

M O T T V I L L E T O W N S H I P
Z O N I N G O R D I A N A N C E



St. Joseph County, Michigan

Adopted July 12, 2001

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ZONING MAP

ARTICLE I

TITLE AND PREAMBLE

SECTION 1.01 - NAME

This Ordinance shall be known as the Mottville Township Zoning Ordinance.

SECTION 1.02 - PURPOSE

In the interest of public health, safety, general welfare and pursuant to the Township Rural Zoning Act, and the Township Planning Act, the purpose of this Zoning Ordinance is to establish zoning districts within the Township of Mottville within which districts the use of land for agricultural, recreational, residences, industry, trade, soil conservation, water supply, conservation, etc. may be encouraged, regulated or prohibited and for such purposes this ordinance may divide the portions of Mottville Township into districts of such number, shape and area s may be deemed best suited to carry out the provisions of the Acts; and to adopt within each district provisions designating the limiting the location, height, number of stories, size of dwellings, buildings and structures, that may hereafter be erected or altered, including mobile homes, and the specific uses for which dwellings, buildings, and structures, including mobile homes, may hereafter be erected, altered or used and for the regulation of the area of yards, courts and other open spaces and that sanitary, safe and protective measures shall be required for such dwellings and buildings and for the designation of the maximum number of facilities which may be housed in buildings, dwellings, and structures, including mobile homes, hereafter erected or altered; to provide for a method of amending said Ordinance; to provide for the administering of the Ordinance; to provide for conflicts with other Acts, ordinances or regulations; to provide for the collection of fees for the furtherance of the purposes of this Ordinance; to provide for appeals and organization and procedure of the Mottville Township Zoning Board of Appeals; and to provide penalties for the violation of this Ordinance.

SECTION 1.03 - GENERAL PROCEDURE

To achieve the purposes of this Ordinance, the Township of Mottville has been divided into zoning districts of various shape, kind and area, and regulations adopted for each such district, but with due consideration for character of each district, its peculiar suitability for particular purposes, the conservation of property values and natural resources, and the general trend and character of land, buildings and population development.

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SECTION 1.04 - SCOPE

Beginning with the effective date of this Ordinance, and except as otherwise provided in this Ordinance, and except as otherwise provided in this Ordinance, no buildings or structures shall be enlarged, rebuilt or altered, and no building, structure, land or part thereof shall be used for purposes other than in conformity with the provisions of this Ordinance pertaining thereto.

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ARTICLE II

CLASSIFICATION OF DISTRICTS

SECTION 2.01 - ZONING DISTRICTS

For the purposes of this Ordinance, the Township of Mottville is hereby divided into the zoning districts listed below, within which districts no buildings or premises shall be used and no buildings shall hereafter be erected, altered, or located except for the uses and purposes hereinafter set forth as “permitted uses” under each separate zoning district classification, or hereinafter set forth as “special exception uses” under each zoning district classification; subject, however, to such prior approval as is thereafter required to be obtained from the Township Planning Commission for such special exception uses:

- A - Agricultural and Rural District
- R-1 - Single-Family Residential District
- R-2 - Residential (Single-Family and Duplexes) District
- R-3 - Residential Mobile Home Park District
- R-4 - Recreational District
- C - Commercial District
- AIC - Agriculturally Related Industrial and Commercial District
- LI - Light Industrial District

SECTION 2.02 - ZONING MAP

The location and boundaries of the zones established in the municipality shall be shown on a map entitled “Zoning Map of Mottville Township” and as same may be amended subsequent to the adoption hereof; and said map, section or portion thereof, together with all notations, dimensions and other data shown thereon, are hereby made a part of this Ordinance to the same extent as if the information set forth on said map were fully described and incorporated herein. The official copy of the Zoning Map shall be in the custody of the Township Supervisor or Township clerk.

ARTICLE III

DEFINITIONS

SECTION 3.01 - DEFINITIONS

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

Accessory Building: A subordinate building or portion of a main building, the use of which is incidental to that of the main building; also, any stables, barns, or other buildings erected upon lands being used for farming and truck gardening and for the purpose of carrying on such business upon the premises. An accessory building other than stables, barns, or agricultural buildings shall not include buildings whose floor area exceeds the floor area of the principal building or which exceeds the principal building in height.

Accessory Use: A use of a building, lot or portion thereof which is customarily incidental and subordinate to the principal use of the main building or lot.

Animal Unit (or Animals per Animal Unit): For purposes of this Ordinance, an animal unit shall be construed as defined in the Generally Accepted Agricultural Management Practices provisions adopted by the Michigan Commission on Agriculture and the Right to Farm Act, as amended.

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Billboard: A sign which calls attention to a business, commodity, service, entertainment or other activity conducted, sold or offered elsewhere than on the premises upon which the sign is located, which shall include billboards.

Building: Any structure, either temporary or permanent, having a roof or used or built for the shelter or enclosure of persons, animals, chattels or property of any kind.

Building Line: A line beyond which the foundation, wall or any enclosed porch, vestibule or other portion of a building shall not project.

Communication Tower: See Section 18.04.A.

Dwelling, Single-Family: A building containing not more than one dwelling unit designed for residential use, complying with the standards as specified in Section 23.06.

Erected: Building, constructing, reconstructing, moving upon or physically operating on land required for the building, excavating, filling, draining or the like.

Essential Services: The erection, construction, alteration or maintenance by public utilities or any governmental department or commission of underground or overhead distribution and/or transmission of gas, electricity, steam or water, or communication, supplier to disposal systems, including poles, wires, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories in connection with, but not including, buildings, towers, substations and regulator stations. Above ground structures other than utility poles, pole mounted transformers, wires and pedestal boxes which do not exceed sixty-four (64) square feet by four (4) feet in height are not included in the definition of essential services.

Family:

1. An individual or group of three (3) or more persons related by blood, marriage or adoption, including those related as foster children and servants, together with additional unrelated persons, who are domiciled together as a single, domestic, nonprofit housekeeping unit in a dwelling unit, or
2. A collective number of individuals domiciled together in one dwelling unit whose relationship is one of a continuing nontransient domestic character and who are cooking and living as a single nonprofit housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization, or group of

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Students or other individuals whose domestic relationship is of a transitory or seasonal nature or for an anticipated limited duration of a school term or terms or other similar determinable period.

Farms: All of the unplatted, contiguous, neighboring or associated land operated as a single unit on which bona fide farming is carried on directly by the owner-operator, manager or tenant farmer by his own labor or with the assistance of members of his household or hired employees; provided, however, that land to be considered a farm hereunder shall include a contiguous, unplatted parcel of not less than ten (10) acres in area; provided, further, that orchards, hatcheries and similar specialized agricultural enterprises are considered farms but establishments keeping fur bearing animals, game or operated as a fish hatcheries, dog kennels, stock yards or slaughter houses shall not constitute a farm hereunder.

Frontage: The length of the property line of a lot, lots or a tract of land abutting a public road, or along a private road which is the sole means of ingress and egress.

Highway, Road or Street: A thoroughfare or right-of-way, including those dedicated to the public, also including private thoroughfares, right-of-ways or private easements for ingress or egress when used by the public or may be in the future used by the public as the sole means of ingress or egress.

Home Occupation: An occupation engaged in within a dwelling by the resident or residents of the same complying with in following conditions and limitations of Section 23.11.

Intensive Livestock Operation: Any farm or farm operation engaged in raising, breeding, or feeding beef or dairy cattle, horses, swine, sheep, goats, poultry/fowl, turkeys, ducks, or other livestock in concentrations of 300 or more animal units, including any buildings, structures, excavations, or enclosed areas directly involved therein, including land used for pasture or feedlot purposes, and any animal waste storage structures associated with such operations. These operations shall be governed by the Generally Accepted Agricultural Management Practices (GAAMPs) provisions as adopted by the Michigan Commission on Agriculture and must conform with all definitions and site selection, odor control and manure management as set forth in the GAAMPs.

Junk Yard: Any place within the Township used as a site to buy, store, sell, place or receive any used paper, cloth, metals or other used material, machinery or unlicensed automobiles, trucks and highway trailers.

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Lot: The parcel of land on which one principal building and its access are placed, together with the open spaces required by this Ordinance. The lot need not be a lot existing record.

Lot Area: The total horizontal area included within lot lines; provided that where a lot line is the center of a road or lays in part or in whole in the right-of-way, the lot area shall not include that portion of the lot in use or to be used as a road right-of-way.

Lot Line, Front: The line which separates a lot, or building site from a road, street or easement approved according to the standards in this ordinance.

Lot Width: The horizontal distance between the side lot lines at the required front building setback line. The front building setback line is set at the minimum front yard setback.

Lot Width (Minimum): The width of a lot measured at the points where the required front building line intersects side lot lines.

Mobile Home: A structure, transportable in one or more sections, which is built on a chassis and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, it includes the plumbing, heating, air conditioning and electrical systems contained in the structure. Mobile home does not include a travel trailer or other recreational vehicle.

Parking Space: An area enclosed or unenclosed, at least ten (10) feet by twenty (20) feet in size, together with driveway connecting the parking space with a street or alley and permitting egress and ingress of an automobile.

Roadside Stand: A structure or piece of work artificially built up or composed of parts joined together in some definite manner and constructed, including dwellings, garages, buildings, signs and sign boards intended for sale of agricultural products produced or grown on the same property.

Sign: Any structure, part thereof or device attached thereto or painted or represented thereon, or any material or thing which displays numerals, letters, words, trademarks or any other representational use for direction or designation of any person, firm, organization, place, product, service, business or industry which is located upon any land or building, in or upon a window or indoors in such a manner as to attract attention from outside the building.

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Sign Area: The sign area is the surface of the structure used to convey the message exclusive of necessary supports or any appurtenances required by the Building Code. The area of open sign structures consisting of letters or symbols without a solid surface in between shall be calculated as the basis of the total area within the perimeter of the group of letters and/or symbols. The area of a double-faced sign which is constructed back to back as a single unit shall be calculated according to the surface area of one side only.

Structure: Anything constructed, assembled or erected, the use of which requires location on the ground or attachment to something having location on or in the ground and shall include fences which are more than fifty percent (50%) solid, tanks, towers, advertising devices, bins, lunch wagons, trailers, dining cars, camp cars and/or structures on wheels or other supports used for business or living purposes. The word 'structure' shall not apply to wires and their supporting poles or frames of electrical or telephone utilities or to service utilities entirely below the ground or to other 'essential services' as defined hereby.

Township Building Code: The State of Michigan Construction Code.

Travel Trailer – Recreational Vehicle: A vehicle primarily designed and used as temporary living quarters for recreational, camping, or travel purposes, including a vehicle having its own motor power or a vehicle mounted on or drawn by another vehicle.

Zoning Permit: A zoning permit is required for any change in land use or change in building use for the construction, placement, or erection of any building or structure whether or not a building permit is required. All requirements must be met before a Building Permit Application and/or Electrical Permit Application will be given to the landowner or completion and returned to the Zoning Administrator or Planning Commission for approval in the appropriate zoning classifications. A zoning permit is required in all zoning classifications. For requirements see Article XVIII.

ARTICLE IV

A - AGRICULTURAL AND RURAL DISTRICT

SECTION 4.01 - DESCRIPTION OF DISTRICT

This District is composed of land in outlying areas presently of rural and agricultural character. Such land is zoned for agricultural use with the intent that agricultural use will continue or that the land will remain vacant or wooded. Such districts may also be used for low-density residential use, including farmhouses, as defined hereafter.

SECTION 4.02 - PERMITTED USES

1. General or specialized farming, truck gardening, green houses, nurseries, vineyards, orchards, animal raising, and fowl raising, providing no killing shall be done on the farm other than animals raised on the farm.
- 1a. Intensive Livestock Operations as defined and governed by the Generally Accepted Agricultural and Management Practices provisions adopted by the Michigan Commission on Agriculture.
2. The sale of farm or dairy produce which has been raised on the farm from which it is to be sold.
3. Single-family dwellings and accessory structures and uses normally auxiliary thereto; provided, however, no residential structure shall be built upon land of less than one (1) acre or upon which there is any other residential use, and thereafter each residence shall have such acreage upon which no other residence may be constructed.
4. Home occupations.
5. Publicly owned and operated buildings and uses including community buildings and public parks, playgrounds and other public recreational areas.
6. Signs.
7. Churches and cemeteries.
8. Accessory uses or buildings.
9. Essential services.

SECTION 4.03 - SPECIAL EXCEPTION USES (subject to Article XVIII)

1. Gravel processing, mining and commercial excavations subject to the following conditions and restrictions:
 - a. Prior to the approval by the Planning Commission of a special exception use for earth removal and commercial excavation, as herein defined, or for quarrying or gravel processing in any area of the Township, said Board shall be certain the following conditions and limitations are or shall be strictly complied with, in addition to any other requirements contained in the Township Zoning Ordinance or in any other Township ordinance controlling such operations:
 - (1) Plans must be filed with the Township, disclosing the limits of the area proposed for the operation, the maximum depth of any excavation, proposed finished grade, and the manner in which the land may properly be developed following the termination of the operations so the same will not remain devastated beyond any reasonable use.
 - (2) No finished slopes nor slopes located within two hundred (200) feet of adjoining residential properties or residential zones shall, at any time, exceed thirty-three on one-third percent (33-1/3%).
 - (3) No excavations, other than those which are incidental to building, structure, or public utility construction shall be permitted below the grade of any adjoining public street or abutting property under different ownership for a distance of two hundred (200) feet, unless, in the case of abutting property, the owner thereof consents, in writing, to a variation of this requirement. Such written consent shall be filed with the Township Zoning Administrator.
 - (4) No dust, dirt, or debris emanating from the operation, shall, at any time, be permitted to be deposited upon adjoining premises to such an extent as to be a nuisance or annoyance to the occupants thereof.

- (5) No operations shall be permitted at any time prior to 7:00 A.M. or subsequent to 6:30 P.M. daily.
- (6) All topsoil shall be stockpiled upon the premises and promptly used to resurface areas where operations have been terminated or have been substantially discontinued for any period in excess of one (1) year. Such areas shall then be seeded and planted to lessen erosion and encourage proper growth with one (1) year of termination of all excavation activity in the area.
- (7) No natural drainage shall be materially changed or altered in any manner that would adversely affect adjoining premises. Any dangerous excavations, pits, pond areas, banks or slopes shall be adequately guarded or fenced and posted with signs around the perimeter thereof to prevent injury to children or others, and shall be eliminated as expeditiously as possible.
- (8) Special exception uses granted hereunder may be limited in time, subject to renewal for a further limited time by the Planning Commission, if said Board is satisfied all conditions and limitations herein contained are fully complied with and the operations are not a nuisance or annoyance to adjoining property owners or occupants by reason of noise, smoke, dust, dirt, unreasonable truck traffic, or hazardous conditions.
- (9) No excavating, mining, or quarrying covered by this Ordinance shall be commenced or shall hereafter continue until a performance bond, from a Michigan licensed bonding company has been filed with the Township clerk in the amount of not less than five thousand dollars (\$5,000) per acre contained in that portion of the plan required to be filed with the Township under Paragraph (1) hereof, proposed to be excavated, mined, or quarried within the ensuing twelve (12) months period, guaranteeing the satisfactory performance of all the regulations

Herein contained. Such bond shall, at no time, be less than four thousand dollars (\$4,000). No performance bond filed with the Township shall be released until all Ordinance regulations have been fully complied with.

(10) All such operations existing on the effective date of this Ordinance shall be subject to the within regulations with regard to future activities notwithstanding past operations not complying therewith. A special exception permit shall not, however, be required to allow the continuation of such pre-existing operations.

2. Veterinarian hospitals and dog kennels.
3. Private airfields and private aircraft landing strips, providing the owner thereof has at least twenty (20) acres of contiguous property. Before the issuance of any special exception permit, a site plan shall be drawn to scale showing the location and dimensions of the airfield and the setback from adjoining property lines, wires, poles, adjoining roads and nearby residences. The Planning Commission shall determine in considering the request for the special exception use permit that the private airfield or landing strip will not adversely affect the use and enjoyment of adjoining properties or constitute a safety hazard and that there will be adequate setback distances from adjoining property lines of not less than two hundred (200) feet from the ends of the private airstrip to any boundary line of the property. Also, that there will be adequate clearance of any telephone or power lines or other obstructions which may pose a treat to the landing and take-off of aircraft. The airstrip may not be constructed closer than five hundred (500) feet to any existing residence other than the property owner's residence or residence located on the subject property. Under no circumstances shall any commercial use be made of any such private landing strip such as by allowing other persons or firms to use the landing strip; the landing strip shall be for the sole use of the owners' or tenants' private aircraft.
4. Electric and gas regulator buildings, towers, substations and regulator station.
5. Catering operations.

6. Communication Towers
7. Bed and Breakfast
8. Small engine and agricultural equipment repair
9. Self-storage facilities

ARTICLE V

R – 1 SINGLE-FAMILY RESIDENTIAL DISTRICT

SECTION 5.01 - DESCRIPTION OF DISTRICT

This District is composed of certain land and areas presently of a low-density residential character where residential development has occurred or appears likely to occur. Regulations for this District are designed to promote and stabilize the characteristics of these areas and to promote and encourage a suitable and safe environment for single-family residential use. To these ends, development is restricted to such low-density residential use consistent with rural type facilities and service.

SECTION 5.02 - PERMITTED USES

1. Single-family dwellings.
2. Signs.
3. Publicly owned and operated buildings and uses, including community buildings and public parks, playgrounds and other public recreation areas.
4. Accessory uses and buildings.
5. Essential services.

SECTION 5.03 - SPECIAL EXCEPTION USES

1. Churches, cemeteries and public and private compulsory and accredited institutions providing general education.
2. Farms, subject to the following conditions and limitations:
 - a. The farming activities are conducted by persons who live upon the property for the purpose of growing crops or raising animals for family use only.
 - b. There shall be no intensive feeding operations where livestock are confined to feedlots as opposed to pasture grazing.

- c. The keeping, feeding or confining of cattle, poultry, horses, or swine shall not be permitted within one hundred (100) feet of the boundaries of recorded residential plats or within one hundred (100) feet of a residence on separate property or within one hundred (100) feet of any public road. Such setback requirements shall not apply to recorded plats or residences on separate property where such plat was recorded or the residence was constructed after such farming operations commenced.
3. Electric and gas regulator buildings, towers, substations, and regulator stations.
4. Home occupations.
5. **Communications Towers on municipally owned parcels.
See Ordinance # 12-09 Adopted 7-9-09 Effective 07-28-09**

ARTICLE VI

R – 2 RESIDENTIAL (SINGLE-FAMILY AND DUPLEXES) DISTRICT

SECTION 6.01 - DESCRIPTION OF DISTRICT

This District is composed of certain land in areas presently of a residential character where medium density residential development has occurred or appears likely to occur. The regulations for this District are designed to protect and stabilize the characteristics of these areas and to promote and encourage a suitable and safe environment for persons to live in a single-family residential unit or two-family residential unit and, in certain instances, in small apartment buildings. To these ends, development is restricted to low and medium density residential use consistent with rural type facilities and services.

SECTION 6.02 - PERMITTED USES

1. All uses in the R-1 Single-Family Residential District zoning classifications, other than special exception uses.
2. Duplexes (two-family residential dwellings).
3. Essential services.
4. Accessory uses and buildings.

SECTION 6.03 - SPECIAL EXCEPTION USES

1. Apartment buildings consisting of three or four units, subject to the following conditions and limitations.
 - a. Such apartment buildings shall be no more than two and one-half (2-1/2) stories in height.
 - b. Such apartment buildings shall be compatible in appearance with the surrounding residential area, shall be landscaped and maintained in an attractive and neat manner.

- c. No more than twenty-five percent (25%) of the lot area shall be occupied by a building or buildings.
 - d. All buildings, other than accessory buildings, shall be set back from each other a minimum distance of fifteen (15) feet.
 - e. A paved driveway of at least fifteen (15) feet in width at the road line shall be constructed and adequate parking with at least two parking stalls for each apartment unit shall be provided on the lot with adequate drainage and paved sidewalks to the entrance or entrances of each building.
2. Churches, cemeteries and compulsory and accredited institutions providing general education.
 3. Hospitals and nursing care facilities.
 4. Electric and gas regulator buildings, towers, substations and regulator stations.
 5. Home occupations.

ARTICLE VII

R – 3 RESIDENTIAL MOBILE HOME PARK DISTRICT

SECTION 7.01 - DESCRIPTION OF DISTRICT

This District is designed solely for mobile home parks in accordance with those regulations specified by the State of Michigan Mobile Home Commission Act, being Act 419 of 1976, as amended.

SECTION 7.02 - PERMITTED USES

1. Mobile home parks (or manufactured housing communities) and those uses customarily incidental thereto.
2. Essential services and electric and gas regulator buildings, towers, substations and regulator stations.

SECTION 7.03 - REGULATIONS REQUIRED OF MOBILE HOME PARKS

All mobile home parks shall comply with all regulations of the State Mobile Home Commission beginning R125.1101 et. seq. These regulations shall be deemed to be a part of this Ordinance and may be enforced by the Township, as well as by the State, just as if same were fully set forth herein.

ARTICLE VIII

R – 4 RECREATIONAL DISTRICT

SECTION 8.01 - DESCRIPTION OF DISTRICT

This District shall be planned for outdoor recreational activities and parks, campgrounds, golf courses, playgrounds, resorts, marinas, etc. It shall be used for those purposes and not for indoor commercial recreational activities. In addition, it may be used for the preservation and public use of historical sites, including restored or reconstructed buildings and historical uses.

SECTION 8.02 - PERMITTED USES

1. Golf courses, parks, outdoor recreational areas and campgrounds (providing they meet State campground regulations), and the following provisions:
 - a. The principal use shall be an outdoor activity compatible with the other principal uses permitted in the particular zoning classification. The area to be developed must contain a minimum of ten (10) acres.
 - b. Concession stands, proshops, clubhouses, equipment repair facilities, and other incidental commercial type uses shall be permitted, providing they are not located where they would be a nuisance or annoyance to adjoining residential property owners and operated for the purpose of serving patrons of the principal use and not the adjoining community or for transient motorists.
 - c. No year-round accommodations shall be permitted other than for the owner or manager of the facility.
 - d. Adequate public restrooms and other facilities shall be constructed and property maintained, commensurate with the anticipated popularity of the particular use involved.
 - e. Off-street parking shall be required on the site in areas which will not constitute a nuisance or annoyance to adjoining property owners and will satisfy peak periods of use.

- f. Adequate gates and fencing shall be provided to ensure that the area is closed off from adjoining residential lands or zones.
 - g. The placement of any motorized vehicular raceway or obstacle courses shall be prohibited. Trails and roads meant for vehicular use shall be in such locations as to have a minimum adverse affect upon adjoining residents and shall, where necessary, be screened with evergreen growth to dissipate noise emanating therefrom.
 - h. Equipment storage buildings and other such buildings of a commercial nature shall be adequately screened from adjoining residential properties.
2. Multiple dwellings, hotels, motels, resorts and boarding and lodging houses.
 3. Cabins and summer resorts together with related facilities including boat rentals, marinas, bait shops, outdoor games and outdoor recreation areas primarily meant for the users of the cabin or summer resort.

SECTION 8.03 - SPECIAL EXCEPTION USES

1. All special exception uses contained in the R-2 zoning district classification except those uses contained in this zoning classification as a permitted use.
2. Professional offices.
3. Private clubs, fraternities and lodges.
4. Establishments for the retail sale of meals, excluding drive-in restaurants.
5. Grocery stores and gift shops primarily for seasonal sales and tourist trade.
6. Summer camps for boys or girls and related facilities.
7. Coin operated laundries.
8. Essential services and electric and gas regulator buildings, tow4rs, substations and regulator stations.

ARTICLE IX

C - COMMERCIAL DISTRICT

SECTION 9.01 - DESCRIPTION OF DISTRICT

This District is designed for the convenience and shopping of persons residing in the community. Regulations are designed to permit development of the enumerated functions as limited to protect the abutting and surrounding residential property. All of the below described permitted and special exception uses are to be conducted within a fully enclosed building unless otherwise specified, or unless such use is normally conducted outside.

SECTION 9.02 - PERMITTED USES

1. Retail stores and retail establishments.
2. Gasoline service stations, vehicle repair garages, excluding body shops.
3. Dairies.
4. Service establishments, including laundries, banks, funeral homes, barber shops, beauty parlors, medical clinics and doctors' and dentists' offices.
5. Greenhouses and nurseries.
6. Motels, hotels, boarding and lodging houses, tourist courts, clubs and fraternities.
7. Offices.
8. Publicly owned and operated buildings.
9. Restaurants.
10. Theaters, excluding drive-in theaters.
11. Signs.
12. Essential Services.

SECTION 9.03 - SPECIAL EXCEPTION USES

1. Body shops, but prohibiting the outdoor storage of any junk vehicles or parts unless completely screened from view of adjoining properties or roads.
2. Lumber yards and coal yards.
3. Agricultural sales and servicing businesses.
4. Warehouses, providing that outdoor storage areas do not exceed twenty percent (20%) of the square footage of the fully enclosed warehouse building. Furthermore, any outdoor storage is to be screened by attractive, solid fencing made of new materials and at least six (6) feet in height and/or by evergreen trees planted in two staggered rows with each tree being not more than five (5) feet apart and being at least two (2) feet in height at the time of planting with the expected growth so as to afford solid screening within five (5) years of at least six (6) feet in height and all evergreen trees dying during this period of growth to be replace.
5. Bars, taverns, and nightclubs where liquor is sold and where food services is not available or is relatively insignificant; providing that the Planning Commission shall not allow such use if within five hundred (500) feet of a church, school, hospital, or nursing home and such use will not adversely affect the use and enjoyment of adjoining or nearby residential property.
6. Bowling alleys, commercial recreational enterprises, dance halls and skating rinks.
7. Drive-in theaters.
8. Store or commercial business with residential apartment located within the commercial structure or business, subject to the following conditions and restrictions:
 - a. The apartment is only for the use of the manager, owner or person who works in the commercial establishment on a regular basis.
 - b. The structure has the appearance on the exterior of a store or commercial establishment and not the appearance of a residence.

- c. The residential apartment cannot exceed thirty percent (30%) of the full area of the commercial structure.
 - d. The residential apartment shall have the primary access through the store or commercial business.
 9. The enlargement of nonconforming residences used for residential purposes, providing that the structure will not be enlarged by more than twenty percent (20%), basic design and appearance will not be altered and the building, when enlarged, will be as harmonious and compatible with nearby uses as existed prior to enlargement. In determining whether to grant such a special exception use the Planning Commission shall consider the condition of the building, the expected length of time or residential use, the proximity and character of nearby commercial uses, the land use plan proposals for the future development of this area, the opinions of adjoining property owners and the ability to use the building after enlargement for commercial purposes.
 10. Used car lots and car washes.
 11. Electric and gas regulator buildings, towers, substations and regulator stations.
 12. Horse race tracks with licensed pari-mutuel wagering, subject to the following conditions and limitations:
 - a. The principal use shall be a horse race track with pari-mutuel wagering. The facility shall have and maintain a track license from the State of Michigan, the Office of Racing Commissioner. The area to be developed shall contain a minimum of forty (40) acres.
 - b. Grand stands, concession stands, horse barns, parking area, paddock, walking ring, drives, sidewalks, entrance gates, bus loading platforms, administration offices, blacksmith shops, maintenance shops, gates, gate houses, fences, track kitchen, tack rooms, jockeys' quarters, dormitories, recreation halls, fire stations and other incidental uses shall be permitted and shall be located so as to minimize the nuisance or annoyance to adjoining property owners and shall be operated for the purpose of serving patrons of the principal use and not the adjoining community or transient motorists.

- c. Adequate public restrooms on the facility shall be constructed and properly maintained commensurate with the anticipated popularity and the particular use involved, in accordance with State and County Health Department regulations.
- d. Rubbish disposal shall be handled in such a manner as will be adequate for the purpose and any littering or nuisance or annoyance to adjoining property owners will be avoided. Grounds must be cleaned within twenty-four (24) hours after each daily program. All manure removal must be completed on a weekly basis. Proof of removal contract must be rendered upon demand by the Township Board and kept in force.
- e. Adequate parking shall be required on the site in areas which will not constitute a nuisance or annoyance to adjoining property owners and will satisfy peak periods of use. Parking to be by BOCA Regulations or minimum one (1) space per five (5) seats.
- f. Adequate gates and fencing shall be provided to ensure that the area is closed off from adjoining lands.
- g. Adequate traffic control procedures shall be provided to ensure a minimum of traffic congestion during peak periods of use.
- h. All State horse racing regulations shall be complied with by the owner and are incorporated by reference herein; same may be enforced by the Township as a part of these regulations.
- i. The Planning Commission shall have the right and authority to impose additional restrictions and conditions as may be necessary for the protection of the health, safety and welfare of adjoining property owners and to ensure that noise, odors, traffic or other activities incident thereto have a minimum impact upon the neighborhood in which the same is located. Authority will be retained by Township Board to perform inspections of grounds and buildings in order to ascertain compliance with ordinance and regulations.

ARTICLE X

**AIC – AGRICULTURALLY RELATED INDUSTRIAL AND COMMERCIAL
DISTRICT**

SECTION 10.01 - DESCRIPTION OF DISTRICT

This District is limited to allowing agricultural activities and in addition thereto certain sales, service or storage facilities specifically related to the needs of farmers and other persons in agricultural businesses. The District is meant to be primarily a convenience and local sales and service area, including providing storage facilities for persons engaged in agriculture. In the ‘AIC’ Agriculturally Related Industrial and Commercial District, no building or premises shall be erected except for one or more of the following uses.

SECTION 10.02 - PERMITTED USES

1. general or specialized farming, truck gardening, greenhouses, nurseries, vineyards, orchards, animal raising, and fowl raising, providing no killing shall be done on the farm other than animals raised on the farm.
 - a. On farms devoted to the housing or breeding of cattle, swine, sheep, fowl or goats, no pens, corrals, feedlots, barnyards or barns used for the confinement of any such animals shall be closer than one hundred fifty (150) feet from any adjoining residence or commercially used property or within one hundred fifty (150) feet from any preexisting residential plat.
 - b. Barns and appurtenances thereto which were in existence at the time of the passage of this ordinance shall be excluded from the above setback requirements.
 - c. Farmers are permitted to pasteurize milk from their own farms only.
 - d. Minimum land area required for the above purposes shall be ten (10) contiguous acres.
2. Accessory buildings.
3. Grain elevators, including related drying and separating facilities.

4. Fertilizer, feed storage, sales and distribution facilities.
5. Retail and wholesale stores limited to the sale of agriculturally related products and services, providing that any exterior storage of new or used implements shall be limited to no more than one (1) acre.
6. Essential services, and electric and gas regulator buildings, towers, substations and regulator stations.

SECTION 10.03 - SPECIAL EXCEPTIOIN USES

1. Feed mills.
2. Portable saw mills, to be operated for no longer than one (1) year from the date of approval as a special land use.
3. Transshipment, exterior storage and sales of bulk aggregate and farm materials on site.

ARTICLE XI

LI - LIGHT INDUSTRIAL DISTRICT

SECTION 11.01 - DESCRIPTION OF DISTRICT

This District is composed of certain lands located along State highways, major county thoroughfares, or railroad right-of-ways. The District is designed to provide land for activities of an industrial nature placing emphasis on the service type of industry as opposed to manufacturing type of industry. Because of the nature of the District, it should be located so as to be least objectionable to adjoining commercial or residential areas. Only those uses listed hereafter shall be allowed in this zoning classification.

SECTION 11.02 - PERMITTED USES

1. Light manufacturing, compounding, assembling or treatment of articles or merchandise, providing all work is carried on within an enclosed building subject to the provisions of Section 23.02.6. All such light industrial activities shall be conducted in such a manner so as to adequately protect adjoining or nearby property owners and residents from noise or pollution and the buildings and grounds shall be maintained in a neat and attractive manner.
2. Warehouses, providing that outdoor storage area do not exceed twenty percent (20%) of the square footage of the fully enclosed warehouse building. Furthermore, any outdoor storage is to be screened by attractive, solid fencing made of new materials and at least six (6) feet in height and /or by pine trees planted in two staggered rows with each tree being not more than five (5) feet apart and being at least two (2) feet in height at the time of planting with the expected growth so as to afford solid screening within five (5) years of at least six (6) feet in height and all pine trees dying during this period of growth to be replaced.
3. Public utility buildings.
4. Offices.
5. Construction and farm equipment sales.
6. Contractors' equipment yards.

7. Gasoline service stations and repair garages including body shops.
8. Grain equipment and processing.
9. Hardware and building supplies.
10. Ice and cold storage plants.
11. Lumber, coal, fuel and feed yards.
12. Machine shops.
13. Truck terminal maintenance and service yards.
14. Accessory buildings and structures.
15. Essential services, and electric and gas regulator buildings, towers, substations and regulator stations.

SECTION 11.03 - SPECIAL EXCEPTION USES

1. Gravel processing, quarrying and commercial excavations, subject to the following:
 - a. Prior to the approval by the Planning Commission of a special exception use for earth removal and commercial excavation, as herein defined, or for quarrying or gravel processing in any area of the Township, said Board shall be certain the following conditions and limitations are or shall be strictly complied with, in addition to any other requirements contained in the Township Zoning Ordinance or in any other Township ordinance controlling such operations:
 1. Plans must be filed with the Township, disclosing the limits of the area proposed for the operation, the maximum depth of any excavation, proposed finished grade, and the manner in which the land may properly be developed following the termination of the operations so the same will not remain devastated beyond any reasonable use.

2. No finished slopes nor slopes located within two hundred (200) feet of adjoining residential properties or residential zones shall, at any time, exceed thirty-three and one-third percent (33-1/3%).
3. No excavations, other than those which are incidental to building, structure, or public utility construction shall be permitted below the grade of any adjoining public street or abutting property under different ownership for a distance of two hundred (200) feet unless, in the case of abutting property, the owner thereof consents, in writing, to a variation of this requirement. Such written consent shall be filed with the Township Zoning Administrator.
4. No dust, dirt, or debris emanating from the operation, shall, at any time, be permitted to be deposited upon adjoining premises to such an extent as to be a nuisance or annoyance to the occupants thereof.
5. No operations shall be permitted at any time prior to 7:00 A.M. or subsequent to 6:30 P.M. daily and shall not operate on Sundays or holidays.
6. All topsoil shall be stockpiled upon the premises and promptly used to resurface areas where operations have been terminated or have been substantially discontinued for any period in excess of one (1) year. Such areas shall then be seeded and planted to lessen erosion and encourage proper growth within one (1) year of termination of all excavation activity in the area.
7. No natural drainage shall be materially changed or altered in any manner that would adversely affect adjoining premises. Any dangerous excavations, pits, pond areas, bank or slopes shall be adequately guarded or fenced and posted with signs around the perimeter thereof to prevent injury to children or others, and shall be eliminated as expeditiously as possible.
8. Special exception uses granted hereunder may be limited in time, subject to renewal for a further limited time by the Planning Commission, if said Board is satisfied all conditions and limitations herein contained are fully complied with and the operations are not nuisance or annoyance to adjoining property owners or occupants by

reason of noise, smoke, dust, dirt, unreasonable truck traffic, or hazardous conditions.

9. No excavating, mining, or quarrying covered by this Ordinance shall be commenced or shall hereafter continue until a performance bond from a bonding company licensed in Michigan has been filed with the Township Clerk in the amount of not less than five thousand dollars (\$5,000) per acre contained in that portion of the plan required to be filed with the Township under paragraph one (1) hereof, proposed to be excavated, mined, or quarried within the ensuing 12-month period, guaranteeing the satisfactory performance of all the regulations herein contained. Such bond shall, at no time, be less than five thousand dollars (\$5,000) in amount. No performance bond filed with the township shall be released until all ordinance regulations have been fully complied with.
10. All such operations existing on the effective date of this Ordinance shall be subject to the within regulations with regard to future activities, notwithstanding past operations not complying therewith. A special exception permit shall not, however, be required therefore.
2. Asphalt plants and concrete plants.
3. Slaughterhouses and meatpacking.
4. Junk yards and building material salvage yards, dismantling yard or business dealing in same, including scrap dealers, subject to the following conditions:
 - a. Any such activity or business shall be carried on entirely within a building or buildings or fully enclosed structures or within a fenced in area, entirely surrounded by a solid fence or natural screen at least eight feet in height constructed of new materials or of natural shrubbery or trees which shall effectively screen the activities conducted within same from view from surrounding properties or adjoining roads.
 - b. Such business or activity shall be conducted only between the hours of 7:00 A.M. and 6:00 P.M. daily but shall not be open for business or conducted on Sundays or holidays.

- c. All premises shall be kept and maintained in a clean, sanitary and neat condition. The owner-operator shall maintain the premises so that rats, vermin and fire hazards are kept to a minimum and that rubbish or garbage are not present on the premises other than in normal containers pending removal.
 - d. Stockpiling of any materials within the yard shall not be allowed above the height of the fence or solid screens.
 - e. There shall be no burning of any items upon premises other than the normal burning of trash made of paper products or wood.
 - f. The setback requirements for all industrial uses shall be required regardless of the zone in which same is existing in the event it is a nonconforming use. Where a fence or solid screen is used, same shall not be located within the setback area.
 - g. All such activities shall be currently licensed by the State of Michigan.
 - h. These regulations shall apply to currently existing junk yards as well as to future uses.
5. Sanitary Landfill Subject to the Following Regulations:
- a. There shall be adequate screening to effectively screen the landfill operations from adjoining properties.
 - b. There shall be adequate dust control on all landfill activities, including landfill roads.
 - c. The entire landfill shall be fenced, with cyclone fencing at least eight feet in height. The entrance shall have a gate which is closed and locked except when the landfill is open for business.
 - d. If the landfill is open to the public, there must be a full-time attendant; the landfill shall only be open between the hours of 7:00 A.M. and 6:00 P.M., Monday through Saturday and shall not be open on Sundays or holidays.

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- e. There shall be a daily pick-up of all litter and debris in the area of the landfill.
 - f. All regulations of the State of Michigan and federal government are incorporated by reference herein pertaining to landfill operations.
 - g. No hazardous waste shall be deposited.
6. Manufacturing operations not meeting the regulations of Section 11.02, (1) under permitted uses, providing noise, vibration, odor, smoke, pollution or lighting is regulated to such an extent so as not to be objectionable to surrounding property owners and residents.
7. Outdoor storage operations, providing adequate screening is provided to protect surrounding areas and such activity would not be harmful or detrimental to surrounding areas.

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ARTICLE XII and ARTICLE XIII

(R E S E R V E D)

ARTICLES 12-13 – RESERVED

ARTICLES XIV

CONDOMINIUM REGULATIONS

SECTION 14.01 PURPOSE

This Article is intended to provide for condominium projects within the Township, establish comparable regulations to guide development of such projects in a manner similar to comparable development allowed within the Zoning Ordinance, and to establish development standards and required information to assure adequate compliance within the purposes of this Ordinance including:

1. Orderly Growth and harmonious development of the community as planned for in the Township Land Use Plan, and
2. To secure adequate traffic circulation and safety through coordinated street systems with relation to the county and state paved road system, future development, public services and facilities, and
3. To provide for development which can be timed in a manner consistent with planned or needed public improvements so as not to create an undue inconvenience, hazard or financial burden for present residents of the Township, and
4. To secure adequate provisions for water supply, storm drainage, sanitary sewage disposal and other public health and safety needs, including safe and coordinated interconnection with existing and planned paved roadways, and to provide for the achievement of these purposes, and
5. To provide for an environmental assessment and when necessary to evaluate the impact of proposed developments to assure minimum impact of the natural environment including but not limited to the wetlands, surface waters, groundwater, flora and fauna of the community.

SECTION 14.02 DEFINITIONS

In addition to the terms defined in the Township Zoning Ordinance and Subdivision Ordinance the following terms shall have the meanings as shown in this Section. Terms defined in the Condominium Act, in addition to the terms defined herein, shall have the meanings as defined therein:

Building Site: The condominium unit including the building envelope and contiguous limited common area or element. The functional equivalent of a lot when lot is used as a reference in the Zoning Ordinance the regulation shall also refer to building site.

Condominium Act: Public Act 59 of the 1978 Acts of the Michigan Legislature, as amended (Section 559.101 et. seq. of the Michigan Compiled Laws).

Condominium Plan: The drawings and information prepared in compliance with the Zoning Ordinance which display the proposed site layout, survey and utility plans; floor plans; floodplain plans; and sections, as appropriate, showing the existing and proposed structures and improvements including the location thereof on the land. The condominium plan shall show the size, location, area and horizontal boundaries of each unit as well as vertical boundaries and volume for each unit comprised of enclosed air space. A number shall be assigned to each condominium unit. The condominium plan shall include the nature, location and approximate size of common elements.

Condominium Project: A plan or project consisting of not less than two condominium units if established and approved in conformance with the Condominium Act.

Condominium Subdivision Plan: Shall mean the same as Condominium Plan.

Condominium Unit: That portion of the condominium project designed and intended for separate ownership and use as described in the master deed and shall be equivalent to the term ‘lot’ as used in the Township Ordinances.

SECTION 14.03 - REQUIRED INFORMATION

Concurrently with notice required to be given the Township pursuant to Section 71 of Public Act 59 of 1978, as amended, (MCL 559-171) a person, firm or corporation intending to develop a condominium project shall provide the following information with respect to the project:

1. The name, address and telephone number of:
 - a. All persons, firms or corporations with an ownership interest in the land on which the condominium project will be located together with a description of the nature of each entity’s interest (for example, fee owner, optionee or land contract vendee).

- b. All engineers, attorneys, architects or registered land surveyors associated with the project.
 - c. The developer or proprietor of the condominium project.
2. The legal description of the land on which the condominium project will be developed together with appropriate tax identification numbers.
 3. The acreage content of the land on which the condominium project will be developed.
 4. The purpose of the project (for example: residential, commercial, industrial, etc.).
 5. Approximate number of condominium units to be developed on the subject parcel.
 6. Whether or not a community water system is contemplated.
 7. Whether or not a community septic system is contemplated.

SECTION 14.04 - CURRENT INFORMATION

All information shall be furnished to the Zoning Administrator and shall be kept updated until such time as a Certificate of Occupancy has been issued.

SECTION 14.05 - SITE PLANS – NEW PROJECTS – MASTER DEED, AND ENGINEERING AND INSPECTIONS

Prior to recording of the Master Deed required by Section 72 of the Condominium Act, as amended (MCL 559.108), the condominium project shall undergo site plan review and approval. In addition, the Township shall require appropriate engineering plans and inspection prior to the issuance of any Certificate of Occupancy. Prior to expansion or conversion of a condominium project to additional land the new phase of the project shall undergo site plan review and approval.

SECTION 14.06 - MASTER DEED, RESTRICTIVE COVENANTS AND “AS-BUILT” SURVEY TO BE FURNISHED

The condominium project developer or proprietor shall furnish the Zoning Administrator with the following:

1. One copy of the recorded Master Deed.
2. One copy of all restrictive covenants.
3. Two copies of an “as-built survey”.

The “as-built survey” shall be reviewed by the Township Engineer for engineering aspects and the Township Planner for compliance with Township Ordinances. Fees for these reviews shall be established by resolution of the Township Board in addition to those otherwise required by Township Ordinances.

SECTION 14.07 – MONUMENTS REQUIRED – SITE CONDOMINIUM PROJECTS

All condominium projects which consist in whole or in part of condominium units which are building sites, mobile home sites, or recreational sites shall be marked with monuments as provided in this subsection.

1. Monuments shall be located in the ground and made according to the following requirement, but it is not intended or required that monuments be placed within the traveled portion of a street to mark angles in the boundary of the condominium project if the angle points can be readily reestablished by reference to monuments along the sidelines of the streets.
2. All monuments used shall be made of solid iron or steel bars at least one-half (1/2) inch in diameter and thirty-six (36) inches long and completely encased in concrete at least four (4) inches in diameter.
3. Monuments shall be located in the ground at all angles in the boundaries of the condominium project; at all intersection lines of streets and at the intersection of the lines of streets with the boundaries of the condominium project and at the

intersection of alleys with the boundaries of the condominium project; at all points of curvature, points of tangency, points of compound curvature, points of reverse curvature and angle points in all side lines of streets and alleys; at all angles of an intermediate traverse line and at intersections with elements and all common elements.

4. If the required location of a monument is an inaccessible place, or where the locating of a monument would be clearly impracticable, it is sufficient to place a reference monument nearby and the precise location thereof by clearly indicated on the plans and referenced to the true point.
5. If a point required to be monumented is on a bedrock outcropping, a steel rod, at least one-half (1/2) inch in diameter shall be drilled and grouted into solid rock to a depth of at least eight (8) inches.
6. All required monuments shall be placed flush with the ground where practicable.
7. All unit corners shall be monumented in the field by iron or steel bars or iron pipes at least eighteen (18) inches long and one-half (1/2) inch in diameter, or other approved markers.
8. The Township Board may waive the placing of any of the required monuments and markers for a reasonable time, not to exceed one (1) year, on the condition that the proprietor deposits with the Township Clerk cash or a certified check, or irrevocable bank letter of credit running to the Township, whichever the proprietor selects, in an amount set by resolution of the Township Board. Such cash, certified check or irrevocable bank letter of credit shall be returned to the proprietor upon receipt of a certificate by a surveyor that the monuments and markers have been placed as required within the time specified.

SECTION 14.08 - MONUMENTS REQUIRED – ALL CONDINIUM PROJECTS

All condominium projects shall be marked at their boundaries with monuments meeting the requirements of Section 14.07 above.

SECTION 14.09 - COMPLAINEE WITH FEDERAL, STATE AND LOCAL LAWS

All condominium projects shall comply with Federal and State statutes and local ordinances.

SECTION 14.10 - STATE AND COUNTY APPROVAL

The developer or proprietor of the condominium project shall establish that appropriate state and county approvals have been received with regard to the fresh water system for the proposed project and with regard to the wastewater disposal system for the proposed project.

SECTION 14.11 - TEMPORARY OCCUPANCY

The Zoning Administrator may allow occupancy of the condominium project before all improvements required by this Ordinance are installed provided that a bond is submitted sufficient in amount and type to provide for the installation of improvements before the expiration of the Temporary Occupancy Permit without expense to the Township.

SECTION 14.12 – STREET STANDARDS, SITE PLAN SUBMITTAL, INSPECTIONS

All streets located within a Condominium Project shall be constructed and paved in accordance with the standards and specifications of the County Road Commission for public roads despite ownership status of roads within the condominium project for developments comparable in use, frontage, etc., to the condominium project. All condominium roads shall be designated and remain common elements as specified in the Master Deed. The Master Deed shall contain a clause approved by the Township Board which allows an assessment against condominium owners for road maintenance for the purposes of public safety and welfare. Where standards differ, the more restrictive standard shall apply. After submittal of the condominium plan and bylaws as part of the Master Deed, the proprietor shall furnish to the Township a copy of the site plan on a mylar sheet twenty-four by thirty-six (24 x 36) inches with an image not-to-exceed eight and one-half by fourteen (8-1/2 x 14) inches.

Prior to issuance of a Final Certificate of Occupancy by the Township, the Township Engineer shall inspect all site improvements, including roads, water, sanitary and storms sewer facilities, grading and road signs, and determine compliance with all applicable Township ordinance and requirements.

ARTICLE XV

RIPARIAN LOT USE REGULATIONS

SECTION 15.01 - INTENT

It is the intent of this section to promote the integrity of the bodies of water within the Township while preserving the quality of recreational use of the inland waters; to protect the quality of the lakes, streams and rivers by discouraging excessive use; to promote the ecological balance of the waters by limiting incompatible land use of the wetlands associated with the water bodies; and to maintain the natural beauty of the lakes by minimizing man-made adjustment to the established shorelines. Nothing in this Ordinance shall be construed to limit access to lakes or waterways by the general public by way of a public park or public access site provided or maintained by any unit of state, county or local government.

SECTION 15.02 - REGULATIONS

In any zoning district where a parcel of land is contiguous to a water body, either natural or man-made, such parcel of land may be used as access property or as common open space held in common by a subdivision, association or any similar agency; or held in common by virtue of the terms of a plat of record; or provided for common use under deed restrictions of record; or owned by two or more dwelling units located away from the waterfront only if the following conditions are met:

1. That said parcel of land shall contain at least 70 lineal feet of water frontage and a lot depth of at least 100 feet for each dwelling unit or each single-family unit to which such privileges are extended or dedicated. Frontage shall be measured by a straight line which intersects each side lot line at the water's edge.
2. That in no event shall water frontage of such parcel of land consist of a swamp, march, or bog as shown on the most recent U.S. Geological Survey Maps, or the Michigan Department of Natural Resources MIRIS Map, or have otherwise been determined to be wetland by the Michigan DNR; and that in no event shall a swamp, marsh, or bog be altered by the addition of earth or fill material or by the drainage of water for the purpose of increasing the water frontage required by this regulation.

3. That in no event shall such parcel of land abut a man-made canal or channel, and no canal or channel shall be excavated for the purpose of increasing the water frontage required by this regulation.
4. That access property, as provided for in and meeting the conditions of this Ordinance, regardless of total area, shall not be used as a residential lot for the purpose of constructing a dwelling and/or accessory structure(s), or for any commercial or business use.

SECTION 15.03 - DEFINITION

“Access Property” shall mean a property, parcel, or lot abutting a body of water either natural or man-made, and used or intended to be used, for providing access to a body of water by pedestrian or vehicular traffic to and from offshore land regardless of whether said access to the water is gained by easement, common fee ownership, single fee ownership, lease, license, gift, business invitation or any other form of dedication or conveyance.

ARTICLE XVI

(R E S E R V E D)

ARTICLE 16 – RESERVED

ARTICLE XVII

ZONING BOARD OF APPEALS

SECTION 17.01 - ESTABLISHMENT OF ZONING BOARD OF APPEALS

There shall be a Zoning Board of Appeals as provided by the Township Rural Zoning Act which shall have such powers and duties as prescribed by law. The Board of Appeals shall consist of three (3) members. The first member of the Board of Appeals shall be a member appointed by the Township Board from the Township Planning Commission. The remaining members of the Board of Appeals shall be selected from electors of the Township selected shall be representative of the population distribution and of the various interest present in the Township; geographic distribution of members shall be considered when making appointments. One member may be a member of the township Board. An elected officer of the Township shall not serve as chairman of the Board of Appeals. An employee of contractor of the Township Board may not serve as a member or an employee of the Township Board of Appeals. The term of each member shall be for three (3) years, commencing January 1, except of the first members appointed, two (2) shall serve for two (2) years and the remaining member shall serve for one (1) year.

SECTION 17.02 - AUTHORITY OF BOARD OF APPEALS

The Board of Appeals shall:

1. Hear and decide upon requests for the interpretation of the provisions of this Ordinance.
2. Grant variance from the strict application of the Zoning Ordinance where the strict application thereof would result in exceptional or undue hardship upon any property; provided that such relief or variance can be granted without substantial impairment of the intent or purpose of this Ordinance. This provision shall not be construed to permit the Board under a guise of a variance to change the uses of land.
3. Hear and decide appeals where it is alleged by the applicant that there is error in the refusal of a building permit or in any other order, requirement, decision, or determination made by the Zoning Inspector.

**SECTION 17.03 - LIMITATIONS OF AUTHORITY OF THE BOARD OF
APPEALS**

1. Nothing contained in this Ordinance shall be deemed to authorize the Board of Appeals to validate, ratify, or legalize any violation of law or any of the regulations of this Ordinance.
2. The Board shall not amend any portion of this Ordinance of the Zoning Map.
3. A decision of the Board granting a variance shall be valid for a period of six (6) months during which time a building permit must be obtained and the erection or alterations commenced.
4. No application for a variance which has been denied wholly or in part by the Board shall be resubmitted for a period of one (1) year from the date of denial except on grounds of newly discovered evidence or proof of changed conditions.

SECTION 17.04 - APPLICATION FOR VARIANCES AND APPEALS

Requests for variances or appeals may be made by submitting an application of letter to the Township Clerk.

ARTICLE XVIII

SPECIAL EXCEPTION USES

SECTION 18.01 - SPECIAL EXCEPTION STANDARDS

In order to make this Ordinance a flexible zoning control and still afford protection of property values and orderly and compatible development of property within the Township, the Planning Commission, in addition to its other functions, is authorized to approve the establishment of certain uses designated as Special Exception Uses within the various zoning districts set forth in the Ordinance.

Such Special Exception Uses have been selected because of the unique characteristic 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 permitted to be engaged in within the particular zone in which they are listed unless and until the Planning Commission in its absolute discretion, is satisfied with the same, under the conditions, controls, limitations, circumstances and safeguards proposed therefore, and imposed by the Planning Commission, would be compatible with the other uses expressly permitted within said district; would not, in any manner, be detrimental or injurious to the use of development of adjacent properties to the occupants thereof or to the general neighborhood; would promote the public health, safety, morals, and general welfare of the community; would encourage the use of lands in accordance with their character and adaptability; and that the standards required by the Planning Commission of the allowance of such Special Exception Use can and will, in its judgment, be met at all times by the applicant.

The burden of proof of facts which might establish a right to a Special Exception Use Permit under the foregoing standards shall be upon the applicant.

The planning Commission may not allow any use as a Special Exception Use unless same is specifically authorized as a Special Exception Use in the particular zoning district.

SECTION 18.02 - SPECIAL EXCEPTION PROCEDURE

1. All applications for Special Exception use Permits shall be filed with the Township Clerk and shall include all pertinent plans, specifications and other data upon which the applicant intends to rely for a Special Exception Use Permit.
2. The Planning Commission shall schedule and hold a hearing upon request. Publication of a notice of hearing on the application shall be made in a newspaper circulated in the Township. Copies of the notice shall be mailed to the applicant(s) and the owners and occupants of all parcels within three hundred (300) feet of the boundaries of the property in question; notices shall be published and mailed not less than five (5) nor more than fifteen (15) days before the hearing. The notice shall:
 - a. describe the nature of the Special Exception Use request;
 - b. indicate the property which is the subject of the Special Exception use request;
 - c. state when and where written comments will be received concerning the request; and
 - d. state when and where the hearing will be held on the Special Exception use request.
3. Following such hearing, the Planning Commission shall either grant or deny 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 upon which any such permit is granted shall be specified in detail by said Planning Commission in its decision and shall be filed with the Zoning Administration of the Township.
4. The Planning Commission 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 annual review of compliance with the conditions and limitations imposed upon such use. Any use failing to comply with such conditions and limitations may be terminated by action of the Planning Commission after a hearing.

5. The plot plan and specifications, and all conditions, limitations and requirements imposed by the Planning Commission shall be incorporated as a part of the Special Exception Permit and violations of any of these at any time will cause revocation of said permit and said Special Exception use shall cease to be a lawful use.

6. Any property which is the subject of a Special Exception Permit which has not been used for a period of one (1) year (without just cause being shown which is beyond the control of the owner and which is beyond the control of the owner and which is acceptable to the Planning Commission) for the purposes for which such special exception was granted shall thereafter be required to be used for only permissible uses set forth in the particular zoning classification and the permit for such special exception uses shall thereupon terminate.

SECTION 18.03 - REQUIREMENTS

1. **Bonding:** A performance surety or cash bond issued by a bonding company licensed in the State of Michigan, or bank letter of credit conditioned upon construction and development in accordance with the approved plans may be required by the Township Planning Commission to be filed with the Township Zoning Administrator at the time of application for a building permit where a development is to be completed in phases over a period of years, or to provide assurance of the completion of required improvements, in such amounts and for such periods as in the discretion of said Commission appears adequate to ensure compliance with the approved plans.

2. **General Standards:** Before any special approval of use is granted, the Planning Commission shall make findings of fact based upon competent evidence certifying compliance with the specific rules governing individual special land uses, and in addition, that following general standards have been met. Each proposed special land use shall:
 - a. In location, size and intensity of the principal and/or accessory operations, be compatible with adjacent uses and zoning of land.

 - b. Be consistent with and promote the intent and purpose of this ordinance.

 - c. Be compatible with the natural environment and conserve natural resources and energy.

- d. Be consistent with existing and future capabilities of public services and facilities affected by the use.
- e. Protect the public health, safety, and welfare as well as the social and economic well being of those who will use the land use or activity, residents, businesses and landowners immediately adjacent and the Township as a whole.
- f. Promote the use of land in a socially and economically desirable manner.
- g. Not be in conflict with convenient, safe and normal vehicular and pedestrian traffic routes, flows, intersections, and general character and intensity of development.
- h. Be of such a design and impact that the location and height of buildings, the location, nature and height of walls, fences and the nature and extent of landscaping on the site shall not hinder or discourage the appropriate development and use of adjacent land and buildings or impair the value thereof.
- i. In the nature, location, size and site layout of the use, be a harmonious part of the district in which it is situated taking into account, among other things, prevailing shopping habits, convenience of access by prospective patrons, the physical and economic relationship of one type of use to another and characteristic groupings of uses of said district.
- j. In the location, size, intensity and site layout be such that operations will not be objectionable to nearby dwellings, by reason of noise, fumes, glare or flash of lights.

The Planning Commission shall consult the Mottville Township Master Plan to determine if such proposed special land use is compatible with the future planned use of surrounding property and may limit the permit so as not to conflict with future planned land use. The duration of the permit may be limited only if such use is clearly temporary in nature.

SECTION 18.04 - COMMUNICATION

1. **Definition of COMMUNICATION TOWER:** A radio, telephone, cellular telephone or television relay structure of skeleton framework, or monopole attached directly to the ground or to another structure, used for the transmission or reception of radio, telephone, cellular telephone, television, microwave or any other form of telecommunication signals, except amateur or private non-commercial uses.

2. Qualifying Conditions

a. The following requirements shall apply:

1. A minimum lot size shall be one acre.
2. The use of guyed wires is strictly prohibited within one thousand (1,000) feet of an existing Residential Zoning District (R-1, R-2, R-3 OR R-4).
*Communications Towers on municipally owned parcels.
See Ordinance # 12-09 Adopted 7-9-09 Effective 07-28-09*
3. The base of the tower and wire cable supports shall be fenced with a minimum six (6) foot high chain-link fence.
4. To the extent possible, tower sites shall not be located in Residential Zoning District(s), and shall not be located within one thousand (1,000) feet of an existing Residential Zoning District (as listed in Section 1804.2.a.1.), unless applicant can demonstrate that no other usable site (including collocation) is available. Upon an adequate showing that a tower siting is not possible to meet the demonstrated need in paragraph 5. of this subsection, the Planning Commission may consider a special land use permit for a site as near in proximity as necessary to, but outside of, the District(s) listed in Section 1804.2.a.1.
*Communications Towers on municipally owned parcels.
See Ordinance # 12-09 Adopted 7-9-09 Effective 07-28-09*
5. All applications shall be accompanied by a written demonstration of need (including height) at the proposed location.
6. To the extent possible, towers shall be constructed to facilitate collocation.

b. Special Performance Standards:

1. The tower must be setback from all property lines a distance equal to its height, unless engineering plans and specifications have been verified by the Township Engineer that the structural integrity of the towers will withstand high winds and impacts, and the likelihood of a tower failure is minimal. The applicant shall incur all costs associated with Township Engineering review.
2. Accessory structures including guyed wire bases, are limited to uses associated with the operation of the tower and may not be located any closer to any property line than thirty (30) feet. Nothing shall prevent an applicant from applying to the Board of Appeals for a setback variance.
3. Each accessory structure shall not exceed six hundred (600) square feet of gross building area.
4. All setback requirements within the zoning ordinance shall be met.
5. All towers shall be equipped with an anti-climbing device to prevent unauthorized access.
6. The plans of the tower construction shall be certified by a registered structural engineer.
7. The applicant shall provide verification that the antennas mount and structure have been reviewed and approved by a professional engineer and that the installation is in compliance with all applicable codes.
8. All towers must meet the standards of the Federal Aviation Administration and the Federal Communications Commission.
9. Communication towers in excess of one hundred (100) feet in height above grade level shall be prohibited within a two (2) mile radius of a public airport or ½ mile radius of a helipad.

10. No part of any tower or antenna shall be constructed, located or maintained at any time, permanently or temporarily, on or upon any required setback area for the district in which the antenna or tower is to be located. In no case shall a tower or antenna be located within thirty (30) feet of a property line. Nothing shall prevent an applicant from applying to the Board of Appeals for a setback variance.
11. Metal towers shall be constructed of, or treated with, corrosive-resistant material.
12. Antennae and metal towers shall be grounded for protection against a direct strike by lightning and shall comply as to electrical wiring and connections with all applicable local statutes, regulations and standards.
13. Towers with antennae shall be designed to withstand a uniform wind loading as prescribed in the building code.
14. All signals and remote control conductors of low energy extending substantially horizontally above the ground between towers, shall be at least eight (8) feet above the ground at all points, unless buried underground.
15. Towers and antennae shall be located and operate so that they do not interfere with reception in nearby residential areas.
16. Towers shall be located so there is room for vehicles doing maintenance to maneuver on the property owned and/or leased by the applicant.
17. Height of the tower shall not exceed one hundred seventy-five (175) feet from grade if located within one thousand (1,000) feet of an existing Residential Zoning District (as described in this Section); and shall not exceed the minimum height necessary to meet documented need in any event.
18. Towers shall not be artificially lighted except as required by the Federal Aviation Administration (FAA).

19. Existing on-site vegetation shall be preserved to the maximum extent practicable.
20. There shall not be displayed advertising or identification of any kind intended to be visible from the ground or other structures, except as required for emergency purposes.
21. The antenna shall be treated to match the exterior treatment of the tower. The chosen scheme should be designed to minimize off-site visibility of the antenna.
22. Structures shall be subject to any state and federal regulations concerning non-ionizing electromagnetic radiation. If more restrictive state or federal standards are adopted in the future, the antenna shall be made to conform to the extent required by such standard or the Special Use approval will be subject to revocation by the Township Board. Cost for testing and verification of the compliance shall be borne by the operators of the antennae.
23. There shall be no employees located on the site on a permanent basis to service or maintain the tower and antenna. Occasional or temporary repair and service activities are excluded from this restriction.
24. An access exclusive to the communication tower shall be required and shall be gated to prevent unauthorized entry by unauthorized vehicles.
25. Where the property is within one thousand (1,000) feet of any existing Residential Zoning District, the developer shall plant two (2) alternating rows of evergreen trees with a minimum height of five (5) feet on twenty (20) foot centers along the entire perimeter fenced enclosure of the tower and related structures. In no case shall the evergreens be any closer than ten (10) feet to any structure.
26. The tower shall be removed by the property owner or lessee within six (6) months of being abandoned.

27. A performance guarantee, bond from a Michigan licensed bonding company or satisfactory financial surety at the discretion of the Planning Commission shall be required to provide for tower removal and site reclamation.
28. The demonstrated need, tower height and type (monopole skeleton framework, guyed wire) and any other technical claims shall be subject to independent verification at the applicant's cost.
29. The applicant shall indicate to the Township the existing or proposed land line phone service provider to provide for assurance that existing utility franchise agreements are maintained.

3. Additional Requirements

- a. Unless the height and transmission power of towers and antennae (cumulative power in the case of multiple antenna structures) are within categorically excluded limits established by the Federal Communications Commission (as documented by the applicant and verifiable by the Township at applicant expense) no radio frequency (RF) measurements shall be required unless item 3.b (below) applies.
- b. Any individual residing within close proximity to a tower who complies with FCC procedures for requesting RF emissions testing shall be accommodated by the applicant and comply with testing results as a condition of special land use permit continuance.
- c. Periodic verification of tower structural integrity may be required.

SECTION 18.05 - BED AND BREAKFAST INNS

A private residence, owned by the innkeeper, that offers sleeping accommodations to transient tenants in five (5) or fewer rooms for rent, is the residence in which the innkeeper resides while renting the rooms to transient tenants and in which the innkeeper serves breakfast at no extra cost to the transient tenants. Such a use may be allowed in districts where such a use is listed as a special land use pursuant to a special exception permit provided that it:

1. is operated in its entirety within the principal dwelling and not within any garage or accessory building located upon the premises, except for incidental storage in use of a residential type garage; and
2. is only conducted by the persons who own and occupy the premises; and
3. has no exterior evidence other than a permitted sign to indicate that the same is being utilized for any purpose other than that of a dwelling; and
4. does not involve alteration or construction not customarily found in residential dwellings; and
5. is clearly incidental and subordinate to the principal use of the premises for residential purposes; and
6. does not constitute an annoyance or nuisance to adjoining residents by reason of noise, smoke, odor, electrical disturbance, lighting, or the creation of unreasonable traffic to the premises; and
7. does not utilize more than five (5) transient sleeping units with a minimum square footage for each unit of 100 square feet for two (2) lodgers and fifty (50) square feet for each additional lodger to a maximum of four (4) occupants per room; and
8. guests are not allowed to stay longer than fourteen (14) consecutive days or thirty (30) days in any one calendar year at any bed and breakfast location; and
9. all bed and breakfast operations shall maintain on the premises a guest register and all guests shall be legibly registered and such register is subject to inspection during reasonable hours by the township building inspector or his designee; and
10. all bed and breakfast permit holders shall be reviewed on an annual basis and shall be required to comply with all state and local regulations and laws concerning bed and breakfast operations; and
11. no building or structure either on the premises of the bed and breakfast inn or on property adjacent thereto shall be removed in order to provide parking for the bed and breakfast inn; and

12. all required parking for any bed and breakfast inn shall be screened from adjacent residential uses in such form and manner as shall from time to time be required by the Planning Commission; and
13. no bed and breakfast inn shall have on its premises any restaurant which is open to the general public or any gift shop, store or public meeting room or other sales, lease or rental operations; and
14. sufficient off-street parking shall be required as for commercial lodging establishments; and
15. compliance with all requirements of initial and subsequent fire safety inspections reports; and
16. all developments shall be subject to site plan review and approval procedures as specified in Section 1715 of this Zoning Ordinance.

SECTION 18.06 - SELF-STORAGE UNITS

1. No storage outside of a fully enclosed building shall be permitted.
2. The maximum length of any self-storage building shall be one hundred fifty (150) feet.
3. No storage of combustible or flammable liquids, explosive materials shall be permitted within the self-storage building or upon the premises.
4. The use of the premises shall be limited to storage only and shall not be used for operating any other business; for the maintaining or repairing of any vehicles, recreational equipment, or other items; or any recreational activity, hobby, or purpose other than the storage of personal property or business inventory or property.

ARTICLE XIX

NONCONFORMING USES

SECTION 19.01 - REGULATIONS CONTROLLING NONCONFORMING USES

The following regulations shall control lawful nonconforming uses in existence at the time of passage of this Ordinance:

1. Lawful nonconforming uses or structures in existence at the time of passage of this Ordinance may be continued but shall not be extended, added to or altered unless such extension, alterations or additions are in conformity with the provisions of this Ordinance.
2. If the cost of repair or replacement of a nonconforming use or structure which has been destroyed by reason of windstorm, fire, explosion or any act of God or the public enemy, exceeds fifty percent (50%) of the total replacement cost of the use or structure, such use or structure shall not be continued or rebuilt except in conformity with the provisions of this Ordinance.
3. If the nonconforming use of any land or structure shall terminate for a continuous period of time exceeding one year, such use shall not be reestablished, and any future use of land and structure shall be in conformity with this Ordinance.
4. If a nonconforming use is changed to a permitted or more restrictive use in the district in which it is located, it shall not revert or be changed back to a nonconforming less restrictive use.
5. Nothing in this Ordinance shall prevent such repairs, improvements or reinforcement of a nonconforming building or structure existing on the date of enactment of this Ordinance as may be necessary to secure or ensure continued advantageous use of such building or structure during its natural life; PROVIDED, such repair, improvement or reinforcement includes no enlargement or change of use thereof.

6. Nothing in this Ordinance shall require any change in the erection or intended legal use of a building, if a building permit has been issued by the Township and substantial construction has begun before the passage of this Ordinance and which is completed before the expiration of the building permit issues for such work.

ARTICLE XX THRU ARTICLE XXII

(R E S E R V E D)

ARTICLES 20-22 - RESERVED

ARTICLE XXIII

AREA AND SETBACK REGULATIONS, PARKING REGULATIONS, GENERAL REGULATIONS

SECTION 23.01 - GENERAL REGULATIONS

No building shall be erected, nor any existing building be altered, enlarged, moved or rebuilt, nor shall any open space surrounding any building be encroached upon or reduced in any manner except in conformity with the yard, lot, area and building location regulations hereinafter designated for the zone of which such building or open space is located, except as otherwise specifically provided, and no yard or open space provided about any building for the purpose of complying with the provisions of this Section shall be considered as a yard or open space for any other buildings.

SECITON 23.02 - AREA AND SETBACK REQUIREMENTS

1. Every dwelling, except mobile homes located in a mobile home park, which are hereafter erected shall contain not less than seven hundred twenty (720) square feet of floor space, exclusive of garage or other nonresidential purpose areas. Two-family dwellings and apartments shall have a minimum of six hundred (600) square feet per unit.
2. Every building shall be set back at least thirty-five (35) feet from the nearest boundary of any highway, road or street, or eight-three (83) feet from the center line of any highway, road or street, whichever is greater. However, the setback for all buildings shall be at least eight (80) feet from the right-of-way line of any State or U.S. Highway. Where the majority of the frontage along one side of a street within five hundred (500) feet of a vacant lot has been built upon at the time of passage of this Ordinance, any building hereafter erected on said vacant lot shall not be less than the average setback of the improve frontage, but in no event less than twenty-five (25) feet.
3. Any building constructed on a lot abutting a lake, pond stream or river shall be set back at least twenty-five (25) feet from the high water line, except those buildings in existence at the time of passage of this Ordinance. Where the majority of the property abutting said water line within five hundred (500) feet of a vacant lot has been built upon at the time of passage of the Ordinance, the setback of any building hereafter erected on said vacant lot shall not be required to be greater

Than, nor shall it be less than, the average setback of the improved properties. One story boat houses used exclusively for boating and bathing facilities may be constructed at the high water shoreline, but not over the water, however, docks, together with temporary boat shelters which are dismantled during the winter months, may be constructed out into the lake beyond the said high water shoreline not more than one hundred (100) feet from said shoreline. In addition, waterfront boathouses may be constructed immediately adjacent to the sideline of the lots as long as the view of any neighboring property will not be blocked. All boathouses shall be positioned so as not to interfere with the view of adjoining properties, as determined by the Building Inspector. In the event of a controversy concerning the location of the high water shoreline for the purposes herein set forth, the determination of the Board of Appeals established under the statute and this ordinance shall be conclusive on such questions.

4. Every building shall have a sideline setback of at least ten (10) feet from any adjacent property and shall have a rear line setback of at least ten (10) feet from any adjacent boundary line or property, except for waterfront boathouses as provided above in subsection 3.
5. In the ‘C’ Commercial District zoning classification, ‘AIC’ Agriculturally Related Industrial and Commercial District zoning classification and ‘I’ Light Industrial District zoning classification, any building or structure must be set back at least twenty-five (25) feet from the line dividing said district and any Residential (R-1 through R-4) District zoning classification; and, in addition, no commercial or industrial use may be made of the area within twenty-five (25) feet of that dividing line.
6. The minimum width and size of lots, other than platted lots, upon which buildings or structures may be built in the various zoning classifications shall be as follows:

	Width	Size
AG	165 ft.	one acre
R-1	165 ft.	one acre
R-2	165 ft.	one acre
R-3 (lot in mobile home park)	See Mobile Home Commission	Regulations
R-4	125 ft.	one acre
C	80 ft.	one acre
AIC	165 ft.	one acre
I	165 ft.	one acre

No building or buildings shall cover more than twenty-five percent (25%) of any lot.

7. Mobile homes not meeting the definition of ‘dwelling, single-family’ shall not be brought upon property other than in a mobile home park or mobile home plats which are legal non-conforming uses except as follows.
 - a. A mobile home may be installed on a temporary basis when connected to a sewer or a dry well/septic tank system and has water available on the site, when the owner of the property is constructing a conventional dwelling on the property and after a building permit is issued. The mobile home cannot remain on the property for more than one year and must be removed when the dwelling is occupied.
 - b. A nonconforming mobile home may be converted so as to be a conforming single-family dwelling, if it meets the HUD regulations and is compatible throughout the structure in construction components and appearance. The applicant must submit the following to the Zoning Administrator/Building Inspector.
 - i. A copy of the Federal (HUD) certificate, or a written statement signed by him or her containing the contents of the certificate which is fastened to the mobile home.
 - ii. A drawing, plans and specifications showing how the mobile home will be converted to comply, including a description in detail of the construction components to be used.

Upon approval by the Zoning Administrator/Building Inspector, the applicant shall submit a one-year performance bond issued by a Michigan licensed bond company payable to the Township in an amount at least equal to the cost of the construction, but not less than five thousand dollars (\$5,000), before the permit will be issued. Any applicant cannot place the noncomplying mobile home on the property or commence work on the conversion until a permit has been issued. The construction shall be completed within one (1) year of issuance of the permit, or the bond will be forfeited.

SECTION 23.03 - HEALTH, SANITATION AND WELFARE

1. Each dwelling shall have in each room, excluding interior bathrooms, window or windows equal to not less than one-eighth (1/8) of the superficial floor area of such room opening upon the yard or court of the lot or premises upon which said dwelling is located and such window or windows shall be so located and constructed as to properly light and ventilate all portions of said room.
2. No building or structure, the major portion of which consists of a basement, shall be occupied by any person for living or sleeping purposes, except earth sheltered homes that comply with the building code of the Township.
3. No garage shall be occupied for dwelling purposes.
4. All toilets, cesspools, septic tanks, sewers and wells shall be constructed or maintained according to the latest State Department of Health and County Department of Health regulations.
5. No open ditch, drain, pond, basin or other similar devise shall be used or maintained by any person, firm, association or corporation of the Township which shall be a menace to or endanger the health, comfort and well-being of the residents of the said Township, the public or surrounding territory. No sewage or contaminating material shall be used or maintained by any person, firm, association or corporation which shall harbor mosquitoes, larvae or disease carrying insects or which shall emanate obnoxious odors.
6. No public dumping except as approved by the Township and/or licensed by the State of Michigan shall be created or maintained within said Township. No person, firm, association or corporation shall dump, deposit, leave or abandon at any place within the Township any scrap or waste material of whatsoever nature.
7. the accumulation of debris, junk or other refuse on any premises in any zoning classification for longer than seven (7) days, where the premises are occupied, or thirty (30) days where the premises are unoccupied is prohibited and deemed to be a violation of this Ordinance except as may be specifically authorized pertaining to landfills or junk yards as contained in this Ordinance and which are licensed by the State of Michigan.

SECTION 23.04 - PARKING REGULATIONS

1. The following parking regulations shall apply unless the State Building Code contains regulations which are more restrictive and in that event, the more restrictive regulations shall apply. Off-street parking of not less than two hundred (200) square feet nor less than ten (10) feet wide, exclusive of driveways and isle space per each automobile, is required as follows:
 - a. **Professional Office Buildings:** One (1) parking space for each two hundred (200) square feet of interior floor space.
 - b. **Retail Stores, Supermarkets, Department Stores, Personal Service Shops and Shopping Centers:** One (1) parking space for each one hundred (100) square feet of floor area in the basement and on the first floor used for retail sales and one (1) space for each one hundred fifty (150) square feet of floor area on the second floor used for retail sales, and one (1) space for each three hundred (300) square feet of floor area on the third and subsequent floors used for retail sales.
 - c. **Manufacturing Buildings:** One (1) parking space for each three (3) employees.
 - d. **Bowling Alleys:** Three (3) parking spaces for each alley.
 - e. **Motels and Tourist Homes:** One (1) parking space for each separate unit.
 - f. **Theaters, Auditoriums and Churches:** One (1) parking space for each four seats.
 - g. **Dance Halls, Assembly Halls and Restaurants:** One (1) parking space for each one hundred (100) square feet of floor area.
 - h. **Schools:** One (1) parking space for each employee normally engaged in and/or about the buildings and grounds for elementary or junior high schools. For high schools, there shall be one (1) parking space for each employee normally engaged in and/or about the buildings or grounds, plus one (1) parking space for each ten (10) students.
 - i. **Multiple Dwellings:** One and one-half (1 ½) parking spaces for each unit.

SECTION 23.05 - ROAD ACCESS REQUIREMENTS

1. All buildings built upon unplatted land or land not a part of a site condominium except those located in the 'C' Commercial District zoning classification, must comply with all of the following regulations:
 - a. Each building must be constructed upon a parcel of land containing at least the lot width required in Section 23.02 of this zoning ordinance, on a dedicated public road, or private road in compliance with Section 23.08.
 - b. After construction of a building, the parcel or building site must contain at least the lot width required in Section 23.02 of this zoning ordinance, on a dedicated public road (or private road in compliance with Section 23.08 of this Ordinance) at all times thereafter.
 - c. Each building site or parcel of land shall contain no more than one principal building (except for permitted apartment buildings), other than accessory buildings.
 - d. These provisions shall control unless more frontage or a greater width or setback or a larger acreage is required in a particular situation by the terms of this Ordinance and if so, the said terms which are more restrictive (more frontage) shall control.

SECTION 23.06 - REQUIREMENTS FOR SINGLE-FAMILY DWELLINGS

The purpose of this provision of the Zoning Ordinance is to provide reasonable standards which ensure that all single-family homes regardless of construction type (e.g. site-built or factory built) are compatible within the same residential zone. Sufficient evidence must be submitted to the Zoning Administrator to ensure that the following standards are met by Administrator to ensure that the following standards are met by single-family homes prior to location on a site in the Township:

1. All single-family dwellings shall comply with the minimum square footage requirements of this Ordinance for the zone in which it is located.

2. All single family dwellings have an area of at least twenty (20) feet in size in horizontal dimension in all directions someplace within the structure and comply in all respects with the State Building Code. Where a dwelling is required by law to comply with any federal or state standards or regulations for construction are different standards or regulations for construction are different than those imposed by the Building code adopted by the Township, then and in that event such federal or state standards or regulations shall apply.
3. Each single-family dwelling is firmly attached to a permanent foundation constructed on the site in accordance with the Building Code adopted by the Township, and shall have a wall of the same perimeter dimensions of the dwelling and constructed of such material and types as required in the applicable building code for single-family dwellings. In the event that the dwelling is a mobile home, as defined herein, such dwelling shall, in addition thereto, be installed pursuant to the manufacturer's setup instructions and shall be secure to the premises by an anchoring system or device complying with the rules and regulations of the Michigan Mobile Home commission or its successor.
4. In the event that a dwelling is a mobile home as defined herein, each mobile home shall be installed with the wheels, removed. Additionally, no dwelling shall have any exposed towing mechanism, undercarriage or chassis.
5. The dwelling is connected to a public sewer and water supply or to such private facility as approved by local health department.
6. The dwelling is aesthetically compatible in design and appearance with other residences in the vicinity, with either a roof overhang of not less than six inches on all sides, or alternatively with window sills and roof drainage systems concentrating roof drainage at collection points along the sides of the dwelling; has not less than two (2) exterior doors with the second one being in either the rear or side of the dwelling; and contains permanently attached steps connected to said exterior door areas or to porches connected to said door areas where a difference in elevation requires the same. The compatibility of design and appearance shall be determined in the first instance by the Township Zoning Administrator or upon review of the plans submitted for a particular dwelling subject to appeal by an aggrieved party to the Zoning Board of Appeals within a period of fifteen (15) days from the receipt of notice of said Zoning Administrator's decision. Any determination of compatibility shall be based

upon the standards set forth in this definition of ‘dwelling’ as well as the character, design and appearance of one or more residential dwellings located outside of mobile home parks within 2,000 feet of the subject dwelling where such area is developed with dwellings to the extent of not less than twenty percent (20%) of the lots situated within said area; or, where said area is not so developed, by the character, design and appearance of one or more residential dwellings located outside of mobile home parks throughout the Township. The foregoing shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, unique land contour or relief from the common or standard designed home.

7. The dwelling contains no additions or rooms or other areas which are not constructed the same applicable state or federal standard as the original principal structure and construction of a foundation as required herein.
8. The dwelling complies with all pertinent, building and fire codes. IN the case of a mobile home, all construction and connected to said mobile home shall be of a type and quality conforming to the “Mobile Home Construction and Safety Standards” as promulgated by the United States Department of Housing and Urban Development, being 24 CFR 3280, and as from time to time such standards may be amended.
9. Mobile homes within mobile home parks in the ‘R-3’ District do not have to meet the preceding requirements.

SECTION 23.07 - LAND DIVISION REGULATIONS

Land Divisions shall comply with the State Land Division Act, the Township Land Division Ordinance and the provisions of this Zoning Ordinance.

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SECTION 23.08 - PRIVATE ROAD STANDARDS AND PROCEDURES

1. **Access Requirements:** All parcels of land which are not part of a recorded plat shall have access to a dedicated public street or access to a private road as described in Section 23.08.3.
2. **Minimum Lot Frontage/Private Roads/Public Streets:** The minimum lot frontage for a buildable lot as specified in Section 23:02 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:
 - i. 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.
 - ii. The private road shall provide access to a public street and not be an extension of (or from) a private road.
 - iii. If the private road provides planned or potential access to/from 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.
 - iv. If the private road provides planned or potential access to/from a public street for 3-6 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.
3. **Required Approval:** No person shall commence construction of a private road within the Township without prior approval by the Township Board. Applications for approval shall conform to the rules of procedure as promulgated by the Township Engineer and as adopted by the Township.

A construction permit for a private road as approved by the Township Board shall be valid for a period of not more than two years. The developer of a private road shall be responsible for maintenance of the private road until such time a dwelling is

built and occupied or a maintenance agreement is in effect. It shall be the responsibility of the developer to maintain any unsold parcels free of dumping and trash.

4. Standards:

- a. All private roads for development of 7 or more lots shall meet the specifications of the St. Joseph County Road Commission for public roads.
- b. No private road shall provide access to more than one dedicated public road or provide access to another private road.
- c. The applicant shall submit at least two proposed names for a private road to the Township Board.
- d. The applicant shall submit a drawing of said private road, as well as a letter of intent stating general specifications for said private road, including total proposed length. In no event shall any private road be extended beyond the length as shown on said drawings and letter of intent.
- e. For any parcel of land not fronting on an established public road, an easement for the construction and maintenance of various public utilities including natural gas, electric telephone, sewer, water, storm sewer, or similar improvement shall be provided. No building permit shall be granted for any parcel fronting on the private road until such easement has been provided by the applicant.

5. Deed Restrictions:

- a. Prior to the approval of the proposed private road, the applicant shall submit to the Township a set of deed restrictions in a form acceptable to the Township which shall provide for the creation of the private road easement and the creation of a homeowners association whose members shall be the property owners abutting said road. The association shall be responsible for the upkeep and maintenance of said road. No more than one association shall be responsible for any one private road. The Township shall be given the authority to assess the parcels of owners who become delinquent in the

payment of their portion of the maintenance and upkeep costs and fees expended by the Township relating to this assessment. Said restrictions shall be recorded prior to the completion of the road.

- b. The applicant shall also submit to the Township a document, in a form sufficient for recording with the County Register of Deeds stating that in no event shall the association, the individual homeowners, the applicant or their heirs or assigns hold the Township liable for the costs of road signs, traffic control signs, maintenance, lighting or snow removal.
- c. Owners of easement which are proposed to meet these private road standards existing as of the date of the adoption of this Ordinance may petition the Township Board to assess the parcels of owners who become delinquent in the payment of their portion of the maintenance and upkeep costs, as provided in this Ordinance by submitting to the Township Board the following:
 - i. A petition, executed by 100 percent of the owners of said private road, requesting that the Township be given the authority to make the assessments provided for herein.
 - ii. A set of proposed deed restrictions or in the alternative, a proposed maintenance agreement, in form acceptable to the Township Board, in a form sufficient for recording with the County Register of Deeds, executed by 100 percent of the owners of the private road which shall provide for the maintenance and upkeep of the private road and which shall also give the Township Board the authority to make the assessments provided in this Ordinance. In the event of ownership by joint tenants, tenants-in-common, or tenants by the entirety, signatures of all those with an ownership interest in the private road shall be required. The maintenance agreement or deed restrictions shall be considered covenants running with the land.
 - iii. One hundred percent (100%) of the owners of the private road shall also submit to the Township a document, in a form sufficient for recording with the County Register of Deeds, stating that in no event shall the association, if any, the individual owners, or their heirs or assigns hold the Township liable for the costs of road signs, traffic control signs, lighting or snow removal.

iv. **Preparation of Plans and Legal Descriptions:** All drawings, legal descriptions and private road specifications shall be prepared and sealed by a registered civil engineer and/or registered land surveyor.

v. **Conditions for Issuing of Permit:**

1. Except as provided in this Ordinance, no building permits shall be issued for parcels abutting private roads until the Township Engineer has reported to the Township Board that said private road meets the standards provided herein.

2. Building permits may be issued prior to the required reports by the Township Engineer when any or all of the following conditions are satisfied, and subject to the subbase being installed within the private road and approved by the Township Engineer.

a. The subject parcel also abuts a dedicated public county road and,

i. Construction permits have been obtained by the applicant for the building permit from the County Road Commission for the construction of an entrance from the subject parcel onto the County right-of-way;

ii. The applicant's plan provided that no other parcel shall have access permitted through said entrance to the county right-of-way unless the driveway is improved to the standards contained herein.

b. The building permit applicant supplies a performance bond guaranteeing the completion of the private road according to the standards provided herein. The surety bond, to be executed by a surety company authorized to do business in the State of Michigan shall be in an amount determined by the Township Board to be reasonably necessary to insure compliance hereunder.

- c. Notwithstanding the provisions of this Ordinance, certificates of occupancy will not be issued until the Township Engineer has reported the completion of the road as provided for in this Ordinance.

SECTION 23.09 - PERFORMANCE GUARANTEE

In the interest of insuring compliance with this Zoning Ordinance and protecting the natural resources and the health, safety and welfare of the residents of the Township and future users or inhabitants of an area for which a site plan for a proposed use has been submitted, the Planning Commission as a condition of approval of the proposed use may require the applicant to deposit a performance guarantee as set forth herein to insure completion of improvements connected with the proposed use required by this Ordinance including but not limited to roadways, lighting, utilities, sidewalks, drainage, fences, screens, walls, landscaping, and widening strips.

1. Performance guarantee as used herein shall mean a cash deposit, certified check, or irrevocable bank letter of credit in the amount of the estimated cost of the improvements to be made as determined by the applicant and confirmed and verified by a representative of the Township.
2. Where the Planning commission, as a condition of approval of a proposed use of land requires a performance guarantee, said performance guarantee shall be deposited with the Clerk of the Township prior to the issuance of a building permit by the Township for the development and use of the land. Upon the deposit of the performance guarantee the Township shall issue the appropriate building permit and the Township Clerk shall thereafter retain said deposit, however, if said deposit is in the form of cash or certified check, then it shall be transferred to the Township Treasurer for deposit in an interest bearing account.
3. Where a performance guarantee is required by the Planning Commission as a condition of approval for a proposed use, the Planning Commission shall also prescribe the period of time within which the improvements for which the performance guarantee has been required are to be completed, said period to run from the date of the issuance of the building permit.
4. In the event the performance guarantee deposited is a cash deposit or certified check, the Township shall rebate to be applicant amounts of money in reasonable proportions to the ration of the work completed on the improvements by the applicant as confirmed by the Township Engineer.

5. Upon the satisfactory completion, as determined by the Township, of the improvement for which the performance guarantee was required, the Clerk shall notify the Treasurer of the Township to return to the applicant the performance guarantee deposited and any interest earned thereon.
6. In the event the applicant defaults in making the improvements for which the performance guarantee was required within the time period established by the Township, the Township shall have the right to use the performance guarantee deposited and any interest earned thereon to complete improvements through contract or otherwise, including specifically the right to enter upon the subject property to make the improvements.
7. In the event the applicant defaults in making the improvements and the performance guarantee is not sufficient to allow the Township to complete the improvements for which it was posted, the applicant shall be required to pay to the Township the amounts by which the costs of completing the improvements exceeds the amount of the performance guarantee deposited.

SECTION 23.10 - SITE PLAN REVIEW

All developments in C, AIC, R-4, LI, and R-3, Districts and all non-residential land uses within the A, R-1, and R-2 Districts and all projects with two or more dwelling units or building sites (in the case of condominium dwelling units) shall require site plan approval by the Planning Commission prior to issuance of a building permit and shall comply with the following requirements and standards. Approval will be based on the Articles of this Ordinance and such other conditions as may be imposed pursuant to ARTICLE XVIII (Special Exception Uses) of this Ordinance.

- A. Approval by the Planning Commission shall be contingent upon a finding that:
 1. The site plan shows that a proper relationship exists between local streets and any proposed service roads, driveways, and parking areas to encourage pedestrian and vehicular traffic safety, and
 2. All the development features including the principal building or buildings and any accessory buildings, or uses, open trash or refuse containers, and any service road, driveways and parking areas are so located and related to minimize the possibility of any adverse effects upon adjacent property,

such as, but not limited to, channeling excessive traffic onto local residential streets, lack of adequate screening or buffering of parking or service areas, or building groupings and circulation routes located as to interfere with police or fire equipment access. Public streets adjacent or through the proposed development shall be required upon a finding that it is essential to promoting and protecting public health, safety and general welfare through continuation of the public street system.

3. The site plans and elevations of the buildings (principal and accessory) shall be in harmony with the general character of the area.

The required number of copies of the Site Plan Review and/or Special Land Use application together with the same number of copies of all the required drawings and illustrations shall be presented to the Township Clerk 20 days prior to the next regular meeting of the Commission to be forwarded to the Planning Commission, Township Engineer and/or Township Attorney where necessary. All of the following detailed information must be submitted.

B. Application Form (obtainable from the Township Clerk)

1. Applicant's name and address
2. Name of the proposed development
3. Common description of property
4. Complete legal description
5. Dimensions of land, width, length and acreage
6. Existing zoning and zoning of adjacent properties
7. Proposed use of land
8. Name, address, city and phone number of the firm or individual who prepared site plan

9. Name and address of applicant if not the legal owner

10. Signature of the legal owner, if not the applicant

C. Site Plan (Drawing(s) and Illustration(s) fully dimensioned)

1. Location map drawn at scale of 4"-1 mile (show nearest major intersection)
2. Location of all existing and proposed structures and uses
3. All aisles, drives and parking areas (include the number of spaces in each)
4. Screening and/or protective walls
5. Principal and accessory buildings
6. Location of existing and proposed rights-of-way, widths of all abutting streets, alleys and easements
7. Types of facing materials to be used on structures
8. Elevations (front, sides and rear views) of all sides of the building(s)
9. Typical floor plan(s)
10. Seal of registered Architect, registered land surveyor, Landscape Architect, Professional Planner or Civil Engineer who prepared the plan; in case of minor structural alterations where professional services are not required, the Planning Commission may waive this requirement
11. Density calculations
12. Existing buildings or improvements on the site and all land adjacent to the site within 100 feet
13. Designation of units by type of buildings

14. Interior sidewalls and sidewalks within right-of-way
 15. Exterior lighting locations and methods of shielding
 16. Trash receptacle location and method of screening
 17. Landscape plan
 18. Drive or street approaches including acceleration, deceleration and passing lanes, if appropriate
 19. All utilities located on or serving the site
 20. Loading and unloading area
 21. Total floor area
 22. Designation of fire lanes
 23. Where large equipment or machinery is to be installed as part of the development, the location, type, horsepower, fuel, dimension, noise, vibration and emission levels and other data of such equipment or machinery
 24. Location and extent of development of recreation areas, when necessary
- D. **Sign Information:** Separate drawings of the proposed sign(s) to be erected on the site may be submitted at the time of site plan review or at a later date. The location of all signs shall be shown on the site plan but the following detailed information may be deferred until later.
1. Height of the sign above the ground
 2. Surface of the sign (material and dimensions)
 3. Area of sign surface

4. Lettering of sign drawn as it will appear on the erected sign need not be in the style of the finished sign but must be neatly printed in the size and the weight approximating that of the final constructed sign

5. Method of illumination, if any

E. **Procedures:** The application will be placed on the agenda of a regular meeting of the Planning Commission and consideration for acceptance, revision or disapproval will be given.

F. **Access Management:** Access points shall be subject to the review and recommendation of the Michigan Department of Transportation (MDOT) when access is to a route over which MDOT has jurisdiction. Commercial and industrial land uses may be subject to verification by the township at a cost to the applicant to justify the number and location of access points to maximize safety of ingress and egress. The township may require reservation of areas for future access roads to minimize future access points.

SECTION 23.11 - HOME OCCUPATION STANDARDS

1. Is operated in its entirety within the dwelling and not within any garage or accessory building located on the premises, except for incidental storage in a residential type garage upon the premises, and where the same would not materially impair the residential character of the neighborhood or cause traffic congestion or parking problems.
2. Is only conducted by the person or persons occupying the premises as their principal residence a major portion of each month; provided, however, the Planning Commission shall have the authority to permit an additional subordinate assistant who does not so reside within such dwelling.
3. The dwelling has no exterior evidence, other than a permitted sign, to indicate that the same is being utilized for any purpose other than that of a dwelling.
4. The occupation conducted therein is clearly incidental and subordinate to the principal use of the premises for residential purposes and in no event shall there be more than twenty-five percent (25%) or three-hundred (300) square feet, whichever is lesser, of the residential space used.

5. No goods are sold from the premises which are not strictly incidental to the principal home occupation conducted therein.
6. No occupation shall be conducted upon or from the premises which would constitute a nuisance or annoyance 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 or the sources of lighting shall not be discernible beyond the boundaries of the property from which the occupation is conducted.
7. Any such home occupation shall be subject to annual inspection by the Zoning Administrator of the Township and may be terminated by order of such inspector whenever the same fails to comply with the Zoning Ordinance.
8. The Planning Commission shall have authority to determine whether or not a proposed use complies with the Zoning Ordinance and is within the spirit of the same to ensure the compatibility of any use with the character of the zoning classification in which the same is located and the health, safety and general welfare of the neighborhood will not thereby be impaired.

SECTION 23.12 - KEEPING OF ANIMALS

The keeping of animals other than domesticated pets shall be prohibited on residentially zoned parcels unless the parcel size is at least three acres for animal units totaling fifty pounds or more and an additional acre for each additional animal unit over fifty pounds. An animal unit is an animal or group of animals weighing over fifty pounds.

SECTION 23.13 - GARAGE (YARD) SALES

Sales of household items, merchandise, crafts or other similar items in a garage sale or yard sale shall be limited to four (4) events per year with each event lasting no more than four (4) consecutive days each.

ARTICLE XXIV

SIGNS AND BILLBOARDS

SECTION 24.01

No advertising signs or billboards of any kind or nature shall be erected in any zoning classification except as follows:

1. In an R-1 Residential (Single-Family) District or an R-2 Residential (Single-Family and Duplexes) District, a name plate not exceeding two (2) square feet in area, containing the name and home occupation of the occupant of the premises and a temporary sign pertaining to the construction, lease, hire or sale of a building or premises, not exceeding eight (8) square feet in area, may be installed or constructed.

2. In an A Agricultural and Rural District, R-3 Mobile Home Park District, or R-4 Recreational District, a sign not exceeding thirty-two (32) square feet in area, advertising permitted services rendered or offered upon or from the premises where the same is situated (except for home occupation and temporary signs which shall be governed by item 1 above) may be constructed, provided it is located not less than one-half (1/2) the required building setback distance from the street right-of-way line abutting the property; it, in no way, constitutes a traffic hazard; is of subdued nature commensurate with the residential character of the neighborhood; is maintained in a neat and attractive manner; contains no neon or intermittent lighting or other bright or glaring lighting which would be a nuisance or annoyance to a neighborhood or which would create any electrical disturbance therein; and if projecting from a building or located over a sidewalk or pathway, is not less than eleven (11) feet above such sidewalk or pathway.

SECTION 24.02

Advertising signs advertising goods, products, services or activities sold, produced, rendered or available from or upon the premises where the same are located may be installed or constructed within the C Commercial District, AIC Agriculturally Related Industrial and Commercial District and I Light Industrial District, provided they are located not less than ten (10) feet from the sideline of the property nor less than one-half (1/2) the required building setback distance from the abutting street right-of-way line and are no more than twenty (20) feet above ground level; in on manner constitute a traffic

hazard; and are not less than eleven (11) feet above any sidewalk or pathway for pedestrians or vehicles beneath the same; are not a nuisance or annoyance by reason of lighting, electrical disturbance, or unreasonable size and are not constructed or installed until a permit has first been obtained therefore from the Zoning Administrator of the Township.

SECTION 24.03

Limitation on Sign Devices: The use of parked, mounted or stationary vehicles, vehicle parts, trailers, semi-trailers, tents, fences, walls, equipment or any structure or device other than an approved sign as signs shall be prohibited in all zoning districts. Any device, structure or thing used for the purpose of advertising as a sign shall be prohibited without the issuance of a permit by the Zoning Administrator. The Zoning Administrator shall deny any permit for a sign or device used as a sign which is not in strict compliance with this zoning ordinance.

SECTION 24.04

Before the Zoning Administrator of the Township may issue a permit as provided herein, he shall be satisfied that all zoning regulations have been complied with and that the advertising sign or billboard will be constructed in a safe, sturdy and durable manner with proper bracing, anchorage and foundation. Signs not being maintained in an attractive and neat manner or which are not being maintained so as to be safe, sturdy and durable, shall be deemed to be in violation of this Ordinance as determined by the Zoning Administrator.

SECTION 24.05

The above limitations shall not prohibit a collective public directory type of sign containing a listing or organizations, churches, etc. including addresses, hours or days of activities and also private signs listing the names and addresses of persons residing in a plat or a specific residential area; said signs may be allowed in any district as long as they do not exceed fifty (50) square feet in size.

ARTICLE XXV

SECTION 25.01 - VIOLATIONS AND PENALTIES

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, continued, or changed in violation of any term or provision of this Ordinance, is hereby declared to be a nuisance per se subject to abatement pursuant to MCL 125.3407 and as otherwise provided by law.
2. **Violation.** Any person who violates, disobeys, neglects or refuses to comply with any provision of this Ordinance, any administrative decision made under the Ordinance, or any permit or approval issued under the Ordinance, including any conditions imposed thereon, or who causes, allows, or consents to any of same, shall be deemed to be responsible for a violation of this Ordinance. Any person responsible for a violation of this Ordinance whether as an owner (by deed or land contract), lessee, licensee, agent, contractor, servant, employee, or otherwise, shall be liable as a principal. Each day that a violation exists shall constitute a separate offense.
3. **Municipal Civil Infraction.** A violation of this Ordinance is a municipal civil infraction as defined by Michigan statute and shall be punishable by a civil fine determined in accordance with the following schedule:

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

Additionally, the violator shall pay costs which may include all expenses, direct and indirect, which Mottville Township has incurred in connection with the Municipal civil infraction. In no case, however, shall costs of less than \$9.00 be ordered.

4. **Remedial Action.** Any violation of this Ordinance shall constitute a basis for injunctive relief or other appropriate remedy in any court of competent jurisdiction to compel compliance with this Ordinance and enforce the provisions thereof.

SECTION 25.02 - ENFORCEMENT

The Mottville Township Zoning Administrator, the Mottville Township Ordinance Enforcement Officer and any other individual Township official(s) that may from time to time be designated shall administer this Ordinance and are hereby authorized and empowered to investigate violations and to issue notices of violation and citations for violation of the same.

ARTICLE XXVI THRU ARTICLE XXVIII

(R E S E R V E D)

ARTICLES 26 – 28 - RESERVED

ARTICLE XXIX

VALIDITY, PERMITS, ZONING ADMINISTRATOR INTERPRETATION AND FEES

SECTION 29.01

Should any section, subsection, clause or provision of this Ordinance be declared by the courts to be invalid, said section shall not affect the validity of the Ordinance in its entirety or any part thereof other than that portion so declared to be invalid.

SECTION 29.02 - CERTIFICATES OF COMPLIANCE

No building or structure which is erected, moved, placed, reconstructed, extended, enlarged, or altered shall be used in whole or in part until the owner thereof shall have been issued a certificate by the Zoning Administrator affirming that such building or structure conforms in all respects to the provisions of this Ordinance. Such certificates shall be issued before work is commenced (certificate of zoning compliance) and after the work is complete and final building inspection has been made (occupancy permit), except that such an occupancy permit may be issued before interior decorating is completed or exterior landscaping is completed, upon reasonable assurance that same will be completed within a specified time.

SECTION 29.03 - PROCEDURE

The Township Board, duly authorized attorney for the township, Supervisor of the Township, Zoning Administrator or other authorized Township official may institute injunctions, mandamus proceedings, abatement proceedings, criminal prosecutions or other appropriate action or proceedings to prevent, enjoin, abate, remove or invoke penalties for any violation of this Ordinance. The rights and remedies provided therein are cumulative and in addition to all other remedies provide by law.

SECTION 29.04 - FEES

The Mottville Township Board is authorized to establish by resolution, fees for applications for amendment to the Zoning Ordinance and for proceedings before the Zoning Board of Appeals or Township Planning Commission, to be paid by the applicant

therefore to the township to help defray the cost to the Township of such proceedings. Notwithstanding anything to the contrary contained in this Ordinance, such fees may be altered by resolution of the Township Board and in the discretion of such Board.

SECTION 29.05 - ZONING ADMINISTRATOR

The Zoning Administrator shall have the responsibility to consider applications for building and use permits, to make inspections of properties, to answer questions pertaining to the Zoning Ordinance, to make interpretations of the provisions of the Zoning Ordinance, and to issue permits and collect fees where authorized in the Ordinance. The Zoning Administrator shall assist the Township Supervisor and Township Attorney in the enforcement of the Ordinance. The Zoning Administrator serves at the will of the Township Board.

SECTION 29.06 - REQUIREMENTS FOR A RESIDENTIAL ZONING PERMIT

1. Proof of ownership of property, property identification number, if purchased on a land contract, the contract must be recorded by the county Register of Deeds
2. Permit from the Health Department for well and septic systems (if applicable)
3. 1 Acre of ground, or platted lot, or compliance with Article XXIII
4. Driveway permit from County or State highway Department (if applicable)
5. House number (if applicable)
6. Setback from property lines and roads
7. One residence or living quarters per property description unless duplex or apartments in the applicable zoning classifications
8. 720 square feet of floor space for a dwelling
9. 20 X 20 core area s required in Section 23.06 of the Zoning Ordinance

10. Detailed site plan, and written construction plan and materials to be used, must be presented to the Zoning Administrator for use by the Building Inspector for all permits
11. HUD number(s) from unit(s) (if applicable)
12. Mobile home title (if applicable)
13. The core addition to the mobile home must be a United States Department of Housing and Urban Development (HUD) approved part of the mobile home unit (if applicable)
14. A mobile home, doublewide, or modular shall be set on piers, or foundations according to the manufacturer's specs as to location, if none are provided, then set-up will be according to the Michigan Mobile Home Commission Rules, and or BOCA (if applicable)
15. The mobile home may be set on a basement, or piers (42" deep x 16" dia. X 2" above ground level). Foundations may be used, footings must be 42" below ground level. Crawl space or full (if applicable)
16. The mobile home must use tie downs and skirting with no hitches showing. Or as required by HUD, and BOCA codes (if applicable)
17. Any and all other HUD, BOCA, or ZONING Ordinances or, restrictions do also apply, that may have been overlooked or a code changed from the above mentioned (if applicable)
18. A letter absolving the Township of any legal action pertaining to any subdivision restrictions (if applicable)

ARTICLE XXX

AMENDMENTS TO ORDINANCE

SECTION 30.01

Amendments to this Ordinance may be initiated by the township Board or by the township Planning Commission by resolution or by interested person or persons by petition to the Clerk of the township. All petitions for amendments to this Ordinance shall be in letterform, in writing, signed and filed with the Township Clerk for presentation to the Township Planning Commission. Such petitions shall include the following:

1. The petitioner's name, address and interest in the petition as well as the name, address and interest of every person having a legal or other interest in any land which is proposed for rezoning.
2. The nature and effect of the proposed amendment.
3. A scale drawing showing the property in question which is proposed for amendment, legal description of such land, the present zoning district of the land, zoning district of all abutting lands and all public and private right-of-ways and easements bounding and intersecting the land to be rezoned.
4. The proposed zoning change including the requested zoning district or, in the event of a requested text amendment, detailed explanation of such text change and why it is desired; proposed changes in the use of the land in question shall be stated.
5. The alleged changed or changing conditions in the area that make the proposed amendment reasonable and necessary to the promotion of compatible land uses in the area and the public health, safety and welfare.
6. All other circumstances, factors and reasons which the petitioner officers in support of the proposed amendment.
7. All zoning amendments shall follow the procedure set forth in the Township Rural Zoning Act and in the event of the amendment of the Land Use Plan of the Township, shall follow the procedures set forth in the township Planning Act. The Township Board may prepare and approve an application form for applications for rezoning, text amendments, special exception uses, variances, etc.

ARTICLE XXXI

MISCELLANEOUS PROVISIONS

SECTION 31.01 - ADMINSTRATIVE LIABILITY

No officer, agent, employee or member of the Planning Commission, Township Board or Board of Appeals shall render himself personally liable for any damages that may accrue to any person as a result of any act, decision or other consequences or occurrence arising out of the discharge of his duties and responsibilities pursuant to this Ordinance, made in good faith and reasonable belief that same was in compliance with law and without intentional wrongdoing.

SECTION 31.02 - REPEAL

This Ordinance shall be deemed to supersede and replace the existing Mottville Township Zoning Ordinance #182 which was effective on august 11, 1982, which supersedes and replaces the prior Mottville Township Zoning Ordinance (which was effective September 8, 1970) in its entirety. No other ordinances or parts thereof which are in conflict, in whole or in apart, with any of the provisions of this ordinance are repealed with the enactment of this ordinance. Where conflicting provisions exist between or among Township Ordinances, the most restrictive provisions shall pertain.

SECTION 31.03 - EFFECTIVE DATE

This Ordinance was approved by the Township Board on July 12, 2001 and is ordered to take immediate effect.

SECTION 31.04 - IMPACT ON NON-CONFORMATIES

Non-conformities which existed under the prior zoning ordinance are herby designated as non-conformities, notwithstanding any provisions of this Ordinance unless a variance is granted according to Article XVII of this Ordinance.

