

RESTATEMENT OF OLIVE TOWNSHIP ZONING ORDINANCE
(Incorporating Zoning Text Amendment Ordinances prior to September 22, 2017)
(Previously Restated on November 1, 2015 March 6, 2013, March 2, 2012, November 11, 2010,
January 11, 2010, December 5, 2007, March 31, 2007 & March 9, 2005)

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Article 1
Title, Purpose Enabling Authority and Conditions of Enactment

The Township of Olive, Ottawa County, Michigan ordains:

Section 1.01 - Title:

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

Section 1.02 - Purpose of this Zoning Ordinance and Resolution of Intent *(amended 10-03-09)*

An Ordinance for the protection of the public health, safety, and other aspects of the general welfare of Olive Township through the establishment in Olive Township, Ottawa County, Michigan of zoning districts for the planned orderly growth and development of the Township within which the proper use of land and natural resources may be encouraged or regulated, and within which zoning district's provisions may also be adopted designating the location of, the size of, the land and structural uses that may be permitted without or with special use conditions; the minimum open spaces, sanitary, safety, and protective measures that shall be required for, and the maximum number of families that may be housed in dwellings, buildings, and structures that may be erected or altered; to provide, based upon the planned orderly growth and development of the township, in an orderly manner and through the wise and efficient use of public services required to be provided to the residents of the Township; to provide for the conservation of the use of energy; the conservation of agricultural, forest, and open space lands, wetlands, and land areas containing natural or cultural resources or features necessary to the social and economic well-being of present and future generations; to provide for a method of adoption of amendments to this Ordinance, to provide for conflicts with other state laws and state administrative rules and regulations and local ordinances and regulations with this Ordinance; to provide for penalties for violations of this Ordinance in accordance with the provisions of Public Act 110 of 2006, as amended, and this Ordinance; to provide for the collection of fees for zoning permits required under this Ordinance; to provide for petitions, public hearings, and referenda in accordance with the provisions of Public Act 110 of 2006, as amended, and this Ordinance, and to provide for appeals of the provisions of this Ordinance.

Section 1.03 - State Legislation Enabling Authority: *(amended 10-03-09)*

This Ordinance is adopted pursuant to Public Act 110 of 2006, as amended, and, when so far as it is applicable, Public Act 33 of 2008, as amended, of the State of Michigan. Said Public Acts covering Planning (Act 33 of 2008) and Zoning (Act 110 of 2006) are hereby made a part of this Ordinance as if contained verbatim in their complete textual forms, as amended.

Section 1.04 - Enactment Declaration:

This Zoning Ordinance, and its contained provisions, are hereby declared to be necessary to the providing of a present and future planned orderly growth and development of the Township, in the interest of providing for the public health safety, peace, enjoyment, convenience, comfort and other aspects of the general welfare of the residents of this Township in order to provide adequately for the necessities in the pursuit of their daily living pattern. This Zoning Ordinance is hereby ordered to be given immediate effect upon its passage by the Township Board of Trustees and subsequent publications as required by law.

Section 1.05 - Adoption of this Zoning Ordinance and Repeal of Present Zoning Ordinance:

The Zoning Ordinance of Olive Township #1014 presently in effect in the Township and all amendments thereto, hereby are repealed. This Ordinance supercedes, reorganizes, and amends the present Ordinance on the effective date of this ordinance; provided, however, if this Zoning Ordinance as a whole shall subsequently be judicially determined to have been unlawfully adopted, such judicial determination shall then automatically reinstate the present Township Zoning Ordinance and all of its amendments to their full effect.

Section 1.06 - Relationship to the Master Land Use Plan:

The zoning map and text - the plans and specifications for the future development and redevelopment of the Township - are based upon the adopted Master Land Use Plan, as amended, for Olive Township. In particular, the Master Plan components for Land Use and Transportation have been and will continue to be the basis for amending or changing the Zoning Ordinance and Text in the future.

Article 2
Definitions

Section 2.01 - Rules Applying to Text

All words used in the present tense shall include the future, all words in the singular number include the plural number, and all words in the plural number include the singular number; the word "building" includes the word "structure", and "dwelling" includes "residence"; the word "person" includes "corporation", "co-partnership", and "association" as well as an "individual"; the word "shall" is mandatory and directory. Terms not herein defined shall have the meaning customarily assigned to them.

Section 2.02 – Definitions *(amended 06-06-08, 01-16-09, 09-07-10, 10-30-15)*

For the purpose of this Ordinance, the following terms and words are defined as follows:

Accessory Building - See "Building, Accessory"

Accessory Use - See "Use, Accessory"

Adjacent Property - Property which adjoins any side or corner of a specific parcel of land.

Agribusiness - An agribusiness shall be a business or use, including its buildings and structures, which is conducted upon one or more lots or parcels or parts thereof, which provides services, goods, storage, transportation, or other activities directly related to, or that assist in, the production or resale of agricultural commodities.

Agriculture - See "Farm"

Agricultural land - means substantially undeveloped land devoted to the production of plants and animals useful to humans, including, but not limited to, forage and sod crops, grains, feed crops, field crops, dairy products, poultry and poultry products, livestock, herbs, flowers, seeds, grasses, nursery stock, fruits, vegetables, Christmas trees, and other similar uses and activities.

Agricultural product --- Those plants and animals useful to human beings produced by agriculture and includes, but is not limited to, forages and sod crops, grains and feed crops, field crops, dairy and dairy products, poultry and poultry products, cervidae, livestock, including breeding and grazing, equine, fish, and other aqua-cultural products, bees and bee products, berries, herbs, fruits, vegetables, flowers, seeds, grasses, nursery stock, trees and tree products, mushrooms, and other similar products, or any other product which incorporates the use of food, feed, fiber, or fur, as determined by the Michigan commission of agriculture.
(Rev. 2-15-04)

Agricultural use --- Substantially undeveloped land devoted to the production of plants and animals useful to humans, including forages and sod crops; grains, feed crops, and field crops; dairy and dairy products; poultry and poultry products; livestock, including breeding and grazing of cattle, swine, captive cervidae, and similar animals; berries; herbs; flowers; seeds; grasses; nursery stock; fruits; vegetables; Christmas trees; and other similar uses and activities and activities that use land for the same uses or activities. *(amended 5-17-12)*

Airport - means an airport licensed by the Michigan Department of Transportation, Bureau of aeronautics under Section 86 of the Aeronautics Code of the State of Michigan, 1945 PA 327,

MCL 259.86.

Airport approach plan and airport layout plan - mean a plan, or an amendment to a plan, filed with the Zoning Michigan under Section 151 of the aeronautics code of the State of Michigan, 1945 PA 327, MCL 259.151.

Airport manager - means that term as defined in Section 2 of the Aeronautics Code of the State of Michigan, 1945 PA 327, MCL 259.2.

Airport zoning regulations - means airport zoning regulations under the Airport Zoning Act, 1950 (Ex Sess) PA 23, MCL 259.431 to 259.465, for an airport hazard area that lies in whole or in part in the area affected by a zoning ordinance under Act 110 of PA 2006, as amended.

Alterations - Any change, addition or modification in construction or type of occupancy, any change 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 is altered" or "reconstructed".

Animal Hospital - A self-enclosed building wherein animals including domestic household pets and farm animals are given medical or surgical treatment and use as a boarding place for such animals limited to short time boarding incidental to hospital use. Such hospitals include only those under direction of a licensed veterinarian registered in the State of Michigan. Such animal hospitals shall be constructed in such a manner that noise and odor are not discernable beyond the property upon which it is located.

Animal Shelter - A building supported by a governmental unit or agency or by a nonprofit corporation where domestic pets or other animals are kept because of requirements of public health officials, loss by owner, neglect or violation of a public law or ordinance.

Apartments - A Dwelling unit or units in a multiple dwelling building or a story or room, multiple stories or rooms used for residential occupancy within a building utilized for other uses of a commercial nature allowed within the same zoning district consisting of at least one bedroom, kitchen, and dining as either a studio or of multiple rooms and consisting of necessary sanitary facilities for each dwelling unit. An Apartment also includes not more than one (1) dwelling unit located within a principal single family dwelling unit as permitted in Section 5.04A of this Ordinance or not more than one (1) dwelling unit in any story of a pole barn, detached garage or similar accessory building as permitted by Section 5.04A of this Ordinance. (2-14-13)

Appeal - See "Zoning Appeal"

Automobile Car Wash - A building, or portion thereof, where self-propelled motor vehicles are washed as a commercial enterprise.

Automobile Repair - A place where, with or without the sale of engine fuels, 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; or painting and undercoating of motor vehicles.

Automobile Service - A place where gasoline or any other automobile engine fuel (stored only in underground tanks), kerosene or motor oil and lubricants or grease (for operation of motor vehicles) are retailed directly to the public on premises; including sale of minor accessories and service for automobiles.

Automobile or Trailer Sales Area - Any enclosed building or area or open space used for display, sales, or rental of motor vehicles or trailers in new or used and operable condition.

Automobile Storage Damaged - Any storage of inoperable vehicles intended to be repaired back to operable condition, but not including such vehicles which are incident or accessory to an automotive repair garage or a licensed salvage yard used as a depository for such vehicles.

Basement - That portion of a building partly below grade, but so located that the vertical distance from the grade level to the basement floor is greater than the vertical distance from the grade level to the basement ceiling. A basement shall not be included as a story for height measurement, nor counted as floor area, unless the room has walk-out capability. A walkout basement shall be defined as a room with at least one wall below grade, which provides barrier free access to the exterior of the structure and with at least fifty percent of one wall with no grade and two exits, which are fire escape routes.

Bedroom - A bedroom is a dwelling room used for or intended to be used safely for sleeping purposes by human beings.

Berm - A lineal mound of earth having none of its slopes exceeding one (1) foot of vertical height to four (4) feet of horizontal length.

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 stream; or between any of the foregoing and any other barrier to the continuity of development.

Board of Appeals - See "Zoning Board of Appeals"

Boarding House - A single family dwelling in which individual bedrooms are for rent, and in which meals are provided to such renters.

Breezeway - Any covered passageway with open sides between two buildings.

Building - An independent structure, either temporary or permanent, having a roof supported by columns or walls which includes sheds, garages, stables, greenhouses, or other accessory structures. A detached building is one separated on all sides from adjacent buildings by open spaces from the ground up. When any portion thereof is completely separated from every other part thereof, by division walls from the ground up, and without openings, each portion of such structure shall be deemed a separate building.

Building, Accessory - A supplemental building or structure on the same lot or parcel of land as the main building, or buildings, or part of the main building occupied by or devoted exclusively to any accessory uses, but such use shall not include any building used for dwelling, residential or lodging purposes, or sleeping quarters for human beings.

Building Area - The space remaining after the minimum open space requirements of this Ordinance have been complied with.

Building, Farm - Any building or structure other than a dwelling, maintained, used or built on a farm which is essential and customarily used on farms of that type in the Township for the pursuit of their agricultural activities, including the storage or housing of farm implements, produce or farm animals.

Building Height - The vertical distance from the established grade 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 gables, hip and gambrel roofs. Where a building is located on sloping terrain, the height may be measured from the average ground level of the grade at the building wall.

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

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

Building, Main - The building or structure in which the principal use or authority on a lot or parcel takes place.

Building Permit - A building permit is the written authority issued by the Building Inspector in conformity with the provisions of the Construction Code Ordinance.

Building, Principal - A building in which is conducted the principal use of the premises on which it is situated.

Building Setback Line - The line formed by the outer surface of a structure or enclosure wall at or with the finished grade or surface of the ground; pertaining to defining those minimum (building) setback lines which are established, in general, parallel to the front road right-of-way and within which setback area no part of a building shall project or be located, except as otherwise provided for by this Ordinance.

Campground - The uses and activities which take place on a lot or parcel of land for temporary short term, not to exceed four (4) weeks at any one period of stay or reservation, resort or recreation purpose in accordance with Public Act 368 of 1978, Part 125, Sections 12501-12516 and the Administrative Rules promulgated under P.A. 368 as amended and administered by the County, District or State Public Health Departments.

Church, Temple or Synagogue - A building wherein persons assemble regularly for religious worship, maintained and operated by an organized religious body. Accessory uses, buildings and structures customarily associated with the church, are classified as part of the principal use as a church, temple or synagogue.

Clinic, Animal - A building or group of buildings and/or structure where domestic animals are admitted for examination, treatment and care by a licensed veterinarian or related paraprofessionals and technicians and where such animals may be provided with overnight housing.

Clinic, Human - A building or group of building where human patients are admitted for examination and treatment by more than one (1) professional; such as, a-physician, dentist, or the like, except that such human patients are not lodged therein overnight.

Club or Lodge - An organization of persons for special purposes or for the promulgation of agriculture, sports, arts, science, literature, politics or the like, but not for profit, and open only to members and not the general public.

College - A place of higher learning providing facilities for teaching and research of a general, technical, or religious nature, either public or private.

Commercial - A business operated primarily for profit, including those of retail trade and professional, personal, technical and mechanical services.

Commercial District or Center - A concentration of commercial uses or activities, on a specific area planned or zoned for commercial purposes.

Common Areas, Uses and Services - Land areas, improvements 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.

Conservation easement - means that term as defined in Section 2140 of the natural resources and Environmental Protection Act, 1994 PA 451, MCL 324.2140.

Construction Code - Means the B.O.C.A. Construction Code or any similar Construction Code adopted by Olive Township.

Convalescent or Nursing Home - A structure with sleeping rooms where persons are housed or lodged and are furnished with meals, nursing and medical care.

Coordinating zoning committee - means a coordinating zoning committee as described under Section 307 of the Michigan Zoning Enabling Act, PA 110 of 2006, as amended.

Development rights - means the rights to develop land to the maximum intensity of development authorized by law.

Development rights ordinance - means an ordinance which may comprise part of a zoning ordinance, adopted under Section 507 of the Michigan Zoning Enabling Act, PA 110 of 2006, as amended.

District - See "Zoning District"

Drive-in Establishment - Any establishment which offers goods and services over the counter or in motor vehicles.

Drive-in Restaurant - A Drive-in Restaurant shall be deemed to be any restaurant designed to permit or facilitate the serving of meals, sandwiches, ice cream, beverages, or other food served directly to or permitted to be consumed by patrons in cars or other vehicles parked on the premises, or permitted to be consumed by patrons elsewhere on the site outside the main building.

Dwelling - A building designed in accordance with the Township Construction Code or used exclusively as a living quarters for one (1) or more families but not including automobile chassis, tents or portable buildings.

Dwelling, Farm - A dwelling used to house the principal family operating a farm, and which is accessory to the operation of the farm, which is the principal use of the land upon which it is located.

Dwelling, First Floor – Any story, excluding a basement, at grade or higher elevation that meets the minimum floor area required by the District in which the dwelling is located. In the instance the first floor of the dwelling is located at a higher elevation than grade, that floor below the first floor and at grade, must contain exterior characteristics that are typical of a dwelling, including a front porch and front entry door as well as at least one egress window in each of two or more wall elevations and at least two egress windows in the elevation containing the front porch and front entry door.

Dwelling, Group - (Group housing) Two (2) or more single or multiple family dwelling structures on a parcel of land under single ownership.

Dwelling, Mobile Home - A dwelling unit located in a State Licensed Mobile Home Park and manufactured in one or more sections, designed for year-round dwelling purposes, capable of being transported upon its own or a separate wheeled chassis and not motorized or self-propelled, but which meets the minimum floor area requirements of this Zoning Ordinance and installed in accordance with all of the other requirements of this Ordinance and the Construction Code specified for dwellings.

Dwelling, Multiple Family - A dwelling structure, or portion thereof, designed for occupancy by two (2) or more families living independently of each other.

Dwelling, One Family - A dwelling structure designed exclusively for occupancy by one (1) family.

Dwelling, Two Family or Duplex - A multiple family dwelling structure designed exclusively for occupancy by two (2) families independent of each other; such as, a duplex dwelling unit.

Dwelling Unit - A dwelling unit is any building or portion thereof or a mobile home having cooking facilities, which is occupied wholly as the home, residence or sleeping place of one (1) family, either permanently or transiently. In cases of mixed occupancy, where a building is occupied in part as a dwelling unit, the part so occupied shall be deemed a dwelling unit for the purpose of this Ordinance and shall comply with the provisions thereof relative to a dwelling.

Entrance Ramp - Automotive access to a highway.

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

Essential Services - The erection, construction, alteration, or maintenance by public utilities or municipal departments of underground, surface or overhead gas, electrical, steam, fuel or water transmission or distribution systems, collection, communication, supply or disposal systems, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar equipment in connection herewith, but not including buildings which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general health, safety or welfare.

Excavation - Any breaking of ground, except farm use, common household gardening and ground care.

Exception - See "Zoning Exception"

Exit Ramp - Automotive exit from a highway.

Family

A. An individual or group of two or more persons related by blood, marriage or adoption, together with foster children and servants of the principal occupants, with not more than one additional unrelated person, who are domiciled together as a single, domestic, housekeeping unit in a dwelling unit, or

B. A collective number of individuals domiciled together in one dwelling unit whose relationship is of a continuing non-transient domestic character and who are cooking and living as a single nonprofit housekeeping unit. This definition shall not include 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 or for an anticipated limited duration of a school term, year or other similar determinable period.

Family child-care home and group child-care home - mean those terms as defined in Section 1 of 1973 PA 116, MCL 722.111, as amended, and only apply to the bona fide private residence of the operator of the family or group child-care home.

Family, Immediate – the smallest unit of a family that is domiciled together, which may include a father, a mother, brothers and sisters.

Farm --- The operation and management of an Agricultural use that occurs in connection with the commercial production, harvesting, and storage of Agricultural products, and includes, but is not limited to:

- (i) Marketing produce at roadside stands or farm markets.
- (ii) The generation of noise, odors, dust, fumes, and other associated conditions.
- (iii) The operation of machinery and equipment necessary for a farm including, but not limited to, irrigation and drainage systems and pumps and on-farm grain dryers, and the movement of vehicles, machinery, equipment, and farm products and associated inputs necessary for farm operations on the public roadways
- (iv) Field preparation and ground and aerial seeding and spraying.
- (v) The application of chemical fertilizers or organic materials, conditioners, liming materials, or pesticides.
- (vi) Use of alternative pest management techniques.

- (vii) The fencing, feeding, watering, sheltering, transportation, treatment, use, handling and care of farm animals.
- (viii) The management, storage, transport, utilization, and application of farm by-products, including manure or agricultural wastes. *(Rev. 2-15-04)*

Farming - See "Farm"

Fence - A permanent partition, structure or gate erected as a dividing marker, barrier or enclosure, and not a part of a principal building or structure or other accessory structure. An ornamental fence is one that is less than three (3) feet in height, and is normally used in setting off planting areas and gardens.

Filling - The depository or dumping of any matter into or onto the ground, except common household gardening and general care.

Filling Station - See "Automobile Service"

Flag Lots - Are lots or parcels which are backlots having access only by private, or common easements which do not meet County Road Commission standards and have an easement width of at least 66 feet. Flag Lots are not permitted in Olive Township (see Section 21.12) (Rev. 10/19/89)

Flood Plain - That portion of land adjacent or connected to a water body or water course which is subject to periodic inundation in accordance with the 100 year flood cycle.

Floor Area, Gross (GFA) - The sum of the gross horizontal areas of the several floors of the building measured from the exterior face of the exterior walls or from the centerline of walls separating two (2) dwelling units. The gross floor area of a building shall include the basement (see definition) floor area when more than one half (1/2) of the basement height is above the established curb level or finished lot grade and of interior finished construction similar to first or main floor. Any space devoted to off-street parking or loading shall not be included in gross floor area. Areas of dwelling basements, unfinished attics, utility rooms, breezeways, porches (enclosed or unenclosed) or attached garages are not included.

Floor Area, Usable (UFA) - The measurement of usable floor area shall be that portion of floor area (measured from the interior face of the exterior walls) used for or intended to be used for services to the public as customers, patrons, clients, or patients; including areas occupied by fixtures or equipment used for display or sale of goods or merchandise, but not including areas used or intended to be used principally for storage of merchandise, utility or mechanical equipment rooms, or sanitary facilities. In the case of a half story area, the usable floor area shall be considered to be only that portion having a clear height of more than ninety (90) inches of headroom.

Frontage, Street - See "Road Frontage"

Garage, Commercial - Any garage, other than a private garage available to the public, operated for profit, and used individually or in any combination for storage, repair, rental, greasing, washing, sales, servicing, adjusting, or equipping of automobiles or other motor vehicles.

Garage, Private - An accessory building not to exceed the height of the principal structure used for parking of vehicles or storage as may be required in connection with the permitted use of the principal building.

Gas Station - See "Automobile Service"

Grade - The term "Grade" shall mean a ground elevation established for the purpose of regulating the number of stories and the height of the building. 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.

Greenbelt - A buffer area consisting of an open space, except is specifically required in certain sections of this ordinance, which shall be either level or a berm and landscaped with trees, shrubs, vines and ground covers. When a screen buffer is required, it shall consist of a dense evergreen planting with or without an open type fence or a solid fence or wall located within it.

Greenway - means a contiguous or linear open space, including habitats, wildlife corridors, and trails, that links parks, nature reserves, cultural features, or historic sites with each other, for recreation and conservation purposes.

Group Housing - See "Dwelling, Group"

Highway - Any public thoroughfare dedicated and maintained for the use and operation of vehicular traffic by the Michigan Department of Transportation. (See also "Road")

Highway, Intercommunity Arterial - Those highways defined as such by the Township Master Plan for Roads and Highways.

Highway, Regional Arterial - Those highways defined as such in the Township Master Plan for Roads and Highways.

Historical Building, Site or Area - Those parcels and/or uses of land and/or structures whose basic purpose is to (a) safeguard the heritage of the local unit by preserving or allowing a structure or use which reflects elements of the community's historical, cultural, social, economic, political, or architectural history; (b) stabilize and improve property values in the area; (c) foster civic beauty; (d) strengthen the local economy; and (e) promote the use of such sites for the education, pleasure, and welfare of the local residents and of the general public.

Home, Motor - A motorized vehicular unit primarily designed for travel and/or recreational usage, which may also contain facilities for overnight lodging. This term does not include mobile homes.

Home Occupation - Home Occupation - Any use customarily conducted entirely within the dwelling or within one completely enclosed permitted accessory building and carried on by the inhabitants thereof, not involving employees other than members of the immediate family and not more than one (1) other person, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes, does not change the character thereof, and which does not endanger the health, safety, and welfare of any other persons residing in that area by reasons of noise, noxious odors, unsanitary or unsightly conditions, fire hazards and the like, involved in or resulting from such occupation, profession or hobby. Such occupation shall not require external alterations of construction features, outdoor storage, or signs not customarily in residential areas. (*amended 3-30-07*)

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

Hotel - A building occupied or used as a more or less temporarily abiding place of individuals or groups of individuals with or without meals, and in which there are more than five (5) sleeping rooms, and in which no provisions are made for cooking in any individual room. (Also see "Motel").

Housing, Manufactured - A dwelling unit constructed off-site either as a complete dwelling unit or comprised of major components which are delivered to and installed upon a lot or parcel.

Housing, Transient or Migrant Labor - See Transient Worker Housing.

Improvements - means those features and actions associated with a project that are considered necessary by the body or official granting zoning approval to protect natural resources or the health, safety, and welfare of the residents of a local unit of government and future users or inhabitants of the proposed project or project

area, including roadways, lighting, utilities, sidewalks, screening, and drainage. Improvements do not include the entire project that is the subject of zoning approval.

Industrial - A business operated primarily for profit, including those of product manufacturing or conversion through assembly of new or used products or through the disposal or reclamation of salvaged material, and including those businesses and service activities that are a normal integral part of an industrial enterprise or area.

Industrial Park - A special or exclusive type of planned industrial area designed and equipped to accommodate a community of industries, providing them with all necessary facilities and services in attractive surroundings among compatible neighbors.

Institutional - An organization having a social, educational or religious purpose established by law, custom, practice or a system to serve a public.

Intensity of development - means the height, bulk, area, density, setback, use, and other similar characteristics of development.

Junk - All rubbish, refuse, waste material, garbage, including, but not limited to, the following: waste composed of animal, fish, fowl, fruit or vegetable matter, dead animals, putrescible and nonputrescible solid waste (except body wastes), ashes, glass, cans, bottles, discarded or abandoned machinery, household appliances, industrial wastes, discarded, inoperative, dismantled or partially dismantled motorized vehicles or parts thereof. This shall not preclude home or farm composting for on-site use.

Junk Yard - Any lot, parcel, field or tract of land on which there is an accumulation of junk, equipment or machinery, whether operated for profit or not for profit bases. The term "junk yard" includes automobile wrecking yards and salvage areas of more than 200 square feet for the storage, keeping or abandonment of junk or for the dismantling, demolition or abandonment of automobiles or other vehicles or machinery or parts thereof, but does not include uses contained entirely within an enclosed building.

Kenel - Any lot or premises on which four (4) or more dogs of more than 6 months in age are kept or boarded temporarily or permanently, for the purpose of breeding, for sale, or otherwise. It shall also include any lot or premises on which other forbearing household or domestic pets of like number are bred or sold.

Laboratory - A place in which the principal use is devoted to experimental, routine, or basic study such as testing and analytical operations.

Lake - A permanent natural or man-made body of surface water of at least five (5) acres in area.

Landscaping - any combination of existing or planted trees, shrubs, vines, ground covers, flowers, lawns, fences, fountains, pools, artworks, screens, walls, benches, walks, paths, steps, terraces and garden structures.

Land Use Permit - See "Zoning Permit"

Legislative body - refers to the board of trustees of Olive Township.

Lighting, Source of - For purposes of this Ordinance, the source of light shall refer to the light bulb or filament, which is exposed or visible through a clear material. Exposed mercury vapor lamps or neon lamps shall be considered a direct source of light.

Loading Space - An off-street space on the same lot with a building or group of buildings, for temporary parking of a commercial vehicle while loading and/or unloading merchandise or materials.

Local unit of government - means a county, township, city, or village.

Lot - A parcel of land occupied, or intended to be occupied, by a main building or a group of such buildings, or utilized for the principal use and uses accessory thereto, together with such yards and open spaces as required under the provisions of this Ordinance. A lot may or may not be specifically designated as such on public records. (Also see "Parcel" or "Plat"). A lot shall not include any easements for ingress or egress for vehicular and/or pedestrian use or road right-of-ways. *(amended 06-08-06)*

Lot Area - The total horizontal area within the lot lines of a lot or parcel.

Lot, Corner - A lot where the interior angle of two (2) adjacent sides at the intersection of two (2) roads is less than 135 degrees. A lot abutting upon a curved road or roads shall be considered a corner lot for the purpose of this ordinance if the arc is of less radius than 150 feet and the tangents to the curve at the two (2) points where the lot lines meet the curve or the straight road line extended, form an interior angle of less than 135 degrees.

Lot Coverage - That percentage of the lot or parcel covered by all buildings and structures located in the lot or parcel.

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

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

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

Lot Lines - The exterior perimeter boundary lines of a lot or parcel.

Lot Line, Front - In the case of an interior lot, that line separating said lot from any road or private road. In the case of a corner lot, or double frontage lot, "front lot line" shall mean each line separating said lot from a road or private road. *(amended 06-08-06)*

Lot Line, Rear - 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 farthest from the front lot line and wholly within the lot.

Lot Line Side - Any lot line other than the front lot line or rear line. A side lot line separating a lot from any road or private road is a side road lot line. A side lot line separating a lot from another lot or lots is an interior side lot line. *(amended 06-08-06)*

Lot of Record - A lot existing prior to the adoption of this ordinance and recorded in the office of the County Register of Deeds. For the purpose of this ordinance, land contracts and purchase options not recorded in the County Register of Deeds' Office, but dated and executed prior to the effective date of this ordinance shall also constitute a "lot of record". (Includes "Parcel of Record").

Lot, Waterfront - A lot having a frontage directly upon a lake, river or other reasonable sized impoundment of water. The portion adjacent to the water shall be designated as the lake frontage of the lot, and the opposite side shall be designated the road frontage of the lot.

Lot Width - The horizontal distance between side lot lines measured where the front lot line intersects the side lot line and at all points along the side lot lines to the rear of the minimum required rear yard. *(amended 06-08-06)*

Major Thoroughfare - A road, street or highway designated as such in the Township Master Plan for Roads and Highways.

Marginal Access Road - A public or private road or driveway paralleling and adjacent to any one of the major roads and arterials as designated in the Township Master Plan for Roads and Highways.

Master Plan - The plan adopted or amended in accordance with Public Act 33 of 2008 and used to satisfy the requirement of Section 203(1) of the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended.

Mobile Home - A dwelling unit manufactured in one or more sections, designed for year-round, temporary or transient dwelling purposes, capable of being transported upon its own or a separate wheeled chassis, not motorized or self-propelled, built for the purpose of being located in a licensed mobile home park, meets the requirements of the FHA Standards of the United States Department of Housing and Urban Development (HUD), and installed in accordance with this Zoning Ordinance and the Construction Code.

Mobile Home Park - For the purpose of this ordinance a specifically designated parcel of land constructed and designed to accommodate three (3) or more mobile homes for residential dwelling use, and complies with the requirements of the "Mobile Home Commission Act."

Mobile Home Space or Pad - Specified area of ground within a mobile home park designed for the accommodation of one (1) mobile home.

Motel - (also see-"Hotel") - A motel or motor court is a business comprising a dwelling unit or a group of dwelling units so arranged as to furnish temporary or transient lodging accommodations for the public for compensation.

Motor Court - See "Motel"

Nonconforming Building or Structure - A nonconforming building is a building or portion thereof lawfully existing at the effective date of or amendments thereto, and that does not conform to the use regulations of the zoning district in which it is located.

Nuisance - Is an offensive, annoying, unpleasant, or obnoxious thing or practice, a cause or source of annoyance, especially a continuing or repeating invasion of any physical characteristics of activity or use across a property line which can be perceived by or affects a human being.

Nuisance Per Se - Is a nuisance which is subject to remedy as a matter of law and is a violation of this Zoning Ordinance.

Nursing Home - See "Convalescent Home"

Occupied - A building, structure, or land area designed and used for the purpose of and occupied for a useful purpose permitted under the provisions of this Ordinance.

Office - An enclosed area which has as its primary use, rooms for professional or financial organizations, individuals, and labor unions, civic, social, fraternal and/or other related organizations or enterprises.

Office Park - District or area for office and office related accessory uses.

Off-Street Parking - See "Parking, Off-street"

Off-Street Parking Lot - See "Parking, Off-street, lot"

Off-Street Parking Space - See "Parking, Off-street, space"

Open Air Business Uses - Are business uses operated for profit, substantially in the open air, usually without buildings or structures, including uses such as the following:

- a. bicycle, utility truck or trailer, motor vehicle, boats or home equipment sale, repair, or rental services.
- b. outdoor display and sales of garages, motor homes, mobile homes, snowmobiles, farm implements, swimming pools and similar products.
- c. retail sale of trees, fruit, vegetables, shrubbery, plants, seeds, topsoil, humus, fertilizer.
- d. tennis courts, archery courts, shuffleboard, horseshoe courts, rifle ranges, miniature golf, golf driving range, children's amusement park or similar recreation uses (transient or permanent).

Open Space - Any land area suitable for growing vegetation, recreation, gardens or household service activities, such as, clothes drying, but not occupied by any buildings.

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.

Open Storage - A land area occupied and used for outdoor storage of building materials, sand, gravel, stone, lumber, equipment and other supplies.

Other eligible land - means land that has a common property line with agricultural land from which development rights have been purchased and is not divided from that agricultural land by a state or federal limited access highway.

Outdoor Advertising Signs - See "Signs, Outdoor Advertising"

Parcel - See "Lot"

Parking, Off-street - Vehicular parking provided on a lot or parcel, but not within a highway or road right-of-way.

Parking, Off-street, Lot - A facility providing vehicular parking spaces along with adequate drives and aisles for maneuvering so as to provide access for entrance and exit for the parking of more than two (2) automobiles.

Parking, Off-street, 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 storage or parking of permitted vehicles on lots or parcels, but not within a public highway or public or private road right-of-way.

Parking Space - A land area of not less than nine (9) by twenty (20) feet, exclusive of driveways and aisles, and so prepared as to be useable for the parking of a motor vehicle and so located as to be readily accessible to a public road or alley.

Person - means an individual, partnership, corporation, association, governmental entity, or other legal entity.

Pet - Shall mean only such animals as may commonly be housed within domestic living quarters.

Planned Unit Development - A planned residential, commercial, industrial, public or semi-public land use development consisting of one or more principal uses located on a parcel of land of prescribed minimum area and approved by the Township after site plan review.

Plat - A map or plan of the layout of the subdivision of a parcel of land which is in conformance with all of the provisions of Public Act 288 of 1967; The Subdivision Control Act and the Subdivision regulations of the Township, if and when enacted.

Pond - A small body of surface water of less than five (5) acres in area which exists in a natural state or is established by either the damming of surface water or by excavation of soil to expose groundwater.

Population - means the population according to the most recent federal decennial census or according to a special census conducted under Section 7 of the Glenn Steil State Revenue Sharing Act of 1971, 1971 PA 140, MCL 141.907, as amended, whichever is the more recent.

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

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

Practical Difficulties - See "Zoning Variance"

Private Road - See "Road, Private"

Public Utility – Except for Wireless Communication Facilities, any person, firm, corporation, municipal department, board, or commission duly authorized to furnish, and furnishing under federal, state, or municipal regulations to the public electricity, gas, steam, communications, telegraph, transportation, water, stormwater collection or wastewater collection and treatment.

Recreation Vehicle - A vehicle primarily designed and used as temporary living quarters for recreational, camping or travel 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 (not to exceed fourteen (14) days consecutively) parking of travel trailers, recreation vehicles or tents. May also be known as a campground.

Restaurant - Is a building in which food or beverages are cooked or prepared and offered for sale, and where consumption is permitted on the premises whether or not entertainment is offered.

Right-of-Way, Road - See "Road Right-of-Way", includes "Highway and Street Right-of Way".

Road - Any public thoroughfare dedicated and maintained for the-use and operation of vehicular traffic by the County Road Commission.

Road, Collector - A road specified in the Master Plan for Roads and Highways which connects to minor roads.

Road, Connecting - A road specified in the "Master Plan" for Roads and Highways.

Road Frontage - The legal line which separates a dedicated road right-of-way or any easement for ingress and egress for vehicular and/or pedestrian use from abutting land. *(amended 06-08-06)*

Road, Frontage Access - A public or private road paralleling and providing ingress and egress to adjacent lots and parcels but connected to the major highway or road only at designated intersections or interchanges.

Road, Hard Surface - A highway or road built to the concrete or asphalt surface road building specifications of the County Road Commission or the Michigan Department of Transportation.

Road, Local Arterial - A road specified in the "Master Plan" for Roads and Highways.

Road - Minor - A road specified in the "Master Plan" for Roads and Highways.

Road, Private - Any easement for ingress and egress for vehicular and/or pedestrian use that is not dedicated to public use and/or maintenance by the County Road Commission. (*amended 06-08-06*)

Road Right-of-Way Line - The line which forms the outer limits of a road right-of-way or any easement for ingress and egress for vehicular and/or pedestrian use and which forms the line from which all setbacks and front yards are measured, unless otherwise specified in this Ordinance. (*amended 06-08-06*)

Roadside Stand - A temporary or permanent building or structure operated for the purpose of selling only produce raised or produced on the same premises including the immediate surrounding area, by the proprietor of the stand or his family; its use shall not make it a commercial district or land which would be otherwise classified as agricultural or residential, nor shall its use be deemed a commercial activity. The maximum floor area of a Roadside Stand shall not exceed 400 square feet.

Salvage - Means the same as junk (see definition of Junk).

Sanitary Landfill - A private or public landfill that meets all of the requirements of Public Act 641 of 1978 or Public Act 64 of 1979 and the rules promulgated under these Acts by the Michigan Department of Natural Resources.

Setback, Road - The distance between the right-of-way line and the nearest point of the foundation of the principal structure.

Setback, Waterfront - The distance between the shoreline and the nearest point of the foundation of the principal structure.

Shoreline - The line which separates land from a surface water feature may be (a) established as a matter of record as the mean level elevation of the surface water or (b) as determined by the legal establishment of the surface water level elevation by the County. For the purpose of this Ordinance the legally established surface water level elevation shall take precedence, if established, over the mean level elevation.

Sign - The use of any words, numerals, figures, devices, designs or trademarks by which anything is made known, such as to show an individual firm, profession, business, product or message and visible to the general public.

Sign, Lighted - Any sign having a conspicuous, continuous or intermittent variation in the illumination of the physical position of any part of the sign.

Site plan - a legal plat or survey of a lot or parcel under the plan for all the proposals to develop or change the existing character of the lot or parcel of land and includes the documents and drawings required by the zoning ordinance to insure that a proposed land use or activity is in compliance with local ordinances and state and federal statutes.

Special Use - A use which is subject to approval by the Township after site plan review. A special use may be granted when specified by this Ordinance. A permitted special use is not considered to be a nonconforming use.

Special Use Permit - A permit issued by the Township Planning Commission or Township Board to a person or persons intending to undertake the operation of an activity upon land or within a structure which is not specifically mentioned in this ordinance and possesses a unique characteristic found to be not injurious to the health, safety, convenience and general welfare of the Township's inhabitants.

Spot Zoning - A small area, lot or parcel which is zoned for uses not in conformance with the Master Plan for Land Use or the Zoning District in which it is located.

State licensed residential facility - means a structure constructed for residential purposes that is licensed by the state under the Adult Foster Care Facility Licensing Act, 1979 PA 218, MCL 400.701 to 400.737, as amended,

or 1973 PA 116, MCL 722.111 to 722.128, as amended, and provides residential services for six 6 or fewer persons under 24-hour supervision or care.

Story - That part of a building included between the surface of one (1) floor, and the surface of the next floor; or if there is no floor above, then 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 height level of the adjoining ground.

Story, Half - An uppermost story lying under a sloping roof, the usable floor area of which, at a height of four (4) feet above the floor does not exceed two-thirds (2/3) of the floor area in the story directly below, and the height above at least two hundred (200) square feet of floor space is seven (7) feet, six (6) inches.

Story Height - The vertical distance from the top surface of one (1) floor to the top surface of the next above. The height of the topmost story is the distance from the top surface of the floor to the ceiling above it.

Street - See "Road"

Structure - See "Building", and in addition any man-made surface feature or designed earth feature other than normal finished grading for drainage purposes including drives, parking areas, garden houses, pole barns, sheds, pergolas, decks, porches, play houses and game courts.

Structural Alterations - Any change in the supporting members of a building such as bearing walls, columns, beams or girders or any substantial changes in the roof and exterior walls.

Swimming Pool - Any permanent, non-portable structure or container, including Jacuzzis, hot tubs and decorative pools, located either above or below grade designed to hold water to depth greater than 18 inches, intended for swimming or bathing. A swimming pool shall be considered an accessory structure for purposes of computing lot coverage.

Television Satellite Dish - An outdoor structure used for the purpose of receiving television signals and programs from space satellites.

Tent - As used in this ordinance, shall mean a shelter of canvas or the like supported by poles and fastened by cords or pegs driven into the ground and shall not include those types of small tents used solely for children's recreational purposes.

Township - Means Township of Olive, Ottawa County, Michigan.

Travel Trailer - A portable non-motorized vehicular unit primarily designed for travel and/or recreational usage, which may also contain facilities for periodic overnight lodging. This term also includes folding campers and truck mounted campers but does not include mobile homes.

Transient Worker - Is a nonresident migrant worker who, with or without family, travels from out of country, out of state or out of Olive Township for the purpose of being hired by the owners/operators of farms in the Township to assist as temporary, seasonal or periodic paid employees in the harvesting of crops and including related activities to crop harvesting.

Transient Worker Housing - Is housing located on farms for Transient Workers who are to coincidentally to be temporarily housed by the owner/operator of a farm while the Transient Workers are employed to harvest the crops produced on the same farm upon which the Transient Worker Housing is located.

Undeveloped state - means a natural state preserving natural resources, natural features, scenic or wooded conditions, agricultural use, open space, or a similar use or condition. Land in an undeveloped state does not include a golf course but may include a recreational trail, picnic area, children's play area, greenway, or linear park. Land in an undeveloped state may be, but is not required to be, dedicated to the use of the public.

Unnecessary Hardship - See "Zoning Variance"

Use - The lawful purpose for which land or premises or a structure or building thereon is designed, arranged, intended, or for which is occupied, maintained, let or leased for a use or activity.

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, septic systems, water wells, and designed surface structures and areas.

Use, Industrial - Any use permitted in the "I" Industrial and Planned Unit Development (PUD) Industrial Zones in this Ordinance.

Use, Institutional - Any of the public or private organizational uses permitted in this Ordinance.

Use, Land - The principal and accessory uses and activities being made of all land areas, buildings and structures located upon a lot or parcel.

Use, Principal - The primary or dominant use or activity to which a lot or parcel is put.

Use, Public - Any of the publicly owned or leased uses of land, buildings or structures administered and operated by a public agency or official.

Use, Residential - Any of the uses permitted in the Residential and Residential Planned Unit Development (PUD) zones in this Ordinance.

Use, Temporary - A use or building permitted to exist during a specific period of time.

Variance - See "Zoning Variance"

Wireless Communications Facilities - shall mean and include all structures and accessory facilities relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals. This may include, radio towers, television towers, telephone devices and exchanges, micro-wave relay facilities, telephone transmission equipment building and commercial mobile radio service facilities.

Wireless Communications Facilities (Attached) - shall mean Wireless Communication Facilities that are affixed to existing structures, such as existing buildings, towers, water, tanks, utility poles, and the like. A wireless communication support structure proposed to be newly established shall not be included within this definition.

Wireless Communication Support Structures - shall mean structures erected or modified to support wireless communication antennas. Support structures within this definition include, mono-poles, lattice towers, light poles, wood poles and guyed towers, or other structures which appear to be something other than a mere support structure.

Wireless Communication Facility Co-location - shall mean the location by two or more wireless communication providers of Wireless Communication Facilities on a common structure, tower, or building, with the view toward reducing the overall number of structures required to support wireless communication antennas within the community.

Yard - 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.

Yard, Front- The 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 main building.

Yard, Front Roads and Waterfronts - Are both defined as front yards or setbacks from road right-of-way lines and shorelines of water bodies.

Yard, Rear - The 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 main building.

Yard, Side - The 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 main building.

Zoning Administrator - Means that person selected, appointed or hired by the Township Board to administer the Zoning Ordinance. The Zoning Administrator's duties shall be as set forth in Article XXVI of the Zoning Ordinance.

Zoning Appeal - An entreaty or demand for a hearing and/or review of facts and/or actions by the Zoning Board of Appeals.

Zoning Board of Appeals - As used in this ordinance, the term "Board of Appeals" means the Township of Olive, Ottawa County, Michigan Zoning Board of Appeals.

Zoning 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.

Zoning Exception - See "Zoning Interpretation" and "Zoning Variance."

Zoning Interpretation - A principal or accessory use permitted within the intent and purpose of this ordinance only after review of an application by the Zoning Board of Appeals, which may include the advice and counsel of the Planning Commission. Such review is necessary because the provisions of this ordinance in respect to the listed permitted principal and accessory uses are not precise enough to all applications without interpretation, and such review of the provisions of this Ordinance is therefore required.

Zoning Permit - A permit for commencing construction issued in accordance with a plan for construction that complies with all the provisions of this Zoning Ordinance.

Zoning Variance - The term "Variance" shall mean a modification of literal provisions of the Zoning Ordinance granted 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 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.

- A. Practical difficulties - Shall mean that dimensional zoning requirements cannot be met by an existing lot or parcel because of its unique or unusual shape and size due to its narrowness, shallowness, irregular shape or natural or existing development characteristics and such lots or parcels are different in the sense of these characteristics from other more typical lots located in the same zoning district.
- B. Unnecessary hardship - Shall (1) mean that 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.

Article 3
General Provisions

Section 3.01 - Existing Uses of Lands, Buildings and Structures

The provisions of this ordinance shall not be retroactive. At the discretion of the owners, the lawful use of any dwelling, building or structure, and of any land or premises as existing and lawful at the time of enactment of this Ordinance may be continued even though such use does not conform with the provisions of this Ordinance, or in the case of an amendment, then at the time of the amendment.

Section 3.02 - Scope of Ordinance

Except as provided by Sections 20.02 all land and premises shall be used and all buildings and structures shall be located, erected and used in conformity with the provisions of this ordinance following the effective date herein.

Section 3.03 - Establishment of Zoning Districts *(amended 03-15-06, 11-02-07, 03-14-08, 09-07-10)*

The Township is hereby divided into the following zoning districts as shown on the Official Zoning Map, which together with all explanatory matter shown thereon, is hereby adopted by reference and declared to be a part of this ordinance.

Article IV	RD -Resource Development District
Article V	AG - Agricultural District
Article VI	RR - Rural Residential District
Article VII	LDR - Low Density Residential District
Article VIII	MDR - Medium Density Residential District
Article IX	Reserved for Future Use
Article X	MFR - Multiple Family Residential District
Article XI	MHR - Mobile Home Residential District
Article XII	CO - Commercial District
Article XIII	LI - Light Industrial District
Article XIV	HI - Heavy Industrial District
Article XV	US-31 Overlay District
Article XVI	Wind Energy Turbines and Wind Energy Overlay District
Article XVII	Reserved for Future Use
Article XVIII	PUD - Planned Unit Development District

Section 3.04 - Provisions for Official Zoning Map

These districts, so established, are bounded and defined as shown on the map entitled: "Zoning Map of Olive Township" adopted by the Township Board, and which with all notations, references and other information appearing thereon, is hereby declared to be a part of this ordinance and of the same force and effect as if the districts shown thereon were fully set forth herein.

Section 3.05 - Changes to Official Zoning Map

If, in accordance with the procedures of this Ordinance and of Public Act 110 of 2006, as amended, a change is made in a zoning district boundary, such change shall be made by the Township Clerk with the assistance of the Zoning Administrator promptly after the ordinance authorizing such change shall have been adopted and published by the Township Board. Other changes in the Zoning Map may only be made as authorized by this Ordinance and such changes, as approved, shall also be promptly made by the Township Clerk.

Section 3.06 - Authority of Official Zoning Map

Regardless of the existence of other copies of the Official Zoning Map which may from time to time be made or published, the Official Zoning Map, which shall be located in the office of the Township Clerk, shall be the final authority as to the current zoning status of any land, parcel, lot, district, use, building or structure in the Township.

Section 3.07 - Interpretation of Zoning Districts

Where uncertainty exists as to the boundaries of zoning districts as shown on the Official Zoning Map, the following rules for interpretation shall apply:

- A. A boundary indicated as approximately following the centerline of a highway, road, alley, railroad or easement shall be construed as following such centerline.
- B. A boundary indicated as approximately following a recorded lot line, a boundary of a parcel, section line, quarter section line, or other survey line shall be construed as following such line.
- C. A boundary indicated as approximately following the corporate boundary line of the township shall be construed as following such line.
- D. A boundary indicated as following a shoreline shall be construed as following such shoreline, and in the event of change in a shoreline shall be construed as following the actual shoreline.
- E. A boundary indicated as following the centerline of a stream, river, canal, lake or other body of water shall be construed as following such centerline.
- F. A boundary indicated as parallel to or an extension of a feature indicated in paragraphs A through E above shall be so construed.
- G. A distance not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.
- H. All questions concerning the exact location of boundary lines of any zoning district not clearly shown on the official Zoning Map shall be determined by the Zoning Board of Appeals consistent with the intent and purpose of this ordinance.

Section 3.08 - Application and Interpretation of Regulations

(amended 06-06-08, 10-03-09)

The regulations established by this Ordinance within each zoning district shall be the minimum regulations for promoting and protecting the public health, safety, and general welfare and shall be uniform for each

permitted or approved use of land or building, dwelling, and structure throughout each district. Where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of this Ordinance, the Zoning Board of Appeals shall have power in passing upon appeals to vary or modify any rules, regulations, or provisions of this Ordinance so that the intent and purpose of this Ordinance shall be observed, public safety secured, and substantial justice done, all in accordance with the provisions of Article XXVII of this Ordinance and the Michigan Zoning Enabling Act by Public Act 110 of 2006, as amended.

Section 3.09 - Scope of Regulations

- A. Except as may otherwise be provided in Article XXV, herein every building and structure erected, every use of any lot, building, or structure established, every structural alteration or relocation of any existing building or structure occurring, and every enlargement of, or addition to an existing use, building and structure occurring after the effective date of this Ordinance shall be subject to all regulations of this ordinance which are applicable in the zoning district in which such use, building, or structure shall be located.
- B. All buildings and structures, unless otherwise specified, shall meet all requirements of the State Construction Code as adopted by the Township and as amended from time to time. All dwellings, including manufactured dwellings and mobile homes, except those located with a licensed mobile home park or used pursuant to Section 18.11 must comply with the following:
1. All dwellings shall comply with the minimum requirements of the zoning District in which they are located and shall be built to either the State Construction Code as adopted by the Township and as amended from time to time or HUD standards.
Rev 9-10-00
 2. No dwelling shall have an exposed undercarriage, chassis, or towing mechanism. All dwellings shall be installed with their wheels, axles, and hitches removed.
 3. All dwellings shall be firmly attached and anchored-to a permanent foundation of concrete or block of a minimum depth of 42 inches below grade, as prescribed by the State Construction Code as adopted by the Township and as amended from time to time. Such foundation as defined by the State Construction Code as adopted by the Township and as amended from time to time shall have a perimeter wall the same perimeter dimensions as the dwelling or dwelling may cantilever up to four (4) feet over such foundation. *Rev 11-94*
Rev 9-10-00
 4. All dwellings shall leave a minimum width across any front, side or rear elevation of at least twenty-two feet (22)
 5. All dwellings shall have at least 600 sq. ft of enclosed storage space, excluding closets and/or basements. The enclosed storage space may only consist of an attached garage. *Rev 8/7/99*
Rev 9/10/00
 6. All questions concerning the exact location of boundary lines of any Zoning district not clearly shown on the Official Zoning Map shall be determined by the Zoning Board of Appeals consistent with the intent and purpose of this Ordinance.
 7. Permanently attached steps or porch areas of at least three (3) feet in width shall be provided where there is an elevation differential greater than eight (8) inches between the first floor of the dwelling and ground level.
 8. All dwellings shall have a main roof with a pitch not less than four feet (4') of rise for each twelve feet (12') of horizontal run (4:12 pitch).

9. The exterior finish of the dwelling shall not cause a reflection that is greater than that from siding coated with clean, white, gloss exterior enamel.
 10. All dwellings shall have roof overhang of not less' than six (6) inches at the eaves.
 11. The dwelling shall be aesthetically compatible in character; design, and appearance with other dwellings in the vicinity. The compatibility of character, design, and appearance shall be determined in the first instance by the Building Inspector upon review of the plans submitted for a particular dwelling, subject to appeal by the applicant to the Board of appeals within a period of fifteen (15) days of the receipt of notice of the Building Inspector's decision. In determining compatibility of character, design, and appearance, the following standards shall apply:
 - a. The character, architectural design, and appearance of the dwelling as compared with the character, architectural design and appearance of those dwellings located outside of mobile home parks within two thousand (2,000) feet of the proposed location for the subject dwelling.
 - b. The exterior appearance (exterior wall covering, roof style, roof overhang, door arrangement, window treatment, and other similar items) of the dwelling as compared with the exterior appearance of other buildings in the neighborhood of its proposed location.
 - c. The quality and durability of construction and probable useful life of the dwelling as compared to the quality and durability of construction and probable useful life of other buildings in the neighborhood of its proposed location.
 - d. The general appearance of the dwelling as compared to the general appearance of other dwellings in the neighborhood of its proposed location.
- C. Uses are permitted by right only if specifically listed as principal permitted uses in the various zoning districts or is similar to such listed uses. Accessory uses are permitted as listed in the various zoning districts or if similar to such listed uses, and if such uses are clearly incidental to the permitted principal uses. Special uses are permitted as listed or if similar to the listed special uses and if the required conditions are met.
 - D. All uses, buildings, and structures shall conform to the area, placement, and height regulations of the district in which located, unless otherwise provided in this ordinance.
 - E. No part of a yard, or other open space, or off-street parking space or loading space required about or in connections with any use, building or structure, for the purpose of complying with this Ordinance, shall be included as part of a yard, open space, or off-street parking lot or loading space similarly required for any other use, building or structure.
 - F. No yard or lot existing at the time of adoption of this Ordinance shall be reduced in dimensions or area less than the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established herein.
 - G. No lot, outlot or other parcel of land in a recorded plat shall be further partitioned or divided unless in conformity with the Zoning and Subdivision Control Ordinances of the Township and the Subdivision Control Act of 1967 as amended.

Section 3.10 - Conformance to Other Public Laws, Rules and Regulations

All uses of land, buildings or structures shall conform to all applicable local, county, state and federal laws, rules and regulations that have been promulgated and administered by the respective responsible public agency or official as well as the provisions of the Zoning Ordinance.

Section 3.11 - Conflicting Regulations

Whenever there is a difference between minimum or maximum standards, dimensions, or other provisions in this Ordinance, or those contained in lawfully adopted county, state, federal or other governmental agency rules, regulations, ordinances or laws, the most liberal interpretation of the most restrictive or the one imposing the most desirable standard shall prevail.

Section 3.12 - Zoning - Not a Vested Right

The fact of any portion of the written text or distracting on the map of this Zoning Ordinance is a function of the lawful use of the police power and shall not be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, district, zoning classification or any permissible activities in this Ordinance, and are subject to possible future change, amendment or modification as may be necessary to the present and future protection of the public health, safety and welfare of the Township.

Section 3.13 - Site Plan Review Procedures

All uses permitted under the provisions or consequence of this Zoning Ordinance, applying for a zoning permit, shall follow the requirements of Article XXV, "Site Plan Review", except that all farm dwellings, farm buildings and single family homes located on a single lot or parcel shall only be required to submit a site plan, prepared in accordance with those relative portions of Article XXV, "Site Plan Review", and submitted with the application for a zoning permit.

Section 3.14 - Zoning Permits in Relation to Building Permits

Prior to the issuance of any Building Permit in the Township, it shall be necessary for any applicant for construction under the provisions of the Construction Ordinance to first apply for and obtain a zoning permit from the Zoning Administrator of Olive Township in accordance with the provisions of this.

Section 3.15 - Permitted Zoning District Uses and Other Provisions

Each Zoning District and the uses it permits are designed to represent separate categories of compatible land uses. However, regulations controlling other Articles in this Zoning Ordinance may also appropriately apply, including those provisions included in Articles XXI, "Supplemental Regulations;" Article XX, "Nonconforming Land, Building and Structural Uses;" Article XXIII, "Off-Street Parking, Loading and Unloading Requirements;" Article XXIV, "Sign Regulations;" and Article XXV, "Site Plan Review." Applicants for zoning permits should relate their requests to both the appropriate zoning district as to use and the above Articles for applicability.

Section 3.16 – Reserved for Future Use

(Reserved for Future Use)

Section 3.17 - Continued Conformance with Regulations

The maintenance of yards, open spaces, lot areas, height and bulk limitations, fences, walls, clear vision areas, parking and loading spaces, signs and all other requirements for a building or use specified within this Ordinance shall be a continuing obligation of the owner of such building or property on which such building or use is located.

Section 3.18 - Wetland Development

All "Wetland Areas" in Olive Township as designated by the Michigan Department of Natural Resources (DNR) shall be required to meet the provisions of this Ordinance and the provisions of Public Act 203 of 1979, as amended, "The Wetland Protection Act" and any rules promulgated by the Department of Natural Resources.

Section 3.19 - Project Planning and Plan Information from Other Agencies and Officials *(amended 10-03-09)*

A street, square, park, playground, public way, ground, or other open space; or public building or other structure shall not be constructed or authorized for construction in an area covered by the Olive Township Master Plan unless the location, character, and extent of the street, public way, open space, structure, or utility have been submitted to the Planning Commission by the legislative body or other body having jurisdiction over the authorization or financing of the project and has been approved by the Planning Commission. The Planning Commission shall submit its reasons for approval or disapproval to the body having jurisdiction. If the Planning Commission disapproves, the body having jurisdiction may overrule the Planning Commission by a vote of not less than a majority of its membership for any other township. If the Planning Commission fails to act within 35 days after submission of the proposal to the Planning Commission, the project shall be considered to be approved by the Planning Commission.

Section 3.20 - Conformance of Lots and Parcels to the Subdivision Control Act

All uses permitted in any district shall be located on lots or parcels of land subdivided in accordance with the provisions of Public Act 288 of 1967, as amended, "The Subdivision Control Act" and the Subdivision Regulations of Olive Township adopted and in effect at the time.

Section 3.21 - Zoning in Relation to Private Property Rights Investment and Establishing the Need and Necessity for Land Use Development

It is the intent and purpose of this Zoning Ordinance to be interpreted and construed in a liberal and broad sense, and not unnecessarily and unreasonably applied so as to prevent property owners from having some reasonable use of their property. It is the further intent and purpose of this Ordinance to allow the real estate market and the economics of a willing investor/developer to determine the need or necessity for the development of a land use upon a lot or parcel as long as it can meet the locational and provisions of the text of this Zoning Ordinance.

Section 3.22 - Private Road Standards

Rev. 1-2-16

- A. All private streets or roads shall be constructed according to the following design requirements:
1. Any two or more contiguous lots not having frontage on a public street or road shall have frontage on a private street or road.
 2. All parcels using a private street or road shall have frontage for a distance equal to or greater than the minimum lot width required for the zoning district in question.
 3. All private roads shall have direct access to a public road.
 4. All private roads shall have a permanent right-of-way of 66 feet. The right-of-way shall also expressly permit public or private utilities
 5. The Private Road need not be paved, but it must at least have six inches of MDOT 22A specification aggregate upon a compacted base. In any event, the surface width that is either paved or covered with MDOT 22A specification aggregate shall be a minimum of 16 feet wide for a private road serving 3 parcels or less, and a minimum of 20 feet wide for a private road serving 4 or more parcels, for its entire length.
 6. County Road Commission permits shall be provided with site plans to insure approved layout of the private road intersections with public roads and to insure that the street is properly named and includes a street sign and stop sign.

7. Any lot having frontage on both a private road and a public road must access only the private road.
8. Landscaping and lighting maybe required along the private road.
9. If the private road is a “dead end” the road must include a cul-de-sac; the cul-de-sac must meet the minimum standards of the County Road Commission. (see diagram below)
10. All private roads shall meet all drainage requirements of the Ottawa County Water Resource Commission.
11. The area within two feet of each side of the improved driveway surface, and within 11 feet above the driveway surface, shall be kept reasonably free of obstructions, such as tree trunks and large branches, which may interfere with use of the driveway by emergency vehicles.

B. Application

No private street or road shall be constructed without first obtaining a permit and obtaining site plan approval from the Township. An application for a private street or road permit shall contain the following: *01/01/2005*

1. A survey of the entire parcel being developed which shall include the right-of-way for the private road.
2. An engineered drawing of the private road showing a cross section of the road grade and elevation. The drawing should show all utilities, bridges, culverts and all buildings or structures within 100 feet. The drawing must include notations and proof of compliance with all Ottawa County Water Resource Commission drainage requirements.
3. A restrictive covenant or maintenance agreement must be included with the application.

C. Approval

Prior to approving the private street or road permit application the Township shall determine the following:

1. The street or road is not detrimental to public health, safety and welfare.
2. The street or road will not adversely affect the use of land.
3. The Township may require the applicant to comply with reasonable conditions relative to design of the street or road.
4. Township may require performance guarantees to insure completion of the private road as required.
5. No building permits shall be issued for construction along a private street or road until completion of the private street or road.

D. Existing private streets or roads

Private streets or roads in existence prior to the date of this ordinance shall not be subject to this ordinance except for the following:

1. It an existing private street or road Is extended to serve additional parcels *or* if additional parcels are created on the existing street or road the entire road must be brought into compliance with the provisions of this ordinance

Section 3.23 Minimum Lot Widths on Cul-De-Sac:

The minimum lot width on a cul-de-sac in all zoning districts may be reduced to a minimum 40 feet along the front lot line when a lot or parcel fronts upon a cul-de-sac. The minimum lot width of the zoning district for a lot or parcel fronting on a cul-de-sac must be met at the rear of the required front yard and the lot or parcel must be laid out such that the lot or parcel continues to widen from the front lot line to the rear of the minimum front yard. From the rear of the minimum front yard, the minimum lot width must be maintained to the rear of the minimum rear yard of the lot or parcel.

Section 3.24 Removal of Topsoil, Sand, Gravel or Other Such Materials

- A. Topsoil, sand, gravel or other such materials may be removed from any lot in the Township if the Zoning Administrator issues a permit after determining that all of the following criteria apply or have been adequately provided.
1. The removal is pursuant to and as a result of one or more of the following:
 - i. The construction of a structure on the lot;
 - ii. The landscaping of the lot;
 - iii. The operation of a farm on the lot; or
 - iv. To prevent the erosion of soil on the lot as a result of the deterioration of trees or ground cover.
 2. The removal does not result in a pond.
 3. The removal is completed within one (1) year from its beginning. The Zoning Administrator may grant one (1) one (1) year extension if the applicant establishes a reasonable basis for the extension and a reasonable expectation of completion within the extension.
 4. The area of removal shall meet the setbacks of the applicable zoning district. However, the setback from a particular lot line may be eliminated if the adjacent property owner provides written consent.
 5. A landscape plan must be submitted to and meet the approval of the Zoning Administrator, to stabilize the removal area and prevent soil erosion.
 6. The finished grade shall be that of the surrounding elevation.
 7. The removal shall not exceed twenty thousand (20,000) cubic yards.
 8. A fee equal to five (5) cents per cubic yard of material removed from the lot shall be paid to the Township. This payment shall be made by the first week in January of each year, reflecting the amount of material removed during the preceding calendar year.
 9. The removal is not successive, but instead is the only such removal from the lot within a five (5) year period.
- B. Except as provided in Subsection A above, no topsoil, sand, gravel or other such materials shall be removed from any lot in the Township unless such removal is authorized by the Township Board pursuant to Section 18.16 of the this ordinance.

Article 4
RD Resource Development Overlay District

(amended 10-03-09, 11-10-10)

Section 4.01 – Description and Purpose

This zoning district is intended to control the placement and modification of buildings and structures and the use of land in areas subject to periodic inundation.

As the density of the population in the Township increases and rural areas develop, the replacement of open land with streets and buildings will likely increase the amount of water runoff. It is, therefore, the purpose of this zoning district to preserve drainage basins in the township; prevent building in areas subject to flooding; reduce loss of life, damage to property, and disruption to economic activities as a result of flooding; and generally minimize the adverse effect of flooding on the general welfare of the community. The purposes of this district will be accomplished by requiring compliance with all permitting requirements of the State of Michigan (generally enforced by the Michigan Department of Environmental Quality (MDEQ), or successor agency) and the United States Government (generally enforced by the United States Army Corps of Engineers and/or the Michigan Department of Environmental Quality, or successor agencies) including the requirements of the State of Michigan and the United States Government concerning areas designated as floodplains, floodways, or wetlands.

Section 4.02 – Scope

This Article shall be deemed to apply in addition to, and where applicable to take precedence over, the provisions, conditions, and restrictions of other resolutions, ordinances, codes, or zoning districts of the Township sufficient to fulfill the purpose and intent of this Article. All other such resolutions, ordinances, or codes as are in conflict with this Article are repealed to the extent of such conflict.

Section 4.03 – Permitted Uses

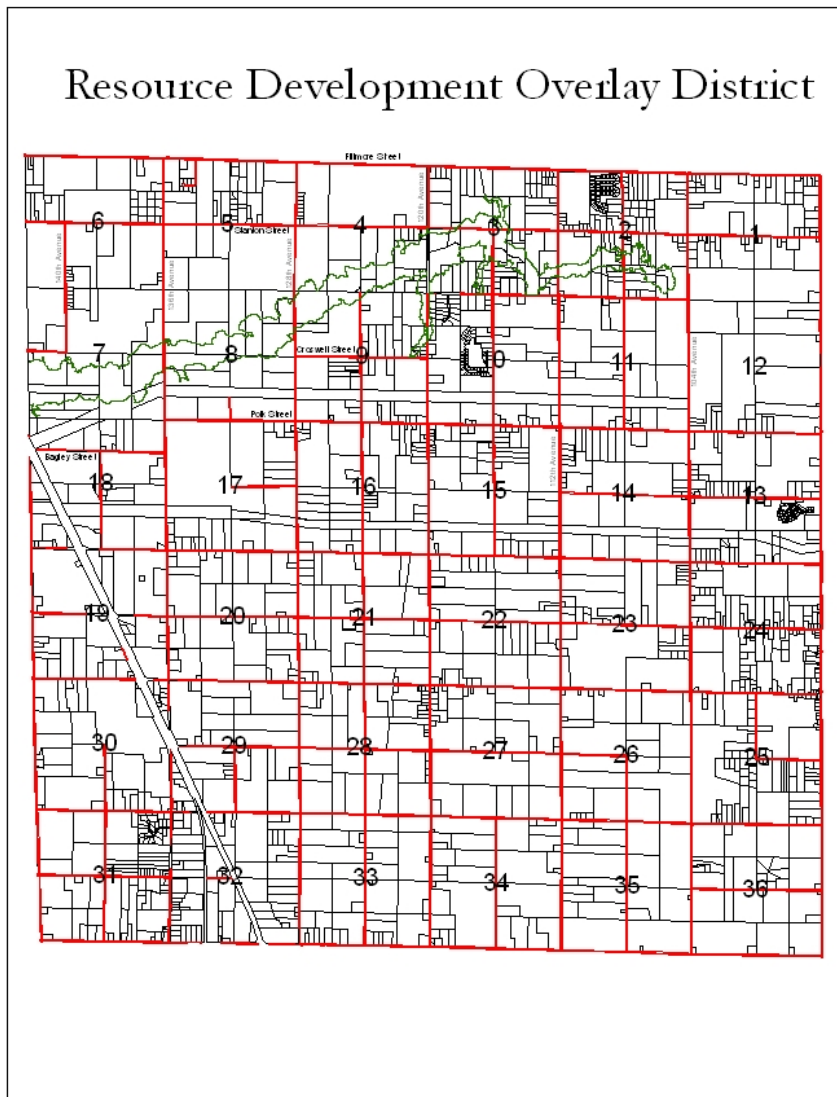
For all real property, in whole or in part, in the RD Overlay district, the underlying zoning classifications and requirements shall continue to apply. In addition to the underlying zoning classifications and requirements, for all real property located in whole or in part in the RD Overlay District, no building permits shall be issued unless the owner of the real property provides to the Township Supervisor or the Supervisor's designee either (1) valid permits issued by the MDEQ or its successor agency (for State of Michigan requirements) and the United States Army Corps of Engineers or successor agency (for Federal requirements) for the construction that is the subject of the requested building permit which permits allow the proposed construction in the RD Overlay District, or (2) written statements from the MDEQ and the United States Army Corps of Engineers (or successor agencies) (may be single joint statement) or from a professional environmental engineer stating that MDEQ and the United States Army Corps of Engineers do not have any authority over the construction that is the subject of the requested building permit or that the construction does not require a permit from the MDEQ or the United States Army Corps of Engineers. Nothing in this Section shall be interpreted to lessen, replace, or supplant the existing requirements of the Building Code of the State of Michigan as those requirements are enforced by the Township. The requirements of this Section are in addition to the requirements of the Building Code of the State of Michigan.

Section 4.04 – Parcels Included Within the District

The following parcels are included within the Resource Development Overlay district and are shown upon the attached map:

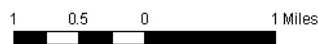
70-12-03-400-049	70-12-03-400-033	70-12-02-400-010	70-12-10-100-025	70-12-04-400-012	70-12-03-300-003
70-12-03-300-012	70-12-02-400-028	70-12-03-300-009	70-12-04-400-023	70-12-04-400-022	70-12-03-400-048
70-12-04-400-031	70-12-09-200-024	70-12-08-100-005	70-12-02-400-029	70-12-03-300-004	70-12-03-400-021
70-12-10-100-029	70-12-09-200-030	70-12-08-300-007	70-12-03-400-030	70-12-03-100-005	70-12-02-400-012

70-12-03-400-012	70-12-02-300-011	70-12-08-400-001	70-12-03-400-038	70-12-09-100-003	70-12-03-300-010
70-12-07-400-006	70-12-04-400-032	70-12-08-300-003	70-12-04-400-003	70-12-04-300-001	70-12-03-300-016
70-12-04-400-028	70-12-04-400-025	70-12-08-200-004	70-12-03-400-027	70-12-09-100-001	70-12-09-200-027
70-12-09-200-028	70-12-04-400-024	70-12-07-400-002	70-12-10-100-027	70-12-04-400-002	70-12-02-400-042
70-12-07-400-003	70-12-02-300-031	70-12-07-200-006	70-12-10-100-015	70-12-04-300-004	70-12-09-200-033
70-12-02-400-021	70-12-02-300-037	70-12-07-300-002	70-12-02-400-014	70-12-04-400-001	70-12-03-300-013
70-12-03-100-015	70-12-02-300-045	70-12-08-100-008	70-12-03-400-043	70-12-02-300-008	70-12-03-300-020
70-12-07-300-009	70-12-03-300-007	70-12-08-200-006	70-12-03-300-022	70-12-09-200-034	70-12-03-100-009
70-12-02-300-046	70-12-03-400-020	70-12-08-400-002	70-12-03-400-029	70-12-02-400-017	70-12-03-200-012
70-12-03-300-023	70-12-07-300-007	70-12-08-200-007	70-12-09-200-032	70-12-03-200-011	70-12-03-300-002
70-12-04-400-008	70-12-02-400-013	70-12-08-200-002	70-12-03-400-022	70-12-03-100-025	70-12-04-400-021
70-12-09-200-029	70-12-02-400-043	70-12-08-200-003	70-12-02-300-043	70-12-04-400-033	70-12-02-400-019
70-12-10-100-026	70-12-03-400-045	70-12-09-100-005	70-12-10-100-017	70-12-02-300-034	70-12-03-300-014
70-12-07-300-005	70-12-07-300-010	70-12-02-300-042	70-12-07-300-008	70-12-07-400-005	



Legend

- RD Overlay
- ▭ Parcels



Source: OCGIS Department
 Projection: NAD 1983 State Plane Michigan South
 Prepared By: Gregory L. Ransford

Article 5
AG Agricultural District

Rev 4/1/00

Section 5.01 – Purpose

The purpose of this district is to provide for the compatible arrangement and development of parcels of land for residential building and for the operation family farms in a pastoral, agricultural, woodland or open land setting. The parcels in this district will not be served by public water distribution nor public wastewater disposal systems in the foreseeable future. It is intended that these parcels will be suitable for Agricultural Farming operations and future agricultural, woodland, natural resource and other extensive land uses. -Special provisions have been established to permit small non-farm dwellings in this district. It is intended that limited non-farm dwellings will be created and in those cases where non-farm dwellings are created they will be clustered on small parcels that will preserve the Agricultural farming operations and future agricultural, woodland, natural resources and other extensive land uses in the district.

Section 5.02 - Permitted Principal Uses

(amended 06-06-08, 5-6-11)

- A. General farming (Agricultural Farming Operations)
 - 1. Field crop, fruit, vegetable, horticultural, maple sugar production, tree farm, and worm farming, and similar types of specialized farming.
 - 2. Greenhouses and nurseries for trees, shrubs and plants.
 - 3. Raising and keeping of cattle, horses, ponies, sheep, goats, swine and similar livestock.
 - 4. Raising and keeping of rabbits, poultry, fowl and similar small animals.
 - 5. On-site production and consumption of food for animals.
 - 6. Apiaries.
 - 7. Hatcheries.
- B. Public and semi-public buildings for the housing of public facilities, utilities and services on parcels at least 5 acres in size.
- C. Public and private campgrounds, conservation areas and structures for water, soil, forest, wildlife, minerals and open space on parcels at least 40 acres in size.
- D. Public and private areas for golf courses, golf driving ranges, country clubs, miniature golf courses, historical places, parks, playgrounds, beaches, resorts, swimming pool and court game clubs and organizational camping on parcels at least 40 acres in size.
- E. Public areas, for forest preserves, game refuges and similar uses on parcels at least 40 acres in size.
- F. Cemeteries; public, private or pet on parcels at least 10 acres in size.
- G. Single family dwellings for use as the principal dwelling for the owner of an Agricultural farming operation on parcels as regulated by Section 5.06
- H. Single family dwellings for Non-farm dwellings on parcels as regulated by Sections 5.07 and 5.08
- I. A family child care home of a state licensed residential facility except an adult foster care facility licensed by a state agency for care and treatment of persons released from or assigned to an adult correctional institution.

Section 5.02a – Permitted Existing Non-Farm Animal Agricultural Uses outside of the AG Zoning District
(amended 03-15-06, 09-07-10, 5-6-11)

Existing Non-Livestock Agricultural Uses located in the following zoning districts shall comply with the regulations set forth in this Section 5.02a.

A. Zoning Districts outside of the AG Zoning District that permit Existing Agricultural Uses:

Rural Residential (RR) Zoning District Section 6.02B
Low Density Residential (LDR) Zoning District Section 7.02B
Medium Density Residential (MDR) Zoning District Section 8.02B

B. Permitted Existing Non-Farm Animal Agricultural Uses

General farming (Agricultural Farming Operations)

1. Field crop, fruit, vegetable, horticultural, maple sugar production, tree farm, and worm farming, and similar types of specialized farming.
2. Greenhouses and nurseries for trees, shrubs and plants.

C. Permitted Accessory Uses associated with Existing Non-Farm Animal Agricultural Uses

1. Buildings and structures customarily incidental to the operation of a principal agricultural or other use permitted this Section 5.02a. Including one (1) single family dwelling.
2. Signs related to permitted uses, provided that all such signs shall conform to the requirements of Article XXIV.
3. Home occupation agricultural commercial enterprises, including, but not limited to, seed and other product sales as conditioned by Section 21.19.
4. Greenhouses and nurseries.
5. Cold storage and other storage facilities for agricultural products.
6. Roadside Stands - each farm may have one (1) roadside stand for the purpose of selling produce or other products principally raised or produced on that farm in the course of its permitted agricultural activity. The stand shall be located and constructed to meet the following requirements:
 - a. The structure shall not be more than one (1) story in height.
 - b. The floor area shall not be more than 400 square feet.
 - c. The stand shall be located no closer than forty (40) feet from the nearest road right-of-way line. In no case, shall the stand occupy any part of the right-of-way.

D. Existing Non – Farm Animal Agricultural Farming Operations Dimensional Requirements:

1. Lot Area: An existing Non-Livestock Agricultural operation must be maintained on a parcel meeting the minimum area requirements for the underlying zoning district.
2. Lot Width: An existing Non-Livestock Agricultural operation must maintain a minimum lot width equal to the width requirements for the underlying zoning district.
3. Lot Coverage: For existing Non-Livestock Agricultural operations there shall be no limit on lot coverage so long as measures are taken to ensure storm water drainage does not flood neighboring properties and so long as set back requirements are complied with.
4. Yard and Setback Requirements:
 - Front Yard: Minimum of fifty (50) feet from the right-of-way line.
The lot or parcel shall be located and the dwelling sited so as to maximize crop production activities and other similar use activities.
 - Side Yards: Minimum of fifteen (15) feet for each side yard, except where a side yard abuts a road right-of-way line, the minimum shall be fifty (50) feet.
 - Rear Yard: Must comply with underlying zoning district.
5. Height Limitations: maximum of forty-five (45) feet for all agricultural buildings, except for grain elevators, silos, and windmills which shall not exceed 120 feet in height.

E. Public areas, for forest preserves, game refuges and similar uses that use land for the same uses or activities on parcels at least 40 acres in size.

Section 5.03 - Permitted Principal Special Uses with Conditions (amended 06-06-08, 09-07-10)

A. Kennels for Dogs.

1. Indoor Kennels for Dogs.

- a. All dog kennels shall be operated in conformance with all applicable County, State, and Federal regulations; all permits shall be valid no longer than one (1) year.
- b. For dog kennels, the minimum lot size shall be one (1) acre for up to six (6) dogs and an additional one-sixth (1/6) acre for each one (1) additional dog.
- c. Buildings wherein dogs are kept and/or exercise areas shall not be located closer than 100 feet to any occupied dwelling or any building on an adjacent parcel used by the public and shall not be located in any required front, rear, or side yard setback area. Any dog that is exercised outside of the building must be in an approved exercise area and an employee must be with any such dog at all times while outside the building.
- d. Such facilities shall be under the jurisdiction of the Planning Commission and Township Board and subject to other conditions and requirements of said body bodies deemed necessary to insure against the occurrence of any possible nuisance by requiring necessary minimum distances, berms, fencing, sound-proofing and sanitary requirements.
- e. All kennels shall provide the following:
 - i. Hours of operation
 - ii. Dog capacity
 - iii. Summary of operations and the handling of the dogs, including, but not limited to, the number of employees, typical schedule of dog exercise and “bathroom” opportunities, the number of handlers available to each dog and etcetera any other information that the Planning Commission or Township board deems appropriate.

2. Outdoor Kennels for Dogs.

- a. No special use permit for an outdoor kennel shall be issued unless a special use permit has been issued previously for the same property, and it has been continuously renewed each year, and has not been allowed to lapse.
- b. A special use permit previously issued for an outdoor kennel will not be renewed in the event there has been a change in ownership.
- c. A special use permit previously issued for an outdoor kennel may be refused renewal in the event the Township receives legitimate confirmed complaints that the outdoor kennels have created unreasonable noise, have failed to abide by any applicable laws, conditions, rules, or regulations, or have created a nuisance.
- d. All dog kennels shall be operated in conformance with all applicable County, State, and Federal regulations; all permits shall be valid no longer than one (1) year.
- e. For dog kennels, the minimum lot size shall be one (1) acre for up to six (6) dogs and an additional one-sixth (1/6) acre for each one (1) additional dog.
- f. Buildings wherein dogs are kept and/or exercise areas shall not be located closer than 100 feet to any occupied dwelling or any building on an adjacent parcel used by the public and shall not be located in any required front, rear, or side yard setback area.
- g. Such facilities shall be under the jurisdiction of the Planning Commission and Township Board and subject to other conditions and requirements of said bodies deemed necessary to insure against the occurrence of any possible nuisance by requiring necessary minimum distances, berms, fencing, sound-proofing, and sanitary requirements.
- h. All kennels shall provide the following:
 - i. Hours of operation.
 - ii. Dog capacity.
 - iii. Summary of operations and the handling of the dogs, including, but not limited to, the number of employees, typical schedule of dog exercise and

“bathroom” opportunities, the number of handlers available to each dog, and any other information the Planning Commission or Township Board deems appropriate.

B. Agri-businesses *(amended 10-18-12)*

A. Types

- a) Agricultural products, production and processing operations
- b) Agricultural products storage facilities.
- c) Bulk feed and fertilizer outlets and distribution centers.
- d) Farm machinery: sales, service, rental and repair.
- e) Grain elevators for storage, drying and sales.
- f) Grain and livestock truck and cartage facilities.
- g) Riding stables, public and private.
- h) Seed dealership outlets and distribution centers.
- i) Veterinary hospitals, clinics and indoor kennels.

B. Conditions applying to all agribusiness

An agribusiness shall be buildings, structures, lots, parcels, or parts thereof, which provide services, goods, storage, transportation or other activities directly related to the production, sale or resale of agricultural commodities. Agribusinesses as listed above are permitted with the following conditions:

- a) Minimum lot or parcel area shall be five (5) acres and minimum road frontage shall be 300 feet, except as otherwise required for specific uses listed.
 - i. Any agribusiness with outdoor processing shall be conducted on a parcel containing a minimum lot size of at least twenty (20) acres. The outdoor processing area shall be at least 300 feet from any residence that is not located on the same parcel as the agribusiness.
- b) All agribusiness uses shall be located at least 250 feet from all AG, RR, LDR, MDR and MFR zoning district boundary lines, and existing residential structures located on adjacent properties.
- c) All agribusiness uses shall meet the requirements of the State and County Health Departments for water supply, liquid and solid waste disposal and other applicable health and sanitation requirements.

C. Public and Private institutions for human care, religion, education and other human social purposes.

- 1. The proposed site for any of the uses permitted herein which would attract persons from, or are intended to serve, areas beyond the immediate zoning district area shall have at least one (1) property line abutting a paved impermeable hard surface public road.
- 2. Front yards, rear yards, and side yards that front upon a street right-of-way shall be at least-fifty (50) feet. All other side yards shall be a minimum of 25 feet. All yards shall be landscaped in trees, shrubs, and grass. All such landscaping shall be maintained in a healthy condition. There shall be no buildings or structures permitted in these yards, except required entrance drives, ponds, and those walls, ponds, fences and berms used to screen the use from abutting residential lots, parcels, and parking areas, provided the parking areas and ponds are at least 15 feet from any lot line or road right-of-way line. No wall, fence, or berm shall be located, or be of such size or design, so as to obstruct the vision of drivers of vehicles entering or leaving the site of traffic located on or off the site.

01/01/2005

3. The proposed site for any of the uses permitted herein shall contain at least five (5) acres of land area.
4. If any of the above uses provide child care facilities or services and those services or facilities are not licensed by the State, then those uses must comply with the following: All areas and/or rooms in which child care is provided shall be capable of being viewed from the outside of the room or area in which child care is provided and shall be located within a reasonable distance as determined by the Planning Commission from a bathroom.
01/01/2005
5. The maximum lot coverage shall not be in excess of 50% excluding parking areas, drives, and ponds. *01/01/2005*

D. (Reserved for future use) *06/06/2008*

E. Warehouses

Any commercial warehouse must be an additional use of agricultural buildings on a farm parcel. The buildings must have been used for agricultural purposes for at least five (5) years. Warehouses approved for Special Use under this section must meet the following additional conditions:

1. No outside storage of equipment or materials shall be permitted.
2. No retail or wholesale business shall be conducted on the premises or within the storage area.
3. The renovation of the existing agricultural building shall not promote "on site commercial business to be conducted on the premises or within the storage area as determined by the Planning Commission.
4. The storage of hazardous materials, as determined by the Township Fire Chief is prohibited.

F. Zoos

Zoos licensed by the State of Michigan may be operated on any parcel containing at least 40 acres.

G. A group child care home, provided it meets the following requirements:

1. Is located not closer than 1,500 feet to any of the following:
 - a. Another licensed group child care home.
 - b. Another adult foster care small group home or large group home licensed under the adult foster care facility licensing act, 1979 PA 218, MCL 400.701 to 400.737.
 - c. A facility offering substance abuse treatment and rehabilitation service to seven or more people licensed under Article 6 of the Public Health Code, 1978 PA 368, MCL 333.6101 to 333.6523.
 - d. A community correction center, resident home, halfway house, or other similar facility which houses an inmate population under the jurisdiction of the department of corrections.
2. Has completely enclosed fencing at least six feet in height in all areas which children are allowed outside to be in, except when being picked up or dropped off. Children shall

not be allowed outside except within a completely enclosed fenced in area located in a side or rear yard.

3. Maintains the property consistent with the visible characteristics of the neighborhood.
4. Does not exceed 16 hours of operation during a 24-hour period.
5. Meets regulations, if any, governing signs used by a group child care home to identify itself.
6. A group child care home operator shall provide one paved off street parking for each employee which may be adjacent to, but not within, a driveway.

Section 5.04 – Permitted Accessory Uses

(amended 2-14-13)

- A. Buildings and structures customarily incidental to the operation of a principal agricultural or other use permitted in the AG District. Including single family dwellings and an apartment located within the principal single family dwelling or in any story of a pole barn, detached garage or other similar accessory building, meeting all dwelling standards, for use by employees of the owner of the agricultural farming operation on which the dwelling or apartment is located.
- B. Building and structures customarily incidental to single family residential dwellings.
- C. Signs related to permitted uses, provided that all such signs shall conform to the requirements of Article XXIV.
- D. Home occupation agricultural commercial enterprises, including, but not limited to, seed and other product sales as conditioned by Section 21.19.
- E. Private residential swimming pools as conditioned by Section 21.18.
- F. Farm implement and vehicle repair and maintenance.
- G. Herbicide, insecticide and fertilizer sales and application.
- H. Greenhouses and nurseries.
- I. Grain and feed storage facilities.
- J. Cold storage and other storage facilities for agricultural products.
- K. Customary home occupations, as conditioned by Section 21.19.

Section 5.05 – Permitted Accessory Uses with Conditions

- A. Roadside Stands - In the AG District each farm may have one (1) roadside stand for the purpose of selling produce or other products principally raised or produced on that farm in the course of its permitted agricultural activity. The stand shall be located and constructed to meet the following requirements:
 1. The structure shall not be more than one (1) story in height.
 2. The floor area shall not be more than 400 square feet.
 3. The stand shall be located no closer than forty (40) feet from the nearest road right-of-way line. In no case, shall the stand occupy any part of the right-of-way.
- B. Migrant Housing pursuant to the regulations as noted in Section 21.41 *Amended 03/21/02*

Section 5.06 - General Farming (Agricultural Farming Operations) Dimensional Requirements:

- A. Lot Area: The lot area shall be determined by the use.
- B. Lot Width: Minimum of 330 feet.
- C. Lot Coverage: There is no limit on lot coverage so long as measures are taken to ensure storm water drainage does not flood neighboring properties and so long as set back requirements are complied with.
- D. Farm dwelling living area requirements:
 - 1. The minimum first floor living area of a one (1) story dwelling must be at least 960 square feet, and for a two (2) story dwelling the minimum first floor living area shall be at least 700 square feet, and a minimum total of 960 square feet for both stories.
- E. Yard and Setback Requirements:

Front Yard: Minimum of fifty (50) feet from the right-of-way line.

Maximum front yard set back for farmhouses shall be 150' or as approved by the Planning Commission subject to the following standards:

- 1. Woodland, areas of steep slope, historic use of property, existing development pattern, farm activity in area, and physical conditions making the site unsuitable for crop or animal production, and lands which are not designated as prime agricultural by the USDA - Natural Resources Conservation Services may be used for single family dwellings.
- 2. The lot or parcel shall be located and the dwelling sited so as to maximize crop or animal production activities, intensive livestock operations, regulated wetlands, and other similar use activities.

Side Yards: Minimum of fifteen (15) feet for each side yard, except where a side yard abuts a road right-of-way line, the minimum shall be fifty (50) feet.

Rear Yard: Minimum of fifty (50) feet.

- F. Height Limitations: Maximum of thirty-five (35) feet for all dwellings and a maximum of twenty-five (25) feet for all buildings accessory to dwellings; maximum of forty-five (45) feet for all agricultural buildings, except for grain elevators, silos, and windmills which shall not exceed 120 feet in height.

Section 5.07 - Number of Non-farm Parcels Permitted to be Created from Existing Parcels in the AG Agricultural Zoning District

Any parcel in existence at the effective date of this ordinance (April 1, 2000) located in the AG - Agricultural zoning district shall be permitted to create the following number of Non-farm parcels based on the size of the existing parcel at the effective date this ordinance (April 1, 2000)

Parcel size at the effective date of this ordinance	Number of non-farm parcels permitted to create
10 acres or less	0
Greater than 10 acres but not more than 20 acres	1
Greater than 20 acres but not more than 30 acres	2
Greater than 30 acres but not more than 40 acres	3
More than 40 acres	4

All non farm parcels created on an existing parcel of land must be clustered together whether created at the same time or not, unless a site plan has been approved by the Planning Commission subject to the following standards:

- A. Woodland, areas of steep slope, historic use of property, existing development pattern, farm activity in area, and physical conditions making the site unsuitable for crop or animal production, and lands which are not designated as prime agricultural by the USDA - Natural Resources Conservation Services may be used for single family dwellings.
- B. Lot lines designated for minimum width must be uninterrupted by lot lines or boundaries of other parcels or lots.
- C. The lot or parcel shall be located and the dwelling sited so as to maximize setback from crop or animal production activities, intensive livestock operations, regulated wetlands, and other potentially incompatible land use activities.

In the event one owner owns two or more parcels that are contiguous, each parcel having a separate Tax Identification Number those parcels shall be considered as one parcel regardless of the size of the parcels in question for the purpose of determining the number of non-farm parcels permitted to create.

A property owner with two or more parcels that are contiguous shall be permitted to locate all of the non-farm parcels from each of his contiguous parcels within one area.

If a property owner owns two or more parcels that are not contiguous he may locate the non-farm lots from one parcel on another noncontiguous parcel.

Section 5.08 – Non-farm Dwelling Lot Size Dimensional Requirements:

- A. Minimum Lot Area: A non-farm parcel may have an area as small as permitted by the Ottawa County Health Department to accommodate on site sanitary waste disposal and well permits.
- B. The maximum lot area for a non-farm parcel shall be 2.5 acres.
- C. Minimum Lot Width: 120 feet.
- D. Lot coverage maximum of fifty (50%) percent.
- E. Non-Farm dwelling living area requirements:
 - 1. The minimum first floor living area of a one (1) story dwelling must be at least 960 square feet, and for a two (2) story dwelling the minimum first floor living area shall be at least 700 square feet, and a minimum total of 960 square feet for both stories.
- F. Yard and Setback Requirements
 - Front Yard: Minimum of fifty (50) feet from the right-of-way line.
 - Side Yards: Minimum of ten (10) feet for each side yard, except where a side yard abuts a road right-of-way line, the minimum shall be fifty (50) feet.
 - Rear Yard: Minimum of twenty-five (25) feet.
- G. Height Limitations: Maximum of thirty-five (35) feet for all dwellings and a maximum of twenty-five (25) feet for all buildings accessory to dwellings.

Section 5.09 – Existing Parcels (amended 06-08-06)

Any parcel of property that is existing, as of the adoption of this section, on which there is a single family dwelling may create a parcel of property that meets the requirements of Section 5.08 for use as a nonfarm dwelling provided the remaining part of the property is combined with an adjacent parcel(s) of property that is being used for agricultural farming operations. The parcel that remains after the severed part of the property is combined with the adjacent parcel used for agricultural farming operations shall not be counted as a newly created parcel under Section 5.07.

Section 5.10 – Reconfiguration of Lot Lines *(amended 3-30-07)*

Parcels may be reconfigured in area and width as long as those lots that are reconfigured were not originally created under Section 5.07 of this Ordinance. Any lot that is reconfigured shall maintain or increase its existing width or be no less than the minimum lot width as required by Section 5.08 of this Ordinance and shall not result in the creation of any new lots but may decrease the number of lots. In the instance the number of lots is decreased as a result of reconfiguration, the lots may not return to their original configuration unless they are legally created in accordance with Section 5.06 or Section 5.07 of this Ordinance.

Article 6
RR Rural Residential District

Section 6.01 - Purpose

The purpose of this district is to provide for single family housing neighborhoods free from other uses, except those which are (1) normally accessory and (2) compatible, supportive and convenient to the residents living within such a district. The size of lots and parcels in this district should be planned to be of such area and width so that they can sustain healthful on-site water supply and liquid wastewater disposal.

Section 6.02 - Permitted Principal Uses *(amended 06-06-08, 08-07-09)*

- A. Single family dwellings of conventional or manufactured construction on a minimum of one (1) acre parcel, if on-site water supply and wastewater disposal systems meet the requirements of the County Health Department.
- B. Existing types of agricultural land, building and structural uses provided they meet the AG District requirements, and those uses permitted in Sections 5.02a and 5.04 (except G). *(amended 06-06-08)*
- C. A family child care home of a state licensed residential facility except an adult foster care facility licensed by a state agency for care and treatment of persons released from or assigned to an adult correctional institution.
- D. Livestock operations in accordance with Section 21.35B of this Ordinance.

Section 6.03 - Permitted Principal Special Uses With Conditions *(amended 06-06-08)*

The following special uses of land, if located on a parcel of land at least five (5) acres, except as required otherwise, buildings and structures are permitted, subject-to the provisions of Article XVIII, "Special Uses":

- A. Permitted special uses:
 - 1. Public buildings
 - 2. Public recreational playgrounds
 - 3. Non-profit recreation areas
 - 4. Religious institutions
 - 5. Health, educational and social institutions
 - 6. Golf courses and country clubs on a parcel of land of at least forty (40) contiguous acres.
 - 7. A group child care home, provided it meets the following requirements:
 - A. Is located not closer than 1,500 feet to any of the following:
 - 1. Another licensed group child care home.
 - 2. Another adult foster care small group home or large group home licensed under the adult foster care facility licensing act, 1979 PA 218, MCL 400.701 to 400.737.

3. A facility offering substance abuse treatment and rehabilitation service to seven or more people licensed under Article 6 of the Public Health Code, 1978 PA 368, MCL 333.6101 to 333.6523.
 4. A community correction center, resident home, halfway house, or other similar facility which houses an inmate population under the jurisdiction of the department of corrections.
- B. Has completely enclosed fencing at least six feet in height in all areas which children are allowed outside to be in, except when being picked up or dropped off. Children shall not be allowed outside except within a completely enclosed fenced in area located in a side or rear yard.
 - C. Maintains the property consistent with the visible characteristics of the neighborhood.
 - D. Does not exceed 16 hours of operation during a 24-hour period.
 - E. Meets regulations, if any, governing signs used by a group child care home to identify itself.
 - F. A group child care home operator shall provide one paved off street parking for each employee which may be adjacent to, but not within a, driveway.

B. Above Permitted Uses Subject to the Following Requirements:

1. The proposed site for any of the uses permitted herein shall have at least one (1) property line abutting an impervious hard surface paved road, and the site shall be so planned as to provide all access directly to said road.
2. Front yards, rear yards, and side yards that front upon a street right-of-way shall be at least-fifty (50) feet. All other side yards shall be a minimum of 25 feet. All yards shall be landscaped in trees, shrubs, and grass. All such landscaping shall be maintained in a healthy condition. There shall be no buildings or structures permitted in these yards, except required entrance drives, ponds, and those walls, ponds, fences and berms used to screen the use from abutting residential lots, parcels, and parking areas, provided the parking areas and ponds are at least 15 feet from any lot line or road right-of-way line. No wall, fence, or berm shall be located, or be of such size or design, so as to obstruct the vision of drivers of vehicles entering or leaving the site of traffic located on or off the site.
01/01/2005

3. Shall meet all other applicable requirements of this Zoning Ordinance.
4. If any of the above uses provide child care facilities or services and those services or facilities are not licensed by the State, then those uses must comply with the following:

All areas and/or rooms in which child care is provided shall be capable of being viewed from the outside of the room or area which child care is provided and shall be located within a reasonable distance as determined by the Planning Commission from a bathroom.
01/01/2005

5. The maximum lot coverage shall not be in excess of 50% excluding parking areas, drives, and ponds. *01/01/2005*

C. Those uses permitted in Sections 5.03 and 5.05. (*amended 06/06/08*)

Section 6.04 - Permitted Accessory Uses:

- A. Normal existing accessory uses to single-family housing and existing agricultural uses.
- B. Normal accessory uses to permitted and approved "Special Uses".
- C. Customary home occupations, as conditioned by Section 21.19.
- D. Private residential swimming pools, as conditioned by Section 21.18.
- E. Migrant Housing pursuant to the regulations as noted in Section 21.41 *Amended 3/21/02*

Section 6.05 - Dimensional Requirements: *(amended 08-07-09)*

- A. Lot Area: A non-farm single family residential parcel or lot shall have a minimum of one (1) acre in area.
- B. Lot Width: Minimum of 150 feet.
- C. Lot Coverage: Maximum of thirty (30) percent, excluding greenhouses and other structures used for nursery operations
- D. Floor Area: The minimum first floor area of a one (1) story dwelling 960 square feet, and for a two (2) story dwelling 700 square feet, and a minimum total of 960 square feet for both stories.
- E. Yard and Setback Requirements:
 - 1. Front Yard: minimum of fifty (50) feet from the road right-of-way, except as otherwise required in Section 6.03 B.2, or as specified in the Master Plan for Roads and Highways, whichever is the greater.
 - 2. Side Yards: Minimum of twenty (20) feet for each side yard, except where a side yard abuts a road right-of-way line, the minimum shall be fifty (50) feet or as specified in the Master Plan for Roads and Highways, whichever is the greater.
 - 3. Rear Yard: Minimum of fifty (50) feet.
- F. Height Limitations: Maximum of thirty-five (35) feet for all residential structures; a maximum of twenty-five (25) feet for all residential related accessory structures.

Article 7
LDR Low Density Residential District

Section 7.01 Purpose

The purpose of this Low Density Residential Zoning District is to provide for single family housing neighborhoods free from other uses, except those which are (1) normally accessory to and (2) compatible with, supportive of and convenient to the various types and compositions of families living within such residential land use areas. The size of lots and parcels should be planned to be of such area and width so that they can sustain healthful and sanitary on-site water supply and wastewater disposal.

Section 7.02 - Permitted Principal Uses *(amended 06-06-08, 08-07-09)*

- A. Single family dwellings of conventional or manufactured construction on lots, which meet the requirements of Section 7.06A or 7.06B, whichever is applicable.
- B. Existing types of agricultural land, building and structural uses, provided they meet the AG District requirements, and those uses permitted in Sections 5.02a and 5.04 (except G).
- C. A family child care home of a state licensed residential facility except an adult foster care facility licensed by a state agency for care and treatment of persons released from or assigned to an adult correctional institution.
- D. Livestock operations in accordance with Section 21.35B of this Ordinance.

Section 7.03 - Permitted Principal Special Uses with Conditions *(amended 06-06-08)*

The following special uses of land, if located on a parcel of land at least five (5) acres, except as required otherwise, buildings and structures are permitted subject to the provisions of Article XVIII, "Special Uses":

- A. Permitted special uses:
 - 1. Public buildings
 - 2. Public recreational playgrounds
 - 3. Non-profit recreation areas
 - 4. Religious institutions
 - 1. Educational and social institutions
 - 2. Golf courses and country clubs on a parcel of land of at least forty (40) contiguous acres.
 - 3. Child care centers
- B. Above permitted principal special uses are subject to the following requirements:
 - 1. The proposed site for any of the uses permitted herein except as allowed by 7.03 A 6 shall have at least one (1) property line abutting on impervious hard surface paved road, and the site shall be so planned as to provide all access directly to said road.
 - 2. Front yards, rear yards, and side yards that front upon a street right-of-way shall be at least fifty (50) feet. All other side yards shall be a minimum of 25 feet. All yards shall be landscaped in trees, shrubs, and grass. All such landscaping shall be maintained in a

healthy condition. There shall be no buildings or structures permitted in these yards, except required entrance drives, ponds, and those walls, ponds, and fences, and berms used to screen the use from abutting residential lots, parcels, and parking areas, provided the parking areas and ponds are at least 15 feet from any lot line or road right-of-way line. No wall, fence, or berm shall be located, or be of such size or design, so as to obstruct the vision of drivers of vehicles entering or leaving the site of traffic located on or off the site.

3. Shall meet all other applicable requirements of this Zoning Ordinance.
4. If any of the above uses provide child care facilities or services and those services or facilities are not licensed by the State, then those uses must comply with the following:

All areas and/or rooms in which child care is provided shall be capable of being viewed from the outside of the room or area in which child care is provided and shall be located within a reasonable distance as determined by the Planning Commission from a bathroom.

5. The maximum lot coverage shall not be in excess of 50% excluding parking areas, drives, and ponds.
6. A group child care home, provided it meets the following requirements:

- A. Is located not closer than 1,500 feet to any of the following:
 1. Another licensed group child care home.
 2. Another adult foster care small group home or large group home licensed under the adult foster care facility licensing act, 1979 PA 218, MCL 400.701 to 400.737.
 3. A facility offering substance abuse treatment and rehabilitation service to seven or more people licensed under Article 6 of the Public Health Code, 1978 PA 368, MCL 333.6101 to 333.6523.
 4. A community correction center, resident home, halfway house, or other similar facility which houses an inmate population under the jurisdiction of the department of corrections.
- B. Has completely enclosed fencing at least six feet in height in all areas which children are allowed outside to be in, except when being picked up or dropped off. Children shall not be allowed outside except within a completely enclosed fenced in area located in a side or rear yard.
- C. Maintains the property consistent with the visible characteristics of the neighborhood.
- D. Does not exceed 16 hours of operation during a 24-hour period.
- E. Meets regulations, if any, governing signs used by a group child care home to identify itself.
- F. A group child care home operator shall provide one paved off street parking for each employee which may be adjacent to, but not within a, driveway.

Section 7.04 - Permitted Accessory Uses

- A. Normal existing accessory uses to single family housing and existing agricultural uses.
- B. Normal accessory uses to permitted and approved "Special Uses".
- C. Customary home occupations, as conditioned by Section 21.19.

Section 7.05 - Permitted Accessory Uses with Conditions

- A. Private swimming pools for use as a part of single family dwellings in conformance with the provisions of Section 21.18.

Section 7.06 - Dimensional Requirements

- A. Lot Area: Minimum of 20,000 square feet with public or common sewer and water.
- B. Lot Area: Minimum of one (1) acre, if lot or parcel does not have public sewer or water available and on-site water supply and wastewater disposal systems are both permitted and approved by the County Health Department.
- C. Lot Width: Minimum of 100 feet for A. above and 150 for B. above.
- D. Lot Coverage: Maximum of 30%.
- E. Floor Area: The minimum first floor area of a one (1) story dwelling 960 square feet, and for a two (2) story dwelling 700 square feet on the first floor, with a minimum total of 960 square feet for both stories.
- F. Yard and Setback Requirements:
 - 1. Front Yard: Minimum of fifty (50) feet from the road right-of-way line, and shoreline of any surface water features, except as otherwise required in Section 7.03 B.2. and unless a greater setback from the waterline is required by the Michigan Department of Natural Resources or other public agency, or as specified in the Master Plan for Roads and Highways, whichever is the greater.
 - 2. Side Yards: Minimum of twenty (20) feet for each side yard, except where a side yard abuts a road right-of-way line, the minimum shall be fifty (50) feet, or as specified in the Master Plan for Roads and Highways, whichever is the greater.
 - 3. Rear Yard: Minimum of fifty (50) feet.
- G. Height Limitations: Maximum of thirty-five (35) feet for residential structures; a maximum of twenty-five (25) feet for all residential related accessory structures.

Article 8
MDR Medium Density Residential District

Section 8.01 - Purpose

It is the purpose of the Medium Density Residential District to provide for single family residential uses at reasonable densities. It is further the purpose to require lot areas large enough to protect Township groundwater from excessive pollution due to an over-concentration of septic tank systems, particularly in areas adjacent to water bodies and in inland areas where groundwater need to be protected because of on or off-site human use.

Section 8.02 - Permitted Principal Uses *(amended 06-06-08, 08-07-09)*

- A. Single family dwellings of conventional or manufactured construction on lots which meet the requirements of Section 8.06A or 8.06B, whichever is applicable.
- B. Existing types of agricultural land, building and structural uses, provided they meet the AG District requirements, and those uses permitted in Sections 5.02a and 5.04 (except G).
- C. A family child care home of a state licensed residential facility except an adult foster care facility licensed by a state agency for care and treatment of persons released from or assigned to an adult correctional institution.
- D. Livestock operations in accordance with Section 21.35B of this Ordinance.

Section 8.03 - Permitted Principal Special Uses with Conditions *(amended 06-06-08)*

The following special uses of land, if located as a parcel of land at least five (5) acres, except as required otherwise, buildings and structures are permitted subject to the provisions of Article XVIII, "Special Uses":

- A. Permitted special uses:
 - 1. Public buildings
 - 2. Public recreational playgrounds
 - 3. Non-profit recreation areas
 - 4. Religious institutions
 - 5. Educational and social institutions
 - 6. Golf courses and country clubs on a parcel of land of at least forty (40) contiguous acres.
 - 7. A group child care home, provided it meets the following requirements:
 - A. Is located not closer than 1,500 feet to any of the following:
 - 1. Another licensed group child care home.
 - 2. Another adult foster care small group home or large group home licensed under the adult foster care facility licensing act, 1979 PA 218, MCL 400.701 to 400.737.

3. A facility offering substance abuse treatment and rehabilitation service to seven or more people licensed under Article 6 of the Public Health Code, 1978 PA 368, MCL 333.6101 to 333.6523.
 4. A community correction center, resident home, halfway house, or other similar facility which houses an inmate population under the jurisdiction of the department of corrections.
- B. Has completely enclosed fencing at least six feet in height in all areas which children are allowed outside to be in, except when being picked up or dropped off. Children shall not be allowed outside except within a completely enclosed fenced in area located in the side or rear yard.
 - C. Maintains the property consistent with the visible characteristics of the neighborhood.
 - D. Does not exceed 16 hours of operation during a 24-hour period.
 - E. Meets regulations, if any, governing signs used by a group child care home to identify itself.
 - F. A group child care home operator shall provide one paved off street parking for each employee which may be adjacent to, but not within, a driveway.

B. Above permitted principal special uses are subject to the following requirements;

1. The proposed site for any of the uses permitted herein except as permitted by Section 8.03 A 7 shall have at least one (1) property line abutting an impervious hard surface paved road, and the site shall be so planned as to provide all access directly to said road.
2. Front yards, rear yards, and side yards that front upon a street right-of-way shall be at least fifty (50) feet. All other side yards shall be a minimum of 25 feet. All yards shall be landscaped in trees, shrubs, and grass. All such landscaping shall be maintained in a healthy condition. There shall be no buildings or structures permitted in these yards, except required entrance drives, ponds, and those walls, ponds, and fences, and berms used to screen the use from abutting residential lots, parcels, and parking areas, provided the parking areas and ponds are at least 15 feet from any lot line or road right-of-way line. No wall, fence, or berm shall be located, or be of such size or design, so as to obstruct the vision of drivers of vehicles entering or leaving the site of traffic located on or off the site.
3. Shall meet all other applicable requirements of this Zoning Ordinance.
4. If any of the above uses provide child care facilities or services and those services or facilities are not licensed by the State, then those uses must comply with the following:

All areas and/or rooms in which child care is provided shall be capable of being viewed from the outside of the room or area in which child care is provided and shall be located within a reasonable distance as determined by the Planning Commission from a bathroom.
5. The maximum lot coverage shall not be in excess of 50% excluding parking areas, drives, and ponds.

Section 8.04 - Permitted Accessory Uses

- A. Normal existing accessory uses to single family housing and existing agricultural uses, and those additional normal waterfront accessory uses and activities, such as docks, decks, wharves, beaches, beach equipment and apparatus, boat houses, boat moorings, beach shelters, cabanas or small bathhouses and other existing or typical waterfront accessory uses, with the additional approval of the Michigan Department of Natural Resources or other public agency when required.
- B. Normal accessory uses to permitted and approved "Special Uses", and those additional normal, typical and existing types of waterfront accessory uses and activities specific to approved "Special Uses", with the additional approval of the Michigan Department of Natural Resources or other public agency when required.
- C. Customary home occupations, as conditioned by Section 21.19 required.

Section 8.05 - Permitted Accessory Uses with Conditions

- A. Private swimming pools for use as a part of single family dwellings in conformance with the provisions of Section 21.18.

Section 8.06 - Dimensional Requirements:

- A. Lot Area: Minimum of 10,000 square feet with public or common sewer and water.
- B. Lot Area: Minimum of 20,000 square feet, if lot or parcel does not have public sewer or water available and on-site water supply and wastewater disposal systems are both permitted and approved by the County Health Department.
- C. Lot Width: Minimum of 80 feet for A. above and 100 feet for B. above.
- D. Lot Coverage: Maximum of 30%.
- E. Floor Area: The minimum first floor area of a one (1) story dwelling 960 square feet, and for a two (2) story dwelling 700 square feet and a minimum total of 960 square feet for both stories.
- F. Yard and Setback Requirements:
 - 1. Front yard: Minimum of fifty (50) feet from the road right-of-way, except as otherwise required in Section 8.03 B.2 and unless a greater setback from the waterline is required by the Michigan Department of Natural Resources or other public agency when required, or as specified in the Master Plan for Roads and Highways, whichever is the greater.
 - 2. Side Yards: Minimum of ten (10) feet for each side yard, except where a side yard abuts a road right-of-way line, the minimum shall be fifty (50) feet, or as specified in the Master Plan for Roads and Highways, whichever is the greater. (Rev. 8/17/89)
 - 3. Rear Yard: Minimum of fifty (50) feet.
- G. Height Limitations: Maximum of thirty-five (35) feet for all residential structures; a maximum of twenty-five (25) feet for all residential related accessory structures.

Article 9

(Revised 03-15-06)

RESERVED FOR FUTURE USE

Article 10
MFR Multiple Family Residential District

Section 10.01 - Purpose

The purpose of this district is to provide a relatively small and less expensive type of housing, as well as a broader range of choice of housing types to people who desire to live in the Township in condominium, owner or rental units, and their normal accessory uses which are compatible, supportive or convenient to the residents living within such a district. The buildings containing the dwelling units may be in a single or group building arrangements having group use facilities held in common to which all residents have equal access and share equally in the financing or operation and maintenance. These developments will only be allowed to develop if they can be connected to a public or common water supply system or wastewater sanitary sewer system.

Section 10.02 - Permitted Principal Uses *(amended 06-06-08)*

- A. Multiple family dwelling structures, including duplexes, triplexes, quadruplexes, garden apartments, townhouses, and other similar types of multi-family dwelling unit buildings.
- B. Existing single family dwellings.
- C. A family child care home of a state licensed residential facility except an adult foster care facility licensed by a state agency for care and treatment of persons released from or assigned to an adult correctional institution.

Section 10.03 - Permitted Principal Special Uses with Conditions *(amended 06-06-08)*

The following special uses of land, located on at least a five (5) acre parcel, except as provided otherwise, buildings and structures are permitted subject to the provisions of Article XVIII, "Special Uses":

- A. Permitted special uses:
 - 1. Public buildings
 - 2. Public recreational playgrounds
 - 3. Non-profit recreation areas
 - 4. Religious institutions
 - 5. Educational and social institutions
 - 6. Golf courses and country clubs located on at least a forty (40) acre parcel.
 - 7. A group child care home, provided it meets the following requirements:
 - A. Is located not closer than 1,500 feet to any of the following:
 - 1. Another licensed group child care home.
 - 2. Another adult foster care small group home or large group home licensed under the adult foster care facility licensing act, 1979 PA 218, MCL 400.701 to 400.737.

3. A facility offering substance abuse treatment and rehabilitation service to seven or more people licensed under Article 6 of the Public Health Code, 1978 PA 368, MCL 333.6101 to 333.6523.
 4. A community correction center, resident home, halfway house, or other similar facility which houses an inmate population under the jurisdiction of the department of corrections.
- B. Has completely enclosed fencing at least six feet in height in all areas which children are allowed outside to be in, except when being picked up or dropped off. Children shall not be allowed outside except within a completely enclosed fenced in area located in the side or rear yard.
 - C. Maintains the property consistent with the visible characteristics of the neighborhood.
 - D. Does not exceed 16 hours of operation during a 24-hour period.
 - E. Meets regulations, if any, governing signs used by a group child care home to identify itself.
 - F. A group child care home operator shall provide one paved off street parking for each employee which may be adjacent to, but not within, a driveway.

B. Above permitted principal special uses are subject to the following requirements;

1. The proposed site for any of the uses permitted herein except as permitted by Section 10.03 A 7 shall have at least one (1) property line abutting an impervious hard surface paved road, and the site shall be so planned as to provide all access directly to said road.
2. Front yards, rear yards, and side yards that front upon a street right-of-way shall be at least fifty (50) feet. All other side yards shall be a minimum of 25 feet. All yards shall be landscaped in trees, shrubs, and grass. All such landscaping shall be maintained in a healthy condition. There shall be no buildings or structures permitted in these yards, except required entrance drives, ponds, and those walls, ponds, and fences, and berms used to screen the use from abutting residential lots, parcels, and parking areas, provided the parking areas and ponds are at least 15 feet from any lot line or road right-of-way line. No wall, fence, or berm shall be located, or be of such size or design, so as to obstruct the vision of drivers of vehicles entering or leaving the site of traffic located on or off the site.
3. Shall meet all other applicable requirements of this Zoning Ordinance.
4. If any of the above uses provide child care facilities or services and those services or facilities are not licensed by the State, then those uses must comply with the following:

All areas and/or rooms in which child care is provided shall be capable of being viewed from the outside of the room or area in which child care is provided and shall be located within a reasonable distance as determined by the Planning Commission from a bathroom.
5. The maximum lot coverage shall not be in excess of 50% excluding parking areas, drives, and ponds.

Section 10.04 - Permitted Accessory Uses

A. Normal accessory uses to multiple family dwelling units.

- B. Customary home occupations in existing single family homes, as conditioned by Section 21.19.

Section 10.05 - Permitted Accessory Uses with Conditions

- A. Private swimming pools as a part of the multiple family housing development for use in common by all residents who will finance the operation and maintenance of such facilities in conformance with the provisions of Section 21.18.
- B. Common open space and recreation areas-and facilities as a part of the multiple family housing development for use in common by all residents who will be required to finance the operation and maintenance of such facilities.
- C. Drives and off-street parking areas in accordance with Section 10.07C and D.
- D. Recreation, meeting and other group activity facilities located in buildings or as a part of a structure developed as a part of the multiple family housing project for the common use and enjoyment by all residents who will be required to operate and maintain such facilities and financed through a non-profit association representing the owners and renters.

Section 10.06 - Dimensional Requirements except as otherwise specified in this Ordinance

- A. Lot Area: The first multiple family dwelling unit in a residential structure shall occupy a lot or parcel comprising not less than one-half (1/2) acre, and meet the requirements of Section 10.07B. Each additional multiple family dwelling unit shall require the following additional lot or parcel area:
 - 1. Efficiency 2,000 square feet
 - 2. One bedroom 2,500 square feet
 - 3. Two bedroom 3,500 square feet
 - 4. Three bedroom 5,000 square feet
 - 5. Four bedroom 6,500 square feet
 - 6. Extra bedrooms over four . . . 1,500 square feet
- B. Lot Width: Minimum of 200 feet
- C. Lot Coverage: Maximum of 30%
- D. Number of Dwelling Units Per Gross Acre: eight (8) dwelling units.
- E. Yard and Setback Requirements:
 - 1. Front Yard: Minimum of fifty (50) feet from the road right-of-way line, except as otherwise required in Section 10.03B.2, or as specified in the Master Plan for Roads and Highways, whichever is the greater.
 - 2. Side Yards: Minimum distance equal to the maximum height of the structures, except where a side yard abuts a road right-of-way line, the minimum shall be fifty (50) feet, or as specified in the Master Plan for Roads and Highways, whichever is the greater.
 - 3. Rear Yard: Minimum of fifty (50) feet.
- F. Height Limitations: Maximum of three (3) stories or thirty five (35) feet, except that detached accessory structures shall not exceed twenty (20) feet.
- G. Spacing Between Buildings: Shall be at least the height of the highest of the abutting buildings.

- H. Floor Area Requirements: Minimum standards for total floor area for each type of multiple family dwelling unit shall be as follows:
 1. Efficiency 450 square feet
 2. One bedroom 600 square feet
 3. Two bedroom 750 square feet
 4. Three bedroom 900 square feet
 5. Each additional bedroom . . . 150 square feet

- I. Number of Multiple Family Dwelling Units per Building:

To promote the safety of residents of multiple family residences, in terms of fire protection, no multiple family residential structure shall contain more than twelve (12) dwelling units.

Section 10.07 - Location and Site Development Requirements

- A. All multiple family dwelling units shall be connected to the available common or public water supply system and wastewater sanitary sewer system on a permanent basis.
- B. Open spaces comprising at least 10% of the total gross area of the project shall be planned and built as a common facility to be used, operated and maintained by the developer or a nonprofit association representing the property owners and financed by means of a monthly or annual assessment.
- D. Ingress and egress shall be provided from an impervious hard surface paved road. Drives shall be located at least twenty (20) feet from any building.
- E. Off-street parking shall be provided in accordance with Article XXII, "Off-street parking with parking spaces located within 200 feet of an entrance to the building for which the parking is designated. Each dwelling unit shall be provided with at least two (2) parking spaces.
- F. When a Multiple Family Residential lot or parcel abuts parcels other than those located in an MFR "Multiple Family Residential District", a twenty-five (25) foot wide buffer shall be provided within the MFR lot or parcel yard. The buffer area shall be bermed and landscaped with trees, shrubs and grass. All such landscaping shall be maintained in a healthy condition. There shall be no parking or other structures permitted in buffer areas, except required entrance drives and those walls, fences or plantings necessary to screen the MFR use from abutting single family residential lots and parcels.
- G. The outdoor storage of goods, materials, trash or garbage is not permitted, except as provided in Section 21.21.

Article 11
MHR Mobile Home Park Residential District

Section 11.01 – Purpose

It is the intent of this District to provide an area in the Township where Mobile Home Parks can be located exclusively for the purpose of providing families who prefer this type of housing instead of conventional on-site built housing.

Section 11.02 - Permitted Principal Uses *(amended 06-06-08, 09-07-10)*

- A. Existing types of resource development and agricultural land, building and structural uses, provided they meet the AG District requirements.
- B. Mobile Home Parks located on a parcel having an area of at least forty (40) acres, and developed in accordance with Section 18.09.
- C. A family child care home of a state licensed residential facility except an adult foster care facility licensed by a state agency for care and treatment of persons released from or assigned to an adult correctional institution, provided such permitted use is located on a parcel of property at least five (5) acres in size.

Section 11.03 - Permitted Principal Special Uses with Conditions *(amended 06-06-08)*

- A. The following special uses of land, buildings and structures are permitted subject to the provisions of Article 18 "Special Uses":
 - 1. Public recreational playgrounds on at least 10 acres.
 - 2. Non-profit recreation areas on at least 10 acres.
 - 3. Religious institutions on at least 5 acres.
 - 4. Educational and social institutions on at least 10 acres.
 - 5. A group child care home or property at least five (5) acres in size, provided it meets the following requirements:
 - A. Is located not closer than 1,500 feet to any of the following:
 - 1. Another licensed group child care home.
 - 2. Another adult foster care small group home or large group home licensed under the adult foster care facility licensing act, 1979 PA 218, MCL 400.701 to 400.737.
 - 3. A facility offering substance abuse treatment and rehabilitation service to seven or more people licensed under Article 6 of the Public Health Code, 1978 PA 368, MCL 333.6101 to 333.6523.
 - 4. A community correction center, resident home, halfway house, or other similar facility which houses an inmate population under the jurisdiction of the department of corrections.

- B. Has completely enclosed fencing at least six feet in height in all areas which children are allowed outside to be in, except when being picked up or dropped off. Children shall not be allowed outside except within a completely enclosed fenced in area located in a side or rear yard.
 - C. Maintains the property consistent with the visible characteristics of the neighborhood.
 - D. Does not exceed 16 hours of operation during a 24-hour period.
 - E. Meets regulations, if any, governing signs used by a group child care home to identify itself.
 - F. A group child care home operator shall provide one paved off street parking for each employee which may be adjacent to, but not within, a driveway.
- B. Above permitted principal special uses are subject to the following requirements;
- 1. The proposed site for any of the uses permitted herein except as permitted by Section 10.03 A 7 shall have at least one (1) property line abutting an impervious hard surface paved road, and the site shall be so planned as to provide all access directly to said road.
 - 2. Front yards, rear yards, and side yards that front upon a street right-of-way shall be at least fifty (50) feet. All other side yards shall be a minimum of 25 feet. All yards shall be landscaped in trees, shrubs, and grass. All such landscaping shall be maintained in a healthy condition. There shall be no buildings or structures permitted in these yards, except required entrance drives, ponds, and those walls, ponds, and fences, and berms used to screen the use from abutting residential lots, parcels, and parking areas, provided the parking areas and ponds are at least 15 feet from any lot line or road right-of-way line. No wall, fence, or berm shall be located, or be of such size or design, so as to obstruct the vision of drivers of vehicles entering or leaving the site or traffic located on or off the site.
 - 3. Shall meet all other applicable requirements of this Zoning Ordinance.
 - 4. If any of the above uses provide child care facilities or services and those services or facilities are not licensed by the State, then those uses must comply with the following:

All areas and/or rooms in which child care is provided shall be capable of being viewed from the outside of the room or area in which child care is provided and shall be located within a reasonable distance as determined by the Planning Commission from a bathroom.
 - 5. The maximum lot coverage shall not be in excess of 50% excluding parking areas, drives, and ponds.

Section 11.04 - Permitted Accessory Uses

- A. Normal existing accessory uses to mobile home single family dwellings and existing agricultural uses.
- B. Normal accessory uses to permitted and approved "Special Uses."
- C. Customary home occupations and home businesses, as conditioned by Section 21.19.

Section 11.05 - Dimensional Regulations

- A. Lot Area: minimum of 5,000 square feet with public or common sewer and water, except that open pond or lagoon type wastewater treatment facilities shall not be permitted.
- B. Lot Width: minimum of fifty (50) feet.
- C. Lot Coverage: maximum of 30%.
- D. Yard and Setback Requirements:
 - 1. Front Yard: the front perimeter line of the Mobile Home Park shall be a minimum of fifty (50) feet from the road right-of-way line.
 - 2. Side Yards: the side perimeter lines of the Mobile Home Park shall be a minimum of fifty (50) feet for each side yard, except where a side yard abuts a road right-of-way line, the minimum shall be fifty (50) feet.
 - 3. Rear Yard: the rear perimeter line of the Mobile Home Park shall be a minimum of fifty (50) feet.
- E. Height Limitations: maximum of fifteen (15) feet for a mobile home structure; a maximum of ten (10) feet for all mobile home residentially related structures.

Article 12
CO - Commercial District

Revised effective 8/1/02

Section 12.01 – Purpose

To provide professional offices and related services and sale of retail goods as well as limited residential apartments. *(amended 6-5-12)*

Section 12.02 - Permitted Principal Uses *(amended 5-6-11, 6-5-12)*

The following uses are permitted as long as they are conducted within a completely enclosed building or structure:

- A collective grouping of two (2) or more permitted uses
- Antique stores
- Art merchandising studios
- Bakeries
- Barber and beauty shops
- Bicycle stores
- Book and Stationery stores
- Cabinet, kitchen, bathroom stores with merchandise storage areas and retail show rooms
- Carpet and flooring stores with merchandise storage areas and retail show rooms
- Clothing stores
- Delicatessens
- Drug stores
- Dry goods and notion stores
- Dry cleaning stores
- Financial institutions
- Furniture stores
- Floral or Gift shops
- Greenhouses attached to floral shops with equal or less area than the floral shop
- Gift shops
- Grocery store
- Hardware and paint stores
- Household appliance stores sales and service
- Insurance Company headquarters
- Insurance Agency offices
- Interior decorator shops
- Jewelry stores
- Laundry stores drop off or on site self service
- Medical and Dental offices with laboratories
- Medical supply stores
- Medical, Dental, Optical Laboratories
- Music stores
- Municipal Offices
- Novelty shops
- Office supply stores
- Pet stores
- Pharmacies
- Professional Offices
- Photographic studios
- Public Offices without meeting halls
- Real estate offices
- Religious Institutions

Restaurants – without drive through
Shoe repair shops
Sporting Goods Store
Toy stores
Tailor and dressmaker shops
Variety stores

Uses which provide retail goods and services to meet the needs of the Township residents but which are not listed above may be permitted by the Planning Commission if similar to other permitted uses. In determining similarity the Planning Commission shall consider the following:

1. Size, nature and character of the proposed use
2. Traffic congestion or hazard that may be created
3. Is the proposed use harmonious with adjoining neighborhood
4. Necessity of the proposed use to serve the needs of the Township Citizens
5. Effect of the proposed use on the adjoining properties and surrounding area

Section 12.03 - Temporary Use Permits

The Township Board upon recommendation by the Planning Commission may issue Temporary Use Permits for the following uses after determining that such uses will meet the standards under paragraph (e) below. A second Temporary Use Permit may be issued by the Zoning Administrator at the end of such time limit for good cause shown. A third Temporary Special Use Permit may only be authorized by the Township Board upon recommendation of the Planning Commission as a special use under the procedures of Article 18.

A. Construction Buildings

Temporary buildings for uses incidental to construction work may be authorized for a period of up to twelve (12) months. Such buildings shall be removed within fifteen (15) days after completion or abandonment of construction work.

B. Seasonal Uses

A Temporary Special Permit for seasonal or unusual recurrent temporary uses and signs. A specific time limit shall be placed as recommended by the Planning Commission and approved by the Township Board.

C. Parking Areas

Temporary special permits may be issued for the use of unimproved parking areas.

D. Sales Office for Subdivision A temporary office which is both incidental and necessary for the sale or rental property in a new subdivision or housing project for a period of up to six (6) months.

E. Standards

A Temporary Use Permit shall not be authorized until the following standards are met:

1. The location and erection of any temporary structure shall conform to all the regulations of the zoning district in which it is situated and all other applicable regulations of this Ordinance.
2. The location of such use shall not be injurious to adjacent properties or the surrounding neighborhood.
3. The water supply and sanitary facilities of any temporary dwelling shall conform to all applicable requirements of the Michigan Health Department, Ottawa County Health Department, Township Plumbing Code, and all other Township ordinance and regulations.
4. The following shall be taken into consideration:
 - The reasons and necessity for the temporary use or structure.
 - The nature of the use or structure.
 - The proposed location of the use or structure.
5. A plot plan, drawn to scale, showing the location of the proposed temporary use in relation to the lot lines and other structures on the lot.
6. A fee shall be paid as determined by the Township Board.

F. Conditions

Reasonable conditions may be required with the approval of a Temporary Use Permit. The conditions imposed with respect to the approval of a Temporary Use Permit shall be recorded in the record of the approval action.

G. Extensions

A request for an extension of the time period for a Temporary Use Permit shall be made at least thirty (30) days prior to the expiration of the authorized time period.

Section 12.04 - Permitted Principal Special Uses with Conditions (amended 06-06-08, 01-16-09, 6-5-12, 2-14-13)

The following special uses of land, buildings and structures are permitted, subject to the provisions of Article 18 "Special Uses":

A collective grouping of two (2) or more special uses or a grouping of Special and Permitted Uses

Large lot commercial retail stores with building sizes in excess of 20,000sf

A business that installs Landscaping, as defined by this Ordinance, excluding fences and pools

Apartments, within a building also containing a store, office or other commercial operation

Automobile service stations doing minor repair work as defined in this ordinance

Bowling alleys, pool halls

Building material stores

Commercial garages

Commercial, private or business schools

Car washes

Civic centers.

Dry cleaning and laundry and dry cleaning stores

Drive-in businesses

Drive-in restaurants

Educational and social institutions

Farm implement and supply stores

Fast food restaurants

Funeral homes

Greenhouses and nurseries

Garden stores

Golf driving ranges

Hospitals – with or without pharmacies

Hotels

Kennels, indoor only

Lumber yards

Meeting halls

Miniature golf courses

Mini-warehouses

Motels

New and used automobiles; boats; recreational vehicles sales and service

Printing and publishing establishments

Public service and utility installations

Self-service laundry and dry cleaning stores

Small engine repair shop

Theatres, indoor and outdoor

Video arcades

Veterinary hospitals

Uses which provide retail goods and services to meet the needs of the Township residents but which are not listed above may be permitted by the Township Board upon recommendation of the Planning

Commission if similar to other permitted uses. In determining similarity the Township Board shall consider the following:

1. Size, nature and character of the proposed use.
2. Traffic congestion or hazard that may be created.
3. Is the proposed use harmonious with adjoining neighborhood.
4. Necessity of the proposed use to serve the needs of the Township Citizens.
5. Effect of the proposed use on the adjoining properties and surrounding area.

Section 12.05 - Permitted Accessory Uses

- A. Normal accessory uses to 'Permitted Principal Uses'.
- B. Customary home occupations in existing single family homes as conditioned by Section 21.19.

Section 12.06 - Dimensional Requirements

- A. Lot Area:
The minimum lot area shall be determined by the use and the required off street parking, loading, screening or greenbelts, and yard setbacks, in accordance with this Ordinance and storm water retention and County Health Department standards for sanitary waste disposal systems.
- B. Lot Width:
Every lot or parcel hereafter divided, subdivided, or otherwise created within this district shall have a width of not less than eighty feet (80').
- C. Lot Coverage:
No more than fifty percent (50%) of the total land area of a lot or parcel of land shall be covered with buildings or structures. Retention ponds and parking areas shall not be included in lot coverage calculations.
- D. Yard and Setback Requirements:
 1. Front Yard:
Minimum of fifty feet (50') from all road or highway right-of-way lines. No accessory building or uses other than parking or authorized signs shall be permitted in the front yard.
 - a. Parking areas shall be set back at least ten (10) feet from any road right of-way line.
 2. Side Yards:
 - a. Whenever a lot within this district abuts another lot within the Commercial, Light Industrial or Heavy Industrial district, side yards of not less than ten (10) feet shall be required.
 - b. Whenever a lot within this district lies contiguous to any zoning district, other than a Commercial, Light Industrial or Heavy Industrial District, there shall be a side yard along such district of not less than twenty-five (25) feet.
 - c. Whenever a lot is a corner lot, there shall be a side yard along the street of not less than fifty feet (50').
 3. Rear Yard:

Where a rear yard abuts a commercial or industrial zoning district, the rear yard shall be not less than twenty (20) feet in depth. In all other cases, a rear yard of fifty (50) feet shall be provided.

Notwithstanding the “Pond” regulations set forth in Section 21.18B, storm water retention ponds may be located in a required yard, however, storm water retention ponds shall not be located less than 10’ from a lot line or right of way line and all storm water retention ponds must maintain a 3:1 slope

E. See Specific regulations as noted in Article 18 “Special Uses” for set backs regarding Gas Stations.

Section 12.07 - Height Regulations. No building or structure shall exceed forty (40) feet in height except as provided in Section 24.09. (*amended 03-02-07*)

Section 12.08 - Development Standards for all District Uses (*amended 10-12-07, 2-3-11, 3-1-12*)

All principal and accessory uses in this District shall be required to meet the following conditions, except as otherwise specified for specific uses:

- A. The site shall have at least one (1) property line abutting a paved street or road which it fronts and from which it has the most direct vehicular access.
 - 1. This provision shall not apply to a property which fronts on a gravel road for all of its property lines that abut a right-of-way and when the nearest paved street or road is more than 100 feet from the nearest property line of the property.
- B. Vehicular ingress and egress shall be from an acceleration and deceleration lane only when required by the Ottawa County Road Commission after request for review is provided by the Planning Commission.
- C. All development shall be created so that future businesses will use common driveways or will be connected to a frontage access road located parallel, perpendicular or generally adjacent to the paved public road or street upon which the site has the most direct vehicular access.
 - 1. Each parcel or use as developed shall provide an off street driveway connection to parcels and uses adjacent to their side lot lines so as to provide automotive access between parcels.
- D. External display of retail goods shall be permitted only as approved on the Final Site Plan.
- E. Outdoor storage of trash or garbage is not permitted, except as provided in Section 21.21 and as approved on the final site plan.
- F. Barriers: All development shall be physically separated from public road by a curb and planting strip or other suitable barrier. Such barrier shall effectively prevent unchanneled vehicle ingress or egress except by approved access drives.
- G. Access Drives: Each separate use, grouping of buildings or groupings of uses as a part of a single planned development shall not have more than two (2) access drives from a public or private road, unless sufficient evidence is provided by a professional traffic engineer, to the satisfaction of the Planning Commission, that additional access drives are necessary to ensure traffic safety. Alternatively, the number of access drives may exceed two (2) when the proposed use or uses meets standards adopted by the Ottawa County Road Commission. Permits for all access drives must be obtained from the County Road Commission for access to all county or local public roads.

- H. Obscuring Greenbelt or Fence. Wherever a commercial use abuts an AG, RR, or any residential zoning district or a residentially used property, a fence or some form of obscuring landscaping such as a berm, trees or both shall be provided and maintained in accordance with Section 21.28 along only that portion of the property abutting the area of all existing adjacent structures and related yards. *(amended 5-17-12)*
- I. Abutting the Pigeon River. Along all sides of a property which abuts the Pigeon River, a set back of one hundred fifty (150) feet shall be maintained. Further, the provisions of Article 4 “Resource Development District” and Article 22 “Environmental Conservation Provisions” and flood plain regulations or other applicable regulations of the Ottawa County Soil erosion office and the Michigan Department of Environmental Quality, shall be reviewed and applied where applicable.
- J. The facade of all buildings shall be reviewed and approved by the Planning Commission during site plan review.
- K. Exterior walls facing all public rights-of-way, customer parking areas, and adjoining property that is zoned or used for residential purposes shall have a finished appearance, using the same materials as used on the front of the building. Wherever possible, meter boxes, dumpsters, and mechanical equipment should not be located on a side of the building that faces residentially zoned or used property, or public street rights-of-ways.
- L. Sewage Disposal: All Commercial uses shall be served by a public sewer service or an on site sanitary treatment facility, approved by the County Health Department.
- M. Ambulance and emergency entrance areas shall be screened from view from adjacent residences by the building design or by a six (6) foot high masonry wall.
- N. Site Plan Review. Site plan review and approval is required for all uses in accordance with Article 25.
- O. General Standards. Buildings and uses in this District shall be subject to all other applicable standards and requirements of this Ordinance including the General Provisions (Article 3), Nonconformities (Article 20), Off-Street Parking (Article 23), Landscaping (Article 21), and Sign Regulations (Article 24).

Article 13
LI – Light Industrial District

Revised effective 8/1/02

Section 13.01 - Purpose

It is the intent of this district to provide for the development of sites for industrial uses for the manufacture of goods or the assembly, compounding, or treatment of products. It is the further intent of this district to permit only those industrial manufacturing uses that operate entirely in an enclosed building and can operate in an industrial park type setting

Section 13.02 - Permitted Principal Uses *(amended 5-17-12, 1-30-15)*

The following uses are permitted so long as the use can be operated entirely within an enclosed building in an industrial park type setting and no outside storage of materials is permitted except as approved by the Planning Commission during site plan review. Special consideration must be given for landscaping and exterior appearance of the buildings.

- A. A collective grouping of two (2) or more Permitted Uses
- B. Any Principal Uses permitted in the Commercial District
- C. Building material supply establishments.
- D. Wholesale trade stores.
- E. Manufacturing, tool & die shops
- F. Metal, wood, Plastic or cloth fabricating, molding, machining or shaping
- G. Compounding, assembly
- H. Packaging, distribution
- I. Processing of Agricultural, Commercial and Industrial Products
- J. Warehouse
- K. Contractors buildings so long as there is no outside storage of materials
- L. Research Laboratories
- M. Trade School
- N. Public Service and Utility facilities
- O. Printing
- P. Industrial Dry Cleaning – defined as a commercial dry cleaning facility accepting clothing from other laundries and dry cleaners for bulk cleaning.
- Q. Automobile Repair as defined in this Ordinance, which may include incidental automobile sales as an Accessory Use.
- R. Uses that are not listed above may be permitted by the Planning Commission if similar in that they conduct uses and/or activities that are conducted by other permitted uses. In determining similarity the Planning Commission shall consider the following:
 - 1. Size, nature and character of the proposed use.
 - 2. Traffic congestion or hazard that may be created.
 - 3. Is the proposed use harmonious with adjoining neighborhood.
 - 4. Necessity of the proposed use to serve the needs of the Township Citizens.
 - 5. Effect of the proposed use on the adjoining properties and surrounding area

Section 13.03 - Temporary Use Permits.

The Township Board upon recommendation by the Planning Commission may issue Temporary Use Permits for the following uses after determining that such uses will meet the standards under paragraph (e) below. A second Temporary Use Permit may be issued by the Zoning Administrator at the end of such time limit for good cause shown. A third Temporary Special Use Permit may only be authorized by the Township Board upon recommendation of the Planning Commission as a special use under the procedures of Article 18.

- A. Construction Buildings
Temporary buildings for uses incidental to construction work may be authorized for a period of up to twelve (12) months. Such buildings shall be removed within fifteen (15) days after completion or abandonment of construction work.
- B. Seasonal Uses
A Temporary Special Permit for seasonal or unusual recurrent temporary uses and signs. A specific time period shall be set as recommended by the Planning Commission and approved by the Township Board.
- C. Parking Areas
Temporary special permits may be issued for the use of unimproved parking areas.
- D. Sales Office for Subdivision
A temporary office which is both incidental and necessary for the sale or rental property in a new subdivision or housing project for a period of up to six (6) months.
- P. Standards
A Temporary Use Permit shall not be authorized until the following standards are met:
- i. The location and erection of any temporary structure shall conform to all the regulations of the zoning district in which it is situated and all other applicable regulations of this Ordinance.
 - ii. The location of such use shall not be injurious to adjacent properties or the surrounding neighborhood.
 - iii. The water supply and sanitary facilities of any temporary dwelling shall conform to all applicable requirements of the Michigan Health Department, Ottawa County Health Department, Township Plumbing Code, and all other Township ordinance and regulations.
 - iv. The following shall be taken into consideration:
 - The reasons and necessity for the temporary use or structure.
 - The nature of the use or structure.
 - The proposed location of the use or structure.
 1. A plot plan, drawn to scale, showing the location of the proposed temporary use in relation to the lot lines and other structures on the lot.
 2. A fee shall be paid as determined by the Township Board.
- Q. Conditions
Reasonable conditions may be required with the approval of a Temporary Special Permit. The conditions imposed with respect to the approval of a Temporary Special Permit shall be recorded in the record of the approval action.
- R. Extensions
A request for an extension of the time period for a Temporary Use Permit shall be made at least thirty (30) days prior to the expiration of the authorized time period.

Section 13.04 - Permitted Principal Special Uses with Conditions (amended 5-17-12)

- A. A collective grouping of two (2) or more special uses or a grouping of Special and Permitted Uses
- B. Any Special Use permitted in the Commercial District, except Adult Sexually Oriented Businesses
- C. Facilities necessary to the operation of all existing methods of transportation, including those for highway, rail and air
- D. Warehousing and related bulk handling facilities, equipment and support services, including mini-warehousing and storage and transfer warehouses.
- E. Bulk handling of commercial and industrial services and related facilities, equipment and support services

- F. Contractor buildings, structures and equipment and materials. With minimal outside storage.
- G. Truck terminals
- H. Uses which provide goods and services to meet the needs of the Township residents but which are not listed above may be permitted by the Township Board upon recommendation of the Planning Commission if similar in that they conduct uses and/or activities that are conducted by other permitted uses. In determining similarity the Planning Commission shall consider the following:
 - 1. Size, nature and character of the proposed use.
 - 2. Traffic congestion or hazard that may be created.
 - 3. Is the proposed use harmonious with adjoining neighborhood.
 - 4. Necessity of the proposed use to serve the needs of the Township Citizens.
 - 5. Effect of the proposed use on the adjoining properties and surrounding area.

The Township may impose additional required setback and/or performance standards on the above listed Special Uses so as to ensure public health, safety, and general welfare.

Section 13.05 - Permitted Accessory Uses

- A. Accessory buildings and uses customarily incidental to above named principal permitted uses.
- B. Signs in accordance with the relevant requirements detailed in Article 24 (Sign Requirements), herein.

Section 13.06 - Dimensional Requirements

A. Lot Area:

The minimum lot area shall be determined by the use and the required off street parking, loading, screening or greenbelts, and yard setbacks, in accordance with this Ordinance and storm water retention and County Health Department standards for sanitary waste disposal systems.

B. Lot Width:

Every lot or parcel hereafter divided, subdivided, or otherwise created within this district shall have a width of not less than one hundred (100) feet.

C. Lot Coverage:

No more than fifty percent (50%) of the total land area of a lot or parcel of land shall be covered with buildings or structures. Retention ponds and parking areas shall not be included in Lot Coverage calculations.

D. Yard and Setback Requirements:

1. Front Yard:

Minimum of fifty (50) feet from all road or highway right-of-way lines. No accessory building or uses other than parking or authorized signs shall be permitted in the front yard.

- a. Parking areas shall be set back at least ten (10) feet from any road right of-way line.

2. Side Yards:

- a. Whenever a lot within this district abuts another lot within the Commercial, Light Industrial or Heavy Industrial district, side yards of not less than ten (10) feet shall be required.

- b. Whenever a lot within this district lies contiguous to any zoning district, other than a Commercial, Light Industrial or Heavy Industrial District, there shall be a side yard along such district of not less than twenty-five (25) feet.
- c. Whenever a lot is a corner lot, there shall be a side yard along the street of not less than fifty (50) feet.

3. Rear Yard:

Where a rear yard abuts a commercial or industrial zoning district, the rear yard shall be not less than twenty (20) feet in depth. In all other cases, a rear yard of fifty (50) feet shall be provided.

Notwithstanding the “Pond” regulations set forth in Section 21.18B, Storm water retention ponds may be located in a required yard, however, storm water retention ponds shall not be located less than 10’ from a lot line or right of way line and all storm water retention ponds must maintain a 3:1 slope

Section 13.07 - Height Regulations. No building or structure shall exceed forty (40) feet in height except as provided in Section 24.09. (*amended 03-02-07*)

Section 13.08 - Development Standards for all District Uses (*amended 10-12-07, 2-3-11, 3-1-12, 5-17-13*)

All principal and accessory uses in this District shall be required to meet the following conditions, except as otherwise specified for specific uses:

- A. The site shall have at least one (1) property line abutting a paved public road or street upon which it fronts and from which it has the most direct vehicular access.
 - 1. Each parcel or use as developed shall provide an off street driveway connection to parcels and uses adjacent to their side lot lines so as to provide automotive access between parcels.
- B. Vehicular ingress and egress shall be from an acceleration and deceleration lane only when required by the Ottawa County Road Commission after request for review is provided by the Planning Commission.
- C. (Reserved for Future Use)
- D. External display of retail goods shall be permitted only as approved on the Final Site Plan.
- E. Outdoor storage of trash or garbage is not permitted, except as provided in Section 21.21 and as approved on the final site plan.
- F. There shall be no outside processing of any goods or material.
- G. Barriers: All development shall be separated from the public road by a curb and/or planting strip or other suitable barrier to effectively prevent unchanneled vehicle access.
- H. Access Drives: Each separate use, grouping of buildings or groupings of uses as a part of a single planned development shall not have more than two (2) access drives from a public or private road, unless sufficient evidence is provided by a professional traffic engineer, to the satisfaction of the Planning Commission, that additional access drives are necessary to ensure traffic safety. Alternatively, the number of access drives may exceed two (2) when the proposed use or uses meets standards adopted by the Ottawa County Road Commission. Permits for all access drives must be obtained from the County Road Commission for access to all county or local public roads.

- I. (Reserved for Future Use)
- J. Obscuring Landscaping or Fence. Wherever an Industrial use abuts any residential zoning district or residential use, a fence or some form of obscuring landscaping such as a berm, trees or both shall be provided and maintained in accordance with Section 21.28 along only that portion of the property abutting the area of all existing adjacent structures and related yards.
- K. Sewage Disposal: All Industrial uses shall be served by a public sewer service or an on site sanitary treatment facility, approved by the County Health Department.
- L. Abutting the Pigeon River. Along all sides of a property which abuts the Pigeon River, a yard of one hundred fifty (150) feet shall be maintained. Further, the provisions of Article 4 “Resource Development District” and Article 22 “Environmental Conservation Provisions” and flood plain regulations or other applicable regulations of the Ottawa County Soil erosion office and the Michigan Department of Environmental Quality, shall be reviewed and applied where applicable.
- M. The portions of the lot on which junk or operating materials are placed or stored shall conform to all setback requirements for buildings in the District, but in no case shall storage areas be located within one hundred (100) feet of any residentially zoned district or residentially used property.
- N. The facade of all buildings shall be approved by the Planning Commission during site plan review.
- O. Exterior walls facing all public rights-of-way, customer parking areas, and adjoining property that is zoned or used for residential purposes shall have a finished appearance, using the same materials as used on the front of the building. Wherever possible, meter boxes, dumpsters, and mechanical equipment should not be located on a side of the building that faces residentially zoned or used property, or public street rights-of-ways.
- P. Site Plan Review. Site plan review and approval is required for all uses in accordance with Article 25.
- Q. General Standards. Buildings and uses in this District shall be subject to all other applicable standards and requirements of this Ordinance including the General Provisions (Article 3), Nonconformities (Article 20), Off-Street Parking (Article 23), Landscaping (Article 21), and Sign Regulations (Article 24).

Article 14
HI – Heavy Industrial

Revised effective 8/1/02

Section 14.01 – Purpose

It is the intent of this district to provide for the development of sites for industrial plants for the manufacture of goods products or the assembly, compounding, or treatment of products. It is the further intent of this district to permit only those industrial manufacturing uses having use, performance or activity characteristics which emit a minimum amount of discernible noise, vibration, smoke, dust, dirt, glare, toxic materials, offensive odors, gases, electromagnetic radiation or any other physically adverse effect to the extent that they are abnormally discernible beyond the lot lines of the parcel or site upon which the industrial manufacturing activity is located.

Section 14.02 - Permitted Principal Uses *(amended 5-17-12)*

The following uses are permitted as long as they are conducted within a completely enclosed building, structure or an area enclosed and screened as approved by the Planning Commission during site plan review.

- Commercial garages
- Dry bulk blending plants
- Electrical and electronic equipment manufacturers
- Fabricated metal products
- Grain elevators
- Jobbing and machine shops
- Metal plating and finishing
- Monument and cut stone manufacturers
- Plastic products forming and molding
- Processing - Agricultural, commercial or industrial
- Printing and publishing
- Processing of machine parts
- Public service and utility facilities
- Research and development establishments
- Trade and industrial schools
- Excavators or Concrete/ raw materials processing operations
- Automobile Body Shop or Vehicle repair
- All uses listed as permitted principal uses in Light Industrial District

Uses that are not listed above may be permitted by the Planning Commission if similar in that they conduct uses and/or activities that are conducted by other permitted uses. In determining similarity the Planning Commission shall consider the following:

1. Size, nature and character of the proposed use
2. Traffic congestion or hazard that may be created
3. Is the proposed use harmonious with adjoining neighborhood
4. Necessity of the proposed use to serve the needs of the Township Citizens
5. Effect of the proposed use on the adjoining properties and surrounding area

Section 14.03 - Permitted Principal Special Uses with Conditions *(amended 5-17-12)*

Planned Industrial Parks in accordance with the provisions of Article 18 "Special Uses" for the collective grouping of two (2) or more of the principal uses permitted in this district.

Any other use, which shall be determined by the Township Board after recommendation from the Planning Commission, to be of the same general character as the above permitted uses in that they conduct uses and/or activities that are conducted by permitted uses. The Township may impose additional required

setback and/or performance standards so as to ensure public health, safety, and general welfare. In determining similarity the Township Board shall consider the following:

1. Size, nature and character of the proposed use
2. Traffic congestion or hazard that may be created
3. Is the proposed use harmonious with adjoining neighborhood
4. Necessity of the proposed use to serve the needs of the Township Citizens
5. Effect of the proposed use on the adjoining properties and surrounding area

Section 14.04 - Dimensional Requirements

A. Lot Area:

The minimum lot area shall be determined by the use and the required off street parking, loading, screening or greenbelts, and yard setbacks, in accordance with this Ordinance and storm water retention and County Health Department standards for sanitary waste disposal systems.

B. Lot Width:

Every lot or parcel hereafter divided, subdivided, or otherwise created within this district shall have a width of not less than one hundred (100) feet.

C. Lot Coverage:

No more than fifty percent (50%) of the total land area of a lot or parcel of land shall be covered with buildings or structures. Retention ponds and parking areas shall not be included in Lot Coverage calculations.

D. Yard and Setback Requirements:

1. Front Yard:

Minimum of fifty (50) feet from all road or highway right-of-way lines. No accessory building or uses other than parking or authorized signs shall be permitted in the front yard.

- a. Parking areas shall be set back at least thirty-five (35) feet from any road right of-way line.

2. Side Yards:

- a. Whenever a lot within this district abuts another lot within the Commercial, Light Industrial or Heavy Industrial district, side yards of not less than ten (10) feet shall be required.
- b. Whenever a lot within this district lies contiguous to any zoning district, other than a Commercial, Light Industrial or Heavy Industrial District, there shall be a side yard along such district of not less than twenty-five (25) feet.
- c. Whenever a lot is a corner lot, there shall be a side yard along the street of not less than fifty (50) feet.

3. Rear Yard:

Where a rear yard abuts a commercial or industrial zoning district, the rear yard shall be not less than twenty (20) feet in depth. In all other cases, a rear yard of fifty (50) feet shall be provided.

Notwithstanding the “Pond” regulations set forth in Section 21.18B, Storm water retention ponds may be located in a required yard, however, storm water retention ponds shall not be located less than 10’ from a lot line or right of way line and all storm water retention ponds must maintain a 3:1 slope

Section 14.05 - Height Regulations. No building or structure shall exceed forty (40) feet in height except as provided in Section 24.09. (*amended 03-02-07*).

Section 14.06 - Development Standards for all District Uses (*amended 11-02-07, 2-3-11, 3-1-12, 5-17-12*)

All principal and accessory uses in this District shall be required to meet the following conditions, except as otherwise specified for specific uses:

- A. The site shall have at least one (1) property line abutting a paved public road or street upon which it fronts and from which it has the most direct vehicular access.
 - 1. Each parcel or use as developed shall provide an off street driveway connection to parcels and uses adjacent to their side lot lines so as to provide automotive access between parcels.
- B. Vehicular ingress and egress shall be from an acceleration and deceleration lane only when required by the Ottawa County Road Commission after request for review is provided by the Planning Commission.
- C. (Reserved for Future Use)
- D. Outside display or storage of goods shall be permitted only as approved on the Final Site Plan.
- E. Outdoor storage of trash or garbage is not permitted, except as provided in Section 21.21 and as approved on the final site plan.
- F. Outside processing of goods or material shall be permitted only as approved on the final site plan.
- G. Barriers: All development shall be physically separated from public road by a curb and planting strip or other suitable barrier. Such barrier shall effectively prevent unchanneled vehicle ingress or egress except by approved access drives.
- H. Access Drives: Each separate use, grouping of buildings or groupings of uses as a part of a single planned development shall not have more than two (2) access drives from a public or private road, unless sufficient evidence is provided by a professional traffic engineer, to the satisfaction of the Planning Commission, that additional access drives are necessary to ensure traffic safety. Alternatively, the number of access drives may exceed two (2) when the proposed use or uses meets standards adopted by the Ottawa County Road Commission. Where possible the site shall have its frontage and principal access on to a hard surface paved road by means of a frontage access road(s). Permits for all access drives must be obtained from the County Road Commission for access to all county or local public roads.
- I. (Reserved for Future Use)
- J. Obscuring Landscaping or Fence. Wherever an Industrial use abuts any residential zoning district or residentially used property, a fence or obscuring landscaping such as a berm, trees or both shall be provided and maintained as required by Section 21.28 along only that portion of the property abutting the area of all existing adjacent structures and related yards.
- K. Abutting the Pigeon River. Along all sides of a property which abuts the Pigeon River, a yard of one hundred fifty (150) feet shall be maintained. Further, the provisions of Article 4 “Resource Development District” and Article 22 “Environmental Conservation Provisions” and flood plain

regulations or other applicable regulations of the Ottawa County Soil erosion office and the Michigan Department of Environmental Quality, shall be reviewed and applied where applicable.

- L. The portions of the lot on which junk or operating materials are placed or stored shall conform to all setback requirements for buildings in the District, but in no case shall storage areas be located within one hundred (100) feet of any residentially zoned district, residentially used property or a commercially used property.
- M. All fences or walls used to screen stored materials must meet the set back requirements for a building or structure and the area within the fence or walls shall not exceed 50% of the total area of the parcel unless otherwise approved by the Planning Commission during site plan review with sufficient evidence from the applicant that an amount greater than the maximum is necessary.
- N. The facade of all buildings shall be approved by the Planning Commission following site plan review.
- O. Exterior walls facing all public rights-of-way, customer parking areas, and adjoining property that is zoned or used for residential purposes shall have a finished appearance, using the same materials as used on the front of the building. Wherever possible, meter boxes, dumpsters, and mechanical equipment should not be located on a side of the building that faces residentially zoned or used property, or public street rights-of-ways.
- P. Sewage Disposal: Permitted industrial uses shall be served by a public sewer service or an approved packaged sanitary treatment facility, approved by the County Health Department.
- Q. (Reserved for Future Use)
- R. Site Plan Review. Site plan review and approval is required for all uses in accordance with Article 25.
- S. General Standards. Buildings and uses in this District shall be subject to all other applicable standards and requirements of this Ordinance including the General Provisions (Article 3), Nonconformities (Article 20), Off-Street Parking (Article 23), Landscaping (Article 21), and Sign Regulations (Article 24).

Article 15
US-31 Overlay District

Revised effective 05-08-07, 11-10-10, 5-17-12

Section 15.01 - Purpose

The purpose of this District is to provide for minimum architectural design of buildings and structures located along US-31, which is a divided highway and serves as the primary north-south arterial through the Township. Commercial and Industrial improvements along US-31 are desired to maintain architectural design that compliments the character of the Township, promotes harmonious attractive development, preserves property values, diminishes or prevents premature economic obsolescence, ensures that uses of land are situated in appropriate relationships and promotes public health, safety, and welfare.

Section 15.02 - Applicability

1. Except as otherwise provided in this Section, the regulations herein apply to all lands located within 800 feet of the road right-of-way of US-31 and specifically delineated in Section 15.05.
2. Agricultural uses bulk grain and fertilizer, silos, structures, buildings or facilities, and single-family dwellings and uses accessory thereto are exempt from these Overlay District regulations.
3. Any new building, structure, parking lot, or any other improvement or the expansion or enlargement of any such existing facility within the Overlay District shall be in compliance with the standards of this Overlay District. The provisions hereof shall not apply to an existing building or structure unless it is reconstructed. That portion of any building or structure which is reconstructed shall comply with the provisions hereof. In the event an existing building or structure is enlarged after May 31, 2012 such that the area of the building or structure or the value as found upon the records of the Township assessor of the building or structure is increased by 50% or more by one or more enlargements after May 31, 2012, then the entire building or structure shall be made to be in compliance with provisions hereof.
4. Proposed Planned Unit Developments within the Overlay District shall generally be consistent with the standards herein, but may be modified by the Township based upon the procedures allowed concerning Planned Unit Development.

Section 15.03 - Commercial Architectural Attributes Required

1. All proposed commercial development shall utilize quality architectural design to ensure a building or structure is compatible with surrounding uses, protects the property values of adjacent property, blends harmoniously with the natural features and promotes a high quality image.
2. The applicant and the applicant's design professionals are encouraged to submit or present architectural concepts and alternatives at a preliminary meeting with the Zoning Administrator/Planner to receive comments on compliance with guidelines prior to preparation of detailed design drawings. This can include sketches, photographs, or other graphic materials.
3. Commercial architecture shall meet the following requirements and shall be reviewed by the Planning Commission as a part of the site plan review under the following criteria:
 - A. Buildings and structures shall possess architectural design that shall promote the desired character and purpose of the Overlay District.
 - B. A minimum of eighty percent (80%) of the exterior finish material of all building facades adjacent, along, parallel, or abutting a public or private road right-of-way or customer parking area (excluding the roof), exclusive of window areas, shall be of face brick, cut stone,

split face block, fluted block, scored architectural block, native field stone, cast stone, granite, marble, ceramic tile, or wood with an opaque or semi-transparent stain or bleaching oil. Any other block or building material not specifically listed may be reviewed and approved by the Township if the block or building material is compatible with surrounding buildings, structures, and uses and protects the investment of adjacent property, blends harmoniously with the natural features, promotes a high quality image, and meets the purpose of this District.

- C. Building facades adjacent, along, parallel, or abutting a public or private road right-of-way or customer parking area shall provide a minimum of twenty percent (20%) glass windows, but shall not exceed ninety percent (90%) glass. Calculations are exclusive of the roof area.
- D. A building facade which is adjacent, along, parallel, or abutting a private road or a public road other than US-31 may for that other road during site plan review and approval, have the requirements of Section 15.03 3 B reduced provided there is a doubling of the requirements of Section 21.28 B 2.
- E. Roof shape and materials shall be architecturally compatible with adjacent buildings and enhance the predominant streetscape. Subtle colors shall be used for roofing materials. Metal roofs shall only be permitted if compatible with the overall character of the building.
- F. Buildings and site structures shall provide architectural features, details, and ornaments such as archways, colonnades, cornices, peaked roof lines, or towers. The building and structures shall be of the same architectural character and material.
- G. Building walls over one hundred (100) feet in length shall be interrupted with items such as varying roof lines, varying building lines, recesses, projections, wall insets, arcades, windows, architectural accents, archways, colonnades, cornices, peaked roof lines, towers, or other objects so as to break a plain pattern of material. Such interruptions shall be separated in equal intervals, or at random, as determined appropriate by the Township, but no more than 100 feet of separation between each item, to protect the investment of adjacent landowners, blend harmoniously with the natural features and promote a high quality image and to meet the purposes of this District.
- H. Building entrances designated for customer use shall utilize windows, canopies, and/or awnings that provide unity of scale and texture and color.

Section 15.04 - Industrial Architectural Attributes Required

1. All proposed industrial development shall utilize quality architecture to ensure a building is compatible with surrounding uses, protects the investment of adjacent landowners, blends harmoniously with the natural features, promotes a high quality image, and meets the purpose of this District.
2. The applicant's design professionals are encouraged to submit or present architectural concepts and alternatives at a preliminary meeting with the Zoning Administrator/Planner to receive comments on compliance with guidelines prior to preparation of detailed design drawings. This can include sketches, photographs, or other graphic materials.
3. Industrial architecture shall meet the following requirements and shall be reviewed by the Planning Commission as a part of the site plan review under the following criteria:
 - A. Buildings and structures shall possess architectural design that shall promote the desired character and purpose of the Overlay District.
 - B. A minimum of fifty percent (50%) of the exterior finish material of all building facades

adjacent, along, parallel, or abutting a public or private road right-of-way or customer parking area (excluding the roof), exclusive of window areas, shall be of face brick, cut stone, split face block, fluted block, scored architectural block, native field stone, cast stone, granite, marble, ceramic tile, or wood with an opaque or semi-transparent stain or bleaching oil. Any other block or building material not specifically listed may be reviewed and approved by the Township if the material is compatible with surrounding buildings, structures, and uses and protects the investment of adjacent property, blends harmoniously with the natural features, promotes a high quality image, and meets the purpose of this District.

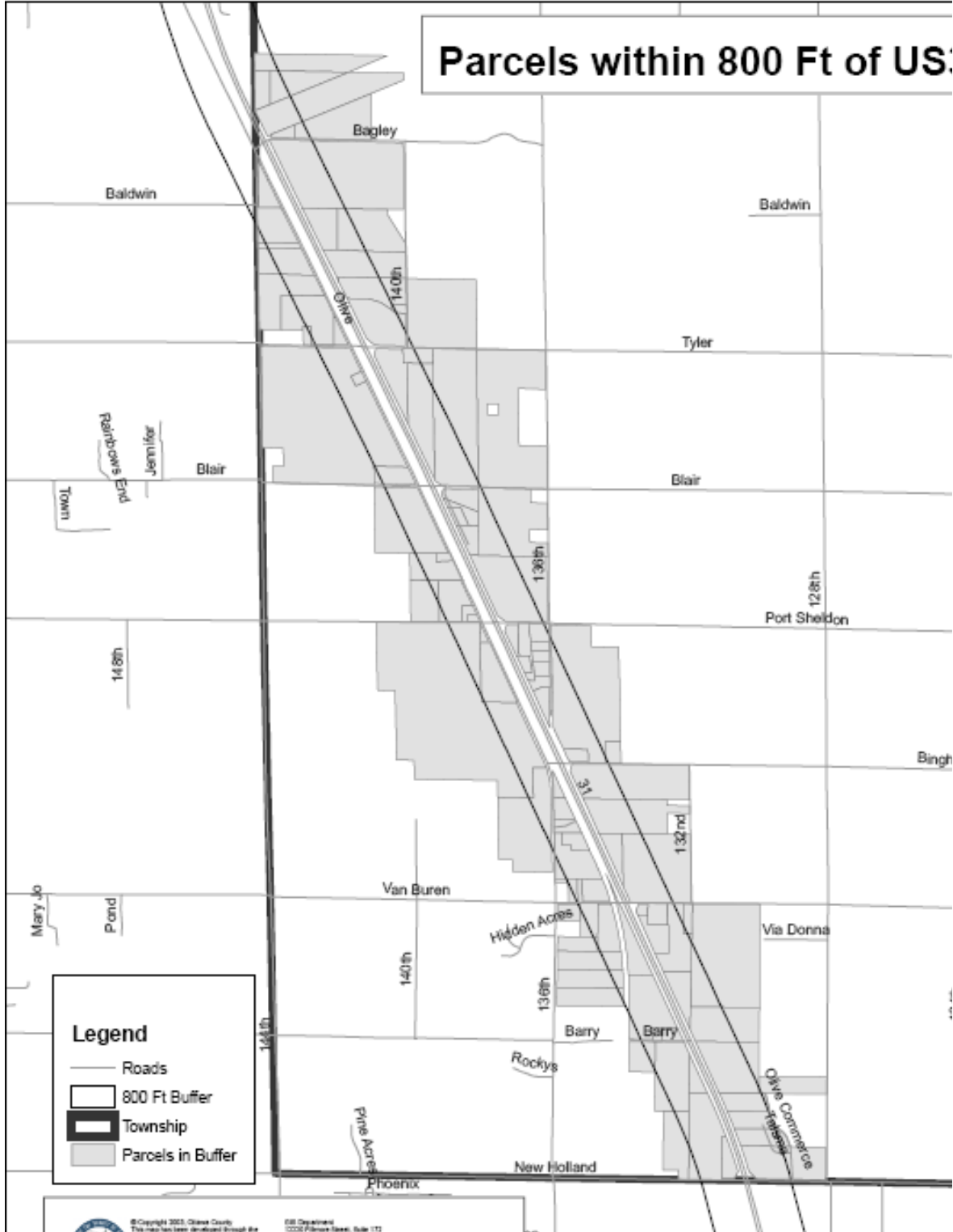
- C. Building facades adjacent, along, parallel, or abutting a public or private road right-of-way or customer parking area shall provide a minimum of five percent (5%) glass windows, but shall not exceed ninety percent (90%) glass. Calculations are exclusive of the roof area.
- D. A building facade which is adjacent, along, parallel, or abutting a private road or a public road other than US-31 may for that other road during site plan review and approval, have the requirements of Section 15.04 3 B reduced provided there is a doubling of the requirements of Section 21.28 B 2.
- E. Roof shape and materials shall be architecturally compatible with adjacent buildings and enhance the predominant streetscape. Subtle colors shall be used for roofing material.
- F. Site structures shall be of the same architectural character as the front facade of the building.
- G. Building walls over one hundred (100) feet in length shall be interrupted with items such as varying roof lines, varying building lines, recesses, projections, wall insets, arcades, windows, architectural accents, archways, colonnades, cornices, peaked roof lines, towers, or other objects so as to break a plain pattern of material. Such interruptions shall be separated in equal intervals or at random, as determined appropriate by the Township, but no more than 100 feet of separation between each item, to protect the investment of adjacent landowners, blend harmoniously with the natural features and promote a high quality.

Section 15.05 - Parcels Included Within the District

The following parcels are included within the US-31 Overlay District and as shown upon the attached map:

70-12-18-300-003	70-12-30-200-020	70-12-32-100-030	70-12-18-300-001	70-12-32-100-048
70-12-18-300-005	70-12-29-100-012	70-12-32-100-027	70-12-18-300-002	70-12-32-100-039
70-12-18-300-006	70-12-30-235-001	70-12-32-200-006	70-12-32-400-021	70-12-32-100-023
70-12-18-300-007	70-12-30-200-004	70-12-32-100-050	70-12-32-100-049	70-12-32-100-025
70-12-18-300-024	70-12-30-235-002	70-12-32-300-024	70-12-19-400-024	70-12-32-100-026
70-12-18-300-022	70-12-30-200-014	70-12-32-400-013	70-12-07-300-005	70-12-32-100-008
70-12-18-400-005	70-12-30-200-019	70-12-32-300-005	70-12-18-100-001	70-12-19-400-017
70-12-18-300-026	70-12-30-200-022	70-12-32-400-012	70-12-29-300-006	70-12-19-400-021
70-12-18-300-015	70-12-30-200-017	70-12-32-400-011	70-12-29-300-014	70-12-19-400-013
70-12-18-300-023	70-12-29-100-013	70-12-32-400-014	70-12-29-300-015	70-12-19-400-022
70-12-18-300-017	70-12-29-100-006	70-12-32-400-025	70-12-29-300-010	70-12-19-400-020
70-12-18-300-021	70-12-29-300-013	70-12-32-300-012	70-12-32-200-001	70-12-19-400-015
70-12-18-300-020	70-12-30-400-023	70-12-32-400-015	70-12-32-100-021	70-12-19-400-016
70-12-19-100-017	70-12-29-300-012	70-12-32-400-006	70-12-32-100-014	70-12-19-400-012
70-12-19-100-004	70-12-29-300-022	70-12-32-400-023	70-12-32-100-024	70-12-19-400-009
70-12-19-200-007	70-12-29-300-026	70-12-18-100-002	70-12-32-100-032	70-12-19-400-023
70-12-19-200-001	70-12-29-300-023	70-12-18-100-003	70-12-32-100-035	70-12-19-400-010
70-12-19-200-003	70-12-29-300-024	70-12-18-100-008	70-12-32-100-036	70-12-30-200-002
70-12-19-200-002	70-12-29-300-025	70-12-18-100-009	70-12-32-100-047	70-12-30-200-021

70-12-29-300-004 70-12-18-100-007 70-12-19-100-006 70-12-30-200-007 70-12-19-300-017
 70-12-29-300-005 70-12-18-100-006 70-12-19-100-011 70-12-30-200-012 70-12-29-300-011



Article 16

Wind Energy Turbines and Wind Energy Overlay District

Revised 11-10-10

Section 16.01 – Purpose

The purpose of this Article is to establish guidelines for siting Wind Energy Turbines (WETs). The goals are as follows:

- A. To promote the safe, effective, and efficient use of a Wind Energy Turbine (WET) in order to reduce the consumption of fossil fuels in producing electricity.
- B. Preserve and protect public health, safety, welfare, and quality of life by minimizing the potential adverse impacts of a WET.
- C. To establish standards and procedures by which the siting, design, engineering, installation, operation, and maintenance of a WET shall be governed.

Section 16.02 – Definitions

- A. Ambient Sound Level – the amount of background noise at a given location prior to the installation of a Wind Energy Turbine(s) which may include, but not be limited to, traffic, machinery, lawnmowers, human activity, and the interaction of wind with the landscape. The ambient sound level is measured on the dB(A) weighted scale as defined by the American National Standards Institute and shall include at least 30 consecutive days of records in each of the winter and summer seasons. The ambient sound level shall be established as and shall not exceed the lowest sound recorded within the two (2) seasons regardless of which season the lowest recorded sound was present.
- B. Anemometer – a temporary wind speed indicator constructed for the purpose of analyzing the potential for utilizing a Wind Energy Turbine at a given site. This includes the tower, base plate, anchors, cables and hardware, wind direction vanes, booms to hold equipment, data logger, instrument wiring, and any telemetry devices that are used to monitor or transmit wind speed and wind flow characteristics over a period of time for either instantaneous wind information or to characterize the wind resource at a given location.
- C. Condominium Development – a development that is created under the Condominium Act.
- D. Decibel – a unit of measure used to express the magnitude of sound pressure and sound intensity. Decibels shall be measured on the dB(A) weighted scale as defined by the American National Standards Institute.
- E. Decommissioning – the process of terminating operation and completely removing a Wind Energy Turbine(s) and all related buildings, structures, foundations, access roads, and equipment.
- F. Downwind Turbine – A Wind Energy Turbine positioned in a manner in which the rotor is downwind (i.e. on the lee side) of the tower and which does not produce any noise from the blades interacting with the tower during rotation (i.e. a thumping noise or similar sound) beyond that produced by a similar upwind turbine.
- G. General Common Element – an area designated for use by all owners within condominium development.
- H. Large Wind Energy Turbine (LWET) – a tower-mounted wind energy system that converts wind energy into electricity through the use of equipment which includes any base, blade, foundation,

generator, nacelle, rotor, tower, transformer, vane, wire, inverter, batteries, or other components used in the system. The LWET has a maximum total height of one hundred sixty-five (165) feet.

I. Nacelle – the encasement which houses all of the generating components, gear box, drive tram, and other equipment of a wind energy turbine.

J. Net-Metering – a special metering and billing agreement between utility companies and their customers, which facilitates the connection of renewable energy generating systems to the power grid.

K. Occupied Building – a residence, school, hospital, church, public library, business, or any building used for public or private gatherings.

L. Operator – the entity responsible for the day-to-day operation and maintenance of a property and its uses.

M. Owner – the individual or entity, including their respective successors and assigns, that have an equity interest or own a property, structure or use.

N. Rotor Diameter – the cross-sectional dimension of the circle swept by the rotating blades of a Wind Energy Turbine.

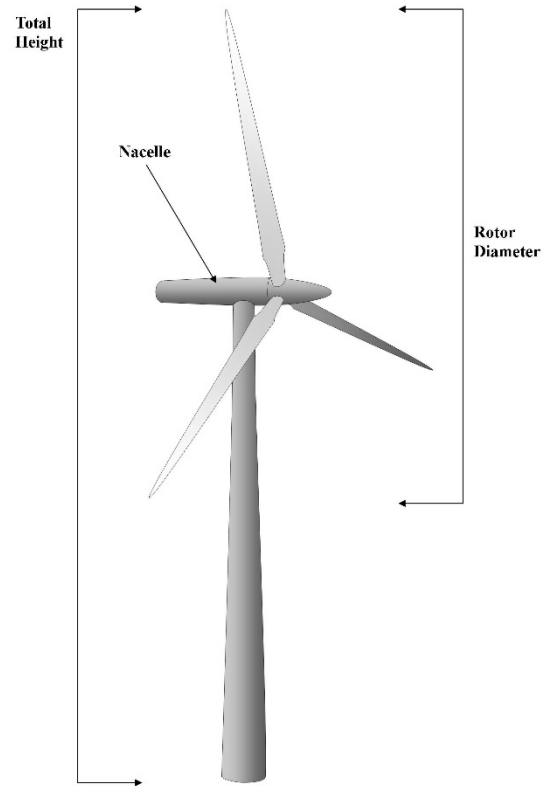
O. Shadow Flicker – the moving shadow, created by the sun shining through the rotating blades of a Wind Energy Turbine. The amount of shadow flicker created by a Wind Energy Turbine is calculated by a computer model that takes into consideration turbine location, elevation, tree cover, location of all structures, wind activity, and sunlight.

P. Small Structure-Mounted Wind Energy Turbine (SSMWET) – converts wind energy into electricity through the use of equipment which includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, vane, wire, inverter, batteries, or other components used in the system. A SSMWET is attached to a building's or structure's roof, walls, or other elevated surface. The SSMWET has a maximum height of fifteen (15) feet.

Q. Small Tower-Mounted Wind Energy Turbine (STMWET) – a tower-mounted wind energy system that converts wind energy into electricity through the use of equipment which includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, vane, wire, inverter, batteries, or other components used in the system. The STMWET has a maximum height of one hundred twenty (120) feet.

R. Total Height – the vertical distance measured from the base of the tower at the point affixed to the structure for SSMWET and from ground level at the base of the tower for STMWETs and LWETs to the uppermost vertical extension of any blade or antenna, or the maximum height reached by any part of a Wind Energy Turbine, Wireless Communications Facility or other apparatus permitted by this Article.

S. Tower – a freestanding monopole that supports a Wind Energy Turbine, Wireless Communications Facility or other apparatus permitted by this Article.



- T. Upwind Turbine – a Wind Energy Turbine positioned in a manner so that the wind hits the turbine blades before it hits the tower in order to avoid the thumping noise which can occur if the wind is disrupted by hitting the tower before the blades.
- U. Wind Energy Overlay District (WEOD) – a district created by the Township Board, upon receiving a recommendation from the Planning Commission, which is a specific area within the Township best situated for development of a Large Wind Energy Turbine. The main purpose of the LWET in the WEOD is to supply electricity to off-site customers.
- V. Wind Energy Turbine (WET) – any structure-mounted, small, or large wind energy conversion system that converts wind energy into electricity through the use of a Wind Generator and includes the nacelle, rotor, tower, and pad transformer, if any.

Section 16.03 - Applicability

- A. This Article applies to all WETs proposed to be constructed after the effective date of this Article.
- B. All WETs constructed prior to the effective date of this Article shall not be required to meet the requirements of this Article; however, any physical modification to an existing WET that materially alters the size, type, equipment or location shall require a permit under this Article.

Section 16.04 – Temporary Uses

The following is permitted in all zoning districts as a temporary use, in compliance with the provisions contained herein, and the applicable WET regulations.

- A. Anemometers
 - 1. The construction, installation, or modification of an anemometer tower shall require a building and zoning permit and shall conform to all applicable local, state, and federal applicable safety, construction, environmental, electrical, communications, and FAA requirements.
 - 2. An anemometer shall be subject to the minimum and maximum requirements for height, setback, separation, location, safety requirements, and decommissioning that correspond to the size of the WET that is proposed to be constructed on the site.
 - 3. An anemometer shall be permitted for no more than thirteen (13) months for a Small Structure-Mounted Wind Energy Turbine or a Small Tower-Mounted Wind Energy Turbine and shall be permitted for no more than three (3) years for a Large Wind Energy Turbine.

Section 16.05 – Permitted Principal Uses

- A. A Small Structure-Mounted Wind Energy Turbine shall be considered a permitted use in all Zoning Districts and shall not be erected, constructed, installed, or modified as provided in this Article unless zoning and building permits have been issued to the Owner(s) or Operator(s).
- B. A Small Tower-Mounted Wind Energy Turbine shall be considered a permitted use in the Agricultural Zoning District and shall not be erected, constructed, installed, or modified as provided in this Article unless zoning and building permits have been issued to the Owner(s) or Operator(s).
- C. The above permitted uses are subject to the following minimum requirements:
 - 1. Siting and Design Requirements
 - a) “Upwind” and “Downwind” turbines are permitted.
 - b) Visual Appearance
 - i. A SSMWET or STMWET, including accessory buildings and related structures shall be a non-reflective, non-obtrusive color (e.g. white, gray,

- black). The appearance of the turbine, tower, and any ancillary facility shall be maintained throughout the life of the SSMWET or STMWET.
- ii. A SSMWET or STMWET shall not be artificially lighted, except to the extent required by the FAA or other applicable authority, or otherwise necessary for the reasonable safety and security thereof.
 - iii. SSMWET or STMWET shall not be used for displaying any advertising (including flags, streamers, or decorative items), except for identification of the turbine manufacturer provided, however, that the size thereof shall not exceed one (1) square foot in area and shall be of the same color as the SSMWET or STMWET, but shall not be placed upon the rotor blades.
- c) **Ground Clearance:** The lowest extension of any blade or other exposed moving component of a SSMWET shall be at least fifteen (15) feet from the base of the tower at the point affixed to the structure. The lowest extension of any blade or other exposed moving component of a STMWET shall be at least fifteen (15) feet above the ground (at the highest point of the natural grade within thirty [30] feet of the base of the tower). In addition, for both a SSMWET and a STMWET, the lowest extension of any blade or other exposed moving component shall be at least fifteen (15) feet above any outdoor surfaces intended for human use, such as balconies or roof gardens, that are located directly below the SSMWET or STMWET.
 - d) **Noise:** Noise emanating from the operation of a SSMWET or STMWET shall not exceed, at any time, the ambient sound level between the hours of 9:00 p.m. and 9:00 a.m. at any property line of a residentially or agriculturally zoned parcel or a parcel with a residential use or from the property line of parks, schools, hospitals, and churches. Noise emanating from the operation of a SSMWET(s) or STMWET shall not exceed, at any time, the ambient sound level plus 5 dBA between the hours of 9:00 p.m. and 9:00 a.m. at any property line of a non-residentially zoned or non-agriculturally zoned parcel.
 - e) **Vibration:** Vibrations shall not be produced which are humanly perceptible beyond the property on which a SSMWET or STMWET is located.
 - f) **Guy Wires:** Guy wires shall not be permitted as part of the SSMWET or STMWET.

2. Small Structure-Mounted Wind Energy Turbine Dimensional Requirements

- a) **Height:** The height of a SSMWET shall not exceed 15 feet. A SSMWET shall be affixed to the roof, wall, or other elevated surface of a building or structure excluding chimneys, antennae, and other similar protuberances.
- b) **Setback:** The setback of the SSMWET shall be that of the requirements of the Zoning District in which it is located and the structure on which it is located. The setback shall be measured from the furthest outward extension of all moving parts.
- c) **Quantity:** No more than three (3) SSMWETs shall be installed on any parcel of property.
- d) **Separation:** If more than one SSMWET is installed, a distance equal to the height of the highest SSMWET must be maintained between the base of each SSMWET.

3. Small Tower-Mounted Wind Energy Turbine Dimensional Requirements

- a) **Height:** The Total Height of a STMWET shall not exceed one hundred twenty (120) feet.
- b) **Drainage Right-of-ways and Occupied Building Setback:** The setback from all drain right-of-ways shall be a minimum distance equal to the depth of the foundation of the STMWET, measured from the closest point of the foundation (i.e. concrete material) whether above or below grade to the closest point of the drain right-of-way or the drain at the natural grade elevation when a right-of-way is not present. The setback from all occupied buildings on the applicant's parcel shall be a minimum of twenty (20) feet measured from the base of the Tower.

- c) Other Setbacks: The setback shall be equal to the Total Height of the STMWET, as measured from the base of the Tower, from the property line, public right-of-way, public easement, or overhead public utility lines. This setback may be reduced if the applicant provides a registered engineer's certification that the WET is designed to collapse, fall, curl, or bend within a distance or zone shorter than the height of the wind turbine but in no instance shall the setback be less than that of the requirements of the Zoning District in which it is located.
- d) Minimum Parcel Area: A single parcel of property must contain at least twenty (20) acres of area to site a STMWET.
- e) Quantity: No more than one (1) STMWET shall be installed on any parcel of property.
- f) Electrical System: All electrical controls, control wiring, grounding wires, power lines, and system components shall be placed underground within the boundary of each parcel at a depth designed to accommodate the existing land use to the maximum extent practicable. Wires necessary to connect the wind generator to the tower wiring are exempt from this requirement.

4. Permit Application Requirements

- a) Name of property owner(s), address, and parcel number.
- b) A site plan in accordance with Section 25.04 of this Ordinance, which shall also include maps (drawn to scale) showing the proposed location of all components and ancillary equipment of the SSMWET(s) or STMWET, property lines, physical dimensions of the property, existing building(s), setback lines, right-of-way lines, public easements, overhead utility lines, sidewalks, non-motorized pathways, roads and contours. The site plan must also include adjoining properties as well as the location and use of all structures.
- c) The proposed type and height of the SSMWET or STMWET to be constructed; including the manufacturer and model, product specifications including maximum noise output (measured in decibels), total rated generating capacity, dimensions, rotor diameter, and a description of ancillary facilities.
- d) Documented compliance with the noise requirements set forth in this Article.
- e) Documented compliance with applicable local, state and national regulations including, but not limited to, all applicable safety, construction, environmental, electrical, communications, and FAA requirements.
- f) Proof of applicant's liability insurance
- g) Evidence that the utility company has been informed of the customer's intent to install an interconnected, customer-owned generator and that such connection has been approved. Off-grid systems shall be exempt from this requirement.
- h) Other relevant information as may be reasonably requested.
- i) Signature of the Applicant.
- j) Total proposed number of SSMWETs.
- k) A description of the methods that will be used to perform maintenance on the STMWET and the procedures for lowering or removing the STMWET in order to conduct maintenance.

5. Safety Requirements

- a) If the SSMWET or STMWET is connected to a public utility system for net-metering purposes, it shall meet the requirements for interconnection and operation as set forth in the public utility's then-current service regulations meeting federal, state, and industry standards applicable to wind power generation facilities, and the connection shall be inspected by the appropriate public utility.
- b) The SSMWET or STMWET shall be equipped with an automatic braking, governing or feathering system to prevent uncontrolled rotation, over-speeding, and excessive pressure on the tower structure, rotor blades and other wind energy components unless the

- manufacturer certifies that a braking system is not necessary.
- c) A clearly visible warning sign regarding voltage shall be placed at the base of the SSMWET or STMWET.
 - d) The structural integrity of the SSMWET or STMWET shall conform to the design standards of the International Electrical Commission, specifically IEC 61400-1, "Wind Turbine Safety and Design" and/or IEC 61400-2, "Small Wind Turbine Safety," IEC 61400-22 "Wind Turbine Certification," and IEC 61400-23 "Blade Structural Testing," or any similar successor standards.

6. Signal Interference

The SSMWET or STMWET shall not interfere with communication systems such as, but not limited to, radio, telephone, television, satellite, or emergency communication systems.

7. Decommissioning

- a) The SSMWET or STMWET Owner(s) or Operator(s) shall complete decommissioning within twelve (12) months after the end of the useful life. Upon request of the owner(s) or assigns of the SSMWET or STMWET, and for a good cause, the Township Board may grant a reasonable extension of time. The SSMWET or STMWET will presume to be at the end of its useful life if no electricity is generated for a continuous period of twelve (12) months. All decommissioning expenses are the responsibility of the Owner(s) or Operator(s).
- b) If the SSMWET or STMWET Owner(s) or Operator(s) fails to complete decommissioning within the period prescribed above, the Township Board may designate a contractor to complete decommissioning with the expense thereof to be charged to the violator and/or to become a lien against the premises. If the SSMWET or STMWET is not owned by the property owner(s), an Irrevocable Letter of Credit in a form acceptable to the Township must be provided to the Township for the cost of decommissioning each SSMWET or STMWET which shall identify the Township as the beneficiary.
 - i. A condition of the irrevocable letter of credit shall be that it will automatically renew. In the event of non-renewal, the financial institution that issued the irrevocable letter of credit must provide notification to the Township Zoning Administrator at least thirty (30) days prior to when the irrevocable letter of credit is to be terminated and upon giving such notice, the township shall have the right to draw on that letter of credit in the full amount thereof.
 - ii. Failure to keep the irrevocable letter of credit in effect while an LWET is in place will be a violation of the special land use permit. If a lapse in the irrevocable letter of credit occurs, the Township may take action up to and including requiring ceasing operation of the LWET until the irrevocable letter of credit is renewed.
- c) In addition to the Decommissioning Requirements listed above, the STMWET shall also be subject to the following:
 - i. Decommissioning shall include the removal of each STMWET, buildings, electrical components, and any other associated facilities. Any foundation shall be removed to a minimum depth of sixty (60) inches below grade, or to the level of the bedrock if less than sixty (60) inches below grade.
 - ii. The site and any disturbed earth shall be stabilized, graded, and cleared of any debris by the owner(s) of the facility or its assigns. If the site is not to be used for agricultural practices following removal, the site shall be seeded to prevent soil erosion, unless the property owner(s) requests in writing that the land surface areas not be restored.

8. Public Inquiries & Complaints

- a) Should an aggrieved property owner allege that the SSMWET or STMWET is not in compliance with the noise requirements of this Ordinance, the procedure shall be as follows:
 - i. Noise Complaint
 1. Notify the Township in writing regarding concerns about noise level.
 2. If the complaint is deemed sufficient by the Township to warrant an investigation, Township will request the aggrieved property owner deposit funds in an amount sufficient to pay for a noise level test conducted by a certified acoustic technician to determine compliance with the requirements of this Ordinance.
 3. If the test indicates that the noise level is within Ordinance noise requirements, the Township will use the deposit to pay for the test.
 4. If the SSMWET or STMWET Owner(s) is in violation of the Ordinance noise requirements, the Owner(s) shall reimburse the Township for the noise level test and take immediate action to bring the SSMWET or STMWET into compliance which may include ceasing operation of the WET until Ordinance violations are corrected. The Township will refund the deposit to the aggrieved property owner upon payment by the Owner(s).

Section 16.06 - Permitted Principal Special Uses with Conditions

A. Small Tower-Mounted Wind Energy Turbine shall be considered a special use and only allowed in the Rural Residential Zoning District, Low Density Residential Zoning District, Medium Density Residential Zoning District, Multiple Family Residential Zoning District, Mobile Home Residential Zoning District, Commercial Zoning District, Light Industrial Zoning District, Heavy Industrial Zoning District and the Planned Unit Development Zoning District and shall not be erected, constructed, installed, or modified as provided in this Ordinance unless a special use permit, zoning permit and building permit have been issued to the Owner(s) or Operator(s).

1. Siting and Design Requirements

- a) STMWETs shall comply with the requirements of Section 16.05C, except subsection 2, as well as comply with the requirements of Article 18 of this Ordinance.

B. A Large Wind Energy Turbine shall be a special use and only allowed in the Wind Energy Overlay District.

C. The special uses listed in Section 16.06B are subject to the following minimum requirements:

1. Siting and Design Requirements

- a) “Upwind” and “Downwind” turbines are permitted.
- b) The design of a LWET shall conform to all applicable industry standards.
- c) Visual Appearance
 - a) Each LWET, including accessory buildings and other related structures shall be mounted on a tubular tower and a non-reflective, non-obtrusive color (e.g. white, gray, black). The appearance of turbines, towers and buildings shall be maintained throughout the life of the LWET.
 - b) Each LWET shall not be artificially lighted, except to the extent required by the FAA or other applicable authority, or otherwise necessary for the reasonable safety and security thereof.

- c) Each LWET shall not be used for displaying any advertising (including flags, streamers, or decorative items), except for reasonable identification of the turbine manufacturer or operator(s) provided however the size thereof shall not exceed one (1) square foot in area and shall be of the same color as the LWET, but shall not be placed upon the rotor blades.
- d) Vibration: Each LWET shall not produce vibrations humanly perceptible beyond the property on which it is located.
- e) Shadow Flicker: The LWET owner(s) and/or operator(s) shall conduct an analysis on potential shadow flicker at any occupied building with direct line-of-sight to the LWET. The analysis shall identify the locations of shadow flicker that may be caused by the project and the expected durations of the flicker at these locations from sun-rise to sun-set over the course of a year. The analysis shall identify situations where shadow flicker may affect the occupants of the buildings for more than 30 hours per year, and describe measures that shall be taken to eliminate or mitigate the problems. Shadow Flicker on a building shall not exceed thirty (30) hours per year.
- f) Guy Wires: Guy wires shall not be permitted as part of the LWET.
- g) Electrical System: All electrical controls, control wiring, grounding wires, power lines, and all other electrical system components of the LWET shall be placed underground within the boundary of each parcel at a depth designed to accommodate the existing land use to the maximum extent practicable. Wires necessary to connect the wind generator to the tower wiring are exempt from this requirement.

2. Large Wind Energy Turbine Dimensional Requirements

- a) Location: The LWET shall only be located in a General Common Element if located in a Condominium Development.
- b) Height: The Total Height of a LWET shall not exceed one hundred sixty-five (165) feet.
- c) Ground Clearance: The lowest extension of any blade or other exposed moving component of a LWET shall be at least fifteen (15) feet above the ground (at the highest point of the grade level within fifty [50] feet of the base of the tower) and, in addition, at least fifteen (15) feet above any outdoor surfaces intended for human occupancy, such as balconies or roof gardens, that are located directly below the LWET.
- d) Noise: Any noise emanating from the operation of a LWET shall not exceed, at any time, the ambient sound level between the hours of 9:00 p.m. and 9:00 a.m. at any property line of a residential or agricultural use parcel or from the property line of parks, schools, hospitals, and churches. Noise emanating from the operation of a LWET(s) shall not exceed, at any time, the ambient sound level plus 5 dBA between the hours of 9:00 p.m. and 9:00 a.m. at any property line of a non-residential or non-agricultural use parcel.
- e) Quantity: No more than one (1) LWET shall be installed for every twenty (20) acres of land included in a single parcel.
- f) Setback & Separation:
 - i. Drain Right-of-Ways and Occupied Building Setback: The setback from all drain right-of-ways shall be a minimum distance equal to the depth of the foundation of the LWET, measured from the closest point of the foundation (i.e. concrete material) whether above or below grade to the closest point of the drain right-of-way or the drain at the natural grade elevation when a right-of-way is not present. The setback from all occupied buildings on the applicant's parcel shall be a minimum of twenty (20) feet measured from the base of the Tower.
 - ii. Property Line Setbacks: With the exception of the locations of public roads (see below), drain rights-of-way and parcels with Occupied Buildings (see

above), the internal property line setbacks shall be a minimum of one and one-half (1.5) times the Total Height, as measured from the base of the Tower. This setback may be reduced to a distance agreed upon as part of the special use permit if the applicant provides a registered engineer's certification that the WET is designed to collapse, fall curl, or bend within a distance or zone shorter than the height of the WET but in no instance shall the setback be less than that of the requirements of the Zoning District in which it is located.

- iii. Wind Energy Overlay District Setbacks: Along the border of the Wind Energy Overlay District, there shall be a setback distance equal to two (2) times the Total Height as measured from the base of the Tower.
- iv. Public Road Setbacks: Each LWET shall be set back from the nearest public road a minimum distance no less than four hundred (400) feet determined at the nearest boundary of the underlying right-of-way for such public road.
- v. Communication and Electrical Lines: Each LWET shall be set back from the nearest above-ground public electric power line or telephone line a distance no less than one and one-half (1.5) times its Total Height, determined from the existing power line or telephone line.
- vi. Tower Separation: Turbine/tower separation shall be based on industry standards and manufacturer recommendation.

3. Safety Requirements

- a) If the LWET is connected to a public utility system for net-metering purposes, it shall meet the requirements for interconnection and operation as set forth in the public utility's then-current service regulations applicable to wind power generation facilities, and the connection shall be inspected by the appropriate public utility.
- b) The LWET shall be equipped with an automatic braking or governing system to prevent uncontrolled rotation, over-speeding, and excessive pressure on the tower structure, rotor blades and other wind energy components unless the manufacturer certifies that a braking system is not necessary.
- c) Security measures need to be in place to prevent unauthorized trespass and access. Each LWET shall not be climbable up to fifteen (15) feet above ground surfaces. All access doors to LWETs and electrical equipment shall be locked and/or fenced as appropriate, to prevent entry by non-authorized person(s).
- d) All spent lubricants, cooling fluids, and any other hazardous materials shall be properly and safely removed in a timely manner.
- e) Each LWET shall have one sign, not to exceed two (2) square feet in area, posted at the base of the tower and on the security fence if applicable. The sign shall contain at least the following:
 - i. Warning high voltage
 - ii. Manufacturer's and owner/operators name
 - iii. Emergency contact numbers (list more than one number)
- f) The structural integrity of the LWET shall conform to the design standards of the International Electrical Commission, specifically IEC 61400-1, "Wind Turbine Safety and Design," IEC 61400-22 "Wind Turbine Certification," and IEC 61400-23 "Blade Structural Testing," or any similar successor standards.

4. Signal Interference

The LWET shall not interfere with communication systems such as, but not limited to, radio, telephone, television, satellite, or emergency communication systems.

5. Decommissioning

- a) The LWET Owner(s) or Operator(s) shall complete decommissioning within twelve

(12) months after the end of the useful life. Upon request of the owner(s) or the assigned of the LWET, and for a good cause, the Township Board may grant a reasonable extension of time. Each LWET will presume to be at the end of its useful life if no electricity is generated for a continuous period of twelve (12) months. All decommissioning expenses are the responsibility of the owner(s) or operator(s).

- b) Decommissioning shall include the removal of each LWET, buildings, electrical components, and roads to a depth of sixty (60) inches, as well as any other associated facilities. Any foundation shall be removed to a minimum depth of sixty (60) inches below grade, or to the level of the bedrock if less than sixty (60) inches below grade. Following removal, the location of any remaining wind turbine foundation shall be identified on a map as such and recorded with the deed to the property with the County Register of Deeds.
- c) All access roads to the LWET shall be removed, cleared, and graded by the LWET Owner(s), unless the property owner(s) requests, in writing, a desire to maintain the access road. The Township will not be assumed to take ownership of any access road unless through official action of the Township Board.
- d) The site and any disturbed earth shall be stabilized, graded, and cleared of any debris by the owner(s) of the LWET or its assigns. If the site is not to be used for agricultural practices following removal, the site shall be seeded to prevent soil erosion, unless the property owner(s) requests in writing that the land surface areas not be restored.
- e) In addition to the Decommissioning Requirements listed above, the LWET erected under Section 16.06C.2 shall also be subject to the following:
 - i. If the LWET Owner(s) or Operator(s) fails to complete decommissioning within the period prescribed above the Township may designate a contractor to complete decommissioning with the expense thereof to be charged to the violator and/or to become a lien against the premises. If the LWET is not owned by the property owner(s), an Irrevocable Letter of Credit must be provided to the Township for the cost of decommissioning each LWET in a form acceptable to the Township naming the Township the beneficiary.
 - ii. A condition of the irrevocable letter of credit shall be that it will automatically renew. In the event of non-renewal, the financial institution that issued the irrevocable letter of credit must provide notification to the Township Zoning Administrator at least thirty (30) days prior to when the irrevocable letter of credit is to be terminated and upon giving such notice, the township shall have the right to draw on that Letter of Credit in the full amount thereof.
- f) In addition to the Decommissioning Requirements previously listed, the LWET erected under Section 16.06C.3 shall also be subject to the following:
 - i. An independent and certified professional engineer shall be retained to estimate the total cost of decommissioning (“Decommissioning Costs”) with no regard to salvage value of the equipment, and the cost of decommissioning net salvage value of the equipment (“Net Decommissioning Costs”). When determining this amount, the Township may also require an annual escalator or increase based on the Federal Consumer Price Index (or equivalent or its successor). Said estimates shall be submitted to the Township Zoning Administrator after the first year of operation and every fifth year thereafter.
 - ii. The LWET Owner(s) or Operator(s) shall post and maintain Decommissioning Funds in an amount equal to Net Decommissioning Costs; provided that at no point shall Decommissioning Funds be less than one hundred percent (100%) of Decommissioning Costs. The irrevocable letter of credit in a form acceptable to the Township ensuring the Decommissioning Funds shall be posted with and identify

- the Township as the beneficiary.
 - iii. A condition of the irrevocable letter of credit shall be that it will automatically renew. In the event of non-renewal, the financial institution that issued the irrevocable letter of credit must provide notification to the Township Zoning Administrator at least 30 days prior to when the irrevocable letter of credit is to be terminated and upon giving such notice, the Township shall have the right to draw on that letter of credit the full amount thereof.
- g) Failure to keep the irrevocable letter of credit in effect while an LWET is in place will be a violation of the special land use permit. If a lapse in the irrevocable letter of credit occurs, the Township may take action up to and including requiring ceasing operation of the WET until the irrevocable letter of credit is renewed.
- h) The Township shall release the Decommissioning Funds when the Owner(s) has demonstrated and the Township concurs that decommissioning has been satisfactorily completed, or upon written approval of the Township in order to implement the decommissioning plan.
- i) If neither the Owner(s) or Operator(s), nor the landowner(s) complete decommissioning within the periods addressed previously (Decommissioning Requirements a and b), then the Township may take such measures as necessary to complete decommissioning. The entry into and submission of evidence of a Participating Landowner agreement to the Township shall constitute agreement and consent of the parties to the agreement, their respective heirs, successors and assigns that the Township may take such action as necessary to implement the decommissioning plan.

6. Site Plan Requirements

- a) Site Plan Drawing: All applications for a LWET special land use permit shall be accompanied by a detailed site plan map in accordance with Section 25.04 of this Ordinance that is drawn to scale and dimensioned, also displaying the following information:
 - i. Existing property features to include the following: property lines, physical dimensions of the property, land use, zoning district, contours, setback lines, right-of-ways, public and utility easements, public roads, access roads (including width), sidewalks, non-motorized pathways, large trees, and all buildings. The site plan must also include the adjoining properties as well as the location and use of all structures and utilities within three hundred (300) feet of the property.
 - ii. Location and height of all proposed LWETs, buildings, structures, ancillary equipment, underground utilities and their depth, towers, security fencing, access roads (including width, composition, and maintenance plans), electrical sub-stations, and other above-ground structures and utilities associated with the proposed LWET.
 - iii. Additional details and information as required by Section 18.04 of this Ordinance and as requested by the Planning Commission.
- b) Site Plan Documentation: The following documentation shall be included with the site plan:
 - i. The contact information for the Owner(s) and Operator(s) of the LWET as well as contact information for all property owners on which the LWET is located.
 - ii. A copy of the lease, or recorded document, with the landowner(s) if the applicant does not own the land for the proposed LWET. A statement from the landowner(s) of the leased site that he/she will abide by all applicable terms and conditions of the use permit, if approved.

- iii. Identification and location of the properties on which the proposed LWET will be located.
- iv. In the case of a Condominium Development, a copy of the Condominium Development's Master Deed and Bylaws addressing the legal arrangement for the LWET.
- v. The proposed number, representative types and height of each LWET to be constructed; including their manufacturer and model, product specifications including maximum noise output (measured in decibels), total rated capacity, rotor diameter, and a description of ancillary facilities.
- vi. Documents shall be submitted by the developer/manufacturer confirming specifications for LWET tower separation.
- vii. Documented compliance with the noise, and shadow flicker requirements set forth in this Ordinance.
- viii. Engineering data concerning construction of the LWET and its base or foundation, which may include, but not be limited to, soil boring data.
- ix. A certified registered engineer shall certify that the LWET meets or exceeds the manufacturer's construction and installation standards.
- x. Anticipated construction schedule, including but not necessarily limited to, the location of any temporary off-site staging areas and the location and storage of equipment and replacement parts.
- xi. A copy of the maintenance and operation plan, including anticipated regular and unscheduled maintenance. Additionally, a description of the procedures that will be used for lowering or removing the LWET to conduct maintenance, if applicable.
- xii. Documented compliance with applicable local, state and national regulations including, but not limited to, all applicable safety, construction, environmental, electrical, and communications. The LWET shall comply with Federal Aviation Administration (FAA) requirements, Michigan Airport Zoning Act, Michigan Tall Structures Act, and any applicable airport overlay zone regulations.
- xiii. Proof of applicant's liability insurance.
- xiv. Evidence that the utility company has been informed of the customer's intent to install an interconnected, customer-owned generator and that such connection has been approved. Off-grid systems shall be exempt from this requirement.
- xv. Other relevant information as may be requested by the Township Planning Commission to ensure compliance with the requirements of this Ordinance.
- xvi. Following the completion of construction, the applicant shall certify that all construction is completed pursuant to the Special Use Permit.
- xvii. A written description of the anticipated life of each LWET; the estimated cost of decommissioning; the method of ensuring that funds will be available for decommissioning and site restoration; and removal and restoration procedures and schedules that will be employed if the LWET(s) become inoperative or non-functional.
- xviii. The applicant shall submit a decommissioning plan that will be carried out at the end of the LWET's useful life, and shall describe any agreement with the landowner(s) regarding equipment removal upon termination of the lease.
- xix. The Township reserves the right to review all maintenance plans and irrevocable letters of credit under this Ordinance to ensure that all conditions of the permit are being followed.
- xx. A site grading, erosion control and storm water drainage plan will be submitted to the zoning administrator prior to issuing a special use

permit for an LWET erected under Section 16.06C.3. At the discretion of the Township, these plans may be reviewed by the Township engineering firm. The cost of this review will be the responsibility of the applicant.

- xxi. A description of the routes to be used by construction and delivery vehicles and of any road improvements that will be necessary to accommodate construction vehicles, equipment or other deliveries, and an agreement or irrevocable letter of credit which guarantees the repair of damage to public roads and other areas caused by construction of the LWET erected under Section 16.06C.3.
- xxii. A statement indicating what hazardous materials will be used and stored on the site.
- xxiii. A study assessing any potential impacts on the natural environment (including, but not limited to, assessing the potential impact on endangered species, eagles, birds and/or other wildlife, wetlands and fragile ecosystems. The study shall conform to state and federal wildlife agency recommendations based on local conditions.
- xxiv. Signature of the Applicant.

7. Certification & Compliance

- a) The Township must be notified of a change in ownership of a LWET or a change in ownership of the property on which the LWET is located.
- b) The Township reserves the right to inspect all LWETs, in order to ensure compliance with the Ordinance. Any cost associated with the inspections shall be paid by the owner/operator of the WET.
- c) A sound pressure level analysis shall be conducted from a reasonable number of sampled locations at the perimeter and in the interior of the property containing any LWETs erected under Section 16.06C.3 to demonstrate compliance with the requirements of this Ordinance. Proof of compliance with the noise standards is required within ninety (90) days of the date the LWET erected under Section 16.06C.3 becomes operational. Sound shall be measured by a third-party, qualified professional.
- d) The Owner(s) or Operator(s) of LWET erected under Section 16.06C.3 shall provide the Township Zoning Administrator with a copy of the yearly maintenance inspection and also provide evidence that the signage on site contains updated emergency contact information, if changed.

8. Public Inquiries & Complaints:

Should an aggrieved property owner allege that the LWET is not in compliance with the noise and shadow flicker requirements of this Ordinance, the procedure shall be as follows:

- a) Noise Complaint
 - i. Notify the Township in writing regarding concerns about noise level.
 - ii. If the complaint is deemed sufficient by the Township to warrant an investigation, the Township will request the aggrieved property owner deposit funds in an amount sufficient to pay for a noise level test conducted by a certified acoustic technician to determine compliance with the requirements of this Ordinance.
 - iii. If the test indicates that the noise level is within Ordinance noise requirements, the Township will use the deposit to pay for the test.
 - iv. If the LWET Owner(s) is in violation of the Ordinance noise requirements, the Owner(s) shall reimburse the Township for the noise level test and take immediate action to bring the LWET into compliance which may include ceasing operation of the WET until Ordinance violations are corrected. The Township will refund the deposit to the aggrieved property owner upon payment by the Owner(s).

- b) Shadow Flicker Complaint
 - i. Notify the Township in writing regarding concerns about the amount of shadow flicker
 - ii. If the complaint is deemed sufficient by the Township to warrant an investigation, the Township will request the Owner(s) to provide a shadow flicker analysis of the turbine as constructed to determine compliance of the requirements of this Ordinance.
 - iii. If the LWET Owner(s) is in violation of the Ordinance shadow flicker requirements, the Owner(s) take immediate action to bring the LWET into compliance which may include ceasing operation of the WET until the Ordinance violations are corrected.

Section 16.07 – Wind Energy Overlay District

The purpose of this District is to provide for the appropriate siting of Large Wind Energy Turbines for the production of electricity to off-site customers.

Section 16.08 – Permitted Principal Uses

The following use is permitted as a special use so long as the use is in compliance with Articles 16 and 18 of this Ordinance.

Large Wind Energy Turbines and related accessory buildings, structures and equipment

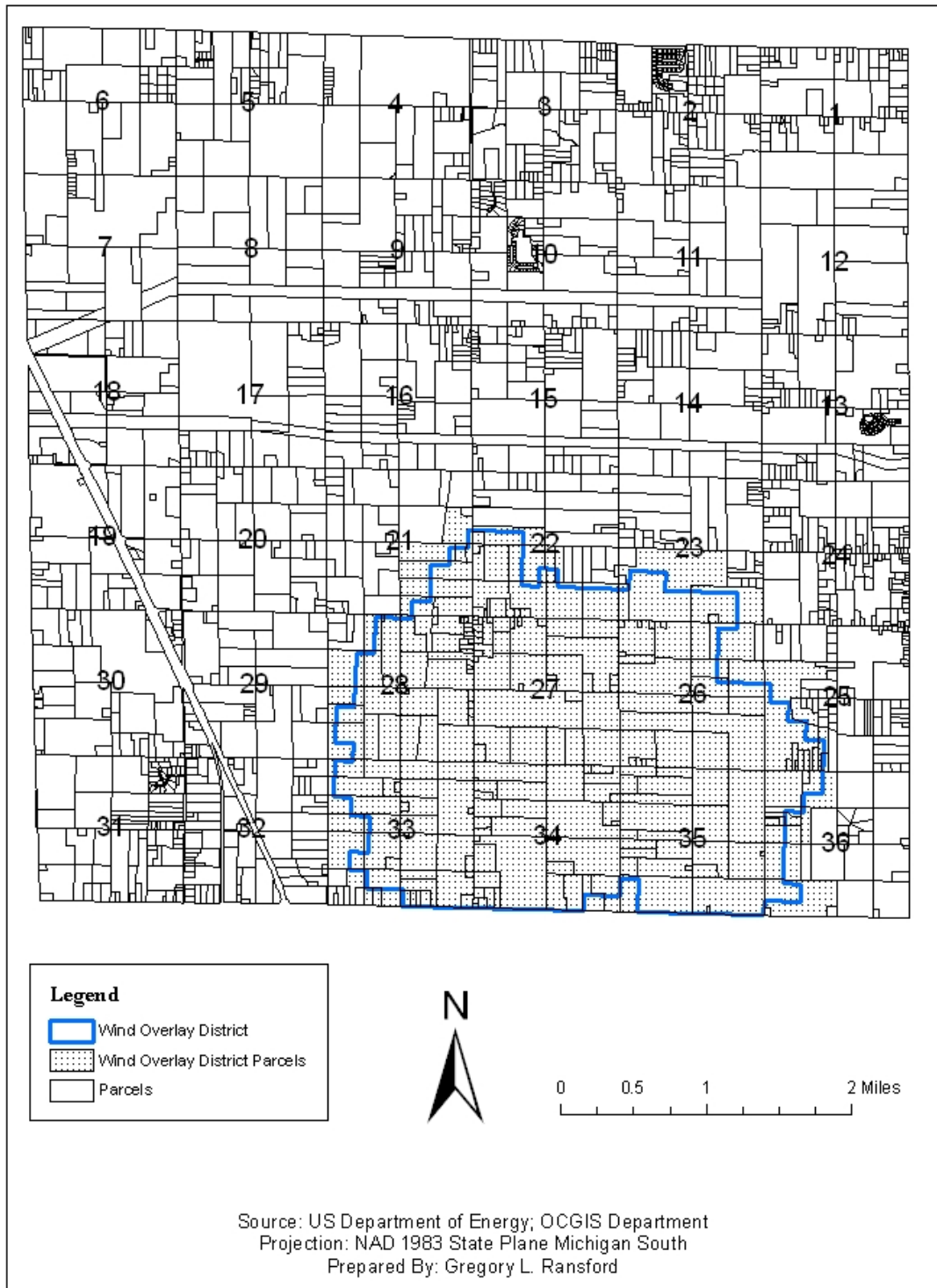
Section 16.09 – Land Included Within the District

The following parcels are located partially or completely within the Wind Energy Overlay District and are shown upon the attached map:

70-12-21-200-006	70-12-22-400-020	70-12-26-200-005	70-12-27-100-025	70-12-28-100-005	70-12-28-245-004
70-12-21-400-003	70-12-23-300-009	70-12-26-200-006	70-12-27-100-027	70-12-28-100-006	70-12-28-245-007
70-12-21-400-004	70-12-23-300-011	70-12-26-200-007	70-12-27-100-028	70-12-28-100-008	70-12-28-300-001
70-12-21-400-005	70-12-23-400-011	70-12-26-300-001	70-12-27-100-029	70-12-28-100-010	70-12-28-300-003
70-12-21-400-006	70-12-23-400-012	70-12-26-300-002	70-12-27-100-031	70-12-28-100-011	70-12-28-300-005
70-12-21-400-007	70-12-25-300-014	70-12-26-300-005	70-12-27-100-032	70-12-28-200-003	70-12-28-300-010
70-12-21-400-009	70-12-25-300-016	70-12-26-300-006	70-12-27-100-033	70-12-28-200-004	70-12-28-300-014
70-12-21-400-012	70-12-25-300-029	70-12-26-300-007	70-12-27-100-034	70-12-28-200-007	70-12-28-300-015
70-12-21-400-013	70-12-25-300-030	70-12-26-300-008	70-12-27-100-035	70-12-28-200-009	70-12-28-400-003
70-12-22-100-007	70-12-25-300-033	70-12-26-300-009	70-12-27-200-001	70-12-28-200-010	70-12-28-400-004
70-12-22-100-008	70-12-25-300-034	70-12-26-300-010	70-12-27-200-002	70-12-28-200-011	70-12-28-400-005
70-12-22-300-002	70-12-25-300-037	70-12-26-400-003	70-12-27-200-006	70-12-28-200-015	70-12-28-400-006
70-12-22-300-006	70-12-25-300-039	70-12-26-400-004	70-12-27-200-007	70-12-28-200-016	70-12-28-400-007
70-12-22-300-007	70-12-25-300-040	70-12-26-400-005	70-12-27-200-009	70-12-28-200-019	70-12-28-400-008
70-12-22-300-009	70-12-25-300-041	70-12-26-400-006	70-12-27-200-011	70-12-28-200-021	70-12-28-400-009
70-12-22-300-013	70-12-26-100-002	70-12-27-100-001	70-12-27-200-012	70-12-28-200-023	70-12-28-400-010
70-12-22-300-016	70-12-26-100-003	70-12-27-100-002	70-12-27-200-013	70-12-28-200-025	70-12-28-400-011
70-12-22-300-017	70-12-26-100-005	70-12-27-100-008	70-12-27-300-005	70-12-28-200-026	70-12-28-400-012
70-12-22-300-020	70-12-26-100-009	70-12-27-100-009	70-12-27-300-006	70-12-28-200-027	70-12-33-100-001
70-12-22-300-021	70-12-26-100-010	70-12-27-100-010	70-12-27-300-007	70-12-28-200-028	70-12-33-100-002
70-12-22-300-022	70-12-26-100-015	70-12-27-100-011	70-12-27-300-008	70-12-28-200-029	70-12-33-100-004
70-12-22-300-023	70-12-26-100-016	70-12-27-100-016	70-12-27-400-003	70-12-28-200-030	70-12-33-100-006
70-12-22-300-024	70-12-26-100-018	70-12-27-100-020	70-12-27-400-004	70-12-28-200-032	70-12-33-100-008
70-12-22-400-010	70-12-26-100-019	70-12-27-100-021	70-12-27-400-005	70-12-28-245-001	70-12-33-100-009
70-12-22-400-011	70-12-26-200-001	70-12-27-100-022	70-12-27-400-006	70-12-28-245-002	70-12-33-100-010
70-12-22-400-019	70-12-26-200-004	70-12-27-100-023	70-12-27-400-007	70-12-28-245-003	70-12-33-100-011

70-12-33-200-001	70-12-33-400-023	70-12-34-300-011	70-12-35-300-013
70-12-33-200-006	70-12-33-400-024	70-12-34-300-013	70-12-35-300-014
70-12-33-200-008	70-12-34-100-001	70-12-34-300-014	70-12-35-300-015
70-12-33-200-010	70-12-34-100-002	70-12-34-300-015	70-12-35-400-002
70-12-33-200-012	70-12-34-100-004	70-12-34-300-016	70-12-35-400-003
70-12-33-200-015	70-12-34-100-007	70-12-34-400-004	70-12-35-400-005
70-12-33-200-016	70-12-34-100-008	70-12-34-400-005	70-12-35-400-006
70-12-33-200-017	70-12-34-100-009	70-12-34-400-006	70-12-35-400-007
70-12-33-300-001	70-12-34-100-010	70-12-34-400-007	70-12-35-400-008
70-12-33-300-010	70-12-34-100-011	70-12-34-400-013	70-12-36-100-003
70-12-33-300-011	70-12-34-100-012	70-12-34-400-014	70-12-36-100-005
70-12-33-300-012	70-12-34-100-013	70-12-35-100-002	70-12-36-100-006
70-12-33-300-013	70-12-34-200-001	70-12-35-100-003	70-12-36-100-007
70-12-33-300-014	70-12-34-200-005	70-12-35-100-004	70-12-36-100-009
70-12-33-300-019	70-12-34-200-007	70-12-35-100-005	70-12-36-100-011
70-12-33-400-005	70-12-34-200-008	70-12-35-100-007	70-12-36-100-014
70-12-33-400-006	70-12-34-200-009	70-12-35-100-008	70-12-36-100-015
70-12-33-400-010	70-12-34-200-010	70-12-35-100-009	70-12-36-100-016
70-12-33-400-013	70-12-34-200-011	70-12-35-100-010	70-12-36-300-001
70-12-33-400-015	70-12-34-200-012	70-12-35-200-001	70-12-36-300-008
70-12-33-400-017	70-12-34-200-013	70-12-35-200-002	
70-12-33-400-018	70-12-34-300-001	70-12-35-200-003	
70-12-33-400-019	70-12-34-300-006	70-12-35-300-005	
70-12-33-400-020	70-12-34-300-007	70-12-35-300-010	
70-12-33-400-021	70-12-34-300-009	70-12-35-300-011	
70-12-33-400-022	70-12-34-300-010	70-12-35-300-012	

Wind Energy Overlay District



Article 17
Renewable Energies
(adopted 10-18-12)

Section 17.1 – Purpose & Intent

Renewable energies are a resource that can prevent fossil fuel emissions and reduce energy load. The purpose and intent of renewable energies is to promote the compatible use of solar, bio-fuel and anaerobic digesters to assist in decreasing the dependence of the township on non-renewable energy systems through the accommodation of proper renewable energy systems and equipment within the township.

Section 17.2 – Definitions

Anaerobic Digester – a facility in which microorganisms break down biodegradable material in the absence of oxygen, used for industrial or domestic purposes to manage waste and/or produce energy.

Anaerobic Digestion - the biochemical conversion of complex organic materials, such as manure, into methane and other byproducts in the absence of oxygen.

At-home – a biofuel facility that is privately produced by the owner or tenant of a single-family dwelling.

Biofuel – any renewable fuel product, whether solid, liquid, or gas, that is derived from recently living organisms or their metabolic by-products and meets applicable quality standards, including, but not limited to, ethanol and biodiesel. Biofuel does not include methane or any other fuel product from an anaerobic digester.

Building-Integrated Photovoltaic (BIPV) Systems – a solar energy system that consists of integrating photovoltaic modules into the building structure, such as the roof or the façade and which does not alter the relief of the roof.

Collective Solar – solar installations owned collectively through subdivision homeowner associations, “adopt-a-solar-panel” programs or other similar arrangements.

Digester Feedstocks – organic materials that are acceptable for inclusion within an anaerobic digester include livestock manure, waste animal feed, dead animals, yard waste or grass clippings, organic food processing waste, waste grease/trap grease, food waste intended for human consumption, by-products from ethanol, biodiesel, and algal production and other digester feedstocks that may be approved by the Director of the Michigan Department of Natural Resources and Environment or its successor agency.

Ethanol – a substance that meets the ASTM international standard in effect on the effective date of this section as the D-4806 specification for denatured fuel grade ethanol for blending with gasoline.

Farm – that term as defined in section 2 of the Michigan right to farm act, 1981 PA 93, MCL 286.472.

Flush-Mounted Solar Panel – photovoltaic panels and tiles that are installed flush to the surface of a roof and which cannot be angled or raised.

Freestanding or Ground-Mounted Solar Energy System – a solar energy system that is a structure directly installed in the ground and is not attached or affixed to an existing structure.

Large-Scale Solar – solar photovoltaic systems that produce more than fifteen (15) kilowatts (kW) per hour of energy or solar-thermal systems, which provide energy for off-site consumption or on-site consumption or both.

Net-Metering – a billing arrangement that allows solar, anaerobic digesters or other renewable energy systems to receive credit for excess electricity that they generate and deliver back to the grid so that they only pay for their net electricity usage at the end of a billing period from an electricity provider.

Photovoltaic (PV) Systems – a solar energy system that produces electricity by the use of semiconductor devices, called photovoltaic cells that generate electricity whenever light strikes them.

Proof gallon – that term as defined in 27 CFR 19.907.

Renewable Energy Systems – structures, equipment, devices or construction techniques used for the production of heat, light, cooling and electricity or other forms of energy on site and may be attached to or separate from the principal structure.

Rooftop or Building Mounted Solar System – a solar power system in which solar panels are mounted on top of the structure of a roof either as a flush-mounted system or as modules fixed to frames which can be tilted toward the south at an optimal angle.

Small-Scale Solar – solar photovoltaic systems that produce up to fifteen (15) kilowatts (kW) per hour of energy or solar-thermal systems, which serve the building to which they are attached and do not provide energy for any other buildings.

Solar Access – space open to the sun and clear of overhangs or shade including the orientation of streets and lots to the sun so as to permit the use of active and/passive solar energy systems on individual properties.

Solar Collector – a solar photovoltaic cell, panel, or array, or solar hot air or water collector device, which relies upon solar radiation as an energy source for the generation of electricity or transfer of stored heat.

Solar Energy Equipment/System – solar collectors, controls, energy storage devices, heat pumps, heat exchangers and other materials, hardware or equipment necessary to the process by which solar radiation is collected, converted into another form of energy, stored, protected from unnecessary dissipation and distributed. Solar systems include solar thermal, photovoltaic and concentrated solar.

Solar Panel – a device for the direct conversion of solar energy into electricity.

Solar Storage Battery – a device that stores energy from the sun and makes it available in an electrical form.

Solar-Thermal Systems – a system that directly heats water or other liquid using sunlight. The heated liquid is used for such purposes as space heating and cooling, domestic hot water and heating pool water.

Section 17.3 – Permitted Uses

A. Bio-Fuel

1. A biofuel production facility with an annual production capacity of not more than 100,000 gallons of biofuel is a permitted use of property if all of the following requirements are met:
 - a. The biofuel production facility is located on a farm.
 - b. The biofuel production facility is located not less than 100 feet from the boundary of any contiguous property under different ownership than the property on which the biofuel production facility is located.
 - c. On an annual basis, not less than twenty-five (25%) of the feedstock for the biofuel production facility is produced on the farm where the biofuel production facility is located, and not less than twenty-five (25%) of the biofuel or another product or by-product produced by the biofuel production facility is used on that farm.

2. At-home biofuel production with an annual production capacity of not more than 1,000 gallons of biofuel for each passenger vehicle or light truck registered at the property is a permitted use on a residential property, if all of the following requirements are met:
 - a. Each passenger vehicle or light truck is operable, licensed to the owner or tenant of the property on which the At-home facility is located and is otherwise road worthy.
 - b. The parcel on which the At-home biofuel production occurs is at least one (1) acre in area.
 - c. The building or buildings in which the biofuel production is located shall be at least 100 feet from any adjacent principal or accessory building on a separate property.
 - d. All biofuel produced on the property shall never be sold, distributed or otherwise used by any other vehicle than those registered at the property and meet the aforementioned requirements.
 - e. An operation plan shall be submitted to the Zoning Administrator providing detail regarding at least the following and any other information requested by the township:
 - i. The registered vehicle(s)
 - ii. Expected gallon production
 - iii. The building or buildings utilized for the at-home biofuel operation
 - iv. A site plan showing setbacks, parking, storage of fuel and surrounding uses.

B. Anaerobic Digesters

1. An anaerobic digester facility is a permitted use of property if all of the following requirements are met:
 - a. On an annual basis, more than 50% of the feedstock for the anaerobic digester facility shall be produced on the farm where the facility is located.
 - b. An anaerobic digester shall meet the following minimum isolation distances:
 - i. Two hundred feet from waters of the state as defined in R 287.651(1)(u)(i) to (viii).
 - ii. Two feet above the seasonal high water table, as defined by NRCS 313 Waste Storage Facility Conservation Practice Standard, and adopted by reference in R 287.651a.
 - iii. Not within a 10-year time-of-travel zone designated as a wellhead protection area as recognized by the Michigan department of environmental quality, pursuant to the program established under the Michigan safe drinking water act, PA 399 of 1976, MCL 325.1001 to 325.1023, unless approved by the local unit of government administering the wellhead protection program. Where no designated wellhead protection area has been established, construction shall not be closer than the minimum isolation distance as stated on the well permit for a Type I or Type IIa public water supply. Facilities shall not be constructed closer than 800 feet to a Type IIb or Type III public water supply unless the structure is located in accordance with Table 1 of the Natural

Resources Conservation Service Technical Guide Waste Storage Facility (No) 313.

- iv. Two hundred feet from nearest non-farm residence.
- c. Operators of an anaerobic digester must be qualified under the State of Michigan with both of the following:
 - i. Complete the Michigan-on-farm anaerobic digester operator certification course.
 - ii. Obtain certification by the Michigan Department of Agriculture and Rural Development as an anaerobic digester operator.
- d. The disposition of digestate may be by direct application to soils, sale, or other transfer of ownership. Application to soils shall be done in accordance with the recommendations within the Generally Accepted Agricultural and Management Practices for Nutrient Utilization, January 2010, as specified in 1981 PA 93, MCL 286.471

C. Solar

1. Small-Scale Solar energy collectors shall be permitted only to provide power for use by owners, lessees, tenants, residents or other occupants of the premises on which they are erected but nothing contained in this provision shall be construed to prohibit Collective Solar installations or the sale of excess power through a net billing or net-metering arrangement.
2. Solar Energy Equipment and Solar Energy Systems shall be permitted only if they are determined to not present any unreasonable safety risks, including but not limited to, the following:
 - a. Weight load
 - b. Wind resistance
 - c. Ingress and egress in the event of fire or other emergency
3. No Small Scale solar energy system or device shall be installed or operated except in compliance with this Section.
4. No solar panel shall create glare, reflection or any other deflection of light on any adjacent property below the maximum height established for each district.
5. Building-Integrated Photovoltaic Systems and Solar-Thermal Systems are permitted in all zoning districts.
6. Rooftop and Building-Mounted Solar Collectors are permitted in all zoning districts subject to the following condition:
 - a. The maximum height of the zoning district in which the rooftop and building-mounted solar collectors are located shall not be exceeded by more than ten (10) feet provided that such structures do not obstruct solar access to adjacent and neighboring properties.
7. Free-Standing and Ground-Mounted Solar Collectors are permitted as accessory structures in all zoning districts, subject to the following conditions:

- a. Except as allowed in Section 17.3.C.7.b, the location of the solar collectors shall meet all applicable setback requirements for accessory structures in the zoning district in which it is located.
- b. All solar collectors located in the front yard must meet a setback of at least one hundred fifty (150) feet from the right-of-way.
- c. All solar collectors shall be adequately screened with architectural features or landscaping such as berms, trees or bushes that prevent their visible exposure to any right-of-way and preserves the character of the property and surrounding area. An architectural or landscaping plan shall be submitted for approval to the Zoning Administrator.
- d. Solar energy equipment shall be located in a manner that does not shade any adjacent property at any time of the daylight hours.

D. Decommissioning

1. If an above permitted use ceases to perform its originally intended function for more than twelve (12) consecutive months, the owner of the property shall remove all buildings, structures, components and associated equipment no later than ninety (90) days after the end of the twelve (12) month period.

Section 17.4 – Special Uses

A. Bio-Fuel

1. A biofuel production facility with an annual production capacity of not more than 100,000 gallons of biofuel that meets the requirements of subsection 17.3 A(1)(a) and (b) but that does not meet the requirements of subsection 17.3 A(1)(c).
2. A biofuel production facility with an annual production capacity of more than 100,000 gallons but not more than 500,000 gallons of biofuel that meets the requirements of subsection 17.3 A(1)(a) and (b).
3. An application for special land use approval for a biofuel production facility described in subsection (1) or (2) above shall include all of the following:
 - a. A site plan as required under Article 25, including a map of the property and existing and proposed buildings and other facilities.
 - b. A description of the process to be used to produce biofuel.
 - c. The number of gallons of biofuel anticipated to be produced annually.
 - d. An emergency access and fire protection plan that has been reviewed and approved by the appropriate responding police and fire departments.
 - e. For an ethanol production facility that will produce more than 10,000 proof gallons annually, completed United States Department of the Treasury, alcohol and tobacco tax and trade bureau, forms 5000.29 (environmental information) and 5000.30 (supplemental information on water quality considerations under 33 USC 1341(a)), or successor forms, required to implement regulations under the national environmental policy act of 1969, 42 USC 4321 to 4347, and the federal water pollution control act, 33 USC 1251 to 1387.
 - f. Information that demonstrates that the biofuel production facility will comply with the requirements of subsection (1) or (2) above and (5) below.

- g. Any additional information requested by the Township.
4. Special land use approval of a biofuel production facility described in subsection (1) or (2) above shall be made expressly conditional on the facility's meeting all of the following requirements before the facility begins operation and no additional requirements:
 - a. Buildings, facilities, and equipment used in the production or storage of biofuel comply with local, state, and federal laws.
 - b. The owner or operator of the biofuel production facility provides the local unit of government with proof that all necessary approvals have been obtained from the department of environmental quality and other state and federal agencies that are involved in permitting any of the following aspects of biofuel production:
 - i. Air pollution emissions.
 - ii. Transportation of biofuel or additional products resulting from biofuel production.
 - iii. Use or reuse of additional products resulting from biofuel production.
 - iv. Storage of raw materials, fuel, or additional products used in, or resulting from, biofuel production.
 - c. The biofuel production facility includes sufficient storage for both of the following:
 - i. Raw materials and fuel.
 - ii. Additional products resulting from biofuel production or the capacity to dispose of additional products through land application, livestock consumption, sale, or other legal use.

B. Anaerobic Digesters

1. An anaerobic digester facility is a permitted special use of property if all of the following requirements are met:
 - a. On an annual basis, not less than 10% of the feedstock for the anaerobic digester facility shall be produced on the farm where the facility is located.
 - b. An application for special land use approval for an Anaerobic Digester facility shall include a site plan in accordance with Article 25 and shall include all of the following:
 - i. Two hundred feet from waters of the state as defined in R 287.651(1)(u)(i) to (viii).
 - ii. Two feet above the seasonal high water table, as defined by NRCS 313 Waste Storage Facility Conservation Practice Standard, and adopted by reference in R 287.651a.
 - iii. Not within a 10-year time-of-travel zone designated as a wellhead protection area as recognized by the Michigan department of environmental quality, pursuant to the program established under the Michigan safe drinking water act, PA 399 of 1976, MCL

325.1001 to 325.1023, unless approved by the local unit of government administering the wellhead protection program. Where no designated wellhead protection area has been established, construction shall not be closer than the minimum isolation distance as stated on the well permit for a Type I or Type IIa public water supply. Facilities shall not be constructed closer than 800 feet to a Type IIb or Type III public water supply unless the structure is located in accordance with Table 1 of the Natural Resources Conservation Service Technical Guide Waste Storage Facility (No) 313.

- iv. Two hundred feet from nearest non-farm residence.
- d. Operators of an anaerobic digester must be qualified under the State of Michigan with both the following:
 - i. Complete the Michigan-on-farm anaerobic digester operator certification course.
 - ii. Obtain certification by the Michigan Department of Agriculture and Rural Development as an anaerobic digester operator.
- e. The disposition of digestate may be by direct application to soils, sale, or other transfer of ownership. Application to soils shall be done in accordance with the recommendations within the Generally Accepted Agricultural and Management Practices for Nutrient Utilization, January 2010, as specified in 1981 PA 93, MCL 286.471

C. Solar

1. Large-Scale Solar energy collectors shall be permitted as a special use for either off-site consumption or on-site consumption or both.
2. An application for special land use approval for a Large-Scale Solar facility shall include a site plan in accordance with Article 25 and shall include all of the following:
3. Solar Energy Equipment and Solar Energy Systems shall be permitted only if they are determined to not present any unreasonable safety risks, including but not limited to, the following:
 - a. Weight load
 - b. Wind resistance
 - c. Ingress and egress in the event of fire or other emergency
4. No Large Scale Solar energy system or device shall be installed or operated except in compliance with this Section.
5. No solar panel shall create glare, reflection or any other deflection of light on any adjacent property below the maximum height established for each district.
6. Building-Integrated Photovoltaic Systems and Solar-Thermal Systems are permitted.
7. Rooftop and Building-Mounted Solar Collectors are permitted, subject to the following condition:
 - a. The maximum height of the zoning district in which the rooftop and building-mounted solar collectors are located shall not apply provided that such structures

are erected only to such height as is necessary, as determined by the Planning Commission through site plan review, to accomplish the purpose for which they are intended to serve and that such structures do not obstruct solar access to adjacent and neighboring properties.

- i. When determining a maximum height beyond the maximum of the zoning district, the Planning Commission shall consider the following.
 1. The difference in kilowatts per hour that can be generated at the maximum height of the zoning district and the kilowatts per hour that can be generated at the height requested. In no instance shall additional height be granted beyond the maximum of the zoning district when the difference is equal to zero (0).
 2. Obstructions on the property or adjacent property that restrict access to solar energy at the maximum height of the zoning district and evidence that a height exceeding the maximum of the zoning district will increase access to solar energy.
 3. The effect on solar access of adjacent properties at the maximum height of the zoning district within the subject property and the effect on solar access of adjacent properties at the height exceeding the maximum of the zoning district within the subject property.
8. Free-Standing and Ground-Mounted Solar Collectors are permitted, subject to the following conditions:
- a. The location of the solar collectors shall meet all applicable setback requirements for principal structures in the zoning district in which it is located.
 - b. All solar collectors shall be adequately screened with architectural features or landscaping such as berms, trees or bushes that prevent their visible exposure to any right-of-way and preserves the character of the property and surrounding area. An architectural or landscaping plan shall be submitted as part of site plan review.
 - c. Solar energy equipment shall be located in a manner that does not shade any adjacent property at any time of the daylight hours.

D. Decommissioning

1. If an above special use ceases to perform its originally intended function for more than twelve (12) consecutive months, the owner of the property shall remove all buildings, structures, components and associated equipment no later than ninety (90) days after the end of the twelve (12) month period.

Article 18
Special Uses

Revised effective 8/1/02

Section 18.01 – 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 carefully regulated with respect to their location for the protection of the permitted uses in a district. Such uses, on account of their peculiar location need or the nature of the service offered, may have to be established in a district in which they cannot be reasonably allowed as an unrestricted permitted use.

Section 18.02 - Authority to Grant Permits

The Township Board shall have the authority to grant Special Use Permits, subject to the review and recommendation of 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 allowed in the various district provisions of this Ordinance and in accordance with Section 3.15.

Section 18.03 - Application and Fees

Application for any special use permit allowed under the provisions of this Ordinance shall be made to the Zoning Administrator by filling in the official special use permit application form, submitting required data, exhibits and information; and depositing the necessary fee in accordance with the Township schedule of fees. No fee shall be required of any governmental body or agency. No part of such fee shall be returnable' to an applicant. If the application is complete, the Zoning Administrator refers the application to the Planning Commission with a file copy to the Township Clerk.

Section 18.04 - Data, Exhibits and Information Required in Applications

An application for a special use permit shall contain the following:

- A. All of the owners and the applicant's names and addresses 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 survey of the property in question.
- E. A detailed site plan of said property meeting the requirements as noted in Article 25 of the zoning ordinance showing the existing and proposed location of all buildings and structures thereon, and types thereof, and their uses.
- F. A statement and supporting data, exhibits, information and evidence regarding the required findings set forth in this Ordinance.

Section 18.05 - Public Hearing *(amended 2-3-11)*

The Township Planning Commission shall hold a public hearing, or hearings, upon any application for a Special Use Permit, notice of which shall be given in accordance with Section 27.06 of this Ordinance. Sections 21.37, 21.38, and 21.39 are excepted from these public hearing requirements.

Section 18.06 - Required Standards and Findings for Making Determinations

- A. The Planning Commission shall review the particular circumstances and facts of each proposed special use in terms of the following standards and required findings and shall find and record adequate data,

information and evidence showing that such a special use on the proposed site, lot, or parcel and makes its recommendation accordingly to the Township Board:

1. Will be harmonious with and in accordance with the general objectives, intent and purposes of this Ordinance.
2. Will be designed, constructed, operated, maintained and managed so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity.
3. Will be served adequately by essential public facilities and services; such as, 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.

Section 18.07 – Conditions of Approval

(amended 12-11-09)

- A. A special use that has been approved shall be used in conformance with the approved site plan. Any special use, other than one conducted by a governmental entity, that is proposed to be expanded, enlarged, or modified from what was approved must obtain additional special use approval. A governmental entity shall only be required to obtain site plan approval for any such expansion, enlargement or modification.
- B. The Township board may require an irrevocable letter of credit or certified check in an amount equal to the estimated cost of road, lighting, utility, sidewalk, landscaping and drainage improvements associated with the project. Such performance guarantee shall be deposited with the Township at the time of the issuance of the permit authorizing the activity or project to ensure faithful completion of the improvements indicated on the approved site plan. If conditions set forth in the approved site plan are not faithfully completed, the performance guarantee shall be forfeited. The Township shall rebate a proportional share of cash deposits only when requested by the depositor, based on the percent of improvements completed, as attested to by the depositor and verified by the zoning administrator. In cases where the provisions of this Article have not been met, the amount of the aforementioned performance guarantee shall be used by the Township to complete the required improvements and to enforce the zoning ordinance, and the balance, if any, shall be returned to the applicant.
- C. Reasonable conditions may be required with the approval of a special use permit. The conditions may include, but are not limited to, conditions necessary to insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to insure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall meet all of the following requirements:
 1. Be designed to protect natural resources, the health, safety and welfare and the social and economic well-being, of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
 2. Be related to the valid exercise of the police power and purposes which are affected by the proposed use or activity.
 3. Be necessary to meet the intent and purpose of the zoning ordinance, be related to the standards established in the Ordinance for the land use or activity under consideration, and be necessary to insure compliance with those standards.

The conditions imposed with respect to the approval of a site development plan shall be recorded in the record of the approval action and shall remain unchanged except upon the mutual consent of the Township board and the landowner. The Township Board shall maintain a record of conditions which are changed.

Section 18.08 – Re-submittal of Denied Application

A Special Use Application disapproved by the Township Board may not be re- submitted within a one (1) year period from the date of denial.

- A. Substantial changes to the original application following the denial may be treated as new applications and may be reviewed immediately.
- B. The Zoning Board of Appeals shall have no authority to review or consider denial of Special Use Applications.

Section 18.09 - Junk Yards and Inoperative Junk Vehicles

In addition to and as an integral part of development, the following provisions shall apply:

- A. Junk yards shall be established and maintained in accordance with all applicable Statutes of the State of Michigan, and are only permitted in the "HI" Heavy Industrial Districts, and shall be located only in sites which are completely screened from adjacent properties and public view and shall meet the following requirements:
 - 1. Junkyard The term "junkyard," as used in this Ordinance, shall mean any place for the storing, collecting, dismantling, wrecking and disposing of the junk and/or refuse material of automobiles and/or automobiles, trucks, trailers, vehicles or equipment that cannot be physically operated or legally driven on a public road because of its physical condition or failure to have all the necessary equipment or any other reason or any place where parts thereof or used parts and materials of any kind or nature are purchased, sold, exchanged, dismantled, wrecked or stored for commercial purposes or for any other purposes.
 - 2. Junk As used in this act: "junk" means old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber debris, waste or junked, dismantled or wrecked automobiles, or parts of automobiles, iron, steel and other old or scrap ferrous or nonferrous material.
 - 3. Salvage yard The term "salvage yard," as used in this ordinance, shall mean the yard or base location of any business in which used or damaged materials of any kind or nature are acquired, stored or collected for salvage and/or for dismantling, wrecking, sorting, storing, processing, fabricating, repairing or reforming for purposes of resale, landfill or other such similar outlets or disposition.
 - 4. Junkyard or Salvage Yard Dealer. The term "junkyard dealer" or "salvage yard dealer" shall mean any person, firm or corporation who operates a junkyard or salvage yard as herein defined.
 - 5. No person shall commence after the effective date of this ordinance in the operation of a junkyard or salvage yard or enlarge or expand an existing junkyard or salvage yard within the Township without first submitting an Environmental Impact Study prepared by a registered engineer, and obtaining a special use permit therefore from the Township Board which shall not be issued until evidence has been submitted disclosing to the satisfaction of said Board, the terms and conditions thereof have been, and/or will be, fully complied with.
 - a. An Environmental Impact Study shall be a systematic evaluation of the subject property and how the proposed junkyard or salvage yard will impact the environment. Included in the study shall be:

- i. Any actual or potential adverse environmental impact as a result of the use, including, but not limited to, impacts concerning ground and surface water, and impacts on the quality of air.
 - ii. Possible design alternatives to limit any such actual or potential impacts to the environment.
 - iii. Drawings and a site plan showing the junkyard or salvage yard meets all the requirements of this ordinance.
6. Application Applications for a junkyard or salvage yard special use permit shall be in writing, filed with the Township, submitted on a form as supplied by the Township. All applications for special use permit shall be accompanied by a fee in the amount set by the Township Board.
7. All junk yard or salvage yard dealers shall comply with the following regulations governing their operation and shall further show ability to comply with the same prior to the issuance of any special use permit:
 - a. No junk yard or salvage yard shall be operated in any manner which creates a nuisance in the neighborhood or to the general public by reason of noise, vibrations, odors, fumes, filth, loose debris, ground water, or air pollution.
 - b. All junk yards or salvage yards shall be maintained in an orderly and safe manner with the material therein property stockpiled in orderly rows or located within enclosed storage buildings.
 - c. All outdoor storage, collecting, dismantling, wrecking, disposing or processing of materials and all operations pertinent thereto shall be carried on, maintained or conducted entirely within a completely enclosed building or behind a masonry wall, Plastic fence or a metal fence at least eight (8) feet in height but not greater than ten (10) feet in height, being of such design so as to completely obstruct one's vision and constructed according to the Building code. Any such fencing or screening shall at all times be maintained in a neat and attractive manner and in a state of good repair and shall be of a uniform color approved by the Township Board.
 - d. All walls or fences shall be maintained in a neat, substantial condition, and the exterior thereof shall be painted to one (1) color, and the exterior thereof shall be painted at least once every five (5) years. The supporting uprights of all fences shall be placed on the inside thereof
 - e. No materials collected, stored or otherwise kept therein shall be permitted to lean on or touch any such wall or fence, nor to be in front of or attached to or suspended on any such wall or fence or on the building thereof, nor permitted, along any highway or street, to be piled within five (5) feet from the base of the wall or fence nor higher than the wall or fence, and in no case to be piled in a manner likely to endanger a person or persons; provided, that this subsection shall not prohibit the erection or maintenance of bins or shelving not to exceed the height of the fence or wall, provided they shall in no way be attached to or affixed to such fence or wall; and provided further, that at least fifteen (15) feet clearance is maintained in front of such bin or shelving.
 - f. The material located in or on the premises shall be so arranged that reasonable inspection or access to all parts of the premises can be had by law enforcement officers.
 - g. No burning of debris or surplus materials shall be allowed on the premises.
 - h. Material that can not be sold or utilized shall not be deposited upon the premises except where the same is so co-mingled with salable or usable material that it cannot easily or conveniently be previously separate off the premises.

- i. Off-street parking paved to concrete or bituminous concrete shall be supplied for all customers and employees that use the premises.
- j. Each junk yard or salvage yard shall be equipped with a permanent office building for the transaction of business with customers and suppliers constructed in accordance with the applicable building codes of the Township.
- k. No dangerous, unhealthy or hazardous conditions shall be allowed to exist upon the premises.
- l. All vehicles, containers or salvage items that are brought into a junk yard or salvage yard as defined herein shall have all liquids, including, but not limited to, antifreeze, water, gas, oil and grease, removed from the items which removal shall be done within a completely enclosed building.
- m. The building used for removal of liquids shall have a concrete, reinforced floor at least four (4) inches thick and shall have concrete dikes or other similar type structures that will not allow any such liquids removed from vehicles or items stored to escape the building. The concrete floor dikes and other similar type structures shall be maintained and constructed so that any such liquids cannot escape the building into the soil beneath or adjacent to such building and shall include water stops at joints, floors and dikes. Any water or any other liquids that go on to floor shall be removed and disposed of in accordance with all state and federal statutes and regulations.
- n. All such liquids when on the premises shall be stored in leak-proof tanks, which must be constructed and maintained such that the liquids cannot escape such tanks. All such tanks shall be underground storage tanks. Location and capacity of tanks to be on building drawings, including definition of material in each tank. Copies to be supplied to Township office and fire department. Labeling and/or color coding of these tanks will be determined by the Olive Township -Fire Chief and such labeling or coding will be noted on the drawings supplied to the Township and fire department.
- o. Tanks for the storage of any such liquids shall be located at least ten (10) feet from any wall or foundation and fifty (50) feet from any property line. Tanks shall not be located under any building. A distance of at least ten (10) feet shall be maintained between tanks in multiple tank installations.
- p. Underground liquid storage tanks shall be set on a firm foundation and surrounded with at least six (6) inches of non-corrosive material such as clean sand or gravel well tamped in place. Tanks and the six (6) inches of protective material shall be covered with a minimum of eighteen (18) inches of earth, on top of which shall be placed a slab of reinforced concrete not less than four (4) inches thick. When underground tanks are, or are likely to be, subjected to vehicular traffic, they shall be protected against damage by at least eighteen (18") inches of earth, over the six (6) inches of protective material, plus six (6) inches of reinforced concrete. The reinforced concrete protective cover shall extend at least one (1) foot horizontally beyond the outline of the tank. The pad shall be constructed and maintained and shall have concrete dikes or other similar devices so that when such liquids are inserted or removed from such tanks, any spillage will not be able to escape into soil adjacent to or below such pad or dikes. All tanks shall be installed to meet all applicable state statutes and regulations, including, but not limited to, the State Fire Marshall. Corrosive protection for the tank and its piping shall be provided by one (1) or more of the following methods:
 - i. Use of protective coating or wrappings;
 - ii. Cathodic protection; or
 - iii. Corrosion-resistant materials of construction.

- q. One (1) foot to four (4) feet under any building used for the removal of such liquids and under any underground storage tank used for the storage of such liquids there shall be installed the following:
- i. At least four (4) inches in diameter PVC concrete or similar material culvert-type pipe all connected and laid out so that the pipe is immediately adjacent to the entire foundation of the building or circling the outside dimension of each tank and has lines of such pipe running parallel to the longest side of the building or tank every twenty (20) feet or portion thereof of the width of the building or tank.
 - ii. All such pipe shall be perforated with one-quarter (1/4) inch holes spread not more than twelve (12) inches apart on two (2) sides of the pipe and installed so that such holes are not on the top or bottom of the pipe when installed.
 - iii. All such pipe shall be surrounded on all sides by at least nine (9) inches of one-half (1/2) inch washed stone or pea gravel.
 - iv. On each side of the building and on at least two (2) sides of each such storage tank the pipe shall be extended to the surface of the ground and capped flush with the ground level with a screw-type cap. If the top of the pipe passes through concrete or asphalt or in an area used for vehicle traffic, it shall be located in a sleeve (manhole ring) with a cover for protection against vehicular damage and settlement. The cap to the pipe shall not be located inside any building and shall be accessible at all times.
 - v. The pipe shall not be connected to any other pipes and must be sealed and capped, save for the perforations required herein but may also act as a footing drain system and be connected to a sump pump.
 - vi. Immediately under the building and tanks there shall be a layer of clean sand and/or gravel and immediately under the sand or gravel a leak-proof liner made of a synthetic material of at least 60 mil. thickness which will not deteriorate when placed in contact with such liquids. The liner shall be installed such that it slopes to any of the pipe herein require and then goes immediately under the pipe herein required.
- r. In the alternative to providing the leak-detection system herein stated under the tanks, a tank within a tank may be used provided a stand pipe similar to that required above is installed so as to enable detection of any leak within the inner tank. In the event any leak is detected in the inner tank, the tank shall either be repaired or replaced.
- s. The Township Board may at its discretion require that the owner and/or occupant of the premises used as a junk yard or salvage yard submit to the Township an annual chemical analysis of the water in the pipes described herein which such analysis shall include, but not be limited to, a determination as to the presence of any oils, gasoline, grease, motor antifreeze and alcohol or other distillates and petroleum products. The Township Board at their discretion may contract with a testing service or contractor to take samples of the water in the pipe described herein or of the tank at any time to determine if any of the liquids herein described have escaped into the ground or from the inner tank. All such testing will be at the expense of the property owner and/or the occupant of the premises.
- t. Prior to the removal of any such liquids from any vehicles or the placing of any such liquids in the storage tanks, the owner and/or occupant of the premises shall have a chemical analysis done of the water in said pipes to determine a baseline level for such liquids which shall be filed with the Township prior to the use of the buildings or tanks. Failure to do such chemical analysis shall create a presumption that the level of any such liquids found at a later date resulted from a leak of the tanks or a failure to properly contain such liquids as required herein. In the event any such analysis determines that there is any level of such liquids above the baseline level or if there was no baseline level determined, then any level whatsoever, then the Township in its discretion, may require

the owner of the subject property to conduct a hydrological study by registered engineers to be conducted of the subject premises to determine if the groundwater is contaminated by any such liquids.

- u. Any flammable solid material such as but not limited to paper, rubber, plastic, wood and similar materials shall be stored separately from each other in neat piles, bins, racks or containers to reduce fire hazards. Locations and content of each such material to be readily available for inspection by fire officials or Township officers.
- v. All fences and/or walls used to contain stored materials must be located the minimum distance required by all yards within the H-I Heavy Industrial District and the area within the walls and/or fences and building area shall not exceed 50% of the total area of the parcel on which it is located.

Section 18.10 - Mobile Home Parks

All mobile home parks shall comply with the requirements of Public Act 243 of 1959, "The Trailer Coach Park Act" and Public Act 419 of 1976, "The Mobile Home Park Commission Act" and the following additional regulations:

- A. The minimum site size for a Mobile Home Park shall be forty (40) contiguous acres.
- B. A Mobile Home Park or seasonal Mobile Home Park, shall be constructed or used only within a MHP Zoning District.
- C. A green belt of at least twenty-five (25) feet shall be established and maintained around the perimeter of the Mobile Home Park, at all times, consisting of two rows of evergreens staggered 10 feet apart and one row of deciduous trees 30 feet apart. Said evergreen trees shall be at least 5 foot high, and the deciduous trees at least 10 foot high at the time any developed portion of the park is occupied. Green belt maintenance is required on a regular basis, with replacement of dead trees by the next growing season. The green belt is required at all adjoining lot lines but will not be considered a part of the mobile home lots, play or storage areas.
- D. All exposed areas of the Mobile Home Park, not under concrete, asphalt or a part of the mobile home pad shall be grass sodded or seeded. All internal roads shall be paved as they are created.
- E. All developed areas of the park shall be maintained in a neat and orderly appearance.
- F. Every mobile home lot shall be a minimum of 50 feet wide, except where the front lot lines boarder a curved internal road. The minimum lot area of all lots shall be 5,000 sq. feet.
- G. Every lot in-said park shall have at least one deciduous tree at least 10 feet high.
- H. No mobile home shall be placed nearer than fifty (50) feet from abutting private property.
- I. Mobile home pads shall be constructed in accordance with State Regulations. Anchors and Skirting shall be provided in accordance with State Regulations.
- J. All mobile home units brought into the park must be inspected by the Building Inspector and shall meet all Township Construction building codes before occupancy.
- K. There shall be no more than one mobile home on any one lot. No more than one family shall occupy any mobile home.

- L. Access to the Mobile Home Park from the nearest major thoroughfare shall be by means of a public right-of-way not less than 66 feet in width. Access to the Mobile Home Park shall not be by a public right-of-way through another residential district.
- M. There shall be no storage of flammable materials under any trailer or mobile home.
- N. 400 square feet of off-street parking shall be provided on each lot.
- O. There shall be at least 20 feet of unobstructed open space, excluding trees and accessory buildings, between mobile homes.
- P. All wheels shall be removed from the mobile home, lowering it so the axle rests on, or is as close to, as possible to the surface of the concrete pad upon which it is located.
- Q. An effective refuse disposal system shall be provided for the use of all Mobile Home Park residents in conformance with Section 21.21.
- R. Each mobile home shall have no more than one accessory building of not more than 100 sq. feet in size. This building shall be placed on the rear half of the lot, and shall meet all side yard distance requirements of the Zoning Ordinance.
- S. A recreational area shall be provided, equal to at least 5% of the total gross usable Mobile Home Park area, not including buffer and internal road areas and located at least 50 feet from an mobile home. The area shall include a reasonable number of recreational facilities, available for use by park residents of all ages.
- T. Overnight camping shall be prohibited.
- U. Any storage, park or accessory buildings must be located at least five (5) feet from any mobile home lot line, or park buffer or green belt area, and shall meet all other distance requirements of the Zoning Ordinance.
- V. A storage area for park residents of not less than 2% of the total park area, together with a five (5) foot secure visual barrier fence, shall be provided.
- W. No Mobile Home Park shall be served by a lagoon wastewater treatment system. Connection to a public sewer and wastewater treatment plant is recommended, but a wastewater treatment plant other than a lagoon system, approved by the Ottawa County Health Department shall be permitted.
- X. A central television antenna system shall be provided in all Mobile Home Parks.
- Y. All mobile homes shall have a minimum of 800 square feet of living space. All additions to mobile homes shall meet all Township codes and be built to conform to general mobile home construction appearance.
- Z. No person shall be required to purchase a mobile home from the park owner as a condition for locating a mobile home in said park. However, all mobile homes located in said park shall meet all applicable specifications.
- AA. New mobile homes held out for sale by the park owner shall not number more than four at any one time and the same shall be placed on existing lots in said park.
- BB. The Mobile Home Park shall be developed in phases. No occupancy shall be allowed in any single phase until 15% of the sites within it are developed.

- CC. In addition to State Mobile Home Park regulations, said park shall meet all requirements of the ordinances of the Township, including applicable BOCA codes.
- DD. The Building Inspector shall have the authority pursuant to State law to enter and inspect at any reasonable time any premises upon which a mobile home, is parked, used or occupied, for the purpose of ascertaining that the owner, operator or occupant thereof is complying with all statutes, ordinances, rules and regulations governing the same.
- EE. An installation fee for a mobile home shall be as noted on a fee schedule as adopted from time to time by the Township Board. Separate permits at a fee as established from time to time by resolution of the Township Board shall be obtained for plumbing, mechanical, electrical, and building inspections. All reinspections required to determine compliance with all applicable ordinances and regulations will be charged at rate established from time to time by resolution of the Township Board. A certificate of compliance with all applicable ordinances and regulations is required before occupancy.
- FF. All utilities for the sites in the park shall be installed underground.
- GG. All required green belts along property lines shall be at least 25 feet in width.
- HH. It shall be unlawful for any person or corporation to conduct or operate a Mobile Home Park in the Township without a currently valid license issued by the Director of the Michigan Department of Public Health and a Certificate of Occupancy and an annual license from the Township Zoning Administrator.
- II. On each individual lot within a mobile home park that has been approved by the Township, there may be built a garage that may be attached or detached to the mobile home located on such lot. The garage, if detached, may not set closer to any road on which the mobile home lot faces than the mobile home located thereon and if the garage is attached to the mobile home on the same lot shall not set closer than 20 feet from any road on which the mobile home lot fronts. The garage, if attached to the mobile home on the same lot, shall be at least ten (10) feet from any mobile home located on another mobile home lot within the mobile home park. The garage, if detached from the mobile home on the same lot, shall be at least three (3) feet from the mobile home located on the same lot. All garages shall be constructed to meet the Township Building Code and in no case shall a detached garage be larger than 24 feet by 24 feet in size nor taller than sixteen (16) feet in height, and in no case shall an attached garage be larger than 24 feet wide by 28 feet in depth or 16 feet in height. All garages must be of the same color as the mobile home located on the same lot and must have a shingled double pitched roof of a pitch that matches the pitch of the mobile home located on the same mobile home lot. Rev. 11/3/94
- JJ. The Zoning Administrator and/or his authorized agent or agents are hereby granted the power and authority to enter upon the premises of a Mobile Home Park at any time for the purpose of determining and/or enforcing any provision of this or any other Township ordinance applicable to the construction and operation of a Mobile Home Park.

Section 18.11 - Temporary Mobile Homes-Located Outside of a Mobile Home Park, Including Trailers, Motor Homes and Recreation Vehicles *(amended 03-15-06)*

- A. Mobile homes, travel trailers, motor homes or recreation vehicles shall be permitted for construction contractor purposes when located on a construction site approved by the Planning Commission. The applicant must furnish all pertinent data, including description of land to be used, number of mobile home, travel trailer, motor home or recreation vehicle units involved, and the expected length of construction time. The Zoning Administrator must verify that (a) the location of units will be not less than 100 feet from any public highway and/or boundary of adjoining property, and (b) adequate fresh water supply and sanitary facilities are available on site. A "Temporary Permit" shall be issued covering the period of the specific construction job, not to exceed one (1) year; subject to an extension approved by the Planning Commission for good cause which shall not exceed one (1) year.
- B. For parking or storage of mobile homes in RR, LDR, and MFR zoning districts refer to Section 21.25.

- C. For temporary occupancy of visitor-owned mobile homes and recreation vehicles refer to Section 21.29.
- D. Use of mobile homes as an accessory use for reasons of health and infirmity as provided in Section 21.36.

Section 18.12 - Valid Nonconforming Use of Mobile Homes, Travel Trailers, Motor Homes or Recreation Vehicles

The use of any mobile home, travel trailer, motor home or recreation vehicle placed on a lot, parcel or tract of land in the Township prior to the effective date of this ordinance, which use is not prohibited by this ordinance, shall be a "Valid Nonconforming Use" that may be continued, subject to the provisions pertaining to "Nonconforming Uses" contained in Article XX.

Section 18.13 - Temporary Transient Amusement Enterprises

The following provisions shall apply in addition to all applicable regulations in the district in which they are to be located:

- A. All "Temporary Transient Amusement"-uses shall be located on sites large enough so as not to occupy or cover more than fifty (50) percent of the area of a lot or parcel upon which it is located.
- B. All fenced-in areas shall be set back at least 100 feet from any front road or property line.
- C. Side and rear yards shall be at least 100 feet in depth from all adjacent lots or parcels.
- D. All traffic ingress or egress shall be on public roads and all local traffic movements shall be accommodated within the site so that entering and exiting vehicles will make normal and uncomplicated movements onto or off from public roads. All points of entrance or exit for motor vehicles shall be located no closer than 200 feet from the intersection of any two (2) roads or highways.
- E. Temporary Transient Amusement uses are not permitted in any RR, LDR, MDR, MHP or MFR residential district.

Section 18.14 - Gasoline Service Stations

All gasoline service stations or filling stations shall conform to the following regulations in addition to all applicable regulations in effect in the district in which they are to be located.

- A. Frontage and Area: Every gasoline service station shall have a minimum frontage of 200 feet and a minimum area of 30,000 square feet.
- B. Setbacks: Every structure, including gasoline pumps and other equipment, erected or installed for use as a gasoline service station shall have a minimum setback from the road right-of-way as required by the regulations in the zone in which they are to be located, and a minimum setback from all property lines of fifty (50) feet.
- C. Construction Standards: All vehicle service areas shall be constructed to conform to the following standards:
 1. Suitable separation shall be made between the pedestrian sidewalk and vehicular parking or moving area with the use of appropriate bumper, wheel guards or traffic islands.
 2. The entire area used for vehicle service shall be paved with a hard surface, except for such unpaved area as is landscaped and protected from vehicle use by a low barrier.
 3. Hydraulic hoist, lubricating, greasing, washing, and repair equipment shall be entirely within a building. Tire and battery service and minor automobile repair, excluding automobile body repair and painting, are permitted if conducted entirely with a building.

4. The maximum widths of all driveways at the public sidewalk crossing or road like shall be no more than twenty-four (24) feet.
5. Minimum angle or driveway intersection with the roadway from the curb line to lot line shall be no less than sixty (60) degrees.
6. The minimum distance of any driveway from any property line shall be at least twenty (20) feet.
7. The minimum distance between roadway curb cuts shall be no less than forty (40) feet.

D. Lighting: All lighting shall be installed in a manner so that no illumination source is visible beyond all property lines.

E. Gasoline service stations are only permitted in Commercial, LI Light Industrial and HI Heavy Industrial Districts.

Section 18.15 - Sanitary Landfills

Sanitary landfills shall: (1) only be located in the AG Districts, (2) only if planned to be located in Ottawa County, including Olive Township, in accordance with the County Plan prepared in conformance with Public Act 641 of 1978 "The solid waste Management Act" or under the jurisdiction of the Michigan Department of Natural Resources in conformance with Public Act 64 of 1979 "The Hazardous Waste Act" and (3) with direct access only permitted from an impervious hard surface paved all-weather year-round road or highway.

Section 18.16 - Extraction of Natural Resources (amended 09-07-10)

A. Permitted Uses

The following Special Uses will be permitted only in the AG, RR and MDR zoning districts. The application for Special Use authorization must be accompanied by a detailed site plan as indicated in this Section and a site plan that indicates the end use of the subject property upon completion of excavation operations. The end use indicated must be a permitted use in the subject-zoning district, and the site plan must indicate the location of all streets and residential lots. All excavation operations must be conducted where applicable in conformance with P.A. 303 of 1982, Michigan Surface and Underground Mine Reclamation Act, as amended:

1. The excavation or mining of sand and gravel. The incidental excavation of sand and gravel for on-site use only are excluded from the regulations of this ordinance except for the setback and yard requirements specified in the AG District.
2. The processing, storage, loading and transporting of sand and gravel, incidental to its marketing.
3. The mining of clay.
4. The extraction of peat, marl, topsails and blacks soil.
5. The quarrying of stone.
6. The mining of coal.
7. The operation of trans-mix concrete plant.
8. The operation of a concrete products plant.

B. Permitted Accessory Uses

Any use customarily incidental to the permitted Principal Special Use.

C. Extractive Mining Area, Bulk and Equipment Location Requirements

1. Limits of Excavation: Sufficient setback shall be provided from all property lines and public highways, to assure adequate, lateral support. Minimum allowable setback shall be fifty (50) feet from any property line and one hundred (100) feet from any public highway or road or private road or access easement.
2. Placement of Processing Plants: The permanent processing plant and its accessory structures shall not be closer than two hundred fifty (250) feet from any property line or public highway or road.

3. Elevation of Plant Site: Wherever practicable, the permanent processing plant shall be located within the excavation area, at a point lower than the general level of the surrounding terrain, in order to reduce the visual impact of the plant structure.
4. Management of Storage Piles and Overburden: Storage piles of processed material and overburden stripped from mining areas shall not be located closer than fifty (50) feet from any property line, or one hundred (100) feet from any public highway or road.
5. Minimum site area for natural resource extraction sites under this Ordinance shall be twenty (20) acres.
6. Access to a mining site shall be only by means of County roads or State highways designed and maintained for year-round truck traffic of the type which will be used in conjunction with the mining operation. Truck routes accessing mining sites through the Township shall be recommended by the Planning Commission and approved by the Township Board.
7. The number of cubic yards of all sand to be mined shall be determined before any digging is done, and an amount at the rate of five (5) cents per cubic yard shall be paid to the Township before a permit to dig will be issued by the Zoning Administrator.

D. General Requirements *(amended 12-11-09)*

Natural resource extraction operations shall be carried out under the conditions of a Special Use Permit, issued and maintained under the following requirements:

1. Before commencement of mining operations, the operating company shall file an operational plan with the Township Planning Commission, which plan and any necessary subsequent revisions shall be approved by the Commission, setting forth the area or areas to be mined, the location of permanent structures, the points of access upon public highways, and the highway routes to be followed in the transportation of finished materials. This plan, and any approved necessary subsequent revisions, shall be filed with the Zoning Administrator by the-Planning commission.
2. The operational plan, which shall be submitted to and approved by the Planning Commission, shall include a determination of the net operational areas, i.e., the area stripped of overburden, the area being mined, the area used for structures and storage piles, and worked out areas which have riot been reclaimed. Financial guarantees hereinafter considered in relation to-the reclamation of the area, shall be calculated on the basis of the net excavation and operational area as measured in acres.
3. Upon commencement of mining operations, perimeter controls shall be established for the mining area:
 - a. The mining area shall be enclosed within a five (5) foot high continuous wall or fence or by a screen planting or hedge fence of similar capability whenever:
 - i. There is a dwelling within 600 feet of the mining area, or
 - ii. There is a slope maintained in the minimum area which is steeper than one (1) foot of rise for each four (4) feet of run and is not actively used and operated for any seven (7) consecutive days.
 - b. The property shall be posted against trespass, with conventional signs placed not more than one hundred (100) feet apart.
4. Sight barriers shall be provided along all boundaries adjacent to roads, which lack natural vegetative or terrain conditions which provide effective screening of mining operations. Sight barriers shall consist of one (1) or more of the following:

- a. Earth berms, which shall be constructed to a height of five (5) feet above the mean elevation of the center line of the public highway adjacent to the mining property, or five (5) feet above the general level of terrain along property lines. These berms shall have slopes not in excess of one (1) foot vertical to four (4) feet horizontal, and shall be planted with grass, trees and shrubs.
 - b. Screen plantings of coniferous or other suitable species at least five (5) feet in height, in rows parallel to the boundary of the property, with the spacing of rows and the spacing of trees within rows which shall be sufficient to provide effective screening.
 - c. Masonry walls or solid fences which shall be constructed to a height of five (5) feet.
5. Noise and vibration shall be minimized in their effect on adjacent properties by the proper use of berms, walls, and screen plantings. In addition, all equipment used for the production of sand and gravel shall be constructed, maintained, and operated in such a manner as to eliminate, as far as is practicable, noises and vibrations which are injurious or substantially annoying to persons living in the vicinity.
 6. Air pollution in the form of dust and dirt shall be kept at a minimum. All equipment used for production of sand and gravel shall be operated in such a manner as to minimize, insofar as is practicable, dust conditions which are injurious or substantially annoying to persons living in the vicinity. Interior roads serving the mining operation shall be paved, treated, or watered, insofar as is practicable, and to minimize dust conditions.
 7. No mining of sand or gravel shall take place within the specified distance from the margin of any stream or waterway as established by the Michigan Water Resources Commission, Department of Natural Resources.
 8. A fee equal to five (5) cents per cubic yard of material mined under these Special Use provisions shall be paid to the Township on a monthly basis as a condition to finance the administration and enforcement of the provisions of this ordinance for mining operations.

E. Reclamation of Mined Areas *(amended 12-11-09)*

1. All natural resource extraction areas shall be reclaimed and rehabilitated as soon as may be practicable after each mining phase has been completed in accordance with the plan approved by the Township Board. Wherever the operational plan shall permit, reclamation shall be accomplished concurrently with phased mining operations, i.e., a mined-out phase section of the area may be undergoing rehabilitation while a second phase may be undergoing active mining, and a third phase area may be being stripped of overburden. Substantial completion of reclamation shall be effected for one phase of the three (3) permitted to be opened at any one time for extraction purposes prior to proceeding with the next approved phase. After all extraction operations are completed, the final phases of extraction shall be reclaimed in accordance with the approved final reclamation plan within one (1) year after all extraction has been completed.
2. Before commencement of mining operations, the operating company shall submit a generalized reclamation plan to the Township Board, setting forth the intended disposition of all land and water areas, the proposed configuration of the terrain as shown on a topographic map, a plat of any proposed streets or other improvements to be made upon the property, and a general statement of the intended final utilization of the mined property. This plan, and any subsequent revisions, shall be approved by the Township Board before any zoning permit is issued by the Zoning Administrator.
3. Rehabilitation and Reclamation of natural resource extraction areas shall be in accordance with the following standards:

- a. All excavation shall have either a water depth of not less than ten (10) feet below the average summer level of water in the excavation, or shall be graded or backfilled with non-toxic, non-inflammable and non-combustible solids in accordance with the approved Reclamation Plan in order to insure:
 - i. that the excavated area shall not collect and retain stagnant water, or
 - ii. that the surface of such area which is not permanently submerged is graded or back-filled as necessary to produce gently rolling surface that will minimize wind and water erosion, and which will be generally compatible with the adjoining land area.
 - b. The finished grade of all slopes resulting from excavations shall not be steeper than one (1) foot vertical to three (3) feet horizontal.
 - c. Topsoil of a quality equal to that occurring naturally in the surrounding area shall be replaced on all excavated areas not covered by water, except those areas where roads, beaches, or other planned improvements are planned. Top soil shall be applied to a depth of at least four (4) inches.
 - d. Vegetation shall be restored by the appropriate planting of grass, trees and shrubs, in order to establish a permanent vegetative cover on the land surface, and to minimize erosion.
 - e. Upon cessation of mining operations by abandonment or otherwise, the operating company, within a reasonable period of time, not to exceed twelve (12) months thereafter, shall remove all plant structures, buildings, stockpiles, and equipment.
4. The operating company shall post a minimum financial guarantee in the amount of \$5,000 for the first five (5) net operational acres. The financial guarantee shall be increased on the yearly anniversary date of the mining permit at the rate of \$1,000 per each additional operational acre which exceeds the first five (5) net operational acres. The guarantee shall be provided in one of the following forms: (1) cash, (2) certified check, or (3) irrevocable bank letter of credit acceptable to the Township Board. Upon rehabilitation of mined acreage, and reduction of net operational area, the security shall be released in accordance with the amount of security required per acre.

F. Administration of Mining Operations

1. The following procedures shall be followed before establishing a mining operation:
 - a. The operating company shall file an operational plan, in accordance with the requirements of Section 18.15.E of this Ordinance. This plan may be in the form of a written statement and maps, and shall carry evidence of review and approval, if required, by any County or State agency of competent jurisdiction, in addition to the required approval of the Township Planning Commission. On the basis of this plan, the operating company shall file a statement of net area to be excavated as measured in acres.
 - b. The operating company shall file a reclamation and rehabilitation plan, subject to the requirements of Section 18.15 F.2 and shall provide a financial guarantee in accordance with the requirements of Section 18.15 E.4 of this Ordinance.
 - c. The Township Planning Commission shall review the Operations and Reclamation plans and make its recommendation to the Township Board.
 - d. The Township Board shall review the recommendation and accept or reject the plan. Upon acceptance of the plan, the Township Board will receive the financial guarantee of reclamation in accordance with Section 18.15E.4 of this Ordinance.
2. Before commencement of mining operations, a Mining Permit shall be issued by the Zoning Administrator upon payment of an annual fee in accordance with the established Township "Fee Schedule." This fee shall defray any administrative expense rising out of the mining operation.

3. Inspections and Conformance

- a. Inspections shall be made of the mining site no less often than twice in each calendar year by the zoning administrator in order to insure conformance with the requirements of the approved special use permits. An aerial photo or a video tape in VCR format showing the entire property and/or operations thereon shall be taken prior to the start of operations and annually thereafter and presented to the zoning administrator for administrative and enforcement purposes.
- b. Any violations shall be reported in writing to the Township Board. The report shall be forwarded with a request for compliance, to the operating company by the Zoning Administrator.
- c. Failure on the part of the operating company to correct a reported violation within thirty (30) days after such request is made by the Zoning Administrator shall be reason for revocation of the permit. Additional time for correction of the cited violation may be allowed upon submission to the Zoning Administrator of proof of good and sufficient cause by the operating company, otherwise the operating company shall be declared to be in violation of this Ordinance and subject to the penalties of both the Ordinance and the Special Use Permit approved for the natural resource extraction operation.

G. Special Requirements

1. Waiver of Excavation Limits

The Township Zoning Board of Appeals may approve a reduction of the setback limits required for excavations in Section 18.16 C.1 under the following conditions:

- a. The operating company shall have provided the Zoning Board of Appeals with acceptable proofs that lateral support shall not be endangered.
- b. Adjacent property owner or owners shall have given written consent to the waiver of limits for excavation.
- c. All other requirements of this Ordinance have been met and maintained at the time of applying for and receiving approval of any waiver.

Section 18.17 - Special Controlled Uses (amended 7-1-11)

- A. In the development and execution of this section it is recognized that there are some uses which, because of their very nature, are recognized as having serious objectionable operational characteristics, particularly when several of them are concentrated or are in near proximity to a residential area, residential use, school, park, playground, library, museum, day care or nursery school or religious site thereby having a deleterious effect upon such areas including, but not limited to causing blight, a chilling effect upon other businesses and occupants and a disruption of neighborhood development. It is also recognized that the controlled uses have legitimate rights under the United States and the State of Michigan Constitutions as well as location needs similar to many other retail establishments. Special regulation of these uses within the Commercial Zoning District is therefore necessary to insure that adverse effects of such uses will not contribute to the blighting or downgrading of residential areas or the quality of the community's existing and future retail areas. At the same time, these controls are intended to provide commercially viable locations within the Township where these uses are considered more compatible and less deleterious. The controls do not legitimize activities that are otherwise illegal under this ordinance or various other local, state and federal statutes.
- B. The following uses shall be subject to and comply with the respective standards and conditions stated in this section, in addition to other applicable Township regulations and other requirements of the

zoning district in which such special land uses are located and in addition to other applicable requirements of this Article.

1. Adult Motion Picture Theaters
2. Adult Book and Video Stores
3. Adult Cabarets
4. Nude Artist and Photography Studios
5. Massage Parlors
6. Host or Hostess Establishments
7. Sauna, Hot Tub, or Other Similar Health or Body Improvement or Enjoyment Enterprise
8. Open Dance Hall
9. Adult Smoking or Sexual Paraphernalia Store
10. Adult Motel
11. Escort Agency
12. Sexual Encounter Center
13. Adult Novelty Store
14. Sexually Oriented Business
15. Adult Film Store
16. Adult Advertising Agency
17. Any Combination of the Above Listed Uses

C. Definitions: As used in this section the following terms shall have the indicated meanings.

1. Adult Bookstore: An establishment having as a substantial or significant portion of its stock in trade books, magazines, or other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" as so defined by this Ordinance.
2. Adult Cabaret: A bar, lounge, club or other establishment which may sell alcoholic or non-alcoholic beverages and/or food and which features as part of the regular entertainment topless or bottomless dancers, strippers or similar entertainers, whether male or female, whose acts are characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" as so defined by this Ordinance. This definition shall include Adult Encounter Parlor, Adult Lounge, Adult Novelties, Adult Entertainment, and Adult Drafting Studio.
3. Adult Drive-Ins: An open-air establishment in which a substantial or significant portion of the material presented is distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" as so defined by this Ordinance, for observation by patrons therein.
4. Adult Film Store. An establishment having as a substantial or significant portion of its services or of its stock in films, video tapes, video disks, or similar items which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas" as so defined by this Ordinance.
5. Adult Motion Picture Theater: An enclosed building in which a substantial or significant portion of the material presented is distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" as so defined by this Ordinance, for observation by patrons therein.
6. Adult Hotel or Motel. A hotel, motel or similar commercial establishment that:
 - a. Offers accommodation to the public for any form of consideration and provides patrons with closed circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions that are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas" and has a sign visible from

the public right of way that advertises the availability of this adult type of photographic reproductions; or

1. Offers a sleeping room for rent for a period of time that is less than 24 hours; or
 2. Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than twenty-four (24) hours.
7. Adult Novelty Store: An establishment that has a substantial or significant portion of its activity in the sale of devices that simulate human genitals or devices designed for sexual stimulation.
 8. Adult Smoking or Sexual Paraphernalia Store. An establishment, having as a substantial or significant portion of its stock in trade, paraphernalia designed or usable for sexual stimulation or arousal or for smoking, ingesting or inhaling marijuana, narcotics or other stimulating or hallucinogenic drug related substances.
 9. Church: A building wherein persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship together with all accessory buildings and uses customarily associated with such primary buildings.
 10. Cabaret: A café, restaurant, club, bar or other similar establishment where patrons are entertained by performers who dance or sing or play musical instruments.
 11. Escort. A person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.
 12. Escort Agency. A person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its business purposes for a fee, tip or other consideration.
 13. Host or Hostess Establishment. Establishments or clubs offering socialization with a host or hostess for a consideration to the host or hostess or for an admission or membership fee.
 14. Emphasis or "emphasis on" means that the type of matter specified is the apparent matter upon which the particular work or exhibition is based or that the matter specified is a substantial or significant portion of such work or exhibition.
 15. Licensed Day Care Facility: A state licensed facility for the care of preschool and/or school-aged children.
 16. Massage Parlor. An establishment where persons conduct or permit to be conducted or engaged in, massages of the human body or parts thereof by means of pressure, imposed friction, stroking, kneading, rubbing, tapping, pounding, vibrating or otherwise stimulating the same with hands, other parts of the human body, mechanical devices, creams, ointments, oils, alcohol or any other means of preparations to provide relaxation or enjoyment to the recipient. (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 or massage therapist duly licensed by the state nor barbershops or beauty salons in which massages are administered only to the scalp, the face, the neck or the shoulders. 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.)
 17. Nude Artist and Photography Studios. Any building, structure, premises, or part thereof which offers as a principal or secondary activity the filming, videoing, photographing, painting, and/or viewing of human models that display "specified anatomical areas" as defined herein for artists, photographers, or other persons for a fee or charge.

18. Nudity or State of Nudity. The appearance of a human bare buttock, anus, male genitals, female genitals, or female breast without a fully opaque complete covering of the breast below a point immediately above the top of the areola, or human male genitals in a discernibly turgid state even if completely and opaquely covered.
19. Open Dance Hall. An establishment where open public dancing by patrons is available with partners furnished by the establishment.
20. Park: Properties and facilities owned and operated by any governmental agency, or owned and operated by any private agency, which are open to the general public for recreation purposes.
21. Playground: Properties and facilities owned and operated by any governmental agency, or owned and operated by any private agency, including day care centers, which are open to the general public for recreation or child care purposes.
22. Sauna, Hot Tub, or Other Similar Health or Body Improvement Enterprises. Establishment where saunas, hot tubs, whirlpools, sun lamps, and similar body relaxing, soothing, or improving facilities are available for male and/or female customers with or without supervision or participation by employees or independent contractors of the business where one or more individuals are in a state of nudity or semi nude.
23. School: A public or private educational Institution offering students a conventional academic curriculum, including kindergartens, elementary schools, middle schools, and high schools. Such term shall also include all adjacent properties owned and used by such schools for education research and recreational purposes.
24. Semi-Nude: A state of dress in which clothing covers not more than the human bare buttock, anus, male genitals, female genitals or female breast without a fully opaque complete covering of the breast below a point immediately above the top of the areola, or human male genitals in a discernibly turgid state.
25. Sexually Oriented Business. Those uses specified and defined as, but not limited to, all adult bookstore, adult cabaret, adult drive-in, adult film store, adult motion picture theater, adult novelty store, or any other use in which there is any activity between a male and female persons and/or persons of the same sex when one or more is in a state of nudity or semi-nude, but shall not include any activity provided by, or involving a, person licensed by the State of Michigan to provide bonafide health services such as a chiropractor, medical doctor, nurse, nurse practitioner, physician assistant who is providing bonafide medical services.
26. Sexual Encounter Center. A business or commercial enterprise that, as one of its principal or secondary business purposes, offers for any form of consideration:
 - a. physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
 - b. activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nude but shall not include any activity provided by, or involving a, person licensed by the State of Michigan to provide bonafide health services such as a chiropractor, medical doctor, nurse, nurse practitioner, physician assistant who is providing bonafide medical services.
27. Specified Anatomical Areas: includes any of the following:
 - a. Less than completely and opaquely covered human genitals, pubic region, buttocks, and female breasts below a point immediately above the top of the areola; and
 - b. Human male genitals in a discernible turgid state, even if completely and opaquely covered.

28. Specified Sexual Activities: Includes any of the following:
 - a. Human genitals in a state of sexual stimulation or arousal;
 - b. Acts of human masturbation, sexual intercourse or sodomy;
 - c. Fondling or other erotic touching of human genitals, pubic region, buttock or female breasts.

29. Substantial or Significant Portion: An establishment will be deemed to have a substantial or significant portion of its stock in trade or services if it meets at least one of the following criteria:
 1. Ten percent (10%) or more of the stock, materials or services provided are distinguished or characterized by their emphasis on matter depicting, describing or related to specified sexual activities, specified anatomical areas, or both.
 2. Ten percent (10%) or more of the usable floor area of the building is used for the sale, display or provision of services distinguished or characterized by their emphasis on matter depicting, describing or related to specified sexual activities, specified anatomical areas, or both.
 3. The advertising (on signs, in publications, on television or radio and/or other media forms) associated with the business describes or relates to specified sexual activities, specified anatomical areas, or both.

30. Adult Advertising Agency. A business or commercial enterprise that provides advertising material through television, radio, newspaper or magazine print, internet website design, social networking sites or any other form of audio, visual or print media and or the designing or setting up of websites for the purpose of promoting Adult Motion Picture Theaters, Adult Book and Video Stores, Adult Cabarets, Nude Artist and Photography Studios, Host or Hostess Establishments, Sauna, Hot Tub, or Other Similar Health or Body Improvement or Employment Enterprise, Open Dance Hall, Adult Smoking or Sexual Paraphernalia Store, Adult Motel, Escort Agency, Sexual Encounter Center, Adult Novelty Store, Sexual Oriented Business, Adult Film Store any other use that displays or promotes specified anatomical areas and/or specified sexual activities or any combination of the foregoing uses or activities.

D. Design Standards for Approval of Adult and Sexually Oriented Businesses

All adult and sexually oriented businesses shall be treated as a special land use and must meet the following specific standards and conditions along with the general standards applicable to all Special Land Uses for approval by the Township Board after a public hearing and recommendation by the Planning Commission.

1. Location
 - a. Adult and sexually oriented businesses must be located in the Commercial Zoning District.
 - b. No person shall cause or permit the operation of any adult or sexually oriented business within five hundred feet (500') of the boundary of all Districts that permit Residential uses
 - c. No person shall cause or permit the operation of any adult or sexually oriented business within five hundred feet (500) feet of any Residential use regardless of the zoning for the residential use.
 - d. No person shall cause or permit the operation of any adult or sexually oriented business within one thousand feet (1000') of another adult or sexually oriented business. This requirement may be waived upon a determination by the Planning and Zoning Commission and Township Board that a second adult use would not contribute to blighting or an excessive concentration of such uses.
 - e. No person shall cause or permit the operation of any adult or sexually oriented business within one thousand feet (1000') of the following uses regardless of the zoning for the uses:
 - 1) Church, synagogue or other places of religious worship
 - 2) Park, playground, school, or licensed day-care facility.

For purposes of the distance limitations, the measurement shall be made by extending a straight line from the property line of adult and sexually-oriented business to the nearest property line occupied by any other use or to the property line of any church, synagogue or other places of religious worship, park, playground, school, licensed day-care facility, or any adjacent residential district or use.

2. Signs Any message, image or picture that depicts or refers to any specified anatomical area or specified sexual activity shall be prohibited. All signs shall comply with the requirements of Article XVI.
3. Building Exterior Upon order of the Zoning Administrator, graffiti appearing on any exterior surface of a building or structure shall be removed and that surface restored within seventy-two (72) hours of notification of the owner or person in charge of the premises. Adult products or services or any picture or other representation shall not be displayed so as to be visible from a point outside the establishment.
4. Lighting All adult and sexually oriented business shall be required to install outdoor low intensity lighting that illuminates the entire parking and vehicular use area. The lighting shall be installed on structures that do not exceed sixteen (16) feet in height from finished grade. The lighting shall also be adjusted and shielded to direct, focus and point all the illumination from the lighting onto the parking and vehicular use area, and to avoid any spillage of illumination onto surrounding properties. Other applicable lighting provisions of this Ordinance shall apply.
5. Parking All adult and sexually oriented businesses must provide 1.33 times the number of paved parking spaces provided on the same parcel than normally required by Article XXIII of the Olive Township Zoning ordinance.
6. Age Restrictions No person operating a sexually oriented business shall permit any person under the age of 18 to be on the premises either as an employee or as a customer.
7. Hours of Operation of a adult and sexually oriented business shall be limited to 10:00 a.m. to 10:00 p.m.
8. Alcohol Prohibited Open alcohol shall not be permitted in any adult and sexually oriented business, as defined by this Ordinance.
9. Other Regulations, Permits or Licenses The provisions of this Section do not waive or modify any other provision. All adult and sexually oriented businesses must obtain a business license and pay fees as set by the township board.
10. Code and Regulation Compliance All adult and sexually oriented businesses must maintain continual compliance with all applicable Building, Electrical, Mechanical, Plumbing or Fire Codes, applicable Zoning Regulations, applicable Public Health Regulations, and all ordinances of the Township or Ottawa County, State or Federal statute(s), rule(s), or regulations of any agency thereof.
 - I. Limit on Reapplication No application for a regulated use which has been denied wholly or in part shall be resubmitted for a period of five (5) years from the date of said order of denial, except on the grounds of new evidence not previously available or proof of changed conditions.
 - J. Penalty Violation of special use authorization for an adult and sexually oriented business is a nuisance per say subject to penalties as noted in Article 26.

Article 19
Planned Unit Development District

Revised effective 8/1/02

Section 19.01- 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.

Section 19.02 – Basic Location Criteria for Establishment of a Residential PUD

All of the following requirements must be met PRIOR to approval of any proposed Residential PUD.

A. Site Condominium Developments and Subdivision Plats

The Township Board shall have the authority to deny any application for approval of a site Condominium development or Subdivision plat if, in the Township Board's opinion and after a report from the Planning Commission, such development 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.

B. District Location

1. All proposed Residential PUD developments proposing more than five (5) dwellings shall be restricted to sites having direct access to a paved public county road that is maintained by the Ottawa County Road Commission.
2. All proposed Residential PUD developments must conform to the Township Master Plan.
3. All proposed Residential PUD developments must be adequately served by public facilities and services such as: highways, streets, sidewalks, street lights, police and fire protection, drainage courses, water and sanitary sewer facilities, refuse disposal.
4. All proposed Residential PUD developments must insure that traffic to, from, and within the site will not be hazardous or inconvenient to the project or to the surrounding area. In applying this standard the Planning Commission shall consider, among other things, convenient routes for pedestrian traffic; relationship of the proposed project to main thoroughfares and street intersections; and the general character and intensity of the existing and potential development of the surrounding area.
5. The mix of housing unit types and densities, and the mix of residential and non-residential uses shall be acceptable in terms of convenience, privacy, compatibility, and similar measures.
6. All proposed Residential PUD developments must insure that noise, odor, light, or other external effects which are connected with the development will not adversely affect adjacent and surrounding area uses.

7. The proposed development shall create a minimum disturbance to natural features and surrounding land use developments.

Section 19.03 - Permitted PUD Development Within Residential Zoning Districts

If in the opinion of the Planning Commission all of the criteria listed in Section 19.02 have been met, the following Residential PUD developments may be permitted subject to the rules and regulations set forth in this chapter.

- A. Permitted Uses in Residential Planned Unit Development Districts *(amended 03-15-06)*
 1. All principal permitted and Special Uses allowed in the RR, LDR, and MDR Residential Districts.
 2. All principal permitted and Special Uses allowed in the MFR Multiple Family Residential Districts.
 3. Cluster residential developments, provided that the overall density is increased only as permitted for open space developments as provide in this Chapter.
 4. Any combination of 1-3 above as part of a Farmland Preservation TDR development as provided in this Chapter.

Section 19.04 – Basic Location Criteria for Establishment of a Commercial or Industrial PUD

All of the following requirements must be met PRIOR to approval of any proposed Commercial or Industrial PUD.

- A. The Township Board shall have the authority to deny any application for approval of a Commercial or Industrial Planned Unit Development if, in the Township Board’s opinion and after a report from the Planning Commission, such development 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 and utilities.
- B. District Location
 1. All proposed Commercial or Industrial PUD developments shall be restricted to sites having direct access to a paved public county road that is maintained by the Ottawa County Road Commission.
 2. All proposed Commercial or Industrial PUD developments must conform to the Township Master Plan.
 3. All proposed Commercial or Industrial PUD developments must be adequately served by public facilities and services such as: highways, streets, sidewalks, street lights, police and fire protection, drainage courses, water and sanitary sewer facilities, refuse disposal.
 4. All proposed Commercial or Industrial PUD developments must insure that traffic to, from, and within the site will not be hazardous or inconvenient to the project or to the surrounding area. In applying this standard the Planning Commission shall consider, among other things, convenient routes for pedestrian traffic; relationship of the proposed project to main thoroughfares and street intersections; and the general character and intensity of the existing and potential development of the surrounding area.

5. All proposed Commercial or Industrial PUD developments must insure that noise, odor, light, or other external effects which are connected with the development will not adversely affect adjacent and surrounding area uses.
6. The proposed development shall create a minimum disturbance to natural features and surrounding land use developments.

Section 19.05 - Permitted PUD Developments within Commercial or Light Industrial Zoning Districts

If in the opinion of the Planning Commission all of the criteria listed in Section 19.04 have been met, the following Commercial or Industrial PUD developments may be permitted subject to the rules and regulations set forth in this chapter.

- A. All Principal Permitted Uses and Special Uses allowed in the Commercial Districts, except Adult Sexually Oriented Businesses shall not be permitted in any Planned Unit Development Districts.
- B. All principal permitted uses and Special Uses allowed in the LI Light Industrial Districts.
- C. Mixed use Residential and Commercial developments.
- D. Any combination of 1-3 above as part of a Farmland Preservation TDR Development as provided in this Chapter.
- E. Planned Unit Developments involving Heavy Industrial and Light Industrial uses shall be permitted on parcels of at least 10 acres in size. Heavy Industrial uses shall not be combined with any other use.

Section 19.06 - General Provisions Applicable to all Proposed PUD Developments

- A. Continuing Applicability of Information on Approved 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 subsequent hereto, shall have the full force and permanence of the Zoning Ordinance as though such information were specifically set forth in the Zoning Ordinance.
- B. 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.
- C. The approved plan(s) and any conditions attached thereto shall control all subsequent planning or development.
- D. 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 subsequent thereto.
- E. Construction - No construction, grading, tree removal, soil stripping, or other site improvements or changes shall commence, and no permit shall be issued therefore, on a lot width, or under petition for, a "PUD" district classification, until the requirements of this Article have been met.
- F. IRREVOCABLE Letter of Credit - will be required for all public and common improvements in developments and of all phased developments on a per phase basis. Cost levels to be used in setting Letter of Credit amounts shall be based upon the findings regarding estimated cost as reported by the Township Engineer, Public Agency or PUD Engineer.

Section 19.07 - Pre-Application Conference

- A. An applicant for a PUD district may request a pre-application conference with Township officials prior to filing an application for developing a PUD District. The request shall be made to the Township Planning and Zoning Administrator who shall set a date for the conference
- B. The purpose of the conference shall be to inform Township and other officials of the 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 made in the conference shall not be legally binding commitments.

Section 19.08 - Site Plan Requirements

A site plan shall be submitted for approval for each phase of development. Preliminary site plans shall be submitted and reviewed in accordance with, and shall meet all provisions of Article 25, "Site Plan Review".

The Planning Commission may require the applicant to provide housing and commercial market analyses, traffic studies, and other information necessary for the Commission to properly and adequately analyze a "PUD" district request for recommendation to the Township Board with respect to this requirement.

To that end, an impact assessment shall be prepared by the applicant and submitted to 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 19.09 - Site Plan: Administrative Review Procedure *(amended 12-11-09)*

- A. An application for a "PUD" district shall be made by 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, prior to receiving a recommendation of approval of the application and site plan by the Township Planning Commission.
- B. The application shall be filed with the Township. The application and the site plan shall be transmitted to the Township Planning Commission. The application shall be filed at least four (4) weeks prior to the Planning Commission meeting at which it is to be first considered.
- C. The Township Planning Commission shall hold a public hearing on the application and site plan.
- 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 sufficient quantity for review by the Planning Commission and other Township officials. Materials submitted shall include the required site plan and any complementary sources of information necessary to satisfy the requirements detailed in Section 19.08.
- E. The Planning Commission shall undertake a study of the application and site plan and shall submit a report thereon to the Township Board. 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.

- F. After making its recommendations to the Township Board, the Planning Commission shall transmit the application to the Ottawa County Planning Commission for review.
- G. The Township Board shall review the application and site plan and ANY reports thereon, and shall approve, approve with conditions, deny, or table for future consideration, the application and site plan. Changes in the application or site plan desired 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.
- H. If the application and site plan are approved by the Township Board, the applicant and all owner(s) of record of all property included within the "PUD" shall sign a statement that the approved application and area plan shall be binding upon the applicant and owner(s) of record or their assigned agent(s) and upon their heirs, successors, and assigns, unless future changes mutually agreed to by any future Township Board and future applicant and owner(s) of record or the assigned agent(s) or their heirs, successors and assigns.
- I. The Township Board may require an irrevocable letter of credit or certified check in an amount equal to the estimated cost of road, lighting, utility, sidewalk, landscaping and drainage improvements associated with the project. Such performance guarantee shall be deposited with the Township at the time of issuance of the permit authorizing the activity or project to insure faithful completion of the improvements indicated on the approved site plan.
 - 1. If conditions set forth in the approved site plan are not faithfully completed, the performance guarantee shall be forfeited.
 - 2. The Township shall rebate a proportional share of cash deposits on when requested by the depositor, based on the percentage of improvements completed as attested by the depositor and verified by the Zoning Administrator.
 - 3. In cases where the provisions of this Article have not been met the amount of the performance guarantee shall be used by the Township to complete the required improvements and to enforce the zoning ordinance and the balance, if any, shall be returned to the depositor.
- J. Reasonable conditions may be required with the approval of a PUD. The conditions may include but are not limited to, conditions necessary to insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to insure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall meet all of the following requirements:
 - 1. Be designed to protect natural resources, the health, safety and welfare and the social and economic well being of those who will use the land or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity and the community as a whole.
 - 2. Be related to the valid exercise of the police power and purpose which are affected by the proposed use or activity.

3. Be necessary to meet the intent and purpose of the zoning ordinance, be related to the standards established in the ordinance for the land use or activity under consideration, and be necessary to insure compliance with those standards.
4. The conditions imposed with respect to the approval of a site development plan shall be recorded in the record of the approval action and shall remain unchanged except upon the mutual consent of the Township Board and the landowner. The Township Board shall maintain a record of the conditions which are changed.

Section 19.10 - Supplementary Development Standards and Regulations for all PUD Developments

A. External and Internal Circulation and Access

1. Access points to a "PUD" development shall be located no less than five-hundred forty (540) feet apart when measured parallel to the adjoining roadway, and in no case shall any such point of ingress or egress be closer than two-hundred seventy (270) feet from either side lot line of the parcel.
2. Each lot or principal building shall have internal vehicular access from a public street or private street approved by the Township Board.
3. Each lot or principal building shall have pedestrian access from a public or private sidewalk, where deemed necessary by the Township Board, upon recommendation of the Township Planning Commission, as part of the site plan.
4. 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 with adjoining parcels may be required, at the discretion of the Planning Commission, if required the pathway must comply with the following:
 - a. The pathway system shall be designed so as to be appropriate to non-motorized transport modes (e.g., bicycling, walking).
 - b. The pathway shall be no less than four (4) feet in width and it shall be constructed of materials suited to walking and to non-motorized vehicular use.
5. Standards of design and construction for public and private streets may be modified to adequately provide the service required.
6. Right-of-way standards may be modified, especially where the site plan provides for separation of pedestrian and vehicular traffic and adequate off-street parking facilities. Modifications of proposed public streets shall first be approved by the County Road Commission Engineer.
7. Public streets shall be designed and constructed according to established standards for public streets as established by the County Road Commission.
8. Private streets shall be designed and constructed according to standards as recommended by the Township Engineer and approved by the Planning Commission and Township Board.
 - a. If private streets are to be dedicated to a public agency in the future, the applicants shall first agree to bear the full expense of making the streets suitable for public acceptance.

B. Landscaping and Parking

1. The parking and loading requirements set forth in Article XXIII, "Off-Street Parking" 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, (pursuant to the requirements detailed in Article XXIII) as part of the site plan. Such reduction shall be based upon specific findings.
2. A landscaped buffer or screen no less than twenty (20) feet in width may be required when a free-standing physical structure containing a multi-family, industrial, commercial and/or office use is located adjacent to a residential use. The provisions for Landscape screening and buffers found in Section 21.28 shall be utilized by the Planning Commission to determine if screening is to be required and the type of screening to be used. If required screening shall be located between the two uses and shall be landscaped with trees, shrubs and ground cover.

C. Utilities

1. If the project is within 1,320 feet of a public or private community sanitary sewer line and public water line each principal building shall be connected to the public water and sanitary sewer system.
2. If the project is more than 1,320 feet from a public or private community sanitary sewer line and public water line each principal building shall be connected to an approved on-site facility approved by the County Health Department.
 - a. On site community or private sanitary waste water treatment systems will only be permitted upon approval of Township franchise agreements.
3. All development will be required to provide adequate fire protection system as determined and approved by the Township Board upon recommendation of the Township Fire Department. 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 must be presented to the Planning Commission before action can or will be taken on any PUD request. Maintenance of any and all approved common on-site systems shall be ensured by use of deed restrictions, which shall provide for participation in maintenance costs by each owner of the planned unit development served by such a system.
4. Each site shall be provided with adequate storm drainage. Open drainage courses and storm water retention ponds may be permitted upon the review of the Township Engineer and review and recommendation of the Planning Commission.
5. Electrical, telephone, and cable television lines shall be placed underground. Surface mounted equipment for underground wires shall be shown on the final site plan and shall be screened from view.
6. Standard sidewalks and/or a system of street lights may be required of developments in the "PUD" district. Maintenance of sidewalks and street lights shall be ensured through implementation of a system of deed restrictions providing for participation in maintenance costs by all owners of the development.

Section 19.11 – Specific Regulations Applicable to Open Space PUD Developments (amended 04-30-05)

A. Description and Purpose

1. The purpose of an Open Space Development (OSD) is to permit flexibility in development. The intent of the regulations are to foster the preservation of significant natural features and open spaces that would otherwise be developed but will be preserved as a result of the OSD.
2. The OSD provisions are not intended as a device for ignoring the requirements of this Ordinance and are not intended simply as a means to increase density. These provisions are intended to result in land development substantially consistent with the underlying zoning, but provide a degree of flexibility in design to allow for customization of design to meet the unique natural conditions of a particular site and innovation in design to create a higher quality development than could otherwise be possible with the underlying zoning.
3. In addition these regulations are intended:
 - a. To provide more desirable living environments by preserving as much of the natural character of the property as possible, including, but not limited to, open space, stands of trees, brooks, ponds, floodplains, hills and similar natural assets;
 - b. To encourage the provision of open space and recreational land, where included in the plan, in a generally central location within reasonable distance of all living units;
 - c. To encourage applicants to use a more creative and imaginative approach in Open Space Development proposals;
 - d. To promote flexibility in design and permit planned diversification in the location of buildings;
 - e. To promote the innovative use of land to facilitate a more creative arrangement of buildings, circulation systems, land use and utilities.
 - f. To combine and coordinate architectural styles, building forms, and building relationships within the PUD; and
 - g. To insure a quality of construction and design.

B. Qualifying Conditions:

The following shall be required of any Open Space Development proposal:

1. To be considered as Open Space an area must consist of at least Twenty-Five percent (25%) of the total land area of the Development.
2. The open area shall not include more than seventy-five percent (75%) of any lakes, streams, storm water retention ponds or other water bodies in the project area.
3. The tract of land for which a OSD application is received must be either in one (1) ownership or the subject of an application filed jointly by the owners of all affected properties.
4. The property which is the subject of a OSD application must be a minimum of twenty (20) contiguous acres in total area. The Planning Commission may consider a lesser development size if the proposed project site exhibits unusually valuable natural features or has other unique conditions which may warrant consideration as an Open Space Development. The Planning Commission shall document these valuable or unique conditions in their minutes in determining that the OSD may be submitted for review.
5. An OSD submitted pursuant to the Public Act 179 of 2001 regarding open space development may only be used for single family residential development and may only be applied for in lands located within the LDR and MDR zoning districts.

6. An OSD must be used for single family residential development only, unless the underlying zoning district permits another use, such as Multiply Family Residential or Commercial.
7. The applicant must demonstrate that the property proposed for the OSD contains unique site conditions, significant natural features, large open spaces, or active agricultural land, which would be otherwise be developed but will be preserved as a result of the OSD.

C. Review Procedures

1. An Open Space Development shall be processed as a Planned Unit Development in accordance with the requirements of this Article 19.
2. The OSD application shall be required to receive approval of a final site plan in accordance with the requirements of Article 25.
3. In addition to the applicable requirements of Article 19 an Open Space Development application shall include all the following information, unless the Zoning Administrator determines that some of the required information is not reasonably necessary:
 - a. Current proof of ownership of the land to be utilized or evidence of a contractual ability to acquire the land, such as an option or purchase agreement, or a signed agreement from the property owner(s) indicating permission to file an application.
 - b. Ten (10) copies of the Density Plan used to determine base density, meeting the requirements of Section (4)(b)(i) below.
 - c. If a phased development is proposed, identification of the areas included in each phase. The density, lot area and setbacks of proposed structures or housing units within each phase and for the total OSD shall also be included.
 - d. Arrangement and area calculations for open space, including upland and wetland open space areas.

D. Site Development Requirements

1. Lot and yard requirements:
 - a. The minimum lot and yard requirements for any lot designated for residential use shall be determined by the following chart. All living area and building height regulations shall conform to the underlying Residential District requirements.

Services Provided	Lot Requirements			Yard Requirements		
	Area	Width	Coverage	Front	Sides	Rear
On Site Septic System	1 acre	165 ft	30%	25 ft	10 ft	25 ft
Public or Community sewer	10,000s f	80 ft				

- b. Land not proposed for development, but used for the calculation of overall density shall be considered open space and subject to the requirements of Section (2).
- c. The above minimum lot and yard requirements may be reduced where it is determined in the zoning procedure that such reduction is reasonable, that the public health, safety, and welfare are being protected, and there is sufficient area

and yards to provide for air, light, ventilation, fire break, access, and sufficient buildable area to accommodate the main proposed building, accessory building, well, septic, and other necessary improvements and if it is in keeping with the intent and purpose of this ordinance.

2. Base Density:

- a. Density Plan: The base density of dwelling units permitted in the OSD shall be determined through the completion and submission of a parallel plan which shall indicate the number of dwelling units that may be developed under the existing zoning classification.
- b. Any bonus density permitted through the procedures in Section (5)(c) shall be calculated from the base density as determined by the Density plan.
- c. The Density plan shall meet the following minimum requirements:
 - i. The plan shall contain enough detail to permit the Township to evaluate the feasibility of development for each indicated lot and/or dwelling unit. The Planning Commission may require additional detail or information as it may determine necessary to evaluate the feasibility of the plan.
 - ii. All lots shown on the plan shall be buildable, which, for the purposes of this Section shall mean lots or building areas that have an area of sufficient size and shape to accommodate the proposed main building, septic and well systems (where no public sanitary sewer or water system is available), and required driveways, streets, or other means of permitted access.
 - iii. Areas of wetlands, water bodies, and other unbuildable areas shall not be included within buildable areas, but may be included in the lot area calculations.
 - iv. In evaluating the feasibility of the plan, the Planning Commission shall consider whether or not the plan would have been approved under the processes normally used to review site plans or subdivision plans, including such factors as access, lot orientation, street layout, and other considerations the Commission deems appropriate.

E. Bonus Density

- 1. In order to preserve open space, the Township Board, upon the recommendation of the Planning Commission, may permit an increase in the number of dwelling units above the base density established in the parallel plan, up to a maximum of forty percent (40%) of the base density.
- 2. The open Space Development may be eligible for consideration of a cumulative density bonus in accordance with the following:

Facility/Open Space Provided		Density Bonus
Open Space Percentage	25% to 40 % Open Space	10% to 20% increase
	More than 40% Open Space	20% to 25% increase
Community or Public Sanitary Sewer Service		15% increase
Community or Public Water Service		10% increase
Both Community or Public Sanitary Sewer and Water Service		25% increase

Regardless of the combination of percentages permitted based on the above listed chart the maximum percentage increase awarded shall not exceed 40%

3. In determining the amount of density bonus to be recommended to the Township Board, the Planning Commission shall find that the design of the Open Space Development substantially meets the Description and Purpose and the Design Principals of this Section. The Commission shall state its reasons for the amount of bonus recommended.
4. For the purposes of the OSD, *community sanitary sewer service* shall be defined as a system that has an approved Township Franchise Agreement and is a system that has all aspects of a complete system required to properly collect, treat, and dispose of wastewater from all of the individual dwelling units or other buildings within the OSD and has planned for expansion to neighboring property, including all pumps, pipes, laterals, controls, valves, treatment units, and other equipment necessary to collect, treat, and dispose of wastewater at a central location.
5. For the purposes of the OSD, *community water service* shall be defined as all aspects of a complete system required to draw water from a groundwater source, including all pumps, pipes, laterals, controls, valves, and other equipment necessary to provide potable domestic water to all of the individual dwelling units or other buildings within the OSD from a central location or water source.

F. Open Space:

Any open space provided in the OSD shall meet the following considerations and requirements:

1. Open space areas shall be large enough and of proper dimensions so as to constitute a useable area, with adequate access, through easements or other similar arrangements, so that all properties within the entire OSD may utilize the available open space. The space must be planned for expansion and inclusion of open space that may be planned on neighboring property.
2. The OSD shall have a minimum of twenty five percent (25%) open space. Open space within an OSD shall have a minimum dimension of at least one hundred and fifty (150) feet in both length and width in order to be considered and counted as open space.
3. Evidence shall be given that satisfactory arrangements will be made for the maintenance of the designated land to relieve the Township of the future maintenance thereof.
4. Open space may be provided where significant natural features may be preserved and/or be used for passive or active recreation. Open space is encouraged to be located between neighborhood clusters of housing units.
5. All land set aside as open space shall be deed restricted, protected by conservation easement, or other similar permanent restriction, to ensure that the open space remains in a natural and undisturbed condition in perpetuity. Land set aside for agriculture may, at the discretion of the property owner(s) be converted to open space, but shall not be used as land for the construction of additional dwellings, nor used for any other development.
6. All open space shall be in the joint ownership of the property owners within the OSD. A property owner's association shall be formed which shall take responsibility for the maintenance of the open space.

G. Development Setback

1. Any building area, which for the purposes of this Section shall mean any lot on which a main use is located, shall be located at least one hundred (100) feet from any public street right-of-way not constructed as part of the OSD.
2. No native or natural vegetation shall be removed from the (100) foot setback, nor any grading or changes in topography occur, except that necessary for entrance roads, required utilities, or drainage improvements.
3. The Planning Commission may modify this requirement provided the applicant demonstrates that the clearing of existing vegetation would contribute significantly to the purpose and objectives of the OSD.
4. The Planning Commission may reduce this setback if existing landscaping or topography provides a natural screen that substantially blocks the view to the proposed development. In this case the Commission may also require additional landscaping if necessary to further screen the development area. This landscaping may consist of either existing vegetation, land forms, or landscaped areas using native or natural materials, or a combination thereof.
5. OSD sites abutting more than one (1) public street may be permitted to reduce the setback along the shortest street without a natural screen. No native or natural vegetation shall be removed from setback area, nor any grading or changes in topography occur, except that as may be necessary for entrance roads or utilities.
6. The Planning Commission shall require a landscape plan for the development setback area showing additional landscaping to enhance the screening of the Open Space Development from the adjacent street. This landscaping may consist of either existing vegetation, land forms, or landscaped areas using native or natural materials, or a combination thereof.

H. Design Principles:

The intent of the Open Space Development regulations is to foster more creative development design using open space to the advantage of the development, maintaining the rural character of the township, ensuring access to open spaces, preserving natural features, and other design objectives intended to foster an improved living environment. To this end the following general guidelines will be considered by the Planning Commission and Township Board in evaluating proposed Open Space Development plans.

1. Open space should be provided where significant natural features may be preserved, active agricultural land maintained, or be used for passive or active recreation.
2. Open space should generally be used to group areas of residential neighborhoods as clusters of housing units. This is intended to avoid the suburban development type normally found in urbanized areas.
3. The Open Space Development should be designed with due regard for views from roadways as well as lots within the OSD.
4. Open space within the development should generally be accessible from as many places within the development as possible, rather than limited to individual easements between development lots.
5. Open space along internal roadways should be large enough to appear as open space, rather than as a vacant lot for future development, and kept in their natural state.
6. Open space areas may, however, incorporate trails or other internal pedestrian circulation paths.

7. The design of the Open Space Development should emphasize the rural character of the Township, provide views to open spaces from as many areas of the development as possible, and avoid long, straight street segments and uniform rows of buildings.

I. Review Standards:

The following review standards will be used by the Planning Commission and Township Board in their consideration of a OSD. Before any OSD is approved the Planning Commission and Township Board shall find:

1. That the OSD meets the Description and Purpose, and Qualifying Conditions of this Section as well as the review standards for a Planned Unit Development under Article XIX, including any attached conditions.
2. That the OSD does not substantially alter the character of the general neighborhood in which the development is proposed.
3. That the location of the buildings of the OSD do not unduly impact other uses in the vicinity of the proposed development.
4. That the OSD preserves, in perpetuity, unique site conditions, such as significant natural features; large, well placed and accessible open space areas; or active agricultural land.
5. That the OSD can accommodate adequate and safe disposal of sewage and can provide an adequate, assured source of water for domestic use.
6. The Planning Commission may require evidence from the applicant that groundwater sources will be protected and other environmental concerns are met. Approval of the Ottawa County Health Department or other agencies may not be the sole determining factor in this regard. The Planning Commission may specify additional evidence it deems necessary to ensure adequate protection of the environment, including additional soil borings, soil reports, hydrological tests, and other evidence which will be submitted by the applicant and reviewed by the Township prior to approval of the OSD.

J. Open Space Development Site Design, Layout and Density Criteria

1. All density requirements shall be completed on a total gross buildable area basis. If water area or wetlands areas are used for lot area calculations the buildable area must be noted on the lot in question.
2. Residential areas may contain only single family dwelling units as approved by the Township Board upon recommendation of the Planning Commission.
3. All principal buildings and all accessory buildings or structures shall be located at least one hundred (100) feet from any exterior roadway right-of-way line.
4. The outdoor storage of goods and materials shall be permitted only upon recommendation of the Planning Commission.

K. Legal Mechanisms to Ensure Facility and Open Space Maintenance

1. Legal instruments setting forth the manner of permanent maintenance of common area and facilities shall be submitted to the Township Attorney for review before the Township Board approves a final site plan or final plat.
2. Where a Home Owners Association (HOA) or an Association of Commercial Establishments (ACE) or Association of Industrial Establishments (AIE) is to be used to maintain common area and facilities, the developer shall file a declaration of covenants and restrictions that will govern the HOA, ACE or AIE with the site plan. The provisions shall include, but shall not be limited to, the following:

- a. The HOA, ACE, or AIE shall be established before any building or structure in the "PUD" are sold or occupied.
- b. Membership in the HOA, ACE, or AIE 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 HOA, ACE, or AIE shall be made responsible for liability.
- e. Building unit owners shall pay their pro rata share of the costs and this requirement shall be specified in the covenants. Assessments levied by the HOA, ACE, or AIE may become a lien on the individual properties.

Section 19.12 – RESERVED FOR Specific Regulations Applicable to Farmland Preservation
TDR Developments

Section 19.13 - Standards For Review of All Proposed PUD Developments

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 or any part thereof, or represents land use policy which, in the Planning Commission's opinion, is a logical and acceptable change in the adopted Township Land Use Plan.
- B. The proposed development shall conform to the intent and all regulations and standards of a "PUD" District.
- C. The proposed development shall be adequately served by public facilities and services such as: highways, streets, sidewalks, street lights, police and fire protection, drainage courses, water and sanitary sewer facilities, refuse disposal; or that the persons or agencies responsible for the proposed development shall be able to properly provide such facilities and services.
- D. Common open space, other common properties and facilities, individual properties, and all other elements of a "PUD" are so planned that they will achieve a unified open space and recreation area system, with open space and all other elements in appropriate locations, suitably related to each other, the site and surrounding lands.
- E. The applicant shall have made provision to ensure that public and common areas will be or have been irrevocably committed for that purpose. Provisions shall have been made to provide for financing of improvements shown on the plan for open space and other common areas and facilities, and that proper maintenance of such improvements is ensured.
- F. Traffic to, from, and within the site will not be hazardous or inconvenient to the project or to the surrounding area. In applying this standard the Planning Commission shall consider, among other things, convenient routes for pedestrian traffic; relationship of the proposed project to main thoroughfares and street intersections; and the general character and intensity of the existing and potential 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 convenience, privacy, compatibility, and similar measures.

- H. The Planning Commission shall determine, where applicable, that noise, odor, light, or other external effects which are connected with the proposed use, will not adversely affect adjacent and surrounding area lands and uses.
- I. The proposed development shall create a minimum disturbance to natural features and surrounding land use developments.
- J. Streets shall follow topography, be properly spaced, and be located and aligned in accordance with the intended function of each street. The property shall have adequate access to public streets. The plans shall provide for logical extensions of public streets and shall provide suitable street connections to adjacent parcels, where applicable.
- K. Pedestrian circulation shall be provided within the site and shall interconnect all use areas where applicable. The pedestrian system shall provide for a logical extension of pedestrian ways outside the site and to the edges of the "PUD" where applicable.

Section 19.14 - Project Phasing

- A. If the proposed development is to be constructed in phases, a narrative description of that 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.
- B. 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.

Section 19.15 - Amendments to Site Plans

Preliminary and final site plan may be amended in accordance with the process detailed in Section 25.11 of Article 25 "Site Plan Review".

Section 19.16 - Extension of Time Limits

Time limits set forth in Article 25 "Site Plan Review" may be extended upon showing a good cause, and by written agreement between the applicant and the Planning Commission.

Section 19.17 - Performance Guarantees

Performance guarantees shall be provided in accordance with Section 25.16 of Article 25 "Site Plan Review".

Section 19.18 - Violations

Violations shall be dealt with in the manner detailed in Section 25.17 of Article 25 "Site Plan Review".

Article 20
Nonconforming Land, Building and Structural Uses

Section 20.01 – Purpose

It is the intent of this ordinance to permit the continuance of a lawful use of any building or land existing at the effective date of this ordinance, although such use of land or structure may not conform with the provisions of this ordinance. Further, it is the intent of this ordinance that non-conformities shall not be enlarged upon, expanded or extended, nor used as grounds for adding other structures or uses prohibited elsewhere in the same districts. The continuance of all nonconforming uses and structures within the Township shall be subject to the conditions and requirements set forth in this section.

Section 20.02 - Continuance of Nonconforming Uses

- A. **Structural Changes:** The building that is nonconforming shall not be structurally changed, or enlarged unless the resultant changed, altered, or enlarged building conforms to the provisions of this ordinance for the district in which it is located except as provided below.
- B. **Repairs:** Any lawful nonconforming building may be repaired, reinforced, or reconstructed during its life to correct deterioration, obsolescence, depreciation, and wear, provided that such repair does not exceed an aggregate cost of 60 percent of the state equalized value of the building unless the subject building is changed by such repair to a conforming building or structure.
- C. **Alterations and Improvements:** Nothing in this ordinance shall prohibit the alteration, improvement, or modernizing of a lawful nonconforming building, provided that such alteration does not increase the height, area, bulk, or use of the building and provided that such improvements do not exceed an aggregate cost of 80 percent of the state equalized value of the building unless the subject building is changed by such improvement to a conforming structure.
- D. **Prior Construction Approval:** Nothing in this ordinance shall prohibit the completion of construction and use of a nonconforming building for which a building permit has been issued prior to the effective date of this Ordinance, provided that construction is commenced within 90 days after the date of issuance of the permit, that construction is carried on diligently and without interruption for a continuous period in excess of 30 days; and that the entire building shall have been completed according to the plans filed with the permit application within two (2) years after the issuance of the building permit.

Section 20.03 - Restoration of Damage: *(amended 2-3-11)*

Any lawful nonconforming use damaged by fire, explosion, or an act of God, or by other causes may be restored, rebuilt, or repaired, provided that the structure housing the nonconforming use has not been more than 50% destroyed as measured by the Gross Floor Area previously existing in said structure.

Section 20.04 - Discontinuance or Abandonment

Whenever a nonconforming use has been discontinued for one (1) year, such discontinuance shall be considered conclusive evidence of an intention to abandon legally the nonconforming use. At the end of this period of abandonment, the nonconforming use shall not be reestablished, and any future use shall be in conformity with the provisions of this ordinance.

Section 20.05 - Reversion to a Nonconforming Use

If a nonconforming use is changed to a use permitted in the district in which it is located, it shall not revert or be changed back to a nonconforming use.

Section 20.06 - Displacement of a Conforming Use

No nonconforming use shall be extended to displace a conforming use.

Section 20.07 - Change to Another Lesser Nonconforming Use

The Township Zoning Board of Appeals may authorize a change from one nonconforming use to another nonconforming use, provided the proposed use would be more suitable to the zoning district in which it is located than the nonconforming use which it is being replacing.

Section 20.08 - Termination of a Nonconforming Use

The nonconforming uses of land, where no building is located, existing at the effective date of this ordinance may be continued, provided that the nonconforming land use shall be terminated and converted to conform with the provision of this Ordinance within one (1) year after the effective date of this Ordinance, and provided further that the nonconforming land use shall not in anyway be expanded or extended during this one (1) year interval, either on the same property or on adjoining property.

Section 20.09 - Illegal Nonconforming Uses

Those nonconforming uses which are created after the effective date of this Ordinance shall be declared illegal nonconforming uses and shall be discontinued following the effective date of this Ordinance. Uses which were illegal under a prior ordinance and which do not conform to this ordinance shall continue to be illegal.

Section 20.10 - Changes in Zoning District

Whenever the boundaries of a district shall be changed so as to transfer an area from one district to another district or another classification, the foregoing provisions shall also apply to any existing uses that become nonconforming as a result of the boundary changes.

Section 20.11 - Elimination of Nonconforming Uses

The Township Board may acquire properties on which nonconforming buildings or uses are located, by condemnation or other means, and may remove such uses or structures. The resultant property may be leased or sold for a conforming use or may be used by the Township for a public purpose. The net cost of such acquisition may be assessed against a benefit district, or may be paid from other sources of revenue.

Section 20.12 - Nonconforming Lots and Parcels

- A. Notwithstanding limitations imposed by other provisions of this ordinance, any permitted use in a district and its customary accessory uses may be erected on any lot of record subsequent to the effective date of adoption or amendment to this ordinance. This provision shall apply even though such lot fails to meet any of the dimensional requirements for the District in which such lot is located. It is the intent to permit only minimum variances which may be granted by the Zoning Board of Appeals upon application by a property owner or a representative of the owner.
- B. If two (2) or more lots, combination of lots, or portions of lots are contiguous and have continuous frontage in single ownership, are of record at the time of passage or amendment of this Ordinance, and if all or part of the lots do not meet the requirements for lot width and area as established by this Ordinance, the lands involved shall be considered to be an undivided parcel for the purposes of this Article, and no portion of said lots or parcels shall be used or occupied which does not meet lot width and area requirements established by this Ordinance, nor shall any division of the parcel be made which leaves remaining any lot with width or area below the requirements stated in this ordinance.

Section 20.13 - Inspection of Nonconforming Uses

The Zoning Administrator shall annually check each Nonconforming Use for compliance to the provisions of this ordinance regulating such uses and shall determine if any violations of them have occurred.

Section 20.14 - Expansion or Enlargement of Nonconforming Uses

The Zoning Board of Appeals shall have the power to approve an appeal, as a use variance, the expansion or enlargement of a Nonconforming Use to a maximum of fifty (50) percent of the floor area of the principal structure on the land area used in conjunction with the principal use, but only if unnecessary hardship or practical difficulties have been proved beyond reasonable doubt.

Article 21
Supplemental Regulations

Section 21.01 – Purpose

The intent of this Article is to recognize that there are certain conditions concerning land uses that warrant specific exceptions, regulations or standards in addition to the requirements of the Zoning District in which they are permitted to be located.

Section 21.02 - Area Limitations

In conforming to land and yard requirements, no area shall be counted as accessory to more than one (1) dwelling or main building.

Section 21.03 - Dwelling Lots or Sites

Every dwelling, cottage, cabin, occupied trailer coach or mobile home, erected outside of a mobile home or trailer coach park shall be located on a lot or site, and no more than one (1) such dwelling shall be erected on such lot or site, except as otherwise provided in this Ordinance.

Section 21.04 - Accessory Building Provisions *(amended 11-03-06, 11-02-07)*

- A. Accessory buildings, except as otherwise permitted in this Ordinance when located upon a lot or parcel of property less than five (5) acres in area, 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. Accessory buildings shall not be erected in any front or side yard, or a required rear yard.
 3. An accessory building shall not exceed more than twenty-five (25%) percent of a required rear yard, or forty (40%) percent of any non-required rear yard.
 4. The total floor area of an accessory building shall not exceed fifty (50%) percent of the living area of the principal dwelling on lots up to one (1) acre. Lots exceeding one (1) acre may have accessory buildings up to a maximum of fifty (50%) percent of the living area of the principal dwelling or three (3%) percent of the lot size, whichever is greater. These requirements are subject to lot coverage restrictions as specified in each Zoning District.
 5. No detached accessory building shall be located closer than twenty five (25) feet to any main or principal building nor shall it be located closer than fifteen (15) feet to any rear lot line. In no instance shall an accessory building be located within an easement or right-of-way.
- B. Accessory buildings, except as otherwise permitted in this Ordinance when located upon a lot or parcel of property five (5) acres or greater in area, 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. Accessory buildings shall not be erected in any required minimum front, side, or rear yard and shall not be located within that portion of a yard that lies between a public or private road right-of-way or easement and a main or principal building.
3. An accessory building shall not exceed more than twenty-five (25%) percent of a required rear yard, or forty (40%) percent of any non-required rear yard.
4. Lots may have accessory buildings up to a maximum of three (3%) percent of the lot size. This requirement is subject to lot coverage restrictions in each Zoning District.
5. No detached accessory building shall be located closer than twenty five (25) feet to any main or principal building. In no instance shall an accessory building be located within an easement or right-of-way.

Section 21.05 - Use of Yard Space *(amended 10-01-05)*

No yard surrounding a dwelling, building or structure utilized for dwelling purposes, except farm dwellings, shall be used, occupied or obstructed by accessory buildings or structures, either permanently or temporarily, except as allowed in Section 21.04. A side or rear yard may be used for the parking of not more than five (5) passenger automobiles in active service. No parcel of property shall be used for the location, parking, disposition, storage, deposit, or dismantling in whole or in part of junked vehicles, machinery, second-hand building materials, or other discarded, unused or rubbish-like materials or structures.

Section 21.06 - Lot-Building Relationship

Every building erected, altered, or moved shall be located on a lot as defined herein, and there shall be no more than one (1) principal building and it's permitted accessory structures located on each lot.

Section 21.07 - Accessory Building as Dwelling

No building or structure on the same lot with a principal building shall be used for dwelling purposes, except as specifically permitted in this ordinance.

Section 21.08 - Basement as Dwelling

No basement structure shall be used for human occupancy unless a completed story is situated immediately above the basement structure and is used as a dwelling, except underground homes designed and built in accordance with the Construction Code in effect in the Township.

Section 21.09 - Damaged Buildings and Structures

Any building that has been partially destroyed by fire or is in such a state of disrepair as to be uninhabitable and a hazard to the public health and safety shall either be entirely removed or repaired within twelve (12) months from the date of the occurrence of the damage.

Section 21.10 - Required Water Supply and Wastewater Disposal Facilities

Shall meet the requirements established by the County Sanitation Code of the Department of Health, except that a lagoon wastewater treatment facility shall only be permitted for single family dwellings on a minimum of a ten (10) acre parcel, and, if permitted on such a residential parcel, shall be enclosed by a four (4) foot high fence and childproof latch gate entranceways. *(Rev. 8/17/89)*

Section 21.11 - Access to a Public Road or Highway

Any lot of record created prior to the effective date of this Ordinance without any frontage on a public road right-of-way shall not be occupied, except where access to a public road right-of-way is provided by a public or private easement or other right-of-way no less than sixty-six (66) feet in width.

Section 21.12 - Frontage on Public or Private Road or Highway

In any zoning district, every use, building or structure established after the effective date of this Ordinance shall be on a lot or parcel that fronts upon a public or private road right-of-way consisting of an easement at least 66 feet in width.

Section 21.13 - Visibility at Intersections

No fence, wall, hedge, screen, sign, structure, vegetation or planting shall be higher than three (3) feet above road grade on any corner lot or parcel in any zoning district requiring front and side yards within the triangular area formed by the intersecting road right-of-way lines and a straight line joining the two road lines at points which are thirty (30) feet distant from the point of intersection, measured along the road right-of-way lines.

Section 21.14 - Road Closures

Whenever any road, alley, or other public way is vacated by official action, the zoning district adjoining each side of such public way shall automatically be extended to the center of such vacation, and all area included therein shall henceforth be subject to all appropriate regulations of that district within which such area is located.

Section 21.15 - Height Regulations *(amended 09-07-10)*

The height requirements established by this Ordinance shall apply uniformly in each zoning district to every building and structure except that the following structures and appurtenances shall be exempt from the height requirements of this Ordinance: spires, belfries, penthouses and domes not used for human occupancy, chimneys, ventilators, skylights, water tanks, bulkheads, utility poles, powerlines, radio, television and other communication broadcasting and receiving antennae not directly linked to residential structures, silos, parapets and other necessary mechanical appurtenances; provided, their location shall conform where applicable to the requirements of the Federal Communications Commission, other public authorities having jurisdiction and any regulations established by authorized state, county and township agencies. Wind energy turbines shall be subject to the height regulation established in Article 16.

Section 21.16 - Fences, Walls and Screens

Within the limits of a side or front yard space of a lot, no fence, wall (other than necessary retaining wall), or other screening structure shall be higher than six (6) feet. No such fence or wall located within a rear yard shall exceed eight (8) feet in height, except as required in Section 21.13.

Section 21.17 - Essential Services

- A. This shall include the construction, alteration or maintenance by public utilities, municipal departments, or other governmental agencies of underground or overhead gas, electrical communication, steam, or water transmission or distribution systems or collection, supply or disposal systems; including electric power stations, relay stations, gas regulator stations, pumping stations, poles, wires, mains, drains, sewers, pipes, conduits, cables, towers, fire alarm boxes, police or other call boxes, traffic signals, hydrants and other similar facilities necessary for furnishing adequate service by such utilities or agencies, or for the public health or safety or general welfare; but not including offices and buildings or yards used for bulk storage, fabrication, or manufacture of materials used by such utilities.

- B. The surface of land used for pipeline right-of-ways shall be restored and maintained as near as possible to its original conditions prior to the construction of the pipeline.
- C. Essential services may be located in all districts and shall meet the requirements of the Districts in which they are located for all buildings, structures and areas used for offices, power generators, power transformers, storage, fabrication or manufacture of materials necessary to the provision of essential services.

Section 21.18A – Reserved for Future Use (Revised 7/3/15)

(Reserved for Future Use)

Section 21.18B - Ponds (Added 8/17/89, 8/17/95 & 1/1/05)

Ponds may be located in Zoning Districts provided they meet the following requirements:

- A. Existing ponds and their use may continue.
- B. Any changes in the configuration or use of existing ponds shall only be made in conformance with the provisions of this Zoning Ordinance.
- C. All ponds, which are:
 - 1. Seasonally temporary or
 - 2. Permanent year round ponds which are less than eighteen inches (18") deep at their deepest point shall be excluded from these regulations.
- D. No pond shall be located within fifteen (15) feet of any property line or road right-of-way line or within spacing requirements between structures when located on a single lot or parcel of land.
- E. A pond may be located so as to be shared by more than a single lot or parcel by extending across common property lines, providing that the perimeter of such a pond meets all required yard or other setback requirements from all other property lines and all spacing requirements between and among structures located on the lots sharing a pond.
- F. State and local agency permits shall be required prior to receiving Township approval and permits issued to proceed with construction.
- G. Before any excavation is started property owner shall secure proper Township permits and pay the required fees.
- H. All excavation and reclamation shall be completed in accordance with an approved site plan and within the period of time specified in this Ordinance or as specified on the permit.
- I. Township permits for ponds shall be issued for a period of ninety (90) days, after which they shall become null and void if construction has not been completed.
- J. Permits may be renewed for thirty (30) days upon the applicant proving just cause for such extension to Zoning Administrator and paying required fees to Township within 10 days of original permit expiration date.
- K. Application shall include proof of ownership of property, plot of survey of the property upon which the pond is to be located and a site plan drawn to scale showing the location of the pond and buildings and structures located on the property.

- L. Ponds shall have a maximum slope of one (1) foot drop to three (3) foot horizontal rim, with a minimum depth of twelve (12) feet, and meet the requirements of the Ottawa County Soil Conservation District.
- M. A pond may be located in a required yard provided it meets the setback requirement of this section.
- N. Required setback for ponds is fifteen (15) feet from any property line, easement, structure, well, septic tank or drain field and fifteen (15) feet from any public highway or road or private road or access easement.
- O. The numbers of cubic yards of all sand to be removed from the Township for excavation of pond shall be determined before any excavation is done and an amount at the rate of five (5) cents per cubic yard shall be paid to the Township before a permit to dig will be issued by the Zoning Administrator.
- P. Ponds in other areas permitted only as part of a Planned District Development subject to conditions and approval of Planning Commission.
- Q. Ponds will require inspection prior to construction and upon completion.

Section 21.19 - Home Occupations *(amended 06-06-08, 01-16-09, 09-07-10, 08-1-14)*

Home occupations shall be permitted in all detached single family residential dwellings or within one completely enclosed accessory building accessory to a single family dwelling and include such customary home occupations as: hairdressing, millinery, dressmaking, bookkeeping and accounting service, real estate and insurance sales; professional office and other similar occupations; and other home occupations including incidental retail sales.

- A. The non-residential home occupation use shall be only incidental to the primary residential use.
- B. The home occupation shall utilize no other floor than the ground floor or basement floor and shall utilize no more than twenty-five (25%) percent of the ground floor or basement floor area of the principal single family dwelling.
- C. Only normal domestic or household equipment and equipment characteristic of small workshops, businesses, and professional offices shall be used to accommodate the home occupation.
- D. The home occupation shall involve no employees other than members of the immediate family and not more than one (1) other person.
- E. All activities shall be carried on indoors. No outdoor activities or storage shall be permitted.
- F. No alterations, additions, or changes to a principal structure which will change the residential character of the dwelling structure shall be permitted in order to accommodate or facilitate a home occupation.
- G. There shall be no external evidence of such occupations, except a small sign attached to the principal building not to exceed two (2) square feet in area in the RR, LDR, MDR, MFR, and MHR Districts, and ten (10) square feet in area shall be permitted in the RD and AG Districts; the sign is not required to be attached to the principal structure.
- H. The permission for home occupations as provided herein is intended to secure flexibility in the application of the requirements of this ordinance; but such permission is not intended to

allow the essential residential character of Residential Districts, in terms of use and appearance, to be changed by the occurrence of home occupations.

- I. Notwithstanding the requirements specified above, electrical, plumbing, heating, landscaping and building contractors, or other similar type contractors, may qualify and be permitted as a home occupation as a special use pursuant to the provisions of Article XVIII "Special Uses," specifically including, but not limited to, Section 18.06 - Required Standards and Findings for Making Determinations, within any zoning district on parcels of one (1) acre or more in size, provided all of the following requirements are met:
1. All supplies, materials, and equipment associated with the contracting business must, at all times, be located within a completely enclosed accessory building, accessory to a single family dwelling or adequately screened, as approved during site plan review.
 2. The home occupation shall be only incidental to the primary residential use.
 3. The home occupation shall involve no employees other than members of the immediate family and not more than one other person working on the parcel on which the home occupation is located.
 4. No alterations, additions, or changes to a principal structure which will change the residential character of the dwelling structure shall be permitted in order to accommodate or facilitate a home occupation.
 5. Any expansion of the proposed use beyond the provisions of this Section shall cause immediate cessation of the use in its entirety. The applicant shall provide an exit plan to illustrate the steps to be executed to cease operation of the use at such time it expands beyond the provisions of this Section.
- J. Uses not specifically listed in this Section and that are deemed uniquely compatible within a residential area or other area that permits residential uses may be permitted as a home occupation provided they meet the requirements of the above Sections A-H and if such use is allowed as a special use pursuant to the provisions of Article XVIII "Special Uses," specifically including, but not limited to, Section 18.06 - Required Standards and Findings for Making Determinations, as well as the standards below.
1. The proposed use shall not change the character of the dwelling or accessory building and may not endanger the health, safety, and welfare of any other persons residing in the vicinity of the proposed use by reasons of noise, noxious odors, unsanitary or unsightly conditions, fire hazards, and the like, involved in, or resulting from, such occupation, profession, or hobby.
 2. The proposed use shall be adequately secluded from existing dwellings and other uses on other parcels of property that could be impacted by the proposed use. In no instance shall the proposed use be setback less than the minimum setback as required by the zoning district in which it is located. In addition, the proposed use shall be adequately screened from neighboring property and uses, as approved during site plan review.
 3. The proposed use is not of a size that would extend beyond the character and intent of a home occupation.
 4. Any expansion of the proposed use beyond the provisions of the above Sections A through H and this Section shall cause immediate cessation of the use in its entirety. The applicant shall provide an exit plan to illustrate the steps to be executed to cease

operation of the use at such time it expands beyond the provisions of Sections A through H and this Section.

K. Home occupations for the medical use of marihuana shall be subject to this Section 21.19.

1. For purposes of this Section, the following words and terms shall have the following definitions.
 - i. General rules: the general rules of the Michigan Department of Community Health, issued in connection with the MMMA.
 - ii. Marihuana: also known as marijuana, also known as cannabis; shall have the meaning given to it in section 7601 of the Michigan Public Health Code, Public Act 368 of 1978, MCL 333.7106, as referred to in section 3(d) of the MMMA, MCL 333.26423(d). Any other term pertaining to marihuana used in this Ordinance and not otherwise defined shall have the meaning given to it in the MMMA or in the general rules.
 - iii. Medical use of marihuana: the acquisition, possession, cultivation, manufacture, use, internal possession, delivery, transfer, or transportation of marihuana or paraphernalia relating to the administration of marihuana to treat or alleviate a registered qualifying patient's debilitating medical condition or symptoms associated with the debilitating medical condition, as defined under the MMMA.
 - iv. MMMA: the Michigan Medical Marihuana Act; Public Act 2008, Initiated Law, as amended.
2. Medical marihuana. A registered primary caregiver, in compliance with the general rules, the MMMA, and the requirements of this section, shall be allowed as a home occupation as a matter of right, without obtaining a special use permit, because of the regulation established by and the confidentiality guaranteed by the MMMA.

Nothing in this section or in this Ordinance is intended to grant, nor shall this Section or this Ordinance be construed as granting, immunity from criminal prosecution for growing, selling, consuming, using, distributing, or possessing marihuana not in strict compliance with the MMMA and the general rules.

Since federal law is not affected by the MMMA or the general rules, nothing in this Section or in this Ordinance is intended to grant, nor shall this Section or this Ordinance be construed as granting, immunity from criminal prosecution under federal law. The MMMA does not protect users, caregivers or the owners of properties on which the medical use of marihuana is occurring from federal prosecution, or from having their property seized by federal authorities under federal law.

The following requirements for a registered primary caregiver shall apply.

- i. The medical use of marihuana shall comply at all times and in all circumstances with the MMMA and the general rules, as they may be amended from time to time.
- ii. A registered primary caregiver must be located outside of a one thousand (1,000) foot radius from any school, including any day care facility, to ensure community compliance with federal "Drug-Free School Zone" requirements.

- iii. Not more than one registered primary caregiver shall be permitted to service qualifying patients from a dwelling unit.
- iv. All necessary building, electrical, plumbing and mechanical permits shall be obtained for any portion of the dwelling unit in which electrical wiring, lighting or watering devices that support the cultivation, growing or harvesting of marihuana are located.
- v. If a room with windows is utilized as a growing location for marihuana, any lighting between the hours of 9:00 PM to 7:00 AM shall employ shielding methods, without alteration to the exterior of the dwelling unit, to prevent ambient light spillage that may create a distraction for adjacent properties.
- vi. That portion of the dwelling unit where energy usage and heat exceeds typical residential use, such as a grow room, and the storage of any chemicals such as herbicides, pesticides, and fertilizers shall be subject to inspection and approval by the fire department to ensure compliance with applicable standards.
- vii. Registered primary caregivers shall deliver the allowed amount of marihuana to their qualifying patients, so that the transfers of marihuana from registered primary caregiver to qualifying patients shall not occur at the dwelling unit where the medical marihuana home occupation is conducted.
- viii. The lot shall be open for inspection upon request by the building inspector, zoning administrator, fire department and law enforcement officials for compliance with all applicable laws and rules during the stated hours of operation/use and at such other times as anyone is present on the lot.
- ix. No sign shall be permitted for the medical use of marihuana.
- x. Registered primary caregivers shall annually provide evidence of an active State of Michigan registry identification card or be subject to revocation of the home occupation.

Section 21.20 - Temporary Buildings and Structures *(amended 12-11-09)*

Temporary buildings and structures, including informational, for sale and similar signs, are permitted during the period of construction, and sales involving change of ownership or rental occupancy. Such buildings, structures and signs shall be removed upon completion or abandonment of construction, sale or rental activities and prior to occupancy and use of the building or structure for permitted uses. Prior to the issuance of a permit for temporary buildings and structures the applicant must deposit to the credit of the Township a cash deposit of \$500 or a letter of credit in the amount of \$500 from an incorporated financial institution. Temporary signs having an area of less than 24 sq.ft. shall be excluded from this provision.

Section 21.21 - Solid Waste Receptacle Areas

Truck-lifted or transported receptacle areas: all such receptacle areas shall be enclosed by a six (6) foot high wooden or masonry wall to prevent the unsightly deposit or collection of solid waste and prevent children and pets from having access to these areas,

Section 21.22 - Exterior Lighting and Noise Regulations *Revised effective 8/1/02*

- A. In the Commercial and Industrial Districts, all sources of lighting for parking areas or for the external illumination of buildings or grounds or for the illumination of signs, shall be directed

away from and shall be shielded from adjacent residential districts, and shall also be so arranged as to not affect driver visibility adversely on adjacent public roads and highways. Lighting of parking areas is required when the number of parking spaces is more than five (5).

1. All outdoor lighting utilized in Commercial and Industrial sites shall be fixtures so designed and arranged so as to reflect downward so that light will not reflect past the property line.
2. Outdoor lighting fixtures shall not exceed a height of twenty-five (25) feet or the height of the principle building on the site, whichever is less.

The Planning Commission may modify the height restrictions in commercial and industrial districts, based on consideration of the following: the position and height of buildings, the character of the proposed use, and the character of surrounding land use. In no case shall the lighting exceed the maximum building height in the district in which it is located.

- B. In Commercial and Industrial Districts noise levels shall not exceed eighty (80) decibels (dbA) measured at the property line at anytime during the day or night.

Section 21.23 - Driveway Entrances and Gates

Revised effective 8/1/02

Driveway entrances or gateway structures; including, but not limited to, walls, columns and gates marking driveway entrances to private or public uses may be permitted; and may be located in a required yard, except as provided in Section 21.13 "Visibility at Intersections", provided that such entranceway structures shall comply with all codes and ordinances of the Township and County and shall be approved by the Zoning Administrator.

Section 21.24 - Frontage Access Roads

Revised effective 8/1/02

Ingress and egress from frontage access or service roads for all uses permitted in the Commercial, Light Industrial and Heavy Industrial districts shall be encouraged to promote efficient use of thorough-fares and to decrease hazardous traffic conditions, the following regulations should be considered on all commercial or industrial property fronting upon major roads.

The Planning Commission may require the posting of an acceptable financial guarantee from an applicant during site plan review to cover a portion of the estimated cost of a frontage access road. If the applicant is developing property adjacent to prior existing commercial or industrial businesses the Planning Commission may require an agreement from all adjacent property owners for construction of the service drive. If the applicant is the first business to be developed in an area that appears in the opinion of the Planning Commission to be suitable for future development, the Planning Commission may require a written agreement from the applicant to assist in the construction of the service drive at such future date that the area is developed. Upon the application for future development and use of an adjacent lot or parcel having the same or connecting frontage, the applicant will be required to assist in the construction of the frontage access road.

- A. Connecting service roads shall be required between parking areas on adjacent land uses.
- B. Owners of all property shall submit to the Township a properly executed and witnessed license agreement which gives the Township Board the authority to open and close service roads and driveways whenever necessary in order to guarantee to the satisfaction of the Township Board a safe and efficient movement to traffic. The said license shall be recorded in the office of the County Register of Deeds. Acceptance of the said license shall, in no way, obligate the Township to build, repair, maintain or clear the said service roads or parking areas and no public funds may be spent by the Township Board to build, repair, maintain, or close the said service roads and/or parking areas. The intent of this subsection is to allow the Township to enforce its traffic ordinance or promote traffic safety on the said service roads and parking areas, and otherwise facilitate the safe and efficient movement of traffic thereon.

- C. No less than two (2) driveways at least 20 feet in width shall be available to such coordinated parking areas and service road systems; provided that said driveways shall be at least 300 feet apart and have appropriate designated acceleration and deceleration lanes; provided further, this requirement may be waived by the Township Planning Commission where the needs of a particular use do not require it and when traffic hazards will not be increased by such a waiver.
- D. All requirements shall apply only to the full width of the developed portion of a lot or parcel or when developed adjacent to an existing use. The purpose of this subsection is to minimize the length of service roads in relation to the actual developed area of a lot or parcel and the number of parking spaces, and to promote their construction, as they are needed.
- E. Parking lots, driveways and service roads shall be surfaced with asphalt or concrete.
- F. Parking area layout shall follow standards prescribed in this ordinance.
- G. Service roads and driveways shall be paved and have a width of twenty (20) feet.
- H. Service roads and driveways shall be constructed and certified by an engineer for weight limits not less than 30,000 pounds including culverts, bridges.
- I. At its discretion, the Planning Commission may recommend to the Township Board that, if a lot or parcel is not in need of a Frontage Access Road because it is the only lot or parcel developed or under development in a Zoning District which requires such access roads or the development of the lot or parcel can function in relation to adjoining lots or parcels until such time as two (2) contiguous lots or parcels need to provide such an access road, the owners/developers of such parcels need not construct such access roads, but will be required to reserve in a sufficient setback from all roads an area capable of constructing such an access road at a later date; providing that the owner/developer provides the Township Board with an adequate financial guarantee to cover the total estimated cost of constructing such an access road at a later date, e.g. when the frontage access road in the judgment of the Planning Commission and Township Board the access road is needed.

Section 21.25 - Parking or Storage of Recreation Vehicles-and Trucks on Residential Lots and Parcels in RR, LDR, MDR, and MFR Zoning Districts

Storage of not more than two (2) non-residential type of vehicles, including no more than one recreation vehicle, shall be permitted, provided that such units shall be completely enclosed within the non-required portions of side and rear yards or completely enclosed within a structure. If the mobile home or recreation vehicles are not stored within a completely enclosed structure, the limit such vehicles can be stored on a lot or parcel in the open in a side or rear yard is ninety (90) days in any one calendar year.

Section 21.26 - Temporary Transient Uses

Temporary transient use of an existing land site, building or structure may be permitted in any district upon approval of a Site Plan Review by the Planning Commission, and upon finding that the location of such an activity will not adversely affect public health, safety, and general welfare in the district in which it is to be temporarily located. All temporary transient uses, if approved by the Planning Commission, shall have a reasonable time limit placed upon their use based upon the normal periods of time such uses need to exist for an expressed number of days authorized by the Planning Commission. Temporary transient uses may be granted a permit on the basis of compliance with the criteria stated in Section XXV, "Site Plan Review". Upon authorization, the Zoning Administrator shall issue a permit, which will cause compliance with this ordinance and any specified conditions required by the Planning Commission.

Section 21.27 – Fences

(amended 03-15-06, 09-07-10, 9-2-11)

- A. The erection, construction, or alteration of any fence or other type of protective barrier shall be approved through permit by the Zoning Administrator as to their conforming to the requirements of the zoning districts wherein they are required because of land use development.
- B. Fences in the AG District are exempt from the provisions of this Ordinance, except when required for specific principal or accessory uses and special uses.

- C. Any existing fence not in conformance with this ordinance shall not be altered or modified, except to make it more conforming.
- D. Fences which are not specifically required otherwise under the regulations for the individual zoning districts, shall conform to the following requirements:
 1. No fence shall hereafter be erected along the line dividing lots or parcels of land or located within any required side or rear yard in excess of six (6) feet in height above the grade of the surrounding land, except as provided in Section 21.16.
 2. In combination or separate, electrical, barbed wire, spikes, nails or any other sharp point or instrument of any kind on top or on the sides of any fence is prohibited unless for the containment of animals permitted by Section 21.35 or Section 21.35B of this Ordinance. Barbed wire cradles may be placed on top of fences enclosing public utility buildings or whenever deemed necessary in the interests of public safety.
 3. In an "I" Industrial District, no fence shall exceed twelve (12) feet in height.
 4. Fences on all lots in RR, LDR, MDR, and MFR Residential Districts which extend toward the front of the lot, past the front line of the main building, shall not exceed four (4) feet in height.
 5. No fence or structure shall be erected, established or maintained on any corner lot except as provided in Section 21.13.

Section 21.28 - Protective Screening and Landscaping *(Revised effective 8/1/02, amended 12-11-09, 3-1-12)*

In order to provide adequate protective screening for residential areas adjacent to Commercial or Industrial areas the Planning Commission, during site plan review, shall require the following requirements.

Where cause can be shown that immediate compliance with the requirements of this section will create a financial burden on the applicant, the Planning Commission may extend the period of time allowed for compliance for up to two (2) planting seasons.

A. Protective Screening

Where a Commercial or Industrial use abuts directly upon any Residential district, a fence as defined below or obscuring landscaping such as berms, trees or both, shall be provided and maintained along the entire length of the Residential boundary by the users of the said commercial, or industrial property.

<u>Use</u>	<u>Fence Height Requirements</u>
Off-street parking lot, loading and unloading areas, and service areas.	6' high fence or wall
Any Commercial District use	6' high fence or wall.
Any Light Industrial or Heavy Industrial Use	6' 0" to 8'0" fence or wall. (Height shall provide the most complete obscuring possible).
External storage areas when permitted.	6' 0" to 8'0" fence or wall. (Height shall provide the most complete obscuring possible.)
Auto wash, hospital ambulance,	6' 0" high fence or wall.

and delivery areas.

Utility buildings, and/or substations.

6' 0" high fence or wall.

1. Fences or walls shall be solid structures that can not be seen through and shall be located on the lot line except where underground utilities interfere with such location, or where this Ordinance requires conformance with front yard setback lines in abutting residential districts. The exterior face of the fence must be the finished side of the fence.
2. Walls shall have no openings for vehicular traffic or other purposes, except as otherwise approved by the Planning Commission.
3. Obscuring Landscaping. Whenever obscuring landscaping such as berms, trees or both is to be utilized instead of any fencing or walls that are required, a detailed landscape plan shall be submitted for review and approval of the Planning Commission during site plan review.
 - a. When considering a landscape plan designed for Obscuring features. The Planning Commission shall require the following criteria:
 - i. The height at time of planting of the plant materials shall equal the height of the fence required. If integrated into the design, a berm may be utilized in meeting the height requirement.
 - ii. The selection, spacing, and size of plant material shall create, within a three (3) year period from the date of planting, a horizontal obscuring effect for the entire length of the required greenbelt area.
 - iii. The mix and spacing of deciduous and evergreen plant materials shall insure that a maximum obscuring effect will be maintained throughout all seasons. Staggering of plant materials is generally necessary to obtain the obscuring effect.
 - b. Berms. When berms are used as part of the required obscuring landscaping, the Planning Commission during its review shall require the following criteria:
 - i. The berm shall be at least three (3) feet in height, and shall be constructed and planted with permanent tree and shrub nursery stock that meets the required fence height. At least 50% of the nursery stock shall be evergreens. The maximum slope of the berm shall not exceed a 4:1 slope (4-foot run to a 1-foot rise). Trees and shrubs shall be planted on a shallower slope of 5:1 to 7:1. The berm shall be in addition to any other landscaping as required.
 - ii. Berms shall provide for nonerosive drainage at the tops and bottoms of slopes. The angle of slopes shall be considered in regard to aesthetic, drainage and maintenance needs. The exterior face of the berm shall be constructed as an earthen slope and the peak of the berm shall be located near one end of the berm to create an asymmetrical shape. The grades of the tops of the banks shall be smoothly convex and the toes smoothly concave. The interior face of the berm may be constructed as an earthen slope, or retained by means of a wall, terrace, or other means acceptable to the Planning Commission.
 - iii. Berms shall present as natural appearance as possible and blend in with the surrounding landscape. Berms shall be constructed of only fill soil and covered with a quality soil in the top twelve (12") to eighteen (18") inches.

- B. General Site Landscaping In addition to any obscuring landscaping that is required for Commercial or Industrial sites that are adjacent to Residential uses, "General Site Landscaping" shall be required as approved by the Planning Commission for all Commercial, Industrial and Multiple Family Residential Sites whether the site is adjacent to Residential Zoning or not.

The Planning Commission shall use the following landscaping provisions when considering approval of a landscaping plan for all Commercial, Industrial and Multiple Family Residential Sites:

1. General Landscaping Requirements. For all developed portions of a site, all unpaved areas shall be planted with grass, ground cover, shrubbery, trees, or other suitable plant material, which should extend to any abutting street. Plastic or otherwise artificial plants shall not be considered acceptable to meet the landscape requirements of this Ordinance. All landscaped areas shall be maintained as a lawn unless a more natural appearance is approved by the Planning Commission.
2. Landscaping Adjacent to Roads. The following plantings shall be required adjacent to Public or Private Roads:
 - a. A minimum of one (1) deciduous or evergreen tree shall be planted for each forty lineal feet or portion thereof of road frontage.
 - b. A minimum of one (1) ornamental tree shall be planted for each one hundred (100) lineal feet or portion thereof of road frontage.
 - c. A minimum of two (2) shrubs shall be planted for each forty (40) lineal feet or portion thereof of road frontage.
 - i. All trees shall be at least six feet (6') or a minimum caliper of one and one half (1½) inches at the time of planting.
 - ii. For the purposes of computing length of road frontage, openings for driveways shall not be counted.
 - iii. Trees and shrubs may be planted at uniform intervals, at random, or in groupings.
 - iv. Such landscaping should be located so as not to obstruct the vision of drivers at street intersections or entering or leaving the site.
3. Green space Landscaping. Green Space Landscaping shall be required to provide various forms of transition which contribute to a more compatible, safe, attractive, and functional community. Green Space Landscaping shall consist of either berms or greenbelts:
 - a. Berms. Berm slopes shall be protected from erosion by sodding or seeding. Seeded slopes shall be protected with a straw mulch held in place by jute netting or other measures until the seed germinates and a permanent lawn is established.
 - i. A planting plan and grading plan shall be prepared for the berm.
 - ii. A berm used for transitional landscaping shall present a natural appearance and shall be of a slope so that mowing and maintenance are easily completed.
 - iii. The berm area shall be kept free from refuse and debris, and shall be planted with living shrubs, trees or lawn, and maintained in a healthy, growing condition.
 - b. Greenbelts. Greenbelts shall comply with the following requirements:
 - i. Any greenbelt shall contain at least one (1) tree for each one hundred feet (100') of lineal greenbelt. All such trees shall be six feet (6') to eight feet (8') in height or a minimum caliper of one and one-half (1-1/2) inches at the time of planting.
 - ii. The remaining ground surface area should be seeded, sodded or planted with ground cover.
- C. Innovation and design of landscaping, berm placement and use of flowering trees should be encouraged. Green spaces should be so designed as to avoid creating obstacles to proper sight distance between vehicles and vehicles and pedestrians.
- D. General Landscaping as required by the Planning Commission during site plan review shall meet the following basic conditions:
 1. All landscaping shall be planted within six (6) months from the date of issuance of a temporary certificate of occupancy. In the instance where the Planning Commission has authorized extended planting times, a letter of credit in an amount equal to the estimated cost of the landscape plan or portion thereof shall be deposited.

2. A plan for the landscaping together with an estimate of the cost shall be provided at time of site plan review by the Planning Commission.
3. All required planting materials shall be maintained in good condition by mowing and watering, by tilling and watering, or by mulching and watering, so as to present a healthy, neat, and orderly appearance free from refuse and debris. All unhealthy and dead materials shall be replaced within one (1) year or the next appropriate planting season. Suitable materials equal in characteristics to the plant materials listed with the spacing as required shall be provided.
4. Plant materials shall be selected so as to insure that the root system will not interfere with public utilities, and that fruit and other debris (other than leaves) will not constitute a nuisance within public right-of-way or to abutting property owners.

Section 21.29 - Use of Recreation Vehicles as Temporary Dwellings by Visitors

Recreation vehicles including travel trailers, motor homes and similar types of recreation vehicles shall be permitted when parked by visitors in a side or rear yard of a permitting dwelling owner or occupant without charge, upon application by the owner or occupant for the issuance of a "Temporary Permit" by the Zoning Administrator. Application shall be made within seven (7) days after the date of arrival. The property owner or occupant shall present a written agreement to furnish the occupants of the travel trailer, motor home or recreation vehicle with sanitary facilities approved by the Township. A "Temporary Permit" may only be issued to one (1) travel trailer, motor home or recreation vehicle at a time in any one location and shall be valid for a maximum period of thirty (30) days. Extensions of time shall not be permitted and the travel trailer, motor home or recreation vehicle shall be removed from the property on or before the 30th day of the permit period.

Section 21.30 - Building Grades

The finished surface of the ground areas outside the walls of any building constructed or altered shall be so designed that surface waters shall flow away from the building walls in such a direction and collection that inconvenience or damage' to adjacent properties shall not occur.

Section 21.31 - Moving Buildings

Buildings may not be relocated within or moved into the Township unless the building design and construction meet the Construction Code requirements and are compatible with the general architectural character of other structures located in the immediate area of the proposed site. Permits shall be required from the Zoning Administrator for such buildings to be moved.

Section 21.32 - Television Satellite Receiving Dishes

All television satellite receiving dishes are designated accessory uses to the principal uses permitted on each lot or parcel in each respective zoning district, and are governed by the same requirements as any other accessory use permitted in each zoning district. Satellite dishes shall not be located in the front yard of the principal structure.

Section 21.33 - Use of Financial Guarantees to Temporarily Delay -Construction Requirements

If in the judgment of the Planning Commission during the course of Site Plan Review procedures, it appears prudent to permit the delay of constructing certain provisions as required in this Zoning Ordinance, the Planning Commission may grant such a delay to a specific future date provided that the applicant/owner submits a satisfactory financial guarantee to the Township Board. The financial guarantee shall remain in effect prior to or coincident with the issuance of the zoning permit and shall remain in effect until the requirements so delayed are fully completed and approved by the Zoning Administrator. The financial guarantee shall be in the form of an Irrevocable Letter of Credit in such an amount and form as determined appropriate by the Township Board upon recommendation of the Planning Commission. Such financial

guarantee shall be deposited with the Township Clerk at the time of the issuance of the permit authorizing the activity or project to ensure faithful compliance with the Zoning Ordinance, and completion of the improvements indicated with the approved site plan and compliance therewith. If there is noncompliance with the Zoning Ordinance or Site Plan, or any incompleteness, the performance guarantee shall be forfeited. The Township shall rebate a proportional share of cash deposits only when requested by the depositor, based on the percent of improvements completed, as attested to by the depositor and verified by the Zoning Administrator. In cases where the provisions of the Zoning Ordinance or Site Plan have not been met or there is any incompleteness, the amount of aforementioned performance guarantee shall be used by the Township to complete the required improvements and costs of enforcement, and the balance, if any shall be returned to the applicant. *(amended 12-11-09)*

Section 21.34 - Small Household Pets

The keeping of small domesticated household pets such as cats, dogs, household fish, household birds, hamsters and other similar small domesticated animals generally regarded as household pets is expressly permitted as an accessory use; to a single family dwelling unit provided however, that no more than two (2) such pets over four (4) months in age shall be kept or housed in or at one (1) Dwelling Unit provided further that the number of such pets may be increased by one (1) additional such pet up to a maximum of four (4) for each additional 1/6 of an acre the parcel on which the animal is kept is over the minimum lot size of the district in which it is located.

Section 21.35 - Large Domesticated Animals

The keeping of large domesticated animals such as horses, cows, cattle, sheep, hogs, llamas, ostrich, chicken, geese, turkeys, ducks or other similar such domesticated animals which are pets or used in contests, riding, educational or for 4-H activities as individual animal specimens are permitted at the rate of one such animal for the first 2½ acres and one (1) additional such animal for each additional one (1) acre up to a maximum of four (4) animals as an accessory use to a single-family non farm dwelling unit.

Section 21.35A - Keeping of Undomesticated Animals

The keeping of undomesticated animals such as a badger, bear, beaver, bobcat, brant, coot, coyote, fox, opossum, raccoon, lion, cougar, tiger, leopard, cheetah, alligator, crocodile, wolf, boa constrictor, anaconda, cobra, rattle snake, copperhead, elephant, zebra, giraffe, or other such similar undomesticated animals are not permitted within any district unless located within a zoo located within the AR Zoning District and then only as a special use.

Section 21.35B – Keeping of Farm Animals in Residential Districts *(amended 08-07-09)*

The keeping of farm animals or animals other than Small Household Pets or Large Domesticated Animals as regulated in Sections 21.34 and 21.25 of this Ordinance, respectively, in the RR, LDR and MDR Zoning Districts shall conform to the following conditions and limitations.

- A. The keeping of farm animals or animals other than Small Household Pets or Large Domesticated Animals is permitted on parcels of ten (10) acres or more and such animals shall be kept as an accessory residential use only for the residents of the premises where they are being kept and shall not be kept, boarded, or bred for other persons.

Section 21.36 - Mobile Home as an Accessory Use for the Sick and the Indigent

Mobile Homes shall be permitted on lots and parcels upon which a single family dwelling is located for the purpose of housing the sick and indigent relatives of the family occupying the principal single family dwelling located on the same lot or parcel, providing the following conditions are met:

- A. The lot has a principal single family dwelling located upon it.

- B. The lot is a legal lot of record.
- C. The occupants have direct family relationship to those persons occupying the principal dwelling.
- D. The occupants have a need as determined by their acquisition of a physician's certification prescribing the need for such housing during the period of illness or infirmity.
- E. Mobile homes used for this purpose shall be limited to only one (1) per single family residential lot.
- F. Mobile homes used for this purpose shall have immediate and unlimited access to all facilities located in the principal dwelling on the farm or single family residential lot for the maintenance of proper health and sanitation, including potable water and sanitary disposal facilities for solid and liquid wastes.
- G. 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 located in a front yard of a principal dwelling.
- H. Zoning Permits shall be approved by the Planning Commission and reviewed annually thereafter for continued need and compliance.
- I. Zoning Permits issued for such use shall terminate at such time that any one or combination of the above conditions cease to be met.

Section 21.37 - Single Family Earth Homes *(amended 09-07-10)*

Single family earth homes are permitted in the AG, RR, LDR and MDR districts, as long as they meet all of the requirements of the district in which they are located and the bottom edge of the earth berms surrounding the building or structure meet the height and yard setback requirements for all yards.

Section 21.38 - Solar Buildings

Solar buildings are permitted in all districts as long as the glare from exterior reflective solar panels is deflected so as not to cause glare to be transmitted to adjacent properties below the maximum height established for each district.

Section 21.39 – Windmills *(amended 09-07-10)*

Windmills are permitted in all districts as long as the height of the windmill does not exceed the setback distance of the point of the base of the windmill from nearest property line. A Windmill is a mill or machine operated by the wind to pump water or grind grain and is not a Wind Energy Turbine as defined by this Ordinance.

Section 21.40 - Housing of the Elderly in Detached Single Family Homes

Housing of the elderly aged 55 or older at two (2) per bedroom, up to a maximum of six (6), per detached single family dwelling is permitted; provided that the bedrooms so used shall be in excess of the bedroom needs of the family occupying the detached single family home. The family needs shall be computed at two (2) family members per bedroom. Further, each two (2) bedrooms designated for the elderly shall be provided with a full bathroom for sanitary and bathing purposes which shall be located within ten (10) feet of the most accessible door of the respective bedroom it is designated to serve.

Section 21.41 - Migrant Labor Housing

Amended 2/21/02

Seasonal dwellings for the housing of migrant farm workers and their families for permitted agricultural farming operations and migrant employees of permitted food processing uses may be permitted by the Township Board in the AG “Agricultural” or RR “Rural Residential” Zoning Districts as a Special Accessory Use. No structure may be used for such purposes in the Township of Olive unless the Township Board finds upon recommendation from the Planning Commission finds that all of the following conditions and requirements are met:

- A. Seasonal dwellings shall be located upon the same parcel of land as the principal structure and/or principal use to which they are accessory, and said parcel shall be at least 40 acres in size or as approved by the Planning Commission during site plan review.
- B. Seasonal dwellings may be occupied between the period of February 1st through November 30, however, an owner of the farm operation or food processing operation may apply for a 30 day extension of the said period. One (1) 30 day extension may be authorized by the Zoning Administrator per year. Additional requests for extensions during a calendar year must be submitted to the Planning Commission as expansions of the approved Special Use and must comply with all requirements as the original application. Upon expiration of the authorized use period the migrant housing shall be locked so as to prevent entry by any person but the owner or his agent during the remaining part of the year.
- C. Seasonal dwellings may only be used for the housing of persons directly employed by the Owner of the seasonal dwelling and the employee's immediate family, which employees are employed to work on the property on which the seasonal dwelling is located or on other farms operated by the property owner.
- D. The rules, regulations and standards of the State of Michigan governing the licensing and operation of migrant housing shall apply where any dwelling is used to house one or more migrant workers. It is the purpose and intent of this provision to incorporate by reference such rules, regulations and standards, and further, to apply the same to the housing of one or more such migrant workers notwithstanding that such act provides that it applies to five or more such workers.
- E. Seasonal dwellings shall be set back at least fifty feet (50') from any road right of way and fifty (50') from all side and rear lot lines. In addition all seasonal dwellings shall be screened from adjacent residential dwellings. Upon review of the site plan the Planning Commission may require greater set back and screening regulations based on the use and compatibility of adjacent property.
- F. No seasonal dwelling shall have more than two stories nor contain more than twelve (12) dwelling units per building. Seasonal dwelling units shall be spaced at least thirty feet (30') apart.
- G. The farm or Ag processing operation owner shall insure that occupants of the seasonal dwelling maintain reasonable quiet hours at night.
- H. The State Department of Agriculture requires licensing of any migrant housing used for five (5) migrant employees or more. As noted in paragraph 4 above, this provision incorporates by reference the State rules, regulations and standards and applies the same to the housing of one or more such migrant workers. If the farm or agricultural processing owner is unable to obtain a State license for migrant housing for use by less than 5 employees within ninety (90) days after initial application to the State for such permit, the Township Board upon recommendation from the Planning Commission may impose Special Conditions including, but not limited to, requiring the migrant housing to comply with all of the regulations and conditions for dwelling structures in the Township as noted in Section 3.09 of this ordinance and to require compliance with the Township building and construction codes.
- I. The applicant shall submit a site plan pursuant to Article XXV and approved by the Planning Commission that shall signify the applicant's agreement to comply with said plans and all the above conditions and requirements at all times and shall further agree to the following:
 - 1. The premises and all seasonal dwellings shall be available for the inspection by the Zoning Administrator.
 - 2. All premises and structures shall be regularly maintained.
 - 3. Any deficiencies arising from time to time shall be corrected by the Owner within 15 days of notification by any Township, County, State or Federal agent or official.

- J. If the Township Board upon recommendation of the Planning Commission approves the application for migrant housing, it shall authorize the Zoning Administrator to issue a Special Use permit. The Special Use permit shall be reviewed annually by the Township Board for compliance and to insure that the farm or Ag processing owner has successfully renewed or obtained a license from the State Department of Agriculture. The Zoning Administrator shall also issue a temporary occupancy permit for the seasonal period described above for migrant housing units that are licensed by the State. The Building Inspector, after successful completion of all inspections shall issue the temporary occupancy permit for the seasonal period described above for migrant housing units that are not licensed by the State. The temporary occupancy permit shall state any special conditions of use imposed by the Township Board.
- K. If a violation of any of the above conditions, regulations or special conditions is found to exist, the Zoning Administrator shall notify the Owner of the migrant housing and the Township Board that such violation exists. The temporary occupancy permit shall then be revoked within 15 days of such notification if the violation is not corrected. All migrant housing shall be vacated within 15 days of the date of revocation.

Section 21.42 - Ratio of Lot Width to Depth

The depth of a lot or parcel shall not exceed four (4) times its width.

Section 21.43 – Knox Boxes *(amended 10-18-12)*

A. New Construction

A Knox Box lock box shall be installed on the outside of all new buildings in the Commercial Zoning District, Light Industrial Zoning District, Heavy Industrial Zoning District and for any new school, publicly owned building or religious or social institution in any zoning district if the aforementioned building contains an alarm system and or fire suppression system. The Knox Box shall be installed on the exterior of the building in accordance with the following guidelines:

1. Unless subsection 2 or subsection 3 apply, a lock box shall be installed adjacent to the main entrance door of the building.
2. At facilities where access to building is obstructed by gates, a lock box shall be installed adjacent to the gate and shall contain keys or other means for opening the gates as well as keys to buildings.
3. At high hazard occupancies, a lock box shall be installed outside of a potential hot zone from a chemical spill or release.
4. A lock box shall be installed not lower than 48 inches or higher than 72 inches above grade height to the keyhole of the lock box.
5. A lock box shall not be obstructed by landscaping, building elements or other items so that it can be easily seen and accessed.
6. The lock box shall contain the following:
 - a. Keys to the building, including keys to exterior and interior doors. If a master key exists, then it shall be provided instead of multiple keys.
 - b. Names, addresses, telephone numbers of the following:
 - i. Owner.
 - ii. Emergency contact person and/or company.
 - iii. The alarm and suppression system contact person and/or company.
 - iv. Location of hazardous materials.

B. Existing Buildings

All other installations of a Knox Box in any zoning district shall be at the discretion of the business or building owner whether or not the building contains an alarm system or fire suppression system. Any Knox Box installed under this subsection shall be installed on the exterior of the building in accordance with the guidelines provided in Section 21.43A.

Section 21.44 - Maximum Size of Attached Garages

In all Residential Zoning Districts and on all other residentially developed lots and parcels upon which dwellings are located in all other Zoning Districts, attached garages shall not exceed eighty-five percent (85%) of the living area of the dwelling. *(Amend 8/92)*

Section 21.45 - Lot Splits

A site plan for all lot splits shall be submitted to the Zoning Administrator for review and approval. A sixty-six (66) foot wide easement shall be provided between the resulting lot splits in order to provide for future road access to adjacent rear parcels not having public or private road frontage. All lot splits shall meet the requirements of the Subdivision Control Act, P.A. 288 of 1967 as amended.

Section 21.46 - Reclamation of Excavated Areas

These areas shall include those resulting from the removal of topsoil by layers as a result of excavation of topsoil, sod or plant materials. When such excavation reaches a depth of four (4) inches below the present natural or existing grade, the owner/occupant of the lot or parcel shall bring in sufficient landfill to bring the area up to the natural or existing grade or terminate any further excavation. If any subsoil, blow sand or other unstable soil becomes exposed as a result of excavation such areas shall be stabilized by covering the areas with at least four (4) inches of topsoil or other approved stabilizer.

(Rev. 8/17/89)

Section 21.47 - Pit Bulls and Other Dangerous Animals

Pit Bull dogs and other dangerous animals shall meet all of the requirements of State of Michigan laws regulating such animals.

Section 21.48 - Manure

Shall be handled and spread upon land in accordance with the rules and regulations of the State of Michigan.

Section 21.49 - Snowmobiles and Off-Road Vehicles

Snowmobiles, trail bikes, four (4) and three (3) wheel vehicles may be operated only on designated trails and areas in the Township.

Section 21.50 - Bed and Breakfast Inns, Criteria and Conditions

- A. Bed and Breakfast Inns establishments shall be located in existing residential structures with access either directly to or immediately to a major arterial or primary road as depicted on the Township Road and Highway Plan.
- B. Residential structures proposed as bed and breakfast inn operations shall require a building inspection by the Zoning Administrator prior to any approval or uses as a bed and breakfast inn operation. Any code violations(s) shall be corrected prior to approval or use as a bed and breakfast operation.
- C. No structure or premise shall be utilized for a bed and breakfast inn unless there are at least two (2) exits to the outdoors from such structure or premise, and rooms utilized for sleeping shall have a minimum size of one hundred (100) square feet for two (2) occupants with an additional thirty (30) square feet for each additional occupant, to a maximum of four (4) occupants per room. Each sleeping room used for the bed and breakfast inn operation shall have a separate smoke detector alarm. Lavatories and bathing facilities shall be available to all persons using any bed and breakfast inn operation. In no case shall there be less than one (1) lavatory and bathing facility for each four (4) sleeping rooms.

- D. One (1) additional space per each room to be rented shall be provided. All parking spaces shall be paved and meet the requirements for landscaping when ten (10) or more spaces are provided.
- E. The dwelling unit in which the bed and breakfast inn takes place shall be the principal residence of the operator/owner and said operator/owner shall be on the premises when the bed and breakfast inn operation is active.
- F. Dining facilities for the purpose of serving meals shall not exceed a seating capacity of two and one-half (2.5) times the number of sleeping rooms in the bed and breakfast establishment.
- G. Each operator shall keep a list of the names of all persons staying at the bed and breakfast inn operation. Such list shall be available for inspection by Township Officials at any time.
- H. The maximum stay for any guests/occupants of bed and breakfast inn establishment shall be thirty (30) days.
- I. Bed and breakfast inn operations shall not have more than twenty-five (25%) percent of their total floor area being used for sleeping rooms unless said bed and breakfast inn operations have direct or immediate access to a major arterial road as depicted on the Township Road and Highway Plan. In no case shall the number of sleeping rooms exceed eight (8) rooms.
- J. Applicants shall submit a site plan, landscape plan and a floor plan of the residential dwelling unit illustrating that the proposed operation will comply with all township ordinances. In addition, site plans shall include all existing man-made and natural features on-site and all man-made and natural features for a distance of one hundred (100) feet adjacent to the site.
- K. Signs for a bed and breakfast establishment located with direct or immediate access to a major arterial road, as designate on the Township Road and Highway Plan, shall be limited to one non-illuminated sign announcing only the name and street number of the establishment, and said sign shall not exceed eight (8) square feet in surface display area per side, such sign being placed no closer than ten (10) feet from the road right-of-way line. Signs for bed and breakfast establishments located with direct or immediate access to other than a major arterial road, as defined by the Township Road and Highway Plan, shall be limited to one non-illuminated sign announcing only the name and address of the establishment, and said sign shall not exceed four (4) square feet in surface display area and be attached flat against a building wall or architectural feature of the premises being used for a bed and breakfast operation.
- L. Special Use Permits for bed and breakfast establishments shall be valid for a period not exceeding twelve (12) calendar months upon which an application for renewal may be made. Prior to an issuance of a bed and breakfast special use permit renewal, the Zoning Administrator shall inspect the premises for compliance. If there are no violations(s) found, a special use permit renewal will be issued for a period not exceeding twelve (12) calendar months. If any violations(s) are found, a special use permit renewal shall not be issued until all violations(s) are corrected.

Section 21.51 – Expiration of Approvals and Permits

All approvals of special land uses, planned unit developments, site plans, zoning variances, special use permits and zoning permits shall expire one (1) year from the date of approval or issuance, unless another expiration date is specified upon giving the approval, issuing of a permit, or as otherwise specified in this ordinance, if subsequent to such granting of an approval or issuing a permit or construction for which the approval was given or permit issued has been completed prior to the expiration date.

(Rev. 8/17/89)

Section 21.52 – Wireless Communication Facilities

EXEMPT USES

The following uses shall be exempt from the provisions and requirements of this section:

- Private mobile radio service facilities with antennas less than 100' in height;
- Citizen band radio facilities; short wave receiving facilities;
- Federally licensed amateur (ham) radio facilities;
- Satellite dishes; and
- Governmental facilities, which are subject to state or federal law or regulations, which preempt municipal regulatory authority.

PERMITTED USES

Subject to the standards and conditions set forth in this section, Wireless Communication Facilities shall be permitted uses in all zoning districts under the following circumstances;

- A. When an existing structure will serve as an Attached Wireless Communication Facility within a non-residential zoning district, and the existing structure is not, as determined by the Zoning Administrator, proposed to be materially altered or materially changed in appearance.
- B. When an existing structure will serve as an Attached Wireless Communication Facility within a residential zoning district and the accessory building associated with the Wireless Communication Facility is either not visible from any residence or can be screened to that extent and where the existing structure is not, as determined by the Zoning Administrator, proposed to be either materially altered or materially changed in appearance.
- C. When the proposed co-location upon an Attached Wireless Communication Facility which had been pre-approved for such co-location as part of an earlier approval by the Township.
- D. When the existing structure which will serve as an Attached Wireless Communication Facility is a utility pole located within a right-of-way, where the existing pole is not proposed to be modified in a manner which, in the discretion of the Administrative Official, would materially alter the structure and/or result in an impairment of sight lines or other safety interests.

SPECIAL LAND USES

A Wireless Communication Facility may be authorized under the procedures provided in Article XVIII as a Special Land Use, if demonstrated by an applicant to the satisfaction of the Planning Commission and as agreed to by the Township Board that a Wireless Communication Facility may not reasonably be established as a permitted use under this Section and is required to operate a wireless communication service.

An application for a Wireless Communication Facility as a Special Land Use must comply with the standards and conditions set forth in Article XVIII (Special Land Uses) and the following specific regulations:

- A. At the time of the submittal, the applicant shall demonstrate to the satisfaction of the Planning Commission and the Township Board that location of a facility under the conditions required for a Permitted Use cannot meet the need required for operation of a system. The following criteria will be used by the Planning Commission and the Township Board to assist in determining the need for the facility to be located as proposed:
 1. Proximity to an interstate or major thoroughfare.
 2. Areas of population concentration.
 3. Concentration of commercial, industrial, and/or other business centers.
 4. Areas where signal interference has occurred due to tall buildings; masses of trees, or other obstructions.
 5. Topography of the proposed facility location in relation to other facilities with which the proposed facility is to operate.
 6. The location of other existing facilities; their area of coverage and the area of coverage of the proposed facility.

7. Other specifically identified reason(s) creating facility need.
- B. Wireless Communication Facilities shall be of a design such as a mono-pole, steeple, bell tower, or other form, which is compatible with the character of the proposed site, neighborhood and general area, as approved by the Township.
 - C. The proposal shall be reviewed in conformity with the co-location requirements of this section. In residential neighborhoods, locations shall be considered first on the following sites, not stated in any order of priority, subject to application of all other standards contained in this section:
 1. Municipally owned site
 2. Other governmentally owned site.
 3. Religious or other institutional site.
 4. Public park or other permanent open space areas when compatible.
 5. Public or private school site.
 6. Recreational areas.
 7. Public Utility sites.
 8. Other locations if none of the above is available.
 - D. The applicant must demonstrate to the satisfaction of the Planning Commission and the Township Board that a practical co-location is not available for the coverage area and capacity needs.
 - E. Any new or modified Wireless Communication Facilities shall be designed and constructed so as to meet the co-location requirements of this section.

STANDARDS AND CONDITIONS APPLICABLE TO ALL FACILITIES

All applications for Wireless Communication Facilities whether Permitted Uses or Special Land Uses shall be reviewed in accordance with the following standards and conditions, and, if approved, shall be constructed and maintained in accordance with such standards and any conditions imposed with a Special Land Use approval:

- A. Facilities shall be located and designed to be harmonious with the surrounding area. Among other things, all reasonable attempts shall be made to utilize existing structures on which to place facilities.
- B. Wireless Communication Facilities shall comply with applicable federal and state standards relative to the environmental effects of radio frequency emissions, as confirmed by submission of a certification of compliance by the applicant's licensed engineer.
- C. Applicants shall demonstrate a justification for the proposed height of the structures and an evaluation of alternative designs which might result in lower heights. Structures which require or are proposed to have high intensity strobe lighting shall not be permitted.
- D. The maximum height of the new or modified support structure and antenna shall be the minimum height demonstrated to be necessary for reasonable communication by the applicant and by other entities to co-locate on the structure. The accessory building contemplated to enclose such things as switching equipment shall be limited to the maximum height for accessory structures within the respective district.
- E. The setback of a new or materially modified support structure from any lot line or existing or proposed right of way or other publicly traveled roads shall be at least the height of the highest point of any structure on the premises. Unless the applicant provides sealed engineered documents that indicate the tower is "self collapsing" or that the tower has a break point; in such cases the set back shall be the area required to safely collapse the tower without crossing the lot line.
- F. Where the proposed new or materially modified support structure abuts a parcel of land zoned for a use other than residential, the minimum setback of the structure, and accessory structures, from that parcel shall be in accordance with the required setbacks for principal buildings as

provided in the schedule of regulations for the zoning district in which the support structure is located.

- G. There shall be unobstructed access to the structure, for operation, maintenance, repair and inspection purposes, which may be provided through or over an easement. This access shall have a width and location determined by such factors as: the location of adjacent thoroughfares and traffic and circulation within the site; utilities needed to service the tower and any attendant facilities; the location of buildings and parking facilities; proximity to residential districts and minimizing disturbance to the natural landscape; and, the type of equipment which will need to access the site.
- H. The division of property for the purpose of locating a Wireless Communication Facility is prohibited unless all zoning requirements and conditions are met. A communications facility, once approved by the Township Board and the Planning Commission shall be allowed upon an existing parcel with another principal permitted use and shall be considered an accessory use.
- I. Where an Attached Wireless Communication Facility is proposed on the roof of a building, if the equipment enclosure is proposed as a roof appliance or penthouse on the building, it shall be designed, constructed and maintained to be architecturally compatible with the principal building. The equipment enclosure may be located within the principal building or may be an accessory building. If proposed as an accessory building, it shall conform with all district requirements for principal buildings, including yard setbacks. For co-location facilities served by an accessory building, there should be a single, architecturally uniform accessory building for all providers.
- J. The design and appearance of the support structure and all accessory buildings shall be reviewed and approved so as to minimize distraction, reduce visibility, maximize aesthetic appearance, and ensure compatibility with surroundings. It shall be the responsibility of the applicant to maintain the Wireless Communication Facility in a neat and orderly condition.
- K. The support system shall be constructed in accordance with all applicable building codes and shall include the submission of a soils report from a geo-technical engineer, licensed in the State of Michigan. This soils report shall include soil borings and statements confirming the suitability of soil conditions for the proposed use.
- L. The requirements of the Federal Aviation Administration, Federal Communication Commission, and Michigan Aeronautics Commission shall be noted.
- M. A maintenance plan, and any applicable maintenance agreement, shall be presented and approved as part of the site plan for the proposed facility. Such plan shall be designed to ensure long term, continuous maintenance to a reasonably prudent standard.
- N. The use of high intensity (strobe) lighting on a Wireless Communication Facility shall be prohibited, and the use of other lighting shall be prohibited absent a demonstrated need.
- O. Applications which do not include the signature of the operator of a wireless communication service may be tentatively approved. Final approval shall not be granted until the application has been signed by the licensed operator. A tentative approval shall be valid for ninety (90) days. If, during a ninety (90) day tentative approval period, final approval is granted to authorize a Wireless Communication Facility within two miles of the property on which a facility has been tentatively approved, such tentative approval shall thereupon expire unless the applicant granted tentative approval demonstrates that it would not be feasible for it to co-locate on the facility that has been newly granted final approval.
- P. The antenna and other attachments on a Wireless Communication Facility shall be designed and constructed to include the minimum attachments required to operate the facility as intended at the site, both in terms of number and size of such attachments, and shall be designed and constructed to maximize aesthetic quality.

APPLICATION REQUIREMENTS

- A. A site plan prepared in accordance with Article XXV (site plan review) of the Zoning Ordinance shall be submitted, showing the location, size, screening and design of all buildings and structures, including fences, and the location and size of outdoor equipment, and the location, number, and species of proposed landscaping.

- B. The site plan shall also include a detailed landscaping plan where the support structure is being placed at a location which is not otherwise developed, or where a developed area will be disturbed. The purpose of landscaping is to provide screening and aesthetic enhancement for the structure base, accessory buildings and enclosure.
- C. The application shall include a signed certification by a State of Michigan licensed professional engineer with regard to the manner in which the proposed structure will fall, which certification will be utilized, along with other criteria such as applicable regulations for the district in question, in determining the appropriate setback to be required for the structure and other facilities.
- D. The application shall include a description of the monetary security to be posted with the Township to ensure removal of the facility when it has been abandoned or is no longer needed, as noted in the Section of this ordinance pertaining to Removal that is provided below. In this regard, the security shall, at the election of the applicant, be in the form of:

- 1. Cash
- 2. Irrevocable Letter of Credit.

Such security shall be deposited with the Township Clerk at the time of the issuance of the permit to ensure faithful compliance with the Zoning Ordinance and with the approved site plan, and to insure removal. If there is noncompliance with the Zoning Ordinance or Site Plan, and any failure to remove, the security shall be forfeited. The Township shall rebate a proportional share of cash deposits only when requested by the depositor, based on the percent of removal completed, as attested to by the depositor and verified by the Zoning Administrator. In cases where the provisions of this Zoning Ordinance have not been met, the amount of the aforementioned financial security shall be used by the Township to complete the removal and to pay costs of enforcement, and the balance, if any, shall be returned to the applicant.

0/101/2005

- E. The application shall include a map showing existing and known proposed Wireless Communication Facilities within the Township, and within areas surrounding the borders of the Township, which are relevant in terms of potential co-location or in demonstrating the need for the proposed facility.
- F. The name, address and phone number of the person to contact for engineering, maintenance and other notice purposes. This information shall be continuously updated during all times the facility is on the premises.
- G. The application fee, in the amount specified by the Township Board.
- H. The owner or duly authorized representative of all ownership interest in the land on which the Wireless Communication Facility is proposed to be located shall sign the application. In addition, if a licensed entity intended to be the operator on the facility does not sign the application, approval shall be restricted as provided in this Section.

Any information provided with the application that is trade secret and/or other confidential commercial information which, if released would result in commercial disadvantage to the applicant, may be submitted with a request for confidentiality in connection with the development of governmental policy. This ordinance shall serve as the promise to maintain confidentiality to the extent permitted by law. The request for confidentiality must be prominently stated in order to bring it to the attention of the Township.

CO-LOCATION

The following criteria will be used by the Planning Commission and the Township Board to assist in determining whether Co-location shall be deemed to be practical for purposes of this section:

- A. The owner of the existing wireless communication facility will accept market rent or other market compensation and the applicant will undertake to pay market rent or other market compensation for co-location.
- B. The site on which co-location is being considered, taking into consideration reasonable modification or replacement of a facility, is able to provide structural support.
- C. The co-location being considered is technologically reasonable, e.g., the co-location will not result in unreasonable interference, given appropriate physical and other adjustment in relation to the structure, antennas, and the like.
- D. The height of the structure necessary for co-location will not be increased beyond a point deemed to be permissible by the Township, taking into consideration the intent and purpose of this section and the several standards contained herein.

PENALTY FOR FAILURE TO CO-LOCATE OR ALLOW CO-LOCATION

- A. The policy of the Township is to require co-location when ever possible. Therefore, if a party who owns or otherwise controls a Wireless Communication Facility shall fail or refuse to alter a structure so as to accommodate a proposed and otherwise feasible co-location, such facility shall thereafter be deemed to be a nonconforming structure and a nonconforming use, and shall not be altered, expanded or extended in any respect.
- B. If a party who owns or otherwise controls a Wireless Communication Facility shall fail or refuse to permit a feasible co-location, and this requires the construction and/or use of a new wireless communication support structure, the party failing or refusing to permit a feasible co-location shall be deemed to be in direct violation and contradiction of the policy, intent and purpose of the Township, and, consequently such party shall take responsibility for the violation, and shall be prohibited from receiving approval for a new Wireless Communication Support Structure within the Township for a period of five years from the date of the failure or refusal to permit the co-location. Such a party may seek and obtain a variance from the Zoning Board of Appeals if the applicant demonstrates entitlement to variance relief which, in this context, shall mean a demonstration that enforcement of the five year prohibition would unreasonably discriminate among providers of functionally equivalent wireless communication services, or that such enforcement would have the effect of prohibiting the provision of personal wireless, communication services.
- C. Incentive Review of an application for co-location, and review of an application for a permit for use of a facility permitted under this Section, shall be expedited by the Township.

REMOVAL

- A. A condition of every approval of a Wireless Communication Facility shall be adequate provision for removal of all or part of the facility by users and owners upon the occurrence of one or more of the following events:
 - 1. When the facility has not been used for 180 days or more. For purposes of this section, the removal of antennas or other equipment from the facility, or the cessation of operations (transmission and/or reception of radio signals) shall be considered as the beginning of a period of nonuse.
 - 2. Six months after new technology is available at reasonable cost as determined by the municipal legislative body, which permits the operation of the communication system without the requirement of the support structure, or with a support structure which is lower and/or more compatible with the area.
- B. The situations in which removal of a facility is required may be applied and limited to portions of a facility.

- C. Upon the occurrence of one or more of the events requiring removal, the property owner or persons who had used the facility shall immediately apply or secure the application for any required demolition or removal permits, and immediately proceed with and complete the demolition/removal, restoring the premises to an acceptable condition as reasonably determined by the Township Board.
- D. If the required removal of a facility or a portion thereof has not been lawfully completed within sixty (60) days of the applicable deadline, and after at least thirty (30) days written notice, the Township may remove or secure the removal of the facility or required portions thereof, with its actual cost and reasonable administrative charge to be drawn, collected and/or enforced from or under the security posted at the time application was made for establishing the facility.
- E. The person who had used the facility shall immediately notify the Township Clerk in writing if and as soon as use of a facility ceases.

EFFECT AND APPROVAL

- A. Subject to the provisions of Article XVIII for approval of Special Land Uses, final approval under this section shall be effective for a period of six (6) months.
- B. If construction of a Wireless Communication Facility is commenced within two miles of the land on which a facility has been approved, but on which construction has not been commenced during the 6 month period of effectiveness, the approval for the facility that has not been commenced shall be void thirty (30) days following notice from the Township of the commencement of the other facility unless the applicant granted approval of the facility which has not been commenced demonstrates that it would not be feasible for it to co-locate on the facility that has been newly commenced.

Amendment 11/23/00

Article 22
Environmental Conservation Provisions

Section 22.01 – Purpose

The purpose of this Article in all Zoning Districts is to promote the conservation or wise use of important nonrenewable natural resources and to protect the desirable qualities of the natural environment which may involve the saving of important vegetation, wildlife cover, watersheds, areas which periodically flood, features controlling wind or water erosion, wetlands, and areas of topographical, archeological, geological, historical or agricultural significance for present and future generations as determined by Master Plans adopted by the Planning Commission for the purpose of preserving or conserving specific features and areas of these natural resources and environments.

Section 22.02 - Natural Environment

It is the general requirement of this Article to conserve and wisely use in the most careful and well-planned manner possible in accordance with the provisions of Public Act 127 of 1970, "The Michigan Environmental Protection Act" as amended and "State Guidelines: Preparation and Review of Environmental Impact Statements", Michigan Environmental Review Board, Office of Management and Budget. Under this Article where it is the judgment of the Planning Commission and their written reasons, the Planning Commission may require the submittal of an Environmental Impact Statement in accordance with "State Guidelines: Preparation and Review of Environmental Impact Statement", Michigan Environmental Review Board, Office of Management and Budget.

Section 22.03 - Natural Resources

In order to properly conserve and provide future access to such natural resources as sand, gravel, oil, gas, coal, minerals and other economically important nonrenewable resources, the Planning Commission may require the applicant desiring to develop such property to prepare a survey or map indicating the type, character, and location of agricultural soil types and elevation and use areas, and the method proposed to preserve future development and use of such soil types and use area. In the making of such plans and surveys an applicant desiring to develop agricultural soil types and use areas shall be encouraged to develop only those portions of a property which are the least adaptable for present and future agricultural purposes.

Section 22.04 - Lakes, Ponds, Rivers, Streams, Water Courses and Drainageways

In order to conserve or wisely use the lakes, ponds, rivers, streams, water Courses and drainageways in the Township, no such feature shall be altered, changed, transformed or otherwise be varied from its present existing condition except as follows:

- A. In all Zoning Districts no river, stream, water course or drainageway, whether partly filled with water or dry in certain seasons, shall be obstructed or altered in any way at any time by any person, except when done in conformance with State and Federal laws, regulations and standards.
- B. In all Zoning Districts the edge, bank, or shore of any lake, pond, river or stream shall not be altered, changed, transformed or otherwise be varied from its present condition except in conformance with the provisions of (1) Public Act 291 of 1965, "The Inland Lakes and Stream Act", as amended, (2) Public Act 245 of 1970, "The Shorelands Protection and Management Act", as amended (3) Public Act 347 of 1976, "Soil Erosion and Sedimentation Control Act".

Section 22.05 - Flood Plains

- A. Notwithstanding any other provisions of this Ordinance, land subject to periodic flooding shall be used only for agriculture and recreation uses, provided no structures, except as otherwise provided in this Ordinance, are located within the area subject to flooding.

- B. The location and boundaries of land subject to periodic flooding shall be determined by reference to the Federal Housing Administration, U.S. Army Corps of Engineers, the U.S. Soil Conservation Service or other official U.S. or Michigan public agency responsible for defining and determining flood plain areas.
- C. No building shall be located within a designated floodway, except as approved by the Michigan Department of Natural Resources. The Township Planning Commission may, upon approval by the Michigan Department of Natural Resources, permit bridges, dams, other public facilities, piers, wharves, or boat houses. Before any such structure is built within the floodway, it shall be shown that such structure will not form a significant obstruction or retard the movement of floodwaters, except as part of a plan for flood control.

Section 22.06 - Wetlands

All areas designated as wetlands by the Michigan Department of Natural Resources are hereby declared to be "Wetlands" in the Township and are subject to the provisions of this ordinance as follows:

All wetlands in the Township are hereby subject to the provisions of Public Act 203 of 1979, "The Wetlands Act" in order to encourage the proper use and development of the wetlands.

Section 22.07 - Environmentally Sensitive Areas

- A. Areas may be designated by the Township Board upon favorable recommendation of the Planning Commission, as Areas of Environmental Sensitivity including, 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 roads/areas, including burial grounds.
 - 5. Such additional areas as may be determined by the Federal Government, the State of Michigan or Ottawa County.

B. General Requirements for Environmentally Sensitive Areas

All zoning permit applications in Environmentally Sensitive Areas, regardless of size, and in addition to (or as part of) any other applicable portions of this section shall demonstrate that the proposed development will not adversely affect the environment quality of the property and the surrounding area by means of the following:

- 1. 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 ordinance as may be in effect in the County.
- 2. The applicant shall provide written evidence that a sewage treatment or disposal system has been approved by the Ottawa County Health Officer or Wastewater Division of the Michigan Department of Natural Resources and is in conformance with any additional provisions set forth in this Ordinance pertaining to setbacks from water bodies, height above water level, etc.
- 3. The applicant shall provide evidence that the cutting and removing of trees and other native vegetation will be performed according to the following standards:

- a. Clear cutting of woodlands and the removal of shrubbery and undergrowth shall be restricted to removal of dead, diseased or dying trees.
 - b. Selective cutting which removes not more than forty (40) percent of the trees and which leaves a well-distributed stand of tree foliage shall be permitted.
 - c. More than forty (40) percent of the tree coverage may be removed only as such action is recommended by a state forester, or a private forester registered by the state and approved by the Planning Commission.
 - d. Cutting shall be done in such a manner as to avoid erosion, to preserve rare species of trees or greenery, to preserve scenic qualities, and to preserve desirable screening.
- C. Have as a portion of the application a site plan for review by the Planning Commission, that provides such data concerning the physical development and extent of disruption to the site as may be required by the Planning Commission. The Planning Commission or Zoning Administrator may require any of the following as part of the information of the site plan: maps, description of earth changes, soil borings, soil surveys, well logs, description of vegetation changes, percolation test, description of development, topographic surveys, and other environmental impact information. The review of the site plan will be made in such a manner as to:
1. Determine whether the regulations of this Ordinance shall have been observed regarding cutting of trees and other vegetation, sewage disposal, erosion and sedimentation control, etc.
 2. Determine whether the true intent of State and Township regulations, including this Ordinance, shall be served by this development in safeguarding against adverse effects on air and water quality, the natural resources of the area, and the natural vegetation of the area. The Planning Commission shall recommend alterations as are required by existing Ordinance or Statute, or such reasonable requirements as it deems necessary to minimize such adverse effects.
- D. In special cases where in the judgment of the Township Planning Commission a development proposal, because of its extensiveness, complexity, exceptional cost of development or significant impact on both the existing development pattern and the natural environment, cannot be properly processed under the limited provisions of this Article, may be required to conform to the provisions of both this Article and those of Article 25 "Site Plan Review".

Article 23
Off-Street Parking, Loading and Unloading Requirements

Revised effective 8/1/02

Section 23.01 - Purpose

It is the purpose of this Article to improve and maintain the safety of the roads and highways in the Township by requiring off-street parking, loading and unloading spaces for all uses permitted by this Ordinance in order to provide for the proper function and safety in the use of roads and highways as traffic ways which are intended to be limited to moving automotive vehicles.

Section 23.02 Off-Street Parking Requirements *(amended 2-3-11)*

In all Districts, there shall be provided at the time any building or structure is erected, or uses established, enlarged or increased in capacity, off-street parking spaces for automotive and motorized vehicles with the requirements specified as follows:

- A. For single family or two-family residential dwellings, plans and specifications showing required off-street parking spaces shall be submitted to the Zoning Administrator for review at the time of application for a Zoning Permit.
- B. For Multiple Residential Dwelling units or Commercial or Industrial uses, plans and specifications showing required off-street parking spaces shall be incorporated into the site plans submitted to the Planning Commission for site plan review and approval.
- C. Required off-street parking facilities shall be located on the same lot as the principal building or on a lot within 300 feet thereof, except that this distance shall not exceed 150 feet for single family and two-family dwellings.
- D. Outdoor parking of motor vehicles, in all Residential Districts, except in the AG District, shall be limited to passenger vehicles, one (1) nonresidential type recreational vehicle per dwelling unit, and not more than one (1) commercial vehicle of the light delivery type, not to exceed one (1) ton single front and single rear axle, shall be permitted per dwelling unit. The outdoor parking of any other type of commercial vehicle, or bus, except for those parked on school or church property, is prohibited in all Residential Districts, except in the AG District and existing farms. In all other Districts parking space requirements for all types of vehicles may be provided either in garages, covered or outdoor parking areas conforming with the provisions of this Ordinance. *(amended 09-07-10)*
- E. Each off-street parking space for automobiles shall not be less than 200 square feet in area, exclusive of access drives or parking space access aisle, and shall be of usable shape and condition.
- F. Parking space access aisles for automobiles shall be of sufficient width to allow a minimum turning movement in and out of a parking space. The minimum width of such aisles shall be:
 1. For 90 degree or perpendicular parking the aisle shall not be less than twenty-two (22) feet in width.
 2. For 60 degree parking the aisle shall not be less than eighteen (18) feet in width.
 3. For 45 degree parking the aisle shall not be less than thirteen (13) feet in width.
- G. Required off-street parking facilities for churches located in nonresidential districts may be reduced by an equivalent number of off-street parking spaces located within 300 feet, if they are directly accessible and usable, as off-street parking spaces.

- H. Off-street parking facilities for trucks at restaurants, service stations and other similar and related uses shall be of sufficient size to adequately serve trucks and not interfere with other vehicles that use the same facilities. Such truck spaces shall not be less than ten (10) feet in width and eighty (80) feet in length.
- I. Every parcel of land hereafter used as a public or private off-street parking area, for a Commercial, Light Industrial, Heavy Industrial or Multiple Family Residential use shall be developed and maintained in accordance with the following requirements:
1. All off-street parking spaces shall not be closer than ten (10) feet to any property line.
 2. The designation of all individual parking spaces, including those for the handicapped, shall be shown on the site plan.
 3. All off-street parking areas and drives shall be drained so as to prevent any increase in drainage to abutting properties.
 - a. All off-street parking areas and drives shall be paved with asphalt or concrete.
 - i. Section 23.02.I.3.a shall not apply to properties with existing buildings when the following additions or changes are proposed:
 1. A footprint increase to any building or structure or combination of buildings or structures, excluding parking areas and drives, when the maximum footprint or footprints of the buildings and/or structures result in a square footage not exceeding the total between the footprint area of the buildings and/or structures found upon the records of the Township Assessor on January 1, 2011 and 2,000 square feet.
 - ii. Section 23.02.I.3.a shall not apply to that portion of a property related to one or more of the following uses:
 1. A new outdoor processing area or an increase in the size of an existing outdoor processing area related to the raw processing of materials by excavators, composting operations or agricultural uses, as defined by this Ordinance.
 2. Gravel, crushed concrete or another alternative and equally supportive surface, as determined by the Planning Commission, shall be provided in lieu of asphalt or concrete.
 - iii. Where a new building is proposed, the property shall be subject to Section 23.02.I.3.a for the entirety of the property, except for those uses listed in Section 23.02.I.3.a.ii above.
 4. Surface water on all paved areas shall be collected at locations so that it will not obstruct the flow of vehicular or pedestrian traffic or create standing water that may interfere with this traffic.
 5. Catch basins or other protective measures may be required to contain oil filters or traps to prevent contaminants from being discharged to the natural drainage system. Other provisions may be required to contain runoff or spillage from hazardous materials.
 6. Any lighting fixtures used to illuminate any off-street parking area shall be fixtures that are designed and installed as to divert the light away from any adjoining premises and public roads, and no source of light shall be observable beyond the lot lines of the property upon which it is located.
 7. Any off-street parking area providing space for five (5) or more vehicles shall be located at least twenty (20) feet from and be effectively screened on any side which adjoins or faces property adjoining a residential lot or institution by a wall, fence, or compact

evergreen planting not less than four (4) feet in height. Plantings shall be maintained in good condition and not encroach on adjoining property.

8. All off-street parking areas that make it necessary for vehicles to back out directly onto a public road are prohibited, except for single family and duplex residential driveways.
9. Combined parking facilities are allowed when two (2) or more uses occur on one property or when a building on one property contains two (2) or more uses, provided that the permanent allocation of the required number of parking spaces shall be the sum of the requirements for all the uses computed in accordance with this Ordinance.
10. Parking facilities for one use shall not be considered as providing the required parking facilities for any other use, except churches.
11. For the purpose of determining off-street parking requirements, the following units of measurement shall apply:
 - a. Floor Area: In the case of uses where floor area is the unit for determining the required number of off-street parking spaces, said unit shall mean the total floor area, except that such floor area need not include any area used for incidental service, storage installations of mechanical equipment, penthouses, housing ventilators and heating systems, and similar uses.
 - b. Places of Assembly: In stadiums, sport arenas, churches and other places of assembly in which those in attendance occupy benches, pews, or other similar seating facilities; each eighteen (18) inches of such seating facilities shall be counted as one (1) seat. In cases where a place of assembly has open assembly area, requirements shall be on the basis of one (1) seat being equal to three (3) square feet.

Section 23.03 - Use of Parking Areas

No commercial repair work, servicing or selling of any kind shall be conducted on any required parking area except that which is specifically permitted by this Ordinance. No items such as plastic animals, steamers, cloth signs, children's play areas, mechanical entertainment devices, or any other similar device shall be permitted in the parking area or outside a building. This section shall in no way limit the use of any parking area for Farmers Markets that have been reviewed and approved by the Planning Commission.

Section 23.04 - Off-Street Parking Space Requirements

A. Minimum Parking Requirement

The Schedule of Off-Street Parking Requirements provided in section (c) below is the suggested minimum off street parking for various uses or similar uses as determined by the Planning Commission if not specifically listed. The Planning Commission may reduce the minimum parking spaces required if the applicant has shown to the satisfaction of the Planning Commission that the minimum required spaces provide in the Schedule of Off-Street Parking is not needed.

B. Maximum Parking Requirement

1. To minimize excessive areas of pavement which detract from the aesthetics of an area and contribute to high rates of storm water runoff, no parking lot shall have parking spaces totaling more than an amount equal to ten percent (10%) greater than the minimum parking space requirements, as determined by the Schedule of Off-Street Parking Requirements, except as may be approved by the Planning Commission.

2. The Planning Commission, upon application may grant additional spaces beyond those permitted in 1, above. In granting such additional spaces the Planning Commission shall determine that the parking area otherwise permitted will be inadequate to accommodate the minimum parking needs of the particular use and that the additional parking will be required to avoid overcrowding of the parking area. The actual number of permitted spaces shall be based on documented evidence of use and demand provided by the applicant.

C. Schedule of Off-Street Parking Requirements

<u>Use</u>	<u>Parking Space Requirements</u>
1. Automobile, Equipment or Machinery Sales and Service Garages	One (1) space for each 200 square feet of showroom floor area, plus two (2) spaces for each service bay, plus one (1) space for each employee working during maximum employment hours.
2. Banks, Business and Professional Offices	Two (2) parking spaces for each 200 square feet of floor area, plus one (1) parking space for each employee during maximum employment hours.
3. Barber Shops and Beauty Parlors	Two (2) spaces for each chair, plus one (1) space for each employee working during maximum employment hours.
4. Boarding and Lodging Houses	One (1) parking space for each bed.
5. Bowling Alleys	Five (5) parking spaces for each alley, plus one (1) space for each employee working during maximum employment hours.
6. Churches, Auditoriums, Stadiums, Sports Arenas, Theaters, Dance Halls, Assembly Hall other than schools	One (1) space for each three (3) seats, or for each three (3) permitted in such buildings as determined by the State Fire Marshall
7. Clinics	Four (4) spaces for each doctor, plus one (1) space for each employee working during maximum employment hours.
8. Convalescent or Nursing Home, Orphanage or State Licensed Foster Care Home	One (1) parking space for each two (2) beds, plus one (1) space for each employee, including nurses, working during maximum employment hours.

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| 9. | Drive-in Banks, Cleaners and Similar Businesses | Five (5) parking spaces, plus one (1) parking space for each employee working during maximum employment hours. |
| 10. | Drive-in Eating Establishments without Inside seating | Ten (10) parking spaces, plus one (1) parking space for each 20 square feet of floor area and one (1) parking space for each employee working during maximum employment hours. |
| 11. | Dwellings (Single and Two-Family) | Two (2) parking spaces for each family dwelling unit. |
| 12. | Dwelling (Multiple Family) and Mobile Home Parks | Two (2) parking spaces per dwelling unit, plus one (1) additional space for each four (4) dwelling units and one (1) space for each employee working during maximum employment hours. |
| 13. | Funeral Homes and Mortuaries | Four (4) spaces for each slumber room or one (1) space for each 50 square feet of gross floor area, whichever is greater, plus one (1) space for each fleet vehicle and one (1) space for each employee working during maximum employment hours. |
| 14. | Furniture, Appliance Stores, Household Equipment and Furniture Repair Shops | One (1) space for each 400 square feet of floor area, plus one (1) parking space for each employee working during maximum employment hours. |
| 15. | Gasoline Filling and Service Stations | One (1) parking space for each repair and service stall, plus one (1) space for each employee working during maximum employment hours. |
| 16. | General Office Building | One (1) parking space for each 400 square feet of gross floor area, plus one (1) parking space for each employee working during maximum employment hours. |
| 17. | Hospitals | One (1) space for each bed, plus one space for each employee working during maximum employment hours. |
| 18. | Hotels, Motels, Lodging | One (1) space for each living |

	Houses, Tourist and Boarding Homes	unit, plus one (1) space for each employee working during maximum employment hours.
19.	Libraries, Museums, Post Offices	One (1) parking space for each 800 square feet of floor area, plus one (1) parking space for each employee working during maximum employment hours.
20.	Auction Facilities	One (1) parking space for each 100 square feet of building, pens, and all enclosed areas on the premises of the auction facility.
21.	Manufacturing, Assembling, Fabricating, Processing and Bottling Plants,	One (1) space for each employee working during maximum employment hours.
22.	Restaurants, Beer Parlors, Taverns, Cocktail Lounges, Night Clubs and Private Clubs	One (1) parking space for each four (4) customer seats, plus one (1) parking space for each employee working during maximum employment hours.
23.	Retail Stores	One (1) parking space for each 150 square feet of floor area, plus one (1) space for each employee working during maximum employment hours.
24.	Roadside Stands	Five (5) parking spaces, plus one (1) parking space for each 25 square feet of floor area.
25.	Schools; Private or Public Elementary and Junior High Schools	One (1) space for each employee working during the maximum employment hours in the building and on the grounds, plus one (1) space for each thirty (30) students of maximum enrollment capacity.
26.	Senior High School and Institutions of Higher Learning, Private or Public	One (1) parking space for each employee plus one (1) for each 5 students, plus the parking requirements for an auditorium, a gymnasium and an athletic field if they are included.
27.	Self-Service Laundry or Dry Cleaning Stores	One (1) space for each two (2) washing and dry-cleaning machines plus one (1) space for each employee working during maximum employment hours.
28.	Supermarket, Self-Service Food and Discount Stores	Two (2) spaces for each 200 square feet of floor area, plus one

- (1) space for each employee working during maximum employment hours.
29. Wholesale Establishments and Warehouses One (1) space for each 400 square feet of floor area, plus one (1) space for each employee working during maximum hours.
30. If a use is not specifically listed, the parking requirements of a similar or related use shall apply as determined by the Planning Commission during site plan review.

Section 23.05 - Off-Street Loading and Unloading Requirements

In connection with every use, except single family, two family and multiple family dwelling unit structures, there shall be provided on the same lot with such buildings, off-street loading and unloading spaces for permitted or special uses which customarily receive or distribute material or merchandise or provide services by vehicle as follows:

- A. Plans and specifications showing required loading and unloading spaces, including the means of ingress and egress and interior circulation, shall be submitted to the Planning Commission with the site plan for review and approval for the establishment or enlargement of a use of land, building or structure.
- B. Each off-street loading-unloading space shall not be less than ten (10) feet in width, 80 feet in length, and, if a roofed space, be not less than fifteen (15) feet in height.
- C. A loading-unloading space may occupy all or any part of any required side or rear yard; except the side yard adjacent to a public road in the case of a corner lot. No part of a required front yard may be occupied by a loading space.
- D. A loading-unloading space shall not be located closer than 50 feet to any residential lot or parcel unless wholly within a completely enclosed building, or unless enclosed on all sides by a wall, fence, or compact planting not less than six (6) feet in height.
- E. When two (2) or more uses are located on a lot or parcel, the total requirements for off-street loading-unloading facilities shall be the sum of all the uses computed separately.
- F. All off-street loading-unloading facilities that make it necessary to back out directly into a public road shall be prohibited.
- G. Off-street loading space and access drives shall be paved, drained, lighted and shall have appropriate bumper or wheel guards where needed.
- H. All lights used for illumination shall be shoe box type fixtures and shall be so arranged as to reflect the light away from the adjoining premises and roads, and no light source shall be visible beyond the property lines of a lot or parcel upon which they are located.
- I. Off-street loading-unloading requirements for motels, hospitals, mortuaries, public assembly, offices, retail, wholesale, industrial or other uses similarly involving the receipt or distribution by trucks, having over 5,000 square feet of gross floor area, shall be provided with at least one (1) off-street loading-unloading space, and for every additional 20,000 square feet of gross floor space or fraction thereof shall provide one (1) additional loading-unloading space.
- J. If a use is not specifically listed, the requirements of a similar or related use shall apply, as determined by the Planning Commission during site plan review.

Article 24
Sign Regulations

Revised effective 8/1/02, 8/19/04, 10/30/15

Section 24.01 – Purpose

The purpose of this Article is to regulate on-site signs and outdoor advertising signs (Billboards) so as to protect the health, safety and general welfare, to protect property values, and to protect the character of the various neighborhoods in the Township.

The principal features are the restriction of advertising to the use of the premises on which the sign is located and the restrictions of the total sign area permissible per site. Any sign placed on land or on a building for the purpose of identification or for advertising a use conducted on the premises shall be deemed an accessory use. It is intended that the display of signs will be appropriate to the land, building, or use to which they are appurtenant and be adequate, but not excessive, for the intended purpose of identification or advertisement. With respect to signs advertising business uses, it is specifically intended, among other things, to avoid excessive competition and clutter among sign displays. Outdoor advertising signs (billboards), which advertise products or businesses not connected with the site or building on which they are located, are deemed to constitute a principal use of a lot.

Section 24.02 - Definitions

- A. Abandoned Sign: A sign, which no longer advertises or identifies a business, leasee, owner, or activity conducted upon or product available on the premises where such sign is displayed.
- B. Billboard: See "Outdoor Advertising Sign."
- C. Business District or Shopping Center: A group of two (2) or more stores, offices, research or manufacturing facilities which collectively have a name different from the name of any of the individual establishments and which have common off-street parking and entrance facilities.
- D. Canopy or Marquee Sign: Any sign attached to or constructed within or on a canopy or marquee.
- E. Digital Sign – A sign that uses display technology such as liquid crystal displays (“LCDs”), plasma or light emitting diodes (“LEDs”) to communicate a message with a target audience.
- F. Directional Sign: A sign which provides reference to the location of a building, parking lot, use and/or other structure within the parcel on which the sign is positioned. Directional signs shall also include entry and exit signs.
- G. Free Standing Sign: A sign supported by a structure independent of any other structure.
- H. Height of Sign: The vertical distance to the top edge of the copy area or structure, whichever is higher, as measured from the adjacent street grade.
- I. Identification Sign: A sign which carries only the name of the firm, the major enterprise, or the principal product or service offered for sale on the premises, or a combination of these things, only to identify location of the premises and not to advertise. Such signs shall be located only on the premises on which the firm or major enterprise is situated, or on which the principal product is offered for sale or use.
- J. Message Board, Manual – A portion of a sign on which copy is changed manually.
- K. Message Board, Electronic – A portion of a sign that displays copy using LCDs, fiber optics, light bulbs or other illumination devices within the display area.

- L. Off-Site Sign: (off-Premises Sign) – A billboard or a sign other than an on site sign.
- M. On-Site Sign: (On-Premises Sign) - A sign which advertises or identifies only goods, services, facilities, events, or attractions on the premises where located.
- N. Outdoor Advertising Sign: A sign, including billboards, on which the written or pictorial information is intended to one or more uses, products, services, goods, events or facilities located on other premises, and which is intended primarily for advertising purposes.
- O. Outdoor Advertising Sign, Digital: A billboard that is capable of displaying multiple static images controlled by electronic communications.
- P. Sign: Any structure or part thereof, or device attached thereto or painted or represented thereon, or any material or thing, illuminated or otherwise, which displays or includes any numeral, letter, word, model, banner, emblem, insignia, device, code mark or other representation used as, or in the nature of, an announcement, advertisement, direction or designation, of any person, firm, organization, place, commodity, service, business, profession, or industry, which is located upon any land or in any building, in such manner as to attract attention from outside the premises. Signs not exceeding one (1) square foot in area bearing only property numbers, post box numbers or names of occupants of premises are excluded from this definition.
- Q. Temporary Sign (also known as Portable Sign): Any sign not permanently attached to the ground or a building that is intended to be displayed for a limited period of time, as specified in this Ordinance.
- R. Wall Sign: A sign attached to or erected against the wall of a building with the face in a plane parallel to the plane of the building wall.
- S. Window Sign: A sign installed on or in a window for purposes of viewing from outside the premises. This term does not include merchandise located in a window.

Section 24.03 - General Sign Regulations

The following regulations shall apply to all signs in the Township:

A. Illuminated Signs:

1. Only indirectly or internally illuminated signs shall be allowed, provided such sign is so shielded as to prevent direct light rays from being visible from the public right-of-way or any adjacent residential property.

B. Measurement of Sign Area:

The area of a sign shall be computed as including the entire area within a regular geometric form or combination of such forms comprising all the display area of the sign and including all of the elements of the matter displayed. Frames and structural members not bearing copy or display materials shall not be included in computation of sign area. Where a sign has two (2) or more faces, the area of all faces shall be included in determining the area of the sign, except that where two (2) such faces are placed back-to-back, parallel to one another, and less than twenty-four (24) inches apart, the area of the sign shall be the area of one face.

- C. Height of Signs: No free standing sign shall exceed a height of thirty-five (35) feet. The maximum height of free standing signs shall be further limited in accordance with the following unit of speed table for vehicular traffic. The unit of speed by which the free standing sign height is determined is

based on the miles per hour maximum established by the appropriate authority for the street which the parcel abuts and the proposed sign is positioned adjacent.

Miles Per Hour (MPH)*	Maximum Height of Sign*
55 or more	35
50	30
45	25
40	20
35 or less	15

*The maximum height of signage on public non-posted secondary roadways or public non-posted residential roadways shall be limited to the miles per hour maximum provided in the State of Michigan Motor Vehicle Code of appropriate authority, unless otherwise approved by the Planning Commission through site plan review. Any private road shall be limited to a maximum sign height of 15 feet based on the category of 35 miles per hour or less, unless otherwise approved by the Planning Commission through site plan review.

D. Setback Requirements for Signs: Except where specified otherwise in this ordinance, all signs shall be set back a minimum of one-half (1/2) the yard requirements as measured from the road right-of-way line.

E. Manual Message Boards and Electronic Message Board Signs:

1. Only one (1) manual or electronic message board shall be permitted on a lot or parcel; provided that a corner lot or parcel may have one (1) manual or electronic message board facing each street.
2. Messages displayed on electronic message boards located within the Agricultural or any residential zoning district shall have a minimum duration of ten (10) seconds.
3. All electronic messages shall be static and the transition between messages shall be instantaneous with not more than three-tenths (0.3) of a second between messages. The use of special effects such as, but not limited to, scrolling, fading, wiping, flashing, changing colors or exploding is prohibited.
4. No electronic message board shall create glare or have characteristics that impair the vision of motorists or create a nuisance for surrounding properties.
5. The electronic message board shall not be illuminated beyond the default settings of the manufacturer's brightness or dimming controls.
6. The electronic message board shall have automatic dimming capabilities that adjust the brightness of the sign to changes in the ambient light levels at all times of the day and night.
7. The owner of the sign shall allow the Township to use the electronic message board to communicate emergency public service information relating to disasters or emergencies.
8. Audio speakers or any form of pyrotechnics are prohibited in conjunction with a manual or electronic message board.
9. Any property on which is located a manual or electronic message board shall not be permitted to have a temporary sign.

Section 24.04 - Signs Permitted in All Districts

Subject to the other conditions of this ordinance, the following signs shall be permitted anywhere within the Township:

- A. Off-premise signs which bear names, information and emblems of service clubs, places of worship, civic organizations, quasi-public uses, shall be permitted on private property with permission of the Planning Commission. Each sign shall be no more than nine square feet (9sf) in area, shall not exceed a height of eight feet (8'), and shall be set back a minimum of ten feet (10') from the road right of way line.
 1. Off-premise signs which advertise local farm markets selling locally grown produce shall be permitted on private property with permission of the Planning Commission. In determining whether a farm market sign shall be permitted the Planning Commission must consider the following criteria:
 - a. No sign shall exceed more than nine (9) square feet in area
 - b. No sign shall exceed more than six (6) feet in height
 - c. All signs must be placed on private property outside of the road right of way.
 - d. All signs should be placed at least seventy five feet (75') from all intersection right of ways, however, may be closer at the discretion of the Planning Commission upon review of the application.
 - e. All applicants must provide documentation showing authorization from the property owner for location of the sign
 - f. The Planning Commission must approve the number of signs to be posted and the location of the signs within the Township.
 - g. All off premises signs should be spaced at least 100' apart on the same side of the road, however, may be closer at the discretion of the Planning Commission upon review of the application.
 - h. The Planning Commission must approve the time limit for display of the signs. Signs shall provide only seasonal advertising and shall not be displayed for a period longer than seven (7) months within any calendar year unless, to the satisfaction of the Planning Commission, the farm market provides sufficient evidence that their growing season for produce is longer than seven (7) months, in which case the Planning Commission may allow a longer display period. In the event a display period longer than seven (7) months is permitted by the Planning Commission, the applicant shall annually, on or within seven (7) days of their approval date, submit to the Zoning Administrator a statement identifying the produce items available in each month of the display period. Should the Zoning Administrator determine that the approved display period is no longer supported by the available produce, the statement shall be immediately forwarded to the Planning Commission for review and the display period may be reduced. Once a permit for such a sign is granted the same sign may be re-established each year thereafter in the same location under the same condition as originally required. An application for authorization to post farm market signs must include:
 - i. An application fee of one hundred dollars (\$100) must be paid at the time of review and approval of the permit by the Planning Commission. If all conditions of the approval are complied with the application fee will be refunded.
 - ii. A site plan or map showing the proposed locations of all signs. The map or site plan must indicate all existing signs and must show the location of the sign from the road right of way.
 - iii. A diagram or model of the proposed sign that will be posted.
- B. Signs which direct traffic movement onto or within a property may include the business name and/or its logos. The logos on directional signs shall not exceed one half (1/2) of the size of the

business name on the directional sign. The maximum size of a directional sign shall not exceed sixteen (16) square feet in area for each sign. One (1) directional sign is permitted for each driveway entrance, as approved by the site plan. A directional sign shall be located on the lot or parcel behind the road right-of-way line.

- C. One church announcement bulletin shall be permitted on any site which contains a church regardless of the district in which located, provided said bulletin does not exceed twenty-five (25) square feet in area and a height of six (6) feet, and is set back a minimum of ten (10) feet from the road right-of-way line.

Section 24.05 - Prohibited Signs

- A. Miscellaneous Signs and Posters: Tacking, pasting, or otherwise affixing of signs or posters visible from a public way except "no trespassing", "no hunting", "beware of animal" warning or danger signs, and other legal postings as required by law, located on the walls of buildings, barns, sheds, on trees, poles, posts, or fences is removed.
- B. Banners: Pennants, banners, searchlights, twirling signs, sandwich board signs, sidewalk or curb signs, balloons, or other gas-filled figures are prohibited except as provided in Section 24.10G. - "Temporary Signs".
- C. Swinging Signs: Signs which swing or otherwise noticeably move as a result of wind pressure because of the manner of suspension or attachment are prohibited.
- D. Moving Signs: Except as otherwise provided in this Article, no sign or any portion thereof which moves or assumes any motion constituting a non-stationary or fixed condition shall be permitted.
- E. Abandoned Signs: Signs that advertise an activity, business, product or service no longer conducted or available on the premises on which the sign is located shall be prohibited.
- F. Imitation Traffic: Signs which imitate an official traffic sign or signal which contains the words "stop", "go slow", "caution", "danger", warning, or similar words, except as otherwise provided in this Article.
 - 1. Signs which are of a size, location, content, coloring, or manner of illumination which may be confused with or construed as a traffic control device or which hide from view any traffic or road sign or signal or which obstructs the view in a direction at a road intersection.
- G. Obscene Signs: Signs which contain statements, words or pictures of an obscene, pornographic or immoral character.

Section 24.06 - Permitted Signs in the AG District

- A. Each sign advertising the type of farm products grown on the farm premises shall not exceed nine (9) square feet in area.
- B. One identification sign, either as a free standing sign or a wall sign, shall be permitted for each public road frontage for a vehicle entrance, for a school, church building or other authorized use or lawful nonconforming use, except home occupations. Each sign shall not exceed twenty-five (25) square feet in area and eight (8) feet in height. Identification signs may include an electronic message board as a part of the sign area not exceeding one-half (1/2) of the total area of the sign.

Section 24.07 - Permitted Signs in Residential Districts

- A. One identification sign shall be permitted for each public road frontage, for a subdivision, multiple family building development, or mobile home park. Each sign shall not exceed twenty-five (25)

square feet in area. One additional sign advertising "For Rent" or "Vacancy" may be placed on each public road frontage of a rental residential development provided that such sign shall not exceed nine (9) square feet in area and is incorporated into the identification sign. Each sign shall be located behind the right-of-way line of any public road.

- B. One identification sign, either as a free standing sign or a wall sign, shall be permitted for each public road frontage for a vehicle entrance for a school, church, public building, or other authorized use or lawful nonconforming use, except home occupations. Each sign shall not exceed twenty-five (25) square feet in area and eight (8) feet in height. Identification signs may include an electronic message board as a part of the sign area not exceeding one-half (1/2) of the total area of the sign.

Section 24.08 - Permitted Signs in Commercial or Industrial District

- A. One identification sign shall be permitted for each public road frontage for individual commercial businesses on separate parcels. Each sign shall not exceed twenty-five (25) square feet in area. One additional sign advertising "For Rent" or "Vacancy" may be placed on each public road frontage provided that such sign shall not exceed nine (9) square feet in area and is incorporated into the identification sign. Each sign shall be located behind the right-of-way line of any public road.
- B. One identification sign shall be permitted for each public road frontage for a vehicle entrance for a school, church, public building, or other authorized use or lawful nonconforming use, including home occupations. Each sign shall not exceed twenty five (25) square feet in area and eight (8) feet in height.
- C. On-site free-standing signs are allowed, subject to the following:
 - 1. For a single building on one (1) developed lot or a group of lots developed as one (1) lot, not in a shopping center:
 - a. One (1) free standing sign with a maximum of one hundred (100) square feet of sign area. No additional free standing signs will be permitted for corner lots.
 - 2. Signs permitted for a shopping center or other integrated group of stores; commercial buildings or office buildings:
 - a. One (1) free-standing identification sign for each street that it faces.
 - i. The free standing sign shall state only the name of the shopping center and major tenants located therein.
 - ii. The maximum area for the free-standing sign shall be two-hundred (200) square feet.
 - iii. Tenants of shopping center shall not be permitted individual free-standing identification signs.
 - iv. Tenants of a shopping center may be permitted individual free-standing identification signs only when no signage is provided in accordance with subsection (i) and the combined size of these signs may not exceed the maximum provided in subsection (ii).
- D. Canopy or marquee signs, Wall signs; Window Signs
 - a. All businesses shall be permitted one (1) exterior wall sign. The total area of the exterior wall sign shall not exceed thirty percent (30%) of the area of the wall on which the sign is displayed including window and doors
 - b. Businesses, which are located on corners, may display a wall sign on both sides that have street exposure.
 - c. All signs shall pertain exclusively to the name and type of business carried on within the building.

- d. Window signs shall be permitted in ground level windows only and shall not be included in total sign area computation if said signs do not occupy more than twenty five (25) percent of the total window area.
- E. An automobile service station may have one (1) additional sign for each public road for a vehicle entrance, for the purpose of advertising gasoline prices and other services provided on the premises. Said sign shall be mounted on a free-standing structure or on the structure of another permitted sign, provided that clear views of road traffic by motorists or pedestrians are not obstructed in any way.
- F. Signage other than that provided in this Article is permitted if approved as part of a Planned Unit Development but only if such signage is determined as reasonable and does not adversely affect the health, safety and welfare of the public and it is in keeping with the intent and purpose of this Ordinance.
- G. Off-site free-standing signs are allowed when erected in conjunction with commercial or industrial buildings, drives and off-street parking areas not in a shopping center and which buildings are accessible by limited access that is generally not obvious or easily identifiable to traffic, subject to the following:
 - a. The free-standing sign shall not exceed two hundred (200) square feet;
 - b. The free-standing sign shall be limited to traffic control functions only; and
 - c. Written permission must be provided by the owner of the property on which the sign is located. Written permission shall include a maintenance agreement and shall be recorded with the Ottawa County Register of Deeds. A copy of the recorded permission and agreement shall be provided to the Township.
- H. All signage within a Commercial or Industrial Zoning District shall be erected outside of all right-of-ways and shall not obstruct the view of motorists and pedestrians.
- I. All signage within a Commercial or Industrial Zoning District shall be erected outside of all right-of-ways and shall not obstruct the view of motorists and pedestrians.

Section 24.09 - Outdoor Advertising Signs (Billboards)

- A. Outdoor advertising signs shall be permitted only along and adjacent to the right-of-way line of highway U.S. 31 in the Commercial, Light Industrial and Heavy Industrial Zoning Districts.
- B. Outdoor advertising signs shall be spaced at least one thousand seven hundred fifty (1,750) linear feet apart with only one such sign located on either side of U.S. 31 in each one thousand seven hundred fifty (1,750) linear feet of spacing along U.S. 31, including signs located along U.S. 31 in adjacent Townships.
- C. Outdoor advertising signs shall not have more than two (2) faces.
- D. An inside angle not to exceed twenty (20) degrees may be permitted on a two faced sign attached at one end.
- E. The maximum area of each face of an outdoor advertising sign (Billboard) shall be six hundred seventy-two (672) square feet. The maximum area includes any sign or portion of a sign, whether together or in part, erected upon or connected to the same support structure. No more than one (1) support structure is permitted for any outdoor advertising sign.
- F. The bottom of the billboard face must be at least forty (40) feet above the plane of the adjacent street it faces. The top of the billboard face may not be more than sixty (60) feet above the plane of the adjacent street it faces.

- G. Each face of the sign may be presented as more than one (1) complete sign and may exhibit more than one (1) pictorial and/or written message about different uses, products, services, goods, events or facilities located on other premises. The face of a sign may be so designed as to give the impression of more than one (1) sign. However, horizontally attached or stacked signs are not permitted.
- H. Outdoor advertising signs, whether lighted or not, shall be located at least three hundred (300) feet from all residential structures.
- I. All lighted signs shall not have any light source or reflected glare visible to traffic on U.S. 31, any other road or highway or adjacent property. No intermittent flashing, rotating, moving or oscillating lighting shall be permitted. No part of the sign shall move or rotate.
- J. The display of Digital Outdoor Advertising Signs shall not exceed the following:
 - 1. The display or message shall not change more frequently than once every six (6) seconds. Transitions from one (1) static image to the next shall appear instantaneously without the appearance of animation, flashing or movement of any kind.
 - 2. The sign must have an ambient light monitor, which shall continuously monitor and automatically adjust the brightness level of the display based on ambient light conditions compliant with the language herein.
 - 3. The sign shall not exceed a brightness level of 0.3 foot candles above ambient light as measured using a foot candle (Lux) meter at a preset distance depending on sign area.
 - 4. Certification must be provided to the Township demonstrating that the sign has been preset to automatically adjust the brightness to the stated levels or lower. Re-inspection and recalibration may be periodically required by the Township to ensure that the specified brightness levels are maintained at all times. The recalibration shall be done at the discretion of the Township and at the expense of the sign owner.
 - a. Brightness of signs shall be measured as follows:
 - i. At least thirty (30) minutes following sunset, a foot candle meter shall be used to obtain an ambient light reading for the location. This is performed while the sign is off or displaying blank copy. The reading shall be made with the meter aimed directly at the center of the sign area from a distance determined with the following formula: The square root of the product of the sign area multiplied by one hundred (100). Example using a twelve (12) square foot sign: Measurement Distance = $\sqrt{(12 \text{ square feet} \times 100)} = 34.6$ as the determined setback.
 - ii. The sign shall then be turned on to full white copy to perform another reading with the meter at the same location.
 - iii. If the difference between the readings is 0.3 foot candles or less, the brightness is properly adjusted and the sign is in compliance.
 - 5. A sign lighting device shall employ only lights emitting a light of constant intensity and no sign shall be illuminated by or contain flashing, intermittent rotating or moving light or lights. No sign or lighting device shall be placed or directed to cast the beams and illumination upon a public road, highway, sidewalk or adjacent premises causing a traffic hazard or nuisance. Signs shall not have light sources or reflect brightness in a manner which constitutes a hazard or nuisance. This includes signs with fluorescent text, graphics or background, as well as holographic signs.
 - 6. The display shall turn off completely or emit the minimal amount of light possible to create a black face from 11:00p.m. to 5:00a.m. when the billboard is located at or within one thousand (1,000) feet of a residence. Amber alerts or other governmental emergency notices shall be exempt from this provision.
- K. Each sign shall meet minimum setback requirements as follows, measured from the closest point of the sign to the applicable lot lines:

Sign Area in Square Feet	Minimum Setback
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200-249	As required by the applicable zoning district, plus 5 feet
250-299	As required by the applicable zoning district, plus 10 feet
300-349	As required by the applicable zoning district, plus 15 feet
350-399	As required by the applicable zoning district, plus 20 feet
400-449	As required by the applicable zoning district, plus 25 feet
450-499	As required by the applicable zoning district, plus 30 feet
500-549	As required by the applicable zoning district, plus 35 feet
550-599	As required by the applicable zoning district, plus 40 feet
600-649	As required by the applicable zoning district, plus 45 feet
650-672	As required by the applicable zoning district, plus 50 feet

- L. No outdoor advertising sign shall be located above, cantilevered over, or be a part of any other structure.
- M. Any outdoor advertising sign not in use for advertising purposes shall have such unused surfaces kept uniformly white in color overall.
- N. All outdoor advertising signs shall comply with all applicable requirements and conditions of P.A. 106 of 1972, Michigan as amended, the "Highway Advertising Act of 1972, as amended."
- O. Any outdoor advertising sign that has not been used for the purpose of which it was created for a period of one (1) year shall be completely decommissioned.
- P. A "Fee Schedule" for zoning permits for outdoor advertising signs shall be established by the Township Board of.
- Q. Outdoor advertising signs shall be "Special Land Uses" and required to meet the requirements of this section and Article XVIII, "Special Uses" of this Ordinance, which includes Site Plan Review under the provisions of Article XXV of this Ordinance.

Section 24.10 - Temporary Signs

On-site temporary exterior signs may be placed on property in accordance with the following regulations

- A. In all districts, one (1) sign for each public road frontage advertising a recorded subdivision or development shall be permitted. Each sign is not to exceed twenty-five (25) square feet in area. Each sign shall be removed within one (1) year after the sale of seventy (70%) percent of all lots or units within said subdivision or development.
- B. In MFR districts, one (1) sign on each public road frontage of a new multiple family development advertising the new dwelling units for rent or sale, not to exceed twenty-five (25) square feet in area shall be permitted. Each sign shall be removed within (60) days of the initial rental or sale of seventy (70%) percent of the dwelling units within the development.
- C. One sign shall be permitted for all building contractors, professional design firms and all lending institutions on sites under construction, sign not to exceed thirty two (32) square feet in area. Signs shall have a maximum height of ten (10) feet and shall be confined to the site of the construction, construction shed or construction trailer and shall be removed within fourteen (14) days after final inspection by the Zoning Administrator.
- D. Temporary real estate direction signs, not exceeding three (3) square feet in area and four (4) in number, showing a directional arrow and placed back of the road right-of-way line, shall be permitted on approach routes to an open house. Signs shall not exceed three (3) feet in height.

- E. Temporary signs announcing any annual or semi-annual public, charitable, educational or religious event or function, located entirely within the premises on which the event or function is to occur, shall be permitted. Maximum sign area shall not exceed twenty-five (25) square feet. Signs shall be allowed no more than twenty-one (21) days prior to the event or function. If building mounted, signs shall be flat wall signs and shall not exceed six (6) feet in height. Signs shall be set back in accordance with Section 24.03D of this Ordinance.
- F. In Residential Districts, one (1) temporary real estate "For Sale", "For Rent", or "For Lease" sign, located on the property and not exceeding nine (9) square feet in area shall be permitted. If the lot or parcel has multiple street frontage, one (1) additional sign not exceeding nine (9) square feet in area may be permitted.
- G. In the Commercial and Industrial districts, one (1) temporary real estate "For Sale", "For Rent" or "For Lease" sign shall be permitted, provided it does not exceed twenty-five (25) square feet in area and is set back in accordance with this Ordinance. If the lot or parcel has multiple street frontage, one (1) additional sign not exceeding twenty-five (25) square feet in area is permitted.
- H. Under no circumstances shall more than two (2) such signs be permitted on a lot or parcel. Such signs shall be removed within seven (7) days following the sale, rent or lease. In no case, shall a sign list the sale, rent, or lease of a building which is not located on the property on which the sign is located.
- I. Banners, pennants, searchlights, balloons, or other gas-filled figures are permitted in the Commercial and Industrial Districts for a period not to exceed thirty (30) consecutive days. Such signs and objects shall not obstruct pedestrian or vehicular view.

Section 24.11 - Exempted Signs

The following types of signs are exempted from all provisions of this ordinance, except for construction and safety regulations and the following standards:

- A. Signs of a non-commercial nature and in the public interest, erected by, or on the order of a public officer, in the performance of a public duty, such as directional signs, regulatory signs, warning signs, and informational signs.
- B. Political campaign signs announcing candidates seeking public political office and other data pertinent thereto, except as prohibited in Section 24.05A, providing that these signs shall be removed within seven (7) days after the date of the election for which they were posted.
- C. Names of brands, manufacturer's labels and logos, date of erection, monument citations, commemorative tablets, and the like, when carved into stone, concrete, metal or similar material or made of other permanent type construction and made an integral part of the structure.

Section 24.12 - Nonconforming Signs

Nonconforming signs shall not be reestablished after the activity, business, or usage to which it relates has been discontinued for ninety (90) days or longer.

Section 24.13 - Permits and Fees

- A. Application for a permit to erect or replace a sign shall be made by the owner of the property, or his authorized agent, to the Zoning Administrator, by submitting the required forms, fees, exhibits and information. Fees for sign permits for all signs shall be established by resolution of the Township Board.
- B. An application for a sign permit shall contain the following information:

1. The applicant's name and address in full, and a complete description of his relationship to the property owner.
 2. If the applicant is other than the property owner, the signature of the property owner concurring in a submittal of said application is required.
 3. The address of the property.
 4. An accurate scale drawing of the property showing location of all buildings and structures and their uses, and location of the proposed sign.
 5. A complete description and scale drawings of the sign, including all dimensions and the area in square feet.
- C. All proposed sign locations or relocations shall be inspected on the site by the Township Zoning Administrator for conformance to this ordinance prior to placement on the site foundations shall be inspected by the Zoning Administrator on the site prior to pouring of the concrete for the sign support structure.
- D. A sign permit shall become null and void if the work for which the permit was issued has not been completed within a period of six (6) months after the date of the permit. Said sign permit may be extended for a period of thirty (30) days upon request by the applicant and approval of the Planning Commission.
- E. Painting, repainting, cleaning and other normal maintenance and repair of a sign or a sign structure, unless a structural or size change is made, shall not require a sign permit.

Section 24.14 - Removal of Signs

Signs erected or maintained in violation of this Ordinance shall be removed by the owner or occupant, and, if not removed by either of them, by official action of the Township at the owner's expense or such costs incurred by the Township shall be placed as a lien against the property from which the sign was removed.

Article 25
Site Plan Review Procedures

Revised effective 8/1/02

Section 25.01 - Purpose.

The purposes of Site Plan Review are as follows: to determine compliance with the provisions of this Ordinance, to promote the orderly development of the Township, to prevent the depreciation of land values through uses or structures which do not give proper attention to the site or area protection, and to provide consultation and cooperation between the applicant and the Township Planning Commission in order that applicants may accomplish their objectives in the utilization of their land within the regulations of this Zoning Ordinance.

Section 25.02 – Site Plan Review Required. A site plan shall be submitted for review according to the provisions of this chapter for all land uses except the following: (Amended 2-14-17)

- A. Single and two-family dwelling units on individual lots.
- B. Residential and agricultural accessory buildings.
- C. Home occupations which do not require the construction or enlargement of any building.

For home occupations, a sketch plan drawn to scale shall be provided. The sketch plan shall include the location, dimensions, and area of all structures and parking areas on the site; scale, north arrow, and date of drawing; property owner's name and address; and description of the nature of the home occupation.

- D. A change of use in the commercial or industrial districts that does not require any additional construction provided the Zoning Administrator finds that the proposed use meets the requirements of this Ordinance. However, a change of use in the commercial or industrial districts following a rezoning from any other district shall require site plan review.

Section 25.02a – Reduced Site Plan Review *(adopted 9-2-11)*

- A. A site plan for an existing use that does require additional construction shall be submitted for review according to the provisions of this chapter but may be reduced to the area of the additional construction, only when the Zoning Administrator finds that all other provisions of the Zoning Ordinance are met for the use and the property, including but not limited to, General Provisions (Article 3), Landscaping (Article 21), Off-Street Parking (Article 23), and the applicable Zoning District Development Standards as well as the following:
 - 1. The applicant provides a written sealed statement from a professional engineer that the proposed construction will not require changes to the existing storm water system to accommodate the addition or;
 - i. The applicant provides engineered plans detailing the necessary changes to the existing storm water system or to establish a new storm water system.
- B. In addition to provisions of this chapter, the site plan submitted as a reduced plan shall include the area of additional construction as well as the immediate 100 (one hundred) feet surrounding the entire perimeter of the construction measured along the foundation of the addition. Further, setbacks to all lot lines from the area of additional construction shall be provided.

- C. In the event the Planning Commission determines it cannot accurately interpret the site plan for the additional construction as submitted through subsection B or determines that it does not have enough information to sufficiently ensure the protection of the public health, safety and other aspects of the general welfare of Olive Township as provided for in Section 1.02 and any other section of the Olive Township Zoning Ordinance by reviewing a reduced site plan, the Planning Commission may determine that it cannot provide a recommendation based on a reduced site plan and may require the applicant to submit a full site plan as required by Section 25.02 of this Ordinance.

Section 25.03 – Application Procedure.

- A. Nine (9) copies of an application for site plan review shall be made to the Zoning Administrator along with a fee as required by Township Board resolution. The application shall, at a minimum, contain the following information:
 - 1. The applicant's name, address and phone number.
 - 2. Proof that the applicant is the owner of the property or has a legal or financial interest in the property, such as a purchase agreement.
 - 3. The name, address and phone number of the owner(s) of record if different than the applicant.
 - 4. The address and/or parcel number of the property.
 - 5. Project description, including number of structures and dwelling units, square footage of each building, number of parking spaces, estimated number of employees, and any unique features of the site or proposed development.
 - 6. Area of the parcel in acres, excluding road right-of-ways.
 - 7. A site plan for the project containing all of the information listed in Section 25.04, below.
- B. The Zoning Administrator shall forward copies of the application and site plan to the Planning Commission for review and consideration at the next available regularly scheduled Planning Commission meeting.

Section 25.04 – Site Plan Content. Each site plan submitted for review under this chapter shall be drawn at a minimum scale of 1" = 200 and shall contain the following information:

- A. Name of development and general location sketch showing major thoroughfares and site location.
- B. Name, address and phone number of site owner(s), developer and designer, including professional seal of designer.
- C. North arrow, scale, and date of original drawing and any revisions.
- D. The area of the site in square feet and acres, excluding all existing and proposed rights-of way.
- E. Property lines, dimensions, and building setback distances and dimensions of all structures and lot lines within one hundred (100) feet of the site shall also be indicated. If the parcel is a part of a larger parcel, boundaries of the total land holding shall be shown.
- F. Existing zoning of the site and all adjacent properties.

- G. Existing and proposed topographic elevations at two (2) foot intervals on the site and to a distance of ten (10) feet outside the boundary lines of the site. Ground elevations of all existing buildings, drives and parking lots, and any unusual surface conditions shall be provided.
- H. Direction of storm water drainage and indication as to how storm water runoff will be handled.
- I. Location of existing and proposed buildings; their intended use; the length, width and height of each building; and the square footage of each building.
- J. Location of abutting streets, existing and proposed rights-of-way, service drives, curb cuts, and access easements serving the site, as well as driveways opposite the site and all driveways within one hundred (100) feet of the site. The centerline of road rights-of-way shall be shown.
- K. Location and size of all water and sanitary sewer lines, storm drainage lines, fire hydrants, catch basins, septic tanks and drainfields and utility easements.
- L. Proposed parking areas and access drives, showing the number and size of spaces, aisles, loading areas, and handicapped access ramps. Also, the method of surfacing such areas shall be noted.
- M. Location of all sidewalks, bike paths, and other pathways.
- N. Location and size of any walls, fences, greenbelts, or other screening provisions.
- O. Landscape plan indicating type and size of all plant material, including all areas to be sod or seeded for grass. Provide cross sections of all berms.
- P. Location and type of significant existing vegetation, water courses, and water bodies including county drains and manmade surface drainage ways, floodplains, and wetlands. Vegetation which is to be retained on the site shall be illustrated.
- Q. Building floor plans and architectural wall elevations. The height of all buildings or structures shall be indicated.
- R. Location of all proposed accessory structures, including outdoor lighting fixtures, flagpoles, storage sheds, transformers, dumpsters or trash removal areas or devices, signs, and existing and proposed utility poles. Indicate screening for trash receptacles.
- S. Location of all outdoor storage areas for materials and the manner in which materials shall be screened or covered.
- 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 this Ordinance or other state or federal agencies.
- U. If phased construction is to be used, each phase must be noted and each phase must stand on its own.
- V. Notation of any variances or conditional use permits which are required, any legal nonconforming uses or structures, and any State or Federal permits which have been secured or may be necessary to secure.
- W. Other data which the Planning Commission may reasonably deem necessary for adequate review.

Section 25.05 – Review Procedures and Authorization. All site plans required under this Chapter shall be subject to review as follows:

- A. Authorization. The Planning Commission shall study the plan and shall recommend the approval; approval with conditions or denial of the site plan to the Township Board. The Planning Commission shall advise the applicant and the Township Board of its recommendation in writing. A building permit shall not be issued until a site plan has been approved by the Township Board following recommendation by the Planning Commission as required herein.
- A. Review Standards. The Planning Commission shall review each site plan according to the standards for site plan review as contained in Section 25.06 of this chapter and any other applicable regulations of this Ordinance, In addition, the Planning Commission is empowered to seek the review and recommendation of appropriate county, state or federal agencies, the Township Engineer or Planner, or other professionals, consultants, or agencies as the Commission deems necessary to assist it in its review.
- B. Approval. Upon approval of a site plan, two copies of the plan shall be signed and dated by the Zoning Administrator. One copy of the plan shall be retained in the Township property file and one copy shall be submitted to the Building Inspector as part of the building permit review process.
- C. Effect of Approval. Approval of a final site plan authorizes issuance of a certificate of zoning compliance and issuance of a building permit, provided all other requirements for a building permit have been met. In the case of uses without buildings or structures, approval of a final site plan authorizes issuance of a certificate of zoning compliance and issuance of a certificate of occupancy, provided all other requirements for such certificate have been met.
- D. Expiration of Approval. Approval of a final site plan shall expire and be of no effect unless permits necessary for construction have been obtained and pursued diligently to completion in conformance with the approved site plan within one (1) year of the date of the site plan approval.

Section 25.06 - Standards. The Planning Commission shall review the site plan for compliance with the requirements of this Ordinance and conformance with the following general standards:

- A. The applicant may legally apply for site plan review.
- B. All required information has been provided.
- C. The proposed development conforms to all regulations of the zoning district in which it is located.
- D. All elements of the site plan shall be harmoniously and efficiently organized in relation to topography, the size and type of the lot, the character of adjoining property, and the type and size of buildings. The site shall be so developed as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Ordinance.
- E. The site plan shows the use will be adequately served by necessary improvements, including but not limited to sewage collection and treatment, potable water supply, storm drainage, lighting, roads, and parking.
- F. The landscape shall be preserved in its natural state, insofar as practical, by removing only those areas of vegetation or making those alterations to the topography which are reasonably necessary to develop the site in accordance with the requirements of this Ordinance. The Planning Commission or Township Board may require that landscaping, buffers, and/or greenbelts be preserved and/or provided to ensure that proposed uses will be adequately buffered from one another and from surrounding public and private property.

- G. Natural resources will be preserved and protected to the maximum feasible extent and organic, wet, or other soils which are not suitable for development will be undisturbed or will be modified in an acceptable manner.
- H. The proposed development will not cause soil erosion or sedimentation problems.
- I. The drainage plan for the proposed development is adequate to handle anticipated storm water runoff. Storm drainage measures shall comply with the following:
 - 1. Appropriate measures shall be taken to ensure that removal of surface waters will not adversely affect neighboring properties, the public storm water drainage system, or nearby bodies of water, or cause erosion or the formation of dust.
 - 2. The use of detention/retention ponds may be required.
 - 3. Surface water on all paved areas shall be collected at locations so that it will not obstruct the flow of vehicular or pedestrian traffic or create standing water that may interfere with this traffic.
 - 4. Areas of natural drainage such as swales, wetlands, ponds, or swamps shall be protected from grading activity and preserved insofar as practical in their natural state to provide areas for natural habitat, preserve drainage patterns and maintain the natural characteristics of the land.
 - 5. Catch basins or other protective measures may be required to contain oil filters or traps to prevent contaminants from being discharged to the natural drainage system. Other provisions may be required to contain runoff or spillage from areas where hazardous materials are stored, or proposed to be stored.
- J. The proposed development properly respects floodways and floodplains on or in the vicinity of the subject property.
- K. The plan meets the specifications of the Township for water supply, sewage disposal or treatment, storm drainage, and other public facilities.
- L. With respect to vehicular and pedestrian circulation on the site, including walkways, interior drives, and parking; special attention shall be given to the location, number and spacing of access points; general interior circulation; separation of pedestrian and vehicular traffic; the avoidance of building corners next to access drives; and the arrangement of parking areas that are safe and convenient, and insofar as practicable, do not detract from the design of the proposed buildings and structures, neighboring properties and flow of traffic on adjacent streets.
- M. All buildings or groups of buildings shall be so arranged as to permit emergency vehicle access by some practical means as required by the Township fire department.
- N. The site plan shall provide reasonable, visual, and sound privacy for all dwelling units located therein. Fences, walks, barriers, and landscaping shall be used, as appropriate, for the protection and enhancement of property and for the privacy of its occupants.
- O. All loading and unloading areas and outside storage of materials which face or are visible from residential districts or public thoroughfares, shall be screened by a vertical screen consisting of structural or plant materials. Also, outdoor storage of garbage and refuse shall be contained, screened from view, and located so as not to be a nuisance to the subject property or neighboring properties.
- P. All lighting shall be shielded from adjacent properties and public right-of-way.

- Q. Phases of development are in logical sequence so that any phase will not depend upon a subsequent phase for adequate access, public utility services, drainage, or erosion control.
- R. Site plans shall conform to all applicable requirements of state and federal statutes and approval may be conditioned on the applicant receiving necessary state and federal permits before a building permit or occupancy permit is granted.

Section 25.07 – Issuance of Building Permit. The Building Inspector shall, upon receipt of notice of approval from the Zoning Administrator and upon application by the applicant, issue a building permit provided all other applicable Township regulations have been met.

Section 25.08 – Amendment of Approved Site Plan. *(amended 5-17-12)*

A site plan may be amended upon application and in accordance with the procedures and requirements provided in Section 25.05 herein. Minor changes to a site plan may be made without following the procedures of Section 25.05 at the discretion of the Zoning Administrator.

- A. Minor changes include, but are not necessarily limited to, the reorientation of Protective Screening and Landscaping, relocation of a Solid Waste Receptacle and/or a change of material for its enclosure, an increase or reduction in the number of parking spaces not requiring an alteration to the pavement or concrete and signage improvements not subject to Article 15.
 - 1. Minor changes may be approved by mutual agreement of the applicants or successors in interest and the Zoning Administrator, provided the changes comply with all applicable requirements of the Zoning Ordinance and all other Township regulations and State law, and subject to finding that such changes will not adversely affect the initial basis for granting approval. In the event the Zoning Administrator determines a change is major or cannot reasonably conclude that the changes will not adversely affect the initial basis for granting approval, the request for change shall be forwarded to the Planning Commission.
 - 2. The Zoning Administrator may require, in case of minor changes to an approved site plan, that a revised site plan drawing(s) be submitted showing such minor changes for purposes of record.
- B. The Planning Commission shall have the authority to determine if a proposed change is minor, when a proposed change is deferred to the Planning Commission by the Zoning Administrator in accordance with subsection A, or major and if such change requires an amendment to an approved site plan. The Planning Commission shall record its determinations and reasons for allowing amendment in the minutes of the meeting at which the action is taken.

Section 25.09 – Modification of Plan During Construction. *(amended 5-17-12)*

All sites shall conform to the approved site plan. Any changes during construction to the approved site plan shall be made at the applicant's risk, without any assurances that the Zoning Administrator or Planning Commission will approve the changes. It shall be the responsibility of the applicant to notify the Zoning Administrator and the Planning Commission of any changes. The Zoning Administrator or the Planning Commission, whichever is applicable, may require the applicant to correct the changes so as to conform to the approved site plan.

Section 25.10 - As-Built Drawings.

- A. The applicant shall provide as-built drawings of all sanitary sewer, water, and storm sewer lines which were installed on a site for which a site plan was approved.
- B. The as-built drawings shall show, but shall not be limited to, such information as the exact size, type and location of pipes; location and size of manholes and catch basins; location and size of valves, fire hydrants, tees and crosses; depth and slopes of retention basins; and location and type of other utility installations. The drawings shall show plan and profile views of all sanitary and storm sewer lines and plan views of all water lines.
- C. The as-built drawings shall show all work as actually installed and as field verified by a professional engineer or a representative thereof. The drawings shall be identified as "As-Built Drawings" in the title block of each drawing and shall be signed and dated by the owner of the development or the owner's legal representative and shall bear the seal of a professional engineer.

Section 25.11 – Phasing of Development. The applicant may divide the proposed development into two or more phases. In such case, the site plan shall show the entire property involved and shall clearly indicate the location, size, and character of each phase. However, complete site plans for all phases of a project need not be provided at once. Subsequent site plans may be submitted for review and approval for each phase as the project proceeds.

Each phase of a project shall stand on its own; no phase shall rely on the completion of any subsequent phases of the project for parking, utilities, landscaping, or any other element required by this Ordinance.

Section 25.12 – Performance Guarantee *(amended 12-11-09)*

The Planning Commission may recommend and the Township Board require an irrevocable letter of credit in an amount equal to the estimated cost of a road, lighting, utility, sidewalk, landscaping, drainage, and other required improvements associated with the project. The estimated amount shall be determined by the applicant and the Planning Commission. Such performance guarantee shall be deposited with the Township Clerk at the time of the issuance of the permit authorizing the activity or project to ensure faithful compliance with the Zoning Ordinance and completion of the improvements indicated with the approved site plan and compliance therewith. If there is noncompliance with the Zoning Ordinance or Site Plan, or any incompleteness, the performance guarantee shall be forfeited. The Township shall rebate a proportional share of cash deposits only when requested by the depositor, based on the percent of improvements completed, as attested to by the depositor and verified by the Zoning Administrator. In cases where the provisions of Zoning Ordinance or Site Plan have not been met, or there is any incompleteness, the amount of the aforementioned performance guarantee shall be used by the Township to complete the required improvements and cost of enforcement, and the balance, if any, shall be returned to the applicant.

Section 25.13 - Fees. Fees for the review of site plans and inspections as required by this Chapter shall be established and may be amended by resolution of the Township Board.

Section 25.14 - Violations. An approved site plan shall become part of the record of approval, and subsequent action relating to a site in question shall be consistent with the approved site plan, unless the Planning Commission agrees to such changes as provided in this Chapter. Any violation of the provisions of this Chapter, including any improvement not in conformance with the approved final site plan, shall be deemed a violation of this Ordinance.

Article 26
Administration and Enforcement

Section 26.01 – 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 permits, inspections of properties for compliance with the Zoning Map and regulations, establishment and collection of permit fees, handling of violators and enforcement of the provisions of this ordinance and any amendments to it.

Section 26.02 – Administration *(amended 10-03-09)*

The provisions of this ordinance shall be administered by the Township Board, the Township Planning Commission and such personnel as designated by the Township Board in accordance with the Michigan Planning Enabling Act, Public Act 33 of 2008, as amended, Michigan Zoning Act, Public Act 110 of 2006, as amended, and this Zoning Ordinance.

The Township Board shall 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 26.03 - Duties of Zoning Administrator *(amended 7-1-11)*

- A. Receive and review all applications for Zoning Permits 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 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 and variances, special use permits and amendments to the Zoning Ordinance.
- C. The Township Clerk with the assistance of the Zoning Administrator shall be responsible to update the Township Zoning Map and keep it current.
- D. The Zoning Administrator shall prepare and submit to the Township Board and the Planning Commission a written record of all zoning permits issued during each month. The record shall state the owner's name, location of property, intended use and estimate cost of construction for each permit.
- E. Maintain written records of all actions taken by the Zoning Administrator.
- F. The Zoning Administrator shall within two (2) years of the effective date of this ordinance shall locate, map and record all of the nonconforming uses existing in the Township, and subsequently annually check each nonconforming use as to its status of nonconformance.
- G. The Zoning Administrator, upon the change of ownership or occupancy of property, shall check the compliance of the existing use of the property with the Zoning Ordinance and require continued compliance by the new owner/occupant, or require that necessary changes be made to assure compliance prior to the issuance of a “Certificate of Compliance, Occupancy, and Use Permit” which will then permit the new owner/occupant to occupy and use the property. Prior to the issuance of a “Certificate of Compliance, Occupancy, and Use Permit” a new owner/occupant shall not occupy or use the property until such a Permit has been issued by the Zoning Administrator to the new owner/occupant. The owner/occupant shall make application to the Zoning Administrator for such Certificate of Compliance, Occupancy, and

use permit prior to any occupancy or use of the building, structure, or premises. This same provision shall apply to all new and expanded uses of buildings, structures, and land areas.

Section 26.04 - Zoning Permit (amended 7-1-11)

A. Zoning Permit Requirements. A Zoning 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 Permits issued by Olive Township and Building Permits by the Building Inspector shall be in accordance with Section 3.14 of this ordinance.
2. The construction, enlargement, alteration, or moving of any dwelling, building, or structure, or any part thereof; the use or the change of use or occupancy of any agricultural, residential, commercial, industrial, public or semi-public use or purpose, or any other use, or any parcel of property.
3. Repairs of a minor nature or minor alterations which do not change the use, occupancy, area, structural strength, fire hazard, fire protection, exists, light, and ventilation of a building shall not require a Zoning Permit.

B. Application for a Zoning Permit

Application for a Zoning Permit shall be made in writing upon a form furnished by the Zoning Administrator, including the following information:

1. The location, shape, area and dimensions for the parcel(s), lot(s) or acreage, and all existing improvements on the lot or parcel.
2. The location of the proposed construction, upon the parcel(s), lot (s) or acreage affected.
3. The dimensions, height and bulk of structures.
4. The nature of the proposed construction, alteration, or repair and the intended use.
5. The proposed number of sleeping rooms, dwelling units, occupants, employees, customers, and other uses.
6. The present use of any structure affected by the construction or alteration.
7. The yard, open area and parking space dimensions, if applicable.
8. The proposed plan and specifications of off-street parking spaces, if applicable.
9. The proposed plan and specifications of off-street loading and unloading spaces provided, if applicable.
10. Any other information deemed necessary by the Zoning Administrator to determine and provide for the enforcement of this Ordinance.

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 Permit upon payment of the required Zoning Permit fee.

- C. Voiding of Permit: Any Zoning 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. The Zoning Administrator shall notify the holder of the permit at least thirty (30) days prior to the expiration of the one year (1) year period before voidance of the zoning permit is actually declared. The Zoning Administrator may suspend or revoke a Permit issued in error or on a basis of incorrect information supplied by the applicant or his agent or in violation of any of the ordinances or regulations of the Township. See Section 21.51.
- D. Fees, Charges, and Expenses: The Township Board shall establish a schedule of fees, charges, and expenses, and a collection procedure, for Zoning Permits, appeals and other matters pertaining to this Ordinance. The schedule of fees shall be posted in the Township office 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, nor shall any action be taken on proceedings before the Zoning Board of Appeals, until preliminary charges and fees have been paid in full.
- E. Inspection: The construction or usage affected by any Zoning Permit shall be subject to the following inspections:
1. At time of staking out of building foundation or location of structure.
 2. Upon completion of the construction authorized by the permit.
 3. It shall be the duty of the holder of every permit to notify 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, as indicated by corner 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 by the Zoning Administrator.
5. Should a Zoning 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 26.05 - Violations

Any building or structure, including mobile homes, which are erected, constructed, reconstructed, altered, converted, maintained or changed in violation of any provision of this ordinance, are hereby declared to be a nuisance per se, a violation of this ordinance and subject to the penalties of it.

Section 26.06 – Penalties (amended 03-14-08)

Any person, corporation, partnership, limited liability company and/or other entity and their officers, partners, members, employees, and agents who violate, disobey, omit, neglect, or refuse to comply with, or resist the enforcement of any provision of this Ordinance, or any amendment thereof, shall be responsible for a municipal civil infraction and shall be fined Two Hundred Fifty (\$250.00) Dollars for each infraction. Additionally, the violator shall pay costs which may include all direct or indirect expenses to which the Township has in connection with the violation. In no case shall costs of less than \$9.00 or more than \$500.00 be ordered. A violation shall also be subject to such additional sanctions, remedies, and judicial orders as are authorized under Michigan law. Each day a violation of this Ordinance continues to exist constitutes a separate violation.

Increased civil fines shall be imposed for repeated violations of the Ordinance; a repeat violation means a second or subsequent municipal civil infraction violation committed within any twelve (12) month period and for which a person admits responsibility or is determined to be responsible. The increased civil fines for repeat violations shall be as follows:

- A. The fine for any offense which is a first repeat offense shall be Five Hundred (\$500.00) Dollars, plus costs and other sanctions;
- B. The fine for any offense which is a second repeat offense shall be One Thousand (\$1,000.00) Dollars, plus costs and other sanctions.
- C. The fine for any offense which is a third repeat offense and any subsequent repeat offenses shall be One Thousand Five Hundred (\$1,500.00) Dollars, plus costs and other sanctions.

The Township Board, or any owner or owners of real estate within the district in which such buildings, structures, or land use is situated and specially effected different than the rest of the Township, may institute injunction, mandamus abatement, or any other appropriate action, actions, or proceedings to prevent, enjoin, abate, or remove any said unlawful erection, construction, maintenance, or use of land, buildings, or structures. The rights and remedies provided herein are cumulative, and in addition to all other remedies provided by law.

Section 26.07 Enforcement Procedures (amended 03-14-08)

- A. A violation of this ordinance shall be a Municipal Civil Infraction subject to a fine.
- B. Citations

The Building Inspector and Zoning Administrator of Olive Township and all police officers and deputy sheriffs, authorized to act on behalf of Olive Township, are authorized to issue Municipal Civil Infraction citations pursuant to this Ordinance.

Section 26.08 - Financial Security (amended 12-11-09)

The Zoning Administration, Planning Commission, Township Board, or Board of Appeals may in issuing or approving a zoning permit, variance, site plan, special use permit, and/or planned unit development, require the posting of an irrevocable letter of credit in such an amount and/or form as determined appropriate by such approving official or body to guarantee conformance with the Zoning Ordinance of the Township and any conditions placed upon any such approval. Such financial guarantee shall be deposited with the Township Clerk at the time of the issuance of the permit authorizing the activity or project to ensure faithful compliance with the Zoning Ordinance and completion of the improvements indicated with the approved site plan and compliance therewith. If there is noncompliance with the Zoning Ordinance or Site Plan, or any

incompletion, the performance guarantee shall be forfeited. The Township shall rebate a proportional share of cash deposits only when requested by the depositor, based on the percent of improvements completed, as attested to by the depositor and verified by the Zoning Administrator. In cases where the provisions of this Zoning Ordinance or Site Plan have not been met, or there is any incompletion, the amount of the aforementioned performance guarantee shall be used by the Township to complete the required improvements and costs of enforcement, and the balance, if any, shall be returned to the applicant.

Section 26.09 – Reserved for Future Use

(Reserved for Future Use)

Article 27
Administrative Procedures of the Zoning Board of Appeals

(amended 06-06-08, 10-03-09, 10-1-10)

Section 27.01 - Establishment of the Zoning Board of Appeals

Zoning Board of Appeals - The Zoning Board of Appeals is hereby established in accordance with the Michigan Zoning Enabling Act (PA 110 of 2006), as amended, to act upon all questions as they may arise in the administration of this Zoning Ordinance, including the interpretation of the Olive Township Zoning Ordinance and Zoning Map. The Zoning Board of Appeals of Olive Township executing authority prior to July 1, 2006 shall continue to exercise authority as the Olive Township zoning board of Appeals under PA 110 of 2006 and within the provision of the Olive Township Zoning Ordinance.

Section 27.02 - Membership and Terms of Office

A. Membership

Zoning Board of Appeals - The Zoning Board of Appeals shall consist of five (5) members and may consist of two (2) alternate members who shall be representative of the Township population and the major interests present in the Township. All members shall be residents and electors within Olive Township. One (1) member of the Township Board may be a member of the Zoning Board of Appeals, but shall not serve as chairperson, and one (1) member of the Planning Commission shall be a member of the Zoning Board of Appeals, with their term of service running concurrent with his/her service on their respective board of commission (i.e. other than the Zoning Board of Appeals). The Township Board may appoint up to two (2) alternate members for the same term as regular members to the Zoning Board of Appeals. An alternate member may be called as specified to serve as a member of the Zoning Board of Appeals in the absence of a regular member if the regular member will be unable to attend one (1) or more meetings. An alternate member may also be called to serve as a member for the purpose of reaching a decision in which the member has abstained for reasons of conflict of interest. The alternate member appointed shall serve in the case until a final decision is made. The alternate member has the same voting rights as a regular member of the Zoning Board of Appeals. An employee or contractor of the Township Board may not serve as a member of the Zoning Board of Appeals.

B. Terms

1. Members on the Zoning Board of Appeals shall be appointed by the Township Board and an existing member, as of the adoption of this ordinance, shall continue to serve their unexpired term.
2. The term of each member shall be for three (3) years. Except for members serving because of their membership on the Planning Commission or Township Board whose terms shall be limited to the time they are members of these bodies.
3. Zoning Board of Appeals members shall be appointed with staggered terms, but members may continue to serve until their successors have been appointed.

C. Vacancies

In the event that a member of the Zoning Board of Appeals can no longer serve because of health or any other reason, in the case of the Zoning Board of Appeals, the Township Board may appoint another person to the Zoning Board of Appeals for that unexpired term. Should the unexpired term be two (2) years or longer, it shall be considered as a full term. If a Zoning Board of Appeals member moves outside of the jurisdictional boundaries of the Township, that shall constitute an automatic resignation from the Planning Commission or Zoning Board of Appeals and shall be effective upon the date a replacement is appointed.

D. Member Absence

In the event that a member cannot attend a meeting, they shall call and inform the Township Clerk before 5:00 pm the day of the meeting, so that they can be excused from the meeting.

E. Removal

1. Reason for Removal - Members of the Zoning Board of Appeals may be removed by the Township Board for misfeasance, malfeasance, or nonfeasance, in office upon written charges and after a public hearing. A member shall disqualify himself or herself from a vote in which the member has a conflict of interest. Failure of a member to disqualify himself or herself from a vote in which the member has a conflict of interest constitutes malfeasance in office.
2. Conflict of Interest - A member shall excuse himself or herself from voting on a particular issue if:
 - a. the member has a direct financial interest in the outcome of the matter at issue;
 - b. The matter at issued involves the member's business or place of employment or the member has a business or financial interest in the property involved in a request or financial interest in the applicant's company, agent, or association;
 - c. Participation in the matter might violate the letter or spirit of a member's code of professional responsibility;
 - d. The member has such close personal ties to the applicant that the member cannot reasonably exercise sound judgment in the public interest; or
 - e. Participation would violate a rule or regulation adopted by the body involved.
 - f. The member owns or has a financial interest in a neighboring property and a neighboring property is defined to include any property falling within the notification radius for the application or proposed development as required by law.
 - g. An immediate family member is involved in any request for which the Zoning Board of Appeals is asked to make a decision. An immediate family member is defined as a Zoning Board of Appeals member's spouse, the member and member's spouse's children (including adopted) and their spouses, stepchildren and their spouses, parents, step parents, brothers, sisters, and their spouses, grandparents, parent-in-laws, grand parent in-laws, or any person residing in the Zoning Board of Appeals member's household.

- h. There is a reasonable appearance of a conflict of interest as determined by a majority vote of the remaining members of the Zoning Board of Appeals present.

Section 27.03 - Officers, Procedural Matters, Meetings, Quorum, Voting, and Records (amended 11-5-11)

- A. Officers and Duties - The Zoning Board of Appeals shall elect a chairman, vice-chairman, and a secretary from its members. No member of the Township Board shall be an officer of the Zoning Board of Appeals.

The term of each officer shall be one (1) year or until their successor(s) are selected and assume office. The election of officers shall take place at the last meeting in December and the term shall run for the calendar year. The Zoning Board of Appeals shall elect officers by a majority vote of the permanent membership. Alternate Zoning Board of Appeals members may not participate in nominations or the electing of officers.

The chairman shall preside at all meetings, appoint committees, subject to the Zoning Board of Appeals' approval, retain voting and discussion privileges, and perform such other duties as may be ordered by the Zoning Board of Appeals.

The vice-chairman shall act in the capacity of the chairman in his/her absence. In the event the office of the chairman becomes vacant, the vice-chairman shall succeed to this office for the unexpired term. The vice-chairman may also serve as the secretary.

The secretary shall execute documents in the name of the Zoning Board of Appeals and perform such other duties as the Zoning Board of Appeals may determine.

- B. Procedural Matters

- 1. The Zoning Administrator shall prepare an agenda for each meeting and whenever feasible, the agenda for each meeting shall be made available to the public in advance of the meeting.
- 2. Parliamentary procedure at the Zoning Board of Appeals meeting shall be governed by Robert's Rules of Order.

- C. Meetings

Zoning Board of Appeals. - Meetings of the Zoning Board of Appeals shall be held as may be required, and shall set as specified in the following paragraphs, at the Township Offices, 6480 136th Avenue, Holland, Michigan, unless canceled or rescheduled by the Zoning Board of Appeals. At the Zoning Board of Appeals meeting at the end of each year, the Zoning Administrator shall submit to the Zoning Board of Appeals a proposed meeting schedule for the upcoming year. At this meeting, the schedule shall be approved as submitted or amended to reflect the changes directed by the zoning Board of Appeals.

Meetings may be called at the request of the chairperson or upon written request to the chairperson or secretary or by any two members or upon request by the Zoning Administrator. All meetings, subcommittee meetings, hearings, record, and accounts shall be open to the public in accordance with the Michigan Freedom of Information Act and the Michigan Open Meetings Act.

- D. Quorum

Zoning Board of Appeals - A quorum shall consist of at least three (3) members. Official action of all matters before the Zoning Board of Appeals shall be taken by a concurring vote of three (3) or more members of the Zoning Board of Appeals, except that a 2/3 vote of all the members of the Zoning Board of Appeals is necessary to grant a use variance.

E. Voting

1. A member of the Zoning Board of Appeals who is also a member of the Planning Commission or the Township Board shall not participate in a public hearing on or vote on the same matter that the member voted on as a member of the Planning Commission or the Township Board, however, the member may consider and vote on other unrelated matters involving the same property.
2. Zoning Board of Appeals - The concurring vote of at least three (3) members of the Zoning Board of Appeals shall be required to reverse any requirement, decision, or determination made by the zoning administrator, or grant a variance from the requirements of this Ordinance. A concurring vote of at least four (4) members of the Zoning Board of Appeals is necessary to grant a use variance.
3. Voting Procedures
 - a. Motions before the Zoning Board of Appeals may be restated by the chairman before a vote is taken. The name of the person making the motion and its supporter shall be recorded.
 - b. Voting shall be by voice vote. All motions or resolutions resulting in Township expenditures shall be by a roll call vote. All members present are required to vote unless excused for reasons of a conflict of interest, as noted in Section 27.02(E)(2).
 - c. Action by the Zoning Board of Appeals on any matter for which a public hearing is required shall not be taken until the public has had the reasonable opportunity to address the Zoning Board of Appeals.
 - d. A member may be allowed to withdraw from the entire remainder of a meeting by majority vote of the remaining members present for any good and sufficient reason other than the member's desire to avoid voting on matters to be considered at the meeting. A motion to allow a member to be excused from voting or excused from the remainder of the meeting is in order only if made by or at the initiative of the member directly affected.

Section 27.04 - Functions, Considerations, Decisions, and Authority of the Zoning Board of Appeals

A. Appeals from Administrative Action

1. Function - The Zoning Board of Appeals shall hear and decide appeals where it is alleged that there is an error in any requirement, decision, administrative order, interpretation, determination, or action of any administrative official charged with the administration and enforcement of the provisions of this Ordinance.

2. The appeal to the Zoning Board of Appeals shall be in writing on forms provided by the Township and shall be duly filed with the Zoning Administrator within thirty (30) calendar days (but not thereafter) of such act or decision by the administrative official.
3. Considerations
 - a. In reaching its decision and in addition to any standards specified in this Ordinance, the Zoning Board of Appeals shall consider the following criteria as well as any other issues which are pertinent and reasonable.
 1. Whether or not the appeal is of a nature properly brought to them for decision, or whether or not there is an established procedure for handling the request other than through the appeal process (i.e., a variance or Special Use, etc.)
 2. The intent of the Ordinance.
 3. The effect the ruling will have when applied generally to this Ordinance.
 4. That such variance is the minimum variance that will make possible the reasonable use of the land, building, or structure;
 - b. The Zoning Board of Appeals shall consider Staff recommendations, the testimony of the applicant and testimony of the general public.
4. Decision and Authority - The Zoning Board of Appeals may reverse, affirm, or modify any decision or action of any administrative official charged with the administration or enforcement of this Ordinance. In order to reverse any decision or action of such administrative official, the concurring vote of at least three (3) members of the Board shall be necessary.
5. A member of the Zoning Board of Appeals who is also a member of the Planning Commission or Township Board shall not participate in a public hearing on, or vote on, the same matter that the member voted on as a member of the Planning Commission or Township Board. However, the member may consider and vote on other unrelated matters involving the same property.

B. Variances

1. Function - The Zoning Board of Appeals shall hear and decide all requests for variances and exceptions from the terms of the regulations or restrictions of this Ordinance and requests for use variances.
2. Nonconforming use of neighboring lands, structures, or buildings in the same zoning district, or permitted use of lands, structures, or buildings in other zoning districts shall not be considered grounds for granting a variance.
3. Findings Before granting any variance, the Zoning Board of Appeals must find that all of the following standards are met.

- a. That there are exceptional or extraordinary conditions or circumstances that are inherent to the property in question and that do not apply generally to the other nearby properties in the same zoning district;
 - b. That the exceptional or extraordinary conditions or circumstances are not the result of actions of the applicant (or the applicant's predecessors) taken subsequent to the adoption of this Ordinance;
 - c. That the granting of the variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare;
 - d. That the condition or situation of the specific piece of property for which the variance is sought is a practical difficulty and is not of so general or recurrent nature as to make it more reasonable and practical to amend the Ordinance;
 - e. The variance is necessary to the preservation and enjoyment of a substantial property right similar to that possessed by other properties or classes of uses in the same zoning district; and
 - f. In the case of a use variance, that there is an unnecessary hardship in that the property cannot be reasonably used as zoned.
4. Decisions and Authority
- a. The Zoning Board of Appeals may grant or deny, wholly or partly, any request for a variance from the regulations or restrictions of this Ordinance.
 - b. The Zoning Board of Appeals shall have the authority to attach such conditions and requirements to the granting of a variance as are reasonably necessary for the protection of the health, safety, comfort, convenience, and welfare of the general public. Such conditions or requirements shall be reasonably related to the variance granted.
 - c. The Zoning Board of Appeals shall hear and decide only those matters which it is specifically authorized to hear by statute and this Ordinance and decide as provided herein.
 - d. The Zoning Board of Appeals shall not alter or change the zoning district classification of any property, or make any change in the definitions or terms of this Ordinance, and shall not take any action which results, in effect, in making such legislative changes.
5. Voiding of, and Reapplication for, a Variance
- a. Each variance granted under the provisions of this Ordinance shall become null and void unless the construction, occupancy or other actions authorized by such variance have substantially commenced within one (1) year of the granting of such variances, and is pursued diligently to completion. For the purpose of this Section,

the commencement of construction for a building shall be the time at which a building foundation is installed.

- b. No application for a variance which has been denied wholly or in part by the Zoning Board of Appeals shall be resubmitted, except on grounds of new evidence or proof of changed conditions found.

C. Appeals of Variances

A decision of the Zoning Board of Appeals shall be final. However, an aggrieved party may appeal to the circuit court.

D. Change to Nonconforming Use

Pursuant to Section 20.07 of this Ordinance, the Zoning Board of Appeals shall have the authority to review and approve requests for change to lesser nonconforming uses.

Section 27.05 - Public Hearing Notice Requirements for the Zoning Board of Appeals

A. Mailed or Delivered Notices

The Planning Administrator shall, at least fifteen(15) days before the date a request will be considered, send by mail or personal delivery, a notice as specified in Section 27.06 hereof of public hearing for a variance, zoning ordinance interpretation request, or other hearing to the persons or entities specified in Section 27.06 hereof.

B. Publication of Public Hearing Notices

The publication of a notice, as specified in Section 27.06 hereof, for a public hearing for a variance, zoning ordinance interpretation, or other hearing, shall be done at least fifteen (15) days before the date a request will be considered.

Section 27.06 - Public Notices - Publication, Mailing, and Delivery

Except where expressly stated otherwise in this Ordinance, whenever a public hearing on a zoning application or matter is required by this Ordinance or by the Michigan Zoning Enabling Act, as amended, notice of the public hearing shall be published and delivered in accordance with the requirements of this Section.

- A. The notice shall be published once, at least 15 days prior to the date of the public hearing, in a newspaper of general circulation in the Township.
- B. For applications involving the rezoning of ten (10) or fewer adjacent properties, for applications to the Zoning Board of Appeals involving a specific parcel, and for all planned unit development and special use applications or any other hearing, a notice of public hearing shall be mailed by way of U.S. First Class Mail or be personally delivered to the following persons, at least 15 days prior to the date of the public hearing. Mailing shall be deposited during normal business hours at least fifteen (15) days before the date a request will be considered.
 - 1. The applicant and owner of the property being considered.

2. All persons to whom real property is assessed for property tax purposes within 300 feet of the property that is the subject to the application; and
3. The occupants of all structures within 300 feet of the property that is the subject of the application. If the above described 300 foot radius extends outside of the Township's boundaries, then notice must be provided outside of the Township boundaries, within the 300 foot radius, to all persons in the above stated categories. If a tenant's name is not known, the term "occupant" may be used.

Notification need not be given to more than one (1) occupant of a dwelling unit or special area owned or leased by different persons (one (1) occupant of each unit or special area shall be given notice). If a single structure contains more than four (4) dwelling units or other district special areas owned or leased by different persons, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure.

C. The notice of public hearing shall include the following information:

1. A description of the nature of the application and request.
2. An identification of the property that is the subject of the application or request. The notice shall also include a listing of all existing street addresses within the property; provided, however, that street addresses do not need to be created and listed if no such addresses currently exist within the property; and provided further that street addresses do not need to be listed if eleven (11) or more adjacent properties are being proposed for rezoning. If there is no street address, then other means of identification of the property shall be used.
3. A statement of where and when the application or request will be considered.
4. Indicate where and when written comments will be received concerning the application or request.

Article 28
Amending the Zoning Ordinance

(amended 06-06-08)

Section 28.01 - 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 28.02 - Procedures

The procedure for making amendments to this ordinance shall be in accordance with Act 110 of the Public Act of 2006, as amended.

A petition, together with a completed and signed application and fees, shall be filed with the Township Clerk. The Clerk shall review the application as to form and, when it is approved, transmit same to the Township Planning Commission for review and report. The Clerk 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, as amended.

Section 28.03 - Information Required

The petitioner shall submit a detailed description of the petition to the Township Clerk. When the petition involves a change in the Zoning Map, the petitioner shall submit the following information:

- A. A legal description of the property.
- B. A scaled map of the property, correlated with the legal description, and clearly showing the property's location and the specific zoning of the subject property and all surrounding adjacent property.
- C. The name and address of the petitioner.
- D. The petitioner's interest in the property, and if the petitioner is not the owner, the name and address of the owner.
- E. Date of filing with the Township Clerk.
- F. Signature(s) of petitioner(s) and owner(s) certifying the accuracy of the required information.
- G. The desired change and reasons for such change.

Section 28.04 - Steps in Making a Change

- A. Petitioner submits application and fee.
- B. Clerk transmits application to Planning Commission, sets hearing date, and publishes notices of hearing.
 - a. Planning Commission holds hearing, makes a decision, and transmits decision to the County Zoning Commission or coordinating Zoning Committee and to the Township Board.

- b. Township Board may refer any proposed amendments to the Planning Commission for consideration and comment within a time specified by the Township Board.
- c. Township Board shall either enact the proposed ordinance with or without amendments or reject the same.
- d. The adopted ordinance shall be filed with the Township Clerk and notice of adoption shall be published in a newspaper of general circulation in the Township within 15 days after adoption.

Section 28.05 - Recommendations

In reviewing any petition for a zoning amendment, the Planning Commission shall identify and evaluate all factors relevant to the petition, and shall report its findings in full, along with its recommendations for disposition of the petition, to the Township Board.

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 by a change in conditions since the original ordinance was adopted or by 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 petition.
- C. The compatibility of the Township or other government agencies to provide agencies, which provide any services, facilities, and/or programs that might be required if the petition were approved.
- D. Effect of approval of the petition on adopted development, policies of the Township and other government units.
- E. All recommendations shall be made a part of the public records of the meetings of the Planning Commission and Township Board.

Article 29
Severability

Section 29.01 - 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 30
Effective Date of Ordinance

Section 30.01 - Effective Date of Ordinance

This ordinance shall become effective when a true copy of the same is first published in its entirety or in synopsis form, following passage by the Township Board of the Township of Olive.

Made and passed by the Township Board of the Township of Olive, Ottawa County, Michigan on this 20th day of October A.D., 1988

- | | | |
|----|-------------------------------------|------------------|
| 1. | Date of Public Hearing: | October 20, 1988 |
| 2. | Date of Adoption by Township Board: | October 20, 1988 |
| 3. | Date of Publication: | November 3, 1988 |
| 4. | Effective Date | November 3, 1988 |

Attest:

Beverly Jaarsma
Township Clerk