

COVERT TOWNSHIP VAN BUREN COUNTY, MICHIGAN

COMPREHENSIVE ZONING ORDINANCE AMENDMENT

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ARTICLE 1
SHORT TITLE, ENABLING AUTHORITY, PREAMBLE AND ENACTING CLAUSE

The Township of Covert, Van Buren County, Michigan ordains:

Section 1.01 - Short Title

This Ordinance shall be known and may be cited as the “Covert Township Zoning Ordinance.”

Section 1.02 - Preamble and Purpose of this Zoning Ordinance

It is the express purpose and intent of this Zoning Ordinance, pursuant to the authority conferred by the Public Acts of the State of Michigan to promote and protect the public health, safety, peace, morals, comfort, convenience, and general welfare of the inhabitants of the Township by protecting and conserving the character, social and economic stability of the residential, commercial, industrial and other use areas by; 1) securing the most appropriate use of land in the Township; 2) preventing overcrowding the land and undue congestion of population; 3) providing adequate light, air and reasonable access; and 4) facilitating adequate and economical provision of transportation, water, sewer, school, recreation, and other public requirements, and by other means, all in accordance with a comprehensive plan.

Section 1.03 - State Legislation Enabling Authority

This Ordinance is adopted pursuant to The Michigan Zoning Enabling Act, Act 110, Public Acts of 2006, as amended, governing the unincorporated portions of the Township of Covert, Van Buren County, Michigan; to regulate and restrict the location and use of buildings, structures and land for trade, industry, residence and for public and semipublic or other specified uses; and to regulate and limit the height and bulk of buildings, and other structures; to regulate and to determine the size of yards, courts, and open spaces; to regulate and limit the density of population; and for said purposes to divide the Township into districts and establish the boundaries thereof; to provide for changes in the regulations, restrictions and boundaries of such districts; to define certain terms used herein; to provide for enforcement; to establish a Board of Appeals; and to impose penalties for the violation of this Ordinance.

Section 1.04 - Scope and Applicability

After the date of enactment of this Ordinance, no building or structure, or part thereof, shall hereafter be erected, constructed or altered and maintained and no new use or change shall be made or maintained of any building, structure or land, or part thereof, except in conformity with the provisions of this Ordinance.

ARTICLE 2 CONSTRUCTION OF LANGUAGE AND DEFINITIONS

Section 2.01 - Construction of Language

The following rules of construction apply to the text of this Ordinance:

1. The particular shall control the general.
2. In case of any differences of meaning or implication between the text of this Ordinance and any caption or illustration, the text shall control.
3. The word "shall" is always mandatory and not discretionary; the word "may" is permissive.
4. Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
5. A "building" or "structure" includes any part thereof.
6. The phrase "used for" includes "arranged for," "designed for," "intended for," "maintained for," or "occupied for."
7. The word "person" includes an individual, a corporation, a partnership, association, or any other similar entity.
8. Unless the context clearly indicates the contrary, where a regulation involves two (2) or more items, conditions, provisions, or events connected by the conjunction "and," "Aor," and "either...or," the conjunction shall be interpreted as follows:
 - a. "And" indicates that all the connected items, conditions, provisions, or events shall apply.
 - b. "Or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.
 - c. "Either...or" indicates that the connected items, conditions, provisions or events shall apply singly but not in combination.
9. Terms not herein defined shall have the meaning customarily assigned to them.

Section 2.02 - Definitions

Abandoned sign - a sign serving a premises vacant or unoccupied for more than 180 consecutive days.

Accessory Use or Accessory - A use which is clearly incidental to, customarily found in connection with, and (except in the case of accessory off-street parking spaces or loading) located on the same zoning lot as, the principal use to which it is related.

When "accessory" is used in this text, it shall have the same meaning as accessory use.

An accessory use includes, but is not limited to the following:

- a. Non-compensated residential accommodations for caretakers and guests occupying the accessory use for less than thirty (30) consecutive days.
- b. Swimming pools for the use of the occupants of a residence, or their guests.

- c. Domestic or agricultural storage in a barn, shed, tool room, or similar accessory building or other structure.
- d. Storage of merchandise normally carried in stock in connection with a business or industrial use, unless such storage is excluded in the applicable district regulations.
- e. Storage of goods used in or produced by industrial uses or related activities, unless such storage is excluded in the applicable district regulations.
- f. Accessory off-street parking spaces, open or enclosed, subject to the accessory off-street parking regulations for the district in which the zoning lot is located.
- g. Uses clearly incidental to a main use such as, but not limited to offices of an industrial or commercial complex located on the site of the commercial or industrial complex.
- h. Accessory off-street loading, subject to the off street loading regulations for the district in which the zoning lot is located.
- i. Accessory signs, subject to the sign regulations for the district in which the zoning lot is located.

Accessory Use Guest House or Accommodations - A free standing or other accessory use structure designed for or that may be use for overnight sleeping accommodations, having a bathroom with at minimum, a water closet and sink but that may also contain bathing facilities but no kitchen or other food preparation facilities or equipment. Pursuant to the Michigan One and Two Family Residential Construction Code, a guest house is not a dwelling unit due to the absence of a kitchen and food preparation facilities.

Adult Foster Care Family Home - A private residence with the approved capacity to receive six (6) or fewer adults to be provided with foster care for five (5) or more days a week and for two (2) or more consecutive weeks of which the family home licensee shall be a member of the household and occupant of the residence, pursuant to the Adult Foster Care Licensing Act. P.A. 218 of 1979, as amended. Such licensed facilities are expressly permitted in any residential district as expressly permitted by the Michigan Zoning Enabling Act.

Adult Foster Care Facility - A licensed facility designed to provide foster care for more than six (6) adults, pursuant to the Adult Foster Care Licensing Act. P.A. 218 of 1979, as amended. The locations of such licensed facilities are regulated by the terms of this Ordinance.

Adult Uses - The term shall include adult book stores, adult cabarets, adult motion picture theaters, massage establishments, and nude artist and photography studios. These terms shall have the following indicated meanings:

- a. **Adult Book Store** - An establishment having as a substantial or significant portion of its stock in trade, books, magazines, or other periodicals, videotapes, movies, or adult-related novelties which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas," as defined herein, or an establishment with a segment or section devoted to the sale or display of such material.
- b. **Adult Cabaret** - An establishment including, but not limited to, a café, restaurant or bar which features go-go dancers, erotic dancers, strippers, male or female impersonators, or similar entertainers.
- c. **Adult Motion Picture Theater** - An establishment used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas," as defined herein, for observation by patrons therein.

- d. **Massage Establishment** - Any establishment having a fixed place of business where massages are administered for pay, including but not limited to massage parlors, health clubs, sauna baths, and steam baths. This definition shall not be construed to include a hospital, nursing home, medical clinic, or the office of a physician, surgeon, chiropractor, osteopath, or physical therapist duly licensed by the State of Michigan, nor barber shops, beauty salons in which massages are administered only to the scalp, the face, the neck or the shoulder. This definition shall not be construed to include a nonprofit organization operating a community center, swimming pool, tennis court, or other educational, cultural, recreational, and athletic facilities for the welfare of the residents of the area. A *Massage* is defined as a method of treating the external parts of the human body by rubbing, stroking, kneading, tapping or vibrating with the hand or any instrument.
- e. **Nude Artist and Photography Studio** - Any building, structure, premises or part thereof used solely or primarily as a place which offers as its principal activity the providing of models to display "specified anatomical areas" as defined herein for artists and photographers for a fee or charge.
- f. **Specified Anatomical Areas** - Specified anatomical areas are defined as less than completely and opaquely covered:
 - 1. Human genitals, pubic region, buttock, and female breast below a point immediately above the top of the areola; and
 - 2. Human male genitals in a discernible turgid state, even if completely and opaquely covered.
- g. **Specified Sexual Activities** - Specified sexual activities are defined as:
 - 1. Human genitals in a state of sexual stimulation or arousal;
 - 2. Acts of human masturbation, sexual intercourse or sodomy;
 - 3. Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

Agriculture - All contiguous neighboring or associated land operated as a single unit on which farming is carried on directly by the owner or by his agent or by a tenant farm that meet the definition of agriculture as set forth by the Michigan Zoning Enabling Act, P. A. 110 of 2006, the Farmland and Open Space Preservation Act. P.A. 116 of 1974, amended by P.A. 262 of 2000, including "substantially undeveloped land devoted to the production of plants and animals useful to humans, including forage and sod crops, grains: feed crops, and field crops: dairy products; poultry and poultry products; livestock, including breeding and grazing of cattle, swine, and similar animals; berries, herbs, flowers; seeds; grasses; nursery stock; fruits; vegetables; Christmas trees; and other similar uses and activities."

Agriculture, Value-Added Activities - Value-Added activities are specific commercial and business land uses, other than a for the sale of products grown on the operating farm property, when approved as a Special Use pursuant to Article 24 intended to help preserve the long-term viability and profitability of agricultural operations within the Township.

Alley - Any dedicated public way affording a secondary means of access to abutting property, and not intended for general traffic circulation.

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

Animal Feed Lot - A place where cattle or other animals are kept which is used solely for the purpose of fattening livestock or preparing them for slaughter when such operation is compliant with Generally Accepted Agricultural Management Practices (GAAMPS) as established by the Michigan Department of Agriculture.

Animated sign - a sign which uses moving parts or change of lighting to depict action or create a special effect or scene. This definition includes rotating signs.

Apartment - A suite of rooms or a room in a multiple dwelling unit building arranged and intended as a place of residence of a family or a group of individuals living together as a single housekeeping unit.

Auto Repair Station - A place where the following services may be carried out: general repair, engine rebuilding, rebuilding or reconditioning of motor vehicles, collision service, such as body, frame, or fender straightening and repair; overall painting and undercoating of automobiles with or without the sale of engine fuels.

Awning/canopy sign - a sign which is part of or located on a canopy or awning which is attached to and projects from a building wall.

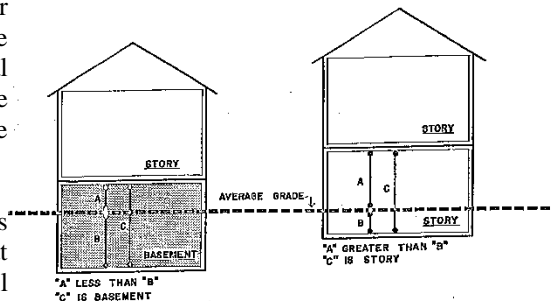
Balloon - sign shall mean a temporary sign consisting of an envelope inflated with pressurized or heated air, or a lighter-than-air gas, and displayed for the purpose of advertising or attracting attention. Unlike inflatables, balloon signs can be suspended in midair, independent of any structure other than that which keeps the device from floating away.

Banner- sign shall mean a temporary sign intended to be hung with or without a frame, possessing character, letters, illustrations or ornamentations applied to paper, plastic or fabric of any kind. A feather banner is a type of banner sign. (See Illustration) National flags, flags of political subdivisions, and symbolic flags of any institution or business shall not be considered banners for purposes of this Article.



Basement - That portion of a building which is partly or wholly below grade, but so located that the vertical distance from the average grade level to the basement floor is greater than the vertical distance from the grade level to the basement ceiling and when more than fifty (50) percent of the cubic content is below the grade of the ground elevation. The basement shall not be counted as a story.

Basement, walkout - A basement with at least one wall is below the finished grade and where at least fifty (50) percent of at least the one wall is above finished grade and where such wall provides barrier free access to the exterior of the structure.



BASEMENT & STORY

Bed and Breakfast Operation - Overnight lodging with morning breakfast provided for compensation in a principal use residential structure by not more than eight (8) transient persons per establishment at one time as a home occupation.

Billboard shall mean a sign which advertises an establishment, service, merchandise, use, entertainment, activity, product or message which is not conducted, sold, produced, manufacture, or furnished upon the site on which the sign is located. It shall also include those signs as regulated by the State pursuant to Public Act 106 of 1972, as amended.

Block - The property abutting one side of a street and lying between the two nearest intersecting streets, (crossing or terminating) or between the nearest such street and railroad right-of-way, unsubdivided acreage, lake, river or live stream; or between any of the foregoing and any other barrier to the continuity of development, or Township boundary lines of Van Buren County.

Building - A structure erected on-site, a mobile home or mobile structure, a pre-manufactured or pre-cut structure, above or below ground, designed primarily for the shelter, support or enclosure of persons, animals or property of any kind.

Building Inspector - For the terms of this ordinance, the Building Inspector is the person responsible for the administration of the Township building and construction codes and may also be designed by the Township Board administrative responsibilities set forth in this Ordinance.

Building Height - The vertical distance measured from the established grade of the surrounding land to the highest point of the roof surface for flat roofs; to the deck line of mansard roofs; and to the average height between eaves and ridge for gable, hip and gambrel roofs.

Building Line - A line formed by the face of the building. For the purposes of this Ordinance, a minimum building line is the same as a front setback line.

Changeable copy sign shall mean a sign on which the message is changed manually.

Club - An organization of persons for special purposes including those for sports, arts, sciences, literature, politics, or the like but not operated for profit.

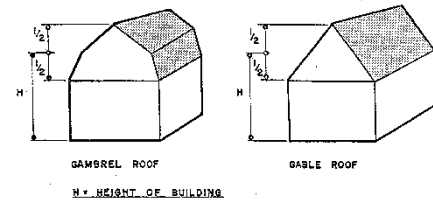
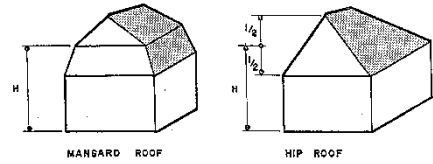
Cluster Development - A form of residential development where the total number of residential dwelling units may, with approval of the Planning Commission is constructed on a minimum of fifty (50) percent of the total developable land area (or less), provided that a minimum of fifty (50) percent or more, of the total developable land area remains in open space protected from development through a permanent easement or other form of dedication acceptable to the Township Board.

Common Areas, Uses and Services - Land areas including other physical improvements and facilities and utilities, the use, enjoyment and maintenance of which are intended to be shared by the owners and occupants of individual building units in a subdivision or a planned development.

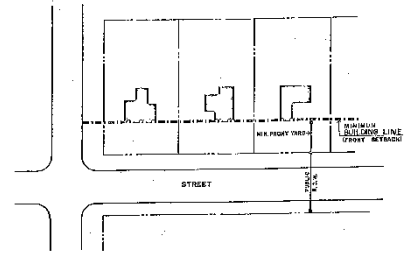
Common Elements/Areas, General - “General Common Elements” means the land area other than the limited commons areas of the site condominium development that are held in common by all co-owners and used for parks, streets, open space or other common activities.

Common Elements/Areas, Limited - “Limited Common Elements” means a portion of the general common elements reserved in the master deed for the exclusive use of less than all of the co-owners and used for landscaping, vehicle parking areas, or driveways.

Common Open Space - A parcel or parcels of land (including areas designated as common or limited common elements as recorded pursuant to the Michigan Condominium Act, P.A. 59 of 1978, as amended, or an area



H = HEIGHT OF BUILDING
BUILDING HEIGHT



BUILDING LINE



of water, or a combination of land and water within an area for Planned Unit Development and designed and intended for the use and enjoyment of residents or occupants of the Planned Unit Development. Common open space may contain such contemporary structures and improvements as are necessary and appropriate for the benefit and enjoyment of all residents of the Planned Unit Development, but shall not include areas reserved for the exclusive use or benefit of any individual tenant or owner; dedicated streets or other public right-of-way; vehicular drives, parking areas, loading and storage areas, and areas reserved for non residential related uses.

Communication Tower - A radio, telephone, cellular telephone or television relay structure or skeleton frame work, or monopole attached directly to the ground or other structure utilized for the transmission or reception of radio, telephone, cellular telephone, television, microwave, or any other form of telecommunication signals. Included in this definition are accessory structures and/or enclosures.

Not included in this definition are citizen band radio facilities, short wave facilities, ham and amateur radio facilities, television reception antenna, satellite dishes, and government facilities which are subject to state and federal law or regulations that preempt municipal regulatory authority.

A communication tower shall not be included under the definition of essential services.

Communication Antenna, Attached - Any wireless communication facility affixed to an existing structure, such as a building tower, water tank, utility pole, or other feature utilized to receive and transmit federally or state licensed communication services via duly licensed segments of the radio frequency spectrum. This definition shall not include support structures.

Communication Tower, Co-Location on - The activity of placing more than one Attached Communication Antenna on a Communication Tower or other structure.

Communication Tower, Height - Means the distance measured from the finished grade of the parcel to the highest point on the tower or other structure, including the base pad and any antenna.

Communication Tower and Communication Antenna, Preexisting - Means any legally existing or approved communication tower or antenna prior to the effective date of this Ordinance (11/1/06).

Condominium - The ownership of a land dwelling, office, commercial or an industrial unit, including the space enclosed by the description thereof, as contained in the Master Deed, together with ownership of an interest in the common elements, as contained in the Master Deed.

Condominium Act - The Condominium Act, Act 59 of Michigan Public Acts of 1978, as amended.

Condominium Building or Structure - A building or structure intended for or constructed upon a lot or building site, together with any attached accessory structures; e.g. in a residential development the condominium structure would refer to the house and any attached garage. A “Condominium Structure” can also be referred to as a “Building Envelope,” that being the exterior walls, roof etc.

Condominium, Consolidating Master Deed - The final amended master deed for a contractible condominium project, an expandable condominium project, or a condominium project containing convertible land or convertible space, which final amended master deed fully describes the condominium project as completed.

Condominium, Contractible Condominium - A condominium project from which any portion of the submitted land or buildings may be withdrawn pursuant to express provisions in the condominium documents and in accordance with this Ordinance and the Condominium Act.

Condominium, Conversion Condominium - A condominium project containing condominium units some or all of which were occupied before the establishment of the condominium project.

Condominium, Convertible Area - A unit or a portion of the common elements of the condominium project referred to in the condominium documents within which additional condominium units or general or limited common

elements may be created pursuant to express provisions in the condominium documents and in accordance with this Ordinance and the Condominium Act.

Condominium Documents - The master deed, recorded pursuant to the Condominium Act, and any other instrument referred to in the Master Deed or bylaws which effect the rights and obligations of a co-owner of the condominium.

Condominium, Expandable Condominium - A condominium project to which additional land may be added pursuant to express provisions in the condominium documents and in accordance with this Ordinance and the Condominium Act.

Condominium, Front Yard Setback - The distance between the front yard area line and the condominium dwelling or principal use structure, if not a dwelling.

Condominium "Lot" - shall mean the same as "Home-site" and "Condominium Unit."

Condominium, Mobile Home Condominium Project - A condominium project in which mobile homes are intended to be located upon separate sites which constitute individual condominium units.

Condominium Master Deed - The condominium document recording the condominium project as approved by the Township Board to which is attached as exhibits and incorporated by reference the approved bylaws for the project and the approved condominium subdivision plan for the project.

Condominium Project or Site Condominium Subdivision Project - A condominium project developed under Public Act 59 of 1978, as amended, consisting of more than one (1) condominium unit which is not subject to the provisions of the Land Division Act, P.A. 87 of 1997, as amended

Condominium Rear Yard Setback - The distance between the rear yard area line and the condominium dwelling or principal use structure, if not a dwelling.

Condominium Side Yard Setback - The distance between the side yard area line and the condominium dwelling or principal use structure, if not a dwelling.

Condominium Subdivision - shall be equivalent to the term "subdivision" as used in this Zoning Ordinance and the Land Division or Subdivision Control Ordinance.

Condominium Subdivision Plan - The site, survey, and utility plans; floor plans; and sections, as appropriate, showing the existing and proposed structures and improvements including the location thereof on the land. The condominium subdivision plan shall show the size, location, area, vertical boundaries, and volume for each unit comprised of enclosed air space. A number shall be assigned to each condominium unit. The condominium subdivision plan shall include the nature, location, and approximate size of common elements.

Condominium Unit - That portion of the condominium project designed and intended for separate ownership and use, as described in the master deed, also at times referred to as a condominium lot.

Concentrated Animal Feeding Operation - Large (CAFO) - A general animal feeding operation with associated manure storage facilities where farm animals as defined in the Right To Farm Act are confined with a capacity for 1,000 or more animal units as defined in the most recent publication of "Generally Accepted Agricultural and Management Practices for Site Selection and Oder Control for New and Expanding Livestock Production Facilities," as adopted by the Michigan Agricultural Commission. (See: Livestock Production Facility).

Conservation Development - See: "Cluster Development."

Contiguous Land - A legally defined parcel of land as recorded with the Register of Deeds where a property boundary line abuts another separate legally defined parcel of land also recorded with the Register of Deeds and where the two parcels of land in combination are treated as one parcel for compliance with specific terms of this ordinance.

Contiguous land, under the terms of this ordinance may or may not, be required to be held in similar ownership for compliance with certain requirements of this ordinance.

Convalescent or Nursing Home - A structure with sleeping rooms, where persons are housed or lodged and are furnished with meals, nursing and medical care, and regulated by a license from the State of Michigan.

Day Care Center - Means a child center or day care center, “which is a facility other than a private residence, which receives one or more preschool or school age children for care,” as further defined and regulated by the State of Michigan under Act No 116 of the Public Acts of 1973, as amended.

Density Individual Parcel or Planned Unit Development - The relationship of the total number of dwelling units proposed to be developed compared to the amount of developable acreage of the parcel to be developed; expressed as dwelling units per acre (See: Article 16 - PUD - Planned Unit Development, Section 16.07 H 1).

Development - The construction of a new building or other structure on a zoning lot, the relocation of an existing building on another zoning lot, or the use of open land for a new use. (See: zoning lot and use, new or change of).

Developable Land - The portion of a parcel of land that is legally permitted to be developed, either by right or through a permit or other permission granted by any agency having jurisdiction over the development upon the parcel of property.

Directional sign shall mean a sign which is located and sized in a manner to safely and efficiently direct the flow of vehicular and pedestrian traffic to, from, and within a development site

District - A portion of the unincorporated area of the Township within which certain regulations and requirements or various combinations thereof apply under the provisions of this Ordinance.

Drive-In - A business establishment so developed that its retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicle rather than within a building or structure.

Dwelling Unit - A building or a mobile home or portion thereof connected to an approved sanitary wastewater collection and disposal system and having cooking, sanitary, bathing, dining and sleeping facilities, intended for occupancy by one (1) family for residential purposes, either on a permanent or transient basis. A mobile home can be classified as a dwelling or dwelling unit only after meeting the standards of a mobile home as defined herein (See: mobile home).

Dwelling, Single-Family - A building containing not more than one dwelling unit designed for residential use.

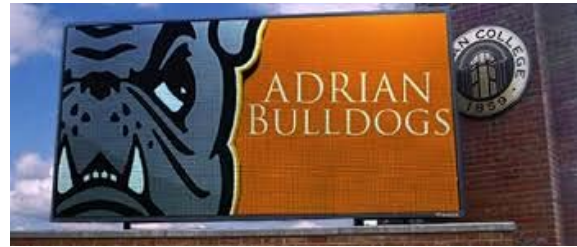
Dwelling, Two Family - A building containing not more than two separate dwelling units designed for residential use.

Dwelling, Multiple-Family - A building containing three or more dwelling units designed for residential use.

Electronic changeable copy sign - A sign on which the message is changed automatically through the use of electronic display technology.



Electronic graphic display sign - A sign that displays static electronic images, including static graphics or pictures, in which the message change sequence is immediate or by means of fade or dissolve modes.



Environmental Sensitive Area - An area of the shoreline and other portions of the Township determined by the Township Planning Commissions and/or Department of Environmental Quality, or successor agency, on the basis of studies and surveys to be necessary for the preservation and maintenance of any natural resource including fish, wildlife, flora and fauna, and the like as depicted on the Township Zoning Map, as amended from time to time.

Erected - Built, constructed, altered, reconstructed, moved upon, or any physical operations on the premises which are required for construction, excavation, fill, drainage, and the like, shall be considered a part of erection.

Essential Services: The erection, construction, alteration or maintenance by public utilities or governmental departments of underground, surface or overhead gas, electrical, steam, fuel or water transmission or distribution systems, wastewater collection and disposal systems, communication (including cable t-v), including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm, traffic signals, and hydrants in connection therewith, but not including buildings, which are necessary for the furnishing of adequate service by such utilities or governmental departments for the general public health, safety or welfare. Cellular communication towers are not considered essential services and are regulated under other provisions of this Ordinance.

Excavation - Any breaking of ground, except common household gardening and ground care, and agricultural pursuits, if in compliance with Generally Accepted Agricultural Management Practices (GAAMPS).

Family - An individual or a group of two (2) or more persons related by blood, marriage or adoption, together with foster children and care takers of the principal occupants, with not more than one additional unrelated person, who are domiciled together as a single, domestic, housekeeping unit in a dwelling unit, or; a collective number of individuals domiciled together in one (1) dwelling unit whose relationship is of a continuing non-transient domestic character and who are cooking and living as a single nonprofit housekeeping unit.

This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization, or group of students or other individuals whose domestic relationship is of a transitory or seasonal nature for a limited anticipated period such as a school term or terms or other similar determinable period.

Farm - The conduct of any agricultural activity or the raising of crops, livestock as a source of income that is compliant with terms of this ordinance or as a nonconforming use provided such farming activities are compliant with Generally Accepted Agricultural Management Practices established by the Michigan Department of Agriculture.

Farm Related Activities - For the terms of this ordinance, farm related “valued-added agricultural activities” shall include the following:

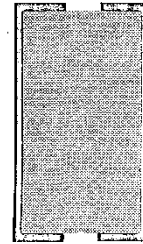
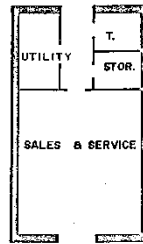
1. Animal displays
2. Bakery/coffee shop
3. Cider mill
4. Craft sales/shows
5. Dairy/cheese production and/or processing
6. Direct marketing of produce

7. Educational classes, lectures, seminars
8. Farmer’s markets
9. Fall activities, including haunted hydrides, haunted barns, bonfires, trick-or-treat
10. Fishing, camping, walking trails, nature paths, exercise paths
11. Sales and processing of on-site grown food products
12. Games, outdoor and indoor
13. Gift shop
14. Greenhouse sales/activities
15. Hayrides
16. Historical agricultural exhibits
17. Horseback riding/lessons
18. Horse shows, inside or outside, except rodeos
19. Camping and related activities
20. Kitchen facilities, cooking items for sale, direct sales
21. Maze, indoor and outdoor
22. Landscape of nursery stock and flowers, growing and/or direct sales
23. Lunch room/tea room
24. Petting Farm
25. Picnic area, open air and /or covered
26. Playgrounds and playground equipments such as slides, swings, etc.
27. Pony rides
28. Processing and fruits/produce
29. Production and sale of hard cider, micro-brew beer, wine
30. Sleigh rides
31. Skiing
32. Straw maze, mountains, tunnels and slides
33. Stages and tents for allowed activities
34. U-Pick - any fruits or produce
35. Wagon rides
36. Similar and related activities as determined by the Planning Commission

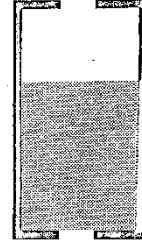
Farm Stand (Stand for Retail Sale of Fruits and Vegetables) - see: Stand for Retail Sale of Fruits and Vegetables.

Flashing sign- A sign that contains an intermittent or flashing light source. Electronic graphic display signs shall not constitute a flashing sign for purposes of this Ordinance.

Floor Area, Usable (For the purpose of calculating the number of parking spaces required) - That area used for or intended to be used for the sale of merchandise or services, or for use to serve patrons, clients, or customers. Such floor area which is used or intended to be used principally for the storage or processing of merchandise, hallways, or for utilities or sanitary facilities, shall be excluded from this computation of "Usable Floor Area." Measurement of usable floor area shall be the sum of the horizontal areas of the several floors of the building, measured from the interior faces of the exterior walls.



TOTAL FLOOR AREA



USABLE FLOOR AREA
(FOR PURPOSES OF COMPUTING PARKING)

FLOOR AREA

Freestanding sign- A sign not attached to a building or wall which is supported by one (1) or more poles or braces which rest on the ground or on a foundation resting on the ground.

Garage, Private - An accessory building or portion of a main building designed or used solely for the storage of motor driven vehicles, boats and similar vehicles owned and used by the occupants of the building to which it is an accessory building.

Garage, Service - Any premises used for the storage or care of motor-driven vehicles, or where any such vehicles are equipped for operation, repaired, or kept for remuneration, hire or sale.

Gasoline Service (Fueling) Station - A place for the dispensing, sale or offering for sale of motor fuels directly to users of motor vehicles, together with the sale of minor accessories and services for motor vehicles, but not including major automobile repair.

Generally Accepted Agricultural Management Practices (GAAMPS) - The specific standards approved by the Michigan Agriculture Commission addressing the management and operation of agricultural farming operations administered by the Michigan Department of Agriculture.

Grade or Established Grade - The ground elevation established for the purpose of regulating the number of stories and the height of buildings. The building grade shall be the level of the ground adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the building measured at the center point of each face of the building.

Ground sign- A three-dimensional, self-supporting, base-mounted freestanding sign, consisting of two (2) or more sides extending up from the base, and upon which a message is painted or posted.



Guest House - See: Accessory Use Guest House or Accommodations

High Risk Erosion Area B Those shorelands of the Great Lakes and connecting waters where recession of the zone of active erosion has been occurring at a long-term average rate of one foot or more per year. (Ord. 71; 11/09)

Home Occupation - Any use except bed and breakfast operation elsewhere regulated in this ordinance, customarily conducted entirely within the dwelling unit or an accessory structure and carried on by the inhabitants thereof, not involving employees other than members of the immediate family residing in the same dwelling, which use is clearly incidental and secondary or accessory to the use of the dwelling for family living purposes, does not change the residential character thereof, and which does not endanger the health, safety, and welfare of any other persons residing in that area by reasons of noise, traffic, parking, noxious orders, unsanitary or unsightly condition, fire hazards and the like, involved in or resulting from such occupations, profession or hobby. Such occupation shall not require external alternations of the building outdoor storage, or signs not customary in residential areas.

Pursuant to the terms of the Michigan Zoning Enabling Act, a single family residence may be used by an occupant of that residence to give instruction in a craft or fine art. Such activities are exempted from the definition of home occupation pursuant to the terms of state law.

Hotel - A building or part of a building in which the dwelling units or rooming units are used primarily for overnight transient occupancy, and in which one or more of the following services are offered: maid service, furnishing of linen, telephone, food and other similar services. A hotel may include a restaurant or cocktail lounge, public banquet halls, ballrooms or meeting rooms.

Junk Yard including Recycling Center - All buildings and surrounding open area where waste, used or secondhand materials are bought and sold, exchanged, stored, baled, packed, disassembled, or handled including, but not limited to, auto parts, scrap iron and other metals, paper, rags, rubber tires and bottles.

Kennel - Any lot or premise on which three (3) or more dogs or cats or other household pets are either permanently or temporarily boarded for remuneration. The definition of a kennel shall also include any lot or premises where household pets are bred and sold.

Land Division - The act of creating a lot or parcel of land defined by a metes and bounds description pursuant to the provisions of the Michigan Land Division Act, P.A. 87 of 1997, as amended (formerly the Michigan Subdivision Control Act) or the act of creating a condominium plat pursuant to the provisions of the Condominium Act, P.A., 58 of 1978, as amended, for the purpose of recording same with the Register of Deeds of Van Buren County. (See: Land Division Act and Condominium Act.). For the purpose of this Ordinance any and all Land Division and Condominium recordable plats will be considered a Planned Unit Development and submitted for approval according to the procedures of Article 16 - PUD - Planned Unit Development.

Land Division Act. - The Michigan Land Division Act, P.A. 87 of 1997, as amended (formerly the Michigan Subdivision Control Act) and any ordinance adopted by the Township Board in furtherance of Township duties required of said act.

Loading Space - An off-street space on the same lot with a building or group of buildings, for the temporary parking of a commercial vehicle while loading and unloading merchandise or materials. A loading space shall have a minimum area of 845 square feet, a minimum width of 13 feet, a minimum depth of 65 feet and a vertical clearance of at least 14.5 feet.

Livestock - Domestic animal raised or kept for any purpose, including but not limited to: cattle, sheep, hogs, horses, rabbits, ducks, goats, turkeys and geese, but excluding cats and dogs.

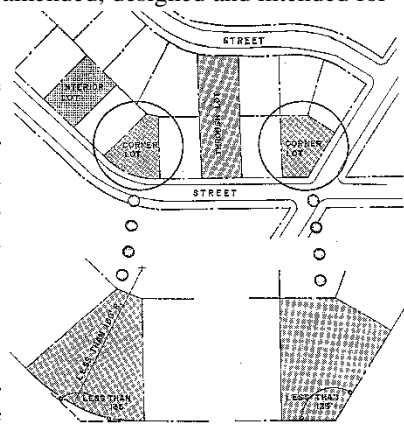
Livestock Production Facility - A general animal feeding operation with associated manure storage facilities where farm animals as defined in the Right To Farm Act are confined with a capacity of 50 animal units but less than 1,000 animal units as defined in the most recent publication of “Generally Accepted Agricultural and Management Practices for Site Selection and Oder Control for New and Expanding Livestock Production Facilities,” as adopted by the Michigan Agricultural Commission. (See: Concentrated Animal Feeding Operation - Large (CAFO)).

Lot - A parcel of land, or contiguous parcels of land under one (1) ownership legally described and recorded with the County Registrar of Deeds having fixed boundaries, of sufficient size and configuration to meet the site development requirements of this Ordinance and having frontage on an improved public street, or an approved private street. The word "lot" shall include unit, plot or parcel. A lot may also mean a portion of a condominium project, referenced to as a “unit” pursuant to the regulations of Public Act 59 of 1978, as amended, designed and intended for separate or limited ownership and/or use.

Lot, Corner - A lot where the interior angle of two adjacent sides at the intersection of two streets is less than one hundred and thirty-five (135) degrees. A lot abutting upon a curved street or streets shall be considered a corner lot for the purposes of this Ordinance if the arc is of less radius than one hundred and fifty (150) feet and the tangents to the curve, at the two points where the lot lines meet the curve or the straight line extended, form an interior angle of less than one hundred and thirty-five (135) degrees.

Lot, Interior - Any lot other than a corner lot.

Lot, Through - Any interior lot having frontage on two (2) more or less parallel streets as distinguished from a corner lot. In the case of a row of double frontage lots, all yards of said lots adjacent to streets shall be considered frontage, and front yard setbacks shall be provided as required.



INTERIOR, THROUGH & CORNER LOTS

Lot, Zoning - See: Zoning Lot.

Lot Area - The total horizontal area within the lot lines of the lot expressed in total square feet or acres.

Lot Coverage - The ratio or percent of the lot occupied by buildings including accessory buildings.

Lot Depth - The horizontal distance between the front and rear lot lines, measured along the median between the side lot lines.

Lot Lines - The lines bounding a lot as defined herein:

Front Lot Line - In the case of an interior lot, the front lot line is that line separating said lot from the front property line abutting the public right-of-way. In the case of a through lot, the front lot line is that line separating said lot from either property line abutting the public right-of-way. In the case of a corner lot, the front line is that line as designated on the building plans filed for approval with the Building Inspector.

Rear Lot Line - That lot line opposite the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten (10) feet, long lying farthest from the front lot line and wholly within the lot.

Side Lot Line - Any lot line other than the front lot line or rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot line from another lot or lots is an interior side lot line.

Waterfront Lot Line - See: Setback, waterfront.

Lot of Record - A parcel of land, the dimensions of which are shown on a document, plat or survey on file with the County Register of Deeds.

Lot Width - The horizontal straight line distance between the side lot lines, measured between the two points where the front setback line intersects the side lot lines.

Main Building (Principal Use Structure or Building) - A building in which is conducted the principal use of the lot upon which it is situated.

Major Thoroughfare - An arterial street which is intended to serve as a large volume traffic-way for both the immediate county area and the region beyond, and is designated as a major, road, freeway, expressway, or equivalent term in the Master Land Use Plan adopted by the Planning Commission.

Master Land Use Plan - The Township Plan adopted pursuant to the Township Planning Act, P.A. 168 of 1959, as amended, including graphic and written materials indicating the general location for streets, parks, schools, public buildings, and all physical development of the township, and includes any unit or part of such plan, and any amendment to such plan or parts thereof.

Mezzanine - An intermediate floor in any story occupying less than thirty (30) percent of the possible floor area of such story.

Mobile Home - A structure, transportable in one (1) section, which is built on a chassis and designed to be used as a dwelling, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. Mobile home does not include a recreational vehicle. A mobile home can be classified as a dwelling or dwelling unit for the purposes of this Ordinance only after being manufactured pursuant to the requirements of the Michigan Mobile Home Commission bearing the seal showing evidence that such

structure has been constructed and inspected pursuant these requirements and after meeting the standards of Article 18, Section 18.24 and 18.25.

Mobile Home Park (Trailer Park) - A plot of land approved constructed and maintained for the lease or sale of sites for the location of mobile homes pursuant to the rules and regulations of the Michigan Mobile Home Parks Commission.

Modular, Pre manufactured or Double-Wide Home - A structure, transportable in two (2) or more sections, which are built on a chassis and designed to be used as a dwelling with a permanent foundation, when connected to the required utilities, including the plumbing, heating, air conditioning and electrical systems contained in the structure. Any modular or double-wide dwelling structure intended to be located in the Township must meet all standards of the Michigan Construction Code as from time to time may be amended. The minimum width of the modular or double-wide must not be less than twenty (20) feet for the entire building and have a minimum areas of 1,064 square feet. Further the roof is to have a minimum 4/12 pitch, that being a 4-inch rise for each 12 inches of run. A modular home meeting the above requirements and standards of Article 18, Section 18.24 and 18.25 shall be a dwelling unit permissible in all zoning districts where single-family detached structures are permitted uses.

Motel - A series of attached, semidetached or detached rental units containing a bedroom, bathroom and closet space. Units shall provide for overnight lodging and are offered to the public for compensation.

Multi-vision or tri-vision sign-

A sign composed of a series of vertical or horizontal slats that are designed to rotate at intervals so that each rotation of the slats produces a different image.



Non-conforming Building - A

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

Non-conforming Use - A use which lawfully occupied a building or land at the effective date of this

Ordinance, or amendments thereto, and that does not conform to the use regulations of the district in which it is located.

Non-conforming Lot - A lot with area or dimensions lawfully existing at the effective date of this Ordinance

or amendments thereto with less than the minimum lot requirements for the Zoning district in which it is located. This includes, but is not limited to minimum area, dimension or access requirements.

Nonconforming sign-

Any sign that does not conform to the requirements of this Ordinance.

Nursery - A space, building or structure, or combination thereof, for the propagation and/or storage of live

trees, shrubs or plants offered for sale including products used for gardening or landscaping. The definition of nursery within the meaning of this Ordinance does not include any space, building or structure used for the sale of fruits, vegetables or Christmas trees.

Nuisance Factor - An offensive, annoying, unpleasant, or obnoxious thing or practice, a cause or source of

annoyance, especially continuing or repeating invasion of any physical characteristics or activity or use across a property line which can be perceived by or affects a human being, or the generation of an excessive or concentrated movement of people or things, such as, but not limited to: (a) noise, (b) dust, (c) smoke, (d) odor, (e) glare, (f) fumes, (g) flashes, (h) vibration, (i) shock waves, (j) heat, (k) electronic or atomic radiation, (l) objectionable effluent, (m)

noise, or congregation of people, particularly at night, (n) pedestrian traffic, (o) invasion of non-abutting street frontage by traffic.

Off-Street Parking - A facility providing vehicular parking spaces on a hard, dust free surface, along with adequate drives and aisles, for maneuvering, so as to provide access for entrance and exit for the parking of more than three (3) vehicles.

Open Front Store - A business establishment so developed that service to the patron may be extended beyond the walls of the structure, not requiring the patron to enter the structure. The term "Open Front Store" shall not include automobile repair stations or automobile service stations. Examples of such stores include by are not limited to fruit & vegetable stands, garden supply centers, building supply centers, etc.

Open Space - A portion of land for which no development is allowed by an easement, deed restriction, or other legal means used to meet specific requirements of this ordinance, for example the undeveloped land counted towards the open space requirement of a Conservation Development as prescribed in this ordinance.

Open Space Conservation Development - See: "Cluster Development."

Open Space Uses - Any principal or accessory use of a lot or parcel not involving the use of buildings or structures which are required to meet the Township Construction Code.

Ordinary High Water Mark **B** The line between upland and bottomland which persists through successive changes in water levels below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the surface soil and the vegetation. (Ord. 71; 11/2008)

Overlay Zoning District - An overlay zone is a separate zoning district that is placed over an existing district that adds new regulations to those of the underlying zoning district.

Parking Space - An area of definite length and width, said area shall be exclusive of drives, aisles or entrances giving access thereto, and shall be fully accessible for the parking of permitted vehicles. (See: Section 19.10 for specifications.)

Pennant sign - Any geometric shaped cloth, fabric or other lightweight material normally fastened to a stringer and which is secured or tethered so as to allow movement of the sign caused by movement of the atmosphere.

Planned Unit Development - A parcel of tract of land initially under unified ownership or control, and which is or intended to be the site of two or more principal use buildings that is planned and constructed in as a unified development where specific regulations of a given zoning district are modified through the approval of a site plan.

Planned Unit Development - Traditional - A Planned Unit Development where uses other than those allowed by the terms of the underlying zoning district regulation is permitted by decision of the Planning Commission.

Planned Unit Development - Cluster Development - A Planned Unit Development designed to comply with the requirements of P.A. 177 of 2000 that requires qualified Michigan Townships to offer an "open space preservation" pattern of residential land development.

Plat - The drawing required and prepared in accordance with the specifications of either the Land Division Act or Condominium Act signed by a Michigan Registered Surveyor or Licensed Engineer which is approved by the Township Board to be filed with the register of Deeds of Van Buren County.

Portable sign- A sign that is not permanent or affixed to a building or structure and by its nature may be or is intended to be moved from one location to another.

Principal Use - The main use to which the premises are devoted and the principal purpose for which the premises exist.

Private Road - See: “Road, Private.”

Projecting sign- A sign attached to and projecting perpendicularly from a building wall, excluding awning/canopy signs, as defined herein.

Public sign- A noncommercial message sign erected in the public interest by or upon orders from a local, state, county or federal public official. Examples of public signs include, but are not limited to, legal notices, safety signs, traffic signs, memorial signs, signs of historical interest, and similar signs.

Public Utility - A person, firm, or corporation, municipal (including townships) or county department, board or commission duly authorized to furnish and furnishing under Federal, State or Township regulations to the public: gas, steam, electricity, sewage disposal, communications (including cable t-v), telegraph, transportation or water.

Road or Street - A public dedicated right-of-way, other than an alley, which affords the principal means of access to abutting property.

Road, Private - A non-public road approved by the Township serving at least two separately owned lots or parcels which is operated and maintained by the owners or occupants of the lots it serves on behalf of the public using the road. The road shall meet the specifications of Section 18.30 of this Ordinance, constructed to County Road Commission standards and be subject to a maintenance agreement approved by the Township Board.

Roof line- The top edge of a roof or building parapet, whichever is higher, excluding any cupolas, pylons, chimneys or minor projections

Roof sign- A sign that is erected, constructed and maintained upon or above the roof of a building, or parapet wall, and that is wholly or partially supported by such building.

Exception: For the purposes of this definition, a sign that is mounted on a mansard roof, roof overhang, parapet wall, or on a wall with a roof below, shall not be considered a roof sign but shall instead be considered as a wall sign for that side of the building, provided that no part of such sign extends above the roofline.

Room - For the purpose of determining lot area requirements and density in a multiple-family district, a room is a living room, dining room or bedroom that is equal to at least eighty (80) square feet in area for each room. A room shall not include the area in kitchen, sanitary facilities, utility provisions, corridors, hallways and storage. Plans presented showing 1, 2, or 3 bedroom units and including a "den," "library" or other extra room shall count such extra room as a bedroom for the purpose of computing density.

Recreation Vehicle - A vehicle primarily designed and used as temporary living quarters for recreational camping or traveling or a vehicle mounted on or drawn by another vehicle.

Recreation Vehicle Park (RV Park) - A family recreation oriented facility for the overnight or short-term parking of travel trailers, recreation vehicles or tents. May also be known as a campground.

Recycling Facility - See: “Junk Yard.”

Setback - The distance required to obtain minimum front, side or rear yard space provisions of this Ordinance.

Setback - Front, Side, and Rear Yard - Distance measured from the respective front, side and rear yard boundary lines associated with the building lot to the respective front, side and rear of the structure/building envelope.

Setback Line, Building - The distance between a property line of a lot or parcel and the foundations or any point on the facing side of buildings and structures.

Setback, Road - The distance between the right-of-way line and the nearest point of the facing wall or any point on the facing side of the principal structure or the facing wall or any point on the facing side of accessory structures.

Setback, Waterfront For all waterbodies and watercourses, the waterfront setback distance shall be the distance measured from the water's edge to the nearest point of the facing wall of the principal structure or accessory structure. (Ord. 71; 11/2008)

Shoreland - The land, water and land next to the water which is in close proximity to the shoreline of any water body.

Shoreline - That area of the shorelands where land and water meet subject to the provisions of law recognizing changes of water elevation.

Sign - The identification, description, illustration, or device which is affixed a building, structure, or land and which directs attention to a product, place, activity, person, institution or business, (See: Article 20 for sign regulations.)

Sign Accessory (On Premises) - A sign which is an accessory to the principal use of the premises and is designed to direct attention to a product, place, activity, person, institution or business located upon the property on which the sign is located.

Sign Accessory (Off Premises) - A sign which is not related to the principal use of the premises and is designed to direct attention to a product, place, activity, person, institution or business that is not located upon the property on which the sign is located.

Sign area - Measured as the area within a single, continuous perimeter composed of any straight line geometric figure which encloses the extreme limits of writing, representation, emblem, logo, or any other figure of similar character, together with any frame of other material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed, excluding only the pedestal, pole, or other structure necessary to support the sign.

Signs with two or more faces: The area of a sign that has two or more faces shall be measured by including the area of all sign faces. Except, if two such sign faces are placed back to back and are no more than two feet apart at any point, the area of the two back-to-back faces shall be computed as one face. If the two back-to-back faces are of unequal size, the larger of the two sign faces shall be counted as the face.

Sign, Marquee - Any sign affixed to a marquee over the entrance to a building and supported from the building.

Sign, Sandwich Board - An A-frame sign not secured or attached to the ground or any building or structure, composed of a sign panel and supporting structure or one or more panels that form both the structure and sign face and that is intended to be placed in a sidewalk or pedestrian way.

Sign height shall be measured as the vertical distance from the highest point of the sign to the finished grade of the abutting street.

Site Condominium Unit - A condominium unit established in compliance with the Condominium Act which consists of an area of vacant land and a volume of vacant air space, designed and intended for separate ownership and use as described in the site condominium project master deed, and within which a building or other improvements may be constructed by the condominium unit owner.

Site Plan - A plot of survey of a lot or parcel and the plan for all of the developmental proposals to develop or change the existing character of the lot or parcel.

Similar Use - A use not specifically listed as a permitted or special use in a specific zoning district, that upon application, the Township Planning Commission may declare such use to be allowable either as a permitted or special use within the district due to the use being 1) similar in character, 2) having similar density of development, and 3) having a similar intensity of use to the allowable uses within the specific zoning district.

Space, Open - See: "Open Space."

Special Use or Special Land Use - Uses listed in each zoning district that due to their nature require special consideration and approval by the Planning Commission. A special use is permitted only after review and approval of an application by the Planning Commission after review and after a public hearing. Such review being necessary because the provisions of this Ordinance covering conditions precedent or subsequent, are not precise enough to all applications without interpretation and such review and exception is provided for by this Ordinance.

Special Use or Special Land Use Permits - A permit issued by the Township Planning Commission to a person or persons intending to undertake the operation of an activity upon land or within a structure which may or may not be specifically listed in this Ordinance and that possesses a unique characteristic found to be not injurious to the health, safety, convenience and general welfare of the Township's inhabitants, but one which is directly needed to serve the inhabitants in the area in which they live or work.

Stand for Retail Sale of Fruits and Vegetables (Farm Stand) -

- a. A temporary, (seasonal) facility as an accessory use to an agricultural use only.
- b. Sales shall be made only from the operating farm property where the product was produced.
- c. No permanent structure shall be erected in connection with such sales and all temporary structures shall be removed when such products have been disposed of.
- d. Off-street parking shall be provided for not less than five (5) automobiles.
- e. All required yard set backs shall be observed.

Story - That part of a building, except a mezzanine as defined herein, included between the surface of one floor and the surface of the next floor, or if there is no floor above, than the ceiling next above. A story thus defined shall not be counted as a story when more than fifty (50) percent, by cubic content, is below the established grade.

Story, Half - An uppermost story lying under a sloping roof having an area of at least two hundred (200) square feet with a clear height of seven feet six inches (7'-6"). For the purposes of this

Ordinance, the useable floor area is only that area having at least four (4) feet clear height between floor and ceiling.

Street or Road - A public dedicated right-of-way, other than an alley, which affords the principal means of access to abutting property.

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

Subdivision Plats - See: "Land Division Act" and "Plat."

Temporary sign - A sign intended to be displayed for a limited period of time, and which is not permanently attached to a building wall or to the ground.

Temporary Use or Building - The use of land or the use of a building or other structure approved by the Planning Commission as part of an approved site plan or by approval by the Zoning Administrator allowed to exist during periods of construction of the main building or the temporary use of any building or structure for special events which are special events are typically scheduled for a period not to exceed fourteen (14) days in duration.

Thirty (30) Year Setback Line B That line along the shoreland that is the landward edge of the zone for which the Michigan Dept of Environmental Quality has designated to be subject to erosion for a period of 30-years and has been established as the required setback distance by one of two formulas defined by Administrative Rule 281.21, adopted by MDEQ for administration of the Shorelands Protection and Management Part of the Natural Resources and Environmental Protection Act, Part 323 of Act No. 451 of the Public Acts of 1994, as amended. (Ord. 71; 11/2008)

Unit, Condominium - A lot or specific unit for occupancy described in a condominium master deed to be conveyed under single ownership and having an individual property tax code identification number.

Unnecessary Hardship - Shall mean non self created circumstances in which (1) the permitted zoning district uses are so limiting as to result in the impossibility of developing a lot or parcel for any such permitted use purpose because of unusual or unique characteristics of the lot or parcel in relation to other more typical lots or parcels in the same zoning district or (2) mean that a permitted principal or accessory use because of its specific limitations by normal definition is in need of modification through combining permitted principal or accessory uses when only one such use is permitted on a lot or parcel.

Use - The principal purpose for which land, the main building or premises or a structure or building thereon is designed, arranged, intended, or for which is occupied, maintained, rented or leased for a permitted and approved use or activity.

Use, New or Change of - For the terms of this Ordinance, the term new use, of change of use, means the abandonment of the current use of the land and/or building and reuse of the land and building for a different purpose such as, abandonment of a dwelling unit for residential use to house a commercial business.

Use, Accessory - A use or activity normally and naturally incidental to, subordinate to, and devoted exclusively to the principal use of the land or buildings, including all structures detached from the principal structure above and below ground; such as garages, sheds, barns, television satellite dishes, wells, septic systems, and designed surface structures and areas, or any use determined by the Zoning Board of Appeals to be a normal and incidental use to a principal use.

Video display sign- A sign that displays a message characterized by motion, movement or pictorial imagery to depict action or a special effect that imitates movement



Wall, Screening or Obscuring - A structure or vegetative planting of definite height and location to serve as an obscuring screen in carrying out the requirements of this Ordinance.

Wall sign - A sign that is attached directly to a wall, mansard roof, roof overhang, or parapet wall with the exposed face of the sign in a plane parallel to the building wall or to the surface on which it is mounted, and which projects not more than 12 inches from the building or structure wall and does not extend above the roofline of the building to which it is attached.

Water's Edge - The line of typical separation between the body of water and the immediately adjacent land. Where there is disagreement as to the location of this line or it is difficult to clearly determine, the Township may use the Ordinary High Water Mark. (Ord. 71; 11/2008)

Wind Energy Conversion System (WECS) - Shall mean a combination of:

- (1) A surface area, either variable or fixed, for utilizing the wind for electrical powers,
- (2) A shaft, gearing, belt, or coupling utilized to convert the rotation of the surface area into a form suitable for driving a generator, alternator, or other electricity-producing device,
- (3) The generator, alternator, or other device to convert the mechanical energy of the surface area into electrical energy; and
- (4) The tower, pylon, or other structure upon which any, all, or some combination of the above are mounted.

Wind Energy Conversion System - Purposes - Is a WECS tower placed upon land with the intent to provide electricity for personal uses or to sell or provide electricity to others. The tower may or may not be owned by the owner of the property upon which the tower is placed.

Wind Energy Conversion System - Interconnected - Is a WECS, which is electrically connected to the local electrical power utility system and could feed power back into the local electrical power utility system.

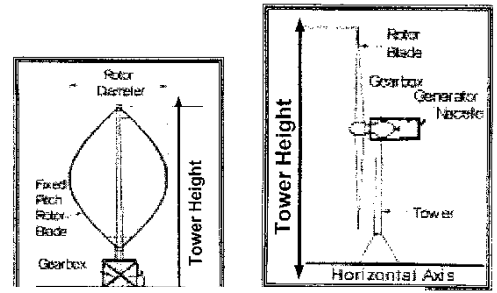
Wind Energy Conversion System - Survival Wind Speed - Is the maximum wind speed, as designated by the WECS manufacturer, at which a WECS, in unattended operation (not necessarily producing power) is designed to survive without damage to any structural equipment or loss of the ability to function normally.

Wind Energy Conversion System - Testing Facility - Is a structure and equipment used to determine the potential for the placement of a WECS.

Wind Energy Conversion System - Tower Height Determination

Horizontal Axis Wind Turbine Rotors - The distance between the ground and the highest point of the WECS, as measured from the ground, plus the length by which the rotor blade on a horizontal mounted WECS exceeds the structure which supports the rotor and blades.

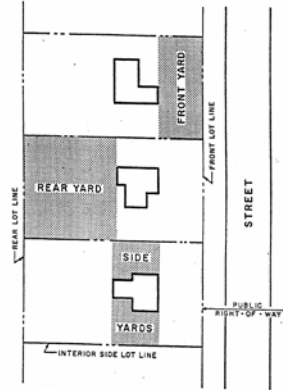
Vertical Axis Wind Turbine - The distance between the ground and the highest point of the WECS.



Wind Energy Conversion - Wind Farm - Is a cluster (2 or more) of WECS towers placed upon land with the intent to sell or provide electricity to others. The towers may or may not be owned by the owner of the property upon which the towers are placed.

Window sign - A sign attached to the inside or outside surface of a window on a building wall or door and is intended to be viewed from outside the building.

Yards - The open spaces on the same lot with a main building unoccupied and unobstructed from the ground upward except as otherwise provided in this Ordinance, and as defined herein:



YARDS

Front Yard - An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest point of the principal use building or structure. A lot has two front yards if a corner lot.

Front Yard - Water Property - See Setback, Waterfront

Rear Yard - An open space extending the full width of the lot, the depth, of which is the minimum horizontal distance between the rear lot line and the nearest point of the principal use building or structure.

Side Yard - An open space between a main building and the side-lot line, extending from the front yard to the rear yard, the width, of which is the horizontal distance from the nearest point of the side lot to the nearest point of the principal use building or structure.

Waterfront Yard An open space extending the full width of the lot the depth of which is the horizontal distance between the waterfront lot line and the nearest point of the principal structure. (Ord. 71; 11/2008)

Zoning Administrator - The Township official appointed by the Township Board to administer and enforce the provisions of this Zoning Ordinance.

Zoning District Map - The official map showing specific districts established by the Ordinance, as described in Article 3, Section 3.01.

Zoning Compliance Permit - A permit for commencing construction issued by the Zoning Administrator in accordance with a plan, including an approved site plan, for construction that complies with all the provisions of this Zoning Ordinance.

Zoning Exception - See: special use

Zoning Lot - A parcel, tract, or area of land accessible by means of a public street or road meeting the size and frontage requirements of the zoning district in which the lot is located. A zoning lot shall satisfy this Ordinance with respect to area, size, dimensions and frontage as required in the district in which the zoning lot is located. A zoning lot, therefore, may not coincide with a lot of record as filed with the County Register of Deeds, but may include one or more lots of record.

Zoning Variance - The term “Variance” shall mean a modification of literal provisions of the Zoning Ordinance granted by the Zoning Board of Appeals when strict enforcement of the Zoning Ordinance would cause unnecessary hardship or practical difficulties due to circumstances unique to the individual property on which the variance is granted. The crucial points of variance are (a) unnecessary hardship, (b) practical difficulties, (c) unique circumstances, and (d) exceptional and unusual elements, are present which would preclude the same type of development permitted in the zoning district from being repeated, but, which with a variance, would permit compatible development similar to the uses and character of development permitted in a zoning district. The term Variance shall not mean to include granting variances for substantially larger buildings or additional uses other than those permitted in the respective zoning districts.

ARTICLE 3 ZONING DISTRICTS AND MAP

Section 3.01 - Districts Established

For the purpose of this Ordinance, the Township of Covert is hereby divided into the following districts:

RESIDENTIAL DISTRICTS

RR	Rural Residential
LD -1	Low Density Residential
LD -2	Low Density Residential
MD	Medium Density Residential
HD	High Density Residential

NONRESIDENTIAL DISTRICTS

AG	Agricultural
REC	Recreation
VMU	Village Mixed Use – High Intensity and Low Intensity Sub Areas
HC	Highway Commercial
NC	Neighborhood Commercial
CC	Community Commercial
I	Industrial
ESA	Environment Sensitive Area Overlay
PUD	Planned Unit Development

Section 3.02 - District Boundaries

The districts, as established in Section 3.01 are bounded and defined as shown on the map entitled “Zoning District Map of Covert Township” adopted by the Township Board, and which with all notations, references and other information appearing thereon, is hereby declared to be part of this Ordinance and of the same force and effect as if the districts shown thereon were fully set forth in this Zoning Ordinance.

The “Official Zoning Map” shall be identified by the signature of the Township Supervisor attested to by the Township Clerk under the words: “This is to certify that this is the Official Zoning Map referred to in Article 3, Section 3.02 of Ordinance of Covert Township, Van Buren County, Michigan.”

Section 3.03 - Interpretation of District Boundaries

Where uncertainty exists with respect to the boundaries of the various districts as shown on the Zoning District Map, the following rules shall apply:

- a. Boundaries indicated as approximately following the center lines of streets, highways, or alleys, shall be construed to follow such center lines.
- b. Boundaries indicated as approximately following platted or other recorded lot lines shall be construed as following such lot lines.
- c. Boundaries indicated as approximately following county boundaries shall be construed as following county boundaries.
- d. Boundaries indicated as following railroad or designed trails lines shall be construed to be the midway between the main tracks.

- e. Boundaries indicated as following shore lines shall be construed to follow such shorelines, and in the event of change in the shoreline shall be construed as moving with the actual shore line; boundaries indicated as approximately following the center line of streams, rivers, canals, lakes or other bodies of water shall be construed to follow such center lines.
- f. Boundaries indicated as parallel to or extensions of features indicated in subsections one a through c above shall be so constructed. Distances not specifically indicated on the Official Zoning District Map shall be determined by the scale of the map.
- h. Where physical or natural features existing on the ground are at variance with those shown on the official Zoning District Map, or in other circumstances not covered by subsections a through d above, the Board of Appeals shall interpret the district boundaries.
- i. Insofar as some or all of the various districts may be indicated on the Zoning District Map by patterns which, for the sake of map clarity, do not cover public right-of-ways, it is intended that such district boundaries do extend to the center of the public right-of-way.

Section 3.04 - Zoning of Vacated Areas

Wherever any road street, alley or other public way, within the unincorporated area of the Township of Covert shall be vacated, such street, alley or other public way or portion thereof, shall automatically be classified in the same Zone District as the property to which it attaches.

Section 3.05 - District Requirements

All buildings and uses in any District shall be subject to the provisions of Article 28, Section 28.07.

(Article 3 amended by Ord. 82, 2/26/12)

ARTICLE 4

AG - AGRICULTURAL DISTRICT

Section 4.01 - Intent

This district is applicable to those areas of the Township which are designated on the Covert Township Master Development Plan Future Land Use Map for farmland protection and preservation through a Federal, State, County, Township program or through volunteer land owner dedication to an eligible not-for-profit land conservancy.

The AG Agricultural District is primarily composed of large tracks of productive and temporarily fallow farmland and ancillary open land areas and wooded lands. The regulations are intended to retain, insofar as is practicable and desirable, the agricultural use and open character of this land. It is also the purpose of this district to permit those uses customarily considered agricultural operations provided such agricultural uses are compliant with Michigan Department of Agriculture approved Generally Accepted Agricultural Management Practices (GAAMPS) and minimize the impact upon the natural resources of the Township. To this end, the only single-family homes allowed in this district are farm homesteads for those actively engaged in farming operations or single-family home sites approved as part of a Planned Unit Development where fifty (50) percent or more of the land area remains preserved farmland.

Section 4.02 - Principal Uses Permitted

In an AG Agricultural District, no building or land shall be used and no building shall be erected except for one or more of the following specified uses unless otherwise provided in this Ordinance:

1. General and specialized farming including nurseries, greenhouses, animal husbandry, beekeeping and similar bonafide agricultural enterprises and the usual agricultural buildings and structures when such operations are compliant with GAAMPS.
2. Single-family detached dwellings serving as the farm homestead regardless of whether the owner occupant is actively engaged in the farming operation or not.
3. Livestock production facilities when such operations are compliant with GAAMPS.
4. Single-family detached dwellings when approved as part of a Planned Unit Development, either Traditional or Cluster Developments, when fifty (50) percent or more of the total acreage of the land area is permanently preserved through a farmland conservation easement administered by the Van Buren County Purchase of Development Rights Program and/or a land trust acceptable to the Township Board and Planning Commission.
5. Public and private stables, riding academies and kennels.
6. Accessory buildings and uses customarily incident to any of the above permitted uses.
7. The disposal of garbage, sewage, rubbish, offal or rendering plants or for the slaughtering of animals are expressly prohibited except for the slaughtering of animals by residents for use by persons residing on the premises, or as specified in Article 18 - General Provisions.

Section 4.03 - Special Uses

The following uses shall be permitted, subject to the conditions hereinafter imposed for each use and subject further to the review and approval of the Planning Commission where specified:

1. Agricultural buildings of greater than maximum height allowed in Article 15 - Schedule of District Regulations may be allowed provided front, side and rear yards are increased above the minimum required yards by one (1) foot for each foot of building height that exceeds the maximum height allowed.

2. Freestanding towers associated with agricultural buildings shall be located no closer to property lines than one times the height of the tower measured from the base of the tower to all points of each property line.
3. Stands including farm stands for the retail sale of fruits and vegetables. (See: definition)
4. Value added agricultural activities, specifically, 1) full service restaurants when the menu contains on-site farm grown product (for example, cider mills, bakery/coffee shops, and similar sit-down waiter serviced restaurant), operations), 2) organized events when in compliance with the provisions of a temporary special land use permit and all other Township ordinances, 3) small mechanical rides and food vendors when in compliance with the provisions of a temporary special land use permit and all other Township ordinances, 4) miniature golf facilities, indoor/out door skating rinks, 5) recreational camping facilities, including tent and recreational vehicle camping with associated related facilities.
5. Farm related activities (See: definition of Farm Related Activities).
6. Livestock Production Facilities having no more than 50 animal units as defined by the Michigan Department of Agriculture when such operations are compliant with GAAMPS but no Livestock Production Facilities having greater than 50 animal units as defined by the Michigan Agricultural Commission or Concentrated Animal Feeding Operation - Large (CAFO).
7. Utility and public service buildings and uses (without storage yards) when operating requirements necessitate the locating of said building within the district in order to serve the immediate vicinity, and after review and approval of the Planning Commission.
8. Accessory buildings and uses not customarily incident to any of the above permitted uses but necessary for agricultural operations.
9. Home occupations, as defined in Article 2, Section 2.02.
10. All uses allowed within the REC - Recreational District, provided such uses comply with requirements of the REC - Recreational District.
(Ord. 71; 11/2008)

Section 4.04 - Area and Bulk Requirements

See: Article 15 - Schedule of District Regulations specifying the maximum height and bulk of buildings, the minimum size of the lot permitted by land use, the maximum density permitted and minimum yard setback requirements.

ARTICLE 5 RR - RURAL RESIDENTIAL DISTRICT

Section 5.01 - Intent

The intent of the Rural Residential District is to provide an area in the Township where single-family homes and farming operations can be located. This district includes mini-farms where the agricultural use of the land is subordinate to the use of the land for a single-family home and related uses.

The regulations are intended to retain, insofar as is practicable and desirable, the agricultural and open character of this district. It is also the purpose of this district to permit those uses customarily considered agricultural operations provided such agricultural uses are compliant with Michigan Department of Agriculture approved Generally Accepted Agricultural Management Practices (GAAMPS) and minimize the impact upon the natural resources of the Township.

Section 5.02 - Principal Uses Permitted

In the RR Rural Residential District, no building or land shall be used and no building shall be erected except for one or more of the following specified uses unless otherwise provided in this Ordinance:

1. One-family detached dwellings.
2. Planned Unit Development, either Traditional or Cluster Developments, when approved pursuant to the provision of Article 16 - Planned Unit Development.
3. Farms on those parcels of land separately owned outside the boundaries of either a proprietary or supervisor's plat, having an area of not less than five (5) acres. For general and specialized farming including nurseries, greenhouses, animal husbandry, beekeeping and similar bonafide agricultural enterprises and the usual agricultural buildings and structures when such operation are compliant with GAAMPS. Uses operated as feed lots shall be subject to limitations as established in SEC.5.03. No farms shall be operated for the disposal of garbage, sewage, rubbish, offal or rendering plants or for the slaughtering of animals except as to serve only those persons residing on the premises, or as specified in Article 18 - General Provisions.
4. Accessory buildings and uses, customarily incidental to any of the above permitted uses.

Section 5.03 - Special Uses

The following uses shall be permitted, subject to the conditions hereinafter imposed for each use and subject further to the review and approval of the Planning Commission where specified:

1. Utility and public service buildings and uses (without storage yards) when operating requirements necessitate the locating of said building within the district in order to serve the immediate vicinity, and after review and approval of the Planning Commission and do not adversely impact the residential nature of the immediate surrounding area.
2. Home occupations, as defined in Article 2, Section 2.02.
3. Stands including farm stands for the retail sale of fruits and vegetables. (See: definition, Section 2.02)
4. Livestock Production Facilities having no more than 50 animal units as defined by the Michigan Department of Agriculture when such operations are compliant with GAAMPS but no Livestock Production Facilities having greater than 50 animal units as defined by the Michigan Agricultural Commission or Concentrated Animal Feeding Operation - Large (CAFO).
5. All uses allowed within the REC - Recreational District, provided such used comply with the requirements of the REC - Recreational District.

(Ord. 71; 11/2008)

Section 5.04 - Area and Bulk Requirements

See: Article 15 - Schedule of District Regulations specifying the maximum height and bulk of buildings, the minimum size of the lot permitted by land use, the maximum density permitted and minimum yard setback requirements.

ARTICLE 6
LD - LOW DENSITY RESIDENTIAL DISTRICT

Section 6.01 - Intent

The Low Density Family Residential District is the most protected of the residential districts. The intent is to provide for an environment of exclusively single family detached dwellings along with other residentially related facilities which serve the residents in the district. This district has two minimum lot sizes described as LD-1 and LD-2. LD-1 is applied to the residential district along the Lake Michigan shoreline where fragile dunes and other environmentally sensitive lands require a larger minimum lot size. LD-2 is applied to residential areas within the Township more suitable to minimum lot sized designed for more traditional subdivision and other forms of residential development.

Section 6.02 - Principal Permitted Uses

In the LD Low Density Residential District, no building or land shall be used and no building shall be erected except for one or more of the following specified uses unless otherwise provided in this Ordinance:

1. Single-family detached dwellings.
2. In the LD-2 Zoning District only, Planned Unit Development, either Traditional or Cluster Developments, when approved pursuant to the provision of Article 16 - Planned Unit Development.
3. Accessory buildings and uses customarily incident to any of the above permitted uses. (Ord. 71; 11/2008)

Section 6.03 - Special Uses

The following uses shall be permitted, subject to the conditions hereinafter imposed for each use and subject further to the review and approval of the Planning Commission where specified:

1. Utility and public service buildings and uses (without storage yards) when operating requirements necessitate the locating of said building within the district in order to serve the immediate vicinity and do not adversely impact the residential nature of the immediate surrounding area.
2. Home occupations, as defined in Article 2, Section 2.02.
(Ord. 71; 11/2008)

Section 6.04 - Area and Bulk Requirements

See: Article 15 - Schedule of District Regulations specifying the maximum height and bulk of buildings, the minimum size of the lot permitted by land use, the maximum density permitted and minimum yard setback requirements.

ARTICLE 7
MD - MEDIUM DENSITY RESIDENTIAL DISTRICT

Section 7.01 - Intent

The Medium Density Residential District is designed to provide land in the Township for higher density single-family residential homes (those on smaller lots) and two-family duplex dwelling units and other types of dwelling unit configurations. The intent of this district is to provide for an environment of exclusively single-family detached and principally two-unit dwellings along with other residentially related facilities which serve the residents in the district.

Section 7.02 - Principal Permitted Uses

In the MD Medium Density Residential District, no building or land shall be used and no building shall be erected except for one or more of the following specified uses unless otherwise provided in this Ordinance:

1. Single-family detached or two-unit detached dwelling structures.
2. Planned Unit Development, either Traditional or Cluster Developments, when approved pursuant to the provision of Article 16 - Planned Unit Development.
3. Accessory buildings and uses, customarily incident to any of the above permitted uses.

Section 7.03 - Special Uses

The following uses shall be permitted, subject to the conditions hereinafter imposed for each use and subject further to the review and approval of the Planning Commission where specified:

1. Utility and public service buildings and uses (without storage yards) when operating requirements necessitate the locating of said building within the district in order to serve the immediate vicinity and do not adversely impact the residential nature of the immediate surrounding area.
2. Home occupations, as defined in Article 2, Section 2.02.
(Ord. 71; 11/2008)

Section 7.04 - Area and Bulk Requirements

See: Article 15 - Schedule of District Regulations specifying the maximum height and bulk of buildings, the minimum size of the lot permitted by land use, the maximum density permitted and minimum yard setback requirements.

ARTICLE 8

HD - HIGH DENSITY RESIDENTIAL DISTRICT

Section 8.01 - Intent

The High Density Residential District is designed to provide sites for multiple-family dwelling structures and related uses. This district may serve as zones of transition between the non residential districts and other residential districts to buffer the impact of agricultural, commercial and industrial uses.

The High Density Residential District is further provided to serve the need in the Township for owner-occupied or renter-occupied condominium or apartment type dwelling units.

Section 8.02 - Principal Permitted Uses

In a HD High Density Residential District, no building or land shall be used and no building shall be erected except for one or more of the following specified uses unless otherwise provided in this Ordinance:

1. Multiple family dwellings including two-family dwelling unit structures as provided in the Medium Density District.
2. Planned Unit Development, either Traditional or Cluster Developments, including State Licensed Mobile Home Parks when approved pursuant to the provision of Article 16 - Planned Unit Development.
3. Accessory buildings and uses customarily incident to any of the above permitted uses.

Section 8.03 - Development Requirements

All developments in this district shall be subject to the provisions of Article 23 - Site Plan Review Procedures, of which all site plans shall be submitted to the Planning Commission for its review and approval prior to issuance of a building permit.

Section 8.04 - Special Uses

The following uses shall be permitted, subject to the conditions hereinafter imposed for each use and subject further to the review and approval of the Planning Commission where specified:

1. Single-family detached dwellings.
2. Utility and public service buildings and uses (without storage yards) when operating requirements necessitate the locating of said building within the district in order to serve the immediate vicinity and do not adversely impact the residential nature of the immediate surrounding area.
3. Home occupations, as defined in Article 2, Section 2.02.
(Ord. 71; 11/2008)

Section 8.05 - Area and Bulk Requirements

See: Article 15 - Schedule of District Regulations specifying the maximum height and bulk of buildings, the minimum size of the lot permitted by land use, the maximum density permitted and minimum yard setback requirements.

ARTICLE 9
VMU – VILLAGE MIXED USE DISTRICT
 (Ord. 80; 5/2011 / Ord. 71; 11/2008)

Section 9.01 - Intent

The Village Mixed Use District, as herein established, is designed to provide a flexible, urban environment in and around the historic hamlet of Covert. Such an environment accommodates the mix of residential and commercial uses as well as increased densities typical of a Village setting. Regulations and controls are incorporated to limit the impact of permitted commercial uses or residential neighborhoods and maintain the essential character of the quality community. It is envisioned as a pedestrian friendly area of coordinated development that constitutes the heart of the Township.

Section 9.02 - Sub-Areas

Uses and standards within the VMU district are categorized into two sub-areas. The sub-areas (distinct areas within the zoning district) are classified based on the roads that the properties have frontage on. Parcels that have frontage on busier roads are permitted to have higher intensity uses, while parcels that do not have frontage on these roads, shall be limited to lower intensity uses.

The following table provides a breakdown of roads that are located in each sub-area. Parcels that front on multiple roads that are classified in different sub-areas may be treated as if it is located in either sub-area.

Sub-Area	Roads that Parcels Front On
Higher Intensity	M-140 CR378 32 nd Ave. North St. 34 th Ave.
Lower Intensity	All other roads

Section 9.03 – Table of Land Uses

In the VMU-Village Mixed Use District, no building or land shall be developed for one or more of the following specified uses unless otherwise provided in this Ordinance. Uses are categorized by both the High and Low Intensity Sub-Areas. They are then identified as either P-Permitted or S-Special Uses. An item with neither a “P” or an “S” is prohibited within that area.

USE	LOW INTENSITY	HIGH INTENSITY
RESIDENTIAL USES		
Single-family detached dwellings	P	P
Two-unit detached dwelling structures	P	P
Multiple family dwellings	S	P
Planned Unit Development, either Traditional or Cluster Developments (see Article 16)	P	P
State licensed residential uses	P	P
Family child day care home	P	P

USE	LOW INTENSITY	HIGH INTENSITY
Group child day care home	S	S
Accessory buildings and uses, customarily incident to any other permitted use	P	P
MIXED USE		
Mixed use development (residential dwelling units in a building containing one or more permitted commercial uses)		S
COMMERCIAL USES		
Home occupations	P	P
Retail businesses (not adult theaters or bookstores, gas stations, or auto service establishments and body repair)		P
Office buildings		P
Banks, savings and loan companies, financial and insurance offices, and real estate sales offices including drive-thru facilities		P
Medical / dental offices		P
Personal service establishments such as tailor shops, shoe repair shops, beauty parlors, barber shops, photographic and art studios, as well as service establishments with showrooms or workshops, such as that of an electrician, decorator, dressmaker, tailor, baker, painter, upholstery, and similar service establishments that require a retail sales facility		P
Dry-cleaning pick-up stations, dealing directly with the consumer		P
Health Club		P
Restaurants, including drive-thru facilities		P
Child day care center		P
Public facilities and government uses		P
Utility and public service buildings and uses	S	S
Theaters, assembly halls, concert halls, or similar places of assembly when conducted completely within enclosed buildings		S
Bowling alley, tennis club, and similar large, indoor recreation facility		S
Laundromat		S
Mortuary establishments		S
Private clubs, fraternal organizations, and lodge halls		S
Nursery for sale of plant materials		S
Veterinary hospital or clinic		S

USE	LOW INTENSITY	HIGH INTENSITY
Hotels, motels, and other lodging facilities		S
Off-street parking lots		S
Gasoline service station		S
Minor automobile service (no repair work)		S
Car wash, in a completely enclosed building		S
Accessory buildings and uses, customarily incident to any other permitted use	P	P

Section 9.04 – General Requirements

- A. All business, servicing, or processing, except for off-street parking or loading, shall be conducted within a completely enclosed building.
- B. The outdoor storage of goods or material is prohibited.
- C. Warehousing or indoor storage of goods or materials beyond that normally incident to the above permitted uses is prohibited.
- D. Off-street parking shall comply with the requirements of Article 19. Per section 19.06, two or more buildings or uses may share a parking facility provided the number of spaces located at the facility is greater than the sum of the required spaces of the uses utilizing the site.
- E. Signage shall comply with the requirements of Article 20.
- F. Home occupations are allowed as permitted uses in the VMU per the table of uses in Section 9.03. The permitted home occupation shall comply with all of the conditions in Section 18.27 (except the requirement for special use approval). The home occupation shall be approved administratively by the Zoning Administrator after submittal of documentation confirming that the proposed use will comply with the requirements of Section 18.27.
- G. A mixed use development shall consist of a combination of residential and commercial uses in the same facility. The proposed uses shall be permitted in the district as indicated in the Table of Land Uses (Section 9.03). The commercial use shall be located on the ground level or at the street side so as to be the predominant use from the perspective of the right-of-way.
- H. When a high intensity use is adjacent to a low intensity use or another zoning district (residential or agricultural), a fence (six feet in height) with a greenbelt planted in accordance with the requirements of Section 18.29 shall be installed to provide sufficient screening.

Section 9.05 – Change in Sub-Area Designation

Over time, property owners may request a change in a property’s sub-area designation to allow development of a use permitted in one sub-area that is not permitted in the other. The request may be due to a previous use on the site, the evolving character of the area over time, an entrepreneurial opportunity, the unique size or location of the site, and/or some other reason. Section 9.02 designates certain portions of the VMU as High Intensity and others as Low Intensity. It is recognized that there may be individual sites within these areas that, with greater scrutiny and attention, may warrant consideration for location within the other sub-area designation.

Upon request, the Planning Commission may consider a use designated for one sub-area (such as a high intensity permitted use) in an area within the other sub-area designation (such as a low intensity designated site). It shall be

reviewed as and require approval as a special use. In addition to the criteria identified in Article 24 and the standards of this Chapter, the Planning Commission shall also consider the following when deciding whether to approve such a request:

- A. The proposed use and change in designation is consistent with the VMU district and the designation in the Master Plan.
- B. The site is adjacent to an existing high intensity area; or if not adjacent, provides enhanced setbacks and screening for adjacent low intensity sites.
- C. There will be no impact on the character of the area surrounding the site due to the proposed change in designation and change of use.

Section 9.06 - Site Plan Requirements

All developments in this district shall be subject to the provisions of Article 23 - Site Plan Review Procedures, of which all site plans shall be submitted to the Planning Commission for its review and approval prior to issuance of a building permit.

Section 9.07 - Area and Bulk Requirements

See: Article 15 - Schedule of District Regulations specifying the maximum height and bulk of buildings, the minimum size of the lot permitted by land use, the maximum density permitted and minimum yard setback requirements.

ARTICLE 10

NC - NEIGHBORHOOD COMMERCIAL DISTRICT

Section 10.01 - Intent

The Neighborhood Commercial District, as herein established, is designed to meet the shopping and service needs of persons residing in nearby residential areas. Further, it is designed to accommodate uses such as offices, banks and personal services establishments which may serve as transitional areas between residential and a more intensely developed commercial use shopping center or densely developed commercial shopping areas.

Section 10.02 - Principal Uses Permitted

In a NC Neighborhood Commercial District, no building or land shall be used and no building shall be erected except for one or more of the following specified uses unless otherwise provided in this Ordinance:

1. Office buildings housing executive, administrative, accounting, clerical, and non-retail sales activities subject to the limitations contained below in Section 10.03 - General Requirements.
2. Generally recognized retail businesses which supply goods and commodities on the premises, such as, but not limited to groceries, meats, dairy products, baked goods or other foods, drugs, dry goods, clothing, notions and hardware, but not adult theaters or bookstores, gas stations and/or auto service establishments including mechanical and body repair. (See Section 10.04 for Gasoline Service Stations).
3. Personal service establishments which perform services on the premises, such as, but not limited to: tailor shops, shoe repair shops, beauty parlors, barber shops, photographic studios, as well as service establishments with showrooms or workshops, such as that of an electrician, decorator, dressmaker, tailor, baker, painter, upholstery, and similar service establishments that require a retail sales facility.
4. Dry-cleaning pick-up stations, dealing directly with the consumer.
5. Business establishments which perform services on the premises, such as, but not limited to banks, savings and loan companies, financial and insurance offices and real estate sales offices including drive-in/drive-thru facilities.
6. Professional services including the offices of doctors, dentists, and similar or allied professions, including medical clinics.
7. Post office and similar governmental office buildings, serving persons living in the adjacent residential areas.
8. Off-street parking lots.
9. Restaurants including fast-food drive-in/drive-thru service facilities.
10. Other uses similar to the above uses.
11. Accessory structures and uses customarily incident to the above permitted uses.

Section 10.03 - General Requirements

1. All business, servicing, or processing except for off-street parking, or loading, shall be conducted within a completely enclosed building.
2. The outdoor storage of goods or material is prohibited.
3. Warehousing or indoor storage of goods or materials beyond that normally incident to the above permitted uses is prohibited.

Section 10.04 - Special Uses

The following uses are permitted, subject to the conditions hereinafter imposed for each use and subject further to the review and approval of the Planning Commission where specified:

1. Gasoline service station for the sale of gasoline, oil and minor accessories only, and where no repair work is done, other than incidental service, but not including steam cleaning or undercoating, vehicle body repair, painting, tire recapping, engine rebuilding, auto dismantling, upholstering, auto glass work, and other such activities whose external effects could adversely extend beyond the property line.
 - a. The curb cuts for ingress or egress to the service station shall not be permitted at such locations that will tend to create traffic hazards in the streets immediately adjacent thereto. Entrances and exits shall be no less than twenty-five (25) feet from a street intersection (measured from the road right-of way) or from adjacent residential districts.
 - b. The minimum lot area shall be fifteen thousand (15,000) square feet, and arranged so that there is ample space available for motor vehicles to occupy when purchasing gasoline, oil and minor accessories. On a lot of ten thousand (10,000) square feet or more, these facilities may provide repair or servicing of automobiles (including lubricating facilities), subject to all other provisions herein required.
2. Restaurants with outdoor seating/serving areas.
3. Mortuary establishments, when an adequate assembly area is provided for off-street vehicles to be used in funeral processions, provided further that such assembly area shall be provided in addition to any required off-street parking area. A caretaker's residence may be provided within the main building but shall not include a mobile home sited upon the property.
4. Residential dwelling units, when such units have been reviewed and approved by the Planning Commission and are contained within the building structure housing a neighborhood commercial business and further conform to the following standards in addition to any special conditions imposed by the Planning Commission:
 - a. The recommended required setback or visual buffers imposed by the Planning Commission to insure public health, safety and general welfare.
 - b. Off-street parking as required in Article 19 - Off Street Parking and Loading of this Ordinance.
5. Private clubs, fraternal organizations and lodge halls.
6. Theaters (but not adult uses), assembly halls, concert halls or similar places of assembly when conducted completely within enclosed buildings.
7. Open air businesses when developed in planned relationship with the NC Neighborhood Commercial District as follows:
 - a. Outdoor retail sales of merchandise including plant material not grown on the site, and sales of lawn furniture, playground equipment and garden supplies provided that such uses shall be located at one end of the building mass and do not encroach on the parking spaces required of the business establishment as specified in Article 19 - Off Street Parking and Loading of this Ordinance.
 - b. Youth recreational activity spaces, playgrounds and other similar recreation activity areas when part of a planned development, provided further that such use be located at one end of the building mass, but not at the intersection of two major thoroughfares. Such recreation space shall be fenced on all sides with a four (4) foot chain link type fence.
8. Bowling alley, billiard hall, indoor archery range, health clubs and other related health care or related type facilities, indoor tennis courts, indoor skating rink, or other similar forms of indoor commercial recreation

when located at least one hundred (100) feet from any front, rear or side yard of any residential used or zoned lot abutting the property.

9. Automobile/car wash facilities when completely enclosed in a building.
10. Bus passenger stations.
11. Veterinary hospitals or clinics, provided all activities are conducted within a totally enclosed main building and provided further that all buildings are set back at least one hundred (100) feet from abutting residential districts on the same side of the street.
12. Plant, nursery, and other related materials facilities for the retail sale of plant materials not grown on the site, and sales of lawn furniture, playground equipment and garden supplies, subject to the following conditions:
 - a. The storage and/or display of any materials and/or products shall meet all setback requirements of a structure.
 - b. All loading and parking shall be provided off-street.
 - c. The storage of any soil, fertilizer, or other loose unpacked materials shall be contained so as to prevent any effects on adjacent uses.
13. Dry Cleaning or laundry establishments.

Section 10.05 - Site Plan Requirements

The Planning Commission shall review and approve a site plan prepared pursuant to Article 23 - Site Plan Review Procedures for any shopping centers consisting of three (3) or more acres of land area and/or any building project containing 10,000 sq. ft. or more of gross floor area.

Section 10.06 - Area and Bulk Requirements

See: Article 15 - Schedule of District Regulations specifying the maximum height and bulk of buildings, the minimum size of the lot permitted by land use, the maximum density permitted and minimum yard setback requirements.

ARTICLE 11 CC - COMMUNITY COMMERCIAL DISTRICT

Section 11.01 - Intent

The intent of the Community Commercial District is designed to provide for servicing the needs of local and regional residents where shopping centers, office and related buildings are developed as a single site or the overall site developed with one or more structures designed to house multiple retail and related service establishments. The location of this district may encompass one or more individual properties typically located at the intersection of county collector roadways and at times including feeder roads to move traffic from the county collector to internal parking areas of individual business establishments. In the Community Commercial District, site design standards are to be observed that assure protection of adjacent properties in other zones from adverse influences of traffic, outdoor delivery areas serving individual businesses and on-site illumination, either parking/driveway lighting or from on-site signage.

The general goals of this district include, among others, the following specific purposes:

1. To promote the most desirable use of land in accordance with a well-considered plan of development and to take advantage of major highway, roads and utilities.
2. To protect the character and established pattern of adjacent development.
3. To conserve the value of land and buildings and other structures, and to protect the Township=s tax revenue.
4. To provide sufficient space, in appropriate locations, to meet the needs of the Township=s expected future commercial/retail economy including multi-tenant shopping centers housing retail, service, office and related businesses.
5. To protect abutting residential districts by separating them from commercial and retail activities, and by prohibiting the use of such commercial areas for new residential development.

Section 11.02 - Principal Permitted Uses

In the CC Community Commercial District, no building, land or premises shall be used and no building or structure erected except for one or more of the following specified uses, unless otherwise provided in this Ordinance:

1. All uses permitted in the Neighborhood Commercial District.
2. Office buildings housing executive, administrative, accounting, clerical, and non-retail sales activities subject to the limitations of Section 11.04.
3. Generally recognized retail businesses which supply goods and commodities on the premises, such as, but not limited to groceries, meats, dairy products, baked goods or other foods, drugs, dry goods, clothing, notions and hardware, but not including adult theaters or bookstores.
4. Department, discount, building supply, appliance warehouse and other large multi-good retail establishments.
5. Post office and similar governmental office buildings, serving persons living in the adjacent residential areas.
6. Off-street parking lots.
7. Hotels, motels and other lodging facilities.
8. Restaurants including fast-food drive-in/drive-thru service facilities.
9. Other uses similar to the above uses.

10. Accessory structures and uses customarily incident to the above permitted uses.

Section 11.03 - Special Uses

The following uses are permitted, subject to the conditions hereinafter imposed for each use and subject further to the review and approval of the Planning Commission where specified:

1. Single-family detached dwelling units and dwelling units as part of a commercial business operation.
2. All Special Uses allowed in the NC Neighborhood Commercial District.
3. Temporary and Permanent Outdoor Flea Markets subject to the following:
 - a. All sales and storage operations are fully enclosed within a building and/or structure on a property meeting the minimum lot size, yard setback and parking requirements, except as provided in subsection b.
 - b. If the sales operation or any portion of the sales operation is intended to be conducted as an open air operation, either on a permanent or temporary basis, such operation shall be first approved by the Planning Commission based on a site plan showing:
 - 1) The location and extent of the land area designated for outdoor sales and storage.
 - 2) The number, size and location of off street parking for the maximum number of customers that could frequent the sales operation at any one time period.
 - 3) The planned designation of ingress and egress points to a county highway.
 - 4) The method to supply water, wastewater disposal and trash removal.
 - 5) The hours of operation and provision for illumination if said operation will continue past dusk.
 - 6) Proof of property ownership or an executed lease or other authorization allowing the conduct of said operation, if the property is not owned by the applicant/operator.
 - 7) The storage and/or display of any materials and/or products shall meet all setback requirements of a structure.
3. All loading and parking shall be provided off-street.
4. The storage of any soil, fertilizer, or other loose unpacked materials shall be contained so as to prevent any effects on adjacent uses.

Section 11.04 - General Requirements

1. All business, servicing, or processing except for off-street parking, or loading, shall be conducted within a completely enclosed building, except as provided for in Section 11.03 2 b.
2. Warehousing or indoor storage of goods or materials beyond that normally incident to the above permitted uses is prohibited.

Section 11.05 - Site Plan Requirements

The Planning Commission shall review and approve a site plan prepared pursuant to Article 23 - Site Plan Review Procedures for any community shopping centers consisting of three (3) or more acres and/or any building project of 10,000 sq. ft. or more.

Section 11.06 - Area and Bulk Requirements

See: Article 15 - Schedule of District Regulations specifying the maximum height and bulk of buildings, the minimum size of the lot permitted by land use, the maximum density permitted and minimum yard setback requirements.

ARTICLE 12

HC - HIGHWAY COMMERCIAL/BUSINESS DISTRICT

Section 12.01 - Intent

The Highway Commercial/Business District is designed to provide for servicing the needs of automobile highway traffic at the interchange areas of expressways including the development of mixed-use business parks containing a mixture of commercial, office and showroom-warehouse type buildings designed in such a manner as to provide for an overall coordinated pleasing visual appearance. The overall site design of any single parcel of land and the total area shall be done to avoid undue congestion of feeder roads, the promotion of smooth traffic flow at the interchange area and on the expressway, and the protection of adjacent properties in other zones from adverse influences of traffic are prime considerations in the application of this district.

Section 12.02 - Principal Permitted Uses

In the HC Highway Commercial District, no building, land or premises shall be used and no building or structure erected except for one or more of the following specified uses, unless otherwise provided in this Ordinance:

1. All uses allowed in the NC Neighborhood Commercial District.
2. Gasoline service stations with applicable conditions as specified in the NC Neighborhood Commercial District.
3. Restaurants, including drive-in/drive-thru.
4. Motels, hotels and other transient lodging facilities but not including trailer camps or tent sites.
5. Office and other related commercial buildings.
6. Other uses similar to the above uses.
7. Accessory structures and uses customarily incident to the above permitted uses.

Section 12.03 - Site Plan and Development Requirements

All developments within the HC Highway Commercial District shall be subject to the following:

1. The Planning Commission shall review and approve a site plan prepared pursuant to Article 16 - Planned Unit Development for all proposed development in this district to assure maximum traffic safety and to assure maximum protection to abutting properties.
2. Barriers - All development shall be physically separated from the local road by a curb and planting strip or other suitable barrier. Such barrier shall effectively eliminate vehicle ingress or egress except for authorized access ways.
3. Access ways - Each separate use, grouping or buildings or grouping of uses as a part of a single planned development shall not have more than two access ways from a local road. Such access ways shall not be located closer than three hundred (300) feet to the point of intersection of an entrance or exit ramp centerline or the local road centerline of a crossing road.

In those instances where properties fronting on a local road are of such width or are in multiple ownerships and access ways to property can not be provided in accord with the minimum three hundred (300) feet distance from the intersection of the local road and entrance or exit ramps, an access road shall be provided to service such properties.

Section 12.04 - Special Uses

The following uses are permitted, subject to the conditions hereinafter imposed for each use and subject further to the review and approval of the Planning Commission where specified:

1. All Special Uses allowed in the NC Neighborhood Commercial District.
2. Any use occupying an office/showroom and warehouse building, provided that any and all operations conducted within the building do not have disruptive traffic, noise or other impact upon other uses on the same or surrounding properties, as determined by the Planning Commission.
3. Temporary and Permanent Outdoor Flea Markets subject to the following:
 - a. All sales and storage operations are fully enclosed within a building and/or structure on a property meeting the minimum lot size, yard setback and parking requirements, except as provided in subsection b.
 - b. If the sales operation or any portion of the sales operation is intended to be conducted as an open air operations, either on a permanent on temporary basis, such operations shall be first approved by the Planning Commission based on a site plan showing:
 - 1) The location and extent of the land area designated for outdoor sales and storage.
 - 2) The number, size and location of off street parking for the maximum number of customers that could frequent the sales operation at any one time period.
 - 3) The planned designation of ingress and egress points to a county or state highway.
 - 4) An assessment of the traffic flow impact upon all adjoining roads.
 - 5) The method to supply water, wastewater disposal and trash removal.
 - 6) The hours of operation and provision for illumination if said operation will continue past dusk.
 - 7) Proof of property ownership or an executed lease or other authorization allowing the conduct of said operation, if the property is not owned by the applicant/operator.
 - 8). The storage and/or display of any materials and/or products shall meet all setback requirements of a structure.
4. All loading and parking shall be provided off-street.
5. The storage of any soil, fertilizer, or other loose unpacked materials shall be contained so as to prevent any effects on adjacent uses.

Section 12.05 - Area and Bulk Requirements

See: Article 15 - Schedule of District Regulations specifying the maximum height and bulk of buildings, the minimum size of the lot permitted by land use, the maximum density permitted and minimum yard setback requirements.

ARTICLE 13

I - INDUSTRIAL DISTRICT

Section 13.01 - Intent

The Industrial District is designed primarily to accommodate wholesale activities, warehouses, and other industrial operations whose external, physical effects are restricted to the area of the district and in no manner affect in a detrimental way any of the surrounding districts. The Industrial District is so structured as to permit, along with any specified uses, the manufacturing, compounding, processing, packaging, assembly and/or treatment of finished or semi-finished, products from previously prepared material.

The general goals of this district include, among others, the following specific purposes:

1. To provide sufficient space, in appropriate locations, to meet the needs of the Township's expected future economy for all types of industrial, manufacturing and related activities.
2. To protect abutting residential districts by separating them from manufacturing and other industrial activities by prohibiting the use of such industrial areas for new residential development.
3. To promote manufacturing development which is free from danger of fire, explosions, toxic and noxious matter, radiation, and other hazards, and from offensive noise, vibration, smoke odor and other objectionable influences.
4. To promote the most desirable use of land in accordance with a well-considered plan.
5. To protect the character and established pattern of adjacent development, and in each area to conserve the value of land and buildings and other structures, and to protect the Township's tax revenue.

Section 13.02 - Principal Permitted Uses

In the I Industrial District, no building or land shall be used and no building shall be erected except for one or more of the following specified uses unless otherwise provided in this Ordinance:

1. Basic research, design and product development when conducted within a completely enclosed building.
2. Any of the following uses when the manufacturing, compounding, or processing is conducted wholly within a completely enclosed building:
 - a. Warehousing, wholesale establishments and trucking facilities.
 - b. The manufacture, compounding, processing, packaging, or treatment of such products as, but not limited to bakery goods, candy, cosmetics, pharmaceuticals, toiletries, food products, hardware and cutlery, tool, die, gauge and machine shops.
 - c. The manufacture, compounding, assembling, or treatment of articles or merchandise from previously prepared materials: bone, canvas, cellophane, cloth, cork, elastomers, feathers, felt fiber, fur, glass, hair, horn, leather, paper, plastics, rubber, precious or semiprecious metals or stones, sheet metal, shell, textiles, tobacco, wax, wire, wood and yarns.
 - d. The manufacture of pottery and figurines or other similar ceramic products using only previously pulverized clay and kilns fired only by electricity or gas.
 - e. Manufacture of musical instruments, toys, novelties, and metal or rubber stamps, or other molded rubber products.
 - f. Manufacture of assembly of electrical appliances, electronic instruments and devices.
 - g. Laboratories - experimental, film or testing.
 - h. Manufacturing and repair of electric or neon signs, light sheet metal products, including heating and ventilating equipment, cornices, eaves and the like.

- i. Central dry-cleaning plants or laundries provided that such plants shall not deal directly with consumers at retail.
3. Warehouses, storage, transfer plus electric and gas utility service buildings and yards. Public utility buildings, telephone exchange buildings, electrical transformer stations and substations, and gas regulator. Water and gas tank holders. Railroad transfer and storage tracks. Railroad rights of way. Freight terminals.
4. Storage facilities for building materials, sand, gravel, stone, lumber, storage or contractor's equipment and supplies, provided that all outdoor storage conforms with the Visual Barrier requirements of Section 13.05.
5. Commercial kennels.
6. Greenhouses.
7. Trade or industrial schools.
8. Heating and electric power generating plants together with all necessary accessory uses, and during periods of construction or emergencies, temporary housing may be provided subject to the review and approval of the Planning Commission. After approval, an occupancy permit shall be issued for temporary housing not to exceed three (3) calendar months in any given twelve (12) calendar month period. Such occupancy permits may be renewed upon Planning Commission review and approval. In cases of emergencies, such temporary housing may be occupied without immediate approval provided that the Township Planning Commission or Township Board is notified within forty-eight (48) hours of the emergency. All procedures for obtaining an occupancy permit shall then apply. All temporary housing shall meet the requirements of this Ordinance or any other Township or County Ordinances and Codes regulating temporary housing types, such as, but not limited to, mobile homes.
9. Other uses of a similar nature as determined by the Planning Commission and no more objectionable character than the above uses.
10. Recycling center/yards, when such are entirely enclosed within a building or within an eight (8) foot visual barrier wall.
11. Accessory buildings and uses customarily incident to any of the above permitted uses.

Section 13.03 - Special Uses

The following uses shall be permitted, subject to the conditions hereinafter imposed for each use and subject further to the review and approval of the Planning Commission:

1. Auto engine and body repair, and undercoating shops, when completely enclosed.
2. Lumber and planning mills when completely enclosed and when located in the interior of the district so that no property line shall form the exterior boundary of the I Industrial District.
3. Metal plating, buffing and polishing, subject to appropriate measures to control the type of process to prevent noxious results and or nuisances.
4. Other uses of a similar character to the above uses.
5. Adult Uses, including massage parlors subject to the following condition where it is recognized that these uses which, because of there very nature, have serious objectionable operational characteristics, particularly when several are concentrated in certain areas, or when located in proximity to a Residential District, thereby having a detrimental effect upon the adjacent areas. Special regulation of these uses is necessary to insure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. These controls of this subsection are for the purpose of preventing a concentration of these uses within any one area, or to prevent deterioration or blighting of a nearby residential or other neighborhood. These controls do not legitimize activities which are prohibited in other Sections of the Zoning Ordinance.
 - a. Adult uses shall comply with the following requirements:

- 1). The adult use shall not be located within a one thousand (1,000) foot radius of any other such use or be located on a lot or parcel within one thousand (1,000) feet of a public park, school, child care facility, church, or place of worship.
- 2). Any sign or signs proposed for an adult use must comply with the requirements of this Ordinance, and shall not include photographs, silhouettes, drawings, or pictorial representations of any type, nor include any animated illumination or flashing illumination.
- 3). Signs must be posted on both the exterior and interior walls of the entrances, in a location which is clearly visible to those entering or exiting the business, and using lettering which is at least two (2) inches in height, that "Persons under the age of 18 years are not permitted to enter the premises." and,
- 4). No alcoholic beverages of any type are permitted within the premises unless specifically allowed pursuant to a license duly issued by the Michigan Liquor Control Commission.
- 5). No product for sale or gift, nor any picture or other representation of any product for sale or gift, shall be displayed so that it is visible by a person of normal visual acuity from the nearest adjoining roadway or adjoining property.
- 6). All off-street parking areas shall be illuminated from at least ninety (90) minutes prior to sunset to at least sixty (60) minutes after closing.
- 7). No adult use shall be open for business prior to ten o'clock a.m. (10:00 a.m.), nor after ten o'clock p.m. (10:00 p.m.). However, employees or other agents, or contractors of the business may be on the premises at other hours for legitimate business purposes such as maintenance, preparation, record keeping, and similar purposes.
- 8). Establishments where uses subject to the control of this subsection are located shall not be expanded in any manner without first applying for and receiving the approval of the Planning Commission, as provided herein.

Section 13.04 - Site Plan Requirements

The Planning Commission shall review and approve a site plan prepared pursuant to Article 23 - Site Plan Review Procedures for any development within the I Industrial District.

Section 13.05 - Open Storage - Visual Barrier Requirements

That portion of the land used for open storage facilities for materials or equipment used in the manufacturing, compounding, or processing shall be totally obscured by a fence, landscaping or wall on those sides abutting any residential use or residentially zoned properties, and on any front yard abutting a public thoroughfare except as otherwise provided in Article 18, Section 18.18. In the Industrial District, the extent of such the visual barrier will be determined by the Planning Commission on the basis of usage of the property as indicated by the user of the property however, any visual barrier shall not be less than four feet six inches (4'-6") in height and may be required by the Planning Commission, depending upon land usage, be up to eight (8) feet in height, and further, be subject to the requirements of Article 18 - General Provisions. A chain link fence combined with continuous dense evergreen shrub plantings shall be considered visual barrier wall.

Section 13.06 - Area and Bulk Requirements

See: Article 15 - Schedule of District Regulations specifying the maximum height and bulk of buildings, the minimum size of the lot permitted by land use, the maximum density permitted and minimum yard setback requirements.

ARTICLE 14

REC - RECREATIONAL DISTRICT

Section 14.01 - Intent

The intent of this district is designed to identify specific land areas in the Township in which public and private park and recreation activities can be pursued by both residents and visitors alike. Such uses shall include but not be limited to camping facilities, recreational and cultural buildings and facilities, outdoor education and ecological buildings/facilities, athletic/sports parks, child playgrounds, permanent preserved open space, golf courses, etc., operated by the Township, a not-for-profit organization or a for profit private business entity as may now exist or be created in the future. Whereas it is a primary policy of the Township to protect the natural resources of the Township, the following uses are prohibited in this district due to their possible destruction to the natural resources, any motorized vehicles such as unlicensed off-road vehicles (ORV=s), snowmobiles, dune buggies, off-road recreational use of licensed 4-wheel drive vehicles, motorcycles, and any similar type of vehicle.

Section 14.02 - Principal Uses Permitted

1. Commercial, semi-public or private recreational facilities as camping grounds, recreational camping/lodging vehicle developments as parks for lease or for sale developments, (including site condominiums), membership clubs such as ski or tennis clubs, golf courses, riding academies, stables, and other similar non-motorized recreational uses
2. Private noncommercial recreational areas including institutional and community recreation centers.
3. Preserved open space properties pursuant to a legally enacted conservation easement or other legal dedication instrument recorded with the County Register of Deeds.
4. Other park and recreation land and facilities, such as but not limited to, athletic/sports parks, child playgrounds, etc.
5. Public, semi-public or private nature preserves.
6. Accessory structures and uses customarily and incidental to the above permitted uses.

Section 14.03 - Approvals

Any development in the Recreational District shall be subject to the provision of Article 23 - Procedures as well as approval of the County Health Department as may be required for the provision of safe potable water, waste collection and wastewater disposal. All developments in this district shall maintain a minimum of a fifty (50) foot front, side and rear yard setbacks from any adjacent property either used for residential purposes or zoned for any residential use including the AG B Agricultural District.

Section 14.04 - Area and Bulk Requirements

Height, bulk, density requirements for this district shall conform to the requirements of the AG B Agricultural District, as set forth in Article 15.

**ARTICLE 15
SCHEDULE OF REGULATIONS**

Section 15.01 Table of Dimensions

Zoning District	Minimum Lot Area (Sq. Ft. / Acres)	Minimum Frontage (feet)	Maximum Coverage (%)	Minimum Yard Setbacks				Min Bldg Size (Sq. Ft.)	Max Bldg Height		Percent Total Lot Area Coverage
				Front ⁽¹⁾⁽²⁾ (feet)	Rear (feet)	Side ⁽¹⁾⁽³⁾ (feet)	Waterfront ⁽⁹⁾ (feet)		Stories	Feet	
AG	5 acres	300	NA	50	35	10		1,200	2 ½	35	5
RR	2 ½ acres ⁽⁵⁾	250	NA	25	35	10		1,200	2 ½	35	10
LD-1	5 acres	200	25	(6)	(6)	(7)	(4)	980	2 ½	35	5
LD-2	20,000 sq. ft.	100	25	25	35	10		980	2 ½	35	25
MD	12,250 sq. ft.	70	25	25	35	10		980	2 ½	35	25
HD	8,650 sq.ft. plus 1,200 sq.ft./efficiency 3,600 sq.ft./2-bd unit 4,800 sq.ft./3-bd unit 6,000 sq.ft./3-bd unit 7,200 sq.ft./4-bd unit 7,200 sq.ft./ 5+ bd unit	None	50	25 ⁽⁸⁾	25	10		980	2 ½	35	25
VMU*	LI – same as HD HI – none	None	LI – 30% HI – 60%	25 ⁽⁸⁾	25	10		980	LI – 2 ½ HI – 3	LI – 35 HI - 40	---
NC	None	100	60	50 ⁽⁹⁾	25	20		1,000	3	40	50
HC	3 acres	100	60	75 ⁽⁹⁾	25	20		1,000	3	40	50
CC	3 acres	100	60	25 ⁽⁹⁾	25	10		1,000	3	40	50
I	20,000 sq.ft.	100	60	50 ⁽⁹⁾	40	20	(4)	None	3	40	30
REC	None	250	None	50	50	50	(4)	None	2 ½	35	40

(##) – Footnote

*LI – Low Intensity; HI – High Intensity

Ord. 80; 5/2011 / Ord. 71; 11/2008

Section 15.02 - Notes To Schedule of Regulations

1. Accessory use structures shall be subject to the same setback requirements as principal permitted use structures unless otherwise modified by the requirements of this Ordinance (See Section 18.12). (Ord. 71; 11/2008)
2. For property abutting Blue Star Highway, the front yard setback will be one hundred (100) feet from the property line or easement boundary line abutting the highway. In addition, a vegetative buffer shall be provided on both sides of Blue Star Highway measuring one hundred fifty (150) feet from the road right of way, which shall prohibit the removal of natural vegetation and help maintain the character of the area. The exceptions shall be minimum area necessary to provide a driveway and/or a walkway between the Highway and the property. (Ord. 71; 11/2008)
3. In the case of a side yard abutting a street, the side yard depth shall not be less than the minimum front yard required for any abutting lot on the same street.
4. Waterfront Yard Setbacks shall be as follows for each of the following circumstances:
 - a. Lots with frontage along Lake Michigan shall be prohibited from development between the Lake and the 30-Year Setback Line as determined by the Michigan Department of Environmental Quality (MDEQ) for the High Risk Erosion Area (HREA) and evidenced by an approved MDEQ permit filed with the Township. It shall be the responsibility of the property owner to obtain an MDEQ permit and have the required setback determined and staked on the property prior to applying to the Township for any development.
 - b. For any property residing in the LD-1 zoning district not subject to a MDEQ 30-Year Setback Line, the Lake Michigan waterfront setback shall be determined as follows:
 - i. The applicant shall identify the nearest property to the side property line on both sides of the applicant's property that is subject to the requirement for a MDEQ 30-Year Setback Line.
 - ii. The applicant shall determine the location of the 30-Year Setback Lines for both of the adjacent properties using both the formula for low bluffs and the formula for high bluffs, pursuant to Administrative Rule 281.21.
 - iii. For both adjacent properties, the applicant shall measure the distance from the water=s edge of Lake Michigan to the 30-Year Setback Line that is furthest landward of the Lake.
 - iv. The required setback for the applicant's property shall be the average of the two measurements taken in paragraph 3 above. The setback shall be measured from the water=s edge.
 - v. The applicant shall provide the Township Building Inspector as part of a required site plan for the applicants= property a survey containing sufficient information to locate this setback line with dimensions beginning from the property corners plus physically install two indicator stakes on the applicants= property clearly marked with the phrase "30-Year Setback Line" for use during inspections prior to undertaking any building or other earth movement on the applicants= property.
 - c. For property with frontage on Lake Michigan, a vegetative buffer shall be provided within the waterfront yard, which shall prohibit the removal of natural vegetation and help maintain character of the area. The exception shall be the minimum area necessary to provide a walkway to the water.

- d. For lots with frontage on other water bodies or watercourses besides Lake Michigan, the Minimum Waterfront Yard Setback shall be the same as the Minimum Rear Yard Setback in the subject zoning district, as measured from the water=s edge along the water body or watercourse. (Ord. 71; 11/2008)
5. A minimum five (5) acre lot size is required for agricultural operations.
6. The minimum Required Front and Rear Yards in the LD-1 zoning district shall be 10% of the side yard property dimension but shall not be required to be less than 30 feet except for property abutting Blue Star Highway which shall have a set back of not less than 100 feet from the property line or easement boundary line abutting the Highway. For properties having irregular shapes or two different side yard dimensions, the average distance measured between the front and rear property corners of both side property lines shall be used in the calculation. (Ord. 71; 11/2008)
7. The Minimum Required Side Yard Setback in the LD-1 zoning district shall be 10% of the Lot Width (as defined in Article 2) of the subject property. However, in no case shall the side yard setback be less than 10 feet or required to be greater than 30 feet. (Ord. 71; 11/2008)
8. The front yard setback in the HD district shall be equal to the average front yard setback of the nearest two lots on either side of the subject property or 25 feet, whichever is less. When a lot is a corner lot or adjacent to a corner lot, the average setback will be computed based on the nearest two lots on either side of the structure that fronts on the same street, even if it requires crossing a street. (Ord. 71; 11/2008)
9. Off street parking shall be permitted to occupy a portion of the required front yard provided that there shall be maintained a minimum unobstructed and landscaped setback of ten (10) feet between the nearest point of the off-street parking area, exclusive of access driveways, and the nearest street or highway right-of-way line. (Ord. 71; 11/2008)

ARTICLE 16

PUD - PLANNED UNIT DEVELOPMENT OVERLAY DISTRICT

Section 16.01 - Purpose

The intent of Planned Unit Developments (PUD) is to permit greater flexibility and consequently more creative design of various types of development than are possible under conventional zoning regulations. It is the intention of this Article to allow flexible land use composition and design without sacrificing the basic principles of sound zoning practice. The basic zoning districts and their permitted uses as established in this Ordinance will form the land use base for designing a combination of uses permitted in each district in the form of clustering principal uses and activities at a higher density than would otherwise be possible under the respective district regulations on a preferred portion of a parcel while maintaining the overall density of development of the parcels consistent with the district regulations. Another option would be to combine the planning of land uses and activities from several districts as one project on the same clustering principle. This PUD district is also intended to minimize development impacts upon important environmental natural features, to provide for a more economical arrangement of on-site infrastructure by permitting principal uses to be more consolidated on one portion of a PUD site while retaining the overall density requirements, except as specifically authorized by the Township to encourage permanent land preservation.

It is a further intent of the PUD district to comply with the requirements of P.A. 177 of 2000 that requires qualified Michigan Townships to offer an “open space preservation” pattern of residential land development as a zoning and land development option in all zoning districts where the minimum lot size is two or fewer dwelling units per acre, or if the land is served by a public sewer system, three or fewer dwelling units per acre.

It is also a further intent of the PUD district to implement the provisions of P.A. 228 of 2003 that specifically allow a Michigan Township to approve a PUD that provides open space contained in the planned unit development. For the terms of this provision it is the intent of Covert Township to provide the Planning Commission and Township Board authority to approve developments where a portion of the total land area of the planned unit development is legally dedicated as permanent open space or farmland pursuant and when such dedication conforms with the open space and farmland preservation goals of the Covert Township Master Land Use Plan and when such dedication is made in a form acceptable to the Planning Commission and Township Board.

Under the provisions of this section there are established three types of Planned Unit Development:

1. PUD - Traditional (allowing the inclusion of other than residential uses)
2. PUD - Cluster Residential Development

Section 16.02 - Permitted Principal and Accessory Uses

In the “PUD” Planned Unit Development District, the following provisions, regulations and restrictions shall apply:

A. Permitted Principal Uses

1. In the AG Agricultural (Farmland Preservation) and the RR Rural Residential districts, a PUD - Traditional or PUD - Cluster Residential Development Planned Unit Development can be designated on a parcel of land having a minimum of at least twenty (20) acres of land area.
2. In the LD-2 , MD and HD residential districts, and the VMU mixed use district, a parcel of land having a minimum of at least ten (10) acres of land area can be designated as a PUD - Traditional or PUD - Cluster Residential Development provided such projects meet the purposes in Section 16.01.
3. In the LD-1 residential district, a parcel of land having a minimum of at least ten (10) acres of land area can be designated as a PUD - Cluster Residential Development, provided such projects meet the purposes in Section 16.01.

4. In the in the CC Community Commercial and the HC Highway Commercial districts, a parcel land having a minimum of at least ten (10) acres of land area can be designated as a PUD - Traditional, provided such projects meet the purposes in Section 16.01.

B. Permitted Accessory Uses

1. Accessory buildings and uses customarily incidental to the above named permitted and special uses.

C. Permitted Principal Special Uses

All special uses allowed by the applicable current zoning district shall be allowable within the PUD and approved pursuant to the approval process set forth in this Article.

Section 16.03 - General Provisions

- A. **Continuing Applicability of Information on Approved PUD Site Plans:** The location of all uses and buildings, all uses and mixtures thereof, all yards and transition strips, and all other information regarding uses of properties as shown on or as part of a site plan which is approved by the Township, shall have the full force and permanence of the Zoning Ordinance as though such site plan and supporting information were specifically set forth as requirements in the Zoning Ordinance. Such information shall be the continuing obligation of any subsequent interests in a “PUD” district or parts thereof and shall not be changed or altered except as approved through amendment or revision procedures as set forth in this Article. The approved site plan(s) and any conditions attached thereto shall control all subsequent planning or development. A parcel of land that has been approved as a “PUD” district shall not thereafter be developed or used except in accordance with the approved site plan and plats approved by the Township.
- B. **Commencement of Construction:** No construction, grading, tree removal, soil stripping, or other site improvements or changes shall commence, and no permit shall be issued until the requirements of this Article have been met, and approved as to conformance by the Township.
- C. **Applicability of Performance Bond or Security:** A suitable performance bond or other form of security may be required for all public and common site improvements and developments and, if phased, all phased developments on a per phase basis. Cost estimates to be used in setting bond amounts shall be based upon the findings regarding estimated cost as reported by the Township Engineer, Public Agency or PUD Engineer.

Section 16.04 - Pre-Application Conference - Disclosure of PUD Type - Submission of Application and Site Plan

- A. An applicant for a PUD District may request a pre-application conference with Zoning Administrator prior to filing an application for developing a PUD District. The request shall be made to the Zoning Administrator who shall set a date for the conference. The Zoning Administrator shall invite other officials who might have an interest in the proposed development, or who might assist the Township in the review process.
- B. The purpose of the conference shall be to inform Township and other officials of the type of PUD and concept of the proposed development and to provide the applicant with information regarding land development policies, procedures, standards, and requirements of the Township and other agencies. The applicant is encouraged to present schematic plans, site data and other information that will explain the proposed development.
- C. Statements and presentations made in the conference shall not be legally binding commitments.
- D. Upon completion of the pre-Application conference, the application and required site plan shall be filed by the applicant upon a date agreed by the applicant and Zoning Administrator at the pre-Application conference, one that provides adequate time for the Zoning Administrator to complete a compliance review, prepare a written report for the Planning Commission and sufficient time to schedule the Planning Commission meeting.

Section 16.05 - Site Plan Requirements

A site plan shall be submitted for approval for each phase of development. Site plans shall be submitted and reviewed in accordance with the provisions of Article 23 - Site Plan review Procedures.

The Planning Commission may require the applicant to provide housing and commercial market analyses, traffic studies, facility, utility and service studies and other information necessary for the Commission to properly and adequately analyze a “PUD” District as the basis for decision making.

To that end, an impact assessment shall be prepared by the applicant and submitted when required by the Planning Commission concurrently with the site plan. This document shall be prepared in narrative form, with such accompanying charts, graphs, maps and/or tables as may prove necessary. Topics to be addressed shall include community impacts, i.e., additional traffic likely to be generated per 24-hour period, directional distribution of trips generated by the proposed development, additional police and fire service needs to be anticipated and environmental impacts, i.e., soils to be found on the site, site topography, natural features of note that are located on the site and how each would be impacted by the proposed development.

Section 16.06 - Application and Review Procedure

- A. An application for a “PUD” district shall be made by all of the owner(s) of record of the subject parcel. The applicant shall provide evidence of full ownership of all land in a “PUD” or execution of a binding or conditional sales agreement, with proof of seller’s ownership.
- B. The application shall be filed with the office of the Zoning Administrator, who will check it for compliance with the terms and conditions of this Zoning Ordinance. Upon determination that the application is in full compliance the Zoning Administrator shall transmit the application and the site plan to the Township Planning Commission for approval /or denial. It is recommended that the applicant discuss the submission date with the Zoning Administrator to ensure sufficient time for the Zoning Administrator to complete the review prior to the Planning Commission meeting of which the applicant desires the matter to be considered.
- C. The Township Planning Commission shall hold a public hearing on the application and site plan, in most circumstances the hearing will be held within forty-five (45) days of the filing date or at the next regular Township Planning Commission meeting if the date is less than the thirty-one day period. The public hearing shall follow the same procedure as that required in Article 29, Section 29.03.
- D. At the public hearing the applicant shall present evidence regarding adherence to all pertinent standards and requirements. To this end evidence and expert opinion shall be submitted by the applicant in the form of maps, charts, reports, models and other materials, and/or in the form of testimony by experts who can clearly state the full nature and extent of the proposal. Materials shall be submitted in a sufficient number of copies for review by each member of the Planning Commission and other Township officials. Materials submitted shall include the required site plan and any supplementary sources of information necessary to satisfy the requirements detailed in Section 16.03.
- E. The Planning Commission shall undertake a study of the application and site plan and shall submit a report of its recommendation to the Township Board within sixty (60) days of receipt of the Planning Commission recommendation. This report shall contain the Planning Commission’s analysis of the application and site plan, findings regarding standards, suggested conditions of approval, if applicable, and its recommendations. Materials and information to be considered in this study and review process may include input from such agencies as the County Health Department, Road Commission and Drain Commissioner among other public agencies having a public interest in the PUD project development.
- F. Upon receipt of the Planning Commission report, the Township Board shall approve, approve with conditions, deny, or table for future consideration, the application and site plan. Upon approval of the application by the Township Board, the Township Clerk shall so designate the property on the “Official Township Zoning Ordinance Map” indicating the Type of PUD and date of approval. Changes in the application or site plan recommended by the Township Board shall be referred to the Township Planning Commission for review and recommendation prior to the Township Board action thereon. The Township Board may attach conditions to its approval of a “PUD” proposal.

- G. If the application and site plan are approved by the Township Board, the approved application and plan shall be binding upon the written applicant and owner(s) of record or their assigned upon their heirs, successors, and assigns, unless changes are mutually agreed to by the Township Board and applicant and owner(s) of record or the assigned agent(s) or their heirs, successors and assigns.

Section 16.07 - Supplementary Development Standards and Regulations

The following requirements expand upon and are in addition to the requirements detailed in Article 23 - Site Plan Review Procedures:

A. Clustering Principals

The clustering of principal and accessory use structures shall be permitted provided that the overall density of dwelling units and lot coverage requirements are met, except as provided in sub paragraph B. A perimeter setback boundary located between the property line and any building or structure located in the PUD is required of all cluster developments. This setback distance shall comply with the front, side or rear setback requirements of the district in which the property is located, except as specified below under H, Site Design, Layout and Density Criteria.

B. Incentive Density

An applicant may request and the Planning Commission may recommend to the Township Board the approval of an increase in density within a PUD - Cluster Development or PUD - Open Space/Farmland Preservation when in the determination of the Planning Commission that the increased density is an inducement necessary to assure the implementation of the development by the developer. The incentive density shall be the minimum amount determined necessary by the Planning Commission but no more that 50 percent of the total density that can legally be developed under the terms of this ordinance and any other development regulations imposed by others on that portion of the PUD to be designated for open space or farmland preservation.

C. District Location and Minimum Size

1. All development in this district shall be limited to tracts of land having an area of at least the minimum number of acres required for the respective types of "PUD" District.
2. All development in this district shall be restricted to sites having access to a hard-surfaced roadway and accepted and maintained by the County Road Commission or the Michigan Department of Transportation.

D. External and Internal Circulation and Access

1. Access points to a "PUD" development shall be located no less than three hundred thirty (330) feet apart when measured parallel to the adjoining roadway, to any other entryway, driveway or roadway.
2. Each lot or principal building shall have internal vehicular access from a public or private road.
3. As property is developed as a "PUD" Planned Unit Development District, a pathway system linking all principal residential, commercial and industrial units both with on-site amenities (e.g., recreation areas, shopping, places of employment) and (unless it is demonstrated to the Planning Commission that such a system would be inappropriate or unnecessary to the development) with adjoining parcels. The pathway system shall be designed so as to be appropriate to non-motorized transport modes (e.g., bicycling, walking). The pathway shall be no less than four (4) feet in width and it shall be constructed of hard-surface paved materials suited to walking and to non-motorized vehicular use.
4. Standards of design and construction for both public and private roads shall be the current standards established by the Van Buren County Road Commission.

5. Public and private roads shall be designed and constructed according to established standards for public roads as established by the County Road Commission or as may be provided pursuant to Article 18, Section 18.30.

E. Open Space (farmland) Regulations

1. Type of PUD:
 - a) **PUD - Traditional:** At least one (1) land or land/water area for active or passive recreation purposes or farmland, with the water areas constituting not more than fifty (50) percent of the total open space or farmland. The remaining land area shall be developed according to the approved site plan. This open space shall be for the use and enjoyment of the residents, occupants and users of the PUD District or conform with the Township policy to preserve open space and farmland, and shall be considered as an integral component of the over-all Planned Unit Development. The developer shall provide financially for the perpetual and mandatory maintenance of the open space through the use of deed restrictions or a conservation easement which shall require the participation in said maintenance cost by each owner, lease holder, renter, resident, or occupant within the Planned Unit Development.
 - b) **PUD - Cluster Development:** At least one land and/or water area of permanently dedicated open space or farm land legally dedicated in a manner acceptable to the Planning Commission and Township Board is required containing not less than fifty (50) percent of the land area that is legally permissible for development pursuant to this ordinance and any other applicable development regulations imposed by others.
2. Buildings, parking lots, drives and similar improvements may be permitted in open space areas if related and necessary to the functions of the open space.
3. Open space areas shall be conveniently located and accessible in relation to the principal uses in the PUD.
4. Open space areas shall have at least minimum design standards, so that they can be usable and maintained for the functions intended.
5. The Township Board may require upon recommendation of the Planning Commission, that unique natural amenities located on the PUD site, such as ravines, rock outcrops, wooded areas, tree or shrub specimens, unusual wildlife habitats, ponds, streams, wetlands and unique agricultural production areas, shall be preserved as part of the open space system.

F. Landscaping and Parking

1. The parking and loading requirements set forth in Article 19 - Off-Street Parking, Loading herein, shall apply except that the number of spaces required may be reduced if approved by the Township Board, upon recommendation of the Planning Commission, and included as part of the site plan submitted. Such reduction shall be based upon specific and reasonable findings.
2. A landscaped screening strip, no less than fifty (50) feet in width, shall be required when a free-standing physical structure containing a commercial, office or industrial use is located adjacent to a residential use. The screening strip shall be located between the two uses and shall be landscaped with trees, shrubs and ground cover, and may include fences, walls and berms.

G. Utilities

1. Each principal building shall be connected to public or common water and sanitary sewer systems or to on-site facilities approved by the County and/or State Health Officials and Township Board as a part of the Site Plan.
2. All PUD=s shall be required to provide an adequate fire protection system as determined and approved by the Township Fire Department and Township Board after receiving the recommendation of the Fire Chief. In all cases where an on-site system is proposed, detailed drawings, plans and/or other background materials as well as written approval from the appropriate County or State agencies shall be presented as part of the Site Plan submitted.

Maintenance of any and all approved common on-site utility systems shall be ensured by use of deed restrictions which shall provide for financial participation in maintenance costs by each owner or occupant of the PUD served by the system.

3. Each site shall be provided with adequate surface and piped storm drainage. Open drainage courses and storm water retention ponds may be permitted.
4. Electrical, telephone, and cable television lines shall be placed underground. Surface mounted equipment for underground wires shall be shown on the Site Plan and shall be screened from view.
5. A system of sidewalks connecting all principal buildings and a system of road lights shall be required of developments in the “PUD” district. Financial support for their maintenance shall be ensured through deed restrictions providing for each owner or occupant participation in maintenance costs.

H. Site Design, Layout and Density Criteria

1. All density requirements shall be calculated on a developable density basis.
2. Residential areas may contain several different types of dwelling units if it can be demonstrated to the satisfaction of the Planning Commission that the proposed combination will not interfere with the reasonable arrangement of lots of an area to be platted.
3. All principal buildings and all accessory buildings or structures shall be located at least fifty (50) feet from any exterior public or private road right-of way line and property line of an area to be residential developed or otherwise platted for other uses.
4. The outdoor storage of goods and materials shall be prohibited in the “PUD” District, except as expressly permitted by the terms of the current zoning district regulations.

I. Legal Mechanisms to Ensure Facility and Open Space Maintenance

1. Legal instruments setting forth the manner of financing permanent maintenance of common areas, utilities and facilities shall be submitted to the Township Attorney for review before the Township Board approves a final site plan.
2. Where an association is to be used to maintain common areas, utilities and facilities, the developer shall file a declaration of covenants and restrictions that will govern the association a part of the Site Plan application documents. The provisions shall include, but shall not be limited to, the following:
 - a. The association shall be established as required by Michigan law.
 - b. Membership in the association shall be mandatory for each building unit buyer and for any successive buyer and shall be so specified in the covenants.
 - c. Restrictions shall be permanent.

- d. The associations shall be made responsible for liability.
- e. Building or unit owners shall pay their pro rated share of the costs and this requirement shall be specified in the covenants. Assessments levied by the association shall become a lien on the individual properties.

J. Project Phasing

- 1. If the proposed development is to be constructed in phases, a narrative description of the phased process that describes all work to be done in each phase should be submitted to the Planning Commission when the Site Plan is submitted.
- 2. A phase shall not be dependent upon subsequent phases for safe and convenient vehicular and pedestrian access, adequate utility services, and open spaces and recreation facilities, but that which is needed to make each phase completely functional and have all of the necessary common elements planned, designed and built when needed.

Section 16.08 - Standards For Review

The Planning Commission shall determine and shall provide evidence in its report to the Township Board to the effect that the application, site plan and supplementary informational materials submitted by the applicant meet the following standards:

- A. The proposed development shall conform to the Township Master Plan for Land Use or conforms to a land use policy which, in the Planning Commission's opinion, is a logical and acceptable change or modification in the adopted Township Master Plan for Land Use.
- B. The proposed development shall conform to the intent and purpose of the Township Zoning Ordinance and its regulations and standards of a "PUD" District and other Township, County, State and Federal requirements.
- C. The proposed development shall be adequately served by public utilities, facilities and services such as: highways, roads, sidewalks, road lights, police and fire protection, storm drainage facilities, water and sanitary sewer facilities, refuse disposal; or that the persons, organizations or agencies responsible for the proposed development shall be able to properly provide or connect to such utilities, facilities and services with a Township or other public agency approved service when not provided by a public agency.
- D. Common open space, other common properties and facilities, individual properties, and all other elements of a "PUD" which provide open space are so planned that they will achieve a unified plan for all of its elements in appropriate locations, which are suitably planned, designed and related to each other, the site and surrounding uses of land.
- E. The applicant shall have made provision to ensure that public and common utilities, facilities and services shall be irrevocably committed through recorded deed restrictions for that purpose, including provisions for the financing of the construction, management, operation and maintenance of all public and common utilities, facilities and services included in the approved Site Plan and supporting documentation.
- F. Traffic to, from, and within the PUD shall be safe and convenient to the occupants and users of the project and the surrounding area. In applying this standard the Planning Commission shall consider, among other things, convenient routes for automotive and pedestrian traffic; relationship of the proposed project to main thoroughfares and road intersections; and the general character and intensity of the existing and potential land use development of the surrounding area.

- G. The mix of housing unit types and densities, and the mix of residential and non-residential uses shall be acceptable in terms of their interrelationships, convenience, privacy, compatibility, and similar common welfare measures.
- H. The Planning Commission shall determine, where applicable, that noise, odor, light, or other external effects which are connected with the proposed PUD, will not adversely affect adjacent and surrounding area lands, uses and activities.
- I. The proposed development shall create a minimum disturbance to natural features, land forms and the environment generally.
- J. Roads shall be compatible with the topography, be properly spaced, and be located and aligned in accordance with the intended function of each road. The PUD shall have adequate access to public roads. The plans shall provide for logical extensions of public roads and shall provide suitable road connections to adjacent parcels, where applicable.
- K. Pedestrian circulation shall be provided within the PUD and shall interconnect all PUD use areas where applicable. The pedestrian system shall provide for a logical extension of pedestrian ways outside the PUD and to the edges of the “PUD”, where applicable, for future connections between the PUD and the future development of adjacent properties.

Section 16.09 - Amendments to Site Plans

Preliminary and final site plans may be amended in accordance with the process detailed in Article 23 -Site Plan Review Procedures, Section 23.0 and 23.11.

Section 16.10 - PUD Site Plans, Subdivision Plats and Condominium Subdivisions

The Township Board shall have the authority to deny or table an application for approval of a PUD Site Plan, Land Division (subdivision) Plat or Condominium Subdivision if, in its opinion and after a report thereon from the Planning Commission, such PUD Site Plan or Land Subdivision will result in premature development of the area involved, or will result in improper scheduling of various public improvements such as, but not limited to, roads, utilities, and schools, as determined from the Public Works Capital Improvements Program adopted by the Township.

Section 16.11 - Extension of Time Limits

Time limits set forth in Article 23 - Site Plan Review Procedures may be extended upon showing a good cause, and by written agreement between the applicant and the Planning Commission.

Section 16.12 - Performance Guarantees

Performance guarantees shall be provided in accordance with Article 23, Section 23.16.

Section 16.13 - Violations

Violations shall be addressed in the manner provided in Article 23, Section 23.17 - Site Plan Review Procedures.

(Article 16 amended by Ord. 82, 2/26/12)

ARTICLE 17 CONDOMINIUM APPROVAL REQUIREMENTS

Section 17.01- Purpose and Requirements for Condominium Subdivision Approval

Pursuant to authority conferred by Section 141 of the Condominium Act, Act 59 of 1978, as amended, all condominium subdivision plans must be approved by the Planning Commission. In determining whether to approve a condominium subdivision plan, the Planning Commission shall consult with the Township Clerk, Township Supervisor, Township Attorney, Township Engineer, and Township Building Inspector regarding the adequacy of the master deed, deed restrictions, utility systems and streets, subdivision layout and design, and compliance with all requirements of the Condominium Act.

Section 17.02 - Initial Project Information

Concurrently with notice required to be given the Township of Covert 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.
2. The developer or proprietor of the condominium project.
3. The legal description of the land on which the condominium project will be developed together with appropriate tax identification numbers.
4. The acreage content of the land on which the condominium project will be developed.
5. The purpose of the project (for example, residential, commercial, industrial, etc.).
6. Approximate number of condominium units to be developed on the subject parcel.
7. Whether or not a community water system is contemplated (Note: all projects within 500 feet of the Township water supply system are required to connect).
8. Whether or not a community wastewater system is contemplated. (See: Township policy concerning operating default agreement.)
9. A survey plan of the condominium subdivision.
10. A regulated wetlands and floodplain plan, when appropriate.
11. A site plan showing the location, size, shape, area, and width of all condominium units.
12. A utility plan showing all sanitary sewer, water, and storm sewer lines and easements granted to the Township for installation, repair, and maintenance of all utilities. The plan shall include all necessary easements granted to Covert Township for the purposes of constructing, operating, inspecting, maintaining, repairing, altering, replacing, and/or removing pipelines, mains, conduits, and other installations of a similar character (hereinafter collectively called "public structures") for the purpose of providing public utilities, including conveyance of sewage, water, and storm water run-off across, through, and under the property subject to said easement, and excavating and refilling ditches and trenches necessary for the location of said structures.

13. A street construction, paving, and maintenance plan for all private streets within the proposed condominium subdivision (note: the Township development standards are the Van Buren County Road Commission standard).
14. A storm drainage and storm water management plan, including all lines, swales, drains, basins, and other facilities.
15. Streetlights and a perpetual maintenance plan (or request for special assessment district) for such streetlights.

Section 17.03 - Information to be Kept Current

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

Section 17.04 - Site Plans B New Projects Master Deed, Engineering, and Inspections

Prior to recording of the Master Deed required by Section 72 of Public Act 59 of 1978, as amended (MCL 559.108), the condominium project shall undergo site plan review and approval pursuant to this ordinance. In addition, the Township shall require appropriate engineering plans and inspections prior to the issuance of any Certificates of Occupancy.

Section 17.05 - Site Plans B Expandable or Convertible Projects

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 pursuant to this Ordinance.

Section 17.06 - Master Deed, Restrictive Covenants, and “As Built” Survey to be Furnished

The condominium project developer or proprietor shall furnish the Township Attorney with the following:

1. one (1) copy of the recorded Master Deed,
2. one (1) copy of all restrictive covenants, and
3. two (2) copies of an "As Built Survey" prepared at the developers cost showing all changes/modifications from engineering plans/specifications made during installation of site infrastructure.

The "As Built Survey" shall be reviewed by the Township Engineer for compliance with the Township's Ordinances. Fees for this review shall be established by resolution of the Township Board.

Section 17.07 - Monuments Required - Site Condominium Projects

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

Monuments shall be located in the ground and made according to the following requirements. 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 re-established by reference to monuments along the sidelines of the streets.

All monuments used shall be made of solid iron or steel bars at least one-half (2) inch in diameter and thirty-six (36) inches long and completely encased in concrete at least four (4) inches in diameter.

Monuments shall be located in the ground at all angles in the boundaries of the condominium project: at the intersection lines of streets; at the intersection of the lines of streets with the boundaries of the condominium project; 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 the side lines of streets and alley, at all angles of an intermediate traverse line; and at the intersection of all limited common elements and all common elements.

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 with the precise location, thereof being clearly indicated on the plans and referenced to the true point.

Monuments placed on a bedrock outcropping will require a steel rod at least one-half (2) inch in diameter. It shall be drilled and grouted into solid rock to a depth of at least eight (8) inches.

All required monuments shall be placed flush with the ground, where practicable.

All monument unit corners shall be placed in the field by iron or steel bars or iron pipes at least eighteen (18) inches long and one-half (2) inch in diameter, or other approved markers.

The Township Zoning Board of Appeals 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 not less than Twenty Five Dollars (\$25.00) per monument and not less than One Hundred Dollars (\$100.00) in total. 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 17.08 - Monuments Required B All Condominium Projects

All condominium projects shall be marked at their boundaries with monuments meeting the requirements of Section 1707.

Section 17.09 - Compliance with Federal, State, and Local Law

All condominium projects shall comply with Federal and State Statutes and local ordinances, including but not limited to zoning and building codes.

Section 17.10 - 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 potable water and waste water disposal systems for the proposed project.

Section 17.11 - Temporary Occupancy

The Township may allow occupancy of the condominium project before all improvements required by this Ordinance are installed provided that 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 17.12 - Amended Zoning Condominium Units

Zoning shall be subject to all requirements and standards of the applicable Zoning District, including minimum floor area requirements. The minimum building site shall be equivalent to the minimum lot size of the respective Zoning District.

There shall be maintained a minimum distance of seventy (70) feet from the center of one (1) residential dwelling unit to the center of another residential dwelling unit. This seventy (70) foot requirement shall be computed along the front building line, unless another separation distance has been approved by the Planning Commission as part of the Site Plan approval process of Article 23.

In addition, building envelopes shall be depicted on the site plan to assure that the minimum twenty-five (25) foot front yard, thirty-five (35) foot rear yard, four (4) foot side yard (least side), and total of two (2) side yards of fourteen (14) feet can be met, unless other yard dimensions have been approved by the Planning Commission as part of the Site Plan approval process of Article 23.

Section 17.13 - Street and Road Requirements

All streets and roads in a condominium project whether to remain a private road or dedicated as a public road shall, at a minimum, conform to the standards and specifications promulgated by the Van Buren County Road Commission for a "Typical Residential Road" in single family residential subdivisions.

Section 17.14 - Site Plan

After submission of the condominium plan and by-laws as part of the Master Deed, the proprietor shall furnish to the Township an electronic copy of the site plan or in lieu, a photographic hard copy, laminated photostatic copy or mylar sheet of at least thirteen by sixteen (13 x 16) inches with an image not to exceed ten and one-half by fourteen (10 1/2 x 14) inches.

Section 17.15 - Project Review Fee

Any plan submitted shall be accompanied with all applicable fees set forth in the Township schedule of fees.

Section 17.16 - Submission of Application for Consideration by Planning Commission

The initial information required to be submitted shall be submitted at least sixty (60) days prior to consideration by the Township Planning Commission.

ARTICLE 18 GENERAL PROVISIONS

Section 18.01 - Conflicting Regulations; Imposition of Most Stringent Regulations

Whenever any provision of this Ordinance imposes more stringent requirements, regulations, restrictions or limitations than are imposed or required by the provisions of any other law or Ordinance, then the provisions of this Ordinance shall govern. Whenever the provisions of any other law or Ordinance impose more stringent requirements than are imposed or required by this Ordinance, then the provisions of such law or Ordinance shall govern.

Section 18.02 - Essential Services Allowable In All Districts

Essential services serving the Township of Covert shall be permitted as authorized and regulated by law and other ordinances of the Township of Covert.

Section 18.03 - Voting Places Allowed in All Districts

The provisions of this Ordinance shall not be so construed as to interfere with temporary use of any public property as a voting place in connection with a public election.

Section 18.04 - Exception to Height Limits for Towers, Chimney Etc.

The height limitations of Article 15 - Schedule of District Regulations shall not apply to towers and structures such as chimneys, church spires, flag poles, public monuments or wireless transmission towers provided, however, the Board of Appeals may specify a height limit for any such, structure when such structure requires authorization as a conditional use.

The Zoning Board of Appeals may permit a building exceeding the maximum height allowed pursuant to Article 15 - Schedule of District Regulations provided the front, sides and rear yards are increased above the minimum required yards by one (1) foot for each foot of building height that exceeds the maximum height allowed. Towers and structures such as chimneys, church spires, flag poles, public monuments or wireless transmission towers shall be located no closer to the property lines than one times the height of the tower measured from the base of said tower to the nearest point on the property line.

Section 18.05 - Nonconforming Lots of Record Created by Adoption of Ordinance No. 6

Any existing lot legally recorded on the effective date of the adoption of Ordinance No. 6 on September 11, 2001 may be used for any principal use permitted, other than the special uses for which special lot area requirements are specified in this Ordinance, in the district in which such lot is located whether or not such lot complies with the lot area requirements of this Ordinance. Such use may be made provided that all requirements other than lot area requirements prescribed in this Ordinance are complied with, and provided that no more than one (1) dwelling unit shall occupy any lot except in conformance with the provisions of this Ordinance for required lot area for each dwelling unit. (See: Section 26.07)

Section 18.06 - Lots Adjoining Alleys

In calculating the area of a lot that adjoins an alley for the purpose of applying lot area requirements of this Ordinance, one-half (2) the width of such alley abutting the lot shall be considered as part of such lot.

Section 18.07 - Yard Regulations May Be Varied by the Zoning Board of Appeals

When yard regulations cannot reasonably be complied with, or where their application cannot be determined on lots of peculiar shape, topography or due to architectural or site arrangement, such regulations may be modified as determined by the Board of Appeals, or pursuant to Article 27, Section 27.04.

Section 18.08 - RESERVED (Ord. 71; 11/2008)

Section 18.09 - RESERVED (Ord. 71; 11/2008)

Section 18.10 - Access Through Yards

For the purpose of this Ordinance, access drives may be placed in the required front or side yards so as to provide access to rear yards or accessory or attached structures. These drives shall not be considered as structural violations

in front and side yards. Further, any walk, terrace or other pavement serving a like function, and not in excess of nine (9) inches above the grade upon which placed, shall for the purpose of this Ordinance not be considered to be a structure, and shall be permitted in any required yard.

Section 18.11 - RESERVED (Ord. 71; 11/2008)

Section 18.12 - Regulations for Accessory Use Structures and Buildings

Accessory buildings, except as otherwise permitted in this Ordinance, shall be subject to the following regulations:

1. Where the accessory building is structurally attached to a main building, it shall be subject to, and must conform to, all regulations of this Ordinance applicable to the main building.
2. An accessory building shall be permitted anywhere on the lot or parcel provided it satisfies the minimum yard setback requirements of the zoning district in which it is located, unless otherwise indicated in this Section. For corner lots, both road frontages shall be considered front yards and the structure shall be subject to the front yard setback requirements.
3. Size and Coverage Requirements:
 - a. All accessory structures on the lot or parcel shall be included in the calculation of total lot area coverage.
 - b. The ground floor area of an accessory structure shall not exceed the ground floor area of the principal structure on the site. Swimming pools and other similar recreational accessory uses (such as tennis or basketball courts) shall be exempt from this requirement. Also, in the Agriculture and Rural Residential district, accessory use structures used for farming operations and/or housing livestock or other animals shall be exempt from this regulation.
4. No detached accessory building shall be located closer than ten (10) feet to any main building. In those instances where the rear lot line is an alley right-of-way, the accessory building shall not be closer than one (1) foot to such rear lot line. In no instance shall an accessory building be located within a dedicated easement or right-of-way.
5. All detached accessory use buildings shall have a maximum building height of fifteen (15) feet. In the Agriculture and Rural Residential district, accessory use structures used for farming operations and/or housing livestock or other animals shall be exempt from this regulation.
6. Accessory buildings in non residential districts may be constructed to equal the permitted maximum height of structures in said districts. However, for accessory buildings in commercial or industrial districts greater than 15 feet in height and adjacent to residentially zoned property, the setback from those adjacent residential property lines shall be equal to the proposed building height.
7. Swimming pools shall be subject to the following additional requirements:
 - a. There shall be a distance of not less than four (4) feet between the outside pool wall and any building located on the same lot.
 - b. No swimming pool shall be located within the boundary of any easement.
 - c. For the protection of the general public, all swimming pools shall be completely enclosed and secured as required by the most recent edition of the Michigan Building Code.

(Ord. 71; 11/2008)

Section 18.13 - Storage of Unoccupied Trailer Coaches, Motor Homes and Recreational Vehicles

The outdoor storage of unoccupied trailer coaches, motor homes and recreational vehicles is prohibited in the LD, MD and HD Residential, and the VMU Mixed Use Zoning Districts. In the AG and RR all unoccupied trailer coaches, motor homes, and/or recreation vehicles shall be stored only within the confines of the rear or side yard and shall further respect the requirements of this Section applicable to Accessory Buildings, specifically setback distances from principal structures, lot lines, and easements. All trailer coaches, motor homes, and/or recreation vehicles parked or stored shall not be connected to sanitary facilities and shall not be occupied.

Section 18.14 - Use of Containers, Semi-Trailers, Mobile/Manufactured Homes or Recreational Vehicles for Storage Prohibited

1. No recreational vehicle or mobile/manufactured home may be used as an accessory use storage building in any district. This shall not prohibit the outdoor storage of unoccupied recreational vehicles or motor homes, in accordance with the standards in Section 18.13 above.
2. No storage container or semi-trailer may be used as an accessory use storage building in any district except the I-Industrial zoning district of in the AG-Agriculture zoning district when used in support of commercial agricultural business operations. For this section, commercial agricultural business operations is defined as any agricultural business activity defined as agriculture pursuant to the definition found in Article II, Section 2.02 of this ordinance contributing not less than thirty-three (33) percent of the total household income of the property owner(s) residing upon the land in active and continuous agricultural production.

7.

(Section 18.14 amended by Ord. 70, 1/07/08)

Section 18.15 - Temporary Construction Offices and Storage Facilities Permitted

Trailers, storage containers, trailers including semi-trailers may be used as temporary offices and/or tool/supply storage facilities on construction or building sites in any zoning district while the building permit issued by the Building Inspector remains valid.

Section 18.16 - Exterior Lighting

1. All outdoor lighting in all zoning districts used to light the general area of a specific site shall be shielded to reduce glare and shall be so arranged as to reflect lights away from all adjacent residential districts or adjacent residences.
2. Lighting in nonresidential districts used for external illumination of buildings, so as to feature said buildings, shall be placed and shielded so as not to interfere with the vision of persons on adjacent highways or adjacent property. The direct light source shall not be visible from streets or adjoining property.
3. Illumination of signs shall be directed and shielded so as not to interfere with the vision of persons on the adjacent highways or adjacent property. The direct light source shall not be visible from streets or adjacent property.
4. All illumination of signs and any other outdoor feature shall not be of a flashing, moving or intermittent type. Artificial light shall be maintained stationary and constant in intensity and color at all times when in use.

Section 18.17 - Residential Entranceway

In all Residential Districts, so called entranceway structures including, but not limited to: walls, columns, and gates marking entrances to single-family subdivisions or multiple housing projects may be permitted and may be located in a required yard, except as provided in Section 18.18 Corner Visual Clearance, provided that such entranceway structures shall comply with all codes of the Township and shall be approved by the Zoning Administrator..

Section 18.18 - Corner Visual Clearance

No fence, wall, shrubbery, sign or other obstruction to vision above a height of two (2) feet from the established street grades shall be permitted within the triangular area formed at the intersection of any street right-of-way lines by a straight line drawn between said right-of-way lines at a distance along each line of twenty-five (25) feet from their point of intersection.

Section 18.19 - Off-street Parking and Loading Berth Visual Obstruction Walls and Barriers

- A. For those districts and uses listed below, there shall be provided and maintained on those sides abutting or adjacent to a residential district an obscuring wall as required below (except otherwise required by Article 19, Section 19.10.

USE	REQUIREMENTS
Off-street parking area	4' B 6" high wall
NC, CC, HC and VMU Districts	4' B 6" high wall
I District open storage areas, loading or unloading areas, service areas.	4' B 6" high wall or fence (Height shall be that which will provide effective screening). (See: Article 13, Section 13.05 and Article 18, Section 18.13)
Auto wash, Drive-in restaurants	6' B 0" high wall
Hospital - Ambulance & delivery areas	6' B 0" high wall
Utility buildings, stations and/or substations	6' B 0" high wall

- B. Required walls shall be located on the lot line except where underground utilities interfere and except in instances where this Ordinance requires conformance with front yard setback lines in abutting Residential Districts. Upon review of the site plan, the Planning Commission may approve an alternate location for the wall or may waive the wall requirement if in specific cases it would not serve the purpose of screening the intended area effectively. Required walls may, upon approval of the Planning Commission be located on the opposite side of an alley right-of-way from a non-residential zone that abuts a residential zone when mutually agreeable by affected property owners.
- C. Such walls and screening barrier shall have no openings for vehicular traffic or other purposes, except as otherwise provided in this Ordinance and except such openings as may be approved by the Zoning Administrator. All walls herein required shall be constructed of materials approved by the Zoning Administrator to be durable, weather resistant, rust proof and easily maintained.
- D. Obscuring walls may be constructed with openings which do not in any square section (height and width) exceed twenty (20) percent of the surface. Where walls are so pierced, the openings shall be so spaced as to maintain the obscuring character required, and shall not reduce the minimum height requirement. The arrangement of the openings shall be reviewed and approved by the Zoning Administrator.
- E. The requirement for an obscuring wall between off-street parking areas, outdoor storage areas and any abutting residential district shall not be required when such areas are located more than two hundred (200) feet distant from such abutting residential districts.
- F. The Board of Appeals may waive or modify the foregoing requirements when cause can be shown that no good purpose would be served, provided that in no instance shall a required wall be permitted to be less than four feet - six inches (4' - 6") in height.
- G. In consideration of request to waive wall requirements between nonresidential and residential districts, the Zoning Board of Appeals shall refer the request to the Planning Commission for a determination as to whether or not the residential district is considered to be an area in transition and will become nonresidential in the future.
- H. In such cases where the Planning Commission determines the residential district to be a future nonresidential area, the Board may temporarily waive wall requirements for an initial period not to exceed twelve (12) months. Granting of subsequent waivers shall be permitted, provided that the Planning Commission shall

make a determination as herein before described, for each subsequent waiver prior to the granting of such a waiver by the Board.

Section 18.20 - Fences - Residential and Other Districts

Fences are permitted, or required subject to the following:

Fences on all lots of record in all residential districts which enclose property shall not exceed six (6) feet in height measured from the surface of the ground, and shall not extend toward the street or road beyond the façade of the house facing the street or the minimum setback distance on that side of the property, whichever is greater. Fences less than four (4) feet in height are permitted in the yard area between the street and the point where the six foot fence is permitted. (Ord. 71; 11/2008)

Recorded lots having a lot area in excess of two (2) acres and frontage of at least two hundred (200) feet, and acreage or parcels not included within the boundaries of a recorded plat, in all residential districts, are excluded from these regulations.

Fences on lots of record shall not contain barbed wire, electric current or charge of electricity.

Livestock in agricultural districts shall be enclosed by a fence.

Fences which enclose public or institutional parks, playgrounds, or public landscaped areas, situated within an area developed with recorded lots shall not exceed eight (8) feet in height, measured from the surface of the ground, and shall not obstruct vision to an extent greater than twenty-five (25) percent of their total area.

Section 18.21 - Frontage on a Private or Public Street or Road Required for all Parcels

No parcel of land shall be divided, subdivided, platted nor zoning lot used for any purpose allowed by the terms of the Ordinance unless said lot abuts a public or private street or road unless otherwise provided for in this Ordinance.

Section 18.22 - Minimum Dwelling Unit Size

- A. The minimum size of all single-family dwelling units shall be no less than 1,200 square feet of floor area per dwelling unit determined from the original foundation measurements without additions when located in any agricultural or residential zoning district. Multi-family dwelling units located in a multi-family zoning district shall contain a minimum of 980 square feet.
- B. After the date of adoption of this Ordinance amendment, all residential dwelling units shall have a minimum building width of twenty-four (24) feet in width fronting on a public or private street as required by Section 18.21 of this Ordinance. The minimum width dimension of twenty-four (24) feet shall continue perpendicular to the side of the building no less than fifty (50) percent of the total dwelling side dimension.
- C. Existing dwellings that do not meet the standards of this Section 18.22 shall be considered nonconforming structures and shall be subject to the requirements of Article 26 and Section 26.08 as well.

[Amended 7/14/09; Ord. #76]

Section 18.23 - Location of Mobile Homes in Approved Mobile Home Parks.

- A. All mobile homes shall satisfy the minimum dwelling unit requirements of this Ordinance, including but not limited to Sections 18.22, 18.24, and 18.25.
- B. Mobile homes approved as a temporary use by the Zoning Board of Appeals per Section 18.26 or Section 18.25.I and satisfying the requirements of those particular sections may be approved for location outside of a Mobile Home Park, and may be exempt from the requirements of Sections 18.22, 18.24, and 18.25.
- C. Mobile homes located in approved and licensed Mobile Home Parks shall be exempt from the requirements of Sections 18.22, 18.24, and 18.25 provided they are in compliance with the provisions of the Michigan Mobile Home Commission Act (Act 96 of the Public Acts of 1987, as amended) and the Administrative Rules promulgated pursuant to the Act.

[Amended 7/14/09; Ord. #76]

Section 18.24 - Requirements for Dwelling Unit Construction including Manufactured/Mobile Dwellings Located Outside of Mobile Home Parks

All dwelling units, including manufactured/mobile dwelling units located outside of a mobile home park shall comply with the following requirements [Amended 7/14/09; Ord. #76]:

- A. All dwelling units shall provide a minimum height between the floor and ceiling of seven and one-half (7 1/2) feet; or if a manufactured/mobile home, it shall meet the requirements of the United States Department of Housing and Urban Development Regulations, entitled Mobile Home Construction and Safety Standards, effective June 15, 1976, as from time to time may be amended, and the requirements of the State of Michigan Construction Code.
- B. There shall be a foundation of concrete or block around the entire exterior perimeter of all dwellings meeting the requirements of the Michigan Construction Code. The foundation shall have a minimum depth of forty-two (42) inches below grade.
- C. All dwellings without basements shall provide a crawl space below the entire floor of the dwelling not less than forty-two (42) inches in depth, with a vapor barrier consisting of two (2) inches of concrete on the floor of the crawl space. The crawl space shall also be provided with adequate drains to drain any accumulation of water in the crawl space.
- D. All dwellings shall be firmly attached to the foundation so as to be watertight as required by the Michigan Residential (Construction) Code. If a manufactured/mobile dwelling, it shall be anchored to the foundation by an anchor system designed and constructed in compliance with the United States Department of Housing and Urban Development Regulations entitled Mobile Home Construction & Safety Standards and/or the Michigan Residential (Construction) Code. [Amended 7/14/09; Ord. #76]
- E. The wheels, pulling mechanism, and tongue, if detachable, of any home transported for final assembly shall be removed after placement on a foundation, meeting the requirements of the Michigan Residential (Construction) Code, or slab with footings.
- F. All dwellings shall be connected to the Township sewer system and/or water supply or to an on-site water and/or sewer system approved by the County Health Department.
- G. All dwellings shall provide steps or porch areas, permanently attached to the foundation of the dwelling where there exists an elevation differential of more than one (1) foot between any door and the surrounding grade. All dwellings shall provide a minimum of two points of ingress and egress.
- H. All additions to dwellings shall meet all the requirements of this Ordinance.

- I. Existing dwellings that do not meet the requirements of this Section 18.24 shall be considered nonconforming structures and shall be subject to the requirements of Article 26 and Section 26.08 as well. [Amended 7/14/09; Ord. #76]

Section 18.25 - Residential Exterior Appearances Compatibility and Aesthetic Compatibility of Design.

- A. All residential dwellings here after constructed in the Township shall be aesthetically compatible in design and appearance with other residences in the vicinity, with either a roof overhang of not less than six (6) inches on all sides, except gable ends, or alternatively with window sills or roof drainage systems, concentrating roof drainage at collection points along sides of the dwelling. The compatibility of design and appearance shall be determined in the first instance by the Building Inspector upon review of the plans submitted for a particular dwelling. An appeal by an aggrieved party may be taken to the Zoning Board of Appeals.
- B. Any determination of compatibility shall be based upon the standards set forth in this section as well as the character, design and appearance of residential dwellings located within five hundred (500) feet of the subject dwelling or the nearest dwelling. 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.
- C. Prior to issuance of a building permit for any dwelling unit, construction plans, including a plot plan adequate to illustrate compliance with the requirements of this ordinance, shall be submitted to the Building Inspector. If the dwelling unit is a mobile or modular home, there shall also be submitted adequate evidence to assure that the dwelling complies with the standards applicable to mobile or modular homes set forth in this section. Persons applying for a permit to place a mobile or modular home in Covert Township must present a copy of the manufacturer=s title to the Building Inspector to demonstrate the size and year of the pre-manufactured home before a permit will be issued.
- D. All manufactured, mobile or modular homes, shall meet the standards for mobile home construction contained in the United States Department of Housing and Urban Development Regulations entitled "Mobile Homes Construction & Safety Standards" effective June 15, 1976, as amended and applicable requirements of the Michigan Construction Code.
- E. All mobile or modular homes must be inspected and/or approved by the Building Inspector.
- F. Every dwelling shall have storage capability area in a basement located under the dwelling, in an attic area, in closet areas, or in a separate structure of standard construction similar to or of better quality than the principal dwelling which storage area shall be equal to less than 10% of the square footage of the dwelling or 100 square feet, whichever shall be less.
- G. All construction required herein shall be commenced only after a building permit has been obtained in accordance with the applicable township building code provisions and requirements, a Health Department permit has been obtained for construction of a sewage disposal system and a well, or test well and submission of a well log, if not connected to the Township water supply system, that sufficient potable water is obtainable from the well for the use of the proposed building.
- H. No mobile or modular home may be used for any commercial or industrial purposes or stored either transiently or permanently. Use of mobile or modular housing agricultural migrant housing when approved by the Michigan Department of Agriculture shall be permitted in the AG and RR Zoning Districts. This section does not limit the parking of travel trailers built for recreational purposes that are self-contained and can be pulled down the highway without a special permit.
- I. Mobile or modular homes which do not conform to the standards of Section 18.22 and 18.24 of this Ordinance shall not be used for dwelling purposes within the Township unless located within a mobile home park or unless used for temporary residence purposes as hereinafter provided. A variance permit may be secured from the Zoning Board of Appeals to use a mobile home as a temporary residence for a period not to exceed one year provided that the ability and intent to erect a house on the premises are shown; provided that the mobile home is located upon premises having running water and sewage facilities; and upon expiration of

the one year period the mobile home is removed. The Zoning Board of Appeals may renew the permit for an additional period of one year upon sufficient showing that the house construction could not be completed within said one year period but has substantially progressed during said period. Said Board may require a performance bond conditioned upon the removal of the mobile home from the premises within the time limited in an amount satisfactory to said Board.

- J. All single family dwellings (with the exception of Mobile Homes allowed in State licensed mobile home parks in the HD High Density District) shall have a minimum width as required by Section 18.22 B and a double pitched roof of not less than four (4) units of rise for each twelve (12) units of run. The roof shall be covered by asphalt, cedar shake, slate shingles, or standing seam metal. [Amended 7/14/09; Ord. #76]
- K. The foregoing regulations are not intended to prohibit architectural creativity or other unique home designs.
- L. Existing dwellings that do not meet the requirements of this Section 18.25 shall be considered nonconforming structures and shall be subject to the requirements of Article 26 and Section 26.08 as well. [Amended 7/14/09; Ord. #76]

Section 18.26 - Mobile Home as an Accessory Use for the Aged and Infirm

Mobile Homes shall be permitted as a temporary special use by the Zoning Board of Appeals on lots and parcels upon which a single family dwelling is located for the purpose of housing the aged, infirmed or “care giver” relatives of the family occupying the principal single family dwelling located on the same lot or parcel providing the following conditions are met:

1. The lot has a principal single-family dwelling located upon it.
2. The lot is a legal lot of record owned by either the aged and infirm person for whom care is being given or owned by the “care giver” relative.
3. The occupants of both the principal single family dwelling and the mobile home have a direct (by blood, marriage or adoption) relationship or legally established guardianship.
4. The occupants have a need as determined by the Zoning Board of Appeal Board, evidenced by a physician's certification prescribing the need of a full-time or part-time care giver.
5. Mobile homes used for this purpose shall be single wide units only and shall be limited to only one (1) per single family residential parcel.
6. Mobile homes used for this purpose shall have immediate and unlimited access to all facilities located in the principal dwelling for the maintenance of proper health and sanitation, including potable water and sanitary disposal facilities for solid and liquid wastes.
7. All accessory mobile homes shall be located within the appropriate setback lines for the yard in which they are located, except that no accessory mobile home shall be in a front yard of a principal dwelling.
8. The Township Building Inspector shall conduct an annual inspection of the premises. If the need remains as specified in the terms of the Special Land Use Permit, the permits shall be renewed for a period not to exceed one (1) year.
9. That should the aged and infirm relative cease to occupy either the principal single family house or the mobile home, such mobile home shall be removed within 90 days from the parcel. Further, neither residences shall be occupied by other than those persons approved in 3, above so long as both residences are on the parcel.

Section 18.27 - Home Occupations; Special Land Use Permit Required

Home occupations shall be permitted within residential zoning districts when authorized upon issuance of a Special Land Use Permit by the Township Board upon recommendation of the Planning Commission, pursuant to Article 26. A special land use - home occupations shall be issued only for an occupation or profession customarily carried on by an occupant of a dwelling unit as a secondary use which is clearly incidental to the use of the dwelling unit for residential purposes, and conforms to the following:

1. There shall be no alteration in the residential character or function of the premises in connection therewith; nor shall any garage or parking area be used in connection therewith.
2. There shall be no signs, advertising devices or other manifestation located on the exterior of the dwelling unit or within any yard area which suggests or implies the existence of a home occupation except a name plate limited to two square feet in area.
3. There shall be no commodity or stock in trade sold upon the premises.
4. No assistants or employees shall be employed in connection with the home occupation provided that family members, as defined in the definition of family found in Section 2.02, may be so employed.
5. There shall be no equipment or machinery which is industrial in nature used in connection with a home occupation.
6. No home occupation shall be permitted to be established or continued when the same is objectionable as determined by the Planning Commission due to noise, dust, smoke, odor, traffic congestion, reduction of the living environment, or other causes detrimental to the neighborhood in which located.

Section 18.28 - Windmills and Other Wind Energy Conversion Systems (WECS)

The purpose of this Section is to establish standards and procedures by which the installation and operation of a windmill or other wind energy conversion system shall be governed and regulated within the Township for either commercial or on-site energy use purposes.

A. Wind Farms - Commercial Purposes and Testing Facilities

Wind energy conversion systems including “wind farms,” single WECS used for commercial purposes, and WECS Testing Facilities associated with the commercial application of WECS may be allowed as a special use within the Agricultural District and Tourist and Recreation District of the Township, subject to the regulations and requirements of this Zoning Ordinance, provided that no facility shall be located within any area designated as an Environmentally Sensitive Area under the provisions of Article 9.

B. Single WECS for On-Site Service Only

Single WECS applications of wind energy conversion systems, including WECS Testing Facilities, to serve the energy needs of the property owner may be allowed in any zoning district as a special land use, provided the property upon which the system is to be located is at least two and one-half (2.5) acres in size and subject to the regulations and requirements of this Zoning Ordinance.

C. Site Plan Drawing Required.

All applications for a WECS conditional use permit shall be accompanied by a detailed site plan drawn to scale and dimensioned, displaying the following information in addition to that the information required by Article 23 - Site Plan Review Procedures.

1. Location and height of all buildings, structures, towers, guy wires, guy wire anchors, security fencing, and other above ground structures associated with the WECS.
2. Locations and height of all adjacent buildings, structures, and above ground utilities located within three hundred (300) feet of the exterior boundaries of the site housing the WECS and/or Testing Facility. The boundaries to include the outermost locations upon which towers, structures, fencing, facilities, and other items associated with a WECS are placed.
3. Existing and proposed setbacks of all structures located on the property in question. Specific distances to other on-site buildings, structures, and utilities shall also be provided.
4. Sketch elevation of the premises accurately depicting the proposed WECS and its relationship to all structures within three hundred (300) feet. For wind farms in which case numerous towers of similar height are planned, sketches are necessary only at borders of the proposed project and when adjacent to other established structures within three hundred (300) feet.
5. Access road to the WECS and Testing Facility with detail on dimensions, composition, and maintenance.
6. Planned security measures to prevent unauthorized trespass and access.
7. WECS and Testing Facility Maintenance Programs B Provide a description of the maintenance program used to maintain the WECS and Testing Facility, including removal when determined to be obsolete.
8. Any additional details as required by the requirements of this section.

D. Compliance with Building Code

A copy of the manufacturer=s installation instruction shall be provided. Included as part of or as an attachment to the installation instructions shall be standard drawings of the structural components of the wind energy conversion system and support structures, including base and footings provided along with engineering data and calculations to demonstrate compliance with the structural design provisions of the Michigan Construction Code; drawings and engineering calculations shall be certified by a registered engineer licensed to practice in the State of Michigan.

E. Compliance with Electrical Code

WECS and Testing Facility electrical equipment and connections shall be designed and installed in adherence to the Michigan Electrical Code applicable in the Township. A copy of manufacturer’s installation instruction shall be provided.

F. Design Standards

1. **Height** - The permitted maximum height of a WECS and Testing Facility shall be two hundred and fifty (250) feet. Towers shall be required to be less than two hundred and fifty (250) feet in height under the following circumstances:
 - (a) Towers near property lines shall be required to be less than two hundred and fifty (250) feet in height through use of a formula of one (1) foot of height permitted for every two (2) feet of horizontal distance from the closest property line to the base of the WECS system.
 - (b) State or federal regulations may require a lesser height.
 - (c) As part of conditional use review a determination is made that tower heights of a lesser height would be more appropriate for a certain area of the township.

2. **Setbacks** - No part of a WECS or Testing Facility (including guy wire anchors) shall be located within or above any required front, side or rear yard setback. WECS towers shall be setback from the closest property line two (2) feet for every one (1) foot of system height. WECS and Testing Facilities shall not be located within thirty (30) feet of an above ground utility line or easement for that line.
 3. **Rotor Clearance** - Blade-arcs created by a single WECS for on-site use only shall have a minimum blade tip clearance from grade of 20 feet. For larger WECS that are part of a wind farm or a commercial operation, the WECS shall have a minimum of thirty (30) feet of clearance over any structure, land, or tree within a 200 foot radius of the tower. (Ord. 77; 11/18/09)
 4. **Rotor Safety** - Each WECS shall be equipped with both a manual and automatic braking device capable of stopping the WECS operation in high winds (40 MPH or greater).
 5. **Tower Access** - To prevent unauthorized climbing, WECS and Testing Facility towers must comply with one (1) of the following provisions:
 - (a) Tower climbing apparatus shall not be located within twelve (12) feet of the ground.
 - (b) A locked anti-climb device shall be installed on the tower.
 - (c) Tower capable of being climbed shall be enclosed by a locked, protective fence at least six (6) feet high.
 6. **Signs** - Each WECS and Testing Facility shall have one (1) sign, not to exceed two (2) square feet in area posted at the base of the tower. The sign shall contain the following information:
 - (a) Warning high voltage.
 - (b) Manufacturer's name.
 - (c) Emergency phone number.
 - (d) Emergency shutdown procedures.
 7. **Lighting** - WECS and Testing Facilities shall not have affixed or attached any lights, reflectors, flashers or any other illumination, except for illumination devices required by Federal regulations.
 8. **Electromagnetic Interference** - WECS and Testing Facilities shall be designed and constructed so as not to cause radio and television interference.
 9. **Noise Emissions** - Noise emanating from the operation of WECS and Testing Facilities shall not exceed fifty (50) decibels, as measured on the DBA scale, measured at the nearest property line. Estimates of noise levels shall be provided by applicant for property lines for normal operating conditions. The Township may make additional measurements after the tower is in operation to determine compliance with this requirement.
 10. **Utility Company Interconnection (Interconnected WECS)** - No WECS shall be interconnected with a local electrical utility company until the utility company has reviewed and commented upon it. The interconnection of the WECS with the utility company shall adhere to the Michigan Electrical Code.
- G. **Ornamental Wind Devices** - Ornamental wind devices that are not a WECS shall be exempt from the provisions of this Section.

- H. **Inspection** - The Township hereby reserves the right upon issuing any WECS and Testing Facility conditional use permit to inspect the premises on which the WECS is located. If a WECS is not maintained in operational condition and poses a potential safety hazard, the owner shall take expeditious action to correct the situation.
- I. **Abandonment** - Any WECS and Testing Facilities which are not used for six (6) successive months shall be deemed abandoned and shall be dismantled and removed from the property at the expense of the property owner. The Township may require a performance guarantee to ensure the removal.

Section 18.29 - Acceptable Plant Materials for Greenbelt Areas and Erosion Control

A. **Section Plant Materials**

Whenever in this Ordinance a greenbelt or screen planting is required, it shall be planted within six (6) months from the date of issuance of a certificate of occupancy and shall thereafter be reasonably maintained with permanent plant materials to provide a screen to abutting properties. Suitable materials equal in characteristics to the plant materials listed with the spacing as required shall be provided. The Township Board may secure financial guarantees in a situation where the planting must be deferred for a period greater than six (6) months in an amount sufficient to complete installation of materials in accord with the approved plan.

B. **Plant Material Spacing**

- a. Plant materials shall not be placed closer than four (4) feet from the fence line or property line.
- b. Where plant materials are placed in two (2) or more rows, plants shall be staggered in rows.
- c. Evergreen trees, except narrow or columnar as in "D" below, shall be planted not more than thirty (30) feet on center and shall be not less than five (5) feet in height.
- d. Narrow or columnar evergreens shall be planted not more than six (6) feet on centers, and shall be not less than three (3) feet in height.
- e. Tree-like shrubs shall be planted not more than ten (10) feet on centers, and shall be not less than four (4) feet in height.
- f. Large deciduous shrubs shall be planted not more than four (4) feet on centers, and shall be not less than six (6) feet in height.
- g. Large deciduous trees shall be planted not more than thirty (30) feet on centers, and shall be not less than eight (8) feet in height.

C. **Trees Not Permitted**

- a. Box Elder
- b. Catalpa
- c. Elms
- d. Horse Chestnut (Nut Bearing)
- e. Poplars
- f. Tree of Heaven
- g. Willows
- h. Black locust

D. **Suggested Plant Materials**

- a. Evergreen Trees (Minimum five (5) feet in height.)
 - 1. Douglas-Fir
 - 2. Fir
 - 3. Hemlock
 - 4. Juniper
 - 5. Pine
 - 6. Spruce

- b. Narrow Evergreens (Minimum three (3) feet in height.)
 - 1. Arbor-Vitae: Columnar Giant
 - 2. Arbor-Vitae: Douglas
 - 3. Cypress: Column Hinoki
 - 4. Juniper: Blue Columnar Chinese
 - 5. Red Cedar: Pyramidal
 - 6. Stone Pine: Swiss
 - 7. White Pine: Pyramidal
 - 8. Yew: Irish

- c. Tree-like Shrubs (Minimum four (4) feet in height.)
 - 1. Dogwood
 - 2. Flowering Crab
 - 3. Hawthorn
 - 4. Hornbeam
 - 5. Magnolia
 - 6. Mountain Ash
 - 7. Red Bud
 - 8. Rose of Sharon
 - 9. Russian Olive

- d. Large Deciduous Scrubs (Minimum six (6) feet in height.)
 - 1. Buckthorn
 - 2. Cotoneaster
 - 3. Euonymus
 - 4. Forsythia
 - 5. Hazelnut
 - 6. Honeysuckle
 - 7. Lilac
 - 8. Mock-Orange
 - 9. Ninebark
 - 10. Privet
 - 11. Sumac
 - 12. Viburnum

- e. Large Deciduous Trees (Minimum eight (8) feet in height.)
 - 1. Beech

2. Big Tooth Aspen
3. Birch
4. Ginkgo
5. Hackberry
6. Hard Maple
7. Honey Locust
8. Hop Hornbeam
9. Linden
10. Oak
11. Planetree (Sycamore)
12. Sweet Gum

f. Grasses and Ground Covers for Use in Inhibiting Erosion

1. American Beachgrass - hand planted
2. Kentucky 31 Tall Fescue - 20 lbs. per acre
3. Lespedeza Sericea - 30 lbs. per acre
4. Sand Love Grass - 20 lbs. per acre
5. Weeping Love - 20 lbs. per acre

Planting of grasses and trees for Covert Township intended to stabilize sand dunes and areas where sand has been stripped or mined shall be in accordance with USDA Soil Conservation Service recommended Standards and Specifications for Dune Stabilization Technical Guide 342B-1 Sec. IV D 1-15-69.

Section 18.30 - Private Road Maintenance Agreements and Construction Standards

Any private road approved after the adoption of this updated to the Ordinance shall comply with the following standards and requirements:

- A. Any private road whether located within a private road easement or included in any planned unit development (PUD) or other site plan approved by the Township shall meet all of the right of-way and construction standards established by the County Road Commission.
- B. Removal of trees within such right-of-way shall not be required by the Township, but shall be subject to discretionary approval by the Township Planning Commission.
- C. All private roads shall be posted with maximum speed 25 miles per hour located at each entrance to the private road. Additional road and speed limit signs shall be located as recommended by the Township Police Chief and/or the County Road Commission.
- D. Approval of all private roads in the Township shall require the filing of documentation with the Township of either a Master Deed for a condominium or a road maintenance agreement for a private road servicing two (2) or more individual parcels of legally recorded property demonstrating legal capacity to provide for perpetual and continued maintenance of the private road including snow removal, road surface maintenance and repair for approval by the Township Attorney. Such documentation shall be recorded with the Register of Deeds of the County of Van Buren prior to the approval of the issuance of the permit by the Township.

(Article 18 amended by Ord. 82, 2/26/12)

Section 18.31 – Non-Farm Raising and Keeping of Animals

- A. The raising or keeping of not more than four (4) household pets that are six (6) months of age or older is allowed as an accessory use in any residential district.
- B. Any land, building or structure where four (4) or more household pets that are six (6) months of age or older are boarded, housed or bred for commercial purposes shall be considered a kennel.

- C. The non-farm raising or keeping of farm animals or livestock is allowed as an accessory use within the RR - Rural Residential District and LD-1 and LD-2 - Low Density Residential District, and, subject to the following:
- a. No parcel shall be used, and a building or structure located thereon for the non-farm raising or keeping of farm animals or livestock upon a lot having a gross area of less than three (3) acres, or a width less than 250 feet.
 - b. Up to three (3) farm animals or livestock on the first three (3) acres shall be allowed, except as provided in Section 18.31 3.d.
 - c. An additional one (1) acre is required for each additional farm animal or livestock. There shall be no limit in the number of farm animals or livestock on a lot of 30 or more acres in area.
 - d. A maximum of three (3) chickens (hens only) shall be allowed on a lot less than three (3) acres in area.
 - e. A building or structure for the shelter of farm animals or livestock, other than the principal residence on the site, shall be provided.
 - f. A building or structure, other than the principal residence on the lot, used to shelter farm animals or livestock and/or any area used to store, dispose of, or compost manure, shall not be located closer than 50 feet to any property line or road right-of-way, nor within 150 feet of any pre-existing dwelling on adjacent premises under different ownership.
 - g. Farm animals or livestock shall be controlled in a suitable manner to prevent their approaching closer than 75 feet to any pre-existing dwelling on adjacent premises under different ownership.
 - h. The non-farm raising or keeping of farm animals or livestock is further prohibited where conditions of maintenance are such to cause nuisances or other adverse impacts on adjacent properties, including but not limited to odors, noise, or pests.
 - i. The non-farm raising or keeping of farm animals or livestock shall comply with all other applicable Township, County, State and Federal regulations and guidelines regarding the health and care of the animal(s), the disposal of manure, licensing and vaccinations, and other similar issues.

(Article 18 amended by Ord. 89, 3/14/17)

ARTICLE 19 OFF STREET PARKING AND LOADING

Section 19.01 - Off-Street Parking Requirements - Permanency

There shall be provided in all districts, at the time of erection or enlargement of any main building or structure, automobile off-street parking spaces with adequate access to all spaces. The number of off-street parking spaces, in conjunction with all land or building uses shall be provided, prior to the issuance of a building or zoning compliance permit by the Building Inspector.

Any area once designated as required off-street parking shall never be changed to any other use unless and until equal facilities are provided, elsewhere.

Section 19.02 - Location of Off Street Parking (side or rear yard only)

Off-street parking spaces may be located within the non-required side or rear yard and within the rear yard setback unless otherwise provided in this Ordinance. Other than within a designated driveway leading from the road to a garage or other designated parking area, no off-street parking shall be permitted within a required front yard or a side yard setback unless otherwise provided in this Ordinance.

Section 19.03 - Location of Nonresidential Parking

Off-street parking required for other than a residential use shall be either on the same lot or within three hundred (300) feet of the building it is intended to serve, measured from the nearest point of the building to the nearest point of the off-street parking lot. Ownership by the applicant shall be shown of all lots or parcels intended for use as parking by the applicant.

Section 19.04 - Residential Off Street Parking

Required residential off-street parking spaces shall consist of a parking strip, parking bay, driveway, garage, or combination thereof and shall be located on the premises they are intended to serve, and subject to the provisions of Section 18.12 - Accessory Use Structures and Buildings.

Section 19.05 - Preexisting (conforming and nonconforming) Parking

Off-street parking, existing at the effective date of this Ordinance, in connection with the operation of an existing building or use shall not be reduced to an amount less than hereinafter required for a similar new building or new use.

Section 19.06 - Combination of Required Spaces and Joint Use of Parking

Two or more buildings or uses may collectively provide the required off-street parking in which case the required number of parking spaces shall not be less than the sum of the requirements for the several individual uses computed separately.

In the instance of dual function of off-street parking spaces where operating hours of buildings do not overlap, the Board of Appeals may grant an exception.

Section 19.07 - Restriction of Use of Parking Spaces for Storage, Merchandise Display, Vehicle Repair, etc.

The use of required parking facilities for the storage of merchandise, motor vehicles for sale, trucks, or the repair of vehicles is prohibited.

For those uses not specifically mentioned, the requirements for off-street parking facilities shall be in accord with a use which the Zoning Administrator considers similar in type.

Section 19.08 - Calculation of Required Spaces Based on Usable Floor Area

When units or measurements determining the number of required parking spaces result in the requirement of a fractional space, any fraction up to and including one half shall be disregarded and fractions greater than one half (2) shall require one (1) parking space.

For the purpose of computing the number of parking spaces required, the definition of usable floor area in Article 2 - Definitions, shall govern.

Section 19.09 - Schedule of Required Parking Spaces

The minimum number of off-street parking spaces by type of use shall be determined in accordance with the following schedule:

SCHEDULE OF REQUIRED PARKING SPACES	
Use	Minimum Number of Parking Spaces
Residential	
Residential, one family	Two (2) for each dwelling unit
Residential, multiple family	Two (2) for each dwelling unit
Housing for the elderly	One for each two units plus one (1) for each on-duty employee
Mobile home park	Two (2) for each unit plus one (1) for each on-duty employee
Institutional	
Churches	One (1) for each three (3) seats or six (6) feet of pews in the main unit of worship
Hospital and medical clinics	One (1) for each one (1) bed, plus one (1) for everyone and one-half (12) employee in the largest working shift.
Homes for the aged and convalescent homes	One (1) for each four (4) beds
Elementary and middle schools	One (1) for each one (1) teacher, employee or administrator, in addition to the requirements of the auditorium
High schools	One (1) for each one (1) teacher, employee, or administrator and one for each ten (10) students, in addition to the requirements for the auditorium
Private club or lodge hall	One (1) for each three (3) persons allowed within the maximum occupancy load as established by the local, county or state fire, building or health code
Private golf club, swimming pool club, tennis club or other similar use	One (1) for each two (2) member families, or individuals plus spaces required for each accessory use, such as a restaurant or bar
Golf courses open to the general public, except miniature or “par” courses	Six (6) for each golf hole and one (1) for each one (1) employee, plus spaces for each accessory use such as a restaurant or bar
Stadium, sports arena, or similar places of outdoor assembly	One (1) for each three (3) seats or six (6) feet of benches
Theaters and auditoriums	One (1) for each three (3) seats plus one (1) for each two (2) employees
Business and Commercial	
Planned commercial shopping center	One (1) for each one hundred (100) square feet of usable floor area
Auto wash (automatic)	One (1) for each one (1) employee, in addition, reservoir parking spaces equal in number to five (5) times the maximum capacity of the car wash. Maximum capacity of auto wash shall mean the greatest numbers of automobiles possible undergoing some phase of washing at the same times, which shall be determined by dividing the length in feet of each wash line by twenty (20)
Auto wash (self-service or coin operated)	Five (5) for each washing stall in addition to the stall itself

SCHEDULE OF REQUIRED PARKING SPACES	
Use	Minimum Number of Parking Spaces
Beauty parlor or barber shop	Three (3) spaces for each of the first two (2) beauty or barber chairs, and one and one-half (1 1/2) for each additional chair
Bowling alleys	Five (5) for each one (1) bowling lane plus the required parking for any accessory use
Dance hall, pool or billiard parlors, roller or skating rinks, exhibition halls, and general assembly hall without fixed seats	One (1) for each two (2) persons allowed within the maximum occupancy load as established by local, county, or state fire, building or health code
Establishments for sale and consumption on the premise of beverages, food or refreshments	One (1) for each one hundred (100) square feet of useable floor space or one (1) for each two (2) persons allowed within the maximum occupancy load as established by local, county, or state fire, building or health code, which ever is greater
Furniture and appliance, household equipment, repair shops, showroom of a plumber, decorator, electrician, or similar trade, shoe repair, and other similar uses	One (1) for each eight hundred (800) square feet of useable floor area. (For that floor area used in processing, one (1) additional space shall be provided for each two (2) persons employed therein)
Gasoline service stations	Two (2) for each lubrication stall rack, or pit; and one (1) for each gasoline pump
Laundromats and coin operated dry cleaners	One (1) for each two (2) washing and/or dry cleaning machines
Miniature or Apar-3" golf courses	Three (3) for each one (1) hole plus one (1) for each one (1) employee
Mortuary establishments	One (1) for each fifty (50) square feet of usable floor area
Motel, hotel or other commercial lodging establishments	One (1) for each one (1) occupancy unit plus one (1) for each one (1) employee
Motor vehicle sales and services establishments	One for each two hundred (200) square feet of usable floor space of sales room and one (1) for each one (1) auto service stall in the service room
Nursery school, day nurseries, or child care centers	One (1) for each three hundred and fifty (350) square feet of usable floor space
Retail stores except as otherwise specified	One (1) for each one hundred fifty (150) square feet of usable floor space
Offices	
Banks	One (1) for each one hundred (100) square feet of usable floor space
Business offices or professional offices except as indicated in the following	One for each two hundred (200) square feet of usable floor space
Professional offices of doctors, dentists, or similar professions	One (1) for each fifty (50) square feet of usable floor area in waiting rooms, and one (1) for each examining room, dental chair, or similar use area.
Industrial	
Industrial or research establishments, and related accessory offices	Five (5) plus one (1) for every one and one-half (1 1/2) employee in the largest working shift. Space also shall be provided for all construction workers during periods of plant construction
Warehouses and wholesale establishments and related accessory offices	Five (5) plus one (1) for every one (1) employee in the largest working shift, or one (1) for every seventeen hundred (1,700) square feet of usable floor spaces, which ever is greater

Section 19.10 - Off-street Parking Space Layout, Standards, Construction and Maintenance

Whenever off-street parking requirements require the building of an off-street parking facility, such off-street parking lots shall be laid out, constructed and maintained in accordance with the following standards and regulations:

1. No parking lot shall be constructed unless and until a Zoning Compliance Permit therefore is issued by the Zoning Administrator. Applications for a permit shall be submitted to the Zoning Administrator in such form as may be determined by the Zoning Administrator and shall be accompanied with two (2) sets of site plans for the development and construction of the parking lot showing that the provisions of this Section will be fully complied with.
2. Plans for the layout of off-street parking facilities shall be in accord with the following minimum requirements:

Parking Pattern in Degrees (°)	Maneuvering Lane Width	Parking Space Width	Parking Space Length	Total Width of One Tier of Spaces Plus Maneuvering Lanes	Total Width of Two Tier of Spaces Plus Maneuvering Lane
0 Parallel Parking	12 ft.	8 ft.	23 ft.	20 ft.	28 ft.
30 to 53 "	12 ft.	8 ft.-6 in.	20 ft.	32 ft.	52 ft.
54 to 74 "	15 ft.	8 ft.-6 in.	20 ft.	36 ft.- 6 in.	58 ft.
75 to 90 "	20 ft.	9 ft.	20 ft.	40 ft.	60 ft.

3. All spaces shall be provided with adequate access by means of maneuvering lanes. Backing directly onto a street shall be prohibited.
4. Adequate ingress and egress to the parking lot by means of clearly limited and defined drives shall be provided for all vehicles.
5. Ingress and egress to a parking lot lying in an area zoned for other than single-family residential use shall not cross another residentially zoned property.
6. Maneuvering lane widths shall permit a single lane one-way traffic movement, except that lots with a 90 degree pattern may permit two-way movement.
7. Each entrance and exit to and from any off-street parking lot located in an area zoned for other than single-family residential use shall be at least twenty-five (25) feet distant from adjacent property located in any residentially zoned property.
8. The off-street parking area shall be provided with a continuous and obscuring wall not less than four feet six inches (4' - 6") in height measured from the surface of the parking area. This wall shall be provided on all sides where the next zoning district is a residential district.
9. When a front yard setback is required, all land between said wall and front property line or street right-of-way line shall be kept free of refuse and debris and shall be landscaped. The ground area and all landscaping shall be kept neat and orderly in appearance and all plant materials shall be maintained in a healthy, growing condition.
10. The entire parking area, including parking spaces and maneuvering lanes, required under this Section shall be provided with a permanent, durable and dustless hard surface.
11. Off-street parking areas shall be drained so as to dispose of all surface water accumulated in the parking area in such a way as to preclude drainage of water onto adjacent property or toward buildings.

12. All lighting used to illuminate any off-street parking area shall be so installed as to be confined within and directed onto the parking area only.
13. In all cases where a wall extends to an alley which is a means of ingress and egress to an off-street parking area, it shall be permissible to end the wall not more than ten (10) feet from such alley line in order to permit a wider means of access to the parking area.
14. The Board of Appeals, upon application by the property owner of the off-street parking area, may modify the yard or wall requirements, where, in unusual circumstances, no-good purposes would be served by compliance with the requirements of this Section.

Section 19.11 - Off-street Loading and Unloading

On the same premises with every building, structure or part thereof, involving the receipt or distribution of vehicles, materials or merchandise, there shall be provided and maintained on the lot, adequate space for standing, loading and unloading in order to avoid undue interference with public use of dedicated rights-of-way. Such space shall be provided as follows:

1. Off-street loading and unloading spaces shall, be provided as follows:
 - A. Every office building, apartment, apartment hotel, motel and hotels shall provide off-street loading berths according to the following schedule:
 - 1). One (1) space for each five thousand (5,000) square feet of gross floor area for the first fifty thousand (50,000) square feet of gross floor area, and
 - 2). Two (2) additional spaces for every fifty thousand (50,000) square feet of gross floor area for the next two hundred thousand (200,000) square feet of gross building floor area, and
 - 3). One (1) additional space for every seventy-five thousand (75,000) square feet of gross floor area above two hundred fifty thousand (250,000) square feet of gross building floor area.
 - B. Every retail or service establishment or wholesale commercial use shall provide off-street loading berths according to the following schedule:
 - 1). One (1) space for each two thousand (2,000) square feet of gross floor area for the first twenty thousand (20,000) square feet of gross floor area, and
 - 2). Two (2) additional spaces for every twenty thousand (20,000) square feet of gross floor area for the next one hundred thousand (100,000) square feet of gross building floor area, and
 - 3). One (1) additional space for every seventy-five thousand (75,000) square feet of gross floor area above one hundred twenty thousand (120,000) square feet of gross building floor area.
 - C. Every industrial establishment shall provide off-street loading berths according to the following schedule:
 - 1). One (1) space for the first each twenty thousand (20,000) square feet of gross floor area,
 - 2). One (1) additional spaces for every twenty thousand (20,000) square feet of gross floor area for the next one hundred thousand (100,000) square feet of gross building floor area, and

- 3). Five (5) additional spaces if the gross floor area of the building exceeds one hundred twenty thousand (120,000) square feet of gross building floor area.
2. Within the Industrial District, all spaces shall be laid out in the dimension of at least ten by fifty (10 x 50) feet, or five hundred (500) square feet in area, with a clearance of at least fourteen (14) feet in height. Loading dock approaches shall be provided with a permanent, durable and dustless hard surface.
3. All loading and unloading in an industrial district shall be provided off-street in the rear yard or interior side yard, and shall in no instance be permitted in a front yard. In those instances where exterior side yards have a common relationship with an industrial district across a public thoroughfare, loading and unloading may take place in said exterior side yard when the setback is equal to at least fifty (50) feet.

ARTICLE 20 SIGN REGULATIONS

Section 20.01 - Intent

The intent of this Article is to establish regulations for all signs in all zoning districts within the Township in a manner consistent with the following purposes:

- A) To protect and further the health, safety and welfare of Township residents, property owners and visitors.
- B) To prevent traffic hazards and pedestrian accidents caused by signs which obstruct vision, distract or confuse drivers, or are improperly secured or constructed.
- C) To conserve and enhance community character and the Township's aesthetic environment.
- D) To promote uniformity in the size, number and/or placement of signs within zoning districts.
- E) To promote the economic viability of commercial areas by minimizing visual clutter and allowing for proper placement of signs to safely direct motorists to their destination.
- F) To balance the public's right to be informed and its desire to avoid visual pollution and hazardous conditions with the desire of business and nonbusiness uses to communicate by means of signs.

Section 20.02 - Measurement of Sign Area.

The total sign area is to be expressed in square feet and shall be computed as herein set forth.

- A. The total area of a sign shall be computed as the number of square feet within lines drawn at the outer perimeter forming any single and/or combination of geometric shapes, such as a square, rectangle, triangle or circle encompassing the extreme limits of an individual letter(s), word(s), message(s), representation, emblem or any similar figure, including open space(s), together with any frame or other material forming an integral part of display used to differentiate such sign from the background against which it is placed.
- B. Where a sign has two or more faces, the area of all faces shall be included in determining the sign area, except that where two such faces are placed back to back and are at no point more than two feet from one another and only one such face is visible at a time when viewed by the public, the area of the sign shall be taken as either:
 1. the area of one face, if the two faces are of equal area, or
 2. the area of the larger face, if the two faces are of unequal area.

Section 20.03 Sign Permits.

- A. **Permit Required.** It shall be unlawful for any person to erect, alter, or structurally change a sign or other advertising structure, unless specifically exempted by this Article, without first obtaining a permit in accordance with the provisions set forth herein. A permit shall require payment of a fee, which shall be established by the Township Board.
- B. **Applications.** Application for a sign permit shall be made to the Township and shall be reviewed in accordance with the following procedures:
- C.
 1. **Required information.** A sign permit application shall be completed and accompanied by detailed drawings that demonstrate the design, structure, dimensions and location of each sign. A single application and permit may include multiple signs on the same lot.
 2. **Issuance or rejection.** A completed sign permit application shall be reviewed by the Township Zoning Administrator for compliance with the requirements of this Article. A sign permit application that complies with this Article will be issued a sign permit. A sign permit application that fails to comply with this Article will be rejected and the applicant so notified.

3. **Exception.** A sign permit shall not be required for ordinary servicing, cleaning or repainting of an existing sign, or for the changing of a message on a sign designed for such changes (such as lettering on a marquee or numbers on a price sign).

Section 20.04 Exempt Signs

The following signs are exempt from the permitting and district regulations of this Article. The regulations in Section 20.07 shall still apply.

- A. Signs warning of danger or prohibiting or regulating the use of property, such as trespassing, hunting, or parking, not to exceed six (6) square feet in area.
- B. Government signs. Signs erected by, on behalf of, or pursuant to the authorization of a government body.
- C. Historic registry signs. Signs identifying buildings or sites designated as historic landmarks or centennial farms by state or federal agencies.
- D. Essential service signs.
- E. Memorial signs.
- F. Address signs. Signs bearing only property numbers, post box numbers, or names of occupants, not to exceed two (2) square feet.
- G. Agricultural signs. Signs within the Agricultural District that serve only to identify the name of the farm, farm owner, or crops or livestock produced thereon.
- H. Street signs. Signs erected by the Township, county, state or federal government for street names, traffic control, or direction and information.

Section 20.05 – Prohibited Signs

- A. Abandoned signs.
- B. Air-filled or gas-filled balloon signs.
- C. Animated signs.
- D. Banners, pennants, and festoons, except as allowed by Section 20.06.
- E. Portable signs, except as allowed by Section 20.06.
- F. Roof signs.
- G. Signs on vehicles not used during the normal course of business which are parked or located for the primary purpose of displaying the advertising copy.
- H. Signs with flashing, moving, oscillating or blinking lights, including window signs.
- I. Temporary signs, except as allowed by Section 20.06.
- J. Video, multi-vision or tri-vision display signs.

Section 20.06 District Regulations.

- A. **Signs Permitted in the AG, LD, MD, and HD Districts and the VMU-Low Intensity Sub-Area.**
 1. One (1) on premises freestanding sign identifying each subdivision or neighborhood per vehicle entrance, having an area not exceeding 20 square feet and a height not exceeding six (6) feet is permitted.
 2. For an approved nonresidential principal use, one (1) freestanding sign not to exceed 24 square feet in area or an overall height of six (6) feet and one (1) wall sign per road frontage not to exceed 18 square feet in area and a maximum height of 12 feet.
 4. Up to 12 square feet in total area of temporary freestanding signs, and no more than four (4) total temporary freestanding signs at any given time.
- B. **Signs Permitted in the NC, CC, HC, and I Districts and the VMU-High Intensity Sub-Area.**
 1. One (1) freestanding sign shall be permitted for an individual commercial, industrial, church, school, or hospital use as located on a lot or group of lots developed as one lot. Such lots with greater than

- 100 feet of road frontage shall be permitted to have one (1) freestanding sign per 100 feet of road frontage, provided there is at least 100 feet of separation from existing freestanding signs on adjacent lots.
2. One (1) wall sign shall be permitted per building façade visible to the public from the adjacent roadway.
 3. For multiple tenant uses such as a shopping center or office complex located on a lot or group of lots developed as one lot, one (1) freestanding sign per lot or group of lots developed as one (1) lot shall be permitted. Centers located on corner lots shall be permitted one (1) freestanding sign per road frontage. In addition, one (1) wall-mounted sign per each individual use or one (1) wall sign for the shopping center shall be permitted for each façade visible to the public from the adjacent roadway.
 4. For an industrial, research, or office park with separate lots and buildings for each use, one (1) freestanding sign per park and one (1) freestanding and one (1) wall mounted sign per each individual use shall be permitted to be located on the lot of that individual use. For larger developments with more than one entrance from a local or primary road, a freestanding sign identifying the development may be permitted at each such access point.
 5. It shall be unlawful to erect any freestanding sign the height of which exceeds the maximum height level permitted within the zoning district in which the sign is located.
 6. Freestanding signs shall not have a surface area exceeding 50 square feet, unless permission for greater surface area is granted in the paragraph below.
 7. In the case of multiple tenant uses, the total surface area of the freestanding sign shall not exceed 100 square feet.
 8. Wall-mounted signs shall not exceed 20 square feet and shall not project outward from the wall more than one (1) foot or above the cornice or eaves of a pitched roof. (Signs may be located in the gable area, if applicable.) Signs erected on the vertical portion of a mansard roof are considered to be wall signs.
 9. Freestanding signs not exceeding 288 square feet are allowed within 150 feet of I-196. Only one such sign shall be permitted per 1,000 feet of frontage on a public road. At least 1,000 feet of separation shall be provided between all such signs. If a lot or parcel of land has more than 1,000 feet of frontage on a public road, one free standing sign may be erected for each 1,000 feet of frontage provided they are located at least 1,000 feet apart whether on one or more tracts of land.
 10. Projecting signs, constructed and installed perpendicular to the face of the building, are permitted provided at least 9 feet separation is provided between the bottom of the sign and the grade below the sign. Projecting signs may not project into or over the public right of way, unless permission for such location has been granted by the proper authority, nor may they be located above the eaves of the building on which they are affixed. (Signs may be located in the gable area, if applicable.) The maximum area for a projecting sign shall be the same as for wall signs. A projecting sign shall serve as a replacement for one of the permitted wall signs.
 11. Window signs shall be limited to a maximum of 20 percent (20%) of the total area of the window in which the sign is attached or visible from. Permanent or internally illuminated window signs shall be deemed a wall sign for the purposes of sign calculations. Open/closed signs two (2) square feet or less shall not be counted as a wall sign, regardless if it is illuminated.
 12. Awning / marquee signs may serve as a replacement for a wall sign. The maximum size for a sign on an awning or marquee shall be the same as that which is permitted for a wall sign at the same location. For a marquee sign, the display surface of the sign shall be attached flat against and shall

not extend beyond the vertical surface of the marquee structure. For an awning sign, the sign shall be attached flat against a vertical surface of the awning and shall not extend beyond the vertical surface of the awning. (The area of the awning sign shall be based on only the area of the awning that contains the sign and not the entire awning.) No portion of a marquee or awning sign shall be higher than the eaves of the building. (Signs may be located in the gable area, if applicable.)

13. No more than two (2) temporary signs at any one time of the following sign types:
1. Banner – A banner may not exceed 15 square feet.
 2. Portable Sidewalk – A portable sidewalk sign may not exceed eight (8) square feet and must be located a minimum of two (2) feet and a maximum of 10 feet from the building entrance.
 3. Freestanding – A freestanding sign may not exceed four (4) square feet.
- C. **Setbacks.** All signs shall satisfy the minimum yard setback requirements of the zoning district in which they are located, except as follows:
1. Free standing signs in the front yard shall be setback a minimum of ten (10) feet from the right of way.
 2. No sign shall be located so that it will obstruct the view of a driver of a vehicle at an intersection or driveway. Signs shall comply with the corner visual clearance requirements of Section 18.18.
 3. Except for those signs permitted in residential and agricultural districts, no freestanding sign shall be located closer than 200 feet to any residential zoning district boundary.

Section 20.06 B Temporary Signs.

C. Temporary Ground Signs Announcing Property Development and Providing Travel Directions.

1. Temporary ground signs advertising future use or development of property on which such signs are located may be maintained subject to the provisions of this Section provided such signs do not exceed thirty (30) square feet in area or remain longer than six (6) months. "For Rent" and "For Lease" signs in commercial and industrial districts for new buildings shall not exceed twenty-four (24) square feet or remain more than ninety (90) days after the building is completed.
2. Signs providing travel directions for real estate sales purposes are expressly permitted in all zoning districts at off-site locations approved by the Zoning Administrator. All such signs shall be considered a temporary sign, one that is allowable for use only during the time period of active sale of a specific parcel of real property or real estate development in the Township.

All such signs are also temporary, in as much as they shall only be allowed for weekend use, to be installed no earlier than 12:00 noon local time each Friday and be removed no later than 8:00 p.m. local time each Sunday afternoon.

The Zoning Administrator is empowered by the terms of the provisions of this Section of this Ordinance to remove and confiscate any and all such temporary real estate signs in violation of this Section of this Ordinance. The owner of such signs may redeem confiscated signs upon reimbursement of costs incurred by the Township for the removal of such signs.

The Zoning Administrator shall be prohibited from approving the installation of additional temporary signs by any individual or real estate firm who has been found in violation of the terms of this Ordinance concerning the removal of temporary real estate travel directional signs more than two times in any calendar year. Once the individual or firm has gone 12 months without two such violations, the Zoning Administrator may approve a permit for such a sign.

Section 20.08 General Sign Provisions

- A. **Permission of Owner or Authority.** It is unlawful to erect or maintain any sign on any property, public or private, without the consent of the owner or authority thereof. Unless specifically approved as an off-premises sign, all signs must be directly related to the use on the property on which the sign is located.
- B. **Construction.** All signs shall be securely constructed in conformance with applicable building, fire, and electrical codes and standards of this Article. Wood products shall be treated to prevent deterioration. Letters, figures, and characters shall be safely and securely attached to the sign structure. All signs shall be attached by means of metal anchors, bolts or expansion screws, and in no case shall any sign be secured with wire, strips of wood, or nails.
- C. **Illumination.** It is unlawful to erect or maintain any illumination associated with a sign where the light source moves, flashes, is not of constant intensity and color, and/or where any light bulb can shine directly into the eyes of any occupant of any vehicle traveling upon any highway, driveway, or parking areas or into any window or any residence within 200 feet, or where the illumination interferes with the visibility or readability of any traffic sign or device. The above shall not be applied to prevent the erection or maintenance of holiday lights each year, signs that convey changing information such as time or temperature, or public safety and/or traffic lights.
- F. **Changeable Copy.** Any permitted sign may include a manual or electronic changeable copy sign or electronic graphic display sign, subject to compliance with the following requirements:
1. The area of a changeable copy sign or graphic display sign shall be included in the maximum sign area limitation. The area of a changeable copy sign or graphic display sign shall not exceed 40% of the maximum allowed sign area. Only one changeable copy sign or graphic display sign shall be allowed per lot.
 2. A changeable copy sign or graphic display sign shall not change its message more frequently than once every 12 seconds.
 3. The message of a changeable copy sign shall, when changing, appear only in its entirety. The message shall not appear to flash, move from the center of the sign outward, move from the corners of the sign inward or demonstrate any other unusual movement, oscillation or method of appearance.
 4. A changeable copy sign shall not display full white copy between sunset and sunrise and otherwise shall not feature a brightness level deemed to be a distraction or injurious to the vision of motorists, as determined by the Township. The changeable copy sign shall be equipped with an ambient light sensor to regulate sign brightness.
- G. **Signs Located on or Projecting Over Public Property.** It is unlawful to erect or maintain any sign on, over, or above any public land or right-of-way without the permission of the appropriate authority. Signs placed upon a public right-of-way contrary to the provisions of this Ordinance may be removed by the Zoning Administrator if they have been located without permission. This Ordinance does not apply to signs posted by duly constituted public authorities in the performance of their public duties or signs receiving proper approval of the necessary State or County authorities.
- H. **Maintenance.** All signs, sign frames, sign copy areas, panels, structural elements, lamps and electrical hardware shall be maintained in good repair and working order, so as to present a neat and orderly appearance. Non-galvanized or corrosion-resistant materials shall be painted when necessary to prevent corrosion.
- I. **Substitution.** Notwithstanding anything in this ordinance to the contrary, noncommercial copy may be substituted for commercial copy on any lawful sign structure.
- J. **Violations.** A violation of the requirements of this Article 20 shall be treated in the same manner as any other violation of the Zoning Ordinance and treated as described in Sections 27.06-27.08.

Section 20.09 Off-Premises Directional Signs.

Off-premises directional signs shall provide direction to traveling motorists to permitted nonresidential uses in the Township. Such signs shall not contain any advertising or sales messages (other than a logo) but shall provide simply directions to the facility. These signs shall be permitted to be located on property other than that which the facility is located subject to the following conditions:

- A. All signs shall be located outside of the right of way and situated such to provide clear visibility for motorists and pedestrians at intersections, driveways, and along the roadway in compliance with the standards in Section 18.18.
- B. Off-premises directional signs shall be limited to 16 square feet in size. Multiple businesses may locate on the same sign. If this is done, the maximum size of the consolidated sign shall be sum of each of the individual maximums plus an additional 10 square feet. (Take the number of businesses (i.e. 3) and multiply by 16 (i.e. $3 * 16$). Then, add 10 extra square feet ($3 * 16 + 10 = 58\text{sf max.}$))
- C. The maximum height of the off-premises sign shall be 10 feet. The height shall be measured from the elevation of the road surface at the edge of pavement nearest the sign location. If multiple businesses are located on the same sign, the maximum height shall be increased to 12 feet.
- D. Each business or use shall be permitted a maximum of three off-premises directional signs in the Township.
- E. No more than three off-premises directional signs shall be located on any one parcel or group of parcels under similar ownership. (A consolidated sign with multiple businesses shall count as one sign for purposes of this standard.)
- F. Multiple signs at the same site shall be located adjacent to each other to limit sign clutter.
- G. Off-premises directional signs shall be non-illuminated.
- H. Off-premises directional signs shall be permitted on state highways and County primary roads only.
- I. Off-premises directional signs must be maintained in good condition and repair. A sign must be constructed in such a fashion that it will withstand all wind and vibration forces which can normally be expected to occur in the vicinity. A sign must be maintained so as to assure proper alignment of structure, continued structural soundness, and continued readability of message. The sign shall fully comply with the current building and electrical codes adopted by the Township.
- J. Off-premises directional signs shall be constructed of permanent materials. Use of materials such as wood, cardboard, and paper shall be prohibited. The signs shall be permanently attached to the ground, a building, or another structure by direct attachment to a rigid wall, frame, or structure. The supports may be made of treated wood. Exposed surfaces shall be clean and painted, if required.
- K. Any off-premises directional sign that no longer identifies a business that is in operation (other than seasonal businesses that are closed for a season before opening again in a few months) shall be considered abandoned and shall be removed by the owner of the property or business within 30 days of the cessation of operation. After notification, if the business or property owner has not addressed the violation, the Township shall have the right to remove the sign. All costs incurred by Covert Township in the enforcement of this Section shall become an enforceable lien against the property owner on which said sign is erected.

Section 20.10 Non-conforming Signs.

- A. **Lawful Existing Signs.** Any sign lawfully existing at the time of this Article which does not fully comply with all provisions shall be considered a non-conforming sign and may be permitted to remain as long as the sign is properly maintained and not detrimental to the health, safety and welfare of the community except as hereafter provided.
- B. **Continuance.** A non-conforming sign shall not:

1. Be expanded or changed to another non-conforming sign;
2. Be relocated or structurally altered so as to prolong the life of the sign or so as to change the shape, size, type, placement, or design of the sign;
3. Be re-established or maintained after the activity, business or usage to which it relates has been discontinued for 90 days or longer;
4. Be repaired or re-erected after being damaged if the repair or re-erection of the sign would cost more than 50 percent of the cost of an identical new sign.

C. **Intent.** It is the intent of this section to encourage eventual elimination of signs that, as a result of the adoption of this Chapter, become non-conforming, and to administer this Chapter to realize the removal of illegal non-conforming signs and to avoid any unreasonable invasion of established private property rights, therefore:

1. No person shall be required to remove a sign which was erected in compliance with previous regulations of this Chapter if said sign becomes nonconforming due to a change occurring after adoption of this chapter, or in the location of buildings, streets or other signs, which change, is beyond the control of the owner of the sign and the premises on which it is located.
2. If the owner of a sign or the premises on which a sign is located changes the location or size of a building, property line, or sign, or changes the use of a building so that any sign on the premises is rendered nonconforming, such sign must be removed or made to conform to this Chapter.
3. If a sign was installed prior to the adoption of this Ordinance or any amendment thereto and was established illegally because it did not receive a permit, it was not constructed in accordance with the standards of the ordinance in place at that time, and/or any other similar reason, such sign shall not be considered a nonconforming sign and shall not be granted the privileges of this section. Such a sign shall continue to be considered an illegal sign.

Section 20.11 - Sign Removal by Township Action.

A. **Abandoned and Illegal Signs.** The Planning Commission shall have the authority to require the removal of abandoned and illegal signs in the Township subject to the following:

1. **Public Hearing.** Such action may be taken only after a public hearing has been held at which time the owner, operator, or person having beneficial use of the property upon which the sign is located shall be given an opportunity to present evidence that the sign is not abandoned or illegal or should not be removed.
2. **Determination.** Subsequent to the hearing, the Planning Commission shall make a determination as to whether the sign is an abandoned or illegal sign, as defined by this Ordinance. Written notification of the determination, and any order for removal, shall be provided to the sign owner, operator or person having beneficial use of the property upon which the sign is located.
3. **Removal.** Abandoned or illegal signs shall be removed within 30 days of the determination and order for removal by the Planning Commission. All sign copy and component parts shall be completely removed and the area where the sign was located shall be restored as nearly as possible to its original condition. Failure to remove the sign shall constitute grounds for the Township to seek Circuit Court approval to remove the sign at the expense of the owner of the property upon which the sign is located. The Township shall then place a lien on the property, adding necessary removal expenses to the tax bill for the property.

4. Abandoned signs are signs advertising businesses no longer in business for a period greater than 90 days. Illegal signs are signs that are constructed without a permit and/or are constructed out of compliance with the standards of this Ordinance.

- B. **Damaged Signs.** Signs determined to be in a damaged condition by the Zoning Administrator shall be repaired, replaced, or removed to the satisfaction of the Zoning Administrator by the owner, operator or person having beneficial use of the property upon which the sign is located. Such signs may be repaired or removed by the Township at the expense of the owner of the property upon which the sign is located, if such action is not taken by the owner within 15 days. The Township shall then place a lien on the property, adding necessary removal expenses to the tax bill for the property.

- C. **Temporary Signs.** Temporary signs erected or displayed within a street right of way or corner clearance area without a valid permit, or after the expiration of a permit, may be removed by the Township without notice. Signs removed shall be held by the Township for a 15 day reclamation period, after which the signs shall be deemed abandoned and shall be discarded.

- D. **Unsafe Signs.** Signs determined to be unsafe by the Zoning Administrator shall be immediately removed or repaired to the satisfaction of the Zoning Administrator by the owner, operator, or person having beneficial use of the property upon which the sign is located. Such signs may be removed by the Township at the expense of the owner of the property upon which the sign is located if such action is not taken by the owner within 24 hours. The Township shall then place a lien on the property, adding necessary removal expenses to the tax bill for the property.

Section 20.12 – Severability Clause

If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word in this Article is declared invalid, such invalidity shall not affect the validity or enforceability of the remaining portions of this Article.

(Article 20 amended by Ord. 68, 11/11/07; Ord. 77, 11/18/09; Ord. 78, 10/01/10; Ord. 82, 2/26/12; Ord. 93, 3/14/2017.)

ARTICLE 21 MINERAL REMOVAL

Section 21.01 - Intent

The removal of sand, gravel, limestone, or similar materials by excavation, stripping, mining or otherwise taking, and including on-site operations appurtenant to the taking, including washing, grading, sorting or grinding operations shall be permitted only on land areas that are not included within the Critical Dune Area as designated by the Michigan Department of Environmental Quality (MDEQ) as shown in its atlas of critical dune areas as amended from time to time and only when such land areas are located in the Agricultural or Industrial Zoning Districts when approved and permitted pursuant to the requirements of this Section. Sites for which mining permits have been issued and mining begun previous to the effective date of this ordinance may be completed in accordance with the regulations and agreement in effect at the time the permits were issued. The Township reserves the right to waive any requirements deemed unnecessary in a specific case.

Section 21.02 - Permitted and Prohibited Activities

All processing of new materials from new sites begun subsequent to the effective date of this Ordinance including washing, grading, and further processing and/or storing shall be conducted entirely on the minerals removal site except that materials extracted may be hauled to locations outside the Township for further processing. No minerals extracted outside the limits of the property in question shall be brought in for washing, grading or further processing, except in the event of a public emergency as declared by the Township Board of Covert Township requiring the use of said natural resource. Resource related industries including, but not limited to concrete batching plants and asphalt mixing plants shall not be permitted as a use under these provisions.

All mineral removal operations shall not disturb in any manner clay aquifers underlying any mineral formations, on the site being mined. However, a mineral removal operation shall be permitted to mine or otherwise disturb clay lenses within mineral formations, which are being mined, so long as the lenses are not contiguous with a clay aquifers.

No subsurface mineral removal shall be allowed below the 575 ft GLD elevation. Any subsurface mining shall also comply with the applicable State regulations.

Section 21.03 - Application, Review and Permit/Renewal Procedure

A. Application and Required Documents and Fee

Applications for permits for the mining and removal of any natural resource from Covert Township shall be filed with the Zoning Administrator by the owners and/or lease holder of the land proposed for extraction purposes.

All application shall contain a transmittal letter containing the name, address and telephone number of the applicant=s and be accompanied by the fee as listed the Township Schedule of Fees as established by the Township Board, from time to time.

The following items shall accompany the application:

1. Application

A completed mineral removal permit application on a form provided by the Zoning Administrator:

- a. Name, address, telephone number of applicant/operator.
- b. Name, address, telephone number of applicant's contact person.
- c. Name, address, telephone number of owner if different than applicant.
- d. Legal description of lot or lots for which a mineral removal permit is sought.
- e. Tax parcel code numbers for (d) above.
- f. Signature of applicant certifying that the information submitted on and with the permit application is true and correct to the best of his/her knowledge.
- g. If the owner is different than the applicant, signature of owner certifying that applicant is authorized to the submit permit application.

2. Mineral Removal Operations Plan

A narrative and graphic presentation containing a:

- a. Description of the type of mineral to be mined.
- b. Description of the method of mining minerals from the site.
- c. Description of the method of moving minerals removed from the site for processing.
- d. Description of the method of processing minerals removed from the site.
- e. Description of the method of loading minerals removed from the site for transporting.
- f. Description of the method of transporting minerals removed from the site to its destinations.
- g. Description of any other equipment, structures, or land improvements at the mineral removal site.
- h. Estimated quantities of minerals to be removed from the site, from current year to completion of removal operation.
- i. Proposed sequence in which cell-units will be mined, from current year to completion of removal operation.
- j. Estimated dates for completion of restoration of cell-units.
- k. Estimated dates for reuse of restored cell-units.
- l. Measures to be taken to control noise.
- m. Measures to be taken to control wind-blown minerals and dust.
- n. Measures to be taken to control access to site.
- o. Measures to be taken to control glare.
- p. Measures to be taken to prevent trespassing.
- q. Measures to be taken to prevent waste accumulation.
- r. Measures to be taken to prevent erosion.
- s. Measures to be taken to prevent stagnant water.
- t. Measures to be taken to preserve existing vegetation.
- u. Measures to be taken to protect barrier dunes and critical dunes.
- v. Description of hours of operations for mining, moving, processing, loading, and transporting.
- w. If minerals removed will be shipped off-site by truck, description of type of trucks used, weight of loaded trucks, number of trucks leaving site per day, route through Township to be used by trucks leaving site.
- x. Description of any other significant aspect of proposed mineral removal operations.
- y. Description of the impact of the proposed mineral removal operations upon existing mineral removal operations in the Township.

3. Hydrogeological Report

A narrative and graphic presentation containing a current hydrogeological report prepared by a qualified engineer, explaining the impact of the proposed mineral removal operations upon the groundwater under the mineral removal site, under adjacent property within one-half mile of the mineral removal site.

4. Physical and Environmental Features Inventory

A narrative and graphic presentation containing an inventory of the physical and environmental elements of the proposed site. The inventory shall be conducted at a time or at different times of the year that will provide the most complete information regarding the existing conditions of the area that will be impacted directly or indirectly by the proposed activity.

5. Threatened or Endangered Species Inventory

A narrative and graphic presentation containing an inventory if threatened or endangered species are identified within the cell-unit boundaries, including measures to be taken to protect threatened or endangered species or, if not protected, measures to mitigate damage.

6. Mineral Processing and/or Treatment Operations

A narrative and graphic presentation if the proposed mineral removal activity includes beneficiation or treatment of the minerals, the application documents shall include specific plans depicting the methods, techniques, and manufacturer's material safety data sheets on all chemicals, or other additives that are not natural to the site, that will be utilized in the process. The operator shall also obtain all applicable state and federal permits prior to beginning the beneficiation process.

7. Road Access and Transport Plan

A narrative and area map showing access and haul routes and identifying wetlands, streams, lakes and ponds within a mile of the mining site.

8. Mineral Removal Site Plan

A mineral removal site plan (drawing), drawn to the following specifications, including the lot or lots on any portion of which mineral mining, moving, processing, loading, and transportation is to occur, and including adjacent property within 200 feet of the lot boundaries:

- a. Prepared by a registered engineer or land surveyor, dated, sealed, and signed.
- b. Scale of 1"=200'
- c. North point, scale, date, revision block.
- d. Adjacent public streets, which provide access to site.
- e. Locate all existing structures and land improvements.
- f. Delineate 100-year flood plain boundaries.
- g. Existing elevations at 2 foot contours.
- h. Existing and proposed driveways and on-site service roads.
- i. Benchmark references.
- j. Locate any recorded easements or rights of way.
- k. Locate existing and proposed fences, gates, signs, parking areas.
- l. Locate existing and proposed fixed mineral removal equipment or structures.
- m. Locate existing and proposed fixed mineral moving equipment or structures.
- n. Locate existing and proposed fixed mineral processing equipment or structures.
- o. Locate existing and proposed fixed mineral loading equipment or structures.
- p. Locate existing and proposed fixed mineral transportation equipment or structures.
- q. Boundaries of lot-or lots for which a permit is sought.
- r. Boundaries of adjacent properties within 200= of lot boundaries,
- s. Boundaries of area proposed to be mined, with mining cell-units numbered and cell-unit boundaries indicated and cell-unit acreage indicated. Completed, interim, active and future cell-units shall be so designated. Locate all corners of cell-units with UTM coordinates or other acceptable coordinate system.
- t. Setback lines as required by this ordinance.
- u. Locate existing and proposed exterior lighting fixtures.
- v. Locate any barrier dunes or critical dune areas as designated by the MDEQ.
- w. Existing and proposed boundaries of any man-made lakes, and indicate existing acreage of surface area.

9. Restoration Plan

A narrative and graphic presentation including a site plan prepared by a registered engineer or land surveyor, dated, sealed, and signed, prepared according to the following specifications showing the lot or lots on any portion of which mining, moving, processing, loading, and transportation has been conducted, is being conducted, or will be conducted, and including adjacent property within 200 feet of the lot boundaries, drawn to the following specifications:

- a. Scale of 1"=200'
- b. North point, scale, date, revision block.
- c. Adjacent public streets, which provide access to site.
- d. Locations of post-mining structures and land improvements, if any.
- e. Delineate 100-year flood plain boundaries.
- f. Post-mining elevations at 2foot contours.
- g. Post-mining driveways and on-site service roads,
- h. Benchmark references.
- i. Locate any recorded easement rights of way.
- j. Locate any post-mining fences, gates, signs, parking areas.

- k. Boundaries of lot or lots for which a permit is sought.
- l. Boundaries of adjacent properties within 200 feet of lot boundaries.
- m. Boundaries of land and area (in acres) that has been restored.
- n. Boundaries of land area in process of being restored, and indicate acreage.
- o. Boundaries of land area being mined, and indicate acreage.
- p. Boundaries of land area to be mined, and indicate acreage.
- q. Setback lines as required by this ordinance.
- r. Locate any barrier dunes or critical dune areas as designated by the MDEQ.
- s. Boundaries of any man-made lakes, and indicate acreage of surface area.
- t. A complete narrative description of:
 - 1). The materials and methods proposed to restore the topsoil, and the amount and type of plants or landscaping proposed to restore the finished elevations.
 - 2). The schedule of restoration activities from permit application year to completion, including starting and completion of final grading, topsoil replacement, and planting or landscaping by cell-unit.
 - 3). An estimate of current costs to complete the restoration of each cell-unit, and a total for all cell-units.
 - 4). The schedule for removal from the site of all sand mining, moving, processing, loading and transporting equipment, and any other items.
 - 5). An estimate of current costs to complete the removal of the items in (4) above.

10. Reuse Plan

A narrative and graphic presentation including a site plan (drawing) prepared according to the following specifications showing the lot or lots on any portion of which mining, moving, loading, sand shipping has been conducted or will be conducted, and including adjacent property within 200 feet of the lot boundaries, drawn to the specifications listed within this subsection. The submission and review of a reuse plan shall not constitute either an application for zoning approval.

- a. Prepared by a professional community planner, dated, sealed, and signed.
- b. Scale of 1"=200feet.
- c. North point, scale, date, revision block.
- d. Adjacent public streets that provide access to site.
- e. Location of existing structures which would remain on site, if any, and location of existing structures which will be removed from site.
- f. Delineate 100-year flood plain boundaries.
- g. Final elevations at 2foot contours.
- h. Benchmark references.
- i. Locate any recorded easements or rights of way.
- j. Boundaries of lot or lots for which a permit is sought.
- k. Boundaries of adjacent properties within 200 feet of lot boundaries.
- l. Locate any barrier dunes or critical dune areas as designated by the State.
- m. Boundaries of any bodies of water, natural or man-made.
- n. Indicate existing adjacent land uses.
- o. Locate proposed buildings, structures, or other improvements, and indicate required setbacks.
- p. Locate proposed streets, drives, and parking areas.
- q. Locate proposed trees, shrubs and other landscaping.
- r. Locate existing and proposed water mains, sanitary sewer mains, and storm water drainage facilities, and appurtenances.
- s. Locate existing and proposed electric lines, natural gas mains, and telephone and cable television lines.
- t. A complete narrative description of:
 - 1). Proposed land use or uses, which is or are compatible with the Township's adopted future land use plan.

- 2). An estimate of the water, storm water, and sanitary waste effects for the proposed land uses.
- 3). The calculation of the amount of storm water runoff from the site in its proposed use.
- 4). An estimate of current costs to extend water mains to the site and provide common storm water and sanitary waste processing facilities, with appurtenances, in sufficient capacities to serve the proposed use.
- 5). The proposed schedule for implementing the proposed use described in (1) above

11. Vertical Aerial Photography

A vertical aerial photograph, printed at 1"=200' from an original photograph negative at a scale no smaller than 1"=1000' shall be provided with the application. The area covered by the vertical aerial photograph shall include:

- a. All land covered by the current permit application
- b. All contiguous land that is, or has been used by the owner or operator for an extraction, treatment or storage.
- c. Land within 1000 feet of (a) or (b) above.
- d. All public roads that can provide access to the site.

B. Review and Approval of Permit Application

The Zoning Administrator shall be responsible for receiving and processing all applications for mineral removal permits. The Zoning Administrator shall accept for processing only applications which in the Zoning Administrators opinion are compliant with the application requirements.

Upon receiving a complete application for a permit the Zoning Administrator shall process the application according to the following steps:

1. After completing his review of the application, the zoning administrator shall give a written report on the applicant's compliance with the requirements of this ordinance to the Planning Commission.
2. At the same time he submits his report and the application to the Planning Commission, the zoning administrator shall schedule a public hearing on the application by the Planning Commission. Notice of the public hearing shall be published in accordance with Article 29, Section 29.03.
3. At the public hearing, the Planning Commission shall receive a presentation from the applicant regarding his application, and shall receive written and oral comments regarding the application and the effects of the proposed mineral removal upon persons and property within 300 feet of the proposed mining site and on the Township as a whole.
4. After the public hearing, the Planning Commission may request additional information from the applicant. After the public hearing and after receiving and considering any additional information, the Planning Commission shall either recommend approval of, recommend disapproval of, or make no recommendation pertaining to the permit, application and shall transmit the permit application to the Township Board for final consideration.
5. The Township Board shall review any recommendation from the Planning Commission and shall consider the permit application for approval or disapproval.
6. If the Township Board does not approve the permit application, it shall advise the applicant in writing of its reasons for not approving the permit application.
7. If the Township Board approves the permit application, the Zoning Administrator shall issue a mineral removal permit to the applicant upon receiving the required performance guarantee in the amount established by the Township Board. The application and all documents, drawings, and plans submitted with the permit application shall be incorporated by reference into the permit issued by the Zoning Administrator.
8. If the person or firm authorized to conduct mineral removal operations and the owner of the mineral removal site are not the same person or firm, then the Zoning Administrator shall issue an authorized permit jointly to the operator and property owner.

C. Standards for Review

Standards for Planning Commission and Township Board review of a permit application are as follows:

1. The applicant's compliance with the operations, maintenance, performance, reclamation, and reuse standards as set forth in Subsection C above.
2. The impact of mining, moving, processing, loading, and transportation on adjacent property.
3. The impact of mineral removal on the groundwater under the mining site and under adjacent property.
4. The creation of any public or private nuisance.
5. The adequacy of the plan for restoration of the site after mining is completed.
6. The adequacy of the plan for reuse of the site after mining is completed and the site is restored.
7. The spirit and intent of the Township's adopted future land use plan being preserved and promoted by the reuse plan.
8. The elimination of preferred future land uses for the land to be mined due to the proposed mineral removal.
9. The reasonableness of the applicant's schedule for completion of mining, completion of restoration of the site; and commencement of reuse of the restored site.
10. The financial burden placed upon the Township by the proposed mineral removal operation.
11. The commercial necessity of the proposed mineral removal operation.
12. The impact of the proposed mineral removal operations upon existing mineral removal operations in the Township.
13. Evidence that all necessary state permits have been acquired.
14. Acquisition of all required state and federal permits.
15. Special conditions which may need to be imposed with approval of an application to eliminate or mitigate any potentially adverse impacts upon adjacent property, on public services or facilities, or on the natural environment; to conserve natural resources or energy; to ensure that Mineral removal operations will not create a nuisance or unreasonably interfere with the enjoyment of life or property; or otherwise to protect the public health, safety and welfare.

D. Restoration Performance Guarantee

So as to assure faithful restoration of the natural resources area, the petitioner shall deposit with the Township Clerk a surety bond acceptable to the Township Board, or in lieu thereof cash, a certified check or irrevocable bank letter of credit. The amount of such deposit shall be established by the Township Board based upon an estimate by the Township Engineer and shall be sufficient to finance restoration of the distributed area. However, in no event shall the amount of the deposit be less than \$10,000.00 per acre of land, less any amount of a performance guarantee required of the Michigan Department of Environmental Quality, to be stripped or mined. This deposit shall be submitted by the petitioner prior to the issuance of any permit, and shall be held in escrow by the Township until restoration is completed and has been approved by the Township Board. So as to prevent undue hardship, the Township Board, may at its discretion, approve bonds for areas less than the total acreage applied for.

However, at no time shall any excavation be undertaken unless and until sufficient bond has been deposited to insure restoration of the areas to be disturbed.

In the event that the applicant has previously provided financial security for the same acreage equal or in excess of that required above pursuant to any applicable federal and/or State environmental statutes, regulations or orders, submission of financial security as required herein shall be waived.

In the event of deviation from an approved restoration plan, the Zoning Administrator shall notify the permit holder of a violation. Failure to correct said violation within thirty (30) days shall automatically suspend any permits issued relating to the site in question and/or prevent the issuance of new permit until such time as the deviation has been corrected in keeping with requirements set forth by the Township Board. Appeals from a decision of the Zoning Administrator shall, in regard to an alleged violation, be directed to the Township Board. The Zoning Administrator may at his discretion extend the thirty-day (30) period for correction of violations if in his opinion a good faith effort to complete the correction has been made but such efforts have been frustrated by weather beyond the-control of the permit.

E. Issuance of Mineral Removal Permit

Following review of the application the Township Board shall then cause to be prepared a permit to the applicant specifying in detail the terms and conditions of the permit all in accordance with the requirements of this Ordinance. The permit shall specify that the cost of periodic inspection of the site by qualified persons chosen by the Township Board, the cost of all tests, measurements and other monitoring and surveillance procedures. The cost of-periodic reports to the Township Board and all other costs of administering the terms of the permit shall be paid by the applicant. Removal of resource material may begin only after the permit has been duly executed by the applicant and the Township.

F. Terminating of Mining

Termination of mining operations shall be any of the following:

1. The actual cessation of substantial mining activities for a continuous period of twelve (12) months or,
2. The actual cessation of substantial mining activities with the intention of abandoning such activities, or
3. The actual cessation of substantial mining activities for a period of six (6) months with the revocation of the Michigan Department of Environmental Quality sand mining permit

G. Term of Permit and Renewal

A permit for such use shall be issued for a one (1) year period by the Township Board only after recommendation by the Planning Commission, and after holding the required public hearing, and determination that all Township requirements including those specified in this Ordinance are met. The applicant shall file for an annual review of the permit yearly which shall be granted by the Township Board unless the applicant has failed to comply with and/or violates the terms of the permit. Minor permit adjustments, if required after a permit has been issued, may be made by the Township Planning Commission.

H. Specific Operating Requirements and Terms of Permit

The following specific operation requirements shall apply to all mineral removal operations within the Township:

1. Sequence of Operations

No more than three (3) cell units (defined as a subunit of a mineral removal site as determined in size and location by the applicant, but which shall not exceed eight (8) acres in size) may be mined at one time. A cell that has been mined and revegetated but before the pant material has survived for one full calendar year will be considered in interim status, of which only three (3) cell may have such status at one time. After a cell-unit has been reclaimed, it may no longer be used in the mining operations, in any manner.

2. Initial and Final Site Restoration

All areas where sand has been removed to the finished grade, as established by prior approval of the Township Board are required to be reclaimed, the topsoil replaced and stabilized so as to prevent erosion and the blowing of sand and dust onto adjacent property, streets and highways. The reclamation, placement of top soil, planting of trees, grass or other suitable ground cover shall be made by the owner of the mineral removal operation to the end that erosion will be prevented, the blowing of sand and dust eliminated, and the property restored so as to present as nearly as possible, except for contour, its natural state before the sand removal was begun. Such restoration, plantings and maintenance thereof shall be at the sole expense of the owner of the mineral removal Commission operation. Failure to comply with the reclamation and maintenance of the land as herein above provided within a reasonable period of time, and after written notice to the owner, shall result in the revocation of the owner's permit to continue the removal of sand or other soil resources in the Township of Covert. Upon issuance of the written notice of revocation, the Township shall utilize all legal means to restore the site including use of any security provided by the applicant.

For initial restoration of the surface American beach grass (*Ammophila breviligulata*) shall be used placed at twenty-four (24) inches on center and with appropriate fertilizer and irrigation, or an approved alternative, to within ten (10) feet of any water body that may be created.

For final restoration the planting of trees with appropriate fertilizer and irrigations (which shall be maintained until the plants are fully established) at an average density of one (1) tree per two hundred twenty-five (225) square feet of upland restored areas selected from the following list of approved plant material list shall be included.

3. Exiting the Site

The permittee not longer than twelve (12) months after termination of the mining operation shall:

- a. Complete the site restoration in accordance with the last restoration plan submitted by the permittee and approved by the Township , and
- b. Remove all mining and other equipment from the site, above or below ground, or in, or over or underwater.

EVERGREEN TREES

(Minimum five (5) feet in height.)

1. Hemlock (*Tsuga canadensis*)
2. Red Pine (*Pinus resinosa*)
3. Eastern White Pine (*Pinus strobes*)
4. Jack Pine (*Pinus banksiana*)
5. Eastern Red Cedar (*Juniperus virginiana*)

EVERGREEN SHRUBS

(Minimum two (2) foot spread)

1. Canadian Yew (*Taxus canadensis*)
2. Common Juniper (*Juniperus communis*)

SMALL TREES and WOODY SHRUBS

(Minimum four (4) feet in height.)

1. Flowering Dogwood (*Cornus florida*)
2. Gray Dogwood (*Cornus foemina*)
3. Juneberry Bush, Serviceberry (*Amelanchier arborea*)
4. Hoptree (*Ptelea trifoliata*)
5. American Hornbeam (*Carpinus caroliniana*)
6. Common Witchhazel (*Hamamelis virginiana*)
7. Blackhaw Viburnum (*Viburnum prunifolium*)
8. Mapleleaf Viburnum (*Viburnum acerifolium*)
9. Chokecherry (*Prunus virginiana*)
10. Wild Black Currant (*Ribes americanum*)

LARGE DECIDUOUS TREES

(Minimum eight (8) feet in height.)

1. American Beech (*Fagus grandifolia*)
2. Big Tooth Aspen (*Populus grandidentata*)
3. Yellow Birch (*Betula alleghaniensis*)
4. Paper Birch (*Betula papyrifera*)
5. Red Maple (*Acer rubrum*)
6. Sugar Maple (*Acer saccharum*)
7. American Hophornbeam (*Ostrya virginiana*)
8. American Linden (*Tilia americana*)
9. White Oak (*Quercus alba*)
10. Red Oak (*Quercus rubra*)
11. Black Oak (*Quercus velutina*)

4. Setbacks

Setbacks shall conform to the following schedule. Setbacks may be varied by the Board of Appeals when the outer boundary of the property abuts a body of water. In granting the variance, the Board of Appeals shall establish a specific setback so as to secure public safety.

Equipment	From Property Lines	From Streets ROW	From Lake Michigan	From Brandywine & Rogers Creek
Mining	200=	200'	1,000'	1,000'
Moving	200'	200=	1,000'	500'
Processing	500'	1,000'	1,000'	500=
Loading	500'	1,000'	1,000'	500'

5. Structures and Equipment

No business, industrial structures, or commercial buildings, shall be erected without the prior approval of the Township Board, except where the mineral removal activity occurs in a commercial or industrial district where such buildings are a permitted use. To reduce the effects of air-born dust, dirt, and noise, all structures and equipment for sorting, crushing, loading, weighing and other operations, shall be built no closer than three hundred (300) feet to any public street right-of-way or to any adjoining residentially zoned district.

6. Noise and Glare

At no point on the boundary of the mineral removal site shall the sound pressure level of a sound emanating from any mineral removal and/or transport equipment any vehicles used on the site exceed 70dB (A), except for warning devices emitting sounds for warning purposes as authorized by law. A decibel is defined as a unit of measured to express the magnitude of sound pressure and sound intensity, where the sound pressure level of a given sound is defined to be twenty (20) times the common logarithm of the ratio of sound pressure to a reference pressure of 2×10^{-5} Newton per meter squared; and dB (A) means the sound pressure level in decibels measured on the A scale of a standard sound level meter having characteristics defined by the American National Standards Institute.

As permitted by law, presence detectors that prevent warning devices from emitting sound when there is no object behind the vehicle can be used.

The light source from any lighting fixture associated with the mineral removal, processing, and transport equipment and any vehicles used on the site shall be shielded or directed away for adjacent property to hide the view of the of the light source.

7. Frontage and Access

Each tract of land for extraction uses shall have a minimum frontage on a state or county all weather road approved for such use as designated truck routes for access to the site by the Van Buren County Road Commission and/or Michigan Department of Transportation of at least one hundred and fifty (150) feet.

A mineral removal operation, if the tract has no frontage but is fronted by an active mineral removal operation, if written permission for access to major or secondary thoroughfare is first secured from owner in fee and lease holder, if any, of said frontage property.

8. Fencing

Any excavation which results in, or produces for a period of one (1) month, collections of water or slopes as described below shall be subject to the following safety requirements.

Where slopes steeper than thirty (30) degrees exist for a period of one (1) month or more access to such slopes shall be barred by a chain link fence or similarly effective barrier at least six (6) feet high; at least fifty (50) feet outside the edge of the excavation with suitable gates controlling access to the excavation area.

Where collections of water are one (1) foot or more in depth for any period of one (1) month or more, and occupying an area of two hundred (200) square feet or more, access to such collections shall be similarly fenced, as required in (a) above, for slopes.

In those instances where the extraction operation is situated in marginal land areas consisting of swamp land, or is bounded by natural bodies of water, the fence shall be required only on those sides accessible to public rights-of-way or as the Township Board may determine as requiring fencing so as to secure safety. Township Board may require the posting of signs "KEEP OUT DANGER" as needed.

9. Screening

All operations, excavation, equipment and stockpiles shall be reasonably screened from view from adjacent by well maintained, fences, trees and shrubs or berms. Residential uses and public streets adjacent to a mineral removal site shall be screened from mineral removal operations with a minimum six (6) feet high screen. Acceptable screening methods are raised earth berms, coniferous trees, fences that provide eighty (80%) percent solid visual barrier, and natural topography.

10. Access Roads

All private access roads shall be treated so as to create a dust-free surface for a distance of three hundred (300) feet from any public access road, regardless of the zoning district in which the site is located. If the access road is located within three hundred (300) feet of a residence, the access roads shall be treated so as to create a dust-free surface for a distance of three hundred (300) feet for the residence.

11. Slopes

Finished slopes of the banks of the excavation shall in no event exceed a maximum slope of five to one ((five (5) feet horizontal to one (1) foot vertical)) and where ponded water results from the operations, this slope must be maintained and extended into the water to a depth of five (5) feet.

Said slope requirements shall be met as the work in one section of the excavation proceeds, and the time for completion of said slopes shall not extend beyond one (1) year's time from the date of beginning of-the excavation operation, provided that the Township Board may extend the above one (1) year period to such longer period as is satisfactory under the circumstances.

All changes in the natural contour of the land during mining operations shall be maintained as safe for any person having reason to be in the area of mining activity and for all children who might trespass upon the premises. The owner shall be responsible for taking such protective steps and measures as may be necessary to satisfy and secure public safety.

All topsoil shall be removed and stockpiled on the site and following excavation operations shall be spread over the effected area. Such replacement of topsoil shall be made immediately following the termination of excavating operations. So as to prevent erosion of slopes, all replaced top soil shall immediately be planted with native dune grass or other plant material acceptable to the Township Board. All plant materials shall be maintained in thriving condition by the applicant for at least one (1) year after planting.

12. Erosion Control

An operator of a mineral removal operation shall prepare, submit for approval and contentiously implement an erosion control plan designed to prevent the off-site blowing of sand and dust which would be a nuisance to adjacent public or private property.

13. Explosives

The use of explosives shall be in accordance with the "Regulations for Storage and Handling of Explosives," as published by the Michigan State Police, Fire Marshall Division, East Lansing, Michigan.

14. Existing Vegetation

Trees and other vegetation shall not be stripped off dunes or hills preparatory to sand removal so as to unnecessarily expose large areas of sand subject to wind erosion that will cause sand and dust to be carried by the wind onto adjacent and adjoining properties or public or private streets and create a nuisance thereby. Insofar as it is practicable to do so, hills and dunes shall be bared or stripped in limited areas and only with the prior approval of the Township Board so as to limit and restrict bared areas to sections where active day to day sand removal is being carried on, so as to avoid unnecessary erosions, blowing sand and dust. The Township Board, may at any time after written notice to the owner and with or without a public hearing thereon, limit any and all further stripping of dunes or further stripping of trees and vegetation from dunes or hills, until all areas previously bared are cleaned up, topsoil replaced and stabilized by plantings thereon.

15. Truck Traffic

All truck traffic shall be directed away from residential streets and traffic patterns shall have prior approval of the Township Board.

16. Restriction of Hours

Where operations are carried on next to residences and where noise created by earth moving machinery and trucks is such that the operation would unreasonably disturb the peace and tranquility of the occupants of such residences, the Township Board may require, as a condition of the issuance of a permit for sand removal, that the operations be limited to the hours between 8:00 a.m. to 7:00 p.m. daily, except for Sunday, or such other reasonable restrictions as to time of operation that might be necessary, in the discretion of the Township Board, to preserve the peace and quiet of the neighborhood.

Under emergency circumstances, the hours of operation may be modified for a temporary period not to exceed fourteen (14) days, upon receipt of approval of the Township Supervisor.

17. Spillage on Public Streets

The applicant shall be required to prevent sand and/or other soil from being deposited on the public rights-of-way in the Township and shall be responsible for cleaning up spillage on said rights-of-way, when due to the operation of the Permittee, including spillage by any person, whether an employee of the applicant or not, hauling anything out of the permit area.

18. On-site Burning and Fires

Open burning or fires on any mineral removal site are prohibited.

19. Waste

No trash, rubbish, junk, refuse of any kind, inoperable vehicles or equipment, building materials, or unwholesome substances shall be permitted to accumulate at any mineral removal site, unless the same is contained in a dumpster, or, in the case of inoperable vehicles or equipment, unless they are housed within a building or structure or are enclosed completely by an opaque fence which is erected and maintained in compliance with Township ordinances.

Building materials on a mineral removal site to be used as part of construction on the site for which a Township building permit has been issued are not considered waste.

20. Access By Township Representatives

Representatives of the Township shall at all reasonable times have the right to enter and inspect the property for purposes of monitoring work and implementing and enforcing the provisions of the Township ordinances and this permit. All inspections and visits will be conducted in such manner as to not interfere unnecessarily with normal work schedules.

Section 21.04 - Validity of Existing Permits and Amendment of Permits

Any permit issued by another governmental agency for sand mining, processing and restoration prior to the adoption of the Zoning Ordinance shall be deemed to have been issued a permit with identical provisions by the Township of Covert at the adoption of the Ordinance. No changes in the extraction, processing or restoration or other change in the provisions of an existing or subsequently approved permit shall be made unless approved by the Township Board and/or the Planning Commission in accordance with the provisions of this Ordinance. This includes changes in the permitted or required activities on land owned by the petitioner and any other adjacent or nearby land.

Upon application of a permit holder, any mining permit issued under this Ordinance may be amended by the Township Board in accordance with the following procedure:

The permit holder shall submit a written application for permit amendment clearly delineating the proposed amendment(s) thereto.

The written application shall include where applicable, items required by Section 21.02 A of this ordinance.

Upon review of the said application, the Township Board shall determine whether the specific operation requirements as set forth in Section 21.02 B. are satisfied by the proposed amendment.

Upon a determination of such satisfaction, the Township Board will issue an Amended Permit reflecting such changes as requested or as mutually agreed upon by the parties.

Upon a determination by the Township Board that the proposed amendment fails to meet the requirements of Section 21.02 C, (1) through (14), the permit holder may, after thirty (30) days, make a renewed submission to the Township Board for amendment with modification to meet the said requirements. Such renewed application shall be submitted in the same manner as the first amendment application.

Section 21.05 - Appeal From Denial of Permit or Submission for Amendment

In addition to whatever procedures are set forth in this ordinance, an applicant whose application for Permit or Permit Amendment or request for return of restoration security as required by 21.02 B is denied by the Township Board may directly appeal from such decision to Circuit Court for the County of Van Buren.

Section 21.06 - Additional Penalties for Violation of the Provisions of this Section

In addition to any other penalties or relief available under township ordinance or law, the Township, upon a violation of this ordinance, and upon notice of violation of this ordinance which has been personally served upon the applicant or assignee, or an employee of the applicant, who has administration or management authority, the Township may seek appropriate relief including, but not limited to, stop work orders, injunctive relief, restoration, actual costs and maximum fines as allowable by law.

ARTICLE 22

ENVIRONMENTALLY SENSITIVE LAND REGULATIONS

Section 22.01 - Intent

It is the intent of these regulations are to identify and guard those areas of the Township that are considered to be environmentally sensitive to development, due to soil types, drainage, vegetation, wildlife habitats, historical features or other factors that are subject to being seriously endangered or destroyed if allowed to develop in a manner inconsistent with their conservation and preservation. Since the welfare and well-being of the citizens of the Township are directly linked and related to the natural environment of the area, it is recognized by this Township that in order to maintain sensitive areas in their natural and/or historical conditions for the benefit of mankind, it is necessary to regulate these areas to a higher standard than non environmentally sensitive areas of the Township.

Section 22.02 - Environmentally Sensitive Areas Regulated by the Terms of this Section

All areas within the Township that meet any one (1) of the following definitions shall be considered an Environmentally Sensitive Area:

A. Duneland

1. Any area in the Township, as determined by the Natural Resources and Conservation Service (NRCS), where the following soils predominate, singly or in any combination (using the standard U S Soil Service classification), shall be considered a duneland:
 - a. Brems Sand having a 0- 2% Slope
 - b. Oakville Fine Sand (36C) having a 2-12% Slope
 - c. Oakville Fine Sand (36D) having a 12-25% Slope
 - d. Oakville Fine Sand (36E) having a 25-60% Slope
2. Any area of the Township, other than the areas defined by soil type above noted, where the percolation rate is faster than one (1) inch per five (5) minutes, as determined by the Van Buren County Health Department.
3. Any area of the Township wholly or largely covered by flora characteristic of beaches, or stabilized or unstabilized dunes.
4. Any map showing environmentally sensitive areas determined by the Michigan Department of Environmental Quality or successor agency, the US Department of Agriculture, Natural Resources Conservation Service or the US Environmental Protection Agency showing areas of the Township to be duneland.

B. Steep Slopes

All applicants for an Environmentally Sensitive Land Use Permit for property suspected of having slopes exceeding eighteen (18) percent, shall be required to document the actual slope conditions within the area to be developed, by an architect, engineer, surveyor or by other means acceptable to the Building Inspector and/or Zoning Administrator. When the slope on a specific parcel of land is in question, the Building Inspector may require the applicant to prepare and submit a topographic survey showing elevation and contour information as well as the location of existing and proposed buildings and structures and such other information necessary for review and determination of compliance with the provisions of this section.

When the slope on side is in question, the Zoning Administrator or Building Inspector may require topographic and site contour information at a scale sufficient to determine compliance with the terms of this Ordinance.

C. Lake Michigan

The Lake Michigan area shall be defined as that area lying West of Interstate Route I-196 in the Township of Covert, which is demonstrated on the environmentally sensitive area map contained in the Covert Township Master Development Plan and Coastal Management Plan, specifically the Critical Dunes Areas map prepared by the Michigan Department of Environmental Quality as published from time to time in the Great Lakes Information System.

D Other Areas

Other areas may be designated by the Township Board as areas of Environmental Sensitivity, after review and recommendation by the Township Planning Commission. Criteria for designation shall include but not limited to:

1. Rare or valuable ecosystems.
2. Significant undeveloped agricultural, grazing or watershed areas.
3. Forests and related land which require long stability for continuing renewal.
4. Scenic or historical areas (including burial grounds).
5. Any area determined to be environmentally significant by any agency of the State of Michigan

Section 22.03 - Environmentally Sensitive Areas Map

The environmentally sensitive area map contained in the Covert Township Master Development Plan shows the areas which have many of the above stated features and therefore has been determined by the Planning Commission to be the environmentally sensitive areas governed by this terms of this section of the ordinance.

This map demonstrates the areas within Covert Township which are deemed to be environmentally sensitive areas regulated by this section of the Ordinance. This map is not to be considered as representing all environmentally sensitive areas in the Township. Additional areas may be considered environmentally sensitive as the features of other specific areas of the Township are brought to the attention of the Planning Commission

Section 22.04 - Environmentally Sensitive Land Use Permit Application

An Environmentally Sensitive Land Use Permit shall be required for construction except for a single-family dwelling on an individual lot of record regardless of size, including but not limited to tree harvesting on any parcel of land located within an area designated on the Environmentally Sensitive Areas Map regardless of size, and in addition to (or as part of) any other applicable permit required by this Ordinance or others.

The application for the land use permit shall:

- A. Demonstration that the proposed development will not adversely affect the environmental quality of the property and the surrounding area and is compliant with the provisions of the Shoreland Protection Management Act, the Sand Dune Protection Act and any other regulations administered by the Michigan Department of Environmental Quality, if applicable
- B. The applicant shall provide written evidence that the proposed development of the property will conform to the provisions of such soil erosion and sedimentation control measures as may be in effect in accordance with Soil Erosion and Sedimentation Act of 1972 (P.A. 1972 #347, effective March 30, 1973) as enforced by Van Buren County.
- C. The applicant shall provide written evidence that an on-site wastewater or public or community wastewater disposal system has been approved by the County Health Officer and Waste Water Division of the Department of Environmental Quality when applicable and that the wastewater or disposal system is in conformance with this Ordinance, including but not limited to setbacks from water bodies, height above water level, and other applicable requirements.
- D. The applicant shall provide evidence that the cutting and removing of trees and other native vegetation will be performed according to the following standards:
 1. The selective cutting of woodlands and the removal of shrubbery and under growth shall be restricted to removal of dead, diseased or dying trees, and selective cutting which removes not more than ten (10%) percent of the healthy trees and which retains a well-distributed stand of tree foliage. This shall not be interpreted to mean that ten (10%) percent of a parcel may be clear-cut. Cutting

shall be done in a manner as to avoid erosion, to preserve rare species of vegetation, to preserve scenic trees and other qualities, and to preserve desirable screening from neighboring habitation.

2. Clear cutting (or tree removal) shall be permitted when necessary to accommodate building sites as provided in Section 22.06.

Section 22.05 - Start of Construction Prior to Issuance of Permit Prohibited

Grading or clearing of a site shall not commence prior to issuance of an Environmentally Sensitive Land Use Permit as required by this Ordinance and a Building Permit, if required.

Section 22.06 - Site Clearing Regulations for Single Family Dwellings

For a single family dwelling and amenities for the private (non-commercial) use by the occupants of the single family dwelling, said clear cutting shall not exceed 7,500 square feet or a ratio of 7,500 square feet per five acres for those parcels in excess of five acres. For areas of less than 5 acres, said maximum area to be clear cut shall be proportionally reduced from the 7,500 square feet according to the same ratio of the area of the smaller parcel to 5 acres. However, in no instance shall the maximum area be reduced to less than 3,000 square feet. (Ord. 71; 11/2008)

Section 22.07 - Pre May 12, 1988 - Rights for Pre-Existing Conditions

For use upon an existing legally recorded parcel of land or other recorded lot in existence prior to the adoption of Covert Township Zoning Ordinance on May 12, 1988 and that does not meet the minimum lot size requirements of the zoning district in which it is located, the Zoning Administrator may issue a Zoning Compliance Permit that would exceed the clear cutting/ground disturbance ratio set forth herein. In all cases the ratio of clear cutting or ground disturbance allowed shall be the minimum to provide for a residential home site and accessory uses similar in nature as those allowed on a larger parcel of land or recorded lot when such proposed development does not exceed the requirements of the lot coverage ratio requirements of the zoning district in which it is located as provided for in Section 22.06

Section 22.08 - Review of Single Family Application by Zoning Administrator

All application for an Environmentally Sensitive Land Use Permit for construction of a single family home shall be filed with the Zoning Administrator, who shall review the application and determine compliance with the terms of the requirements of this Article. Upon finding that the application complies with the regulations of this Article, the Zoning Administrator shall issue a permit. The Zoning Administrator may refer any application to the Planning Commission for review and determination of compliance with the regulations of this Article.

Section 22.09 - Review of Applications by the Planning Commission

The Planning Commission shall review all applications except for single family applications as provided in Section 22.08. The review of the application and site plan will be made in the following manner:

- A. The Planning Commission shall determine that the application specifically demonstrates that the site plan conforms to all requirements of this section regarding cutting of trees and other vegetation, wastewater disposal, erosion and sedimentation control, and other applicable provision.
- B. The Planning Commission shall determine that the intent of State laws and Township Ordinances will be furthered by this development, and determine that the site plan protects air and water quality, the natural resources of the area, and the natural vegetation of the area.
- C. The Planning Commission shall recommend site plan changes to insure compliance with existing Ordinances or statutes and may conditionally approve a permit on compliance with such recommendations.

Section 22.10 - Special Requirements for Development in Environmentally Sensitive Areas

A particular site may be classified under one or several definitions as being Environmentally Sensitive. In those cases, the most restrictive provision of these regulations shall apply.

A. Dunelands

Because such soils as defined above percolate at a rate such that:

1. wastes may percolate through the edaphic layer of bacterial activity before being acted upon by the bacteria, or
2. by passing untreated into ground-water sources, wastes may contaminate surface water bodies fed from groundwater sources, on-site disposal shall not be permitted unless an on-site sewage system is designed to insure the effluent will not degrade the quality of ground waters. The on-site sewage system shall be located a minimum of one hundred fifty (150) feet from any existing well or proposed well location, unless approved by the Van Buren County Health Department.

B. Steep Slopes

1. No structure shall be permitted on a slope of greater than fifteen (15%) percent, unless it shall be done in accordance with plans prepared for the site by a registered professional architect or engineer. Plans shall be prepared for the disposal of storm waters without erosion of topsoil and without sedimentation of any stream or other body of water.
2. On-site sewage disposal will be allowed only if designed such that effluent will not degrade the quality of surface or ground waters. On-site sewage disposal may be permitted on a slope of more than twelve (12%) percent but less than twenty (20%) percent provided the system is approved by the County Health Officer.
3. Prior to approval, such plans for site alterations for steep slope areas shall be provided to the Soil Conservation District for comment or review and recommendations. A permit may be conditioned upon compliance with such recommendations.

C. Lake Michigan Area

1. Sewage disposal systems within the Lake Michigan Area shall have a setback of at least two hundred (200) feet from the mean high watermark and a vertical limitation of twenty-five (25%) percent grade from the mean high water mark and shall be designed such that effluent will not degrade the quality of either ground or surface water.
2. Septic facility tile fields shall not be less than six (6) feet above the mean high water mark.
3. The plans for filling, grading or other alteration of natural drainage within the Lake Michigan Area for all development except for single-family dwellings on individual lots shall be reviewed and approved by the Planning Commission prior to commencing construction, earth movement or excavating.
4. The digging or drilling of wells or other domestic water supply sources in the floodplain is prohibited.

D. Other Areas

Other areas designated by the Township as Environmentally Sensitive Areas in accordance with Section 22.02 D above may have special requirements for development.

Section 22.11 - Environmental Impact Statement Required for Developments of 3 Acres or More

The purpose of requiring the Environmental Impact Statement (EIS) is to evaluate the impact of a proposed project on the environmental quality of the project area and adjacent lands. The objective of the EIS is to encourage the development of these projects which protect or enhance the environmental quality of the project area by conserving its natural resources. In reviewing each EIS, consideration will also be given to the effect that the proposed project

will have on the immediately adjacent properties as well as upon the affected area of the Township which may be directly affected by it.

The Township Board and the Township Planning Commission shall require an Environmental Impact Statement for: all development in Environmentally Sensitive Areas when three (3) or more acres will be disturbed by development.

Section 22.12 - Contents of the Environmental Impact Statement

A. Site Plan

A site plan prepared pursuant to Article 23.

B. Soil Review

The soil review element shall include a short descriptive summary of the soil types found in the project area and whether they permit the use of septic tanks or require a public or community wastewater system. Such report may be based on the "Unified Soil Classification System" as adopted by the U.S. Government Corps of Engineers and Bureau of Reclamation, January 1952, or similar recognized U.S. Department of Agriculture, Soil Conservation Service System of Classifications and such standards for developability that have been offered for each environmental area.

C. Natural Hazards Review

This element consists of a review of such natural hazards as periodic flooding, poor soil bearing conditions, and hazards peculiar to the site.

D. Substrata Review

The substrata review element shall include a descriptive summary of the various geologic bedrock formations underlying the project site. This will include the identification of any known aquifers, their approximate depths and, if being tapped for use, the principal uses to be made of these waters, irrigation, domestic water supply, industrial.

E. Surface and Groundwater Review

The surface groundwater review shall include the identification of all natural and man-made water features in the project site, and shall include the identification of all known confined and unconfined groundwater aquifers and their approximate water level or water table, and may be correlated with item D, Substrata Review. Since the conservation of the natural sources and resources of fresh water in the Township is absolutely essential, and must be a prime consideration, this review should quantify the effects of development on the quality of surface and groundwater, particularly with regard to possible degradation of such waters from sewage disposal.

F. Storm Drainage Review

The storm drainage review should clearly indicate how the storm drainage resulting from the proposed development will be handled. The following aspects must be in the preparation of this review:

1. Consider the location of the natural drainage basins.
2. Consider changes that the development may cause in natural drainage characteristics.
3. Consider the effects of lake storage facilities on controlling storm run-off water, retention, and recharging the aquifer.
4. Consider the effects of the development on the characteristics of original groundwater recharge areas.
5. Consider the influences of proposed facilities on upstream and downstream condition if along a water body.

G. Erosion Review

This review should show how erosion control shall be achieved, and shall illustrate such plans, programs or schemes which may be required by any existing Soil Erosion and Sedimentation Ordinance. As a minimum, plans for compliance with the following minimum standards shall be required for construction and post-construction periods:

1. Surface drainage designs and structures shall be "erosion proof" through control of the direction, volume, and velocities which promote natural growths such as grasses shall be included in the design in order that drainage waters may be impeded in their flow and percolation encouraged. These designs should include trash collection devices when handling street and parking drainage to trap solid waste and trash.
2. Watercourse designs should similarly control volumes and velocities to prevent bottom and bank erosion. In particular, changes of direction should be such as to guard against undercutting of banks.
3. Where vegetation has been removed or has not been able to occur on surface areas such as in fill zones, it shall be the duty of the developer to stabilize and control said surface areas as to prevent erosion and the blowing of surface material through the planting of grasses, windbreaks, etc.

H. Solid Waste Disposal

This review should show proposed methods for disposal of all solid waste

I. Potable Water Review

This review shall describe the source of potable water for each residence and/or other structure for which potable water may be used.

1. A letter shall be obtained from the water utility agency committing delivery of water service prior to issuance of any building permits for the development (Note: Township water supply is required for all building within 500 feet of the system).
2. Any on-site operation producing excess fresh water must include provisions for the return of the water to the ground water table.

J. Industrial Waste Review

This review shall address and /or contain:

1. An Air and Water Pollution Efficiency inventory.
2. Provisions for disposal and handling of liquid, gaseous and solid wastes.
3. Provisions for retention and treatment of water used in any industrial or commercial process before being returned to the aquifers.

K. Sewage Review

This review shall demonstrate whether on-site septic facilities or public or community wastewater facilities are required for the development, according to the standards of the County Health Department and Waste Water Division of the Department of Environmental Quality, or successor agency and this Ordinance.

If the development relies upon on-site system or can be connected to a public or an approved community wastewater system, the provisions for requiring all structures to be connected to the system, along with adaptability of any sewer system without impairment to a present or future public system.

L. Streams and Water Bodies

The proposed design treatment of natural, created or altered streams and other water bodies should be discussed in this review, focusing attention of pre and post development flow rate, capacity, quality (pollutant level) nature and cover of banks, and other relevant factors. Particularly steps in other reviews to ensure that:

1. Effluent will not be discharged into such water bodies (from any source).
2. The natural courses of streams, etc. are not substantially altered.
3. Adequate measures have been taken to trap (by natural vegetation or otherwise) and consume fertilizers, pesticides, herbicides, and fungicide runoffs.
4. The water bodies will not be so altered as to cause:
 - a. Siltation
 - b. Accelerated eutrophication
 - c. Bottom or bank erosion,
 - d. Excessive weak or aquatic plant growth

M. Flora and Fauna

This review shall include a listing of the dominant terrestrial and aquatic plant species, as well as the major animal species native to the site, if any. Any unusual plant or animal species which may be considered endangered, or which may be considered unique to the area shall be so identified. This review shall:

1. Describe the effects of the proposed development on the listed species and their habitats, when appropriate.
2. Describe conservation effort that will be needed to protect areas (such as dunes) from wind or water erosion and the extent to which the development will destroy vegetation that would ordinarily serve to prohibit such erosion.
3. Describe the preservation and proposed use of recreation areas and greenbelts, including conservation measures.

N. Archeological and Historical Resources

This review shall include the identification of historical features (buildings, cemeteries, town sites, battles, Indian mounds, etc.).

In the site inventory, the element will also pinpoint indicators of unique geological formations and/or natural or artificial historical sites. The developer shall be responsible for the appropriate preservation of geographical, topographical or historical features, whether or not sufficiently significant for action (excavation, study, removal or preservation) by local, state or federal agencies.

The Township may require such additional data or information as determined necessary in order to make a thorough and exact environmental impact evaluation of the site and the effect of the proposed development.

Section 22.13 - Application, Review and Permit Procedure

A. Submission of Application

An application for Environmental Sensitive Land Use Permit accompanied any required filing fee as established by the Township Board, shall be filed with the Zoning Administrator by the owners and/or lease holders of the land proposed for construction or development, including but not limited to tree harvesting.

The application shall be on a form provided by the Township Zoning Administrator and shall be accompanied by the site plan as required under Section 22.12.

B. Review and Approval for Single Family Residence

If the application is complete in all respects and clearing, grading or clear cutting for single family residence and amenities and all proposed work in the judgment of the Zoning Administrator is in conformance with the requirements of this Ordinance then the Zoning Administrator shall issue the required permit (See: Section 22.08 for single-family exemption).

The Zoning Administrator shall act to either approve or deny an application for a permit within 30 days of filing the application. If the application is denied, the applicant may file an appeal with the Covert Township Zoning Board of Appeals as provided under the Ordinance.

C. Review and Approval - All Other Applications

If the application is for work other than that permitted under Section 20.06, but not requiring an Environmental Impact Statement, then the application form along with the required written evidence, site plan and other additional data as the Zoning Administrator may deem necessary for adequate review by the Planning Commission in light of the proposed work, shall be submitted by the zoning administrator for review, approval or denial by the Planning Commission.

The application review and determination of the Planning Commission, or determination that additional data is required, shall be made within 45 days of filing the application or submittal of additional data.

The Planning Commission, upon approval of the application, with any changes or conditions as may be imposed, shall authorize the Zoning Administrator to issue a permit incorporating such changes or conditions.

If the application is for work requiring an Environmental Impact Statement, as determined by the Zoning Administrator, the application shall include all data required under 20.12 and such items under Section 20.12 as the Zoning Administrator deems necessary for Planning Commission and/or Township Board review in light of the proposed project. Upon review the Board and/or Planning Commission may require additional data.

Upon receipt of an application and data required, the Zoning Administrator shall submit the application to the Planning Commission for review and recommendation, or determination that additional data is required. The Planning Commission shall make such determination within 60 days of applicants filing a complete application.

After review the Planning Commission's recommendation for approval or denial of a permit shall be submitted to the Township Board for its review. The Township Board shall act to approve, deny or request additional data, within 60 days of receipt of the Planning Commission's recommendation.

The Township Board upon approval of the application shall authorize the Zoning Administrator to issue a permit with such changes or conditions as it deems necessary.

ARTICLE 23

SITE PLAN REVIEW PROCEDURES

Section 23.01 - Purpose

The purpose of this Article is to establish uniform requirements of procedure for all developments in the Township so that the provisions of this Zoning Ordinance can be equitably and fairly applied to all persons seeking to add to the existing development; so that both those developing property and the responsible Township officials can be assured that compliance with the Zoning Ordinance is both possible and correct prior to the issuance of a Zoning Compliance Permit and the starting of construction.

Section 23.02 - Developments Requiring Site Plan Approval

The following land, building and structural uses require “Site Plan Approval”:

- A. All condominiums, land subdivisions, including land division plats and lot splits.
- B. All principal and special uses and their accessory uses in all Zoning Districts, except those specified in Section 22.03.
- C. All special uses and their accessory uses in all Zoning Districts.
- D. All principal and special uses and their accessory uses in a Planned Unit Development.

Section 23.03 - Developments not Requiring Site Plan Approval

- A. Single family homes and their accessory uses in all Residential Zoning Districts.
- B. General or specialized farming and forestry and their accessory uses and roadside stands in the AG, or RR Zoning Districts.

Section 23.04 - Role of the Zoning Administrator

The Zoning Administrator shall not issue a Zoning Compliance Permit for construction of or addition to any use until a final site plan has been approved by the Township Board is in effect. A use of land requiring site plan review and approval, not involving a building or structure, shall not be commenced or expanded until a final site plan has been approved by the Township Board and a Zoning Compliance Permit has been issued by the Zoning Administrator.

Section 23.05 - Site Plan Approval Required Prior to Starting Construction or Use of Land

No grading, removal of trees or other vegetation, land filling, or construction of improvements shall commence for any development which requires site plan approval, until a final site plan is approved and a Zoning Compliance Permit issued, except as provided in this Article.

Section 23.06 - Preliminary Conference on Proposed Site Plan

An applicant may request a meeting with the Planning Commission for the purpose of reviewing and discussing a proposed preliminary site plan for the purpose of determining the feasibility of the project which the site plan represents. The request may be put on the agenda of a regularly scheduled meeting or on the agenda of a special meeting at the request of the applicant who shall pay all expenses for such a special meeting.

Section 23.07 - Preliminary Site Plan Requirements

- A. **Application:** Any person may file a request for preliminary site plan approval by filing required forms with the Zoning Administrator, payment of the review fee, and at least ten (10) copies of a preliminary site plan drawing(s) and other documents. Upon receipt of such application, the Zoning Administrator shall transmit the preliminary site plan drawing(s) and other documents to the Planning Commission.

B. **Information Required for Review:** Every preliminary site plan submitted under this Article shall contain information required by Township regulations for site plan review, as specified in this Section.

1. **Submittal Requirements:** Ten (10) copies of each submittal for site plan review shall be submitted to the Planning Commission for each application and site plan. The application shall, at a minimum, include the following information, except that where deemed unnecessary. The Planning Commission may waive any of the following where it deems necessary, and may at their discretion require the submittal of specifically needed information in addition to the following:
 - a. The applicants name, address, and phone number in full.
 - b. Proof of property ownership and whether there are any options on the property or liens against it.
 - c. A signed statement that the applicant is the owner of the property or officially acting on the owner=s behalf with the power of attorney to represent the owner in writing.
 - d. The name and address of all owner(s) of record if the applicant is not owner of record (or firm or corporation having a legal or equitable interest in the land) and signature(s) of the owner(s).
 - e. The address and tax parcel number and legal description of the property.
 - f. Name of Project.
 - g. A complete project description, including total number of structures, units, offices, square feet of building space, number of parking spaces and employees, the amount of recreation and open space, and related pertinent information as otherwise required by this Ordinance.
 - h. Name and address of the developer (if different from the applicant).
 - i. Name and address of the engineer, architect, land surveyor, landscape architect or other qualified designer of the project.
 - j. A vicinity map drawn at a readable scale with North point indicated, which will satisfactorily be used to determine the exact location of the project property or site.
 - k. The gross and net developable acreage involved in the project.
 - l. Existing land uses, zoning classification and existing structures on the project and parcel and adjoining parcels including buildings, floor plans (footprint), number of floors, number of bedrooms in all structures, as applicable.
 - m. Proposed project completion schedule and development phases, if not to be completed as one phase.
 - n. Any use and occupancy restrictions, and if a condominium project, any maintenance provisions for any general and limited common elements as shall be contained in the Master Deed.

2. **Site Plan Requirements:** The site plan shall consist of an accurate, reproducible drawing at a readable and measurable scale of 1 inch equals 100feet or less, in seven (7) copies, showing the site and all land within 150 feet of the site which depicts the following:
- a. Property lines, dimensions, legal descriptions, setback lines and monument locations to be prepared as a Plot of Survey by a Land Surveyor licensed to practice in the State of Michigan.
 - b. Existing topographic elevations at two (2) foot contour intervals, proposed grades and direction of surface drainage and drainageway flows.
 - c. The location and type of existing soils on the site and certification of soil borings.
 - d. Location and type of significant areas of existing vegetation, wetlands, rock outcroppings, slopes of more than 10 percent, major stands of trees, large individual trees of 2 feet or more in diameter and areas of woodland vegetation (combination of trees, shrubs and other vegetation).
 - e. Water courses and water bodies, including lakes, ponds, rivers, streams, flood plains and wetlands, county drains, and manmade surface drainage ways.
 - f. Location of existing and proposed buildings and their intended uses as well as the length, width, and height of each building, including front, inside and rear elevations.
 - g. Proposed location of accessory structures, buildings and uses, including but not limited to all flagpoles, light poles, signs, bulkheads, docks, storage sheds, transformers, air conditioners, generators and similar equipment, and the method of screening, where applicable.
 - h. Location of existing public roads, rights-of-ways and private easements of record.
 - i. Location of abutting roads and proposed alignment and gradient of roads, drives, curb cuts and access easements serving the development.
 - j. Location and design of all accessways barrier free, including parking areas (including indication of all spaces and type of surfacing), fire lanes and all outdoor lighting.
 - k. Location, size, and characteristics of all off-street loading and unloading areas.
 - l. Location and design of all sidewalks, walkways and bicycle paths.
 - m. Location and design of public or common water supply lines or on-site wells, including fire hydrants and shut off valves, and the location and design of public or common waste water lines, clean out locations, connection points and treatment systems, or on-site septic tank and tile field systems.
 - n. Location of all other utilities on the site including but not limited to natural gas, electric power, cable TV and telephone.
 - o. Location of proposed public or common open spaces and facilities if applicable.
 - p. Location, design, size and construction specifications of all signs and advertising features.

- q. Location, design and specifications for all fences, walls, berms and other screening features with cross sections.
- r. Location, landscape plans and specifications for all proposed landscaping, screening and other buffering features for each landscape feature and planting material, the proposed size plants at time of planting and of all existing vegetation to be retained on the site shall be indicated.
- s. Method for all solid waste disposal.
- t. Location and specifications for any existing or proposed above or below ground storage facilities for any chemicals, salts, flammable materials, or hazardous materials as well as any containment structures or clear zones required by government authorities and regulations.
- u. Identification of any significant site amenities or unique natural features.
- v. Identification of any significant scenic views onto or from the site to or from adjoining area.
- w. North arrow, scale and date,
- x. Seal of the Michigan registered engineer, architect, landscape architect, surveyor, or planner who prepared the site plan.
- y. All required permits, approvals and reviews in written form from all Federal, State, County, Township, School and other public agencies and officials under Federal, State, County or local laws and administrative rules and regulations.
- z. Site plans for development in the High Risk Erosion Area shall indicate both of the potential 30 Year Setback Lines that could apply to the subject property showing the required setback distances that would be applied using the MDEQ formula for both high bluffs and low bluffs on the site. (Ord. 71; 11/2008)

C. **Planning Commission Action:** The Planning Commission shall study the plan and shall, within sixty (60) days of the filing date, recommend the approval with conditions or approve or denial of the preliminary site plan to the Township Board. If denial is recommended, the Planning Commission shall prepare a report setting forth the conclusions of its study and the reasons for its denial. The time limit may be extended upon a written request by the applicant and approved by the Planning Commission, or by mutual written agreement between the Planning Commission and the applicant.

D. **Effect of Approval:** Approval of a preliminary site plan by the Township Board shall indicate its acceptance of the proposed layout of buildings, roads and drives, parking areas, and other facilities and areas, and of the general character of the proposed development. The Township Board may, with appropriate conditions attached, authorize issuance of a grading permit by the Zoning Administrator on the basis of an approved preliminary site plan. The conditions to be attached to a permit issued for grading and foundation work may include, but not necessarily be limited to, provisions for control of possible erosion, for excluding the Township from any liability, if an acceptable plan is not provided, and for furnishing a financial guarantee for restoration of the site if work does not proceed. Site plan approval requires that the applicant meet all of the requirements of the Michigan “Soil Erosion and Sedimentation Control Act,” Public Act 347 of 1972, MCL 282.101 et seq.

- E. **Expiration and Extension of Approvals:** Approval of a preliminary site plan shall be valid for a period of six (6) months from the date of approval by the Township Board and shall expire and be of no effect unless an application for final site plan approval is filed with the Zoning Administrator within that time period. A six (6) month extension may be granted upon written request of the applicant and approval of the Township Board. The approval of the preliminary site plan shall also expire and be of no effect one year after approval of a final site plan, unless a Zoning Compliance Permit has been obtained for development shown on the approved final site plan within that time period.

Section 23.08 - Final Site Plan Requirements

- A. **Application:** Following approval of a preliminary site plan, the applicant shall submit ten (10) copies of a final site plan as well as other data and exhibits hereinafter required to the Zoning Administrator, the review fee, and a completed application form. The Zoning Administrator, upon receipt of the application, and any upon payment of any fees and expenses, shall promptly transmit the final site plan to the Planning Commission.
- B. **Information Required for Review:** Every final site plan submitted for review under this Article shall contain information as required by Township regulations for site plan review, as specified in Section 23.07B and Article 24 - Special Uses and Article 16 - Planned Unit Developments.
- C. **Planning Commission Action:** The Planning Commission shall study the final site plan and recommend approval, approval with conditions or denial of the final site plan, if it is consistent with the previously approval preliminary site plan within sixty (60) days of the date of the Planning Commission meeting at which the plan was received. This time limit maybe extended upon written request by the applicant, approval by the Planning Commission and by mutual written agreement between the Planning Commission and the applicant. The Commission may suggest and/or require changes in the plan if there is need to comply with the Zoning Ordinance.

Upon Township Board approval of the final site plan, the applicant and owner(s) of record, and the Township Clerk or other designated Township official, shall sign the approved plan. The Township Board shall transmit one (1) signed copy of the approved final site plan to the Zoning Administrator, Township Clerk, the applicant and Planning Commission.

If the final site plan is disapproved, the Township Board shall document the reasons for disapproval in its official minutes.

- D. **Effect of Approval:** Approval of a final site plan authorizes the Zoning Administrator to issue a Zoning Compliance Permit. Approval shall expire and be of no effect after six (6) months following approval by the Township Board, unless a Zoning Compliance Permit is applied for and granted within that time period. Approval of the final site plan shall expire and be of no effect one (1) year following the date of issuance of a Zoning Compliance Permit unless authorized construction has begun on the property in conformance with the approved final site plan. One extension of six (6) months from the date of approval of the final site plan for good reason, as submitted by the applicant and with the approval of the Township Board may be granted to the applicant.

Section 23.09 - Criteria for Site Plan Review

In reviewing a preliminary or final site plan, the Planning Commission shall ascertain whether the proposed site plan is consistent with the regulations and objectives of this Ordinance and shall endeavor to assure that they conform to the following criteria:

- A. All elements of the site plan shall be harmoniously and efficiently organized in relation to the topography of the site, the size, shape and type of the lot, the character and use of adjoining property and the type and size of existing and proposed buildings and structures. The site shall be so developed as not to impede the normal and orderly planned development or improvement of surrounding and adjacent property for uses permitted in this Ordinance.

- B. The landscape shall be preserved in its natural state, insofar as practical, by minimizing vegetation and soil removal, and by topographic grading modifications which shall result in maximum harmony with adjacent areas.
- C. Special attention shall be given to proper site drainage so that storm water flow will not adversely affect neighboring properties.
- D. The site plan shall indicate the provision of reasonable visual and sound privacy for all building and structural units located on the site. Fences, walks, barriers, and landscaping shall be used in an appropriate manner, for the protection and enhancement of property both on site and adjacent.
- E. All buildings and areas shall be so arranged as to permit emergency vehicles access by some practical means to all parts of the site.
- F. Every structure shall have access to a public road, drive, walkway, and other areas dedicated to common use.
- G. A pedestrian circulation system shall be provided which is separated from the vehicular circulation system.
- H. All loading and unloading areas and outside storage areas, including areas for the storage of trash, which face or are visible from residential districts or public thoroughfares, shall be screened by a vertical screen consisting of berms, structures or plant materials and shall be no less than that required in this Ordinance.
- I. Exterior lighting shall be arranged so that the source of illumination is deflected away from adjacent properties and is not visible to traffic traveling on adjacent streets,
- J. Site plans shall conform to all applicable requirements of State and Federal statutes rules and regulations and approval may be conditioned on the applicant receiving required State and Federal permits before final site plan approval is granted,
- K. Site plans shall fully conform to the surface water drainage standards of County and State laws.
- L. Site plans shall fully conform to the driveway and traffic safety standards of the Michigan Department of Transportation and/or the County Road Commission.
- M. Site plans shall fully conform to applicable fire safety and emergency vehicle access requirements of the Michigan Construction Code and/or local Fire Code and Fire Chief.
- N. Site plans shall fully conform to the County Soil Erosion and Sedimentation Control Ordinance requirements.
- O. Site plans shall fully conform to the requirements of the Michigan Department of Health and the County Health Department.
- P. Utility Service: Electric power and telephone distribution lines shall be underground. Any utility installations remaining above ground shall be located so as to have an harmonious relation to adjacent properties and the site. The proposed method of water supply and wastewater disposal from all buildings shall be indicated. All utility installation shall be carried out in accordance with the Standard Rules and Regulations of current adoption of the Michigan Public Service Commission.
- Q. Advertising Features: The size, location and lighting of all permanent signs and outdoor advertising structures or features, shall be consistent with the requirements of Article 20 - Sign Regulations.
- R. Special Features: Outdoor storage areas, outdoor machinery installations, service areas, truck loading areas, utility buildings and structures, and similar accessory areas and structures, shall be subject to setbacks, screen plantings or other screening methods required to prevent their being publicly visible and incongruous with

the existing natural and developed uses and the environment and the uses of adjacent and surrounding properties.

- S. Additional Requirements: All other standards and requirements of this Article shall be met by site plans presented for review.

Section 23.10 - Modification Procedure

An applicant may, at his discretion and risk, combine a preliminary and final site plan in the application for approval. In such a situation, the portion of the review process concerning preliminary site plan application and review may be waived by the Planning Commission. The Commission shall have the discretion and the authority to require submittal of a preliminary site plan separate from a final site plan where, in its opinion, the complexities and/or scale of the site of the proposed development so warrants the need to require both the preliminary and final site plan review and approval procedures.

Section 23.11 - Amendment of an Approved Site Plan

A site plan maybe amended upon application and in accordance with the procedures provided in Section 24.05 herein, for a preliminary site plan, and Section 24.08 herein, for a final site plan. Minor changes in a preliminary site plan may be incorporated in a final site plan without amendment to the approved preliminary site plan at the discretion of the Township Board. The Township Board shall also have authority to determine if a proposed change requires an amendment to the approved site plan.

Section 23.12 - Modification During Construction

All site improvements shall conform to the approved final site plan. if the applicant chooses to make any changes in the development in relation to the approved final site plan, the applicant shall do so at his own risk, without any assurance that the Township Board will approve such changes. It shall be the responsibility of the applicant to notify the Zoning Administrator and the Township Board in writing of any such changes. The Zoning Administrator or the Township Board may require the applicant to correct the changes so as to conform to the approved final site plan.

Section 23.13 - Phasing of Development

The applicant may, at his discretion, divide the proposed development into two (2) or more phases. In such case, the preliminary site plan shall clearly indicate the location, size, and character of each phase. A preliminary and final site plan for each phase shall be submitted for approval.

Section 23.14 - Inspection

All underground improvements, such as utilities, subbase and base installations for roads, drives, walls, parking lots, and similar improvements shall be inspected by the Township Engineer, or other person designated by the Township Board, and accepted by action of the Township Board prior to covering. The Zoning Administrator shall be responsible for the inspection of all site improvements for conformance to the approved final site plan. The applicant shall be responsible for requesting appointments for making the necessary inspections. The Zoning Administrator shall notify the Township Board, in writing, when a development for which a final site plan was approved does not pass inspection with respect to the approved final site plan, and shall advise the Board of steps to be taken to achieve compliance. In such cases, the Zoning Administrator shall periodically notify the Township Board of progress towards compliance with the approved final site plan, and when and if compliance is achieved. The fee schedule established by the Township Board shall include a special schedule of fees to cover large and costly projects so as to adequately cover the costs of the Township inspections of such projects as required under the provisions of this Ordinance.

Section 23.15 - Fees

Fees for the review of site plans and any expenses associated with inspections incurred by the Township as required by this Article shall be established as part of the fee schedule established by resolution by Township Board.

Section 23.16 - Financial Guarantees

Bonds, cash deposits, irrevocable bank letters of credit, or other acceptable forms of financial security shall be required of the applicant after a final site plan is approved and prior to issuance of a Zoning Compliance Permit for certain site improvements such as, but not limited to, roads or drives, parking lots, grading, landscaping, and buffers. A schedule for such financial security shall be established by resolution of the Township Board, and shall be administered by the

Zoning Administrator. Such financial security may be released in proportion to work completed and approved upon inspection by the Zoning Administrator as complying with the approved final site plan. In the event that the applicant shall fail to provide improvements according to the approved final site plan, the Township Board shall have the authority to have such work completed, and to reimburse itself for costs of such work by appropriating funds from the deposited financial security, or may require performance by the bonding company.

Section 23.17 - Violations

The approved final site plan shall regulate development of the property. Any violation of this Article, including any improvement not in conformance with an approved final site plan, shall be deemed a violation, and shall be subject to the penalties of this Ordinance.

ARTICLE 24 SPECIAL USES

Section 24.01 - Purpose

The formulation and enactment of this Zoning Ordinance is based upon the division of the Township into zoning districts, each of which include permitted uses which are mutually compatible. In addition to such permitted uses in districts, however, it is recognized that there are certain specific or unique uses which may be necessary or desirable to allow in definable locations in certain districts; but, which on account of their actual or potential impact on neighboring uses or public facilities, need to be more carefully and specifically regulated with respect to their location and requirements for the protection of the permitted uses by right in a district. Such uses, on account of their unique developmental needs or the nature of their uses and activities offered, may have to be established in a district in which they cannot be reasonably allowed as an unconditional permitted use.

Section 24.02 - Authority to Grant Special Use Approvals

The Township Board shall have the authority to grant Special Use Approvals, subject to the review and recommendation by the Planning Commission, and subject to such conditions of design and operations, safeguards and time limitations as it may determine for all special uses conditionally permitted in the various districts of this Ordinance.

Section 24.03 - Application and Fees

Application for any special use permitted under the provisions of this Ordinance shall be made to the Zoning Administrator by (1) filing an application, (2) submitting required data, exhibits and information; and (3) depositing the necessary fee in accordance with the Township schedule of fees.

An application for a special use approval shall be processed in the following manner:

1. The application and required site plan shall be filed by the applicant not less than fourteen (14) days prior to regular monthly meeting of the Planning Commission.
2. The Zoning Administrator shall forward the application and supporting data to the Township Planning Commission.
3. The Township Planning Commission shall review the proposed development as presented in the application and in terms of the specifications established in this Ordinance, and hold a public hearing on the Special Use requested by the Applicant.

Section 24.04 - Data, Exhibits and Information Required in Applications

An application for a special use permit shall contain (a) the applicant=s name and address in full, (b) a notarized statement that the applicant is the owner involved or is acting on the owner=s behalf, (c) the address of the property involved, (d) an accurate plot and topographic survey and site plan of said property showing the existing and proposed changes in grading and drainage and the location and types of all buildings and structures and site improvements to be constructed (as deemed necessary by the Zoning Administrator), and their uses and (e) a statement and supporting data, exhibits, information and evidence regarding the required findings set forth in this Ordinance, including the requirements for Site Plan Review per Article 23 and the Application for a Zoning Compliance Permit per Article 27, Section 27.05.

Section 24.05 - Public Hearing and Notices and Procedure

Notice of public hearing and content of the notice shall comply with Article 29, Section 29.03.

Section 24.06 - Procedure for Reviewing Special Land Uses

The Township Planning Commission, after public hearing procedures, may recommend approval for a special use subject to the final approval of the Township Board. A copy of the decisions of both, with any conditions of approval or reasons for rejection shall be sent promptly to the Zoning Administrator and to the Applicant.

Section 24.07 - Application of Condition and Safeguards

The Township Planning Commission and Township Board may impose such additional conditions and safeguards deemed necessary to protect the general welfare, for the protection of individual property rights on nearby parcels, and for insuring that the purposes of this Ordinance and the general spirit and purpose of the district in which the special use is proposed will be observed. Special use approvals may be issued for specific time periods as recommended by the Township Planning Commission, subject to the final approval of the Township Board.

Section 24.08 - Jurisdiction of Zoning Board of Appeals

The Zoning Board of Appeals shall have no jurisdiction over decisions of the Township Planning Commission or the Township Board in regard to matters concerning the granting of special use permits, except when there is a need for a variance from a specific requirement in the Zoning Ordinance.

Section 24.09 - Required Standards and Findings for Recommendations to the Township Board

The Planning Commission shall review the particular circumstances and shall use the following standards in preparing its recommendation to the Township Board

A. General Criteria

1. Will be harmonious with and in accordance with the general objectives, intent and purposes of this Ordinance and the Zoning district in which it is to be located.
2. Will be designed, constructed, operated, maintained and managed so as to be harmonious and appropriate in appearance and activities with the existing or intended character of the general vicinity.
3. Can be served adequately by essential on site or public utilities, facilities and services; such as, water supply, wastewater disposal, highways, roads, police and fire protection, drainage structures, refuse disposal, or that the persons or agencies responsible for the establishment of the proposed special use shall be able to provide adequately any such service.
4. Will not be hazardous or disturbing to existing or future neighboring uses.
5. Will not create excessive additional requirements at public cost for public facilities, utilities and services.
6. Will meet all of the requirements specified in this Ordinance for the Special Land Use requested, as well as all other Township County, State and Federal requirements.

B. Specific Requirements of the Review Process

All Special Uses in all zoning districts shall be processed and reviewed in accord with the following procedure:

1. **Pre Application Meeting** - The applicant may request a preliminary meeting with the Zoning Administrator to discuss the proposal, design elements, ordinance requirements etc. (optional, but recommended).
2. **Submission of Application** - The applicant shall submit the application in accord with the schedule set forth in Section 24.03 with the required fee and ten (10) copies of the proposed site plan to the

Zoning Administrator, who in turn reviews the application for compliance with the terms of this ordinance and presents the application and his report to the Planning Commission.

3. **Establish Public Hearing Date** - The Zoning Administrator in consultation with the Planning Commission Chair shall establish a public hearing date, and take action to provide proper public notice as required by law to all adjoining property owners and occupants within 300 feet and publish the required notice in a newspaper of general circulation in the Township.
4. **Public Hearing** - On the appointed date and time the Planning Commission shall conduct the public hearing on proposed Special Use application and site plan.
5. **Planning Commission Review and Recommendation** - The Planning Commission upon receipt of the application, site plan and Zoning Administrators report and after the public hearing is conducted shall review the application for conformance with Ordinance requirements
6. **Changes to the Application and Site Plan** - If changes are required or ordered by the Planning Commission the applicant shall be required to make such changes and submit ten (10) copies of the revised application and site plan to the Planning Commission prior to the Planning Commission further processing the application,
7. **Action of the Planning Commission** - Upon completion of the Planning Commission review and upon completion of the public hearing, the Planning Commission may consider a motion recommending to the Township Board the approval, approval with conditions, or denial the Special Use application and site plan request. The Planning Commission may table a request to allow verification, compilation or submission of additional or supplemental information or to address other concerns or issues.
8. **Communication of Decision to Applicant** - Upon action of the Township Board, the Township Clerk shall take action to send the Applicant a Special Use Permit and a copy of the minutes of the meeting where it was approved or in the case of denial a letter indicating the Township Board action also containing a copy of the minutes of the meeting. If the Township Board denies the Special Use request, the specific reasons in terms of what requirements in the Zoning Ordinance are not met shall be stated in the Township Board=s official minutes of record.

C. Review Standards and Criteria

The Planning Commission shall utilize and must find affirmatively that each of the following standards and criteria are met in their review of all Special Use requests:

1. All information, submittals and site plan standards as outlined in Article 23 - Procedures, are hereby incorporated into this section and required to be met with regards to the site plans and supporting documentation submitted for Special Uses.
2. All design standards or criteria imposed on specific Special Uses elsewhere in this Ordinance shall be met.
3. The Special Use shall be in accordance with the objectives of the Master Plan for Land Use for the Township.
4. The Special Use shall be designed and located so that it is compatible with the surrounding properties, neighborhood and vicinity. At a minimum, this shall include:
 - a. Location of uses and activities to be conducted on the site;

- b. Height and bulk of all structures and improvements;
 - c. Adjacent land uses;
 - d. Need for the proposed Special Use in the specific area of the Township;
 - e. Conformance with future land use plans for the area as adopted or maintained by the Planning Commission in its Master Plan for Land Use;
 - f. Compatibility with the listed predetermined principal uses in the zoning district where the Special Use is requested to be located.
5. Ingress and egress for the Special Use shall be controlled to assure maximum vehicular and pedestrian safety, convenience and minimum traffic impact on adjacent roads and highways, drives and uses including, but not limited to:
- a. Reduction in the number of ingress and egress points through elimination, minimization and consolidation of drives and curb cuts;
 - b. Proximity and relation to intersections, specifically with regard to the distance between drives and intersections;
 - c. Reduction and, if necessary, elimination of pedestrian and vehicular traffic conflicts;
 - d. Adequacy of sight distances between road and driveway intersections;
 - e. Location and accessibility of off-street parking, loading and unloading for automotive vehicles, including busses and trucks;
 - f. Location and potential use of ingress and egress drives to access Special Use parcels for possibly reducing the number of access points necessary to serve the parcels.
6. The Special Use shall be screened along all sides and rear property lines by a buffer area, berm, fence or wall, and along the front property or by line by a greenbelt, unless demonstrated that the use can be adequately controlled through other means such as restrictions on hours of activity or the extent of the impact from the Special Use by the type and level of activity to be conducted on the site.
7. The use shall be adequately served by utilities as prescribed by the Township, County or State of Michigan.
8. The use shall not have an adverse effect on the natural environment beyond the normal effects of permitted principal uses in the same zoning district and shall not result in the impairment, pollution or destruction of the air, surface and ground water, vegetation and other natural resources in terms of their effect on the public health, safety and other aspects of the general welfare.
9. The use shall be specifically scrutinized for conformance with the performance standards outlined in this Ordinance.
10. The proposed use shall be designed and conditioned as to location, size, intensity, site layout, and periods of operation in order to eliminate any possible nuisances which might be obnoxious to the occupants of any other nearby properties. The Special Use shall, therefore, not be permitted to

involve activities, processes, materials, equipment and operations that will be detrimental to any persons, property, or the general welfare by reason of excessive smoke, fumes, glare, noise, vibration and odors and have adverse environmental impacts and detrimental effects on the general aesthetics or appearance of the character of the surrounding area.

11. The Planning Commission shall determine that the proposed use does not impose an unreasonable burden upon public services and utilities in relation to the burden imposed by other permitted principal uses in the same zoning district.
12. The Planning Commission may recommend the imposition of conditions in approving Special Uses which it deems necessary to fulfill the purpose and requirements of this Ordinance. The conditions may include those necessary to ensure that public services and facilities affected by a proposed land use or activity will be capable of accommodating any increased service and facility loads caused by the Special land use or any activity connected with it, to protect the natural environment, conserve natural resources and energy, to ensure compatibility with adjacent uses of land, and to promote the arrangement of the use of land in a socially and economically desirable manner. Conditions shall be required to accomplish the following:
 - a. Be designed to protect the natural environment and conserve natural resources, the health, safety and welfare, as well as the social and economic well-being of those who will use the land use or related activity under consideration, residents and landowners immediately adjacent to the proposed land use or related activity, and the community as a whole.
 - b. Be related to the valid exercise of the police power and purposes which are affected by the proposed use or related activity.
 - c. Be necessary to meet the intent and purpose of the Zoning Ordinance generally or any part of it specifically; be related to the provisions, standards and requirements established in this Ordinance for the Use or related activity under consideration; and be necessary to ensure compliance with those purposes, provisions, standards and requirements.
 - d. Provide adequate safeguards for the protection of the general welfare and individual property rights, and for ensuring that the intent, purpose, goals and objectives of this Ordinance will be observed. The breach of any condition, safeguard or requirement, and the failure to correct such breach within thirty (30) days after an order to correct is issued by the Township shall be reason for immediate revocation of the approved Special Use. Conditions and requirements included as a condition of approval of a Special Use shall be continuing obligations of all owners, managers and users of the Special Use and are binding upon their heirs and assigns and upon any persons taking title to the affected property while such Special Use approval is in effect.
13. The discontinuance of a Special Use, after a specified period of time or by a specified date, may be a condition placed upon the issuance of the approved Special Use. Renewal of a Special Use may be granted after a review and determination by the Planning Commission that continuing private need and public benefit will be served by such renewal, provided that the renewal application shall be in accord with the Zoning Ordinance provisions, standards and requirements in effect at the time that the renewal is requested.

D. General Stipulations

1. Application for a Special Use shall be made by those persons having ownership of the land on which the Special Use is requested. All persons having an ownership interest in the property shall sign the application prior to its acceptance by the Township.

2. The approved minutes of the Township Board shall be the date official action was taken on a requested Special Use. Said minutes shall be made available to the applicant whether the Special Approval request is approved, approved with conditions, or denied and shall constitute notice of the Township Board's decision regarding the Special Use request.
3. The Planning Commission shall give notice of the time and place of the required public hearing for Special Uses as required by State law.
4. All construction, improvement or use of a parcel or parcels of land shall be in complete accord with the Special Use, any conditions included in the final approval, including the approved site plan.
5. A Special Use approval may be terminated by subsequent rezoning of the affected site as is the case of any other currently zoned property, as a part of an appropriate change in zoning, subject to the continuance of any vested legal nonconforming use rights. Such termination may be initiated only after recommendation by the Planning Commission and final decision by the Township Board to amend the Zoning Ordinance.
6. The re-application, reconsideration and rehearing for a Special Use which has been denied by the Township Board shall not be resubmitted until the expiration of one (1) year from the date of such denial, except on grounds of newly discovered evidence or proof of materially changed conditions, sufficient to justify reconsideration by the Planning Commission. Each re-application will be treated as a new application.
7. All conditions included with the approval of a special use or a related activity shall be recorded in the official approved minutes of the Township Board and shall remain unchanged except upon the mutual approval of the Township Board after receiving the Planning Commission recommendation and the landowner. The Township Board approved minutes shall include a record of all changes in conditions mutually agreed to.

Section 24.10 - Permitted Special Uses

The following is a list of Special Uses which will be considered for inclusion in the respective more general Zoning Districts. In addition to the Zoning District Requirements in which those uses are permitted they shall also meet the following requirements:

A. Outdoor Theaters

Because outdoor theaters possess the unique characteristic of being used only after dark and since they develop a concentration of vehicular traffic at times of ingress and egress from their parking area, they shall be permitted in AG, RR, HC, CC Zoning Districts only and shall further be subject to the following conditions:

The proposed internal design shall receive approval from the Zoning Administrator as to adequacy of drainage, lighting and other technical aspects.

Outdoor theaters shall abut a major thoroughfare and points of ingress and egress shall be available only from such major thoroughfare.

All vehicles, waiting or standing to enter the facility, shall be provided off-street waiting space. No vehicle shall be permitted to wait or stand within a dedicated right-of-way.

The area shall be so laid out as to prevent the movie screen from being viewed from residential areas or adjacent major thoroughfares. All lighting used to illuminate the area shall be so installed as to be confined within, and directed onto, the premises of the outdoor theater site.

B. Commercial Cellular Towers, Television and Radio Towers

The Commercial Cellular Towers Radio and Television Towers, Public Utility Microwaves, Public Utility Television Transmitting Towers: Cellular towers, commercial, radio and television towers, public utility microwaves and public utility Television transmitting towers and their attendant facilities shall be permitted in AG, RR, HC and I Zoning, provided such uses shall be located centrally on a parcel of land of such size and shape that the distance from the tower center to any point of the property line shall be not less than one times the height of the tower, provided detailed reports from a licensed engineer addressing soil conditions, foundation design, and structural integrity, are satisfactory and provided to the Township. Review of such request shall be made by the Township Planning Commission. Review shall consider abutting property and uses as they relate to easements, rights-of-way, overhead lines, poles and towers and further, shall consider injurious effects of property abutting or adjacent thereto and the orderly appearance of the Township. An applicant shall demonstrate the willingness and ability to permit co-location of compatible facilities at commercially reasonable prices, on said towers. Further, an applicant shall demonstrate the need for any new towers if co-location is not found to be feasible.

C. Mobile Home Parks including Recreational

Mobile home parks shall be permitted in the HD - High Density Residential Zoning District. Recreational Trailer Coach Parks shall be permitted in the REC - Tourist and Recreational Zoning District unless otherwise authorized as a Special Land Use in another Zoning District. Both land uses must possess site and development characteristics, in terms of site plan flexibility and density, somewhat similar to multiple-family residential development. They may, under this Ordinance, be used to provide for transition between nonresidential development and residential districts.

The mobile home park shall provide a twenty (20) foot greenbelt between itself any agricultural, residential, commercial or industrial zoning district, unless such property is occupied by another mobile home park. The greenbelt shall provide a continuous year-round obscuring screen. A five (5) foot masonry wall may be substituted for the greenbelt with the approval of the Planning Commission.

To insure privacy, adequate natural light and ventilation to each home and to provide sufficient area for outdoor uses essential to the mobile home, all lots shall contain a minimum area of at least five thousand (5,000) square feet. Mobile Home site areas shall be computed exclusive of service drives, facilities and recreation space used by the development at large.

There shall be a side yard of not less than fifteen (15) feet at the, entry side of the mobile home lot and a side yard of not less than five (5) feet on the non-entry side of the mobile home lot. There shall be a rear yard of not less than five (5) feet at the rear end of the lot and a front yard of not less than ten (10) feet at the front end of the mobile home lot.

No mobile home shall be located closer than fifty (50) feet to the right-of-way line of a major thoroughfare or twenty (20) feet: to any mobile home park property line.

The mobile home park shall have access to a major thoroughfare. Access shall not be provided by means of residential sub-division streets.

All mobile home parks shall further comply with ACT 243 of Public Acts of the State of Michigan, 1959, as amended.

No building or structure hereafter erected or altered in a mobile home park shall exceed the height and story requirements of the LD - Low Density Residential Zoning District.

All uses established under this provision shall require site plan review, recommendation of the Township Planning Commission, after a public hearing and Township Board approval.

D. Water Supply and Wastewater Disposal Plants

Municipal water supply and wastewater plants shall be permitted in all use districts.

Section 24.11 - Temporary Special Land Use Permit for Mass Gatherings and Other Events

A special land use permit must be obtained for mass gathering and other events located in any Zoning district for a period of time not to exceed seven (7) days, when in the determination of the Planning Commission and the Township Board, that the mass gathering and/or event would be a permitted use under provisions of the zoning district in which the property for which the application is submitted is located.

ARTICLE 25 CONDITIONAL REZONING

Section 25.01 - Intent

It is recognized that there are certain instances where it would be in the best interests of the Township, as well as advantageous to property owners seeking a change in zoning boundaries, if certain conditions could be proposed by property owners as part of a request for a rezoning. It is the intent of this Section to provide a process consistent with the provisions of Section 405 of the Michigan Zoning Enabling Act, P. A. 110 of 2006, by which an owner seeking a rezoning may voluntarily propose conditions regarding the use and/or development of land as part of the rezoning request.

Section 25.02 - Application and Offer of Conditions

1. An owner of land may voluntarily offer in writing conditions relating to the use and/or development of land for which a rezoning is requested. This offer may be made either at the time the application for rezoning is filed or may be made at a later time during the rezoning process.
2. The required application and process for considering a rezoning request with conditions shall be the same as that for considering rezoning requests made without any offer of conditions, except as modified by the requirements of this Section.
3. The owner's offer of conditions may not purport to authorize uses or developments not permitted in the requested new zoning district.
4. The owner's offer of conditions shall bear a reasonable and rational relationship to the property for which rezoning is requested.
5. Any use or development proposed as part of an offer of conditions that would require a special land use permit under the terms of this Ordinance may only be commenced if a special land use permit for such use or development is ultimately granted in accordance with the provisions of this Ordinance.
6. Any use or development proposed as part of an offer of conditions that would require a variance under the terms of this Ordinance may only be commenced if a variance for such use or development is ultimately granted by the Zoning Board of Appeals in accordance with the provisions of this Ordinance.
7. Any use or development proposed as part of an offer of conditions that would require site plan approval under the terms of this Ordinance may only be commenced if site plan approval for such use or development is ultimately granted in accordance with the provisions of this Ordinance.
8. The offer of conditions may be amended during the process of rezoning consideration provided that any amended or additional conditions are entered voluntarily by the owner. An owner may withdraw all or part of its offer of conditions any time prior to final rezoning action of the Township Board provided that, if such withdrawal occurs subsequent to the Planning Commission's public hearing on the original rezoning request, then the rezoning application shall be referred to the Planning Commission for a new public hearing with appropriate notice and a new recommendation.

Section 25.03 - Planning Commission Review

The Planning Commission, after public hearing and consideration of the factors for rezoning set forth in the Township Zoning Ordinance and this Ordinance, may recommend approval, approval with recommended changes or denial of the rezoning; provided, however, that any recommended changes to the offer of conditions are acceptable to and thereafter offered by the owner.

Section 25.04 - Township Board Review and Approval Procedure

After receipt of the Planning Commission's recommendation, the Township Board shall deliberate upon the requested rezoning and may approve or deny the conditional rezoning request. The Township Board's deliberations shall include, but not be limited to, a consideration of the factors for rezoning set forth in the Township Zoning Ordinance and this Ordinance. Should the Township Board consider amendments to the proposed conditional rezoning advisable and if such contemplated amendments to the offer of conditions are acceptable to and thereafter offered by the owner, then the Township Board shall, in accordance with Section 401 (7) of the Michigan Zoning, Enabling Act, P. A. 110 of 2006, refer such amendments to the Planning Commission for a report thereon within a time specified by the Township Board and proceed thereafter in accordance with said statute to deny or approve the conditional rezoning with or without amendments.

Section 25.05 - Approval

1. If the Township Board finds the rezoning request and offer of conditions acceptable, the offered conditions shall be incorporated into a formal written Statement of Conditions acceptable to the owner and conforming in form to the provisions of this Section. The Statement of Conditions shall be incorporated by attachment or otherwise as an inseparable part of the ordinance adopted by the Township Board to accomplish the requested rezoning.
2. The Statement of Conditions shall:
 - a. Be in a form recordable with the Van Buren County Register of Deeds or, in the alternative, be accompanied by a recordable Affidavit or Memorandum prepared and signed by the owner giving notice of the Statement of Conditions in a manner acceptable to the Township Board.
 - b. Contain a legal description of the land to which it pertains.
 - c. Contain a statement acknowledging that the Statement of Conditions runs with the land and is binding upon successor owners of the land.
 - d. Incorporate by attachment or reference any diagram, plans or other documents submitted or approved by the owner that are necessary to illustrate the implementation of the Statement of Conditions. If any such documents are incorporated by reference, the reference shall specify where the document may be examined.
 - e. Contain a statement acknowledging that the Statement of Conditions or an Affidavit or Memorandum giving notice thereof may be recorded by the Township with the Register of Deeds.
 - f. Contain the notarized signatures of all of the owners of the subject land preceded by a statement attesting to the fact that they voluntarily offer and consent to the provisions contained within the Statement of Conditions.
3. Upon the rezoning taking effect, the Zoning Map shall be amended to reflect the new zoning classification along with a designation that the land was rezoned with a Statement of Conditions. The Zoning Administrator shall maintain a listing of all lands rezoned with a Statement of Conditions.
4. The approved Statement of Conditions or an Affidavit or Memorandum giving notice thereof shall be filed by the Township with the Register of Deeds. The Township Board shall have authority to waive this requirement if it determines that, given the nature of the conditions and/or the time frame within which the conditions are to be satisfied, the recording of such a document would be of no material benefit to the Township or to any subsequent owner of the land.
5. Upon the rezoning taking effect, the use of the land so rezoned shall conform thereafter to all of the requirements regulating use and development within the new zoning district as modified by any more restrictive provisions contained in the Statement of Conditions.

Section 25.06 - Compliance with Conditions

1. Any person who establishes a development or commences a use upon land that has been rezoned with conditions shall continuously operate and maintain the development or use in compliance with all of the conditions set forth in the Statement of Conditions. Any failure to comply with a condition contained within the Statement of Conditions shall constitute a violation of the Zoning Ordinance and this Ordinance and be punishable accordingly. Additionally, any such violation shall be deemed a nuisance per se and subject to judicial abatement and/or specific performance as provided by law.
2. No permit or approval shall be granted under this Ordinance for any use or development that is contrary to an applicable Statement of Conditions.

Section 25.07 - Time Period for Establishing Development or Use

Unless another time period is specified in the Ordinance rezoning the subject land, the approved development and/or use of the land pursuant to building and other required permits must be commenced upon the land within eighteen (18) months after the rezoning took effect and thereafter proceed diligently to completion. This time limitation may upon written request be extended by the Township Board if (1) it is demonstrated to the Township Board's reasonable satisfaction that there is a strong likelihood that the development and/or use will commence within the period of extension and proceed diligently thereafter to completion and (2) the Township Board finds that there has not been a change in circumstances that would render the current zoning with Statement of Conditions incompatible with other zones and uses in the surrounding area or otherwise inconsistent with sound zoning policy.

Section 25.08 - Reversion of Zoning

If approved development and/or use of the rezoned land do not occur within the time frame specified under Subsection 25.07 above, then the land shall revert to its former zoning classification. The reversion process shall be initiated by the Township Board requesting that the Planning Commission proceed with consideration of rezoning of the land to its former zoning classification. The procedure for considering and making this reversionary rezoning shall thereafter be the same as applies to all other rezoning requests.

Section 25.09 - Subsequent Rezoning of Land

When land that is rezoned with a Statement of Conditions is thereafter rezoned to a different zoning classification or to the same zoning classification but with a different or no Statement of Conditions, whether as a result of a reversion of zoning pursuant to Subsection 25.08 above or otherwise, the Statement of Conditions imposed under the former zoning classification shall cease to be in effect. Upon the owner's written request, the Township Clerk shall record with the Register of Deeds a notice that the Statement of Conditions is no longer in effect.

Section 25.10 - Amendment of Conditions

1. During the time period for commencement of an approved development or use or during any extension thereof granted by the Township Board, the Township shall not add to or alter the conditions in the Statement of Conditions.
2. The Statement of Conditions may be amended thereafter in the same manner as was prescribed for the original rezoning and Statement of Conditions.

Section 25.11 - Township Right to Rezone

Nothing in the Statement of Conditions or in the provisions of this Section shall be deemed to prohibit the Township from rezoning all or any portion of land that is subject to a Statement of Conditions to another zoning classification. Any rezoning shall be conducted in compliance with this Ordinance and the Michigan Zoning Enabling Act, P.A. 110 of 2006.

Section 25.12 - Failure to Offer Conditions

The Township shall not require an owner to offer conditions as a requirement for rezoning. The lack of an offer of conditions shall not affect an owner's rights under this Ordinance.

Section 25.13 - Consideration

In reviewing an application for the rezoning of land, whether the application is made with or without an offer of conditions, factors that should be considered by the Planning Commission and the Township Board include, but are not limited to, the following:

1. Whether the rezoning is consistent with the policies and uses proposed for that area in the Township's Master Land Use Plan;
2. Whether all of the uses allowed under the proposed rezoning would be compatible with other zones and uses in the surrounding area;
3. Whether any public services and facilities would be significantly adversely impacted by a development or use allowed under the requested rezoning; and
4. Whether the uses allowed under the proposed rezoning would be equally or better suited to the area than uses allowed under the current zoning of the land.

ARTICLE 26

NONCONFORMING LOTS, BUILDINGS AND STRUCTURES, AND USES

Section 26.01 - Continuance of Nonconforming Uses

It is recognized that there exists within zoning districts certain lots, buildings and structures, and uses which were lawful before this Ordinance was passed or amended, which would be prohibited, regulated, or restricted under the terms of this Ordinance. It is the intent of this Ordinance to permit legal, nonconforming lots, buildings and structures, and uses to continue until they are removed, but not to encourage their continued use or survival.

Nothing in this Ordinance shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance and upon which actual building construction has been diligently conducted.

Section 26.02 - Enlargement, Expansion or Extension of Nonconforming Uses Prohibited

Nonconforming lots, buildings and structures, and uses are declared by this Ordinance to be incompatible with the districts in which they are located. It is the intent of this Ordinance that these nonconformities shall not be enlarged upon, expanded, or extended, nor be used as grounds for adding other buildings, structures or uses prohibited elsewhere in the district, except as may be provided for in this Section.

Section 26.03 - Extension of Nonconforming within Nonconforming Parts of Buildings and Structures

Any non-conforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use, and which existed at the time of adoption of amendment of this Ordinance, but no such use shall be extended to occupy any land outside such buildings, or to parts of such building not built, designed or intended for such use.

Section 26.04 - Restoration of Nonconforming Use

A nonconforming use, building or structure damaged by fire, casualty, or act of God may be restored, reconstructed and use as before, provided that the volume of such use, building or structure may not exceed, subject to the provision of this Section, the volume which existed prior to such damage and that any such restoration or reconstruction be substantially completed within one year of the occurrence of the damage.

Section 26.05 - Zoning Board of Appeals Empowered to Expand Nonconforming Uses

No nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of the adoption or amendment of this Ordinance, except as may be permitted by the Zoning Board of Appeals upon reaching a determination that the proposed enlargement, increase, or greater area:

1. Shall not have a substantial detrimental effect on the use and enjoyment of adjacent uses or lots;
2. Shall comply with all parking, sign, or other applicable regulations applicable to accessory uses for the area affected by the proposed enlargement, increase, or greater area;
3. Shall comply with any reasonable conditions imposed by the Zoning Board of Appeals that are necessary to ensure that the proposed enlargement, increase, or greater area will not prove detrimental to adjacent properties, the neighborhood, or the community; and
4. Shall not be larger than twenty five percent (25%) of the original nonconforming area.

Section 26.06 - Changes of Nonconforming Uses Permitted by Zoning Board of Appeals

A nonconforming use may be changed to another nonconforming use provided that all of the following determinations are made by the Board of Appeals:

1. The proposed use shall be as compatible as or more compatible with the surrounding neighborhood than the previous nonconforming use.
2. The proposed nonconforming use shall not be enlarged or increased, nor extended to occupy a greater area of land than the previous nonconforming use, except as may otherwise be permitted by this Section.

3. That appropriate conditions and safeguards are provided that will ensure compliance with the intent and purpose of this Ordinance.

Section 26.07 - Nonconforming Lots of Record

1. Nonconforming lots of record are those lots of record existing and lawful prior to the effective date of this Ordinance or amendments thereto (11/21/08), which could not be created lawfully thereafter.
2. No division of any parcel shall be made which creates a lot with area or frontage less than the requirements of this Ordinance, for the zoning district in which it is situated.
3. A preexisting nonconforming lot of record may be utilized for any use which is permitted in accordance with the relevant zoning district regulations, provided that any development that occurs on such a lot shall comply with the minimum requirements of the applicable zoning district with the exception of lot area and/or frontage.

(Ord. 71; 11/2008)

Section 26.08 B Nonconforming Structures by Reason of Dimensional Inadequacies.

Where a lawful structure exists on the effective date of this Ordinance or amendments thereto which could not be built under its terms by reason of restrictions on area, height, yards, location on the lot, or other dimensional requirements, such a structure may be continued so long as it remains otherwise lawful, provided:

1. Repairs, maintenance and renovation necessary for health or safety reasons or to keep such a nonconforming structure in a sound condition may be made.
2. A nonconforming structure may be enlarged, expanded or altered, so long as the nonconforming characteristic of the structure is not enlarged upon, extended or increased in its degree of nonconformance.
3. Should such a nonconforming structure be relocated for any reason or for any distance whatever, it shall thereafter conform to the regulations for the zoning district in which it is located.
4. If such a nonconforming structure becomes physically unsafe or unlawful due to lack of repairs and maintenance and is declared by any duly authorized official to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired, or rebuilt except in conformity with the regulations of the zoning district in which it is located.
5. Such a nonconforming structure which is damaged or destroyed by wind, fire, explosion, a natural calamity or the public enemy may be altered, repaired or replaced and the nonconforming nature thereof continued, provided that 1) the repair, replacement or alteration is undertaken within two years following the damage, 2) there is no change in use, and 3) the extent of the nonconformance with the provisions of this Ordinance is not increased.

(Ord. 71; 11/2008)

Section 26.09 - Contiguous Nonconforming Lots in Common Ownership

For any two (2) or more nonconforming lots of record or combination of lots and portions of lots of record, in existence at the time of the passage of this Ordinance, or an amendment thereto, or at any time thereafter, the lands involved shall be considered to be an undivided parcel for the purposes of this Ordinance if they are:

1. in common ownership;
2. are adjacent to each other or have continuous frontage, and;
3. individually do not meet the lot width or lot area requirements of this Ordinance.

Such parcels shall be combined into a lot or lots complying as nearly as possible with the lot width and lot size requirements of this Ordinance. No portion of such parcel shall be used or divided in a manner that diminishes compliance with lot width and area requirements of this Ordinance.

Section 26.10 - Abandonment of Nonconforming Uses and Structures

If a nonconforming use is abandoned for any reason for a continuous period of more than six (6) months any subsequent use shall conform to the requirements of this Ordinance.

A nonconforming use shall be determined to be abandoned if one (1) or more of the following conditions exists, and shall be deemed to constitute an intent on the part of the property owner to abandon the nonconforming use when:

1. Utilities, such as water, gas and electricity to the property, have been disconnected (for nonconforming seasonal use cottages only, utilities must be disconnected for more than 12 months in order for the cottage to be considered abandoned); (Ord. 71; 11/2008)
2. The property, buildings, and grounds, have fallen into disrepair;
3. Signs or other indications of the existence of the nonconforming use have been removed;
4. Removal of equipment or fixtures which are necessary for the operation of the nonconforming use;
5. Other actions, which in the opinion of the Zoning Administrator constitute an intention of the part of the property owner or lessee to abandon the nonconforming use.

The “official” date of abandonment of an abandoned nonconforming use shall be the date of posting of a notice of abandonment upon the property by the Zoning Administrator with a copy delivered via US Postal Service to the owner of record, as stated in the Township tax assessment records.

Section 26.11 - Moving of Nonconformities

If any part of a nonconforming use is moved, the part of the nonconforming use that is moved shall be considered to be abandoned and any subsequent use shall conform to the requirements of this Ordinance.

Section 26.12 - Township Elimination of Nonconforming Uses

The Township may acquire, through purchase or condemnation, private nonconforming lots, buildings and structures, and uses the Township Board may take such actions in the manner provided for by law.

ARTICLE 27 ADMINISTRATION, FEES AND ENFORCEMENT

Section 27.01 - Purpose

The purpose of this Article is to provide for the organization of personnel and procedures for the administration of the Ordinance, including the submittal and review of land use and development plans, issuance of land and structural use zoning compliance permits, inspections of properties for compliance with the Zoning Map and regulations, establishment and collection of permit fees, handling of violators and enforcement other provisions of this Ordinance and any amendments to it.

Section 27.02 - Administration

The provisions of this Ordinance shall be administered by the Zoning Administrator and/or Building Inspector, Township Board, the Township Planning Commission and such other personnel as designated by the Township Board in accordance with the Michigan PA. 168 of 1959, as amended, “Township Planning Act”, Michigan P. A. 110 of 2006, the “Michigan Zoning Enabling Act” and this Zoning Ordinance.

The Township Board may all employ a Zoning Administrator who shall act as the officer to carry out the enforcement of this Ordinance. The person selected, the terms of employment and the rate of compensation shall be established by the Township Board.

Section 27.03 - Duties of Zoning Administrator

- A. Receive and review all applications for Zoning Permits, including those for approved Special Uses, Planned Unit Developments, and Zoning Board of Appeals grants of variances, and approve or disapprove such applications based on compliance with the provisions of this Ordinance and shall approve issuance of the permit, if the use and the requirements of this Ordinance and any approved site plans are met.
- B. The Zoning Administrator shall assist the Township Board, the Planning Commission and the Zoning Board of Appeals in the processing and administering of all zoning appeals for variances, special use permits, planned unit developments and amendments to the Zoning Ordinance.
- C. The Zoning Administrator shall be responsible to update the Official Township Zoning Map and keep it current, and the map shall be placed on file in the Township Clerk=s office.
- D. The Zoning Administrator shall prepare and submit to the Township Board and the Planning Commission a written record of all Zoning Compliance Permits issued during each quarter of the calendar year. The record shall state the owner=s name, location of property, intended use and estimated cost of construction for each permit.
- E. Maintain written records of all actions taken by the Zoning Administrator.
- F. Grant Administrative Variances as provided in this Article.
- G. Provide period reports to the Township Supervisor.

Section 27.04 - RESERVED (Ord. 71; 11/2008)

Section 27.05 - Zoning Compliance Permit

- A. **Zoning Compliance Permit Requirements:** A Zoning Compliance Permit is required for and shall be obtained after the effective date of this Ordinance from the office of the Zoning Administrator or his agent by the owner or his agent for the following conditions:

1. The administrative coordination of Zoning Compliance Permits issued by the Township Zoning Administrator and Building Permits by the Building Inspector shall be in accordance with Section 27.05 B of this Ordinance.
2. The staking out, grading or any other construction relating to all land developments intended or capable of meeting the requirements of this Ordinance for possible land, building or structural use.
3. The construction, enlargement, alteration, demolition or moving of any dwelling, building or structure or any part thereof, being used or to be used for agricultural, residential, commercial, industrial, public or semi-public purposes.
4. Repairs of a minor nature or minor alterations which do not change the use occupancy, area, structural strength, fire hazard, fire protection, exits, light, and ventilation of a building shall not require a Zoning Permit.

B. Application for a Zoning Compliance Permit: Application for a Zoning Compliance Permit shall be made by the property owner and other owners or an owner(s) designated representative in writing upon a form furnished by the Zoning Administrator, including the following information either on the application form, supporting documentation or on a site plan:

1. The location, shape, area and dimensions for the parcel(s), lot(s) or acreage, and all existing improvements on the lot or parcel delineated on a plot of survey prepared by a licensed Land Surveyor, including rights-of-ways easements sewer and water, drainage, and at the request of the Zoning Administrator other data including 1) large trees six (6) inches or more in diameter for the portion of the site to be developed, 2) important natural features, including shorelines, surface water features, wetlands and when required for analysis of compliance with the terms of this ordinance, topography at a scale necessary to determine compliance with the terms of this Ordinance.
2. The location of the proposed construction, upon the parcel(s), lot(s) or acreage affected, including all buildings and structures, e.g. walls, fences, berms, walks, drives, roads, parking areas, landscaping, buffers and utilities.
3. The dimensions, height and floor area of structures, including the perimeter pattern of foundation (“footprint”) for each building and structure.
4. The type of the proposed construction, alteration, or repair and the intended use, including buildings and structures, water supply and wastewater disposal systems, surface and underground drainage and impoundment system, public utilities, offices, working areas and recreation rooms.
5. The proposed number of dwelling units, sleeping rooms in each dwelling unit, occupants per dwelling unit and employees, customers, other uses (commercial, industrial, public and semi-public) and the floor area dimensions of each.
6. The present use of any structure affected by the construction or alteration.
7. All yard, open land area and parking space dimensions, if applicable.
8. The proposed plan and specifications of curb cuts, walks, drives, driveway entrance lanes, and off street parking spaces, if applicable.
9. The proposed plan and specifications of off-street loading and unloading spaces provided, if applicable.

10. Present zoning, proposed and required minimum setbacks, proposed and permitted maximum lot coverage and zoning of adjacent properties.
 11. Height, size and location of all signs, freestanding and on structures.
 12. Any other information deemed necessary by the Zoning Administrator to determine and provide for conformance to and the enforcement of this Ordinance and to assure compliance of approved site plans for special uses and planned unit developments.
 13. A statement on the potential impact of the proposed development on the present natural conditions of the lot or parcel and the impact on adjacent properties and their present and future uses.
- C. **Project Compliance Requires Issuance of Permit:** If the information included in and with the application is in compliance with these requirements and all other provisions of this Ordinance, the Zoning Administrator shall issue a Zoning Compliance Permit upon payment of the required Zoning Compliance Permit fee.
- D. **Voiding of Permit:** Any Zoning Compliance Permit granted under this Article shall be null and void unless the development proposed shall have its first inspection within one (1) year from the date of granting the permit. It is the responsibility of the recipient of any approval granted pursuant to the terms of this ordinance to notify the Zoning Administrator, 30-day prior to the expiration of any permit issued by the Township requesting an extension. Failure to contact the Zoning Administrator, in writing, requesting an extension shall void the permit immediately upon the expiration date.
- E. **Fees, Charges, and Expenses:** The Township Board shall establish a schedule of fees charges, and expenses and a collection procedure for Zoning Compliance Permits, appeals and other matters pertaining to this Ordinance. The schedule of fees shall be on file in the Township Clerk and Zoning Administrator offices and may be altered or amended only by the Township Board. No permit, certificate, special use approval, or variance shall be issued until such costs, charges, fees or expenses listed in this Ordinance have been paid in full according to the provisions of the resolution establishing the fee schedule, nor shall any action be taken on proceedings before the Zoning Board of Appeals, until all applicable charges and fees have been paid in full.
- G. **Inspection:** The construction or usage affected by any Zoning Compliance Permit shall be subject to the following inspections:
1. At the time of staking out a building foundation or the location of a structure.
 2. Upon completion of the construction authorized by the Zoning Compliance Permit.
 3. It shall be the duty of the holder of every Zoning Compliance Permit to notice the Zoning Administrator when construction is ready for inspection. Upon receipt of such notification for the first inspection, the Zoning Administrator shall determine whether the location of the proposed building(s) and structure(s), as indicated by corner and location stakes, is in accordance with yard setbacks and other requirements of the Ordinance, the Zoning Administrator shall issue his written approval at the time of inspection if the building or proposed construction meets the requirements of this Ordinance.
 4. Should the Zoning Administrator determine that the building or structure is not located according to the site and construction plans filed, or is in violation of any provision of this Ordinance, or any other applicable law, he shall so notify, in writing, the holder of the permit or his agent. Further construction shall be stayed until correction of the defects set forth has been accomplished and approved upon notice and request for re-inspection by the applicant and those inspections completed and compliance certified in writing by the Zoning Administrator.

5. Should a Zoning Compliance Permit holder fail to comply with the requirements of the Zoning Administrator at any inspection stage, the Zoning Administrator shall cause notice of such permit cancellation to be securely and conspicuously posted upon or affixed to the construction not conforming to the Ordinance requirements, and such posting shall be considered as service upon the notice to the permit holder of cancellation thereof; and no further work upon said construction shall be undertaken or permitted until such time as the requirements of this Ordinance have been met. Failure of the permit holder to make proper notification of the time for inspection shall automatically cancel the permit, requiring issuance of a new permit before construction may proceed.

Section 27.06 - Nuisance Per Se

Any land, dwellings, buildings, or structures, including tents and trailer coaches, used, erected, altered, razed or converted in violation of this Ordinance or in violation of any regulations, conditions, permits or other rights granted, adopted or issued pursuant to this Ordinance are hereby declared to be a nuisance per se.

Section 27.07 - Penalties

Any person, firm, association, partnership, corporation or governmental entity who creates or maintains a nuisance per se as defined in Section 25.05 above, shall be responsible for a civil infraction punishable by a civil fine determined in accordance with the schedule outline in Ordinance 53, Section 5: Schedule of Civil Fines/ Cost. Such violation shall be deemed as a Class II Violation. The imposition of any sentence shall not exempt the offender from compliance with the provisions of this Ordinance.

(Section 27.07 amended by Ord. 90, 3/14/17)

Section 27.08 - Abatement of Nuisance

In addition to the criminal penalties provided in this Ordinance, the Township may initiate proceedings in Trial Court of Van Buren County to abate or eliminate the nuisance.

(Section 27.08 amended by Ord. 90, 3/14/17)

Section 27.09 - Show Cause Hearing

Before initiating or requesting enforcement action under this Ordinance, the Township Board, Zoning Board of Appeals, or Planning Commission may, but is not required, to issue a notice of hearing directed to the person, partnership, corporation, or association alleged to be in violation of this Ordinance. The purpose of this hearing is to grant to the alleged violator(s) an opportunity to show cause why enforcement action should not be commenced. The notice issued pursuant to this section shall note the date, time, and location of the hearing. The notice shall be sent to the alleged violator(s) by first-class mail at the last known address as appears on the tax assessment rolls or at a different address known to the Township to be the address of the alleged violator(s). Any alleged violator served with a notice of hearing as provided in this section shall not be required to attend the hearing.

ARTICLE 28 ZONING BOARD OF APPEALS

Section 28.01 - Establishment of Zoning Board of Appeals

There is hereby established a Zoning Board of Appeals, which shall perform its duties and exercise its powers as provided by Section 601, P. A. 110 of 2006, the “Michigan Zoning Enabling Act” and as provided in this Ordinance in such a way that the objectives of this Ordinance shall be enforced, the public health and safety secured, and substantial justice done.

Section 28.02 - Membership and Terms of Office

A. Regular Members

The Zoning Board of appeals shall consist of five (5) members. The first member of such Board of Appeals shall be a member of the Township Planning Commission, to be appointed by the Planning Commission, for the terms of office; the second member may be a member of the Township Board, selected by the Township Board for the term of office; and the other member shall be selected and appointed by the Township Board from among the electors residing in the unincorporated area of the Township for terms of three (3) years provided that no elected officer of the Township, nor any employee of the Township Board may serve simultaneously as the elector member or as an employee of the Zoning Board of Appeals. The Chairman of the Zoning Board of Appeals shall be elected from among any of its members each year at the first regular meeting held at the beginning of each calendar year. The Township Board member appointed to the Zoning Board of Appeals shall not serve as Chairman nor shall the Township Planning Commission member serve as the Chairman if they also hold the position as Chairman of the Township Planning Commission.

B. Alternate Members

The Township Board may appoint two (2) alternate members for the same term as the regular members who may be called by the Chairman to serve in the absence of a regular member (for any reason) or upon the excuse absence of a regular member (for any reason) to serve as a regular member of the Zoning Board of Appeals. In such cases the alternate member shall be afforded the same voting rights as a regular member and serve in the capacity as a regular member for any and all cases until a final decision is made.

Section 28.03 - Rules of Procedure, Majority Vote

The Board may adopt its own bylaws or rules and procedures as may be necessary to properly conduct its meetings and activities. The concurring vote of a majority of the membership of the Zoning Board of Appeals shall be necessary to reverse any order, requirement, decision or determination of the Zoning Administrator or to decide in favor of the applicant any matter upon which they are required to pass under this Ordinance or to effect any variation in this Ordinance due to unnecessary hardship or practical difficulties.

Section 28.04 - Meetings

Meetings of the Zoning Board of Appeals shall be held at the call of the Chairman or by any two of its members, excluding alternate members, and at such other times as the Board in its bylaws may specify.

Section 28.05 - Public Meetings and Minutes

All meetings of the Zoning Board of Appeals shall be open to the public. Minutes shall be recorded of all proceedings which shall contain evidence and data relevant to every case considered, together with the record of the final disposition of each case. The grounds or reasons of every determination shall be stated, in writing, and recorded as part of the official minutes and record of the Board. Such minutes shall accompany and be attached to the standard forms required of persons appealing as part of the Zoning Board of Appeals= permanent records. Such minutes shall be filed in the office of the Township Clerk and shall be sent promptly to the applicant or appellant and to the Zoning Administrator. The Township Clerk shall act as the depository for all official files of the Zoning Board of Appeals.

Section 28.06 - Powers and Duties

The Zoning Board of Appeals shall have powers to interpret the provisions of this Ordinance, to grant variances from the strict application of any provisions of this Ordinance, and as otherwise provided in this Ordinance.

- A. The Zoning Board of Appeals shall hear and decide appeals from, and review any order, requirement, decision or determination made by the or Zoning Administrator in the administration of this Ordinance as hereinafter provided, and shall have power to interpret the provisions of this Ordinance; to grant variances from the strict application of any of the provisions of this Ordinance as follows:
1. To decide any question involving the interpretation of any provision of this Ordinance, including determination of the exact location of any district boundary if there is uncertainty about its location.
 2. To grant variances from any of the regulations or provisions contained in this Ordinance in cases in which there are practical difficulties or unnecessary hardships resulting from such strict application. No variance shall be granted to permit the establishment within a district of any use which is specifically not included or is prohibited for which a special use approval is required.
 3. To permit the erection and use of a building, or an addition to an existing building of a public service corporation or for public utility purposes, in any permitted district to a greater height or larger area than the requirements herein established; and permit the location in any district of a public utility building, structure or use, if the Commission shall find the use, height, area, building or structure reasonably necessary for the public convenience and service; and provided that such building, structure or use is designed, erected and landscaped to conform harmoniously with the general architecture and environmental character of the District in which it is to be located.
 4. Determine the classification of off-street parking and loading requirements in Article 19, Section 19.09.

Section 28.07 - Variances

A variance from the terms of this Ordinance shall not be granted by the Zoning Board of Appeals unless and until:

- A. A written application for a variance is submitted by a fee owner and other owners or a designated representative, demonstrating:
1. That special conditions and circumstances exist which are peculiar to the land, land use, structure or building in the same Zoning district so as to present such a unique situation that a precedent will not be established for other properties in the District to also ask the same or similar change through the Zoning Appeal procedure.
 2. That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same Zoning district under the provisions of this Ordinance.
 3. That granting of the variance requested will not confer on the applicant any special privilege that is denied by the provisions of this Ordinance to other lands, structures, or buildings in the same Zoning District.
 4. That no nonconforming use of other lands, structures, or buildings in the same zoning district, and not permitted use of lands, structures or buildings in other zoning districts shall be considered grounds for the issuance of a variance.
- B. The Zoning Board of Appeals shall make findings that the requirements of this Ordinance have been met in the Zoning district in which it is located by the applicant for the variance requested.
- C. The Zoning Board of Appeals shall further make a finding that the reasons set forth in the application justify the granting of the variance, and the variance is the minimum variance that will make possible the reasonable use of the land, building or structure in the zoning district in which it is located.

- D. The Zoning Board of Appeals shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this Ordinance, and will not be injurious or otherwise detrimental to the public welfare of the zoning district in which it is to be located.
- E. In granting any variance, the Zoning Board of Appeals may prescribe appropriate conditions and safeguards in order for the variance to be in conformance with this Ordinance as much as reasonably possible. Violations of such conditions and safeguards, when made apart of the terms under which the variance is granted, shall be deemed a violation of this Ordinance, and punishable under Sections 25.05 through 25.08 of this Ordinance.
- F. Under no circumstances shall the Zoning Board of Appeals grant a variance to allow a use not permissible under the terms of this Ordinance in the zoning district in which the variance requested is to be located.
- G. In making the above determinations the Zoning Board of Appeals shall refer to the following considerations:
1. Are there exceptional or extraordinary circumstances or conditions applying to the property in question that do not apply generally to other properties in the same zoning district? Exceptional or extraordinary circumstances or conditions include:
 - a. exceptional narrowness, shallowness or shape of a specific property on the effective date of this chapter; or
 - b. by reason of exceptional topographic conditions or other extraordinary situation on the land, building or structure; or
 - c. by reason of the use or development of the property immediately adjoining the property in question; whereby the literal enforcement of the requirements of this Ordinance would involve practical difficulties; or
 - d. any other physical situation on the land, building or structure deemed by the Zoning Board of Appeals to be extraordinary
 2. Is the condition or situation of the specific piece of property for which the variance is sought not of so general or recurrent a nature as to make reasonably practical the formulation of a general regulation for such conditions or situations?
 3. Is the variance necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district and in the vicinity? The possibility of increased financial return shall not of itself be deemed sufficient to warrant a variance.
 4. If issued, the variance will not be significantly detrimental to adjacent property and the surrounding neighborhood.
 5. If issued, the variance will not impair the intent and purpose of this Ordinance.
 6. The immediate practical difficulty causing the need for the variance request was not created by any affirmative action or inaction of the applicant.
- (Ord. 71; 11/2008)

Section 28.08 - Voiding of and Re-application for Variances

- A. Each variance granted under the provisions of this Ordinance shall become null and void unless the use and construction authorized by such variance or permit has been commenced within one year (1) after the granting of such variance.

- B. No application for a variance which has been denied wholly or in part by the Zoning Board of Appeals shall be resubmitted for a period of one (1) year from such denial, except on grounds of new evidence or proof of changed conditions found by the Zoning Board of Appeals to be valid.

Section 28.09 - Procedure for Appealing to the Zoning Board of Appeals

- A. **Appeals, How Taken:** Appeals from the ruling of the Township Zoning Administrator maybe made to the Zoning Board of Appeals in the following manner:
 - 1. The person, firm or agent thereof making the appeal shall include the fee owner of the property in question and others and shall file in writing to the Township Clerk a letter stating what the specific appeal is and the reasons for said appeal. The appeal shall be filed by not less than thirty (30) days prior to regular monthly meeting of the Zoning Board of Appeals.
 - 2. The Township Clerk submits the written appeal, along with all papers constituting the record from which the action appealed was taken, to the Zoning Board of Appeals.
- B. **Who May Appeal:** Appeals to the Zoning Board of Appeals maybe taken by any person aggrieved, by an officer, department, board, agency or bureau of the Township on the matter of zoning decisions.
- C. **Fee for Appeal:** A fee prescribed by the Township Board shall be submitted to the Township Clerk at the time of filing the letter of appeals.
- D. **Effect of Appeal:** An appeal stays all proceedings in furtherance of the action appealed from unless the officer from whom the appeal is taken certifies to the Township Zoning Board of Appeals, after the Notice or Appeal shall have been filed with him, that by reason of facts stated in the certificate, a stay would in his opinion cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Zoning Board of Appeals or by the Circuit Court, on application, on notice to the officer from whom the appeal is taken and on due cause shown.

Section 28.10 - Hearing by the Zoning Board of Appeals

When a request for appeals has been filed in proper form with the Zoning Board of Appeals, the Chairman shall immediately place the said request for appeal upon the calendar for hearing, and cause notice, stating the time, place and object of the hearing to be served personally or by mail at least ten (10) days prior to the date of such hearing, upon the party or parties making the request for appeal. Notices shall be sent to all property owners and occupants of properties located within 300 feet of the parcel for which the variance is being requested at least 10 days prior to the date of the hearing.

Section 28.11 - Representation at Hearing

During a hearing, any party or parties may appear in person or by an agent, including an attorney, engineer, architect, planner, landscape architect, realtor or other representative designated by the fee or other owner(s) of the parcel in question.

Section 28.12 - Zoning Board of Appeals Action

The Zoning Board of Appeals shall decide upon all appeals within a reasonable time and reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination appealed from, and shall make such order, requirement, decision or determination as, in its opinion, ought to be made in the premise and to that end shall have all the powers of the Zoning Administrator from whom the appeal is taken. The Zoning Board of Appeals= decision of such appeals shall be in the form of a motion containing a full record of the findings and determination of the Zoning Board of Appeals affixed thereon. Any persons having an interest affected by such resolution shall have the right to appeal to the Circuit Court of Van Buren County on questions of law and fact.

Section 28.13 - Delay Required in Issuing Zoning Permits

An aggrieved party to a zoning variance decision must appeal the decision within 21 days of the decision of the Zoning Board of Appeals to Circuit Court of Van Buren County. If the Township receives notice of an appeal within the 21-day period, no further action shall be taken by the Zoning Administrator until the matter has been heard and decided by the Circuit Court.

ARTICLE 29 AMENDING THE ZONING ORDINANCE

Section 29.01 - Changes and Amendments

Only the Township Board may amend this Ordinance. Proposals for amendments or changes may be initiated by the Township Board on its own motion, by the Planning Commission, or by petition of one (1) or more owners of property to be affected by the proposed amendment.

Section 29.02 - Procedures

The procedure for making amendments to this Ordinance shall be in accordance with the Michigan Zoning Enabling Act, P. A. 110 of 2006.

A petition prepared and submitted by any qualified applicant, the Township Board or the Township Planning Commission, together with a completed and signed application and any required fees (if applicable), shall be filed with the Township Zoning Administrator. The petition shall be filed by the petitioner not less than twenty (20) days prior to regular monthly meeting of the Planning Commission. The Zoning Administrator shall review the application as to form and, when it is approved, transmit same to the Township Planning Commission for review and report. The Zoning Administrator shall, at the same time, establish a date for a public hearing on the petition for the Planning Commission and shall give proper notice of the hearing as provided in Public Act 110 of 2006, the Michigan Zoning Enabling Act. The Zoning Administrator shall also, for any proposed amendment to the Zoning Map, give notice thereof, and of the public hearing, to the owner of the property in question, to all persons to whom any real property within three hundred (300) feet of the premises in question is assessed, and to the occupants of all single and multiple-family dwellings within three hundred (300) feet as prescribed by law. The notice shall be delivered personally or by mail to the respective owners and tenants at the address given in the last assessment roll. The notice shall be made at least eight (8) days prior to the hearing.

Requirements of written notice to property owners shall not apply to comprehensive revisions to the Zoning Ordinance. Public hearing requirements shall also apply to amendments initiated by the Township Board or the Township Planning Commission.

Section 29.03 - Notice of Public Hearing and Content of Notice

The Zoning Administrator shall give Notice of Public Hearing in the following manner:

- A. Publication in a newspaper of general circulation in the local unit of government not less than 15 days before the date of the public hearing.
- B. Notice sent by mail or personal delivery to the owners of property for which the matter of the public hearing is being held.
- C. Notice sent by mail to all persons to whom real property is assessed within 300 feet of the property subject to the public hearing matter.
- D. Notice by mail or personal delivery to all occupants of all structures within 300 feet of the property subject to the public hearing matter.

The content of the public notice shall include:

- A. A description of the nature of the request.
- B. The description of the property that is subject to the request, including the street address or addresses if more than one property and if no addresses are assigned another means of identification.
- C. The date, time and location of the hearing.
- D. The time for submission of written comments and location where they will be accepted.

Section 29.04 - Information Required

The applicant shall submit a detailed description of and the reasons for the requested zoning change to the Township Zoning Administrator. When the application involves a change in the Zoning District Map, the applicant shall submit the following information:

- A. The legal description of the property.
- B. A scaled map or plot of survey of the property, which correlates with the legal description, and an area map clearly showing the property's location with the certified signature of the owner affixed to the application for rezoning.
- C. The name and address of the petitioner.
- D. The applicant's interest in the property, and if the applicant is not the owner; the name and address of the owner with the signatures of all of the owners affixed to the petition requesting the zoning change.
- E. Date of filing with the Township.
- F. Signature(s) of the applicant(s) and all of the owner(s) certifying the accuracy of the information contained in the application.
- G. A complete description of the requested change and the reasons for wanting the change in zoning from that which the Zoning Ordinance text or Zoning District Map already provides.

Section 29.05 - Steps in Making a Change

- A. The petitioner submits application and fee to the Township Zoning Administrator.
- B. Clerk transmits application to Planning Commission, sets hearing date, and publishes notices of hearing.
- C. Planning Commission holds hearing, makes its decision stating its reasons in the official written record, and transmits the record of its decision as its recommendation to the County Planning Commission and to the Township Board.
- D. Township Board reviews Township Planning Commission's recommendation and those of the County Planning Commission and either enacts or rejects the proposed change as an Ordinance amendment, and, if approved, publishes the text of the change in a newspaper of general circulation in the Township.

Section 29.06 - Findings of Facts Required

In reviewing an application for a zoning change, the Planning Commission shall identify and evaluate all factors relevant to the requested change, and shall report its findings in full, along with its recommendations for disposition of the requested change, to the Township Board within sixty (60) days of the filing date of the application.

The facts to be considered by the Planning Commission shall include, but not be limited to, the following:

- A. Whether the requested zoning change is justified because of a change in conditions since the original ordinance was adopted or because of an error in the original ordinance.
- B. The precedents, and the possible effects of such precedents, which might likely result from approval or denial of the application.
- C. The compatibility of the requested amendment with the Township or other government agencies which provide any services, facilities, and/or programs that might be required if the application were approved.

- D. Effect of approval of the application on adopted development, policies of the Township and other government units.
- E. All findings of fact, conclusions and reasons for approval or denial shall be made a part of the official published public records of the meetings of the Planning Commission and Township Board. A zoning amendment shall not be approved, unless all identified facts are affirmatively resolved that they are needed to preserve and protect the general health, safety, welfare, comfort and convenience of the citizens of the Township, or of other civil divisions, if applicable.

**ARTICLE 30
SEVERABILITY**

Section 30.01 - Severance Clause

Sections of this Ordinance shall be deemed to be severable and should any section, paragraph, or provision hereof be declared by the courts to be unconstitutional or invalid, such holdings shall not affect the validity of this Ordinance as a whole or any part hereof, other than the part so declared to be unconstitutional or invalid.

ARTICLE 31
ADOPTION AND EFFECTIVE DATE OF ORDINANCE

Section 31.01 - Effective Date of Ordinance

This Ordinance shall become effective thirty (30) days after publication of its adoption in a newspaper of general circulation in the Township following passage by the Township Board of the Township of Covert, Van Buren County, Michigan.

Made and passed by the Township Board of the Township of Covert Van Buren County, Michigan on this 14th day of November 2006

1. Dates of Publication of Notice of Public Hearing April 27 and May 17, 2006.
2. Date of Public Hearing by Planning Commission May 24, 2006.
3. Date of Review by County Planning Commission September 27, 2006.
2. Date of Adoption by Township Board October 10, 2006.
4. Date of Publication of Notice of Adoption October 20, 2006.
5. Date Ordinance Shall Take Effect November 1, 2006.

Attest:

Wayne Rendell
Township Supervisor

Dennis Palgen
Township Clerk