road for the point of beginning, thence east 300 feet along the centerline of Miller Road, thence north to a point 300

feet distant from the centerline of Riverside Drive (Constantine/Mottville Road), thence northeasterly parallel with and 300 feet distant from the centerline of Riverside Drive to the north section line of Section 34, thence west along the north section line of Section 34 300 feet to the centerline of Riverside Drive, thence southwesterly along the centerline of Riverside Drive to the intersection with the centerline of Burke Road, thence south along the centerline of Burke Road to the point of beginning; and also that portion of the east 300 feet of Section 34 lying north of Don Snyder plat/subdivision; and also that part of the east 300 feet of the north half of Section 34 lying south of the Don Snyder plat/subdivision.

"R-1" SINGLE FAMILY AND TWO FAMILY RESIDENTIAL DISTRICT: Don Snyder plat/subdivision; and also that part of Oxbow Acres plat/subdivision lying in Section 34; and also that part of Winding River Acres plat/subdivision lying in Section 34.

LAND SECTION 35

"AG-1" EXCLUSIVE AGRICULTURE DISTRICT: All of Section 35, except that part designated "RR" Rural Residential District or ■C-I• Commercial/Industrial District.

"RR" RURAL RESIDENTIAL DISTRICT: The west 300 feet of the northwest quarter of Section 35.

■C-I• COMMERCIAL/INDUSTRIAL DISTRICT: The east half of the southeast quarter of Section 35.

LAND SECTION 36

"AG-1" EXCLUSIVE AGRICULTURE DISTRICT: All of Section 36, except that part designated "C-I" Commercial/Industrial District.

"C-1" COMMERCIAL/INDUSTRIAL DISTRICT: The west quarter of Section 36.

TOWNSHIP OF CONSTANTINE

COUNTY OF ST. JOSEPH

STATE OF MICHIGAN

ORDINANCE NO. 22-57

Adopted: September 13, 2022

Effective: October 3, 2022

An ordinance to amend certain provisions of the Constantine Township Zoning Ordinance so as to repeal kennel language and to insert language for the keeping of animals; add new definitions regarding keeping of animals; provide general provisions for the keeping of animals; provide requirements for special land use for the keeping of animals; provide a schedule of use for districts for animal housing; to repeal and to insert language for sanctions; to provide an effective date and to repeal all ordinances or parts of ordinances in conflict herewith.

SECTION I

AMENDMENT TO ARTICLE III “DEFINITIONS”

Article III, Section 3.1 is hereby amended to add a new category entitled “animal, keeping of” and to repeal the kennel definition and replace with the word “Reserved”

“Animal, keeping of. The following definitions shall apply to keeping of animals in this Ordinance:

Animals, Bait: An animal that is confined or unconfined where the objective is for another animal to bite and tear to subdue, incapacitate, or kill such animal. This activity is also commonly defined as a blood sport. Animals raised for any other reason that may be deemed inhuman or unethical for the sake of the animal.

Animal, Nuisance: An animal running at large on public or private property, other than that of its owner or keeper, whose behavior constitutes a nuisance. Nuisance behavior shall include, but not be limited to:

- a. making physical contact with a person or other animal in a harassing manner;
- b. urination, defecation, or otherwise causing damage to inanimate private or public property;
- c. trespassing on school grounds; or
- d. having been verified as being repeatedly at large.

Exceptions: An animal shall not be considered a nuisance, aggressive or dangerous where its act is caused by;

- a. an illness or injury suffered by the animal at the time of the act;
- b. the negligent or reckless conduct of any person to whom the act is directed;
- c. lawful hunting while the animal is under the control of its owner or custodian; or
- d. defense of the animal's owner, or members of the owner's family or household, or their property.

Animal Breeding: The process of selective mating of animals with desirable genetic traits, to maintain or enhance these traits in the future generation. Animals may be bred for commercial, agricultural, or personal purposes.

Animal Breeding Facility: A facility or location where animal breeding activities take place.

Animal Broker: A person engaging in the act of purchasing animals from breeders with the intent to re-sell or transport these animals to another commercial operation such as a pet shop.

Animal Camp: An alternative to a traditional commercial dog boarding facility known as a Boarding Kennel. Animal camps are designed so animals can play and socialize throughout the day both indoors and outdoors with supervision by humans, in order to provide less stressful experiences to the animal than a traditional boarding facility. Services at an Animal Camp are provided in exchange for a fee or payment.

Animal Control Officer: Any person employed or appointed by the Township, for the purpose of enforcing this Ordinance or state statutes pertaining to animals, or the St. Joseph County Sheriff/Animal Control Officer.

Animal Fighting: A location where two (2) or more animals are placed in a confined, injured, tortured, or killed.

Animal Hoarding: The keeping of more than six (6) animals, including Family Pets, without provisions to properly house or care for them, failure to receive a special land use permit for the keeping of more than six (6) animals on private property, or failure to act on animals' deteriorating conditions, diseases, starvations, or death.

Animal Hospital: A building or place used for diagnosing or surgically or medically treating animals whether or not animals are kept on the premises for the purpose of treatment.

Animal Laboratory: A facility designed to produce or purchase animals for the purpose of research, testing or teaching.

Animal Park: A zoo or other facility which animals are housed with enclosures, displayed to the public in which they may also breed. Animal parks may also include areas of municipal,

public use or private parks that are designed for the socialization and exercise of animals in a designated area.

Animal Sanctuary: A facility, either on commercial or private property, on which more than six (6) animals (of each species commonly referred to as house pets or Family Pets) are brought to live, to be protected, and are provided with convalescent care for the rest of their lives. Unlike animal shelters, sanctuaries do not seek to place animals with individuals or groups in new homes, instead maintaining each animal until its natural death or until it is humanely euthanized. Any Sanctuary facility shall be incorporated as a nonprofit organization, or affiliated with a nonprofit organization that promotes animal welfare.

Animal Shelter or Rescue: A facility operated by St. Joseph County and licensed through the Michigan Department of Agriculture and Rural Development (MDARD) for the impoundment and care of animals that are found in the streets or at large, animals that are otherwise held in violation of a municipality or county ordinance or state law, or animals that are surrendered to the facility. Animal Shelter or Animal Rescue may also mean a facility operated by a person, Humane Society, Society for the prevention of cruelty to animals, or any incorporated nonprofit organization for the care and/or rescue of homeless animals. In both cases, the intent of the Animal Shelter is not to keep animals on the property indefinitely, but to find new homes for each animal.

Exotic Species: Any animal whose natural habitat is outside the continental United States, excluding non-venomous reptiles and fish.

Family Pet: An animal kept for companionship or other personal reasons. Species of Family Pets covered by this Ordinance include the following:

- a. Dogs: *Canis lupus familiaris* (puppies are considered dogs at birth in this Ordinance);
- b. Cats: *Felis catus* (kittens are considered cats at birth in this Ordinance);
- c. Rabbits: Order Lagomorpha;
- d. Ferrets: *Mustela putorius furo*;
- e. Pot-bellied pigs: *Sus Scrofa*;
- f. Any of the class of Aves (birds) that are caged and otherwise kept inside the residence;
- g. Any of the class of Aves (birds) kept under the owners or caretakers control and within properties that are zoned Rural Residential or Agricultural by the Township's Ordinance, further providing that those birds are not free to leave the property;
- h. Any of the order of Rodentia (such as mice, rats, gerbils, hamsters, chinchillas and guinea pigs);
- i. Any of the class of Reptilia (such as non-venomous snakes, lizards, and turtles excepting those not native to the United States);
- j. Any of the class of Amphibian (such as salamanders, frogs, toads excepting those not native to the United States); and

k. Any order of Erinaceomorpha (such as hedgehogs and moon rats).

Groomers: A facility or location for both the hygienic care and cleaning of an animal as well as a process by which an animal's physical appearance is enhanced for showing or other types of competition. Such facility may perform such services for financial remuneration.

Kennel, Boarding: Any establishment where dogs, puppies, or other animals are kept for the purpose of boarding for remuneration for any part of a 24-hour period. This includes veterinary hospitals and clinics or grooming shops that advertise boarding services other than for grooming, for treatment, diagnostic, or recuperative purposes.

Kennel, Commercial Animal: Any premises on which three (3) or more animals of any species of Family Pets, six (6) months of age or older are kept temporarily or permanently for commercial uses such as breeding, boarding, for sale, or the rendering of services for profit. This shall not apply to livestock, animal shelters, or animal sanctuaries.

Law Enforcement Officer: Any person employed, elected, or appointed by the People of the State of Michigan, by the County, or any municipality, whose duty it is to preserve law enforcement or to make arrest or to enforce the law and includes game, fish and forest fire wardens and members of the State law enforcement and conservation officers.

Owner: A person who owns (with proof acceptable to Animal Control or law enforcement officer) or harbors a dog or other animal for ten (10) days or more; any person having a right to the property where such dog or other animal is kept; any person who permits the dog or other animal to remain on or about any premises for ten (10) days or more occupied by such person(s).

Pet Shop: A commercial operation where animals are sold or offered for sale, exchange or transfer.

Veterinarian: A licensed and accredited practitioner of veterinary medicine.

SECTION II

AMENDMENT TO ARTICLE V “GENERAL PROVISIONS” BY THE ADDITION OF SECTIONS 5.27 “KEEPING OF ANIMALS”; 5.28 “KEEPING OF LIVESTOCK”; and 5.29 “EXEMPTIONS”

5.27 KEEPING OF ANIMALS:

1. Family Pets shall be limited to the maximum number existing dwelling units in the Township which is generally no more than two (2); however, if more than two (2) are desired, as long as all other county, state and federal laws are complied with, additional domesticated household pets will be permitted up to a maximum of six (6) animals. Small, caged birds and animals may be excluded from this limitation.

2. Family Pets shall be permitted indoors. Fencing or another type of physical restraint shall be required if Family Pets are kept outside or allowed to run outdoors.

3. **If kept outside, Owners shall prevent their animals, including Family Pets, from causing a nuisance or disturbance to adjacent property owners by reason of noise, odor, waste, or trespass on private property.**

4. Family Pets kept inside of a principal dwelling unit are not required to obtain a Special Land Use permit unless the number of animals exceeds six (6) animals, or written complaints have been received from neighboring property owners.

5. The keeping of more than six (6) Family Pets on any property requires a Special Land Use permit. However, this limit may be exceeded for a period of four (4) months after the birth of a litter of dogs or cats, provided that no more than two (2) litters of animals shall be allowed on a premises within any consecutive twelve (12) month period, and that these litters shall not be offered for sale. All such animals shall be prohibited in any area of the Township if they create a nuisance by reason of odors or noise.

a. The Planning Commission will require a public hearing for a Special Land Use permit for the keeping of more than six (6) Family Pets, but may waive the fee for the Special Land Use permit at their discretion.

6. Family Pets that are also used for Animal Breeding or for other commercial uses shall be considered a Home Occupation and shall be subject to Special Use Requirements of this Ordinance.

7. All animals kept on the subject property shall be kept in compliance with all federal, state and local laws and regulations concerning feeding, water, cleanliness, prevention of danger and disease, ventilation and light, proper exercise, veterinary care, shelter, and structural integrity of shelters. Wherever multiple laws or regulations apply, the more restrictive ordinance or regulation shall prevail.

8. As defined in “Section I Definitions” of this ordinance Animal Hoarding, Animal Fighting, Animal Laboratories, and facilities to train or keep Bait Animals are strictly prohibited in all zoning districts.

9. Licenses, vaccinations records, and other similar records related to the keeping of animals shall be maintained for all animals on the property, and shall be made available for review during inspections.

10. Large domestic animals which are used essentially for 4-H, contest, riding, educational or other special purpose as individual animal specimens are permitted in Rural Residential Zoning Districts at the rate of one (1) on a minimum of three (3) acres for the first animal and one (1) acre for each additional animal.

11. Enforcement. Any Sheriff’s Deputy, Law Enforcement Officer, Animal Control Officer, Zoning Administrator, or Township designee may issue and serve infraction citations if they have reasonable cause to believe that person has committed a violation of this Ordinance.

- a. Any Officer described in Section 5.24, subsection 11 above may enforce St. Joseph County Animal Control Ordinance, Section 13.12 concerning Confiscation of Victimized Animal, and Section 13.13 Investigation.

5.28 KEEPING OF LIVESTOCK:

1. The Michigan Generally Accepted Agricultural Management Practices (GAAMP’S) are used to determine standards for care of Livestock.

- 2. Keeping of Livestock is only permitted in Agriculture Districts

5.29 EXEMPTIONS:

For the purpose of this Ordinance the following animals and facilities are exempted from this Ordinance.

1. Livestock or animals within a farm operation. “Livestock” for the purpose of this Ordinance shall be as defined under the Licensing Livestock Dealers Act, Public Act 284 of 1937, MCL 287.121(b). “Farm Operation” shall be as defined under the Right to Farm Act, Public Act 93 of 1981, MCL 286.427(b). Bee colonies are also considered livestock.

- 2. Animals registered for the purpose of 4-H.
- 3. A State of Michigan Licensed Animal Hospital.
- 4. A Federal, State or Local Animal Control Facility or Shelter.

SECTION III

AMENDMENT TO ARTICLE XIII “SPECIAL EXCEPTION USES” SECTION 13.7 SPECIFIC STANDARDS REQUIRED OF PARTICULAR SPECIAL EXCEPTION

Article XIII “Special Exception Uses”, Section 13.7 “Specific Standards Required of Particular Special Exception”, subsection 10. “Kennel” is hereby amended to repeal the section in its entirety and to read as follows:

10. Keeping of Animals, Special Use Designations.

- A. The following conditions apply to any Animal Breeding Facility, Animal Camp, Animal Park, Animal Shelter, Animal Sanctuary, Boarding Kennel, Commercial Animal Kennel, or Private Residence with more than six (6) Family Pets. These designations are collectively described as “Animal Special Uses”.
- i. No Animal Special Uses will be permitted in any residential subdivision
 - ii. A Special Land Use Permit shall be required for all Animal Special Uses, **in compliance with Sections B and C below.**
 - iii. Fencing or containment is required for animals that are kept out of doors.
 - iv. Screening for noise control is required for animals that are kept out of doors (ie. privacy fence).
 - v. Any facility used for Animal Special Uses Shall be required to provide a report of a licensed veterinarian’s findings on the conditions and quality of animal facilities used on the property to any Officer inspecting said property. The veterinarian’s report shall be dated not more than twelve (12) months from the date of the Officer’s request.
 - vi. Any holder of a Special Land Use permit issued for Animal Special Uses covered by this section, who determines that a disease has been present on such property within the past forty-five (45) days, must contact the owners or persons in control of any animals that was on the property of said disease. Such disease and notifications must be documented, and a copy of such documentation shall be provided to the St. Joseph County Animal Control and The Township Zoning Administrator. Proof that the animal(s) were properly treated must also be submitted. Failure to make such notification shall constitute grounds for revocation of the Special Land Use permit.

- vii. The property owner shall comply with all federal, state or local regulations. Receipt of violations from any other agency, including police, fire, animal control, state or federal, shall constitute grounds for revocation of the Special Land Use permit.
- viii. Any owner or operator shall be certified by Michigan State University Animal Care Program, Purdue University Canine Care Certified or other comparable program approved by the planning commission.

B. Additional Application Requirements for Special Land Use Permit:

1. The site plan submitted as part of the application for the Special Land Use permit shall include a detailed drawing that includes:
 - a. Shows all buildings on the property (including dimensions and square footage);
 - b. Clearly identifies any building(s) that will be used for kennel operations;
 - c. Shows all enclosures which the animal(s) will be kept (including overall size, size of each separately enclosed area, height, construction materials, proposed floor or ground materials, etc.). Enclosure sizes must be in accordance with the standards set forth by the Michigan Department of Agriculture;
 - d. Shows all shelters that will be provided for the animals (including size and construction materials);
 - e. Shows the distance between all buildings and enclosures used as part of the kennel and the property lines of the subject property; and
 - f. Shows compliance with setback, frontage, and size requirements of the appropriate underlying zoning district.
2. The Special Land Use permit shall specify the maximum number of animals that may be kept on the subject property.
3. A plan detailing maintenance and cleaning of the kennel areas shall be submitted along with the Special Land Use application, which shall include a description of how the kennel areas will be cleaned and maintained a schedule for cleaning, and plans for animal waste removal and disposal.
 - a. If the plan is approved and a permit issued, the kennel operator's adherence to this plan shall be a condition of maintaining the permit. A record of actual maintenance and/or cleaning performed with regard to the kennel areas shall be kept and made available during any inspections.
 - b. All health records of the animals must be kept up to date and available for review.

C. Specific Special Land Use Conditions :

1. **Commercial Kennels, Animal Breeding Facilities, and Animal Parks**
 - a. None of these facilities shall qualify as a home occupation.
 - b. Existing kennels **licensed at the time of adoption of the St. Joseph County Animal Control Ordinance, as amended (September 4, 2012)**, shall be considered nonconforming.
 - c. Any Commercial Kennel, Animal Camp and/or Boarding Kennel, Animal Breeding Facility, or Animal Park is considered an accessory use upon approval of a Special Land Use permit from the planning commission.
 - d. An applicant applying for and receiving a Special Land Use permit for an animal operation consents to reasonable inspections (including unannounced inspections) of the kennel operation by the Township's Ordinance Enforcement Officer and/or Zoning Administrator, St. Joseph County Animal Control Officer, or any state or federal agency. Refusal to allow an inspection shall constitute grounds for revocation of the Special Land Use permit.
 - e. A kennel permit may be revoked if a condition exists which will endanger the health of the community or if the kennel is, in the opinion of the Law Enforcement Officer, not in compliance with this Ordinance. Commercial Kennels and Animal Breeding Facilities shall not be permitted or allowed by the planning commission when the barking or natural sounds made by such animals, the odor, or any other type of activity would be a nuisance or offensive to any other property owners affected by such activity.
 - f. Property owner must show proof of liability insurance in the amount of one-million dollars (\$ 1,000,000.00) clearly indicating liability protection covering the Township. Such insurance must also indicate that such coverage also covers that activity covered under the Special Land Use permit and includes coverage for animal bites or other injuries caused from such animal. Such insurance must always be maintained.
 - g. Any owner or operator shall be certified by Michigan State University Animal Care Program, Purdue University Canine Care Certified or other comparable program approved by the planning commission.
 - h. Additional Controls for Animal Breeding Facilities:
 - i. The owner and/or operator of a kennel participating in Animal Breeding for commercial purposes shall maintain a valid kennel permit from St. Joseph County Animal Control. A

copy of said permit must be submitted to the Township Zoning Administrator.

- ii. The owner and/or operator of a kennel participating in Animal Breeding for commercial purposes shall maintain the following additional records:
 - a). A photograph of each animal used for the purpose of breeding labeled with the name, age, and sex of the animal and the date the animal was acquired.
 - b). The date of each breeding event along with the names of the animal breed.
 - c). the date any animals are born along with the names of the parents, the number of female animals in the litter, and the number of male animals in the litter.
 - d). All veterinary and/or medical records related to the animals being bred and offspring.
 - e). Each animal shall be microchipped and recorded with the St. Joseph County Animal Control department.
 - f). Sale information for each animal sold, including the following:
 - i). Date of sale;
 - ii). Date of birth of the animal and the mother's name;
 - iii). Name and Address of the new Owner.

2. **Animal Sanctuary, Animal Shelter or Rescue, or Animal Protection Facility.**

- a. A facility that keeps animals for humane animal care for a term greater than three (3) months per calendar year shall require a Special Land Use permit from the planning commission. **The fee for the Special Land Use permit shall be based on the total number of animals on the property and shall be determined by the planning commission.**
 - i. Municipal facilities including Animal Control Facilities shall be exempt from the registration fees specified in (a) above.
- b. Any Animal Sanctuary, Animal Shelter or Rescue, or Animal Protection Facility shall be incorporated as a nonprofit organization, **or affiliated with a nonprofit organization that promotes animal welfare.**
- c. Any owner or operator shall be certified by Michigan State University Animal Care Program, Purdue University Canine Care Certified or other comparable program approved by the planning commission.

3. **Family Pets, more than six (6).**
 - a. Within thirty (30) days of acquiring a seventh (7th) animal, the Owner of said animals shall initiate the application process for a Special Land Use permit.
 - b. **The fee for the Special Land Use permit shall be based on the total number of animals on the property and shall be determined by the planning commission.**
 - c. All dogs over six (6) months of age kept as Family Pets or in a Private Animal Kennel, must be licensed with St. Joseph County Animal Control department, per Michigan state law and St. Joseph County Animal Control Ordinance.
 - d. An Owner must present their dog's license when requested by an Officer.

SECTION IV

AMENDMENT TO SECTION 6.3 AG-1 DISTRICT ZONING CLASSIFICATION

A. The following new subsections designated 9 through 19 are hereby added to Article VI "AG-1 Exclusive Agriculture District" subsection 6.3 "Special Exception Uses" to read as follows:

- “9. Animal Breeding Facility
10. Animal Camp
11. Animal Control Shelter
12. Animal Hospital (Veterinary)
13. Commercial Animal Kennel
14. Animal Kennel Home (Private)
15. Animal Park
16. Animal Protection Center
17. Animal Sanctuary
18. Animal Rescue Facility
19. Groomers”

SECTION V

AMENDMENT TO SECTION 7.3 AG-2 DISTRICT ZONING CLASSIFICATION

A. Article VII “AG-2 General Agriculture District” Section 7.3 “Special Exception Uses”, subsection 14 is hereby repealed to read as follows:

“14. Reserved”

B. The following new subsections designated 19 through 29 are hereby added to Article VII “AG-2 General Agriculture District” subsection 7.3 “Special Exception Uses” to read as follows:

- “19. Animal Breeding Facility
- 20. Animal Camp
- 21. Animal Control Shelter
- 22. Animal Hospital (Veterinary)
- 23. Commercial Animal Kennel
- 24. Animal Kennel Home (Private)
- 25. Animal Park
- 26. Animal Protection Center
- 27. Animal Sanctuary
- 28. Animal Rescue Facility
- 29. Groomers”

SECTION VI

AMENDMENT TO SECTION 8.3 RR- DISTRICT ZONING CLASSIFICATION

A. The following new subsections designated as 13 and 14 are hereby added to Article VIII “RR- Rural Residential District” subsection 8.3 “Special Exception Uses” to read as follows:

- “13. Animal Kennel Home (Private)
- 14. Animal Rescue Facility”

SECTION VII

AMENDMENT TO SECTION 9.3 R-1- DISTRICT ZONING CLASSIFICATION

A. A new subsection designated 8 is hereby added to Article IX “R-1 Residential District” subsection 9.3 “Special Exception Uses” to read as follows:

“8. Animal Kennel Home (Private)”

SECTION VIII

AMENDMENT TO SECTION 10.3 MHP- DISTRICT ZONING CLASSIFICATION

A. A new subsection designated 2 is hereby added to Article IX “MHP-Mobile Home Park District” subsection 10.3 “Special Exception Uses” to read as follows:

“2. Animal Kennel Home (Private)*
(*Must have written approval by the mobile home park management.)
”

SECTION IX

AMENDMENT TO SECTIONS 11.2 AND 11.3 C-I- COMMERCIAL/INDUSTRIAL DISTRICT ZONING CLASSIFICATION

A. The following new subsections designated as 36 through 38 are hereby added to Article IX “C-I Commercial/Industrial District” subsection 11.2 “Permitted Uses” to read as follows:

“36. Animal Control Shelter
37. Animal Hospital (Veterinary)
38. Groomers”

B. The following new subsections designated as 11 through 17 are hereby added to Article IX “C-I Commercial/Industrial District” subsection 11.3 “Special Exception Uses” to read as follows:

“11. Animal Breeding Facility
12. Animal Camp
13. Commercial Animal Kennel
14. Animal Laboratory
15. Animal Park

- 16. Animal Protection Center
- 17. Animal Sanctuary”

SECTION X

SANCTIONS

Article XX, Section 20.2 “Sanctions” to repeal the entire section and amend with the following language:

“Any person, firm, association, partnership, corporation or governmental entity who violates any of the provisions of this Ordinance shall be deemed to be responsible for a municipal civil infraction as defined by Michigan Statute which shall be punishable by a civil fine determined in accordance with the following schedule:

	Minimum Fine	Maximum Fine
-1 st Offense within 3-year period*	\$ 75.00	\$ 500.00
-2 nd Offense within 3-year period*	\$ 150.00	\$ 500.00
-3 rd Offense within 3-year period*	\$ 325.00	\$ 500.00
-4 th or More Offense within 3-year period*	\$ 500.00	\$ 500.00

*Determined on the basis of the date of commission of the offense(s).

Additionally, the violator shall pay costs which may include all expenses, direct and indirect, to which Constantine Township has been put in connection with the municipal civil infraction. In no case, however, shall costs of less than \$10.00 nor more than \$ 500.00 be ordered. In addition, the Township shall have the right to proceed in any court of competent Jurisdiction for the purpose of obtaining an injunction, restraining order, or other appropriate remedy to compel compliance with this Ordinance. Each day that a violation exists shall constitute a separate offense.

SECTION XI

EFFECTIVE DATE AND REPEAL OF CONFLICTING ORDINANCES

This Ordinance shall take effect on the 8th day after publication or on such later date as may be required by law. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Marcia Skelton, Clerk
Constantine Township
165 Canaris Street
Constantine, MI 49042

USE BY DISTRICT

PR = PERMITTED BY RIGHT ** SU = SPECIAL EXCEPTION USE ** NP = NOT PERMITTED

	AG-1 AGRICULTURAL DISTRICT	AG - 2 AGRICULTURAL DISTRICT	RR RURAL RESIDENTIAL DISTRICT	R -1 RESIDENTIAL DISTRICT	MHP MOBILE HOME PARK	C- 1 COMMERCIAL - INDUSTRIAL
Animal Breeding Facility	SU	SU	NP	NP	NP	SU
Animal Camp	SU	SU	NP	NP	NP	SU
Animal Control Shelter	SU	SU	NP	NP	NP	PR
Animal Fighting	NP	NP	NP	NP	NP	NP
Animal Hoarding	NP	NP	NP	NP	NP	NP
Animal Hospital (Veterinary)	SU	SU	NP	NP	NP	PR
Commercial Animal Kennel	SU	SU	NP	NP	NP	SU
Animal Kennel Home (Private)	SU	SU	SU	SU	SU *	NP
Animal Laboratory	NP	NP	NP	NP	NP	SU
Animal Park	SU	SU	NP	NP	NP	SU
Animal Protection Center	SU	SU	NP	NP	NP	SU
Animal Sanctuary	SU	SU	SU	NP	NP	SU
Animal Rescue Facility	SU	SU	SU	NP	NP	NP
Bait Animal Facility	NP	NP	NP	NP	NP	NP
Groomers	SU	SU	NP	NP	NP	PR
Pet Shop	NP	NP	NP	NP	NP	PR

*Must have written approval by the mobile home park management.

TOWNSHIP OF CONSTANTINE ORDINANCE NO. 21

as amended ORDAINS:

SECTION I TITLE

This Ordinance shall be known and may be cited as the Constantine Township Vehicle, Junk and Litter Ordinance.

SECTION II PURPOSE

The purpose of this ordinance is to prohibit the depositing and accumulation of litter, and to limit and restrict the outside storage and parking of unused, partially dismantled or inoperable vehicles and machinery upon public and private premises within the Township; to provide restrictions concerning the repairing of said vehicles and machinery; to avoid injury and hazards to children and others attracted to such litter, vehicles and machinery; to prevent degradation of the environment caused by such litter, vehicles and machinery; and to minimize the devaluation of property values and the psychological ill effects of the presence of such litter, vehicles and machinery upon adjoining residents and property owners

SECTION III DEFINITIONS

As used in this Ordinance the following words and phrases shall have the following meaning:

- A. **"Litter"** means all garbage, scrap and waste materials including but not limited to: rags; cartons; paper; cans; bottles; boxes; inoperable and discarded appliances and equipment; broken or discarded plaster, concrete, or brick building materials; scrap metal; discarded vehicle or machinery parts; and tires; and any other junk, rubbish or debris.
- B. **"Vehicle"** means any vehicle, motorized or not, operated or designed to be operated on public highways, streets or roads.
- C. **"Machinery"** means any machine, motorized or not, operated or designed to be operated for the purpose of agriculture, manufacturing, processing, construction or transportation.
- D. **"Main Component Parts"** means fenders, hood, radiator, motor, windows, doors, muffler, transmission, wheels, clutches, pulleys, and safety guards.
- E. **"Inoperable"** means a vehicle or machinery with any of the following conditions in existence:
 - 1. Where it is being dismantled for the sale, salvage, repair or reclamation of parts thereof.
 - 2. Where it does not have all of its main component parts properly attached.
 - 3. Where any other or additional conditions exist which cause the vehicle to be incapable of being driven under its own power, lawfully, upon the public streets.
 - 4. Where any other or additional conditions exist which cause the machinery to be incapable of being used for the purpose it was designed.
- F. **"Person"** means an individual, firm, corporation, or other entity of any kind.
- G. **"Approved Enclosure"** means a fenced in area which meets the following requirements.
 - 1. The fenced in area shall not exceed 4% of the property area to a maximum of 8,000 Sq feet.
 - 2. The fenced in area shall not be located in the front yard set back area required pursuant to the Constantine Township Zoning Ordinance.
 - 3. The fence shall be at least 6' in height and no higher than 12 ft.
 - 4. The fence shall be solid with gaps between materials of no more than 3/4 inch.
 - 5. The fence shall be constructed of durable exterior materials and shall be properly maintained.

SECTION IV REGULATIONS

A. LITTER

A person shall not deposit litter or permit or cause the outdoor storage of litter on any public or private premises within the Township of Constantine, subject to the following exceptions:

- 1. Such litter is temporarily stored outdoors for not more than 14 days or for longer than any period which would cause the same to be odoriferous or a breeding place for insects or rodents, whichever is the lesser period.
- 2. Such litter does not include garbage or other putrescible liquids or solids, is screened from the view of all adjacent properties and abutting public or private right-of-ways, and is being stored only between monthly or more frequent regular disposal by the owner or occupant of the premises in a lawful manner, or by monthly or more frequent regular collection by a public or private litter or garbage disposal service.
- 3. Logs, branches, or other scrap wood may be stacked outdoors provided such storage is not within the required front yard or side yard building setback areas as set forth in the Constantine Township Zoning Ordinance.
- 4. Firewood may be stacked outdoors provided such storage is not within the front yard building setback area as set forth in the Constantine Township Zoning Ordinance.
- 5. Such litter is located in a duly licensed and properly zoned junk yard, salvage yard, or landfill where such uses or operations are legally authorized under the Constantine Township Zoning Ordinance.

6. A special permit is first obtained for a period of not to exceed 30 days from the Township Board to be granted only in hardship cases beyond the control of the applicant, where special circumstances exist, where no adjoining property owner is adversely affected thereby and where the spirit and purpose of these regulations are still observed. A special permit granted hereunder may be renewed for not more than two additional 30-day periods upon a showing of due diligence and continued satisfaction of the criteria set forth above for the issuance of the initial permit.

B. VEHICLES AND MACHINERY

No person shall park or store or permit to be parked or stored outside of a fully enclosed building upon any public or private premises within the Township of Constantine owned, leased, rented, occupied or possessed by such person, any vehicle which is inoperable or which is not currently and validly licensed for operation upon the public streets, or any inoperable machinery, including a vehicle or machinery for sale, or any new or used vehicle or machinery parts, unless one or more of the following conditions exist:

1. Such vehicle or machinery or parts thereof are located in an approved enclosure. All materials are to be kept 12 inches below the fence height.
2. Such vehicle or machinery or parts thereof are located on an area of the property where because of topography and/or evergreens are not visible from adjoining properties or right of ways, public or private. One or more sides can be a fence as described in "approved enclosure".
3. Such vehicle or machinery or parts thereof are located in a duly licensed and properly zoned junkyard, salvage yard, or new or used car or machinery dealer's lot or storage yard, where such uses or operations are legally authorized under the Constantine Township Zoning Ordinance, and are conducted in conformance therewith.
4. Such vehicle or machinery is awaiting repairs or delivery to owners at an authorized service station, garage, paint shop, body shop or machinery repair shop legally authorized under the Constantine Township Zoning Ordinance and registered with the State of Michigan pursuant to 1974 PA 300, as amended, or other applicable statute, and is locked, and currently and validly licensed for operation upon the public streets, and is not a public nuisance.
5. Such vehicle or machinery, although temporarily inoperable because of minor mechanical failure, has substantially all of its main component parts attached, and, where subject to a license, is currently and validly licensed for operation upon the public streets, and is not in any manner a dismantled vehicle or machinery; provided that no premises shall contain any such vehicle or machinery for longer than 14 days in any one calendar year, calculated on a cumulative basis for the same or different vehicles or machinery and notwithstanding that no one such vehicle or machine remains upon the premises for more than said 14 day period.
6. Such vehicle is a modified vehicle in fully operating condition, such as a stock modified, redesigned or reconstructed vehicle for a purpose other than that for which it was manufactured; provided that not more than one such vehicle may be allowed upon any premises pursuant to this subsection and any such vehicle shall comply with all of the following restrictions:
 - a. Any such vehicle shall not by reason of being worked on, tuned, or in any other way constitute a nuisance due to noise, fumes or operation that may be detrimental to adjoining properties and the general neighborhood.
 - b. No such vehicle shall be parked or stored in the required front yard building setback area of any premises as set forth in the Constantine Township Zoning Ordinance.
 - c. Any such vehicle shall at all times be completely screened from the view of persons standing on adjoining roadways and the ground level of adjoining properties by solid ornamental fencing, terrain, trees or other plantings.
 - d. Upon written application to the Township Ordinance Enforcement Officer, the Township Board shall have authority to grant a waiver from the vehicle storage location requirements set forth in "b" and/or "c" if the Township Board reasonably determines that the following standards are met:
 - (1) That there are special circumstances beyond the control of the applicant that make it unfeasible or impractical to locate the modified vehicle in full compliance with these requirements;
 - (2) That no adjoining property owner will be materially adversely affected by the waiver;
 - (3) That the spirit and purposes of these regulations will still be observed.

A waiver granted pursuant to this section shall be in writing and may include any conditions (including limits on the time length of the waiver) reasonably deemed necessary by the Township Board to assure satisfaction of the aforementioned standards.

7. Such vehicle is for sale by the owner or occupant of the premises, provided that not more than any one such vehicle may be allowed upon any premises at any one time pursuant to this subsection, and provided that any such vehicle shall at all times comply with all of the following restrictions:
 - a. Any such vehicle shall be posted with a "For Sale" sign stating the telephone number or other means of locating the vehicle owner.
 - b. Any such vehicle shall not remain upon the premises for more than thirty days.
8. Such vehicle or machinery is an agricultural vehicle or machinery, is not inoperable, and is used or usable for agricultural purposes upon the premises where located.
9. A special permit is first obtained for a period of not to exceed 30 days from the Township Board to be granted only in hardship cases beyond the control of the applicant, where special circumstances exist, where no adjoining property owner is adversely affected thereby, and where the spirit and purpose of these regulations are still observed. A special permit granted hereunder may be renewed for not more than two additional 30-day periods upon a showing of due diligence and continued satisfaction of the criteria set forth above for the initial issuance of the permit.

SECTION V NUISANCE

Any accumulation of litter or any motor vehicle or machinery parking, storage, placement or repair activities in violation of the provisions of this ordinance are hereby declared to be a public nuisance which may be enjoined or which may subject the violator to the fines and penalties herein provided for.

SECTION VI PENALTIES AND ENFORCEMENT¹. **SANCTIONS:**

- A. Any person who violates any of the regulations or provisions of this Ordinance, whether as owner, lessee, licensee, agent, servant, or employee, shall be liable as a principal.
- B. Each day that a violation exists shall constitute a separate offense for enforcement purposes.
- C. Any violation of this Ordinance shall constitute a basis for injunctive relief against the violator, restraining and prohibiting continuation of the violation, in addition to any other relief or sanction herein set forth or allowed by law.
- D. Any person who violates any of the provisions of this Ordinance shall be deemed to be responsible for a municipal civil infraction as defined by Michigan statute which shall be punishable by a civil fine determined in accordance with the following schedule:

	Minimum	Maximum
	Fine	Fine
---1st offense within 3-year period*	\$ 75.00	\$500.00
---2nd offense within 3-year period*	150.00	500.00
---3rd offense within 3-year period*	325.00	500.00
---4th or more offense within 3-year period*	500.00	500.00

*Determined on the basis of the date of commission of the offense(s).

Additionally, the violator shall pay costs which may include all expenses, direct and indirect, which the Township has incurred in connection with the municipal civil infraction.

2. This Ordinance shall be enforced by the Supervisor of the Township of Constantine, by the Ordinance Enforcement Officer(s) of the Township of Constantine, or by such other person or persons as the Township Board may designate from time to time.

TOWNSHIP OF CONSTANTINE
COUNTY OF ST. JOSEPH, STATE OF MICHIGAN
CONSTANTINE TOWNSHIP ORDINANCE NO 20

Adopted:

Effective: Immediately Upon Publication

ORDINANCE ENFORCEMENT OFFICER ORDINANCE

An Ordinance to establish the office of Ordinance Enforcement Officer; to prescribe the duties of said office; to authorize the Township Board to appoint any person or persons to said office; and to amend any Ordinances of Constantine Township which conflict with the provisions hereof.

THE TOWNSHIP OF
CONSTANTINE,

ST. JOSEPH COUNTY, MICHIGAN

ORDAINS:

SECTION 1. **ORDINANCE ENFORCEMENT OFFICER**

There is hereby established the office of Ordinance Enforcement Officer within the Township of Constantine, St. Joseph County, Michigan.

SECTION 2. **APPOINTMENT**

The Township Board is hereby authorized to appoint by resolution at any regular meeting of the Board any person or persons to the office of Ordinance Enforcement Officer for such term or terms as may be designated in said resolution. The Board may further, by resolution, remove any person from said office, in the discretion of the Board.

SECTION 3. **AUTHORITY**

The Ordinance Enforcement Officer is hereby authorized to enforce all Ordinances of the Township of Constantine, whether heretofore or hereafter enacted, and whether such Ordinances specifically designate a different official to enforce the same or do not designate any particular enforcing officer. Where a particular officer is so designated in any such Ordinance, the authority of the Ordinance Enforcement Officer to enforce the same shall be in addition and supplementary to the authority granted to such other specific officer. The authority of such Ordinance Enforcement Officer shall also be in addition and supplementary to the authority vested in the Township Supervisor by state statute. The Ordinance enforcing authority of the Township Supervisor and the other officers specifically designated in any Township Ordinance shall continue in full force and effect and shall in no way be diminished or impaired by the terms of the within Ordinance.

SECTION 4. **DUTIES**

The Ordinance enforcement duties herein authorized shall include, among others, the following: investigation of Ordinance violations; service notice of violations; serving appearance tickets as authorized under Chapter IV of Public Act 175 of 1927, as amended; appearance in court or other judicial proceedings to assist in the prosecution of Ordinance violators; and such other Ordinance enforcing duties as may be delegated by the Township Supervisor or assigned by the Township Attorney. An Ordinance Enforcement Officer shall in the performance of his duties be subordinate and responsible to the supervisor or such other Township Board member as the supervisor may from time to time designate.

SECTION 5. SAVING CLAUSE

The provisions of the within Ordinance are hereby declared to be severable and the invalidation of any one or more of the same by any judicial determination or statutory or constitutional provision shall not invalidate the remainder of said provisions or Ordinance.

SECTION 6. EFFECTIVE DATE

This Ordinance shall take immediate effect. All Ordinances of the Township heretofore or hereafter adopted shall hereafter be supplemented by the terms of the within Ordinance.

CAROL MELVILLE, Clerk
Constantine Township

CONSTANTINE TOWNSHIP FIRE CHARGES ORDINANCE

EFFECTIVE: September 17, 1989

CONSTANTINE TOWNSHIP Ordinance Number 23 Adopted August 8, 1989

An Ordinance to establish charges for fire protection services under Michigan Public Act 33 of 1951, as amended (Compiled Law 41,801 et seq.), to provide methods for the collection of such charges and exemptions therefrom, and to repeal all ordinances or parts of ordinances in conflict herewith.

**THE TOWNSHIP OF CONSTANTINE
OF ST. JOSEPH COUNTY MICHIGAN ORDAIN:**

**SECTION I
PURPOSE**

The within Ordinance is adopted for the purpose of providing financial assistance to the Township for providing fire protection services from those receiving direct benefits from the services available.

**SECTION II
CHARGES**

The following charges shall hereafter be due and payable to the Township from a recipient of fire or emergency protection services the Township provides. \$ 200.00 minimum for Fires and \$ 50.00 for Rescues per run from time of departure from Fire Station up to five hours, thereafter an additional charge will be made for labor and materials used at actual cost.

**SECTION III
TIME FOR PAYMENT**

It shall be the duty of the township Clerk to send a bill to the responsible party by first class mail as soon as practical after the services are rendered. All of the foregoing charges shall be due and payable within 30 days of the date invoice is rendered. In the event of default in payment, the amount due shall be collectable through proceedings in District Court or in any other court of competent jurisdiction as a matured debt. The Township Board may also order the assessment of all delinquent fire and rescue run bills to be levied against property owners determined to be delinquent.

**SECTION IV
EXEMPTIONS**

- The following properties and services shall be exempt from the foregoing charges.
- A. False Alarms (Except faulty alarm systems.)
 - B. Fires involving Township owned buildings, grounds and property.
 - C. Fires of unknown origin on road right-of-ways.

**SECTION V
NON-EXCLUSIVE CHARGE**

The foregoing rates and charges shall not bar other charges that may be made by the Township for the costs and expense of maintaining and operating a fire protection service, but shall only be supplemental thereto. Charges may additionally be collected by the Township through general taxation after vote of the electorate approving the same or by special assessment established under the applicable Michigan statutes. General fund appropriations may also be made to cover such additional costs and expenses.

**SECTION VI
SEVERABILITY**

Should any provision of part of the within ordinance be declared by any court of competent jurisdiction to be invalid or unenforceable the same shall not affect the validity or enforceability of the balance of this ordinance which shall remain in full force and effect.

**SECTION VII
EFFECTIVE DATE AND REPEAL OF CONFLICTING ORDINANCES**

This ordinance shall take effect September 17, 1989. All ordinances or parts of ordinances in conflict herewith are repealed.

Carol Melville, Constantine Township Clerk

CONSTANTINE TOWNSHIP LAND USE PLAN

I. General Considerations

Land use planning is meant to be constructive in nature, whereby the future development of the Township will be controlled and planned for the welfare of the inhabitants. The Township Zoning Board has made an assessment of the existing development in the Township and has proposed implementing certain measures to take steps to regulate the future development of the Township so as to provide for the best possible use of land to serve the residents in the area while allowing owners of property maximum possible freedom to use their land as they see fit.

The Land Use Plan enacted by Constantine Township will be the basis for all future expenditures of public funds for capital improvements, as well as to act as a guide for amendments to the Zoning Ordinance. One of the major considerations of the Planning Commission is to prohibit the scattering of concentrations of development as much as possible as it is not economically feasible to provide community services to scattered residential developed areas. Consequently, the plan recommends that future development be located within those specific areas which will place the provision of adequate public services on a sound economic basis.

Another basic consideration is that the Township consists of much good agricultural land, which lands are known to the Zoning Board. The preservation of these lands for agricultural purposes is an important consideration in developing this plan.

II. Existing Land Use and Character of the Township

Constantine Township is basically agricultural with the exception of the Village of Constantine and certain outlying areas immediately adjacent to the Village. With the exception of the Village area, the only other area of the Township that is not primarily used for agricultural purposes is the State land which is partly a game reservation and which is all wooded in the Northwest part of the Township, consisting of approximately 1900 acres. The Township is gently rolling and the watershed is basically in a Northeasterly-Southwesterly direction with the St. Joseph River running from the Northeasterly corner of the Township to the Southwesterly corner through the Village of Constantine. This river is a major body of water which flows eventually into Lake Michigan. There are four streams, three of which flow into the St. Joseph River in the Township. These are the Fawn River coming in from the East at the Village of Constantine, Black Run from the North which comes into the Township in the Southwest portion and Miller's Mill Creek which also comes from the North and joins the St. Joseph River in the Southwest corner of the Township.

There is one tavern located on Riverside Drive, Southwest of the Village.

There is one private summer camp in the Northwest corner of the Township. There is one mobile home park on Withers Road next to the St. Joseph River which has approximately 8 cottages and 28 mobile home sites.

All other Commercial and Industrial development is located south of the Village on the east side of US 131.

Electric and Telephone service is available through out the Township. Gas service is provided Northwesterly from the Village on Youngs Prairie Road to Miller's Mill Road, West on Miller's Mill Road approximately 3/4 mile, East on Miller's Mill Road to U.S. 131, and is also provided in Yantzi's, Roberts, and North Park Subdivisions. Gas service is available to other areas if they pay installation costs for extension of the main. Sewer and water service is available to Village residents but is not furnished outside of the Village of Constantine. Cable TV is available in some of areas close to the Village.

The Township has no valuable minerals except a certain amount of gravel deposits.

The only areas in the Township where residential development has occurred in any magnitude is Northeasterly of the Village along the river and Southwesterly on Riverside Drive, also along the River. These areas are zoned residential now and additional residential development can occur in these areas as there is considerable vacant land.

The Township is served by U.S. 131 which runs on a North and South axis through the Village of Constantine. The Village of Constantine is approximately in the middle of the Township, but slightly Southeasterly of the middle of the Township. The Township has good County roads, the primary roads being Youngs Prairie Road running in a Southeasterly and Northwesterly direction, Riverside Drive running in a Northeasterly Southwesterly direction, North River Road running in a Northeasterly Southwesterly direction, Miller's Mill Road running essentially East and West. and Florence Road easterly from the Village.

The Township has a freight line of the Consolidated Rail Corporation (Con Rail) running North and South through Constantine.

The Township has a County Park on North River Road and the Village of Constantine has 4 parks and a six ball field recreation area.

III. General Planning for the Future

The population (see Appendix A.) of the Township is increasing at the rate of 33 persons per year. Building permits (see Appendix B.) indicate 18 new dwelling are being constructed per year.

Based upon this projection of population, it is anticipated that only 100 to 200 additional acres of land will be necessary for residential purposes in the next 10 years. It is anticipated that additional commercial uses will be required in the Township. The 80 acres south of Stears Road and east of U.S. 131 is deemed to be sufficient for future commercial and light Industrial uses in the Township.

The Zoning Board realizes that there are four homes presently in the commercial and industrial zone Easterly of U.S. 131; however, it is believed that these homes should continue to constitute non-conforming uses and that this area should continue for commercial and industrial purposes and not be rezoned to allow additional residences.

As the Township has a considerable amount of water, including marshes, the St. Joseph River and small lakes, as contributories, it is important that proper set backs be required where buildings are to be allowed along the water. In addition, certain areas of the St. Joseph River and also of Miller's Mill Creek should be kept wild and in a rural state, as they presently are, and set backs from these wild areas should be at least 100 feet or perhaps 200 feet. In addition, set backs should be required from any pipeline with-in the Township of at least 50 feet and building construction should not be allowed in any area which is prone to flooding within an average 50 year period.

Residential growth should be promoted as much as possible in close proximity to the Village of Constantine, to preserve the entirety of the urban area and as mentioned above, where sewer and water is likely to be constructed. Platted residential development should only be encouraged in this area. The present residential areas along the St. Joseph River are attractive and should allow additional low to medium density residential use.

In order to preserve rural and low density areas for agricultural or open space purposes, minimum acreage requirements should be established in the Zoning Ordinance for the construction of principal buildings in these areas. Also, minimum frontage requirements upon public roads should also be required in unplatted areas for construction of principal buildings.

It is anticipated that U.S. 131 will be relocated when made into a limited access highway; however, the location of the proposed new highway is unknown at this time and therefore, the Zoning Board is not in a position to provide any planning at this time as to the need for future roads.

It is believed that this Land Use Plan and as detailed below will promote the orderly growth of the Township, allowing residential and commercial development in reasonable close proximity to the Village and allow low density residential development in other areas of the Township while preserving the basic agricultural and rural character of the Township as much as possible.

IV. Land Use Plan Map

The Township Zoning Board has developed a general but detailed Land Use Plan Map showing basic classifications of land use for the future, proposing that such land uses be considered as realistic and desirable for the year 2002. The various classifications are as follows, including a brief description of the proposed use under the plan for any given area of the Township:

Residential (single family homes in low density residential areas and plats requiring a minimum lot size in unplatted areas of one acre and a width of 165 feet)

Residential 2 (Single and double family homes in a more rural setting allowing livestock as pets and family businesses.

Commercial/Industrial (light industrial and commercial uses)

Recreational (outdoor recreational uses of a non-commercial nature and residential uses)

Mobile Homes (mobile home parks and plats for mobile homes)

Agricultural 1 (Agricultural use only. All buildings (including dwellings are for farm use only)
Agricultural (low density, rural single family residential uses and farming requiring a minimum of five acres)

Open Space and Public Land (land of a marginal character for construction or farming, such as marsh land or wet land and including all publicly owned lands)

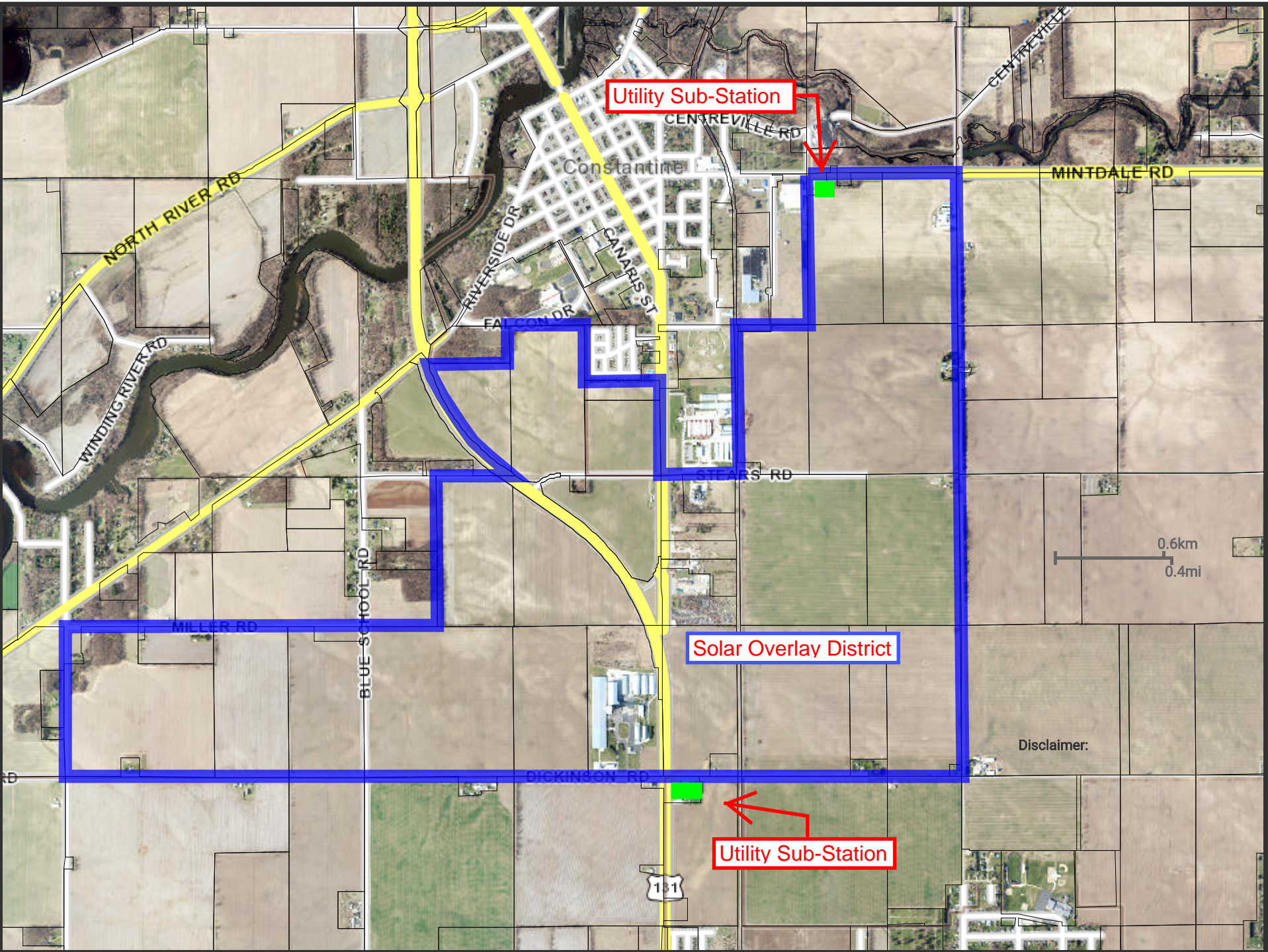
Village of Constantine (land located within the Township which is also in the incorporated Village of Constantine)

The map is as detailed as possible and is approximately drawn to scale. The Plan shall always be subject to change by the Zoning Board in the years ahead, based upon changed needs of the community, its change patterns of development or the realization of additional land use needs.

The following is a detailed description of the areas within the Township which show the existing land use character and development of each land section which, along with the above, has been the basis for planning the future use of land within the Township, as shown on the map.

- Section 1: 98% agriculture with mobile home park with 16 permanent sites and 21 seasonal sites, with river on section line, good soil.
- Section 2: 90% agriculture with the rest small tracts and a very small woods.
- Section 3: 100% agriculture, average soil.
- Section 4: 50% wasteland, 50% agriculture and a private woods of 20 acres and a small state owned game area of 20 acres with small tracts of homes in the north west corner.
- Section 7: 90% state owned woods, hunting and game area, remainder farm land but for a small private owned campground.
- Section 8: 90% state owned woods, remainder 10% agriculture.
- Section 9: 95% agriculture with 5% private owned woods. (land essentially light and sandy)
- Section 10: 75% agriculture, 25% wasteland and swampy woods.
- Section 11: 90% agriculture, prime agriculture land 10% in wasteland and woods.
- Section 12: 90% agriculture, prime agriculture land 10% in platted lots for homes on the river. River is section line.
- Section 13: 50% agriculture, good farm land, 25% in sub-divisions and the remainder wasteland and river. Railroad runs Southwest to Northeast, river in West 1/2 of section.
- Section 14: 98% agriculture, good farm land, 2% in small tracts, residential homes; US-131 running North and South on East line and Southwesterly portion of section.
- Section 15: 75% agriculture, 25% wasteland (light soil)
- Section 16: 75% agriculture, 25% private owned woods and wasteland (light soil)
- Section 17: 35% state owned game area, 65% agriculture with some very good marsh farm land.
- Section 18: 90% state owned land (woods), 10% agriculture with a private owned woods of 20 acres.
- Section 19: 75% agriculture, 25% woods-both state owned and private owned. (above average agricultural soil, some hills)
- Section 20: 95% agriculture, primarily muck land with some private owned woods of 20 acres. (muck land being farmed)
- Section 21: 95% agriculture, mostly upland ground. (good farm land, sandy loam)
- Section 22: 75% good agriculture land, 20% waste-land, 5% residential, small tracts in Southeast corner back to river.
- Section 23: 30% agriculture, 50% balance in village in Southeast, South and East parts; 5% small tracts North of Village, residential small tracts; 15% is river in Northeast corner.

- Section 24: 50% agriculture, 25% wasteland (marsh) and river, 25% in village.
- Section 25: All agricultural (prime land) except 37 1/2% in village.
- Section 26: 30% agriculture, 50% residential and small tracts; river running through middle of section; plats on both sides.
- Section 27: 30% agriculture, 50% residential and small tracts; river running through middle of section; plats on both sides.
- Section 28: 90% agriculture with a few small tracts and river and marshlands in Southeast corner (fair farm land, some gravel).
- Section 29: 90% agriculture area with some back water from Mill Creek. (good Land)
- Section 30: 95% agriculture, variety of quality of land; 5% woods and stream.
- Section 31: 70% agriculture, 30% wasteland, river bottom and woods. River in Southeast corner; some marsh which is farmed.
- Section 32: 25% agriculture, 55% wasteland, marsh and woods; St. Joe River (S 1/4) and Mill Creek North and South; 20% river and stream.
- Section 33: 35% agriculture, 25% riverbottom and wasteland 40% small tracts.
- Section 34: 75% agriculture, 25% residential with many small tracts, (good farm land).
- Section 35: 98% agriculture, prime land with the 2% small tracts and a little woods, (good land).
- Section 36: 75% agriculture, prime land, 20% industrial and 5% commercial. Consists of mobile home factory, junk yard and feed mill. U.S. 131 and Railroad running North and South in East 1/2 of section.



Utility Sub-Station

Solar Overlay District

Utility Sub-Station

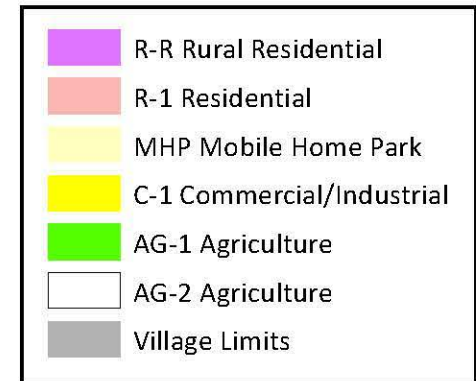
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Constantine Township Zoning Map

St Joseph County, Michigan

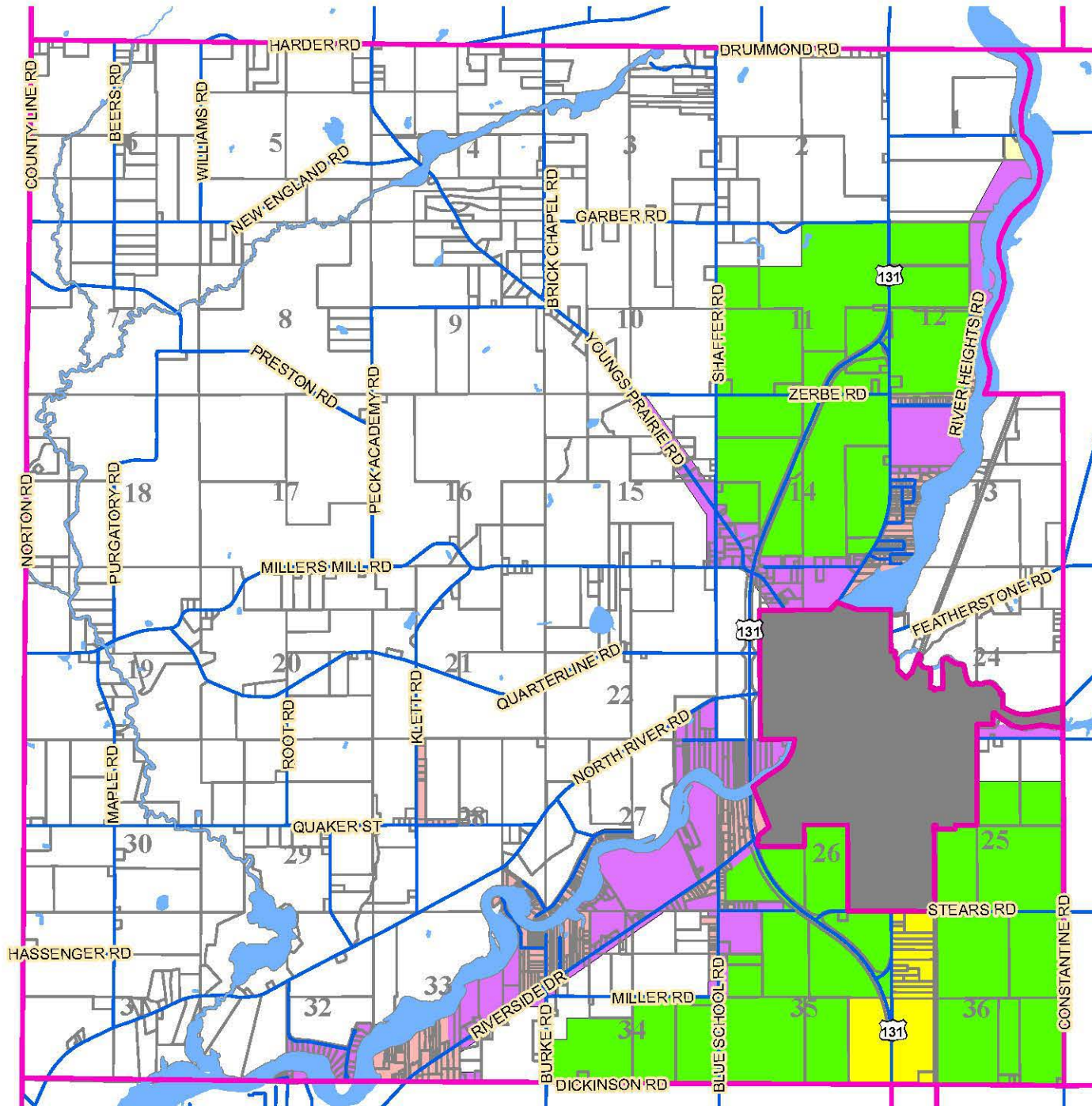
Revised: April 14, 1999
July 14, 2016



Scale: 1 inch = 0.85 miles

Zoning information has been supplied
by the local unit of government.

St. Joseph County assumes no
responsibility for the accuracy of the
map or the districts herein depicted.



Produced by: St. Joseph County Land Resource Centre (269) 467-5576
Geographic Information Systems Department