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ARTICLE I -TITLE AND PURPOSE

Section 1.01 Short Title

This Ordinance shall be known as the Port Sheldon Township Zoning Ordinance.

Section 1.02 Purpose

In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements adopted for the promotion of the public health, safety, and general welfare. Among other purposes, such provisions are intended to provide for the orderly development of the Township; to limit and discourage the improper use of lands, Buildings, and other Structures; to provide and maintain safe and adequate water supply, sewage disposal, and storm water run-off; to conserve property values, preserve the quality of life, and conserve natural resources; to provide for adequate light, air and convenience of Access; to secure safety from fire and other dangers; and to avoid undue concentration of population by regulating and limiting the height and bulk of Buildings wherever Erected, limiting and determining the size of Yards, courts and other open spaces, regulating the Density of population, and regulating and restricting the location of uses, trades, industries, and Buildings in relation to traffic and parking needs.

Section 1.03 Scope

It is not intended by this Ordinance to repeal, abrogate, annul, or in any way impair or interfere with existing provisions of other laws or ordinances, except those specifically repealed by this Ordinance, nor any private restrictions placed upon property by covenant, deed, or other private agreement. Where this Ordinance imposes a greater restriction upon the use of Buildings or premises than are imposed or required by such existing provisions of law or ordinance or by such rules, regulations, or permits or by such private restrictions, the provisions of this Ordinance shall control.

Section 1.04 Legal Basis

This Ordinance is enacted pursuant to the Michigan Zoning Enabling Act, PA 110 of 2006, as amended.

ARTICLE II - DEFINITIONS

Section 2.01 Rules Applying to Text

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

1. The particular shall control the general.
2. With the exception of this Article, the headings which title an Article, section or subsection are for convenience only and are not to be considered in any construction or interpretation of this Ordinance or as enlarging or restricting the terms and provisions of this Ordinance in any respect.
3. The word “shall” is always mandatory and not discretionary. The word “may” is permissive.
4. Unless the context clearly indicates to the contrary, (1) words used in the present tense shall include the future tense; (2) words used in the singular number shall include the plural number; and (3) words used in the plural number shall include the singular number.
5. A “Building” or “Structure” includes any part thereof.
6. The words “used” or “occupied”, as applied to any land or Building, shall be construed to include the words “intended”, “arranged”, “designed to be used”, “occupied”, and the like.
7. The phrase “used for” includes “arranged for”, “designed for”, “intended for”, “maintained for”, “occupied for”, and the like.
8. Any word or term not defined herein shall be considered to be defined in accordance with its common or standard definition.

Section 2.02 Definitions

The following listed terms and words are defined for the purpose of their use in this Ordinance; these definitions shall apply in the interpretation and enforcement of this Ordinance unless otherwise specifically stated.

Section 2.03 “A”

ACCESS. A way or means of approach to provide vehicular or pedestrian physical entrance to a property.

ACCESSORY BUILDING OR STRUCTURE. A subordinate Building or Structure on the same Lot with a main Building, or a portion of the main Building, occupied or devoted primarily to an Accessory Use.

ACCESSORY USE. A use naturally and normally incidental, ancillary, and subordinate to the principal or Main Use of the premises.

ADULT DAY CARE FAMILY HOME. A private home in which six (6) or fewer adults eighteen (18) years of age or older, receive care for periods of less than twenty-four (24) hours a day. It includes facilities for adults who are aged, mentally ill, developmentally disabled, or physically handicapped that require supervision on an ongoing basis. An Adult Day Care Family Home does

not include alcohol or substance abuse rehabilitation centers, residential centers for Persons released from or assigned to a correctional facility, or any other facilities which do not meet the definition of Adult Day Care Family Home.

ADULT DAY CARE GROUP HOME. A private home in which more than six (6) but not more than twelve (12) adults eighteen (18) years of age or older, receive care for periods of less than twenty-four (24) hours a day. It includes facilities for adults who are aged, mentally ill, developmentally disabled, or physically handicapped that require supervision on an ongoing basis. An Adult Day Care Group Home does not include alcohol or substance abuse rehabilitation centers, residential centers for Persons released from or assigned to a correctional facility, or any other facilities which do not meet the definition of Adult Day Care Group Home.

ADULT DAY CARE FACILITY. A facility, other than a private residence, receiving one or more Persons, eighteen (18) years of age or older, for care for periods of less than twenty-four (24) hours a day. It includes facilities for adults who are aged, mentally ill, developmentally disabled or physically handicapped that require supervision on an ongoing basis. An Adult Day Care Facility does not include alcohol or substance abuse rehabilitation centers, residential centers for Persons released from or assigned to a correctional facility, or any other facilities which do not meet the definition of Adult Day Care Facility.

ADULT FOSTER CARE FACILITY. An establishment having as its principal function the receiving of adults for foster care as defined in Act 218 of 1979 (MCL 400.703 et seq.). It includes facilities and foster care Family homes for adults, who are aged, emotionally disturbed, developmentally disabled, or physically handicapped who require supervision on an ongoing basis but who do not require continuous nursing care. Adult foster care does not include any of the following:

1. Nursing Homes and hospitals licensed Article 17 of Act 368 of the Public Acts of 1978, as amended;
2. Hospitals for Persons with mental disabilities or a facility for the developmentally disabled operated by the department of mental health under Act 258 of the Public Acts of 1974, as amended;
3. County infirmary operated by a County department of social services under section 55 of Act 280 of the Public Acts of 1939, as amended;
4. A child care institution, children's camp, foster Family home, or foster Family group home licensed or approved under Act 116 of the Public Acts of 1973, as amended;
5. An establishment commonly described as an alcohol or a substance abuse rehabilitation center, a residential facility for Persons released from or assigned to adult correctional institutions, a maternity home, or a Hotel or rooming house which does not provide or offer to provide foster care; and
6. A veteran's facility created by Act 152 of the Public Acts of 1885, as amended.

ADULT FOSTER CARE FAMILY HOME. An adult foster care facility with the approved capacity to receive at least three (3) but not more than six (6) adults who are provided supervision, personal care, and protection in addition to room and board, for twenty-four (24) hours a day, five (5) or

more days a week, and for two (2) or more consecutive weeks. The adult foster care family home licensee shall be a member of the household, and an occupant of the facility.

ADULT FOSTER CARE SMALL GROUP HOME. An adult foster care facility with approved capacity to receive at least three (3) but not more than twelve (12) adults to be provided supervision, personal care, and protection in addition to room and board, twenty-four (24) hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks.

ADULT FOSTER CARE LARGE GROUP HOME. An adult foster care facility with the approved capacity to receive at least thirteen (13) but not more than twenty (20) adults to be provided supervision, personal care, and protection in addition to room and board, twenty-four (24) hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks.

ADULT FOSTER CARE CONGREGATE FACILITY. An adult foster care facility with the approved capacity to receive more than 20 adults to be provided supervision, personal care, and protection in addition to room and board, twenty-four (24) hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks.

ALLEY. A strip of land over which there is a Right-of-Way, public or private, on which no Dwelling or other land uses front, serving as a rear entrance or secondary Access to one or more properties.

ALTERATIONS, STRUCTURAL. Any change in the supporting members of a Building or Structure, such as bearing walls, columns, beams or girders, any substantial change in the roof, or an addition to or diminution of a Structure or Building.

ANCILLARY ACTIVITIES. The washing, crushing, blending, sorting/ screening, packaging, loading and other processing of Natural Resources done in conjunction with Earth Change or Natural Resource Extraction Operation on the same Parcel.

ASSISTED LIVING FACILITY. A facility that provides limited care for senior citizens who need assistance with some daily activities but do not require the full care provided in a Nursing Home or Adult Foster Care Facility.

AUTOMOBILE REPAIR FACILITY. An establishment used or intended to be used for engine rebuilding or major reconditioning of worn or damaged Motor Vehicles or trailers; collision service including body, frame or fender straightening or repair and painting of vehicles.

AUTOMOBILE AND BOAT SALES. A retail business typically characterized by a mixture of related uses upon a commercial site; however, the Principal Use of the site shall be the marketing of new or used automobiles, or new or used boats, whether by sale, rent, lease, or other commercial or financial means. Secondary supporting uses may also exist upon the same site, such as Motor Vehicle or boat repair and service, a car wash, parts storage areas, and financial service areas.

Section 2.04 “B”

BANQUET HALL. An establishment which is rented by individuals or groups to accommodate private functions including, but not limited to, banquets, weddings, anniversaries and other similar celebrations. Such a use may or may not include: 1) kitchen facilities for the preparation or

catering of food; 2) the sale of alcoholic beverages for on-premises consumption, only during scheduled events and not open to the general public; and 3) outdoor gardens or reception facilities.

BASEMENT. That portion of a Building between the floor and the ceiling which is at least partly below and partly above grade but so located that the average vertical distance from the grade to the floor below is more than the vertical distance from the grade to the ceiling.

BED AND BREAKFAST. A private residence that offers sleeping accommodations to transient tenants in 14 or fewer rooms for rent, is the innkeeper's residence in which the innkeeper resides while renting the rooms to transient tenants, serves breakfasts at no extra cost to its transient tenants, and has smoke detectors in proper working order in every sleeping room and a fire extinguisher in proper working order on every floor.

BILLBOARDS AND SIGNS. See definitions contained in Article XV.

BUILDING. Anything which is constructed or Erected, including a Mobile Home, having a roof supported by columns, walls, or other supports, which is used for the purpose of housing or storing of persons, animals, or personal property or carrying on business activities or other similar uses.

BUILDING CODE. The Building Code enforced in the Township.

BUILDING HEIGHT. The vertical distance measured from the average grade to the average height of the highest roof surface. Average height shall be determined using the lowest point of the eave to the highest point of the roof.

BUILDING OFFICIAL. The Person designated by the Township Board to administer and enforce the Building Code.

Section 2.05 "C"

CEMETERY. Property which is used solely for the internment of deceased human beings or customary household pets.

CHILD CARE CENTER. A facility, other than a private residence, receiving one (1) or more children for care for periods of less than twenty-four (24) hours a day, and where the parents or guardians are not immediately available to the child. Child Care Center includes a facility that provides care for not less than two (2) consecutive weeks, regardless of the number of hours of care per day. Child Care Center does not include a social, educational, athletic, or religious activity that is conducted where children are in attendance for not greater than three (3) hours per day for an indefinite period, or not greater than eight (8) hours per day for a period not to exceed four (4) weeks, during a twelve (12) month period, or a facility where children are cared for not greater than three (3) hours, while Persons responsible for the children are attending corresponding adult activities.

CHILD CARE HOME, FAMILY. A private residence in which the operator permanently resides as a member of the household in which one (1) but less than seven (7) minor children are received for care and supervision for periods of less than twenty-four (24) hours per day, unattended by a parent or legal guardian, excluding children related to an adult member of the operator's Family

by blood, marriage or adoption. Family Child Day Care Home includes a home that gives care to an unrelated minor child for more than four (4) weeks during a calendar year.

CHILD CARE HOME, GROUP. A private home in which between seven (7) and twelve (12) minor children are given care and supervision for periods of less than twenty-four (24) hours a day unattended by a parent or legal guardian, excluding children related to an adult member of the operator's Family by blood, marriage, or adoption.

CHURCH. A facility used for the regular assembly of Persons conducting religious services or worship and customary Accessory Uses. Customary Accessory Uses includes living quarters for clergy and other members of religious orders who carry out their duties primarily on site, religious educational classes, Church sponsored day care, youth centers, religious activities office space and other similar activities customarily associated with Churches. Soup kitchens, rescue missions and residential facilities for men, women or families are not considered Accessory Uses. Temporary religious assemblies such as tent revivals are not included in this definition.

CONSTRUCTION AND CONTRACTOR YARDS. A facility or site and associated Buildings used primarily for the office operations and the storage of equipment, vehicles, machinery, building materials, paints, pipe, or electrical components used by the owner or occupant of the premises in the conduct of any building trades or building craft, and including incidental sales of materials.

Section 2.06 "D"

DENSITY. The maximum number of Dwelling Units which may be placed upon a Parcel of land, usually expressed as Dwelling Units per acre.

DEVELOPER. Means the legal or beneficial owner or owners of a Lot or of any land proposed to be included in a proposed development, including the holder of an option or contract to purchase or other Person having an enforceable proprietary interest in such land.

DRIVE-THROUGH FACILITY. Any place or premise which offers the sale of goods or services to customers while in their vehicles.

DRIVEWAY. A strip of land proving vehicular access from a Public or Private Street to a Parking Space, Garage, Dwelling, or Accessory Building.

DWELLING. Any Building or portion thereof that is used exclusively for human habitation and which provides complete living facilities, including permanent provisions for sleeping, eating, cooking and sanitation, but not including motels, Hotels, tourist rooms or cabins.

1. **Dwelling, Single-Family.** A Building designed for use and occupancy by one (1) Family only.
2. **Dwelling, Two-Family.** A Building designed for use and occupancy by two (2) families only.
3. **Dwelling, Manufactured (Mobile Home).** A movable or portable Dwelling constructed to be towed on its own chassis, connected to utilities, and designed without a permanent foundation for year-round living as a Single-Family Dwelling. A Mobile Home may contain parts that may be combined, folded, collapsed, or telescoped when being towed, and expanded later to provide additional cubic capacity.

- A. **Single Wide.** A Manufactured Dwelling with an average longitudinal width of no greater than fourteen (14) feet.
 - B. **Double Wide.** A combination of two (2) Mobile Home elements designed and constructed to be connected along the longitudinal axis, thus providing more living space than a conventional Single Wide unit without duplicating any of the service facilities, such as kitchen equipment or furnace. Single Wide Mobile Homes with extenders or add-a-rooms shall not be considered as Double Wide Mobile Homes.
- 4. **Dwelling, Multi-Family.** A Building designed for use and occupancy by three (3) or more families.
 - 5. **Dwelling, Migratory Worker.** A Dwelling intended for the seasonal occupation of migratory farm workers and their families.

DWELLING UNIT. One (1) room or suite of two (2) or more rooms designed for use or occupancy by one (1) Family for living and sleeping purposes with housekeeping facilities. Tents, Travel Trailers, motor homes, and the like are not considered Dwelling Units for the purpose of this Ordinance.

Section 2.07 “E”

EARTH CHANGE. The removal, loading, processing and/or transporting of topsoil, sand, gravel, or other such minerals on, to, or from a Lot, tract or Parcel, not more than twenty-five thousand (25,000) cubic yards, and including the incidental maintenance of machinery or equipment used in connection with such Earth Change.

EDUCATIONAL FACILITY. An institution providing full-time instruction and including accessory facilities traditionally associated with a program of study which meets the requirements of the laws of the state.

ELECTRICAL POWER PLANT. A facility engaged in the large-scale, commercial generation of electric power as regulated by the public utility commission. The related uses shall include, but are not limited to, the fuel stock and handling facilities; boilers, generating and regulating facilities; offices; training facilities; and the waste disposal facilities. The primary and secondary distribution system is defined as an Essential Public Service.

EQUIPMENT SALES. A retail business typically characterized by a mixture of related uses upon a commercial site; however, the Principal Use of the site shall be the marketing of new or used equipment, whether by sale, rent, lease, or other commercial or financial means.

ERECTED. Constructed, built, remodeled, moved upon, or any part of preparing the land for the construction of a Building or Structure.

ESSENTIAL PUBLIC SERVICES. Essential Public Services shall mean the erection, construction, alteration or maintenance by public utilities, municipal departments or commissions, or any governmental agencies of underground or overhead gas, electrical, steam or water transmission or distribution system, collection, communication, supply or disposal system, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers, electric substations, telephone exchange Buildings, gas

regulator stations, and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of utility service by such public utilities, municipal departments, commission or any governmental agencies, or for the public health, safety and welfare. Electric power plants, Buildings, and Structures are specifically excluded from the definition of Essential Public Services. Primary and secondary electrical distribution systems are hereby defined as Essential Public Services.

EXISTING. In the case of a Lot or Parcel, Existing shall mean having been registered with the Ottawa County Register of Deeds. In the case of a Building or Structure, Existing shall mean having completed the foundation.

Section 2.08 “F”

FAMILY. A single individual or individuals, domiciled together whose relationship is of a continuing, non-transient, domestic character and who are cooking and living together as a single, nonprofit housekeeping unit, but not including any society, club, fraternity, sorority, association, lodge, organization, school, boarding house or group of students or other individuals whose relationship is of a transitory or seasonal nature, or for anticipated limited duration of school terms, or other similar determinable period of time.

FARM. The land, plants, animals, Buildings, Structures, including ponds used for agricultural or aquacultural activities, machinery, equipment, and other appurtenances used in the commercial production of Farm products.

FARM PRODUCTS. Plants and animals useful to people and including, but not limited to: forages and sod crops, grains and feed crops, dairy and dairy products, poultry and poultry products; livestock, including breeding and grazing, fruits, vegetables, flowers, seeds, grasses, trees, fish, apiaries, equine, and other similar products; or any other product which incorporates the use of food, feed, fiber or fur.

FENCE: An artificially constructed barrier of recognized building materials or combination of materials Erected to enclose, screen, or separate areas.

FLOOD HAZARD AREA. An area subject to periodic flood hazard as defined in the National Flood Insurance Act of 1968, as from time to time amended.

FLOODPLAIN. An area subject to periodic flooding as defined in the National Flood Insurance Act of 1968, as from time to time amended.

FLOOR AREA. The gross Floor Area of all floors of a Building or an addition to an Existing Building. For all office Buildings and for any other Building, except Dwelling Units, where the Principal Use thereof shall include the Basement, the Basement Floor Area shall be included, except that part thereof which contains heating and cooling equipment and other basic utilities.

Section 2.09 “G”

GARAGE. An attached or detached Building or portion of a Building used primarily for the parking of automobiles and light trucks.

GAS STATION. Any Building, Structure or land used for the dispensing, servicing, sale or offering for sale at retail, of any automobile fuels, oils, or accessories.

GOVERNMENT BUILDING. The offices of any department, commission, independent agency, or instrumentality of the United States, of a state, county, incorporated or unincorporated municipality, Township, authority, district, or other governmental unit.

GREENBELT. A Greenbelt shall be a planting strip or buffer strip, at least ten (10) feet in width, which shall consist of deciduous or evergreen trees, or a mixture of both, spaced not more than thirty (30) feet apart and not less than one (1) row of dense shrubs, spaced not more than five (5) feet apart and which grow at least five (5) feet wide and five (5) feet or more in height after one full growing season, which shall be planted and maintained in a healthy, growing condition by the property owner.

Section 2.10 “H”

HOME OCCUPATION. A gainful occupation conducted by members of the family only, in their dwelling unit, provided that the space used is incidental to the dwelling and that no article is sold or offered for sale, except such as is produced by such home occupation.

Personal services, such as licensed beauty/barber shops, and other similar personal services are specifically included in the definition of Home Occupation.

HOME OCCUPATION, MAJOR. A Home Occupation that is conducted, in whole or in part, in an Accessory Building or that is conducted within the Dwelling but the operation of which does not meet the restrictions and regulations for a Minor Home Occupation.

HOME OCCUPATION, MINOR. A Home Occupation that is conducted entirely within the Dwelling and that complies with the restrictions and regulations of Section 4.17 of this Ordinance.

HOTEL OR MOTEL. An establishment containing lodging accommodation designed for use by transients or travelers or temporary guests. Facilities provided may include a kitchen, maid service, laundering of linen used on the premises, telephone and secretarial or desk service, meeting rooms, Restaurants, cocktail lounges and other ancillary uses.

Section 2.11 “I”

IN-HOME FIREARM SALES. A Home Occupation that consists of the repair, rebuilding, alteration or similar work on firearms and related activities conducted in accordance with a valid Federal Firearms License granted by the United States Bureau of Alcohol, Tobacco, Firearms and Explosives. Related activities shall include the shipping, receiving, and occasional discharge of firearms only for the purposes related to the Home Occupation.

INDOOR RECREATION FACILITY. An indoor facility, with or without seating for spectators, and providing accommodations for a variety of individual or organized sports, including but not limited to basketball, ice hockey, wrestling, soccer, tennis, volleyball, racquetball, or handball. Such facility may also provide other regular organized events, including health and fitness club facilities, Swimming Pool, snack bar, Restaurant, retail sales of related sports, health or fitness items, and other support facilities.

Section 2.12 “J”

JUNKYARD. A place where waste, surplus, discarded or salvaged materials are bought, sold, exchanged, stored, baled, cleaned, packed, disassembled or handled; including house-wrecking yards, used lumber yards, and places or yards for use of salvaged house-wrecking and structural steel materials and equipment, including automobile wrecking, but excluding pawn shops and establishments for the sale, purchase or storage of used cars in operable condition, salvaged machinery, used furniture and household equipment, and the processing of used, discarded or salvaged materials as part of manufacturing operations, when conducted entirely within a completely enclosed Building.

Section 2.13 “K”

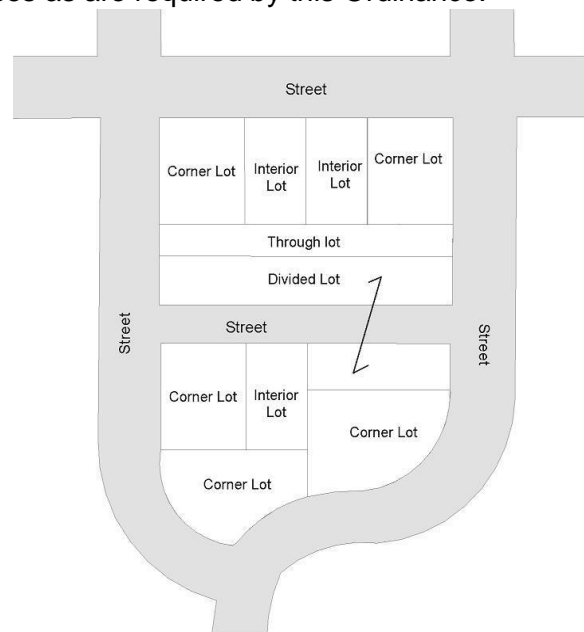
KENNEL. Any Lot or premises on which four (4) or more dogs, cats or other household pets, four (4) months of age or older, are kept either temporarily or permanently.

Section 2.14 “L”

LANDFILL. Any facility licensed or regulated by state law.

LOT. A piece or Parcel of land occupied or intended to be occupied by a principal Building and Accessory Structures, together with such open spaces as are required by this Ordinance.

1. **Area, Lot.** The total area encompassed within the Lot Lines of a Lot.
2. **Lot, Corner.** A Lot located at the intersection of two (2) or more Private or Public Streets. A Lot abutting on a curved Public or Private Street or Streets shall be considered a Corner Lot if straight lines drawn from the foremost points of the Side Lot Lines to the foremost point of the Lot meet on an interior angle of less than one hundred thirty-five (135) degrees.
3. **Lot, Double Frontage.** Any Lot, excluding a Corner Lot, which fronts on two (2) Public or Private Streets which do not intersect.
4. **Lot, Interior.** A Lot other, than a Corner Lot, with frontage on one Public or Private Street. Interior Lots on cul-de-sacs shall contain a minimum of forty (40) feet of frontage on the turnaround section of the cul-de-sac.
5. **Lot Width.** The distance between the Side Lot Lines, measured at the required Building Setback line.
6. **Lot, Waterfront.** A Lot which fronts on a navigable waterway.



LOT LINE. A line bounding a Lot or a Parcel of property.

1. **Front Lot Line.** The boundary line of a Lot immediately adjacent to the Public or Private Street Right-of-Way, except as follows:
 - A. In the case of a Corner Lot or a Double Frontage Lot, the shorter Lot Line shall be the Front Lot Line. If the distances are equal then Zoning Administrator shall determine the Front Lot Line based on orientation of the Lot, the location of Buildings and/or Structures, the property address, and other applicable factors.
 - B. In the case of a Waterfront Lot, the line which fronts on a navigable waterway shall be the Front Lot Line.
2. **Rear Lot Line.** The boundary line which is most distant from, and generally opposite to, the Front Lot Line.
3. **Side Lot Line.** Any boundary line which is neither a Front nor a Rear Lot Line.

Section 2.15 “M”

MANUFACTURING ESTABLISHMENT. An enclosed establishment engaged in the mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the creation of products, and the blending of materials, usually in a continuous and regular action or succession of actions.

MASTER PLAN. The comprehensive, long-range plan intended to guide growth, preservation and development in the Township which includes recommendations on future land use, economic development, housing, recreation, transportation, open space, agriculture and community facilities.

MEDICAL OFFICE. A Building in which a group of physicians, dentists, or physicians and dentists or related medical professionals and their allied professional assistants are associated for the purpose of practicing their profession. The clinic may include a medical or dental laboratory. It shall not include in-patient care or operating rooms for major surgery.

MANUFACTURED HOUSING COMMUNITY. Any Parcel or tract of land licensed and regulated under provisions of state law, under the control of any Person, upon which three (3) or more occupied Manufactured Dwellings are harbored on the continual or non-recreational basis, or which is offered to the public for that purpose, regardless of whether a charge is made therefore, together with any Building, Structure, enclosure, Public or Private Street, equipment or facility used or intended for use incident to the harboring or occupancy of Manufactured Dwellings.

MOTOR VEHICLE. A vehicle which is self-propelled.

Section 2.16 “N”

NATURAL RESOURCES. Sand, gravel, soil, topsoil, rock, stone, minerals, peat, and other similar materials.

NATURAL RESOURCE EXTRACTION. The removal, loading, processing and/or transporting of topsoil, sand, gravel, or other such minerals on, to, or from a Lot, tract or Parcel, in excess of twenty-five thousand (25,000) cubic yards, and including the incidental maintenance of machinery or equipment used in connection with such Natural Resource Extraction. Minor alterations of the

grade elevation by cutting or filling earth for noncommercial purposes, such as preparing a plot for construction, shall not constitute Natural Resource Extraction.

NONCONFORMING USE OR STRUCTURE. Any use or Structure that does not comply with the requirements of this Ordinance.

NURSING HOME, AND SIMILAR INSTITUTIONS. A home for the aged, chronically ill, infirm or incurable persons, or a place of rest for those persons suffering bodily disorders, licensed in accord with Article 17 of Act 368 of 1978, as amended.

Section 2.17 “O”

OPEN AIR MARKET. The display and sales of products and services primarily outside of a Building or Structure, including, but not limited to, Motor Vehicles, garden supplies, Farm equipment, motor homes, burial monuments, Manufactured Dwellings, recreational vehicles, Building and landscape materials, and lumber yards.

Section 2.18 “P”

PARCEL. One or more platted or registered Lots for development and taxation.

PARK, PUBLIC. A tract of land, designated, maintained and used by the public for active and/or passive recreation and which is owned and controlled by a public entity or unit of government.

PARKING AREA, SPACE, OR LOT. An off-street open area, the Principal Use of which is for the parking of Motor Vehicles.

PERFORMANCE GUARANTEE. A financial deposit to ensure that all improvements, facilities, or work required will be completed in conformance with the approved plan.

PERSON. An individual, sole proprietorship, partnership, corporation, limited liability company or association.

PERSONAL SERVICE ESTABLISHMENT. Businesses performing on-site services, such as but not limited to: repair shops (watches, radio, television, shoe, etc.), tailor shops, beauty/barber shops, photographic studios and self-service laundries or similar services.

PLANNED UNIT DEVELOPMENT (PUD). In the case of new development, a clustering of Dwelling Units or other improvements, such that useful open spaces and natural features are preserved and enhanced, according to a specific plan approved by the Township.

PLANNING COMMISSION. The Port Sheldon Township Planning Commission.

PRINCIPAL OR MAIN USE. The primary or predominant use of a Lot.

PRIVATE COMMUNITY SANITARY SEWER: A privately owned and operated sewer system that collects, treats, and disposes of sewage from individual Lots within a development by a system of pipes to a central treatment and disposal plant and is owned and operated independent of any public sanitary sewer.

PRIVATE WATER SYSTEM: A privately-owned water distribution system that provides potable water from one or more sources to individual Lots within a development by a system of pipes.

PROFESSIONAL AND BUSINESS OFFICE. The office of an engineer, doctor, dentist, attorney, real estate broker, insurance broker, architect, or other similar professional Person and any office used primarily for accounting, correspondence, research, editing or administration.

PUBLIC NUILITY. The knowing or intentional display of any individual's genitals, anus, or of a female individual's breast, in a Public Place, or any other place for payment or promise of payment by any person. An individual's genitals or anus shall be considered to be displayed if it or they are visible; an individual's genitals or anus shall not be considered to be displayed if they are covered by a fully opaque covering. A female individual's breast shall not be considered to be displayed if the nipple and areola are covered by a fully opaque covering. Payment or promise of payment includes the payment of, or promise of payment of, any consideration or admission fee. Public Nudity does not include any of the following:

1. The exposure of a woman's breast while breast-feeding a child, whether the nipple or areola is visible during or incidental to the feeding.
2. Any materials which meet or satisfy the definition contained in Act 343 of the Public Acts of 1984, as amended.
3. Any sexually explicit visual material as defined in Act 33 of the Public Acts of 1978, as amended.
4. Any display of an individual's genitals or anus, or of a female individual's breast, which occurs as part of the regular curriculum of an educational institution that is funded, chartered, or recognized by the State of Michigan.

PUBLIC PLACE. any real property, or appurtenance to real property, which is owned by the State of Michigan, by any municipality of this state, a public agency or by a college or university of this state. The term includes, but is not limited to a Structure, enclosure, facility or complex, such as a court, mall, park, or any subordinate unit of government, agency, commission, or instrumentality of the state. Public Place shall also mean a business or an educational, refreshment, entertainment, recreation, health, transportation facility, or institution of any kind, whether licensed or not, whose goods, services, facilities, privileges, advantages, or accommodations are extended, offered, sold, or otherwise made available to the public.

PUBLIC SANITARY SEWER SERVICE: A sewer system that is owned and/or operated by a municipality, governmental agency, or utility that collects, treats, and disposes of sewage from individual Lots by a system of pipes to a central treatment and disposal plant.

PUBLIC WATER SERVICE: A water distribution system that is owned and/or operated by a municipality, governmental agency, or utility that provides potable water from one or more sources to individual Lots by a system of pipes.

Section 2.19 "Q" Reserved

Section 2.20 "R"

RECREATION VEHICLE. A vehicular type portable Structure without permanent foundation, which can be towed, hauled, or driven and primarily designed as temporary living accommodation

for recreation, camping and travel use, and including but not limited to Travel Trailers, truck campers, camping trailers, and self-propelled motor homes and/or marine vessel.

RESTAURANT. A business located in a Building where, in consideration of the payment of money, meals are habitably prepared, sold and served to persons for consumption on or off the premises, having suitable kitchen facilities connected therewith, containing conveniences for cooking an assortment of foods which may be required for ordinary meals and deriving the major portion of its receipts from the sale of food.

RESTAURANT, WITH LIQUOR OR DRIVE-THROUGH. A Restaurant as defined herein that provides, as an integral part of its operation, a Drive-Through Facility, or serves alcoholic beverages intended for consumption by patrons on the premises.

RESTAURANT, WITHOUT LIQUOR OR DRIVE-THROUGH. A Restaurant as defined herein that does not contain a Drive-Through Facility and does not serve alcoholic beverages intended for consumption by patrons on the premises.

RETAIL COMMERCIAL ESTABLISHMENT. A store, market or shop in which commodities are sold or offered for sale in small or large quantities to the retail trade. Grocery and general stores, meat markets, public garages, and Gas Stations are included in this classification.

RIGHT-OF-WAY. Land acquired by reservation, dedication, forced dedication, prescription, or condemnation and intended to be occupied by a road, crosswalk, railroad, railway, electric transmission lines, pipeline, water line, sanitary storm sewer, and other similar essential services, whether public or private, for public purposes.

ROADSIDE STAND. A small Building, Structure or area of land designed or used for the display and sale of farm products including, but not limited to, fruits, vegetables, flowers, firewood, and Christmas trees.

Section 2.21 “S”

SELF-STORAGE FACILITY. A Building or grouping of Buildings consisting of individual, self-contained units leased to individuals, organizations, or businesses for self-storage of personal property.

SETBACK. The measurement from the property line to the nearest point of the main wall of the Building or Structure, subject to certain Yard encroachments.

SEXUALLY ORIENTED BUSINESS means a business or commercial enterprise that conducts or engages in any of the activities hereinafter defined.

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

2. **ADULT BOOKSTORE OR ADULT VIDEO STORE** means a commercial establishment that, as one of its business purposes or services, offers for sale or rental for any form of consideration, any of the following:

- A. Books, magazines, periodicals or other printed matter or photographs, films, motion pictures, video cassettes or video reproductions, slides or other visual representations or media which depict or describe Specified Sexual Activities or Specified Anatomical Areas; or,
- B. Instruments, devices, or paraphernalia that are designed for use in connection with Specified Sexual Activities.

A commercial establishment may have other business purposes or services that do not involve the offering for sale or rental of the material identified in paragraphs A or B, above, and still be categorized as an Adult Bookstore or Adult Video Store. The sale or rental of such material shall be deemed to constitute a business purpose or service of an establishment if it compromises twenty (20) percent or more of the establishment's gross revenues, or of such materials occupy twenty (20) percent or more of the establishment's gross Floor Area.

3. **ADULT CABARET** means a nightclub, bar Restaurant, or similar commercial establishment that regularly features:

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

4. **ADULT MOTEL** means 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, other photographic reproductions or visual media that are characterized by the depiction or description of Specified Sexual Activities or Specified Anatomical Areas and has a Sign visible from the public Right-of-Way that advertised the availability of any of the above;
- B. Offers a sleeping room for rent for a period of time that is less than twelve (12) hours; or
- C. Allows a tenant or occupant of a sleeping room to offer it for rent or other consideration for a period of time that is less than twelve (12) hours.

5. **ADULT MOTION PICTURE THEATER** means a commercial establishment which, for any form of consideration, regularly and primarily shows films, motion pictures, video

cassettes, slides, other photographic reproductions or visual media that are characterized by the depiction of Specified Sexual Activities or Specified Anatomical Areas.

6. **ADULT THEATER** means a Theater, concert hall, auditorium, or similar commercial establishment that regularly features a person or persons who appears in a state of nudity, or that regularly features live performances that are characterized by exposure of Specified Anatomical Areas or Specified Sexual Activities.
7. **ESCORT** means a person who, for consideration agrees or offers to act as a companion, guide, or date of another person or who agrees or offers to privately model lingerie or privately perform a striptease for another person.
8. **ESCORT AGENCY** means a Person or business association who furnishes, offers to furnish, or advertises to furnish Escorts as one of its business purposes or services, for a fee, tip, or other consideration.
9. **NUDE MODEL STUDIO** means any place where a person who displays Specified Anatomical Areas is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons, who pay money or any other form of consideration, but does not include an educational institution funded, chartered or recognized by the State of Michigan.
10. **SEXUAL ENCOUNTER CENTER** means a business or commercial enterprise that, as one of its business purposes or services, offers for any form of consideration any of the following:
 - A. Any physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
 - B. Activities between male and female persons or between persons of the same sex, when one or more of the persons is in a state of nudity.

SPECIFIED ANATOMICAL AREAS are defined as:

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

SPECIFIED SEXUAL ACTIVITIES means and includes any of the following:

1. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or breast;
2. Sex acts, normal or perverted, actual or simulated including but not limited to intercourse, oral copulation, or sodomy;
3. Masturbation, actual or simulated; or,
4. Excretory functions as part of or in connection with any of the activities set forth in paragraph 1-3 above.

STABLE. A Building and related Structures used for the housing of horses, ponies, and the like for hire or for compensation.

STORY. That portion of a Building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost Story shall be that portion of a Building included between the upper surface of the topmost floor and the ceiling or roof above.

STREET, PRIVATE. A permanent unobstructed easement at least sixty-six (66) feet in width for Access from a Public Street.

STREET, PUBLIC. A publicly owned and maintained Right-of-Way which affords traffic circulation and principal means of Access to abutting property, including any avenue, place, way, drive, lane, boulevard, highway, road, or other thoroughfare, except Alleys and Private Streets.

STRUCTURE. Anything except a Building, constructed or Erected, the use of which requires permanent location on the ground or attachment to something having a permanent location on the ground. For the purposes of this Ordinance, a Parking Lot is not considered a Structure.

SWIMMING POOL. Any Structure, either above, below or partly above and partly below grade, designed to hold water to a depth of greater than two (2) feet when filled, and intended to be used for swimming purposes. Natural bodies of water and manmade ponds shall not be considered to be Swimming Pools.

Section 2.22 “T”

TEMPORARY USE. A use permitted to exist during a specified and limited period of time, subject to the conditions and procedures as provided in this Ordinance.

THEATER. A Building or part of a Building devoted to showing motion pictures, or for dramatic, dance, musical, or other live performances.

TOWNSHIP. Port Sheldon Township, Ottawa County, Michigan, TOWNSHIP BOARD, The Port Sheldon Township Board of Trustees.

TRANSPORTATION FACILITY. A highway or Public Street, a railroad, an airport, or a public wharf or dock.

TRAVEL TRAILER. A transportable unit or motorized vehicle intended for occasional or short-term occupancy as a Dwelling Unit during travel, recreational, or vacation use, but not including Mobile Homes as defined in this Ordinance.

TRAVEL TRAILER/RV PARK. An area on which space is rented for Travel Trailers, as herein defined, on a temporary basis according to the provisions of Act 243, Public Act of 1959, as amended, and the provisions of this Ordinance.

Section 2.23 “U” Reserved

Section 2.24 “V”

VARIANCE. An action by the Zoning Board of Appeals to vary or modify the requirements of this Ordinance in certain circumstances where, owing to particular conditions, literal enforcement of the Ordinance would result in unnecessary hardship or practical difficulty.

Section 2.25 “W”

WAREHOUSE. A Structure used for storage and/or repackaging of goods, wares, raw materials, equipment, parts and other materials by and for the owner or operator of the facility, or as a commercial service on behalf of the owner(s) of such items.

WIRELESS COMMUNICATION FACILITY. All structural facilities, attached or accessory, related to the radio frequency spectrum for the purpose of transmitting or receiving radio signals, including radio and television towers; cellular telephone and paging devices; telephone devices and exchanges; microwave relay towers; telephone transmission equipment Buildings; and commercial mobile radio service facilities. (Not included are facilities for citizen band radio; short wave radio; ham and amateur radio; television reception antenna; satellite dishes; and government facilities which are subject to state and federal law). Wireless Communication Facilities shall be specifically excluded from the definition of “Essential Public Services”.

Section 2.26 “X” Reserved

Section 2.27 “Y”

YARD. An open space, unoccupied and unobstructed by any Building or Structure or portion thereof, except for certain Yard encroachments.

1. Front Yard: A Yard extending across the full width of the Lot, the depth of which is the distance between the Public or Private Street Right of Way or Navigable Waterway and the main wall of the Building or Structure.
2. Rear Yard: A Yard, unoccupied except for Accessory Buildings, extending across the full width of the Lot, the depth of which is the distance between the Rear Lot Line and the rear wall of the main Building.
3. Side Yard: A Yard between a main Building and the Side Lot Line, extending from the Front Yard to the Rear Yard. The width of the required Side Yard shall be measured from the nearest point of the Side Lot Line to the nearest part of the main Building.

YARD, REQUIRED. An open space, unoccupied and unobstructed by any Building or Structure, depth of which is specified by the minimum setback requirements for the district in which a Lot is located.

Section 2.28 “Z”

ZONING ACT. The Michigan Zoning Enabling Act, Act 110 of 2006, as amended.

ZONING ADMINISTRATOR. The Port Sheldon Township Zoning Administrator.

ARTICLE III - ZONING DISTRICTS AND MAP

Section 3.01 Zoning Districts

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

1. R-1 Single-Family Residential District
2. LSR Lakeshore Residential District
3. Commercial District
4. Industrial District
5. Agricultural District
6. Open Space District
7. Planned Unit Development District (PUD)

Section 3.02 Zoning Map

The boundaries of these districts are hereby established as shown on a map entitled "Port Sheldon Township Zoning Map", as amended, which accompanies and is a part of this Ordinance. The Port Sheldon Township Zoning Map is kept at the Township Clerk's office.

Section 3.03 Rules Applying to District Boundaries

Where uncertainty exists as to the boundaries of zoning districts as shown on the zoning map, the following rules of construction and interpretation shall apply:

1. Boundaries indicated as approximately following the centerline of streets, highways, or Alleys shall be construed to follow such centerlines.
2. Boundaries indicated as approximately following platted Lot Lines shall be construed as following such Lot Lines.
3. Boundaries indicated as approximately following Township boundaries shall be construed as following Township boundaries.
4. Boundaries indicated as approximately following shorelines or lake or river beds shall be construed as following shorelines or lake or river beds, as in the event of change in the location of shorelines or lake or river beds, shall be construed as moving with the shoreline or lake or river bed.
5. Boundaries indicated as approximately following property lines, section lines or other lines of a government survey shall be construed as following such property lines, section lines or other lines of a government survey as they exist as of the effective date of this Ordinance or applicable amendment thereto.

Where these rules of construction are insufficient for interpretation by the Zoning Administrator, or where a property owner is aggrieved by the Zoning Administrator's interpretation, the Zoning Board of Appeals shall make the interpretation, pursuant to the provisions of Article XIII.

Section 3.04 Areas Not Included Within a District

In every case where property has not been specifically included within a district or is annexed into the Township after the effective date of this Ordinance, such property is hereby declared to be in the AR-1 Agricultural District.

Section 3.05 Table of Permitted and Special Land Uses

P: Permitted Use S: Special Land Use

Land Use	Zoning Districts					
	AG-1	R-1	LSR	C	I	OS
Adult Day Care Family Home	P	P	P			
Adult Day Care Group Home	S	S	S			
Adult Foster Care Congregate Facility				S		
Adult Foster Care Facility				P		
Adult Foster Care Family Home	P	P	P			
Adult Foster Care Large Group Home	S	S	S			
Adult Foster Care Small Group Home	S	S	S			
Assisted Living Facility				P		
Automobile and Boat Sales				S		
Automobile Repair Facility				P		
Banquet Hall				S		
Bed and Breakfast Establishment	S	S	S			
Cemetery	P	P	P	P	P	P
Child Care Center				P		
Child Care Home, Family	P	P	P			
Child Care Home, Group	S	S	S			
Church	S	S	S	P		
Construction and Contractor Yard				S		
Dwelling, Migratory Worker	P					
Dwelling, Single-Family	P	P	P			
Educational Facility	S	S	S	P		
Electrical Power Plant					P	
Equipment Sales				S		
Essential Services	S	S	S	S	S	S

Land Use	Zoning Districts					
	AG-1	R-1	LSR	C	I	OS
Farm	P					P
Gas Station				P		
Government Building	S	S	S	P		S
Home Occupation, Major	S	S	S			
Home Occupation, Minor	P	P	P			
Indoor Recreation Facility				P		
In-Home Firearm Sales	S	S	S			
Junkyard					S	
Kennel	S					
Manufacturing Establishment					P	
Medical Office				P		
Natural Resource Extraction	S	S	S	S	S	S
Open Air Market				S		
Personal Service Establishment				P		
Professional and Business Office				P		
Public Park	P	P	P	P	P	P
Restaurants, With Liquor Or Drive-through Service				S		
Restaurants, Without Liquor Or Drive-through Service				P		
Retail Commercial Establishment				P		
Riding Stable	S					
Roadside Stand	P	P	P			
Self-Storage Facility				S		
Sexually Oriented Business				S		
Theater				P		
Warehouse					P	
Wireless Communication Facilities	S	S	S	S	P	S

ARTICLE IV - GENERAL PROVISIONS

Section 4.01 Scope

Except as hereinafter specified, no Building, Structure, or premises shall hereafter be used or occupied, and no Building or part thereof or other Structure shall be Erected, raised, moved, placed, reconstructed, extended, enlarged, or altered, except in conformity with the regulations of this Ordinance.

Section 4.02 Mixed Occupancy

In the case of a development containing more than one land use, each use shall meet all requirements of the individual uses.

Section 4.03 Required Area or Space

No Lot or Lots in common ownership, and no Yard, court, Parking Area or other space shall be so divided, altered, or reduced to make said area or dimension less than the minimum required under this Ordinance. If such Lot is already less than the minimum required under this Ordinance, said area or dimension shall not be further divided or reduced. Except as otherwise provided by this Ordinance, no area, space, Yard or Parking Area required by this Ordinance shall be ascribed to any other Building or use.

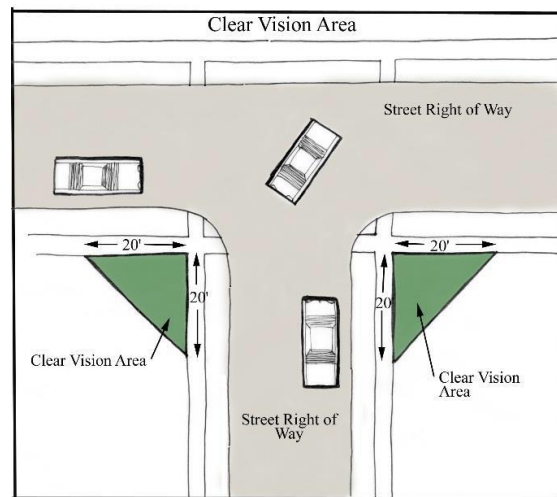
Section 4.04 Clear Vision Areas

On any Corner Lot or Parcel, no Fence, Structure or planting over thirty (30) inches in height shall be Erected or maintained within twenty (20) feet of the corner property line, so as to interfere with traffic visibility across the corner.

Section 4.05 Height Exceptions

The height requirements established by this Ordinance shall apply uniformly in each zoning district to every Building and Structure except for the following Structures and appurtenances, which are exempt from the height requirements of this Ordinance:

1. Spires, belfries, penthouses and domes not used for human occupancy, chimneys, ventilators, skylights, water tanks, bulkheads, utility poles, power lines;
2. radio and television broadcasting and receiving antennas;
3. wireless communication facilities and support Structures; and
4. silos, parapets and other necessary mechanical appurtenances.



All Structures and appurtenances that are exempt from the height provisions of this Ordinance shall conform where applicable to the requirements of the Federal Communications Commission, the Civil Aeronautics Board and other public authorities having jurisdiction.

Section 4.06 Essential Public Services

Essential Public Services, as defined by this Ordinance, shall be permitted in all classes of districts by special land use provided that all Buildings or Structures to be constructed, or Structural changes or Alterations to be made, shall be subject to approval by the Planning Commission as to architectural or landscaping compatibility with the neighborhood.

Section 4.07 Control of Heat, Glare, Fumes, Dust, Noise Vibration and Odors

Every use shall be so conducted and operated that it is not obnoxious or dangerous by reason of heat, glare, fumes, odors, dust, noise, or vibration beyond the Lot on which the use is located.

Section 4.08 Temporary Uses or Structures

1. On-Site Temporary Construction Facilities. Upon application, the Zoning Administrator may issue a permit for a temporary office Structure or Yard for construction materials and/or equipment which is both incidental and necessary to construction at the site. Each permit shall be valid for a period of not more than six (6) calendar months and shall be renewed by the Zoning Administrator for four (4) additional successive periods of six (6) calendar months or less at the same location if such Structure or Yard is still incidental and necessary to construction at the site where located.
2. Temporary Sales Office. Upon application, the Zoning Administrator may issue a permit for a temporary office which is both incidental and necessary for the sale or rental of real property in a new subdivision or housing project. Each permit shall specify the location of the office and area and shall be valid for a period of not more than six (6) calendar months and shall be renewed by the Zoning Administrator for four (4) additional successive periods of six (6) calendar months or less at the same location if such office is still incidental and necessary for the sale or rental of real property in a new subdivision or housing project.
3. Temporary Sales
 - A. Upon application, the Zoning Administrator may issue a permit for the temporary sale of merchandise in the Commercial District, related to a temporary or periodic event.
 - B. Such temporary sales uses shall include the sale of merchandise, fireworks, farm products, and similar activities.
 - C. In considering a request for a temporary permit, the Zoning Administrator must determine that the operation of such a use is limited in its duration and will not be established as a permanent use.
 - D. Each permit shall be valid for a period of not more than two (2) calendar months and may be renewed by the Zoning Administrator for up to two (2) additional successive

periods of two (2) months each, provided the season or event to which the use relates is continued.

4. Standards. In considering authorization of a temporary use, the Zoning Administrator shall consider the following standards:
 - A. That the use or Structure does not have an unreasonable detrimental effect upon adjacent properties;
 - B. In the case of Sections 4.08.1 and 4.08.2 above, that the use or Structure is reasonably necessary for the convenience and safety of the construction or project proposed;
 - C. That access to the area or Structure will not constitute a traffic hazard due to ingress or egress;
 - D. That adequate off-Street parking is available to accommodate the use;
 - E. That no Parking Space required for any other use shall be occupied by a Temporary Use or Structure; and
 - F. All local, state, and federal licenses or permits that may be required for such Temporary Uses shall be issued and maintained for the duration of the Temporary Use.
5. Conditions
 - A. The Zoning Administrator may establish conditions on the Temporary Use permit as necessary to protect the public health, safety, and welfare, including a prescribed duration of the Temporary Use and the removal of temporary Structures.
 - B. If any conditions of the Temporary Use permit or any requirements of this Ordinance or other ordinances are violated, the Temporary Use permit may be rescinded by the Zoning Administrator and such Temporary Use or activity shall be removed immediately.
6. Temporary Dwellings are prohibited, except as permitted under Section 4.23, Certain Uses Prohibited.

Section 4.09 Reserved

Section 4.10 Accessory Buildings and Uses

Except as expressly permitted in this Ordinance, all Accessory Buildings and uses shall conform to the following requirements:

1. No Lot or Parcel may be used for an Accessory Use where a Principal Use has not been established.
2. No Accessory Building may be built on any agricultural, residential, commercial, or industrial zoned Lot on which there is no principal Building, except that land owned in common by a residential property owner's association or similar entity may be used for non-commercial docks, boat houses, and mooring facilities.

3. Accessory Buildings that are attached to the principal Building shall conform to the Yard regulations applicable to principal Buildings. Accessory Buildings shall be considered as attached to a principal Building when the distance between the two (2) Buildings meets the following standards:
 - A. The Accessory Building is not greater than twenty-five (25) feet from the principal Building; and,
 - B. The area connecting the principal Building to the Accessory Building shares a common roof Structure that blends with the design of the principal Building. This may be in the form of a covered breezeway, portico, covered colonnade, or similar architectural device.
4. The following standards shall apply to Accessory Buildings in the R-1 Single-Family Residential District:
 - A. Unless otherwise permitted by this Ordinance, no detached Accessory Building shall be Erected in any required Front Yard, nor shall any detached Accessory Building be Erected in a Front Yard that fronts on a navigable waterway.
 - B. Detached Accessory Buildings for Single-Family Dwellings shall be at least ten (10) feet from the side or rear property line.
 - C. No detached Accessory Building shall be located any closer than ten (10) feet to the principal Building.
 - D. One detached Accessory Building is permitted per Parcel and the Building footprint shall not exceed two and one-half (2-1/2) percent of the Lot Area or eleven hundred (1,100) square feet, whichever is less. This does not include the area of an attached Garage. An attached Garage shall not exceed one thousand (1,000) square feet in area.
 - E. No detached Accessory Building within the R-1 Single-Family Residential District shall exceed a height of fifteen (15) feet.
5. The following standards shall apply to Accessory Buildings in the AG-1 Agricultural District:
 - A. A detached Accessory Building is prohibited in the first fifty (50) feet of any Front Yard, except for Roadside Stands.
 - B. Detached Accessory Buildings in the Side Yard or Front Yard shall conform to the Yard requirements of a principal Structure. Detached Accessory Buildings in a Rear Yard shall be not less than ten (10) feet to any rear or side property line. No detached Accessory Building shall be located any closer than ten (10) feet to the principal Building.
 - C. No detached Accessory Building in the Agricultural District shall exceed twenty (20) feet in height. Detached Accessory Buildings greater than twenty (20) feet in height may be authorized by the Planning Commission as a special land use. In considering

such authorization, the Planning Commission shall consider the provisions of Article XVIII and the following standards:

- 1) The intended use of the Building and the type of material to be stored.
 - 2) The location of other detached Accessory Buildings and the height of these Buildings compared to the proposed Accessory Building.
 - 3) The architectural character of the proposed Accessory Building compared with the architectural character of surrounding Buildings and uses.
 - 4) The visual impact of the proposed Accessory Building on adjacent property owners when considering existing and proposed landscaping.
- D. Any Accessory Building housing animals shall be located a minimum of seventy-five (75) feet from the line from which minimum Front Yard Setbacks are measured according to Section 4.27, a minimum of one hundred twenty-five (125) feet from Existing adjacent residential Buildings, and a minimum of fifty (50) feet from any property line.
- E. Detached Accessory Buildings shall not exceed a Building footprint of two and one-half (2-1/2) percent of the Lot Area or four thousand (4,000) square feet, whichever is less. If the applicant desires more than four thousand (4,000) square feet of Accessory Building, then they must apply for a special land use for consideration by the Planning Commission. In consideration of such special land use, the Planning Commission shall consider the provisions of Article XVIII plus the following standards:
- 1) The intended use of the Building and the type of material to be stored.
 - 2) The location of other detached Accessory Buildings and the area of these Buildings compared to the proposed Accessory Building.
 - 3) The architectural character of the proposed Accessory Building compared with the architectural character of surrounding Buildings and uses.
 - 4) The visual impact of the proposed Accessory Building on adjacent property owners when considering existing and proposed landscaping.
 - 5) In no case shall the area of all Accessory Buildings exceed two and one-half (2-1/2) percent of the Lot Area.
6. The following standards shall apply to Accessory Buildings in the LSR Lakeshore Residential District:
- A. Except as permitted elsewhere in this Ordinance, no detached Accessory Building shall be located in the required Side or Rear Yard.
 - B. Except as elsewhere permitted in this Ordinance, no detached Accessory Building shall be Erected in a required Front Yard, nor shall any detached Accessory Building be Erected in a Front Yard that fronts on a navigable waterway.
 - C. No detached Accessory Building shall be located any closer than ten (10) feet to the principal Building.

- D. One detached Accessory Building is permitted per Parcel and the Building footprint shall not exceed one point seven five (1.75) percent of the Lot Area or eleven hundred (1,100) square feet, whichever is less. This does not include the area of an attached Garage. An attached Garage shall not exceed one thousand (1,000) square feet in area.
- E. No detached Accessory Building within the LSR Lakeshore Residential district shall exceed a height of fifteen (15) feet.
- 7. In the commercial, industrial, or open space districts, no Accessory Building shall be Erected in any Front Yard. Accessory Buildings shall be limited to one per Parcel with a maximum area of one thousand (1,000) square feet and shall comply with the Yard and height regulations of the respective districts.
- 8. When a Rear Lot Line adjoins a Side Yard of an adjacent Lot, all Accessory Buildings shall meet the minimum Side Yard requirements for the Zoning District in which it is located.
- 9. For Waterfront Lots, pump houses may be located within a Front Yard if they do not exceed three (3) feet in height.
- 10. The architectural character of all Accessory Buildings shall be compatible with the principal Building and the character of the surrounding area.
- 11. No portion of a detached Accessory Building shall be utilized as a Dwelling or as sleeping quarters, except for approved migratory worker housing. Plumbing facilities may be installed in an Accessory Building provided the system is connected to a septic system approved by the Ottawa County Health Department or a public sanitary sewer system.
- 12. No Mobile Home, portable Structure, vehicle, trailer, or other such substitute shall be permitted to be used as a Garage or Accessory Building.

Section 4.11 Double Frontage Lots, Corner Lots and Waterfront Lots

Double Frontage Lots, Corner Lots, and Waterfront Lots and shall be subject to the following requirements:

- 1. Unless otherwise permitted by this Ordinance, Buildings on Corner Lots and Double Frontage Lots shall comply with the Front Yard Setback requirements on both Public or Private Streets.
- 2. Buildings on Waterfront Lots shall comply with the Front Yard Setback requirements on both the Public or Private Street side and the waterfront side.

Section 4.12 Governmental Improvements

The provisions of this Ordinance shall be applicable to the Township itself and all other federal, state, or local governmental agencies and units.

Section 4.13 Water and Sanitary Disposal Facilities, Available

No permit shall be issued for the construction of a Building or Structure, which is to have drinking water or sanitary disposal facilities, which is to be located on a Lot which is not served by water

or sanitary disposal facilities, except in conformance with all requirements of the Ottawa County Health Department and any other local, state or federal requirements.

Section 4.14 Keeping of Pets and Livestock

The keeping of pets and livestock shall be subject to the following restrictions and regulations:

1. The keeping of up to three (3) dogs or cats or a combination of them is permitted in all zoning districts provided that the provisions of this Ordinance and other local and County regulations are met. A litter of dogs or cats which results in the temporary keeping of a number of domesticated or household pets, or combination thereof, that exceeds three (3) shall not be deemed a violation of this subsection until the litter reaches the age of four (4) months.
2. Except for Farms as defined by this Ordinance, the keeping of large domesticated animals such as horses, cows, sheep, hogs, goats or other similar animals is permitted in the AG-1, R-1, and LSR districts, subject to the following standards:
 - A. Two (2) such animals may be kept for the first two (2) acres of Lot Area and one (1) additional such animal is permitted for each additional one (1) acre of Lot Area. In addition, a minimum of one (1) acre shall be provided for roaming or grazing for the first two (2) animals and another one-half (1/2) acre shall be provided for each additional such animal.
 - B. All such animals shall be properly housed in a manner that does not interfere with or adversely impact neighboring properties with particular attention to noise and odors. Housing for such animals shall meet the Setback standards for the zoning district in which it is located.
 - C. All such animals and grazing areas required by Section 4.14.2.A, shall be kept within a Fenced area. The Fenced area shall be set back at least five (5) feet from any property line, or where the Parcel/Lot abuts a Public Street, from the road Right-of-Way and shall not be within fifty (50) feet of another Dwelling.
 - D. The keeping of such animals shall be recreational or educational in nature. The slaughtering or butchering of Farm animals or livestock on such non-Farm properties must be conducted indoors and shielded from adjacent properties.
3. Farms, as defined by this Ordinance, are exempt from the requirements of subsection 2 of this Section. The keeping of Farm animals and livestock on Farms is permitted in accordance with standards of the Michigan Right to Farm Act (PA 93 of 1981), as amended, provided that Generally Accepted Agricultural Management Practices (GAAMPs) adopted by the State of Michigan Department of Agriculture and Rural Development are being followed.

Section 4.15 Swimming Pools

Swimming Pools, as defined in Article II, shall be subject to the following requirements:

1. All swimming pools shall comply with the Building Code, as amended.

2. Location. The outside edge of the wall of any Swimming Pool shall not be placed nearer than four (4) feet to any Lot Line on which said Swimming Pool is to be placed or constructed, provided that if any part of the Swimming Pool walls are more than two (2) feet above the surrounding grade level, then such Swimming Pool shall be placed or Erected not less than ten (10) feet from any Side or Rear Lot Line.
3. Waterfront Lots. For Swimming Pools located in the Front Yard of a Waterfront Lot, such Swimming Pools shall be placed as far as from the water's edge as practical and the Fence or wall enclosing the Swimming Pool shall be a minimum of seventy-five (75) percent open construction and shall be constructed to the minimum extent necessary to enclose the Swimming Pool and surrounding patio, pool house, or other areas that are accessory to the Swimming Pool.

Section 4.16 Reserved

Section 4.17 Home Occupations

All Minor Home Occupations shall be subject to the following restrictions and regulations:

1. The Home Occupation shall be operated entirely within a Dwelling.
2. The Home Occupation shall be conducted only by the Person or Persons occupying the Dwelling as their principal residence a major portion of each month.
3. The Dwelling has no exterior evidence, other than a two (2) square foot Sign, to indicate that the same is being utilized for any purpose other than that of a Dwelling.
4. The occupation conducted therein is clearly incidental and subordinate to the Principal Use of the premises for Single-Family Dwelling purposes.
5. No occupation shall be conducted upon, or from, the premises which would constitute a nuisance or annoyance to adjoining residents by reason of noise, smoke, odor, electrical disturbance, night lighting, or the creation of unreasonable traffic to the premises. Noise, smoke, odor, electrical disturbance, or the source of lighting shall not be discernible beyond the boundaries of the property from which the occupation is conducted.

Home Occupations that are not considered Minor Home Occupations are regulated in Section 18.21.

Section 4.18 Primary Caregiver Home Occupation

In addition to the requirements of Section 4.17, a primary caregiver Home Occupation shall be subject to the following:

1. A primary caregiver Home Occupation is the only primary caregiver activity permitted in the Township. All other medical marijuana facilities, including but not limited to dispensaries, storefronts, cooperatives and combined growing operations, are prohibited.
2. Primary caregiver Home Occupations, assisting no more than five (5) qualifying patients, shall be permitted within any Dwelling Unit in the Township, providing such activity is

conducted in accordance with Initiated Law 1 of 2008, known as the Michigan Medical Marihuana Act and the rules promulgated thereunder.

3. The primary caregiver Home Occupation shall be operated entirely within a Dwelling. All marihuana plants and processing equipment used for the medical use of marihuana shall be kept in an enclosed, locked portion of a Dwelling.
4. The area used for a primary caregiver Home Occupation shall not exceed twenty (20) percent of the habitable area of a Dwelling.
5. Primary caregivers shall only provide medical marihuana to their designated qualified patients, not exceeding five (5), as defined in the Michigan Medical Marihuana Act.
6. No more than one (1) Person residing in the Dwelling shall be permitted to be a primary caregiver for those who do not reside within the Dwelling.
7. All growing operations, processing operations and use shall be conducted in compliance with the Michigan Medical Marihuana Act and other applicable state laws and regulations. A primary caregiver Home Occupation, conducted in accordance with this Ordinance and the Michigan Medical Marihuana Act, does not grant a primary caregiver immunity from violation of state or federal laws.
8. Modifications or Alterations to Dwellings containing a primary caregiver Home Occupation shall conform to applicable Building Code standards.
9. A primary caregiver Home Occupation shall not bear any Sign, emblem or any other mark that would indicate the presence of the activity.
10. A primary caregiver Home Occupation shall not be located within one thousand (1,000) feet of a school property.

Section 4.19 Reserved

Section 4.20 Litter

No Person shall dump, deposit, or bury on any public or private land situated in the Township any tin cans, automobile bodies, appliances, junk, movable Structures or other litter or waste material of any kind or description unless such area is a municipally owned or licensed public Landfill, waste collection depot; and no dumping, depositing, littering, placing or permitting to be so deposited of any such waste material of any kind or nature in violation of state law shall be allowed within the Township.

Section 4.21 Grade Levels and On-Site Drainage

The Existing elevation of land or improvements at a property line shall be maintained. Unless otherwise permitted, no storm water runoff, in excess of that occurring under natural and undeveloped conditions, shall be permitted to enter a drain, creek, marsh, pond, or lake, or to flow onto another Person's property.

Section 4.22 Certain Uses Prohibited

Under the provisions of this Ordinance, it shall be unlawful to:

1. Maintain a truck, truck trailer, motor home, camper, or similar vehicle, either operable or inoperable, as a storage or Accessory Building.
2. Occupy a Travel Trailer, Recreation Vehicle, tent or any other similar unit as a permanent Dwelling.
3. Occupy a Travel Trailer, recreational vehicle, tent, or any other similar unit as a temporary Dwelling outside of a campground approved by the State Department of Health, except a tent within an area approved by the Township Board as a temporary primitive campground for a non-profit organization. In making its determination, the Township Board shall consider:
 - A. The effect on the surrounding area and the Township as a whole.
 - B. The provisions for temporary water and sanitary waste disposal.
 - C. The provisions for fire protection and other emergency services.
 - D. The provisions for restoring the area to its original condition after the event has ended.

The Township Board may condition its approval on reasonable conditions necessary to protect the public interest as described in Article I of this Ordinance. These conditions may include, but are not limited to, fixing the maximum number of people, fixing the beginning and ending dates, and the posting of a bond.

4. Occupy a Mobile Home as a temporary Dwelling outside of a Mobile Home park, except when approved by the Zoning Administrator. The Zoning Administrator may not approve a temporary Mobile Home unless all of the following conditions are met:
 - A. The Mobile Home is located on a Parcel of land of not less than two (2) acres and meets all Yard and Setback requirements of the district in which it is located.
 - B. The Mobile Home is occupied by the owner of the Parcel or an employee of the owner of the Parcel.
 - C. The Mobile Home shall be occupied during the construction or major rehabilitation of the primary Dwelling.
 - D. The Mobile Home shall be hooked to a water supply and sewer system, approved by the Ottawa County Health Department.
 - E. A bond, in the amount of one thousand (1,000.00) dollars, has been posted for the removal of the Mobile Home in the event that the time limit has expired, or that the conditions of the approval have not been met, or that the temporary Mobile Home has become a public nuisance.

The Zoning Administrator may approve a temporary Mobile Home for not more than six (6) months. The Zoning Administrator may issue one extension for a period of not more than six (6) months, providing that all conditions of the approval are met, and the temporary Mobile Home has not become a public nuisance. The Zoning Administrator may consult with the Planning Commission prior to the issuance of any extension.

5. Occupy a boat in Pigeon Lake, except while at anchor for three or less nights, or for such time as may reasonably be necessary to make repairs or to wait out a storm.

Section 4.23 Minimum Requirements for Dwellings Outside of Mobile Home Parks

All Dwelling Units located outside of Mobile Home parks shall comply with the following requirements. If these requirements are not consistent with the Building Code, the Building Code shall prevail.

1. Each one or two bedroom dwelling unit shall have a minimum of eight hundred sixty four (864) square feet of area on the first floor. Each three or more bedroom, or two story dwelling unit shall have a minimum of one thousand (1,000) square feet of area but in no instance less than seven hundred twenty (720) square feet on the first floor.
2. The minimum width of any Single-Family Dwelling Unit shall be twenty (20) feet for at least sixty-seven (67) percent of its length, measured between the exterior part of the walls having the greatest length.
3. There shall be a foundation of concrete or block around the entire exterior perimeter of all Dwellings.
4. All Dwellings shall be firmly attached to the foundation so as to be watertight as required by the Building Code or, if a Mobile Home, shall be anchored to the foundation by an anchor system designed and constructed in compliance with the United States Department of Housing and Urban Development Regulations entitled "Mobile Home Construction & Safety Standards."
5. The wheels, pulling mechanism, and tongue of any Mobile Home shall be removed prior to placement on a foundation.
6. All Dwellings shall be connected to a sewer system and water supply system approved by the Township or the Ottawa County Health Department.
7. All Dwellings shall provide a minimum of two points of ingress and egress.
8. All additions to Dwellings shall meet all the requirements of this Ordinance.
9. All Dwellings shall be aesthetically compatible in design and appearance with other residences in the vicinity, with either a roof overhang of not less than six (6) inches on all sides or alternatively with window sills or roof drainage systems, concentrating roof drainage at collection points along sides of the Dwellings. The compatibility of design and appearance shall be determined in the first instance by the Building Official upon review of the plans submitted for a particular Dwelling. An appeal by an aggrieved party may be taken to the Zoning Board of Appeals. Any determination of compatibility shall be based upon the standards set forth in this Section as well as the character, design and appearance of Dwellings located outside of Mobile Home parks within five hundred (500) feet of the subject Dwelling. The foregoing shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, unique land contour, or relief from the common or standard designed home.

10. Prior to issuance of a building permit for any Dwelling Unit, construction plans, including a plot plan adequate to illustrate compliance with the requirements of this Ordinance, shall be submitted to the Building Official. If the Dwelling Unit is a Mobile Home, there shall also be submitted adequate evidence to assure that the Dwelling complies with the standards applicable to Mobile Homes set forth in this Section.
11. All Mobile Homes shall meet the standards for Mobile Home construction contained in the United States Department of Housing and Urban Development Regulations entitled "Mobile Home Construction & Safety Standards" effective June 15, 1976, as amended. All other Dwellings shall meet the requirements of the Building Code.
12. A minimum of one hundred (100) square feet of enclosed storage space, excluding closets, shall be provided for each Dwelling. Said enclosed storage space may consist of a Basement, Garage, shed or other location approved by the Building Official.
13. The area of a Dwelling used for human habitation shall be contained in one principal Building and all areas of the Dwelling shall be accessible from the interior of the Dwelling. Access to a portion of a living facility from an Accessory Building is not considered a part of the Dwelling.
14. A Garage attached to a Dwelling shall not exceed one thousand (1,000) square feet in area.

Section 4.24 Ponds

No Person shall create a new pond or enlarge an existing pond unless a Zoning Compliance Permit has been issued by the Zoning Administrator in accordance with this Section.

1. Required Information. An application for a pond under this Section shall contain the following information:
 - A. A completed application for a Zoning Compliance Permits pursuant to Section 21.04 of this Ordinance.
 - B. The location and depth of the proposed pond;
 - C. All existing and proposed equipment, ponds, Buildings, or Structures on the site;
 - D. The location of adjacent Public or Private Streets and any proposed Access drives;
 - E. Any other information deemed necessary by the Zoning Administrator to aid in the review of the application and determine compliance with this Section.
2. Regulations. Man-made ponds shall meet the following standards:
 - A. A man-made pond shall be set back a minimum of thirty (30) feet from all property lines unless a written maintenance agreement, signed by all property owners having interest in the pond, is provided. Such agreement shall be recorded with the Ottawa County Register of Deeds.
 - B. The slopes of the banks or sides of the pond shall be constructed so that for each one (1) foot of fall there shall be a minimum of four (4) feet of run. This minimum slope angle must be maintained and extended into the pond water to a depth of at least five

(5) feet. These slope requirements shall not apply to any industrial facility, an agricultural irrigation pond, nor to any natural body of water or established County drain.

- C. The property owner shall adequately maintain all ponds to prevent stagnation.
- D. The applicant shall secure all applicable Township, County, State, and Federal permits prior to authorization by the Zoning Administrator, and shall submit all required permits to the Zoning Administrator prior to construction.
- E. The Zoning Administrator may require a Performance Guarantee pursuant to Section 21.08 of this Ordinance.

Section 4.25 Earth Change

1. No Person shall commence an Earth Change unless a Zoning Compliance Permit has been issued by the Zoning Administrator except the following:
 - A. Earth Change for purposes of the construction or repair of a public right of way.
 - B. Dredging, removal, and depositing of materials from the bed of Lake Michigan or Pigeon Lake pursuant to permits issued by federal, state, and Ottawa County agencies.
 - C. Earth Change conducted for the development or maintenance of a county drain.
 - D. Earth Change that is customary agricultural practice associated with production of Farm products.
 - E. Earth Change that is in conjunction with the development or redevelopment of land in which the Planning Commission or Township Board has reviewed and approved.
 - F. Earth Change involving less than five thousand (5,000) cubic yards for the purpose of constructing a Building, Structure, or pond.
2. Required Information. An application for an Earth Change operation shall include a Site Plan prepared for Zoning Administrator review that contains information listed in Section 19.04,1 of this Ordinance, unless waived pursuant to Section 19.04,2 of this Ordinance. In addition, and the following information shall be provided:
 - A. The location of proposed Structures and equipment to be placed on the site for the Earth Change and any ancillary activities;
 - B. A description of the type and the loaded weight of trucks to be used;
 - C. The proposed number of trucks leaving the site per day;
 - D. The proposed route through the Township to be used by such trucks.
 - E. A reclamation plan.
 - F. Any other information deemed necessary by the Zoning Administrator to aid in the review of the application and determine compliance with this section.
3. Regulations. Earth Change operations shall be subject to the following:

- A. An Earth Change involving the extraction of twenty-five thousand (25,000) yards or more shall comply with Section 18.24 of this Ordinance.
- B. Operations shall not result in dust, sand, or soil migrating off site due to wind erosion or vehicular traffic.
- C. No storage or truck parking shall be located within two hundred (200) feet of any adjacent Dwelling or within fifty (50) feet of any other adjacent property unless a written maintenance agreement, signed by all property owners having interest in the Earth Change, is provided. Such agreement shall be recorded with the Ottawa County Register of Deeds.
- D. Stockpiles and processing activities shall not be closer than two hundred (200) from any Lot Line unless written permission has been submitted by the adjacent property owner, or unless a written maintenance agreement, signed by all property owners having interest in the Earth Change, is provided. Such agreement shall be recorded with the Ottawa County Register of Deeds.
- E. The area where the Earth Change takes place shall be restored with slope gradients not greater than three (3) units vertical/one (1) unit horizontal and the replacement of topsoil and suitable vegetation sufficient to control erosion.
- F. All truck operations shall be directed away from residential Public Streets and utilize County primary roads wherever possible.
- G. The Zoning Administrator may require a performance guarantee pursuant to Section 21.08 of this Ordinance to insure that requirements are fulfilled. The financial guarantee shall not be released by the Township until such time the site has been restored as indicated in the reclamation plan and as verified by the Zoning Administrator.
- H. Earth Changes shall comply with all regulation and permitting requirements from the Township, Ottawa County Water Resources Commissioner, and Michigan Department of Environmental Quality, and all other applicable agencies.

Section 4.26 Docks, Boat Houses, and Mooring Facilities

Docks, boat houses, and mooring facilities shall be considered an Accessory Use and are permitted in any agricultural, residential or industrial zoning district, subject to the following requirements:

- 1. In the AG-1, R-1 and LSR districts, no main Structure of any dock, boat house, or mooring facility, whether seasonal or permanent, shall:
 - A. Be built closer than ten (10) feet to any adjacent property.
 - B. Have a height greater than fifteen (15) feet from the elevation of the mean water level.
 - C. Project into the waterway more than fifty (50) feet beyond an elevation which is three (3) feet below the ordinary high water mark, 580.5 IGLD (International Great Lakes Datum, 1985), or twenty (20) percent of the width of the waterway, whichever is less.

- The Township may require a professional land surveyor licensed in the State of Michigan to certify this elevation.
- D. Be used for commercial purposes or rented for compensation in any form, except as provided in subsection 5.
 - E. Be so constructed or arranged so as to constitute a hazard to navigation.
2. In industrial areas, no dock, boat house, or mooring facility, whether seasonal or permanent, shall:
 - A. Be constructed or arranged so as to be other than parallel to the shoreline.
 - B. Be built closer to any Lot Line than one hundred (100) feet.
 - C. Be used for dockage or moorage other than is necessary for reasonable loading or unloading, emergency repairs, or to wait out a storm.
 - D. Project into the waterway more than fifty (50) feet or ten (10) percent of the width of the waterway, whichever is lesser.
 - E. Be so constructed or arranged so as to constitute a hazard to navigation.
 3. Any application for a permit for a boat dock proposed to project more than fifty (50) feet from the ordinary high water mark, and located west of the Lakeshore Drive Bridge, shall be accompanied by a letter of non-objection from any public utility that uses the water for commercial navigation.
 4. Private docks and uncovered boat lifts, portable shore stations or similar Structures may be built upon a Waterfront Lot that has no principal Structure or Principal Use if the Lot is nonconforming in terms of area such that a permitted principal Building or use cannot be lawfully established. Except as provided in subsection 5, the number of such Structures permitted on such Parcels shall not exceed one (1) dock and one (1) uncovered boat lift, portable shore station or a similar Structure per fifty (50) feet of water frontage.
 5. Multiple private docks, uncovered boat lifts, portable shore stations or similar Structures may be built upon a Lot that has no principal Structure or Principal Use if the Lot is held or controlled by a residential property owner's association or similar entity, and may be leased to members of such association or entity.
 6. Docks, boat houses, and mooring facilities utilizing electric boat lifts or similar mechanisms shall be subject to all applicable Building Codes and other Township regulations and requirements.
 7. The provisions of this Section do not apply to Public Parks or boat launching facilities owned by the state, County or Township.

Section 4.27 Road and Highway Setbacks

No Building shall be closer to a Public or Private Street than the minimum Front Yard requirement of its district. The minimum Front Yard requirement on Lots adjoining Port Sheldon Street, Lake Shore Drive, Butternut Drive, Croswell Street, and West Olive Road shall be measured from a line sixty (60) feet from, and parallel to, the centerline of the street. For section and quarter section

roads, the minimum Front Yard requirement shall be measured from a line forty-three (43) feet from, and parallel to, the centerline of the Public Street, and where adjoining any other Public or Private Street in the Township the Front Yard shall be measured from a line thirty-three (33) feet from, and parallel to, the centerline.

Section 4.28 Yard Encroachments

Every part of every required Yard shall be open and unobstructed by any use or Structure from the ground to the sky, except as hereinafter provided:

1. Sills, belt courses, pilasters, chimneys, and other similar architectural appurtenances may project not more than twelve (12) inches into a required Yard.
2. Cornices, eaves, and similar architectural appurtenances may project not more than thirty (30) inches into a required Yard.
3. Fire escapes may project not more than six (6) feet into a required Yard.
4. Uncovered stairs, porches, and decks shall meet the Yard requirements of the zone district.
5. Swimming Pools, Accessory Buildings, and Accessory Structures may be located in any required Yard subject to applicable regulations contained elsewhere in this Ordinance.
6. Uncovered walks, patios and driveways, and Parking Areas; landscaping; Fences; retaining walls; and similar customary and incidental Yard uses and Structures may be located in any required Yard.

Section 4.29 One Use on a Lot

1. Each Parcel in the Township shall be limited to not more than one Principal Use; provided that multi-tenant or multiple-occupant commercial, office, industrial or mixed-use developments, or multi-Family complexes, including developments consisting of more than one (1) Building, as otherwise permitted, may be regarded as single uses if approved pursuant to the standards of this Ordinance.
2. Every Single-Family, Two-Family and Multi-Family Dwelling shall be located upon a Lot of record, being a premises or Parcel of real estate, the description of the boundaries of which is on record at the office of the Register of Deeds of Ottawa County, Michigan. Except as otherwise permitted by this Ordinance, no more than one Single-Family or Two-Family Dwelling Structure shall be Erected on a Lot of record.
3. Not more than one principal Building shall be placed on a Lot, unless such Lot is used for multi-Family, agricultural, commercial, or industrial purposes and unless such use complies with applicable provisions of this Ordinance.

Section 4.30 Access

Every Lot or Parcel of land shall have the legal required frontage from a Public Street or an approved Private Street. All Buildings shall be so located as to provide safe and convenient Access for servicing, fire protection, and required off-street parking.

Section 4.31 Reserved

Section 4.32 Flood Damage Prevention

All Buildings and Structures to be Erected in the designated Floodplain shall meet the requirements of the Flood Damage Prevention Ordinance, Ordinance No. 18, as amended. This area is specifically designated on the Flood Insurance Rate Maps (FIRM) prepared by the National Flood Insurance Program (NFIP), as promulgated by the Federal Emergency Management Agency (FEMA).

Section 4.33 Applicable Regulations

When the provisions of this Ordinance are higher than local, county, state, or federal regulations, the higher standard shall prevail. When local, county, state, or federal regulations are higher than the provisions of this Ordinance, the higher standard shall prevail.

Section 4.34 Lot Width and Lots on Turn-Arounds

1. The width of a Lot shall not be less than the minimum width required in the specific zoning district for a minimum depth of two hundred (200) feet from the Front Lot Line and the remainder of the depth throughout the Lot shall meet no less than eighty (80) percent of the width requirement.
2. For Lots fronting on turn-arounds (cul-de-sac), the minimum Lot Width shall be measured at a line fifty (50) from the Front Lot Line and shall not be diminished throughout the Lot. Such Lots shall have a Front Lot Line of at least forty (40) feet and in no case shall the Lot Width within the Front Yard be less than forty (40) feet.

Section 4.35 Wireless Communication Facilities

1. The following types of wireless communication facilities may be administratively approved in the Township:
 - A. Amateur Radio Station Operators. Any tower, or the installation of any antenna, that is under one hundred twenty-five (125) feet in height and is owned and operated by a federally-licensed amateur radio station operator, may be approved by the Zoning Administrator as an Accessory Use.
 - B. The following uses of wireless communication antenna may be administratively approved after review by the Zoning Administrator:
 - 1) Locating a tower or antenna, including the placement of additional Buildings or other supporting equipment used in connection with said tower or antenna, in the industrial district provided it is Setback a minimum of three hundred (300) feet from a public Right-of-Way.
 - 2) Locating or collocating antennas on Existing Structures or towers.
 - 3) A tower that is modified or reconstructed to accommodate the collocation of an additional antenna, provided that it is of the same tower type as the Existing tower.

- 4) An Existing tower may be modified or rebuilt to a taller height, not to exceed thirty (30) feet over the tower's Existing height, to accommodate the collocation of an additional antenna.
- C. New wireless communication towers, or any antenna or use thereof, not covered by this Section may be approved as a special land use pursuant to Article XVII.

Section 4.36 Corner Lots

Any Lot of record in existence as of March 14, 2002 that becomes a Corner Lot by definition shall not be considered a Corner Lot. The Yards of such Lots shall be determined based on the type of Lots they were prior to March 14, 2002.

Section 4.37 Fences

The following regulations shall apply to all Fences Erected, constructed or modified in the R-1 and LSR Zoning Districts:

1. No Fence shall be Erected or constructed prior to the issuance of a building permit. In order to obtain such a permit, evidence of a survey, and evidence of Existing property stakes must be furnished to the Building Official. If deemed appropriate by the Building Official, survey stakes placed by a registered land surveyor may be required when the property line cannot be visually determined using Existing property stakes. This may be required to avoid future conflicts on the location of the proposed Fence.
2. No Fence in excess of six (6) feet in height shall be Erected, constructed, located or maintained in the Rear or Side Yards of any zoning district, unless otherwise allowed by this Ordinance.
3. No Fence in excess of forty-eight (48) inches in height and more than fifty (50) percent opacity shall be Erected, constructed, located, or maintained in a Front Yard.
4. The height of a Fence shall be measured from the average grade elevation within thirty (30) inches of each side of the proposed Fence.
5. Except as permitted or required elsewhere in this Ordinance, a Fence may not be Erected, constructed, located or maintained in a waterside Front Yard or a Side Yard of a Waterfront Lot.
6. Aboveground Fences shall not contain barbed wire, electric current, or charge of electricity except when used as part of a Farm operation.
7. No Fences in the Township shall be located outside or beyond the property or Lot Lines of the Lot for which said improvement is placed.
8. No Fence in the Township shall be Erected, constructed, located, or maintained which constitutes a traffic hazard because of obstruction of visibility.
9. No Fences in the Township shall be Erected in any public Right-of-Way.
10. All Fences in the Township shall be maintained to retain their original appearance, shape, and configuration. Elements of a Fence that are missing, damaged, destroyed, or

deteriorated shall be replaced and repaired to maintain conformity with the original Fence appearance and design.

11. In all zoning districts, due to the design or construction of a Fence, one side of the Fence has a more finished appearance than the other, the side of the Fence with the more finished appearance shall face the exterior of the Lot. The Zoning Administrator, Building Official or designated official shall determine the finished side of the Fence based on the situation and the type of Fence. If an adjoining property owner or resident disputes what the finished side is, they may file an appeal with the Zoning Board of Appeals to review the decision.
12. A privacy Fence or obscuring Fence may be Erected in any zoning district not to exceed a height of six (6) feet to enclose a Swimming Pool, hot tub, or patio area provided the location of the Fence meets the Setback requirements applicable to the area to be enclosed. The privacy Fence may be a solid Fence and all other provisions of this Section shall apply.
13. A Fence used on a seasonal basis, such as a snow Fence, may be Erected in any zoning district no earlier than November 1 and shall be removed no later than April 15 of the immediately following year. Any temporary open wire Fence less than thirty (30) inches in height such as a garden Fence, may be Erected without a permit provided it complies with the above regulations.
14. An existing nonconforming Fence shall be maintained in a safe condition.

Section 4.38 Unclassified Uses

Where a proposed use of land or use of a Building is not expressly authorized, contemplated or named by this Ordinance in any of the zoning districts, or where the Zoning Administrator has a question as to the appropriateness of a use that involves other features which are not expressly authorized, contemplated or specified in this Ordinance, the Zoning Administrator may determine that the use is unclassified. In the case of an unclassified use, an amendment to classify, permit and regulate the use may be initiated pursuant to Section 21.10. Unclassified uses may not be treated as a special land use.

Section 4.39 Wind Energy Turbines

1. Purpose and Intent. The purpose of this Section 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 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.
2. Definitions.

- A. **Ambient Sound Level** is the amount of background noise at a given location prior to the installation of a WET(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 dBA weighted scale as defined by the American National Standards Institute.
- B. **Anemometer** is 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** is defined as a development that is created under the Condominium Act.
- D. **General Common Element** is defined as an area designated for use by all owners within Condominium Development.
- E. **Decibel** is defined as unit of measure used to express the magnitude of sound pressure and sound intensity. Decibels shall be measured on the dBA weighted scale as defined by the American National Standards Institute.
- F. **Decommissioning** is the process of terminating operation and completely removing a WET(s) and all related Buildings, Structures, foundations, Access roads, and equipment.
- G. **Large Wind Energy Turbine (LWET)** is 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 nameplate capacity above two hundred fifty (250) kilowatts, and the main purpose of the LWET is to supply electricity to off-site customers.
- H. **Medium Wind Energy Turbine (MWET)** is 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 MWET has a nameplate capacity that does not exceed two hundred fifty (250) kilowatts. The total height does not exceed one hundred fifty (150) feet.
- I. **Nacelle** refers to the encasement which houses all of the generating components, gear box, drive tram, and other equipment.
- J. **Net-Metering** is 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** is a Dwelling, school, hospital, Church, public library, business, or any other Building used for public gatherings.
 - L. **Operator** is the entity responsible for the day-to-day operation and maintenance of a Wind Energy Turbine (WET).
 - M. **Owner** is the individual or entity, including their respective successors and assigns that have equity interest or own the Wind Energy Turbine (WET).
 - N. **Rotor Diameter** is the cross-sectional dimension of the circle swept by the rotating blades of a WET.
 - O. **Shadow Flicker** is the moving shadow, created by the sun shining through the rotating blades of a Wind Energy Turbine (WET). The amount of Shadow Flicker created by a WET 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 Tower-Mounted Wind Energy Turbine (STMWET)** is 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 nameplate capacity that does not exceed thirty (30) kilowatts. The total height does not exceed one hundred twenty (120) feet.
 - Q. **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 Structure's roof, walls, or other elevated surface. The SSMWET has a nameplate capacity that does not exceed ten (10) kilowatts. The total height does not exceed fifteen (15) feet as measured from the highest point of the roof, excluding chimneys, antenna, and other similar protuberances.
 - R. **Tower** is a freestanding monopole that supports a Wind Energy Turbine (WET).
 - S. **Upwind Turbine** is a Wind Energy Turbine (WET) 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.
 - T. **Wind Energy Turbine (WET)** is any Structure-mounted, small, medium, 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.
3. Applicability.
- A. This Section applies to all WETs proposed to be constructed in the Township.
 - B. All WETs constructed prior to the effective date of this Section shall not be required to meet the requirements of this Section; however, any physical modification to an Existing WET that materially alters the size, type, equipment or location shall require a permit under this Section.

4. 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 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 requirements for height, Setback, separation, location, and safety requirements 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 SSMWET, STMWET, or MWET, and no more than three (3) years for a LWET.
5. Small Structure-Mounted Wind Energy Turbine (SSMWET): All SSMWET are subject to the following minimum requirements.
 - A. Siting and Design Requirements:
 - 1) Upwind Turbines shall be required.
 - 2) Visual Appearance
 - a) A SSMWET, 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.
 - b) A SSMWET 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) A SSMWET shall not be used for displaying any advertising (including flags, streamers, or decorative items), except for identification of the turbine manufacturer.
 - 3) Ground Clearance: The lowest extension of any blade or other exposed moving component of a SSMWET shall be at least fifteen (15) feet above the ground (at the highest point of the natural grade within thirty [30] feet of the Structure hosting the SSMWET) and, in addition, 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.
 - 4) Noise: Noise emanating from the operation of one (1) or more SSMWETs shall not exceed, at any time, the lowest Ambient Sound Level that is present 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 one (1) or more SSMWETs shall not exceed, at any time, the lowest ambient noise level plus five (5) dBA that is

present 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.

- 5) **Vibration:** Vibrations shall not be produced which are humanly perceptible beyond the property on which a SSMWET is located.
- 6) **Guy Wires:** Guy wires shall not be permitted as part of the SSMWET.
- 7) In addition to the Siting and Design Requirements listed previously, the SSMWET shall also be subject to the following:
 - a) **Height:** The height of a SSMWET shall not exceed fifteen (15) feet as measured from the highest point of the roof, excluding chimneys and antenna.
 - b) **Setback:** The Setback of the SSMWET shall be a minimum of fifteen (15) feet from the property line, public Right-of-Way, public easement, or overhead utility lines if mounted directly on a roof or other elevated surface of a Structure. If the SSMWET is affixed by any extension to the side, roof, or other elevated surface, then the Setback from the property line or public Right-of-Way shall be a minimum of fifteen (15) feet. The Setback shall be measured from the furthest outward extension of all moving parts.
 - c) **Location:** The SSMWET shall not be affixed to the wall on the side of a Structure facing a road.
 - d) **Quantity:** No more than three (3) SSMWETs shall be installed on any Parcel of property.
 - e) **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.
- 8) **Permit Application Requirements**
 - a) Name of property Owner(s), address, and Parcel number.
 - b) A site plan shall include maps (drawn to scale) showing the proposed location of all components and ancillary equipment of the SSMWET(s), 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 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 Section.

- 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.
- 9) Safety Requirements
- a) If the SSMWET 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 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.
 - d) The structural integrity of the SSMWET 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.
- 10) Signal Interference. The SSMWET shall not interfere with communication systems such as, but not limited to, radio, telephone, television, satellite, or emergency communication systems.
- 11) Public Inquiries and Complaints
- a) Should an aggrieved property owner allege that the SSMWET is not in compliance with the noise requirements, the procedure shall be as follows:
 - i. Notify the Zoning Administrator in writing regarding concerns about noise level.

- ii. If the complaint is deemed sufficient by the Zoning Administrator to warrant an investigation, the Zoning Administrator 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 Section.
 - iii. If the test indicates that the noise level is within noise requirements, the Township will use the deposit to pay for the test.
 - iv. If the SSMWET Owner(s) is in violation of the noise requirements, the Owner(s) shall reimburse the Township for the noise level test and take immediate action to bring the SSMWET into compliance which may include ceasing operation of the WET until violations are corrected. The Township will refund the deposit to the aggrieved property owner.
6. Small Tower-Mounted Wind Energy Turbine (STMWET), Medium Wind Energy Turbine (MWET), and Large Wind Energy Turbine (LWET): All shall be considered special land uses and are subject to the following minimum requirements.
- A. Siting and Design Requirements
- 1) Upwind Turbines shall be required.
 - 2) The design of a STMWET, MWET or LWET shall conform to all applicable industry standards.
 - 3) Visual Appearance:
 - a) Each STMWET, MWET or 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 STMWET, MWET or LWET.
 - b) Each STMWET, MWET or 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 STMWET, MWET or 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).
 - 4) Vibration: Each STMWET, MWET or LWET shall not produce vibrations humanly perceptible beyond the property on which it is located.
 - 5) Shadow Flicker: The STMWET, MWET or 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 STMWET, MWET or 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 thirty (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.

- 6) Guy Wires: Guy wires shall not be permitted as part of the STMWET, MWET or LWET.
- 7) Electrical System: All electrical controls, control wiring, grounding wires, power lines, and all other electrical system components of the STMWET, MWET or 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.
- 8) In addition to the Siting and Design Requirements listed previously, the STMWET shall also be subject to the following:
 - a) Height: The total height of a STMWET shall not exceed one hundred twenty (120) feet.
 - b) Location: The STMWET shall only be located in a Rear Yard of a property that has an Occupied Building.
 - c) Occupied Building Setback: 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.
 - d) 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.
 - 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.
- 9) In addition to the Siting and Design Requirements listed previously, the MWET shall also be subject to the following:
 - a) Location: The MWET shall be located on a Parcel with a minimum area of ten (10) acres. The MWET shall only be located in a General Common Element in a Condominium Development.

- b) Height: The Total Height of a MWET shall not exceed one hundred fifty (150) feet.
- c) Ground Clearance: The lowest extension of any blade or other exposed moving component of a MWET 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 MWET.
- d) Noise: Noise emanating from the operation of one (1) or more MWETs shall not exceed, at any time, the lowest Ambient Sound Level that is present 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 one (1) or more MWETs shall not exceed, at any time, the lowest ambient noise level plus five (5) dBA that is present 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) MWET shall be installed for every two and one-half (2-1/2) acres of land included in the Parcel.
 - i. Setback and Separation:
 - a. Occupied Building Setback: 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.
 - b. Property Line Setbacks: With the exception of the locations of Public Streets (see below), drain Rights-of-way and Parcels with Occupied Buildings (see above), the internal property line Setbacks shall be equal to the total height of the MWET as measured from the base of the Tower. This Setback may be reduced to a distance agreed upon as part of the special land 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.
 - c. Public Road Setbacks: Each MWET shall be set back from the nearest Public Street a distance equal to the total height of the MWET, determined at the nearest boundary of the underlying Right-of-Way for such Public Street.
 - d. Communication and Electrical Lines: Each MWET shall be set back from the nearest above-ground public electric power line or telephone line a distance equal to the total height of the MWET, as measured from the base of the Tower, determined from the Existing power line or telephone line.

- e. Tower Separation: MWET/Tower separation shall be based on industry standard and manufacturer recommendation.
- 10) In addition to the Siting and Design Requirements listed previously, the LWET shall also be subject to the following:
- a) Ground Clearance: The lowest extension of any blade or other exposed moving component of an LWET shall be at least fifty (50) feet above the ground (at the highest point of the grade level within one hundred fifty [150] feet of the base of the Tower).
 - b) Noise: Noise emanating from the operation of one (1) or more LWETs or shall not exceed, at any time, the lowest Ambient Sound Level that is present 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 one (1) or more LWETs shall not exceed, at any time, the lowest ambient noise level plus five (5) dBA that is present 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.
 - c) Quantity: The number of LWETs shall be determined based on Setbacks and separation.
 - i. Setback and Separation:
 - a. Occupied Building Setback: Each LWET shall be set back from the nearest Occupied Building that is located on the same Parcel as the LWET a minimum of two (2) times its total height, or one thousand (1000) feet, as measured from the base of the Tower, whichever is greater.
 - b. Property Line Setbacks: With the exception of the locations of Public Streets (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 (1-1/2) 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 land 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.
 - c. Public Road Setbacks: Each LWET shall be set back from the nearest Public Street a minimum distance no less than four hundred (400) feet or one and one-half (1-1/2) times its total height, whichever is greater, determined at the nearest boundary of the underlying Right-of-Way for such Public Street.
 - d. 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 four hundred (400) feet or one and one-half (1-1/2) times its total height, whichever is greater, determined from the Existing power line or telephone line.

- e. Tower Separation: Turbine/Tower separation shall be based on industry standards and manufacturer recommendation.
- d) Access Driveway: Each LWET shall require the construction of a private road to offer an adequate means by which the Township may readily Access the site in the event of an emergency. All private roads shall be constructed to the Township's private road standards.

B. Safety Requirements

- 1) If the STMWET, MWET or 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.
- 2) The STMWET, MWET or 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.
- 3) Security measures need to be in place to prevent unauthorized trespass and Access. Each STMWET, MWET or LWET shall not be climbable up to fifteen (15) feet above ground surfaces. All Access doors to STMWET, MWETs or LWETs and electrical equipment shall be locked and/or Fenced as appropriate, to prevent entry by non-authorized Person(s).
- 4) All spent lubricants, cooling fluids, and any other hazardous materials shall be properly and safely removed in a timely manner.
- 5) Each STMWET, MWET or 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:
 - a) Warning high voltage
 - b) Manufacturer's and Owner/Operator's name
 - c) Emergency contact numbers (list more than one number)
- 6) The structural integrity of the STMWET, MWET or 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.

- C. Signal Interference. The STMWET, MWET or LWET shall not interfere with communication systems such as, but not limited to, radio, telephone, television, satellite, or emergency communication systems.
- D. Site Plan Requirements
- 1) Site Plan Drawing: All applications for an STMWET, MWET or LWET special land use permit shall be accompanied by a detailed site plan map that is drawn to scale and dimensioned, displaying the following information:
 - a) 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 Streets, 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.
 - b) Location and height of all proposed STMWET, MWETs or 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 STMWET, MWET or LWET.
 - c) Additional details and information as required by the special land use requirements of this Ordinance or as requested by the Planning Commission.
 - 2) Site Plan Documentation: The following documentation shall be included with the site plan:
 - a) The contact information for the Owner(s) and Operator(s) of the STMWET, MWET or LWET as well as contact information for all property owners on which the STMWET, MWET or LWET is located.
 - b) A copy of the lease, or recorded document, with the landowner(s) if the applicant does not own the land for the proposed STMWET, MWET or 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.
 - c) Identification and location of the properties on which the proposed STMWET, MWET or LWET will be located.
 - d) In the case of a Condominium Development, a copy of the Condominium Development's Master Deed and Bylaws addressing the legal arrangement for the STMWET, MWET or LWET.
 - e) The proposed number, representative types and height of each STMWET, MWET or 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.

- f) Documents shall be submitted by the Developer/manufacturer confirming specifications for STMWET, MWET or LWET Tower separation.
- g) Documented compliance with the noise, and Shadow Flicker requirements set forth in this Ordinance.
- h) Engineering data concerning construction of the STMWET, MWET or LWET and its base or foundation, which may include, but not be limited to, soil boring data.
- i) A certified registered engineer shall certify that the MWET or LWET meets or exceeds the manufacturer's construction and installation standards.
- j) Anticipated construction schedule.
- k) 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 STMWET, MWET or LWET to conduct maintenance, if applicable.
- l) Documented compliance with applicable local, state and national regulations including, but not limited to, all applicable safety, construction, environmental, electrical, and communications. The STMWET, MWET or LWET shall comply with Federal Aviation Administration (FAA) requirements, Michigan Airport Zoning Act, Michigan Tall Structures Act, and any applicable airport overlay zone regulations.
- m) Proof of applicant's liability insurance.
- n) 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.
- o) Other relevant information as may be requested by Township to ensure compliance with the requirements of this Section.
- p) Following the completion of construction, the applicant shall certify that all construction is completed pursuant to the special land use permit.
- q) A written description of the anticipated life of each STMWET, MWET or 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 STMWET, MWET(s) or LWET(s) become inoperative or non-functional.
- r) The applicant shall submit a Decommissioning plan that will be carried out at the end of the STMWET, MWETs or LWETs useful life, and shall describe any agreement with the landowner(s) regarding equipment removal upon termination of the lease.

- s) The Township reserves the right to review all maintenance plans and bonds under this Ordinance to ensure that all conditions of the permit are being followed.
- t) Signature of the Applicant.
- u) In addition to the site plan requirements listed previously, the LWET shall be subject to the following:
 - i. A site grading, erosion control and storm water drainage plan will be submitted to the Zoning Administrator prior to issuing a special land use permit for an LWET. At the Township's discretion, these plans may be reviewed by Township's engineering firm. The cost of this review will be the responsibility of the applicant.
 - ii. 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 bond which guarantees the repair of damage to Public Streets and other areas caused by construction of the LWET.
 - iii. A statement indicating what hazardous materials will be used and stored on the site.
 - iv. 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.

E. Certification and Compliance

- 1) The Township must be notified of a change in ownership of a STMWET, MWET or LWET or a change in ownership of the property on which the STMWET, MWET or LWET is located.
- 2) The Township reserves the right to inspect any STMWET, MWET, and all LWETs, in order to ensure compliance with the Section. Any cost associated with the inspections shall be paid by the Owner/Operator of the WET.
- 3) In addition to the Certification and Compliance requirements listed previously, the LWET shall also be subject to the following:
 - a) 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 to demonstrate compliance with the requirements of this Section. Proof of compliance with the noise standards is required within ninety (90) days of the date the LWET becomes operational. Sound shall be measured by a third-party, qualified professional.

- b) The LWET Owner(s) or Operator(s) shall provide the Zoning Administrator with a copy of the yearly maintenance inspection.
- F. Public Inquiries and Complaints. Should an aggrieved property owner allege that the STMWET, MWET or LWET is not in compliance with the noise and Shadow Flicker requirements of this Section, the procedure shall be as follows:
- 1) Noise Complaint
 - a) Notify the Zoning Administrator in writing regarding concerns about noise level.
 - b) If the complaint is deemed sufficient by the Zoning Administrator to warrant an investigation, Zoning Administrator 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 Section.
 - c) If the test indicates that the noise level is within Section noise requirements, the Township will use the deposit to pay for the test.
 - d) If the STMWET, MWET or 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 STMWET, MWET or LWET into compliance which may include ceasing operation of the WET until violations are corrected. The Township will refund the deposit to the aggrieved property owner.
 - 2) Shadow Flicker Complaint
 - a) Notify the Zoning Administrator in writing regarding concerns about the amount of Shadow Flicker
 - b) If the complaint is deemed sufficient by the Zoning Administrator to warrant an investigation, Zoning Administrator 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.
 - c) If the STMWET, MWET or LWET Owner(s) is in violation of the Shadow Flicker requirements, the Owner(s) take immediate action to bring the STMWET, MWET or LWET into compliance which may include ceasing operation of the WET until the Ordinance violations are corrected.

Section 4.40 Roadside Stands

All Roadside Stands shall be considered Accessory Uses and are subject to the following restrictions and regulations:

- 1. Roadside Stands shall be permitted in the AG-1, R-1, and LSR districts. In the Commercial district, Roadside Stands are permitted as a Temporary Use, subject to the provisions of Section 4.08 of this Ordinance.

2. The area occupied by the display of farm products at a Roadside Stand shall not exceed two-hundred twenty-five (225) square feet.
3. The Roadside Stand shall be situated in such a manner that ingress/egress to and from the Roadside Stand is safe and an area outside the Right-of-Way is available for vehicular parking.
4. Roadside Stands shall be set back at least fifteen (15) feet from the road surface and shall not be located within the public Right-of-Way.
5. Any Buildings or Structures placed on a site for a Roadside Stand shall be removed during those seasons where the Roadside Stand is not in use.

Section 4.41 Migratory Worker Dwellings

A Migratory Worker Dwelling shall be considered an Accessory Use to a Farm and shall meet the following standards:

1. A site plan pursuant to Article XIX shall be required prior to the construction, placement, or use of Migratory Worker Dwellings.
2. Migratory Worker Dwellings shall be located on a Parcel of land use that is primarily used for agricultural purposes and shall be considered an Accessory Use.
3. The Parcel that contains Migratory Worker Dwellings shall have an area of at least ten (10) acres.
4. Migratory Worker Dwellings shall meet all Setback standards of the AG-1 Agricultural District.
5. Migratory Worker Dwellings shall meet all rules, regulations, and standards of the State of Michigan Department of Agriculture and Rural Development which governs the licensing and operation of Migratory Worker Dwellings, as well as all applicable requirements of the Ottawa County Health Department and any other local, state, or federal requirements.
6. Migratory Worker Dwellings shall only be occupied between the dates of April 1 and November 15 of a calendar year.
7. The size, location, Access, and character of the proposed Migratory Worker Dwellings shall be generally compatible with Existing residential areas and not detract from existing scenic areas.
8. The owner or operator of the Farm served by the Migratory Worker Dwellings shall ensure that occupants of the Migratory Worker Dwelling maintain reasonable quiet hours at night.
9. Migratory Worker Dwellings shall only be used for the housing of Persons primarily employed by the owner of the Farm and the employee's immediate Family.
10. Vehicular Parking Areas shall be clearly delineated and arranged in an orderly manner. Parking Areas shall be established as part of the site plan review.

Section 4.42 Prohibition of Recreational Marihuana Establishments

1. Marihuana establishments, as authorized by and defined in the Michigan Regulation and Taxation of Marihuana Act, Initiated Law 1 of 2018, are prohibited in all zoning districts, and shall not be permitted as home occupations under Section 4.17 of this Ordinance.
2. No use that constitutes or purports to be a marihuana grower, marihuana safety compliance facility, marihuana processor, marihuana microbusiness, marihuana retailer, marihuana secure transporter or any other type of marihuana related business authorized by the Act, that was engaged in prior to the enactment of this Ordinance or prior to the addition of this Section to the Ordinance, shall be deemed to have been a legally established use under the provisions of this Ordinance; that use shall not be entitled to claim legal nonconforming status.
3. Violations of this Section are subject to the violations and penalties pursuant to Article 22 of this Ordinance and may be abated as nuisances.

Section 4.43 Personal Property Sales

Personal property sales, such as garage sales, yard sales, estate sales, and the like, are subject to the following requirements.

1. Personal property sales shall not occur on one (1) Parcel or Lot more than three (3) times per calendar year.
2. Each personal property sales event shall not last longer than seventy-two (72) hours.
3. A minimum of thirty (30) days is required between personal property sales events on the same Parcel or Lot.

ARTICLE V - R-1 - SINGLE-FAMILY RESIDENTIAL DISTRICT

Section 5.01 Description and Purpose

The R-1 Single-Family Residential District is intended to provide for an environment of predominantly low to moderate-Density Single-Family Dwellings along with other residentially-related facilities to serve the residents in the district.

Section 5.02 Permitted Uses

- Adult Day Care Family Home
- Adult Foster Care Family Home
- Child Care Home, Family
- Dwelling, Single-Family
- Home Occupation, Minor
- Public Cemetery
- Public Park
- Roadside Stand (See Section 4.40)

Section 5.03 Special Land Uses

- Adult Day Care Group Home
- Adult Foster Care Small or Large Group Home
- Bed and Breakfast Establishment
- Child Care Home, Group
- Church
- Educational Facility
- Essential Services (See Section 4.06)
- Government Building
- Home Occupation, Major
- Natural Resource Extraction
- Wireless Communication Facilities
- In-Home Firearm Sales

Section 5.04 District Requirements

1. **Minimum Required Front Yard:** 35 feet, except as may be required by Section 4.27.
2. **Minimum Required Side Yard:** 10 feet
3. **Minimum Required Rear Yard:** 40 feet
4. **Maximum Building Height:** 35 feet or 2 1/2 Stories, whichever is less.
5. **Minimum Lot Width:** 100 feet
6. **Minimum Lot Area:**
 - A. For residential land uses: 20,000 square feet
 - B. For non-residential uses: 5 acres

ARTICLE VI - LSR - LAKESHORE RESIDENTIAL DISTRICT

Section 6.01 Description and Purpose

The LSR Lakeshore Residential District is intended to provide for and preserve the Existing single-Family residential character of the area, including the sensitive environmental areas associated with the Lake Michigan shoreline.

Section 6.02 Permitted Uses

- Adult Day Care Family Home
- Adult Foster Care Family Home
- Cemetery
- Child Care Home, Family
- Dwelling, Single-Family
- Home Occupation, Minor
- Public Park
- Roadside Stand (See Section 4.40)

Section 6.03 Special Land Uses

- Adult Day Care Group Home
- Adult Foster Care Small or Large Group Home
- Bed and Breakfast Establishment
- Child Care Home, Group
- Church
- Educational Facility
- Essential Services
- Government Building
- Natural Resource Extraction
- Wireless Communication Facilities
- In-Home Firearm Sales

Section 6.04 District Requirements

1. **Minimum Required Front Yard:** 35 feet, except as may be required by Section 4.27.
2. **Minimum Required Side Yard:** 10 feet
3. **Minimum Required Rear Yard:** 40 feet
4. **Maximum Building Height:** 35 feet or 2 1/2 Stories in height, whichever is less.
5. **Minimum Lot Width:** 100 feet
6. **Minimum Lot Area:**
 - A. For residential uses: 20,000 square feet
 - B. For non-residential uses: 5 acres

ARTICLE VII - C - COMMERCIAL DISTRICT

Section 7.01 Description and Purpose

The C Zoning District is intended to accommodate general shopping and retail activities, offices, civic and cultural Buildings, and similar activities.

Section 7.02 Permitted Uses

- Adult Day Care Facility
- Assisted Living Facility
- Automobile Repair Facility
- Cemetery
- Child Care Center
- Church
- Educational Facility
- Gas Station
- Government Building
- Indoor Recreation facility
- Medical Office
- Personal Service Establishment
- Professional and Business Office
- Public Park
- Restaurants, Without Liquor Or Drive-Through Service
- Retail Commercial Establishment
- Theater

Section 7.03 Special Land Uses

- Adult Foster Care Congregate Facility
- Automobile and Boat Sales
- Banquet Hall
- Construction and Contractor Yard
- Equipment Sales
- Essential Services (See Section 4.06)
- Natural Resource Extraction
- Open Air Market
- Restaurants, With Liquor Or Drive-Through
- Self-Storage Facility
- Sexually Oriented Business
- Wireless Communication Facilities

Section 7.04 District Requirements

1. **Minimum Required Front Yard:** 50 feet, except as may be required by Section 4.27.
2. **Minimum Required Side Yard:** 10 feet
3. **Minimum Required Rear Yard:** 15 feet.
4. **Minimum Building Height:** 35 feet, except for Churches, schools, or Theaters, which shall not exceed 65 feet in height.
5. **Minimum Lot Width:** 100 feet
6. **Minimum Lot Area:** 20,000 square feet

ARTICLE VIII - RESERVED

ARTICLE IX - I - INDUSTRIAL DISTRICT

Section 9.01 Description and Purpose

This Zoning District is intended to accommodate electric power generating facilities and certain light industrial land uses and activities.

Section 9.02 Permitted Uses

- Electrical Power Plant
- Manufacturing Establishment
- Natural Resource Extraction
- Warehouse
- Wireless Communication Facilities (See Section 4.35)

Section 9.03 Special Land Uses

- Essential Services (See Section 4.06)
- Junkyard
- Natural Resource Extraction

Section 9.04 District Requirements

1. **Minimum Required Front Yard:** 75 feet, except as may be required by Section 4.27.
2. **Minimum Required Side Yard:** 15 feet.
3. **Minimum Required Rear Yard:** 15 feet.
4. **Maximum Building Height:** 55 feet, except electric power generation plant Buildings, Structures, and their related uses.
5. **Minimum Lot Width:** 100 square feet.
6. **Minimum Lot Area:** 40,000 square feet.

Section 9.05 Performance Standards

Before issuance of any Building or occupancy permit in this district, the applicant shall sign an agreement with the Township Board that the use of the property will meet the following Performance Standards and that any violation of these standards in subsequent operations will be corrected:

1. **Fire and Explosion Hazards:** All Buildings, storage and handling of flammable materials, and other activities shall conform to County and Township Buildings and fire ordinances and to any applicable state and federal regulations or requirements. No use of Building

shall in any way represent a fire or explosion hazard to a use on adjacent property or to the Public on a Public Street.

2. Smoke, Fumes, Gases, Dust, and Odors: There shall be no emission of any smoke, radiation, fumes, gases, dust, odors, or any other atmospheric pollutant which will disseminate beyond the boundaries of the Lot occupied by such use in such a manner as to cause property damage or hazards to public health, or to be detrimental to the property rights of other property or to be obnoxious to the general public.
3. Liquid or Solid Waste: No industrial operations shall directly discharge industrial waste of any kind into any river, stream, reservoir, pond, or lake. All methods of sewage disposal and industrial waste treatment and disposal shall be approved by the Township and by the County and Michigan State Health Department.
4. Vibration: There shall be no vibration which is discernible to the human sense of feeling beyond the boundaries of the immediate site on which such use is conducted.
5. Noise: There shall be no noise emanating from the operation which will create a disturbance of the peace.
6. Glare: There shall be no direct or sky-reflected glare harmful to the human eye at the property line of the Lot occupied by such use.

Section 9.06 Additional Requirements

There shall be a Greenbelt, Fence, or wall along any side or rear property line which abuts any other zoning district. Greenbelts shall be maintained in a healthy growing condition. Fences or walls shall be solid and informally painted, not less than four (4) feet in height nor more than six (6) feet in height, and maintained in good condition.

ARTICLE X - AG-1 - AGRICULTURAL DISTRICT

Section 10.01 Description and Purpose

The AG-1 Agricultural District is intended to accommodate agricultural activities, while maintaining an alternative residential environment in accessible rural areas at low densities. It is also designed to protect community and Family values of a rural land.

Section 10.02 Permitted Uses

- Adult Day Care Family Home
- Adult Foster Care Family Home
- Cemetery
- Child Care Home, Family
- Dwelling, Migratory Worker (See Section 4.41)
- Dwelling, Single-Family
- Farm
- Home Occupation, Minor
- Public Park
- Roadside Stands (See Section 4.40)

Section 10.03 Special Land Uses

- Adult Day Care Group Home
- Adult Foster Care Small or Large Group Home
- Bed and Breakfast Establishment
- Child Care Home, Group
- Church
- Educational Facility
- Essential Services (See Section 4.06)
- Government Building
- Home Occupation, Major
- In-Home Firearm Sales
- Kennel
- Natural Resource Extraction
- Riding Stable
- Wireless Communication Facilities

Section 10.04 Dimensional Requirements

1. **Minimum Required Front Yard:** 35 feet, except as may be required by Section 4.27.
2. **Minimum Required Side Yard:** 30 feet
3. **Minimum Required Rear Yard:** 40 feet
4. **Maximum Building Height:** 35 feet or 2 1/2 Stories in height, whichever is less.
5. **Minimum Lot Area:** 2 acres
6. **Minimum Lot Width:** 200 feet

ARTICLE XI - OS - OPEN SPACE DISTRICT

Section 11.01 Description and Purpose

The OS District is intended to preserve publicly-owned land for the development or preservation of recreation areas and open space

Section 11.02 Permitted Uses

- Cemetery
- Farm
- Public Park

Section 11.03 Special Land Uses

- Essential Services (See Section 4.06)
- Government Building
- Natural Resource Extraction
- Wireless Communication Facilities

Section 11.04 District Requirements

1. **Minimum Required Front Yard:** 50 feet, except as may be required by Section 4.27.
2. **Minimum Required Side Yard:** 30 feet
3. **Minimum Required Rear Yard:** 40 feet
4. **Maximum Building Height:** 35 feet
5. **Minimum Lot Width:** 330 feet
6. **Minimum Lot Area:** 10 acres

ARTICLE XII - PLANNING COMMISSION

Section 12.01 Township Planning Commission

The Township has created a Planning Commission pursuant to the provisions of the Michigan Planning Enabling Act, Act 33 of 2008, as amended.

Section 12.02 Membership, Appointment and Appeal

1. The Planning Commission shall consist of seven (7) members.
2. The Supervisor, with the approval of a majority of the members of the Township Board elected and serving, shall appoint all members of the Planning Commission, including the ex officio members.
3. All members of the Planning Commission shall be qualified electors of the Township, except that one member may be a Person who is not a qualified elector if the Township Board finds that such Person has unique skills or talents that would well serve the Planning Commission or because of the Planning Commission's particular needs at that time.
4. One member of the Township Board shall be appointed to the Planning Commission as an ex officio member. An ex officio member has full voting rights. No other elected officer or employee of the Township is eligible to be a member of the Planning Commission.
5. The membership of the Planning Commission shall be representative of important segments of the community, such as the economic, governmental, educational, and social development of the Township, in accordance with the major interests as they exist in the Township, such as agriculture, natural resources, recreation, education, public health, government, transportation, industry, and commerce. The membership shall also be representative of the entire geography of the Township to the extent practicable.
6. The Planning Commission members, other than an ex officio member, shall serve for terms of three (3) years each, and shall hold office until the member's successor is appointed. The term of an ex officio member, as described in Section 12.02.4, shall expire with that member's term on the Township Board.
7. Vacancies shall be filled for the unexpired term in the same manner as the original appointment.

Section 12.03 Removal

The Township Board may remove a member of the Planning Commission for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing.

Section 12.04 Bylaws, Record of Proceedings, Annual Report

1. The Planning Commission shall adopt bylaws for the transaction of business.
2. The Planning Commission shall keep a public record of its resolutions, transactions, findings, and determinations. The writings prepared, owned, used, or possessed by the

Planning Commission shall be made available to the public in compliance with the Freedom of Information Act, MCL 15.231, et seq.

3. The Planning Commission shall make an annual written report to the Township Board concerning its operations and the status of planning activities, including recommendations regarding actions by the Township Board related to planning and development.

Section 12.05 Compensation

The Planning Commission members may be compensated for their services as provided by resolution of the Township Board. The Planning Commission may adopt bylaws relative to compensation and expenses of its members for travel when engaged in the performance of activities authorized by the Township Board, including, but not limited to, attendance at conferences, workshops, educational and training programs and meetings.

Section 12.06 Budget

After preparing the annual report, the Planning Commission may prepare a detailed budget and submit it to the Township Board for approval or disapproval. The Township Board annually may appropriate funds for carrying out the purposes and functions permitted under the Michigan Planning Enabling Act, MCL 125.3801, et seq., and/or Michigan Zoning Enabling Act, MCL 125.3101 et seq., and this Article and may match Township funds with federal, state, County or other local government or private grants, contributions, or endowments.

Section 12.07 Officers and Committees

1. The Planning Commission shall elect a chairperson and a secretary from its members, and may create and fill other offices as it considers advisable. An ex officio member of the Planning Commission is not eligible to serve as chairperson. The term of each office shall be one (1) year, with opportunity for re-election as specified in the Planning Commission bylaws.
2. The Planning Commission may also appoint advisory committees whose members are not members of the Planning Commission.

Section 12.08 Meetings

1. The Planning Commission shall hold at least four regular meetings each year, and shall by resolution determine the time and place of the meetings.
2. Unless otherwise provided in the Planning Commission's bylaws, a special meeting of the Planning Commission may be called by the chairperson or by two other members, upon written request to the secretary. Unless the bylaws otherwise provide, the secretary shall send written notice of a special meeting to Planning Commission members at least forty-eight (48) hours before the meeting.
3. The business that the Planning Commission may perform shall be conducted at a public meeting held in compliance with the Open Meetings Act, MCL 15.261, et seq.

Section 12.09 Conflict of Interest

Before casting a vote on a matter on which a Planning Commission member may reasonably be considered to have a conflict of interest, the member shall disclose the potential conflict of interest to the Planning Commission. Failure of a member to disclose a potential conflict of interest as required by this division constitutes malfeasance in the office. For the purposes of this Section, the Planning Commission shall define conflict of interest in its bylaws. The remaining Planning Commission members present at the meeting shall then vote to determine whether the disclosing member has a conflict of interest or not.

Section 12.10 Preparation and Adoption of Master Plan; Plan Content.

1. Under the authority of the Michigan Planning Enabling Act, MCL 125.3801, et seq., the Planning Commission shall make and adopt a land use plan ("Master Plan") as a guide for the development of unincorporated portions of the Township and may amend the plan as provided in such Act. The Master Plan shall address land use and infrastructure issues and shall include maps, plats, charts and descriptive, explanatory and other related matter and shall show the Planning Commission's recommendations for the physical development of the unincorporated area of the Township.
2. The Master Plan shall include those of the following subjects which reasonably can be considered as pertinent to the future development of the Township:
 - A. A Master Plan and program, in part consisting of a classification and allocation of land for agriculture, residences, commerce, industry, recreation, ways and grounds, public Buildings, schools, soil conservation, forest, wildlife refuges, open space, and other uses and purposes.
 - B. The general location, character and extent of streets, roads, highways, railroads, bicycle paths, pedestrian walkways, bridges, waterways and waterfront developments; flood prevention works, drainage, sanitary sewers and water supply systems; works for preventing pollution and works for maintaining water levels; and public utilities and Structures.
 - C. Recommendations for implementing any of its proposals.
3. The Planning Commission shall have the final authority to approve the Master Plan, or any amendment to the Master Plan, unless the Township Board passes a resolution asserting the right to approve or reject the Master Plan.
4. The Planning Commission shall promote public understanding of an interest in the Master Plan and shall publish and distribute copies of the plan and of any report, and may employ such other means of publicity and education as it determines necessary.

Section 12.11 Approval of Public Improvements

1. After the Planning Commission has adopted the Master Plan of the Township, no street, square, park or other public way, ground or open space, or public Building or Structure, shall be constructed or authorized in the Township or in the planning section and district

until the location, character and extent thereof shall have been submitted to and approved by the Planning Commission.

2. The Planning Commission shall communicate its reasons for approval or disapproval to the Township Board, which shall have the power to overrule the Planning Commission by a recorded vote of not less than a majority of its entire membership.
3. If the public way, ground, space, Building Structure, or utility is one which the authorization or financing of the project rests with another governmental body, then the submission to the Planning Commission shall be by the board, commission or body having jurisdiction, and the Planning Commission's disapproval may be overruled by resolution of the board, commission or body by a vote of not less than a majority of its membership.
4. The failure of the Planning Commission to act within thirty-five (35) days after the official submission to the Planning Commission shall be deemed approval.

Section 12.12 Planning Consultant

The Township Board, upon the recommendation of the Planning Commission, may employ a planning director, or other planning personnel, and/or may contract for the part-time or full-time services of planning, engineering any other such consultants deemed necessary. The Township Board may pay or authorize the payment of such expenses from the funds budgeted and provided for planning purposes.

Section 12.13 Approval of Plats

The Township Board shall refer plats or other matters relating to land development to the Planning Commission before final action thereon by the Township Board and may request the Planning Commission to recommend regulations governing the subdivision of land. The recommendations may provide for the procedures of submittal, including recommendations for submitting a preliminary subdivision design, the standards of design, and the physical improvements that may be required.

Section 12.14 Special Land Uses

The Planning Commission shall have the authority to issue special land use permits for the uses for which this Ordinance requires the obtaining of such permits.

Section 12.15 Other Authority, Duties, and Responsibilities

The Planning Commission shall have additional authority, duties, and responsibilities as provided elsewhere in this and other ordinances of the Township. The Planning Commission shall undertake other studies and make recommendations on other subjects as the Township Board may from time to time request.

ARTICLE XIII - ZONING BOARD OF APPEALS

Section 13.01 Zoning Board of Appeals

1. There shall be a Zoning Board of Appeals composed of five (5) members and up to two (2) alternate members. One member of the Zoning Board of Appeals shall be a member of the Township Planning Commission. One member may be a member of the Township Board provided that the member not serve as the Chairperson of the Zoning Board of Appeals. The remaining members of the Zoning Board of Appeals shall be selected from the electors of the Township. The members selected shall be representative of the population distribution and of the various interests present in the Township. An employee or contractor of the Township Board may not serve as a member of the Zoning Board of Appeals. An alternate member may be called upon to serve and shall have the authority as provided in the Michigan Zoning Enabling Act, as amended.
2. The total amount allowed the Zoning Board of Appeals in any one (1) year as per diem or as expenses actually incurred in the discharge of their duties shall not exceed a reasonable sum, which sum shall be appropriated annually in advance by the Township Board.
3. A member 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 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.
4. The term of each member shall be for three (3) years, except that of the members first appointed; two (2) shall serve for two (2) years, and the remaining members for three (3) years. Further, a member serving on the Zoning Board of Appeals by virtue of membership on the Planning Commission or the Township Board shall have a term on the Zoning Board of Appeals equal to the term on the Planning Commission or the Township Board, as the case may be. A successor shall be appointed not more than one (1) month after the term of the preceding member has expired. All vacancies for unexpired terms shall be filled for the remainder of the term.
5. A Zoning Board of Appeals shall not conduct business unless a majority of the members of the Board are present.

Section 13.02 Meetings, Oaths, Records

Meetings of the Zoning Board of Appeals shall be held at the call of the Chairman and at such other times as the Zoning Board of Appeals in its rules of procedure may specify. The Chairman, or the Acting Chairman in the Chairman's absence, may administer oaths and compel the attendance of witnesses. All meetings of the Zoning Board of Appeals shall be open to the public. The Board shall maintain a record of its proceedings, which shall be filed in the office of the Township Clerk and shall be a public record.

Section 13.03 Procedures

1. Time to Appeal and Notice of Appeal; Transmission of Record; Submission Deadline: An appeal shall be taken within such time as shall be prescribed by the Zoning Board of Appeals by general rule, by the filing with the office whom the appeal is taken, and with the Zoning Board of Appeals of a Notice of Appeals specifying the grounds therefor. In the absence of a general rule, an appeal shall be taken within thirty (30) days of the action which led to the appeal. The officer from whom the appeal is taken shall forthwith transmit to the Zoning Board of Appeals all the papers constituting the record upon which the action appealed from was taken. The submission shall be made as set by the resolution adopted by the Township Board for establishing submission deadlines.
2. Public Hearing: When an application for hearing or appeal has been filed in proper form supplied by the Township and the fee paid with the required data, the Secretary of the Zoning Board of Appeals shall, within a reasonable time, place said application or appeal upon the calendar for hearing and cause notice of the hearing to be given in accordance with Section 21.11 of this Ordinance.

At the hearing, any party may appear in person or by agent or by attorney.

The Zoning Board of Appeals may reverse or affirm wholly or partly, or may modify any order, requirement, decision, or determination as in its opinion ought to be made in the premises, and to that end shall have all the powers of the officer from whom the appeal was taken and may issue or direct the issuance of a permit. Where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the Ordinance, the Zoning Board of Appeals shall have power in passing upon appeals to vary or modify any of its rules, regulations or provisions so that the spirit of the Ordinance shall be observed, public safety secured, and substantial justice done.

Any party aggrieved by a decision of the Zoning Board of Appeals shall have the right to appeal such decision to Circuit Court, as provided with the Michigan Zoning Enabling Act, as amended.

No application for a Variance, restricted permit, or appeal which had been denied wholly or in part by the Zoning Board of Appeals shall be resubmitted until the expiration of one (1) year or more from the date of such denial, except on grounds of newly discovered evidence or proof of changed conditions found to be sufficient to justify reconsideration by the Zoning Board of Appeals. Such action or reconsideration shall only be upon reapplication and payment of fees.

3. Adjournments: Upon the day for hearing any application or appeal, the Zoning Board of Appeals may adjourn the hearing in order to permit the obtaining of additional information or to cause such further notice as it deems proper to be served upon such other property owners as it decides may be interested in said application or appeal. In the case of an adjourned hearing, Persons previously notified and Persons already heard need not be notified of the time of resumption of said hearing.
4. Filing Fee: Each appeal or application for Variance shall be accompanied by a filing fee in accordance with the fee schedule established by the Township Board.

5. Stay of Proceedings Pending Appeal: An appeal shall stay all proceedings in furtherance of the action appealed from unless the officer from whom the appeal is taken certifies to the Zoning Board of Appeals after the notice of appeal shall have been filed with the officer that, by reason of facts stated in the certificate, a stay would, in the officer's opinion, cause imminent perils to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Zoning Board of Appeals or by the Circuit Court on application or notice to the officer from whom the appeal was taken and on due cause shown.
6. Condition of Approval: In authorizing a Variance, the Zoning Board of Appeals may, in addition to the conditions of approval called for in this Ordinance, attach thereto such other conditions regarding the location, character, landscaping or treatment reasonably necessary to the furtherance of the intent and spirit of this Ordinance and the protection of the public interest, including the right to authorize such Variance for a limited period of time. Violations of such conditions and safeguards, when made a part of the terms under which the Variance is granted, shall be deemed a violation of this Ordinance and punishable under Article XXI of this Ordinance.
7. Time Limit on Variances: Any Variance granted by the Zoning Board of Appeals shall automatically become null and void after a period of twelve (12) months from the date granted, unless the applicant shall have taken substantial steps towards effecting the Variance within said period; provided, however, that the Zoning Board of Appeals may extend such period for a further period of time up to one (1) year upon application without further notice.

Section 13.04 Duties; Rules; Hearing and Decision of Appeals; Right To and the Grounds of Appeals

1. The Zoning Board of Appeals shall act upon all questions as they may arise in the administration of this Ordinance, including the interpretation of the zoning maps.
2. The Zoning Board of Appeals may fix rules and regulations to govern its procedures sitting as such a Zoning Board of Appeals.
3. The Zoning Board of Appeals shall herein decide appeals from, and review any order, requirements, decision, or determination made by, an administrative official charged with enforcement of any Ordinance adopted pursuant to the Michigan Zoning Enabling Act, Act 110 of 2006, as amended. It shall also herein decide all matters referred to it or upon which it is required to pass under this Ordinance.
4. Three (3) members of the Zoning Board of Appeals shall constitute a quorum. A concurring vote of three (3) members of the Zoning Board of Appeals shall be necessary to reverse any order, requirement, decision, or determination of any such administrative official, or to decide in favor of applicant any matter upon which they are required to pass under this Ordinance or to effect any variation in this Ordinance. Such appeal may be taken by any Person aggrieved or by any officer, department, board, or bureau of the Township, County, or state. The grounds of every such determination shall be stated.

Section 13.05 Variances

The Zoning Board of Appeals is empowered to issue, upon appeal, such Variance from the term of this Ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Ordinance would result in unnecessary hardship or practical difficulty. A Variance from the terms of this Ordinance shall not be granted by the Zoning Board of Appeals unless and until all of the following conditions are met:

1. That special conditions and circumstances exist which are peculiar to the land, Structure or Building involved and which are not applicable to other lands, Structures or Buildings in the same zoning district;
2. That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this Ordinance;
3. That the special conditions and circumstances do not result from the actions of the applicant;
4. That granting the Variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, Structures or Buildings in the same zoning district.

No Nonconforming Use of neighboring lands, Structures or Buildings in the same zoning district, and no permitted use of lands, Structures or Buildings in other zoning districts shall be considered grounds for the issuance of a Variance.

Section 13.06 Use Variances Prohibited

Under no circumstances shall the Zoning Board of Appeals grant a Variance to allow a use not permissible under the terms of this Ordinance in the zoning districts involved, or any use expressly or by implication prohibited by the terms of this Ordinance in said district. The Zoning Board of Appeals cannot grant use Variances or use its Variance authority to accomplish what would, in effect, be rezoning.

ARTICLE XIV - NONCONFORMITIES

Section 14.01 Purpose and Intent

It is recognized that within the zoning districts established by this Ordinance or amendments thereto, there exist uses, Buildings, Structures and/or Parcels and characteristics of use which were lawful before this Ordinance was passed or amended, but which would be prohibited, regulated or restricted under the terms of this Ordinance or an amendment thereto. It is the intent of this Ordinance to permit these nonconformities to continue until they are removed, but not to encourage their survival.

Section 14.02 General Provisions for Nonconformities

1. Any Lot, use of land, Building or Structure which has been established in violation of the provisions of a previous Zoning Ordinance having jurisdiction at the time the use of land or Structure was established, and any Lot, use of land, Building or Structure which has been lawfully established under a previous Zoning Ordinance and subsequently violates the terms of the permit under which it was established, shall continue to be in violation of this Ordinance.
2. An Existing Lot, use of land, Building or Structure which does not fully comply with the provisions of this Ordinance, as amended, and either was lawfully established under a previous Zoning Ordinance, created or commenced during a period of time when no valid Zoning Ordinance was in effect, or was lawfully established under the jurisdiction of this Ordinance (before amendment), and remains in compliance with the terms of a permit issued at that time, shall be permitted to continue provided that such Lot, use of land, Building or Structure is in compliance with this Article.
3. A lawful use of land, Building or Structure which is under construction at the time of adoption of this Ordinance shall be permitted to continue as a nonconformity, subject to the provisions of this Article.
4. On any nonconforming Building or Structure, or on any Building or Structure located on a nonconforming Lot or devoted in whole or in part to any Nonconforming Use, work may be done on ordinary repairs or on repair or replacement of walls, fixtures, wiring or plumbing, provided that the Building or Structure as it existed on the effective date or amendment of this Ordinance, shall not be altered or increased except in compliance with this Article.
5. Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition any Building or part thereof, or Parcel declared to be unsafe by any official charged with protecting the public safety, upon order of such official.
6. A change of tenancy, ownership or management of any Existing nonconforming Lots, uses of land, Buildings or Structures, or of Lots, uses of land, Buildings or Structures in combination, shall be permitted.

Section 14.03 Nonconforming Uses

1. No part of any Nonconforming Use shall be moved unless the movement does not increase the degree of the nonconformity.
2. If a Nonconforming Use is abandoned for any reason for a period of more than one (1) year, any subsequent use shall conform to the requirements of this Ordinance. A Nonconforming Use shall be determined by the Zoning Administrator to be abandoned if one (1) or more of the following conditions exists:
 - A. Utilities, such as water, gas and electricity to the property, have been disconnected.
 - B. The property, Buildings, and grounds, have fallen into disrepair.
 - C. Signs or other indications of the existence of the Nonconforming Use have been removed.
 - D. Removal of equipment or fixtures that is necessary for the operation of the Nonconforming Use.
 - E. Other actions, which in the opinion of the Zoning Administrator constitute an intention of the part of the property owner or lessee to abandon the Nonconforming Use.
3. A Nonconforming Use shall not be changed to another use that is also nonconforming. Once a conforming use is established, the prior Nonconforming Use may not be reestablished.
4. A Nonconforming Use shall not be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of the adoption or amendment of this Ordinance, except as may be permitted by the Zoning Board of Appeals upon reaching a determination that the proposed enlargement, increase, or greater area:
 - A. Is not larger than twenty-five (25) percent of the original nonconforming area.
 - B. Does not have a substantial detrimental effect on the use and enjoyment of adjacent uses or Lots.
 - C. Complies with all parking, Sign, or other regulations applicable to the area affected by the proposed enlargement, increase, or greater area.
 - D. Complies with any reasonable conditions imposed that are necessary to ensure that the proposed enlargement, increase, or greater area will not prove detrimental to adjacent properties, the neighborhood, or the community.

Section 14.04 Nonconforming Buildings and Structures

1. The expansion of a Nonconforming Structure shall be permitted, provided that the addition complies with other provisions of this Ordinance and does not increase the degree of the nonconformity.
2. Except as elsewhere provided in this Ordinance, in the event any nonconforming Building or Structure is damaged or destroyed by fire, wind or an act of God or the public enemy, it may be rebuilt or restored provided the cost of restoration does not exceed fifty (50)

percent of the replacement value as determined by the Building Official. If the cost of restoration exceeds fifty (50) percent of the replacement value as determined by the Building Official, the Building or Structure shall only be rebuilt in conformance with all provisions of this Ordinance.

3. A nonconforming Building or Structure shall not be moved in whole or in part unless the movement does not increase the degree of the nonconformity.

Section 14.05 Nonconforming Lots

A nonconforming Lot may be used for the purposes permitted in the zoning district in which it is located, provided that:

1. If the Lot Area or Lot Width is already less than the minimum requirements of this Ordinance, the Lot shall not be divided or reduced in dimensions or area so as to increase the degree of nonconformance with the minimum requirements of this Ordinance.
2. Any principal Building on a nonconforming Lot shall be located so the Setback requirements of the District in which the Lot is located are met, except that any principal Building on a nonconforming Lot in the R-1 District or the LSR District shall only be required to meet sixty six percent (66%) of the Setback requirement for that District.

ARTICLE XV - SIGNS

Section 15.01 General Provisions

1. Statement of Purpose. The purpose of this Article is to facilitate the location and choice of Signs to ensure better communication between people and their environment. It is intended to recognize the importance of free speech while also intended to avoid visual clutter that is potentially harmful to traffic and pedestrian safety, property values, business opportunities, and community appearance. With these purposes in mind, it is the intent of this Article to authorize the use of Signs which are compatible with the Township goals, appropriate to the activity that displays them, and creative and expressive of the identity of both individual activities and the community as a whole.
2. Substitution Clause. Signs containing noncommercial speech are permitted anywhere that advertising or business Signs are permitted subject to the same regulations applicable to such Signs.
3. Prohibition. Signs not expressly permitted as being allowed by right or by special use permit under this Article are prohibited.
4. Installation and Maintenance. All Signs and Sign Structures shall conform to all applicable codes adopted or enforced by the Township. Signs shall be installed in a workmanlike manner and be maintained at all times in a state of good repair, with all braces, bolts, clips, supporting frames, and fastenings free from deterioration, insect infestation, rot, rust or loosening. All Signs shall be kept neatly finished, including all metal parts and supports that are not galvanized or made of rust-resistant metals.
5. Obstruction. Signs Erected in the Township shall not obstruct the clear view of traffic. If the location or design of a Sign may result in a conflict with pedestrian or vehicular movement or circulation, the Township may require a clearance of up to ten (10) feet from the finished grade level or curb elevation to the lowest part of such Sign or a front Setback of up to ten (10) feet.

Section 15.02 Definitions

1. Animated Sign: Any Sign or part of a Sign that changes physical position or light intensity by any movement or rotation or that gives the visual impression of such movement or rotation.
2. Banner Sign: A Sign constructed of cloth, fabric or other light temporary material with or without a structural frame.
3. Billboard: Any large, outdoor Structure intended for the purposes of display to draw attention to a business, commodity, service, entertainment, or other activity conducted or offered other than on the premises where the Structure is located.
4. Electronic Message Board: A Sign with a fixed or changing display or message composed of a series of lights that may be changed through electronic means.

5. Freestanding Sign: A Sign structurally separated from a Building and either supported by one (1) or more poles or braces, or attached directly to the ground.
6. Government Sign: a Sign that is constructed, placed, or maintained by the federal, state, or local government, or a Sign that is required by the federal, state, or local government. Signs otherwise permitted by the state or federal government are also considered Government Signs (e.g., Signs permitted in a Manufactured Housing Community, Signs required for safety warnings).
7. Ground Sign: A Freestanding Sign supported by short supporting uprights, or braces, or some other base or object in or upon the ground and no portion of which exceeds ten (10) feet above the average grade at the supports/base.
8. Marquee Sign: A Sign attached to or hung from a canopy or other covered Structure, projecting from and supported by the Building and extending beyond the Building wall.
9. Portable Sign: A Sign, usually of a temporary nature, not securely anchored to the ground or to a Building or Structure, and which obtains some or all of its structural stability with respect to wind or other normally applied forces by means of its geometry or character.
10. Pylon Sign: A Sign that is mounted on a freestanding pole or other support so that the bottom edge of the Sign face is six (6) feet or more above grade.
11. Projecting Sign: A display Sign which is attached directly to the Building wall and which extends more than fifteen (15) inches from the face of the wall.
12. Roof Sign: A Sign which is Erected, constructed and maintained above the roof of the Building to which it is connected.
13. Sign: A display of an assembly of letters, figures, characters, marks and/or illustrations which is affixed to, located on, or painted or otherwise depicted on any Structure, land, or exterior of a Building for purposes of attracting attention and/or conveying information.
14. Sign Area: The Sign Area of a Sign shall mean the area expressed in square feet, within a single continuous rectilinear perimeter of straight lines enclosing the extreme limits of writing, representations, emblems, or figures of a similar character together with all material or color forming an integral part of the display or used to differentiate the design from the background against which it is placed. In the case of a Sign designed with more than one (1) exterior face, the area shall be computed as including only the maximum single displayed surface which is visible from any ground position.
15. Wall Sign: A Sign, but not including a Banner Sign, which is painted on or attached directly to a Fence or on the surface of masonry, concrete, frame, or other approved Building wall, and which extends not more than fifteen (15) inches from the face of the Fence or wall and which shall not extend above the wall or Fence.

Section 15.03 Permit Required

1. Permit Required: Unless otherwise provided by this Ordinance, all Signs shall require permits and payment of fees as established by the Township Board. No permit is required

for the maintenance of a Sign or for a change of copy on painted, printed, or changeable copy Signs, or Signs exempted under Section 15.04.2.

2. **Application Procedure:** A scale drawing of the outside dimensions of the Sign or the total area encompassed by a line around all lettering or symbols shall be presented to the Zoning Administrator to ensure that the provisions of this Article are met. Evidence shall also be presented to the effect that the Sign will be securely attached to the Building or supporting Structure and will not present a hazard. For Freestanding Signs, a site development plan of the intended location of the Sign and a scale drawing of the total Sign Structure shall also be presented to the Zoning Administrator. When a site plan is required as per Article XIX, Sign information shall be submitted for review and approval as part of the site plan process.

Section 15.04 General Sign Provisions

It shall be unlawful for any Person to erect, place, or maintain a Sign in the Township except in accordance with the provisions of this Section.

1. **Signs Prohibited:** The following types of Signs are prohibited in all zoning districts:
 - A. Abandoned Signs.
 - B. Air-filled or gas-filled balloon Signs.
 - C. Animated Signs and/or flashing Signs (except traffic control devices).
 - D. Roof Signs.
 - E. Signs imitating or resembling official traffic or Government Signs or signals.
 - F. Portable Signs except as otherwise provided in this Article.
2. **Signs Not Requiring Permits.** A Sign shall not be Erected without the issuance of a Sign permit except for the following Signs, which are exempt from the provisions of this Ordinance with respect to permits, heights, area, and location.
 - A. Signs Erected by the Township, county, state, or federal government for Street direction or traffic control.
 - B. Governmental use Signs Erected by governmental agencies conveying information to the public including without limitation to designate hours of activity or conditions, or use for Parks, Parking Lots, recreational areas, other public space, or for Government Buildings.
 - C. Signs designating sites recognized by the State Historical Commission as Centennial Farms or Historic Landmarks.
 - D. Signs using numerals to identify the address of the property are required in accordance with any applicable laws.
 - E. Signs less than two (2) square feet that are required to warn of dangerous conditions and unusual hazards including caving ground, drop-offs, high voltage, fire danger,

- explosives, severe visibility limits, etc., or to prohibit Access to the property are permitted in accordance with any applicable law.
- F. Essential Public Service Signs denoting utility lines, railroad lines, hazards, and precautions including flashing Portable Signs.
 - G. Signs not exceeding twelve (12) square feet in area that are 1) cut in to the face of a masonry surface, or 2) produced on a bronze or other noncombustible material placed on the face of a Building, Structure, or other permanent object on the ground in order to commemorate a historical event or Person.
 - H. Signs, pennants, flags, or Banners used for holidays, public demonstrations for promotion of civic welfare, or charitable purposes wherein the same shall be used for not more than thirty (30) days.
 - I. Temporary Signs in accordance with the regulations below.
 - 1) A property owner may place one (1) Sign with a Sign face no larger than six (6) square feet on the Lot at any time.
 - 2) A property owner may place a Sign no larger than six (6) square feet in one (1) window on the Lot at any time.
 - 3) One (1) temporary Sign may be located on a Lot when the owner consents and that Lot is currently being offered for sale.
 - 4) One (1) temporary Sign may be located on a Lot on a day when the property owner is opening the Lot to the public.
3. No Sign shall be so placed or designed to be confused with, or appear similar to, a highway Sign or traffic safety device. No Sign (whether a permit is required or not) shall be located or Erected in such a manner as to interfere with traffic visibility.
- A. In determining whether a Sign may interfere with traffic visibility, the Zoning Administrator shall consider the following:
 - 1) Height, area, supporting Structure, and distance from ground level of the Sign;
 - 2) Lighting of the Sign;
 - 3) Location of the Sign in relation to Public or Private Streets, drives, points of ingress and egress, Parking Areas, sidewalks, and other vehicular or pedestrian Access ways;
 - 4) Location of the Sign in relation to nearby Buildings and Structures; and
 - 5) Traffic visibility across Corner Lots.
 - 6) No Sign shall be located closer than two (2) feet to a Public Street nor shall any portion of a Sign overhang a Public Street except as otherwise provided in this Article.
4. Nonconforming but previously conforming Signs in use on the effective date of this Article or any amendments to it shall be permitted to remain, provided they are properly

maintained. Such maintenance is restricted to painting and minor repairs which cannot be considered a rebuilding of the Sign. Extensive repairs constituting rebuilding must meet the requirement of the pertinent zoning district.

5. Lighting. Signs that are illuminated shall comply with the following standards.
 - A. Illumination shall be by steady, stationary, shielded light sources directed solely at the Sign, or internal to it.
 - B. Use of glaring undiffused lights or bulbs shall be prohibited. Lights shall be shaded so as not to project onto adjoining properties or Public Streets.
 - C. Sign illumination that could distract motorists or otherwise create a traffic hazard shall be prohibited. Illumination shall not be installed or designed to be confused with, or appear similar to, a Public Street Sign or traffic safety device.
 - D. There shall be no Sign with flashing, oscillating, or intermittent lights. All illuminated Signs shall be designed and located to prevent the light from being cast upon adjoining residences.
 - E. No Sign may utilize an exposed incandescent lamp with an external reflector and without a sunscreen or comparable diffusion device. Any exposed incandescent lamp in excess of one hundred sixty (160) watts is prohibited unless a screen or shield is installed so that light is not emitted by the installed fixture at angles above the Sign's highest horizontal plane.
 - F. Lighting fixtures used to illuminate a Sign shall be mounted on the top of the Sign Structure whenever practical or mounted so that no light rays are emitted by the installed fixture to traffic areas or residential areas.
 - G. For the purpose of this Ordinance, quartz lamps shall not be considered an incandescent light source. Metal halide lighting, fluorescent lighting, and quartz lighting may be used for Signs but shall be installed in enclosed luminaries.
 - H. Glass tubes filled with neon, argon, or krypton may be used, provided they do not flash intermittently or create a visual effect of movement.

The provisions of this Section are not intended to conflict with provisions controlling Signs regulated under the authority of the Highway Advertising Act of 1972, as amended.

Section 15.05 Off-Premise Signs

A conforming agricultural business, or a commercial or institutional use, may place up to four (4) off premises Signs provided that the following standards are met.

1. A proof of permission by the host property owner is provided to the Zoning Administrator.
2. Each off-premise Sign shall not exceed four (4) square feet in area.
3. Off-premise Signs shall be located a minimum of two (2) feet from the Lot Line or Right-of-Way, whichever results in a greater Setback.

Section 15.06 Permitted Signs by Zoning District

1. In the **AG-1 Agricultural, R-1 Residential or LSR Lakeshore Residential Districts**, only the following types of Signs are permitted, except as elsewhere permitted by this Ordinance.

A. The following Sign is permitted identifying the name of a permitted residential development:

Type	Maximum Number	Maximum Area	Maximum Height	Illumination Permitted?
Ground	1 per development entrance	32 square feet	6 feet	Yes

B. The following Sign is permitted for all non-residential land uses:

Type	Maximum Number	Maximum Area	Maximum Height	Illumination Permitted?
Ground	1 per Parcel	32 square feet	6 feet	No, except as permitted by Section 15.07

C. The following Sign is permitted for all permitted Home Occupations:

Type	Maximum Number	Maximum Area	Maximum Height	Illumination Permitted?
Freestanding	1 per Parcel	4 square feet	4 feet	No

2. In the **C Commercial and I Industrial** districts, only the following types of Signs are permitted, except as elsewhere permitted by this Ordinance:

Type	Maximum Number	Maximum Area	Maximum Height	Illumination Permitted?
Wall or Marquee, AND;	1 per Building wall facing a Public Street	10% of Building wall area, not to exceed 100 square feet	N/A	Yes
Freestanding or Pylon, OR;	1 per Parcel	100 square feet	20 feet	Yes
Ground	1 per Parcel	32 square feet	6 feet	Yes

For multi-use establishments consisting of multiple businesses, such as a shopping center, one (1) Wall or Marquee Sign is permitted for each business. The area of such Signs shall not exceed fifteen (15) percent of the wall area for that part of the wall to which the Sign pertains.

Section 15.07 Electronic Message Boards

1. An Electronic Message Board is permitted on Ground Signs only.
2. An Electronic Message Board shall be located on the same Parcel as the Principal Use.
3. An Electronic Message Board shall only be permitted in the C Commercial or I Industrial districts. Electronic Message Boards are also permitted in any district for Churches, schools and municipal/Government Buildings.

4. The intensity and contrast of light levels on the Electronic Message Board shall remain constant throughout the Sign face. An Electronic Message Board shall use automatic day/night dimming software to reduce the illumination intensity of the Sign at night.
5. A photometric plan shall be submitted to the Zoning Administrator prior to the placement of an Electronic Message Board.
6. All Electronic Message Boards shall meet the following requirements.
 - A. The Electronic Message Board shall not have a scrolling, flashing, blinking, or similar effect.
 - B. The message shall change no more frequently than every five (5) seconds.
 - C. The brightness of an Electronic Message Board, measured at the Lot Line, shall not exceed three-tenths (0.3) footcandles.
 - D. It shall be the responsibility of the owner on whose property the Sign is located to present to the Zoning Administrator, within ten (10) days of installation, documentation that the brightness of the Electronic Message Board is compliant with this Ordinance.

Section 15.08 Construction and Maintenance

1. All Signs shall be constructed and maintained in accordance with all applicable local, state, and federal standards and regulations.
2. Signs shall be maintained in good condition and kept free of peeling paint or paper, fading, staining, rust, or other conditions which impair legibility.
3. All Signs, Sign supports, frames, braces, wiring, guys, and anchors shall be maintained in such a manner that does not create a hazard for pedestrians or vehicles.
4. Wall Signs, Ground Signs, pole Signs, plat entry Signs, off-premise Signs and all other Signs intended to be permanent shall be designed to ensure a dead load and wind pressure in any direction of not less than thirty (30) pounds per square foot of area and shall meet all applicable local, state and federal standards and regulations.
5. All other Signs, including, but not limited to Banners, temporary Signs, Portable Signs, seasonal Signs, and decorative Signs, shall be securely anchored or otherwise made immobile.

Section 15.09 Billboards

Billboards may be placed on Parcels with frontage on US-31 in the C Commercial district either as a Principal or Accessory Use. Billboards shall comply with the following standards.

1. Not more than three (3) Billboards may be located per linear mile of Public Street regardless of the fact that such Billboards may be located on different sides of the Public Street. The linear mile measurement shall not be limited to the boundaries of the Township where the particular Public Street extends beyond such boundaries. Double-faced Billboard Structures (i.e., Structures having back-to-back Billboard faces) and V-type Billboard Structures having only one (1) face visible to traffic proceeding from any

given direction on a Public Street shall be considered as one (1) Billboard. Additionally, Billboard Structures having tandem Billboard faces (i.e., two [2] parallel Billboard faces facing the same direction and side-by-side to one another) shall be considered as one (1) Billboard. Otherwise, Billboard Structures having more than one (1) Billboard face shall be considered as two (2) Billboards and shall be prohibited in accordance with the minimum spacing requirement set forth in subsection 2 below.

2. No Billboard shall be located within one thousand (1,000) feet of another Billboard butting either side of the Public Street.
3. No Billboard shall be located closer than seventy-five (75) feet from a Lot Line adjoining a public Right-of-Way or thirty (30) feet from any interior Lot Lines of the Parcel on which the Billboard is located. No Billboard shall be placed within forty (40) feet from a Building or Structure.
4. The surface display area of any side of a Billboard shall not exceed three hundred (300) square feet.
5. The height of a Billboard shall not exceed thirty (30) feet above the grade of the ground on which the Billboard is located or the grade of the abutting Public Street, whichever is higher.
6. A Billboard may be illuminated, provided such illumination is concentrated on the surface of the Sign and is located as to avoid glare or reflection onto any portion of an adjacent Public Street, the path of on-coming vehicles, or any adjacent premises. In no event shall any Billboard have flashing or intermittent lights or which may be changed through electronic means, nor shall the lights be permitted to rotate or oscillate.
7. A Billboard shall be constructed in such a fashion that it will withstand all wind and vibration forces, which can normally be expected to occur in the vicinity. A Billboard shall be maintained so as to assure proper alignment of the Structure, continued structural soundness, and continued readability of message.
8. Billboards shall comply with all applicable provisions of the Highway Advertising Act of 1972, as amended.

Section 15.10 Nonconforming Signs

Signs lawfully Erected prior to the adoption of this Ordinance or applicable amendment thereto which do not meet the standards of this Article shall be considered Nonconforming Structures pursuant to Article XIV.

ARTICLE XVI - PARKING AND LOADING

Section 16.01 Purpose and Intent

The intent of this Article is to ensure sufficient land area out of the public Right-of-Way set aside for the temporary storage or parking of Motor Vehicles to avoid vehicle congestion and parking on roadways. As such, no Parking Space required herein shall be located in, or encroach upon, any public Right-of-Way unless otherwise noted. Additionally, this Article is intended to preclude “over-parking” and excessive Parking Area pavement, which can undermine the rural character of the Township and cause storm-water runoff issues.

Section 16.02 Scope

In all zoning districts, off-street facilities for the temporary storage or parking of Motor Vehicles for the use of occupants, employees and patrons of all Buildings hereafter Erected, altered, or extended after the effective date of this Ordinance, shall be provided as prescribed in this Article.

Whenever the use of a Building, Structure, or Lot is changed, parking facilities shall be provided as required by this Ordinance for all new uses. If the intensity of use of any Building, Structure, or Lot is increased through the addition of Dwelling Units, increase in Floor Area, increase in seating capacity, or through other means as applicable, additional off-street parking shall be provided commensurate with such increase in intensity of use.

Section 16.03 General Parking Provisions

1. A zoning compliance permit is required prior to the establishment or alteration of an off-street Parking Lot for five (5) or more vehicles.
2. The number of off-street Parking Spaces shall be determined in accordance with Section 16.06. For uses not specifically mentioned therein, off-street parking requirements shall be established by the Zoning Administrator, from requirements for similar uses or using technical publications from entities such as the Institute of Transportation Engineers or other similar objective standards.
3. Any area once designated as required off-street parking shall never be changed to any other use unless and until equivalent facilities are provided elsewhere. Off-street parking Existing at the effective date of this Ordinance in connection with the operation of an Existing Building shall not be reduced to an amount less than would hereinafter be required for such Building or use.
4. Two (2) or more Buildings or uses may collectively provide the required off-street parking, in which case the required number of Parking Spaces shall not be less than the sum of the requirements for the several individual uses computed separately. However, for Buildings or uses where the peak parking demand overlaps, the Zoning Administrator or Planning Commission may authorize up to a fifty (50) percent reduction in the collective number of required Parking Spaces required.
5. The storage of merchandise and junk within a Parking Area shall be prohibited. Motor Vehicles for sale and the repair of vehicles shall be prohibited in all Parking Areas, except

for those vehicles registered in the name of Persons owning or renting the housing on the Lot where such repair activity takes place for a period not to exceed thirty (30) days, and except for approved business uses involved in the conduct of Motor Vehicle sale or repair. In The R-1 and LSR districts, no Parking Area shall be used for parking or storing of any commercial vehicle exceeding one-ton capacity.

6. Off-street parking, whether public or private, for nonresidential uses and multi-Family development shall be either on the same Lot or within three hundred (300) feet of the Building it is intended to serve, measured from the nearest point of the Building to the nearest point of the off-street Parking Lot, without crossing any major street.
7. In the R-1 and LSR districts, the storage of major sporting equipment, such as camping trailers, motor homes, snowmobiles, and other similar equipment, is not be permitted in the Front Yard.

Section 16.04 Barrier-Free Parking Spaces

Barrier-Free Requirements. Off-street parking facilities as required under this Ordinance shall include, in accordance with the following table and identified by Signs, Parking Spaces which are barrier free and designed in accordance with PA 1 of 1966, being MCL 125.1351-1356, as amended (Barrier Free Design), and reserved for physically handicapped Persons. Signs shall be located approximately six (6) feet above grade. Each reserved Parking Space shall be not less than twelve (12) feet wide. Where a curb exists between a Parking Lot surface and a sidewalk surface, an inclined approach or a curb cut with a gradient of not more than one (1) foot in twelve (12) feet and a width of not less than four (4) feet shall be provided for wheelchair Access. Barrier free Parking Spaces shall be located as close as possible to walkways and Building entrances. Signs shall be provided when necessary indicating the direction to a barrier-free entranceway into a Building.

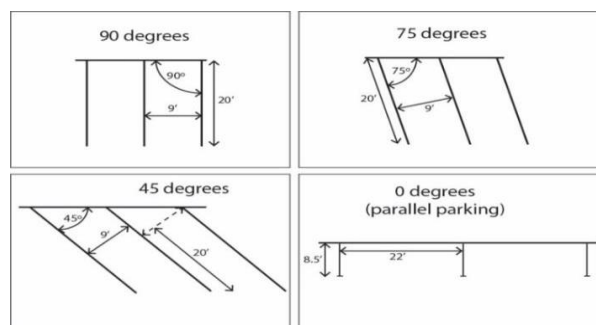
Barrier Free Total Parking Spaces Provided	Parking Spaces Required Minimum Number of Barrier Free Spaces
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2% of total
More than 1,000	20, plus 1 for each 100 over 1,000

Section 16.05 Parking Lot Layout, Construction and Maintenance

Every Parcel of land hereafter established as an off-street public or private Parking Area for more than five (5) vehicles, including a municipal Parking Lot, commercial Parking Lot, automotive sales and/or service Lot, and accessory Parking Areas for multiple Dwellings, businesses, public assembly, and institutions, shall be developed and maintained in accordance with the following requirements:

1. Adequate ingress and egress shall be provided to the Parking Lot by means of clearly limited and defined drives. Such drives shall be located to minimize traffic congestion.
2. Bumper stops or wheel chocks shall be provided, as necessary or as required by the Township, and located so as to prevent any vehicle from projecting over the Lot Line.
3. The Parking Lot shall be drained to eliminate surface water and maintained in good condition, free of dust, trash, and debris.
4. The surface of the Parking Lot, including drives and maneuvering aisles, except landscaped areas, shall be constructed of asphalt, concrete or similar material approved by the Township. The Township reserves the right to require a specific paving material in the interest of protecting the integrity of any nearby natural water features, to avoid excessive water runoff, to establish a dustless parking surface, or protect the public safety, health and welfare.
5. Plans for the layout of off-street parking facilities shall be in accordance with the following minimum requirements:

Parking Angle	Maneuvering Aisle (width)	Parking Space (width)	Parking Space (length)
0 degrees (parallel)	12 feet	8.5 feet	22 feet
30-59 degrees	13 feet	9 feet	20 feet
60-74 degrees	17 feet	9 feet	20 feet
75-90 degrees	24 feet	9 feet	20 feet



6. All off-street parking facilities shall be designed with appropriate means of vehicular Access to a street in a manner which will least interfere with traffic movements. All Parking Spaces shall be designed in such a manner as to not permit vehicles to back directly out onto a Public Street.

7. For temporary uses, Roadside Stands, overflow parking and similar Parking Areas that are temporary in nature, the Planning Commission or Zoning Administrator may waive the paving requirement of Section 16.05.4, provided that such temporary Parking Area is kept in good condition.

Section 16.06 Quantity of Parking Spaces

The number of Parking Spaces required on a site shall be determined based on the requirements of this Section.

1. The requirements below reflect the minimum required number of spaces, except that a new Parking Area shall not exceed the requirements of this Section by more than 10 spaces. The minimum number of spaces provided may be adjusted per Section 16.03.4 or Section 16.07.
2. Where the requirements indicate a certain number of spaces “per employee,” it shall mean the total number of employees working in the largest shift.
3. Where the requirements indicate that the applicant shall demonstrate parking demand, the applicant shall submit a detailed analysis that clearly relates the proposed number of Parking Spaces to actual projected demand; however, the Zoning Administrator may consult technical publications from entities such as the Institute of Transportation Engineers to determine required parking to evaluate and confirm the applicant’s parking demand projection, and may require more or fewer spaces than proposed by an applicant.

Use	Minimum Parking Requirement
Adult Day Care Facility	Applicant shall demonstrate parking demand
Adult Day Care Family Home	Applicant shall demonstrate parking demand
Adult Day Care Group Home	Applicant shall demonstrate parking demand
Adult Foster Care Congregate Facility	Applicant shall demonstrate parking demand
Adult Foster Care Family Home	Applicant shall demonstrate parking demand
Adult Foster Care Large Group Home	Applicant shall demonstrate parking demand
Adult Foster Care Small Group Home	Applicant shall demonstrate parking demand
Assisted Living Facility	1 space per 2 Dwelling Units or bedrooms
Automobile and Boat Sales	Applicant shall demonstrate parking demand
Automobile Repair Facility	1 space per employee plus 2 spaces per service bay
Banquet Hall	Applicant shall demonstrate parking demand
Bed and Breakfast establishment	2 spaces for principal Dwelling use plus 1 space per rental room

Use	Minimum Parking Requirement
Cemeteries	Applicant shall demonstrate parking demand
Child Care Center	1 space per employee plus 1 space per 4 Persons cared for
Child Care Home, Family	Applicant shall demonstrate parking demand
Child Care Home, Group	Applicant shall demonstrate parking demand
Churches	1 space per 4 units of legal capacity in main worship room
Construction and Contractor Yard	Applicant shall demonstrate parking demand
Dwelling, Migratory Worker	Applicant shall demonstrate parking demand
Dwelling, Single-Family	2 spaces per unit
Educational Facility	1 space per employee plus 1 space per classroom plus 1 space per 4 seats of seating capacity in a gymnasium or auditorium
Electrical Power Plant	Applicant shall demonstrate parking demand
Equipment Sales	Applicant shall demonstrate parking demand
Essential services	Applicant shall demonstrate parking demand
Farm	Applicant shall demonstrate parking demand
Gas Station	1 space per 150 square feet dedicated to retail activity plus 1 space at each fuel pump plus 1 stacking space per fuel pump
Government Building	Applicant shall demonstrate parking demand
Home Occupation, Major	Applicant shall demonstrate parking demand
Home Occupation, Minor	Applicant shall demonstrate parking demand
Indoor Recreation facility	Applicant shall demonstrate parking demand
In-Home Firearm Sales	Applicant shall demonstrate parking demand
Junkyard	Applicant shall demonstrate parking demand
Kennel	1.5 spaces per 1,000 square feet usable Floor Area
Manufacturing establishment	1 space per employee plus 1 space per 2,000 square feet usable Floor Area
Medical Office	1 space per employee plus 1 space per 200 square feet usable Floor Area
Natural Resource Extraction	Applicant shall demonstrate parking demand

Use	Minimum Parking Requirement
Personal Service Establishment	1 space per 350 square feet usable Floor Area
Professional and Business Office	1 space per 3 units of legal capacity
Public Park	Applicant shall demonstrate parking demand
Restaurant	1 space per 3 units of legal capacity
Retail Commercial Establishment	1 space per 250 square feet usable Floor Area up to 10,000 square feet, plus 1 space per 350 square feet usable Floor Area in excess of 10,000 square feet
Riding Stable	Applicant shall demonstrate parking demand
Roadside Stand	Applicant shall demonstrate parking demand
Temporary Uses	Applicant shall demonstrate parking demand
Self-Storage Facility	Applicant shall demonstrate parking demand
Theater	1 space per 4 units of legal capacity in performance hall
Warehouse	1 space per employee plus 5 visitor spaces

Section 16.07 Adjustment of Standards

The Planning Commission may increase or decrease the requirements of Section 16.06 upon request of an applicant, up to twenty (20) percent of the required number of spaces. The applicant shall submit, in writing, justification for the proposed adjustment. Modifications shall not result in inadequate Parking Area; large, unwarranted amounts of unused Parking Space; or a reduction in critical open space or natural features. In addition, in approving any request to modify the parking standards, the Planning Commission must find that the proposed quantity of Parking Spaces would preserve the rural character of the Township, be consistent with the purpose and intent of this Article, and protect the public health, safety and welfare.

Section 16.08 Off-street Loading Spaces

For every Building or addition to an Existing Building hereafter Erected to be occupied by manufacturing storage, display of goods, retail store, or block of stores, wholesale store, market, Hotel, hospital, mortuary, laundry, dry cleaning, or other similar uses requiring the receipt or distribution in vehicles of materials or merchandise, there shall be provided and maintained on the same Lot with such Building or addition:

1. An area of means adequate for maneuvering and ingress and egress for delivery vehicles; and
2. Off-street loading spaces in relation to Floor Areas as follows:
 - A. Up to twenty thousand (20,000) square feet - one (1) space;

- B. Twenty thousand (20,000) or more, but less than fifty thousand (50,000) square feet - two (2) spaces; and
 - C. One (1) additional space for each additional fifty thousand (50,000) square feet or fraction thereof.
3. The Planning Commission may increase or decrease the number of loading spaces required by this Section upon request of an applicant. Such modifications shall not result in inadequate loading space; large, unwarranted amounts of unused loading areas; or a reduction in critical open space or natural features. In addition, in approving any request to modify the loading standards, the Planning Commission must find that the proposed quantity of Loading Spaces would preserve the rural character of the Township, be consistent with Section 16.01, and protect the public health, safety, and welfare.

ARTICLE XVII - PLANNED UNIT DEVELOPMENTS (PUDs)

Section 17.01 Purpose and Intent

It is the purpose of this Article to permit flexibility in the regulation of land development, and to encourage innovation and variety in land use and design of projects. The basic provisions concerning Planned Unit Development are the subdivision, development, and use of land as an integral unit, combining more than one primary land use and which may provide for single-Family residential, multi-Family residential, education, business, commercial, recreation, park, and common use areas, which are compatible with one another and provide for efficient use of land. The objectives of these Planned Unit Development standards are:

1. To permit flexibility in the regulation of land development.
2. To encourage innovation in land use, the potential for mixed land use, and variety in design, layout, and type of Structures constructed.
3. To achieve economy and efficiency in the use of land, natural resources, energy, and the providing of public services and utilities.
4. To encourage useful open space, and to provide improved housing, employment, and shopping opportunities particularly suited to the needs of the residents of the state and Township.
5. To encourage the innovative use, re-use, and improvement of Existing sites and Buildings.

It is also the intent of the PUD regulations to provide a process for approval of PUD proposals in two steps: zoning and preliminary development plan approval, and final development and site plan approval.

Review of zoning and preliminary development plans shall concentrate on review of the qualifying conditions, regulations and conditions, dimensional and use standards and design considerations specified in the following Sections of this Article. The second step of the PUD approval process is review and approval of a final development plan and site plan, which shall comply with the requirements for contents of final site development plan and the standards for PUD final site development plan approval as required by this Article. For all PUDs, including those that contain subdivisions, site condominiums, Private Streets or land divisions, compliance with all other applicable standards and Township ordinances is also required.

Section 17.02 Qualifying Conditions

1. In order to be eligible for PUD rezoning, the proposed area shall consist of a minimum of five (5) acres with two hundred (200) feet of road frontage or Lot Width at the minimum Building Setback line. The minimum Parcel size for a mixed use development permitted in Section 17.04.1.L shall be twenty (20) acres with two hundred (200) feet of road frontage.
2. Except as elsewhere permitted by this Ordinance, public water, public sanitary sewer, transportation, and drainage facilities shall be available and adequate to service the site.

Section 17.03 Regulations and Conditions

In addition to the foregoing provision, the following procedures, standards and conditions shall be observed. Where the Planning Commission determines it is desirable to allow a more flexible and innovative development to occur it may recommend that the terms of the Zoning Ordinance and subdivision/site condominium regulations be adjusted in accordance with the provisions of this Article.

In all cases, PUDs shall meet the following general standards:

1. The PUD shall be consistent with the Township Master Plan and the Future Land Use Map.
2. The PUD shall be compatible with adjacent land use, the natural environment, and the capacities of affected public services and facilities, and that such use is consistent with the public health, safety and welfare of the residents of the Township and the benefits of the development shall not be achievable under any single zoning classification.
3. The PUD and development shall be warranted by the design and additional amenities made possible with and incorporated by the development proposal.
4. The PUD shall consolidate and maximize usable open space.
5. Landscaping shall be provided to insure that proposed uses within the PUD will be adequately buffered from one another and from surrounding public and private property and to create a pleasant pedestrian scale outdoor environment.
6. Vehicular and pedestrian circulation, allowing safe, convenient, non-congested and well-defined circulation within and Access to the PUD shall be provided.

Section 17.04 Dimensional and Use Standards

In acting upon the application, the Planning Commission may recommend and the Township Board may alter Lot size standards, required facilities, buffers, open space areas, Setback requirements, height limits, Building size limits, off-street parking regulations, landscaping rules, and miscellaneous regulations, where such regulations or changes are reasonable and consistent with the intent, objectives, and standards set forth in Section 19.01. Further, the Planning Commission may recommend and the Township Board may consider requests to alter residential Density limits up to one and one half (1-1/2) times the Density permitted in the underlying zoning district.

The Planning Commission may recommend and the Township Board may authorize land uses not permitted in the underlying district where the land is located, provided that such uses are consistent with the intent of this Section and the standards set forth herein. Generally, mixed land uses shall demonstrate direct relationships, such as being designed to directly serve, or be accessory to, uses permitted within the underlying zoning district.

All PUDs shall conform to the following requirements:

1. Use Restrictions: Land in an approved PUD may be used for any permitted or special land use authorized in the zoning district in which the PUD lies. In addition, the following uses may be approved as a PUD:

- A. Group camps and campgrounds, including Travel Trailer/RV Parks.
 - B. Country clubs.
 - C. Golf courses and outdoor sports facilities.
 - D. Hospitals.
 - E. Hotels and Motels.
 - F. Nursing Homes and senior citizens housing.
 - G. Philanthropic institutions.
 - H. Schools, colleges, and institutions of higher learning.
 - I. Two-Family and Multi-Family Dwellings. (No Density bonus would be permitted)
 - J. Religious institutions.
 - K. Mobile Home Park.
 - L. Mixed use developments, traditional and village centered neighborhoods where there are direct relationships between the mix of uses and Principal Uses permitted within the underlying zoning district.
2. Minimum Size: In order to be zoned as a PUD district, the proposed area shall consist of at least five (5) acres and have a minimum of two hundred (200) feet of frontage.
3. Maximum Densities: For the purposes of this Article, maximum densities shall be determined on the basis of the gross area of the proposed PUD District. The maximum Density of a PUD shall not exceed one and one-half (1-1/2) times the maximum Density of residential living units permitted in the zoning district in which the PUD lies. The increase in Density proposed for the PUD shall be justified in the documentation supplied with the PUD application in terms of the design criteria intended for the PUD, including character of the proposed development, provision of public utilities, community services, and open space and recreational amenities provided as part of the PUD. The use permitted by Section 17.04.1.L shall not exceed four point seven (4.7) units per acre.
4. Sewer and Water Service: *(amended 7/14/21, Ordinance No. Z2021-01)* All PUDs must have Public Water Service and Public Sanitary Sewer Service. A PUD may utilize a Private Community Sanitary Sewer or Private Water System, or both, provided either or both are approved by the appropriate federal, state, county, and local agencies, and the Township Board.

The Township shall not be responsible or liable for any on-site septic, water well, Private Community Sanitary Sewer, or Private Water System.

A PUD which is not connected to Public Water Service or Public Sanitary Sewer Service or both may be approved conditioned upon a requirement that the developer sign a special assessment agreement with the Township, to include the PUD in a possible future special assessment district for Public Water Service and Public Sanitary Sewer Service.

5. Performance Guarantee: The Township Board is empowered to require a Performance Guarantee such as a letter of credit, cash, or certified check in an amount up to the estimated cost of improvements associated with the project or for each phase. Such Performance Guarantee shall be deposited with the treasurer of the Township at the time of the issuance of the permit authorizing the activity or project to insure faithful completion of the improvements indicated with the approved site development plan. The Township shall rebate a proportional share of the deposit, biannually as requested by the depositor, based on the percent of improvements completed, as attested to by the depositor and verified by the Zoning Administrator. The Zoning Administrator may, at the Zoning Administrator's discretion, call upon professional assistance from the Township Engineer or the Township Planner. In cases where the provisions of the final development plan, as approved, have not been met, the amount of the aforementioned Performance Guarantee shall be used by the Township to return the property to a safe and healthy condition; and the balance, if any, shall be returned to the applicant.

Section 17.05 PUD Design Considerations

In consideration of a proposed Planned Unit Development, the Planning Commission and Township Board shall take into account the following specific design considerations, as they are necessary to ensure compliance with all applicable regulations and to ensure the compatibility of the project with adjoining properties and the general area in which the property is located.

1. Perimeter Setbacks.
2. Street drainage and utility design with respect to location, availability, ownership, and compatibility.
3. Underground installation of utilities.
4. Insulation of separate pedestrian ways apart from vehicular streets and ways.
5. Achievement of integrated and harmonious development with respect to Signs, lighting, landscaping, and construction materials.
6. Noise reduction and visual screening mechanisms from adjoining residential uses.
7. Ingress and egress to the property with respect to automotive and pedestrian safety and convenience, traffic flow and control, street capacity, and emergency Access.
8. Off-street parking, loading, refuse, and other service areas with respect to ingress and egress and the potential effects of noise, glare, vibration, and odor emanating from such facilities on adjoining properties and uses.
9. Screening and buffering with respect to dimensions and character.
10. Yard areas and other open space.
11. Density and intensity of development expressed in terms of percent of gross and net land area coverage and/or gross and net housing units per acre and the height of Buildings and other Structures.
12. The preservation of natural resources and natural features.

Section 17.06 Application and Processing Procedures

1. Preapplication Conference: Prior to the submission of an application for Planned Unit Development, the applicant shall meet with the Zoning Administrator, and such consultants as deemed appropriate. The applicant shall present at such conference, or conferences, a sketch plan of the Planned Unit Development, and the following information:
 - A. A legal description of the property in question;
 - B. The total number of acres to be included in the project;
 - C. A statement of the approximate number of residential units and/or the approximate number, type, and square footage of non-residential units;
 - D. The approximate number of acres to be occupied and/or devoted to or by each type of use;
 - E. The number of acres to be preserved as open space or recreation space; and
 - F. All known natural resources and natural features.
2. Preliminary Site Development Plan - Submission And Content: Following the above conference or conferences, copies of a preliminary site development plan and application for a PUD rezoning request shall be submitted. The submission shall be made as set by the resolution adopted by the Township Board for establishing submission deadlines and shall be made to the Zoning Administrator who shall present it to the Planning Commission for consideration at a regular or special meeting. The plan shall be accompanied by an application form and fee as determined by the Township Board. The preliminary site development plan shall contain the following information:
 - A. Date, north arrow, and scale which shall not be more than 1" = 100'.
 - B. Locational sketch of site in relation to surrounding area.
 - C. Legal description of property including common street address.
 - D. Size of Parcel.
 - E. All Lot or property lines with dimensions.
 - F. General location of all Buildings within one hundred (100) feet of the property lines.
 - G. General location and size of all Existing Structures on the site.
 - H. General location and size of all proposed Structures on the site. The general size of all Buildings shall be within five thousand (5,000) square feet or five (5) percent, whatever is smaller of whatever is submitted on the final site development plan.
 - I. General location and dimensions of all existing and proposed streets, driveways, Parking Areas, including total number of spaces and typical dimensions.
 - J. A preliminary phasing plan indicating boundaries and uses included to be constructed during the phase.

- K. General size and location of all areas devoted to green space.
 - L. Location of existing vegetation and general location and size of proposed landscaped areas and buffer strips.
 - M. All areas within the 100-year Floodplain, wetland areas or bodies of water.
 - N. Existing topographical contours at a minimum of five (5) foot intervals.
 - O. A narrative describing:
 - 1) The nature of the project.
 - 2) The proposed Density, number, and types of Dwelling Units if a residential PUD.
 - 3) A statement describing how the proposed project meets the objectives of the PUD.
 - 4) A statement from a registered professional engineer describing how the proposed project will be served by public water, sanitary sewer, and storm drainage.
 - 5) Proof of ownership or legal interest in property.
3. Preliminary Site Development Plan - Planning Commission Review: The Planning Commission shall review the preliminary site development plan and shall make reasonable inquiries of the applicant.
- The Planning Commission shall review the preliminary development plan and transmit its recommendations for changes or modifications of the preliminary development plan to the applicant.
- 4. Public Hearing: The Planning Commission shall hold a public hearing for the purpose of receiving comments relative to the PUD application and shall be published and delivered in accordance with Section 21.11 of this Ordinance.
 - 5. Time Limitations on Development: An application for final site development plan approval shall be made within one (1) year of preliminary site development plan approval. If an application for final site development plan approval is not made within one (1) year of preliminary site development plan approval, the Planning Commission may recommend to the Township Board rezoning of the property to its previous zoning district and the PUD shall be considered null and void.

Section 17.07 Standards for Zoning Approval

Following the public hearing, the Planning Commission shall recommend that the Township Board either approve, approve with conditions, or deny the PUD rezoning request and preliminary site development plan.

In making its recommendation, the Planning Commission shall document in findings of fact that the proposed PUD meets (or does not meet) the intent of the PUD district and the following standards:

- 1. Granting of the Planned Unit Development rezoning will result in a recognizable and substantial benefit to the ultimate users of the project and to the community where such benefit would otherwise be unfeasible or unlikely to be achieved.

2. The proposed type and Density of use shall not result in a material increase in the need for public services, facilities, and utilities, and shall not place a material burden upon the subject or surrounding land or property owners and occupants or the natural environment.
3. The proposed development shall be compatible with the Master Plan and shall be consistent with the intent and spirit of this Article.
4. The Planned Unit Development shall not change the essential character of the surrounding area when compared to permitted uses in the underlying zoning district.
5. The proposed development shall be under single ownership or control such that there is a single Person or entity having responsibility for completing the project in conformity with this Ordinance. This provision shall not prohibit a transfer of ownership or control upon due notice to the Building Official.

Section 17.08 Township Board Review

After receiving the recommendation of the Planning Commission, the Township Board shall review the proposed preliminary site development plan in accordance with the following procedures:

1. The Township Board shall hold a public hearing for the purpose of receiving comments relative to the PUD application and shall be published and delivered in accordance with Section 21.11 of this Ordinance.
2. Based on all the information gathered from the public hearing and consideration of the recommendation of the Planning Commission, the Township Board shall either approve, approve with conditions, or deny the PUD application and preliminary site development plan in accordance with the requirements of this Article and the standards for approval and conditions for a PUD as contained herein.
3. A building permit shall not be issued until Planning Commission approval of the PUD final site development plan.
4. Where provisions of Michigan Public Act 288 of 1967 as amended shall apply, the applicant shall thereafter submit the information and plans as may be required by Act 288 and all other local procedures or regulations pertaining to platting approval.
5. No decision or condition related to a Planned Unit Development rezoning application or a preliminary site development plan shall be taken to the Zoning Board of Appeals.

Section 17.09 Effect of Preliminary Site Development Plan Approval

The granting of a Planned Unit Development rezoning application and approval of the preliminary site development plan shall constitute an amendment of the Zoning Ordinance and the Zoning Map. An approval granted under this Article including all aspects of the final site development plan and conditions imposed shall constitute an inseparable part of the Zoning Ordinance.

The Planned Unit Development amendment, including the preliminary site development plan as approved and narrative and all conditions imposed, if any, shall constitute the land use authorization for the property subject to final site development plan approval. All uses not

specifically specified in the preliminary site development plan are disallowed and not permitted on the property. All improvements and uses shall be in conformity with the preliminary site development plan, unless modified pursuant to Section 17.14 of this Ordinance. At its discretion, the Township Board may cause a separate ordinance to be created documenting the elements of the PUD. The applicant shall record an affidavit with the Ottawa County Register of Deeds that shall contain the following:

1. Date of approval of the PUD by the Township Board.
2. Legal description of the property.
3. Legal description of the required green space along with a plan stating how this green space is to be maintained.
4. A statement that the property will be developed in accordance with the approved PUD final site development plan and any conditions imposed by the Township Board or Planning Commission unless an amendment thereto is duly approved by the Township upon the request and/or approval of the applicant or applicant's transferee's and/or assigns.

Section 17.10 Final Site Development Plan Review

After receiving PUD rezoning and preliminary site development plan approval from the Township Board, the applicant shall submit a final site development plan for review and approval by the Planning Commission prior to starting any construction.

1. Contents of Final Site Development Plan: The final site development plan shall contain the same information required for the preliminary site development plan and shall also contain the information required under Article XIX, Site Plan Review, of this Ordinance. In addition to site plan requirements, the final site development plan shall contain the following information:
 - A. Location and size of all water, sanitary sewer, and storm sewer lines serving the development.
 - B. Proposed contour lines at not greater than two (2) foot intervals.
 - C. Proposed landscaping including type, number, and size of trees and shrubs.
 - D. Location and design of Signs and exterior lighting.
 - E. Location of sidewalk, footpaths, or other pedestrian walkways.
 - F. Distance of all Buildings from Lot Lines, Right-of-Ways, and other principal Buildings.
 - G. Exterior architectural drawings noting building materials, height and area of Buildings and Accessory Structures.
 - H. Phasing Plan for the project.
 - I. Any other information deemed necessary by the Planning Commission.
2. Public Hearing: At the discretion of the Planning Commission, they may invoke the right to conduct a public hearing prior to approving, approving with conditions, or denying the

final site development plan. If a public hearing is required, public notice shall be giving following the procedures specified in Section 21.11.

Section 17.11 Standards for PUD Final Site Development Plan Approval.

Planning Commission shall approve, approve with conditions, or deny the final site development plan under the procedures outlined in Article XIX, Site Plan Review.

In making its decision on the final site development plan, the Planning Commission shall document in findings of fact that support its decision to approve, approve with conditions, or deny the final site development plan based upon an objective evaluation that the proposed PUD meets or does not meet the intent of the PUD district and the approved preliminary site development plan.

No decision or condition related to a final site development plan for a PUD shall be taken to the Zoning Board of Appeals.

Section 17.12 Conditions

1. In approving a PUD final site development plan, the Planning Commission may impose reasonable conditions which include but are not limited to conditions necessary to: ensure 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; protect the natural environment and conserve natural resources and energy; ensure 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:
 - A. 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.
 - B. Be related to the valid exercise of the police power, and purposes which are affected by the proposed use or activity.
 - C. Be necessary to meet the intent and purpose of the Ordinance, be related to the standards established in the Ordinance for the land use or activity under consideration, and be necessary to ensure compliance with those standards.
2. The conditions imposed with respect to the approval of a PUD final site development plan shall be recorded in the record of the approval action and shall remain unchanged except upon the mutual consent of the Planning Commission and the landowner. The Planning Commission shall maintain a record of conditions that are unchanged. The final site development plan, as approved, shall act as a restriction upon the development. The development must conform to the final site development plan.
3. Time Limitations on Development: An application for final site development plan approval shall be made within one (1) year of preliminary site development plan approval. If the property owner/Developer does not fulfill this provision, the Planning Commission may

grant an extension up to one (1) year provided the owner/Developer presents reasonable evidence to the effect that the PUD has encountered unforeseen difficulties and is not ready to proceed. Following expiration of the time limit and any extension, if the application has not been filed, the Planning Commission may recommend, following a public hearing with notice provided as required by law, to the Township Board rezoning of the property to its previous zoning district.

The Planning Commission shall take action to approve, approve with conditions, or deny the final site development plan within one (1) year of filing of a complete application for same.

Each PUD shall be under construction within one (1) year after the date of final approval of the final site development plan by the Planning Commission. If said development does not fulfill this provision, the Planning Commission may grant a sixty (60) day extension provided the Developers present reasonable evidence to the effect that the PUD has encountered unforeseen difficulties and is not ready to proceed. Should the aforementioned provisions not be fulfilled, any building permit issued for said development shall be invalid and void.

Section 17.13 Performance Guarantees

The Planning Commission may require a Performance Guarantee or similar guarantee in order to ensure the completion of required improvements pursuant to Section 21.08 of this Ordinance.

Section 17.14 Modification of A PUD

Minor changes to a PUD final site development plan may be approved by mutual agreement of the applicants or successors in interest and the Planning Commission, provided the changes comply with all applicable requirements of this Zoning Ordinance and all other Township regulations or state law. Minor changes include all matters that were approved by the Planning Commission in the final development plan that were not part of the preliminary development plan, that the location of Structures, roads, Parking Areas, Signs, lighting, and driveways may be moved provided that are in the same general location as approved in the preliminary site development plan as determined by the Planning Commission, and Building size that does not exceed five thousand (5,000) square feet or five (5) percent of the gross Floor Area, whichever is smaller.

A major change to an approved PUD shall comply with the original approval procedures for a PUD. Major changes include but are not limited to increase in Density or number of Dwelling Units, increase in land area or Building size, except as noted above or addition of other uses not authorized by the original PUD approval.

ARTICLE XVIII - SPECIAL LAND USES

Section 18.01 Purpose and Intent

Special land uses are those uses of land that are not essentially incompatible with the uses permitted in a zoning district, but have characteristics or locational qualities that require individual review and discretion in order to avoid incompatibility with the character of the surrounding area, public services and facilities, and adjacent uses of land. The purpose of this Article is to establish equitable procedures and criteria that shall be applied in the determination of requests for special land uses. The criteria for decisions and requirements in this Article shall be in addition to those required elsewhere in this Ordinance that are applicable to the special land use under consideration.

Section 18.02 Application Procedures

An application for permission to establish a special land use shall be submitted and acted upon in accordance with the following procedures:

1. Application. Applications for a special land use shall be submitted not less than twenty-one (21) days prior to the next regularly scheduled Planning Commission meeting. The Zoning Administrator shall review the application for completeness, and when complete transmit it to the Planning Commission. Each application shall be accompanied by the payment of a fee in accordance with the schedule of fees adopted by the Township Board.
2. Required Information. An application for a special land use shall be accompanied by the following documents and information:
 - A. An application form that has been completed in full by the applicant.
 - B. A site plan, pursuant to the standards of Article XIX Site Plan Review.
 - C. Any additional information deemed necessary for the Planning Commission to determine the impact of the proposed special land use on the adjacent properties, public infrastructure, and community as a whole. Such information may take the form of, but is not limited to, traffic impact analysis, environmental impact assessments, or reports and/or testimony by officials representing state, County or local departments of public safety (police and fire), health, highways or roads, and/or environment.
3. Public Hearing Required. Upon receipt of the materials required in Section 18.02.2, a public hearing shall be scheduled regarding the proposed special land use in accordance with Section 21.11.
4. Planning Commission Review. Following the public hearing, the Planning Commission shall review the application for a special land use, comments received at the public hearing, the site plan and other materials submitted in relation to the application, and may deny, approve, or approve with conditions the special land use application. In arriving at its decision, the Planning Commission shall refer to and be guided by those standards set forth in this Article and any other standards in this Ordinance that are applicable to the proposed special land use.

5. Issuance of a Special Land Use Permit. A special land use permit shall be issued by the Zoning Administrator upon approval of the special land use by the Planning Commission. The special land use permit shall list all the conditions of approval stipulated by the Planning Commission. The Zoning Administrator shall forward a copy of the special land use permit to the applicant and the Township Clerk. A site plan submitted as an attachment to a special land use application may be considered and reviewed in conjunction with said special land use application and shall be processed according to the procedures of Article XIX.
6. Performance Guarantee. In authorizing a Special Land Use permit, the Planning Commission may require a Performance Guarantee pursuant to Section 21.08.
7. Appeals. No decision or condition related to a special land use application shall be taken to the Zoning Board of Appeals.
8. Amendments. Amendments to a special land use permit shall be handled in the same manner as the initial special land use application. Minor non-substantive changes to a site plan may be made to an Existing special land use permit with the approval of the Zoning Administrator.
9. Transfers. The special land use permit, with any and all associated benefits, conditions and required security may be transferred to a new owner upon the sale or transfer of the property in question. The prior owner, upon transferring the special land use permit, shall advise the Zoning Administrator of said transfer in order to insure the continued validity of the permit and compliance with the terms and conditions of the approved permit.
10. Expiration. A special land use permit shall run with the land and shall be valid for as long as the approved use continues in accordance with the terms and conditions of the approved permit. The special land use permit will expire on the occurrence of one or more of the following conditions:
 - A. If replaced or superseded by a subsequent permitted use or special land use.
 - B. If the applicant or current owner of the property requests the rescinding of the special land use permit.
 - C. If the special land use is considered abandoned pursuant to Section 18.02.11.
 - D. If a building permit has not been obtained or if on-site development has not commenced within one (1) year of approval of the special land use.
11. Abandonment. Any permitted special land use shall be considered abandoned, and such use shall not be resumed thereafter, if any of the following conditions apply:
 - A. The owner declares or otherwise makes evident an intent to discontinue such use.
 - B. When the use has been replaced by a different use.
 - C. If the use has been abandoned for more than one (1) year, and the Zoning Administrator finds that one or more of the following conditions exist:

- 1) Utilities, such as water, gas, and electricity to the property, have been disconnected.
 - 2) The property, Buildings, and grounds, have fallen into disrepair.
 - 3) Signs or other indications of the existence of the Nonconforming Use have been removed.
 - 4) Removal of equipment or fixtures that are necessary for the operation of the Nonconforming Use.
 - 5) Other actions, which in the opinion of the Zoning Administrator constitute an intention of the part of the property owner or lessee to abandon the Nonconforming Use.
12. Violations. Any violation of the terms, conditions, or limitations of a special land use permit shall be cause for revocation or suspension of the permit. The Planning Commission may either revoke or suspend, pending correction of the violation, any special land use permit after giving notice to the permit holder, specifying the alleged violation(s) and holding a public hearing on the matter. Before revoking or suspending the permit, the Planning Commission shall make a finding that a material violation of the special land use permit exists. The permit holder shall be given reasonable opportunity to correct the violation(s).

Section 18.03 Special Land Use Review Standards

The Planning Commission shall approve a special land use upon finding that the proposed special land use meets all applicable regulations of this Ordinance and complies with each of the of the following standards:

1. The proposed special land use shall be consistent with the Master Plan.
2. The proposed special land use shall be designed, constructed, operated, and maintained to be consistent with the Existing or intended character of the general vicinity and that such a use will not change the essential character of the area in which it is proposed.
3. The proposed special land use shall not be hazardous or disturbing to Existing or future uses in the same general vicinity and in the community as a whole.
4. The proposed special land use shall be served adequately by essential public facilities and services, such as highways, streets, police and fire protection, stormwater drainage, refuse disposal, water and sewage facilities and schools, or Persons or agencies responsible for the establishment of the proposed special land use shall be able to provide adequately for such services.
5. The proposed special land use shall not create excessive additional requirements at public cost for facilities and services and will not be detrimental to the economic welfare of the community.
6. The proposed special land use shall not involve uses, activities, processes, materials and equipment or conditions of operation that will be detrimental to any Person, property or

the general welfare of the community by reason of excessive production of traffic, noise, vibration, smoke, fumes, glare or odors.

7. The proposed special land use shall ensure that the environment shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal, and by topographic modifications that result in maximum harmony with adjacent areas.

Section 18.04 Adult Day Care Group Home

Adult Day Care Group Homes shall be subject to the following requirements:

1. Building and Lot shall conform to the Yard, Setback, and height standards of the zoning district in which it is located.
2. All required state and local licensing shall be maintained at all times.
3. Such facilities shall at all times be maintained in a manner consistent with the character of the surrounding neighborhood.
4. Hours of operation shall not exceed sixteen (16) hours during a twenty-four (24) hour period. The Planning Commission shall not prohibit evening operations completely, but may establish limitations on hours of operation and/or activities between the hours of 10:00 p.m. and 6:00 a.m.

Section 18.05 Adult Foster Care Facilities and Homes

Adult foster care homes shall be subject to the following requirements:

1. Adult foster care facilities and homes serving fewer than seven (7) residents shall be considered a Single-Family Dwelling and shall not be subject to the requirements of this Section.
2. Adult foster care facilities and homes shall at all times maintain all valid state and local licenses.
3. An adult foster care facility or home serving seven (7) or more residents shall not be located within fifteen hundred (1,500) feet of any other adult foster care facility or home.

Section 18.06 Automobile and Boat Sales

Automobile and Boat Sales shall be subject to the following requirements:

1. Uses shall produce no detectable objectionable dust, fumes, or odors at any property line.
2. All travel surfaces shall be paved or otherwise treated to control dust.
3. No exterior fixture shall cast light off the property and no light source shall be visible from any surrounding residential land uses. Building surface reflectivity shall be no greater than one (1) foot candle.
4. No off-site discharge of stormwater except to an approved drainage system in accord with the requirements of the Ottawa County Water Resources Commissioner.

5. Noise generated on site from any source shall not exceed forty (40) decibels measured at any property line.
6. The Planning Commission may establish hours of operation for such uses consistent with the character of the land uses in the vicinity.
7. For facilities located on a lake and selling boats or personal watercraft, the Planning Commission may establish restrictions on operations intended to preserve the peaceful use of the lake by all residents and to protect water quality in the lake.

Section 18.07 Banquet Hall

Banquet Halls shall be subject to the following requirements:

1. Such facilities shall maintain, at all times, all required state and local licenses and permits.
2. Such facilities shall be located and designed such that no objectionable noise in excess of sixty (60) Decibels shall be carried onto adjoining property zoned for, or occupied by, residential uses.
3. Any dumpsters on site shall be enclosed on four (4) sides with an opaque Fence and lockable gate six (6) feet in height, so that any refuse or dumpster shall not be visible from any Building, Dwelling, adjacent property, or street. The site plan shall include measures satisfactory to the Planning Commission to control blowing trash, dust, or debris from the facility.
4. The Planning Commission may establish reasonable hours of operation for Banquet Halls.

Section 18.08 Bed and Breakfast Establishments

Bed and Breakfasts shall be subject to the following requirements:

1. The Bed and Breakfast shall be located outside of a platted subdivision and shall be located on a Lot with a minimum area of forty thousand (40,000) square feet and a minimum width of one hundred (100) feet.
2. The Bed and Breakfast shall be compatible with other allowed uses in the vicinity.
3. The impact of the establishment shall be no greater than that of a private home with houseguests.
4. The Bed and Breakfast shall not provide more than six (6) sleeping rooms rented to transient guests and shall be clearly incidental to the principal residence on the site.
5. The Bed and Breakfast operation shall be confined to the Single-Family Dwelling on-site and not more than twenty-five (25) percent of the total area of the Dwelling Unit shall be used for Bed and Breakfast sleeping rooms.
6. Food may be served only to those Persons who rent a room in the Bed and Breakfast facility.
7. A Building used for Bed and Breakfast operations shall have at least two (2) exits outdoors. Rooms used for sleeping shall have a minimum size of one hundred (100) square feet for

two (2) occupants, plus an additional thirty (30) square feet for each additional occupant. Rooms shall be designed to accommodate no more than four (4) occupants. Each sleeping room shall be equipped with a smoke detector.

8. The establishment shall be the principal Dwelling Unit on the property and shall be occupied as the residence of the owner and operator at all times.
9. The rooms utilized for sleeping shall be a part of the primary residential use and not specifically constructed for rental purposes.
10. The Bed and Breakfast shall not alter the residential character of the Building or Structure.
11. No conference/meeting room facilities will be permitted.
12. The Bed and Breakfast shall employ no more than three (3) Persons in addition to the owners and their immediate Family, including spouses, siblings, and children.
13. Any dumpsters on site shall be enclosed on four (4) sides with an opaque Fence and lockable gate six (6) feet in height, so that any refuse or dumpster shall not be visible from any Building, Dwelling, adjacent property, or street. The site plan shall include measures satisfactory to the Planning Commission to control blowing trash, dust, or debris from the facility.

Section 18.09 Child Care Home, Group.

Child Care Home Group facilities shall be subject to the following requirements:

1. Building and Lot shall conform to the Yard, Setback and height standards of the zoning district in which it is located.
2. All required state and local licensing shall be maintained at all times.
3. All outdoor areas used for the care and supervision of patrons shall have appropriate fencing for the safety of the children in the Group Day Care Home; consisting of a minimum six (6) foot high privacy Fence along the area adjoining another residence, and a minimum four (4) foot high Fence in the remaining area devoted to the day care area.
4. Any dumpsters on site shall be enclosed on four (4) sides with an opaque Fence equipped with a lockable gate.
5. Such facilities shall be located at least fifteen hundred (1,500) feet from any one of the following:
 - A. A licensed or pre-existing operating Group Day Care Home.
 - B. An Adult Foster Care Small Group Home (1-12 adults), or a larger Adult Foster Care Facility.
 - C. A facility offering substance abuse treatment and rehabilitation service to 7 or more people.
 - D. A community correction center resident home halfway house or similar facility under jurisdiction of the Department of Corrections.

- 6. Such facilities shall at all times be maintained in a manner consistent with the character of the surrounding neighborhood.
- 7. Hours of operation shall not exceed sixteen (16) hours during a twenty-four (24) hour period. The Planning Commission shall not prohibit evening operations completely, but may establish limitations on hours of operation and/or activities between the hours of 10:00 p.m. and 6:00 a.m.

Section 18.10 Churches

Churches shall be subject to the following requirements:

- 1. Minimum Lot Area shall be two (2) acres; plus an additional fifteen thousand (15,000) square feet for each one hundred (100) seating capacity or fraction thereof in excess of one hundred (100).
- 2. Parking shall not be permitted within any required Yard.
- 3. Outside activities shall not take place within fifty (50) feet of any property line abutting a Residential District.
- 4. The Planning Commission may require a Greenbelt or screening to minimize visual, noise, or other effects from the proposed use or Parking Area.

Section 18.11 Construction and Contractor Yards

Construction and Contractor Yards shall be subject to the following requirements:

- 1. The area of a site proposed for use as a construction supplier shall not be less than one (1) acre in size.
- 2. The site shall be Fenced on both sides and rear with chain link or similarly durable fencing not less than six (6) feet nor more than eight (8) feet in height.
- 3. No building materials, scrap, or equipment shall be stored outdoors in any configuration higher than the surrounding fencing or screening.
- 4. Construction and Contractor Yards shall be designed and operated in a manner that minimizes dust, noise, glare, fumes, and similar impacts from adversely affecting neighboring properties.

Section 18.12 Reserved.

Section 18.13 Reserved.

Section 18.14 Reserved.

Section 18.15 Reserved.

Section 18.16 Educational Facility

Education facilities shall be subject to the following requirements:

1. An education facility shall have its primary Access directly from a paved, all-season road.
2. If an education facility incorporates any gymnasium, Theater, auditorium or large meeting space, it shall also comply with additional requirements of this Ordinance pertaining to such additional uses.
3. All outdoor play areas shall be enclosed with a durable Fence six (6) feet in height.
4. All required state and local licenses, charters, permits and similar approvals shall be issued prior to occupancy for any educational purposes.
5. All exterior lighting shall be equipped with cut-off fixtures to prevent light from casting off the site. Exterior light standards shall be no higher than twenty (20) feet.

Section 18.17 Equipment Sales

Equipment Sales shall be subject to the following requirements:

1. Uses shall produce no detectable objectionable dust, fumes, or odors at any property line.
2. All travel surfaces shall be paved or otherwise treated to control dust.
3. No exterior fixture shall cast light off the property and no light source shall be visible from any surrounding residential land uses. Building surface reflectivity shall be no greater than one (1) foot candle.
4. No off-site discharge of stormwater except to approved drainage system in accord with the requirements of the Ottawa County Water Resources Commissioner.
5. Noise generated on site from any source shall not exceed sixty (60) decibels measured at any property line.
6. The Planning Commission may establish hours of operation for such uses consistent with the character of the land uses in the vicinity.

Section 18.18 Essential Services

Essential services shall be subject to the following requirements:

1. Any above ground essential service facility shall be fully secured from unauthorized entry either by construction of the facility itself or through fencing which meets the requirements of this Ordinance.
2. The Planning Commission may require remote monitoring of major essential service facilities that may be vulnerable to damage or disruption.
3. Essential service facilities located out-of-doors shall be screened from view from adjoining properties and from Public Street Rights-of-Way with evergreen plantings planted at such intervals as to provide an opaque screen within one (1) year of planting. Equipment Buildings intended to house major essential service facilities, such as well houses, pump Buildings or equipment shelters, shall be constructed of face brick, decorative masonry, cement board or wood lap siding designed to resemble nearby Structures. Provided, that a side of such equipment Building that is not visible from a public Right-of-Way, may be

constructed of common cement block or metal panels, if further screened with evergreen landscaping.

4. All above ground essential service facilities shall be located in conformance with the Yard, Lot Width, and Lot Area standards of this Ordinance. With the exception of elevated water storage facilities and electrical transmission towers and poles, major essential service facilities shall not exceed the maximum height requirements of the zoning district in which they are located.
5. An essential service facility shall be considered an Accessory Use to any other permitted or special land use, if it occupies no more than ten (10) percent of the Parcel which is shared with the Principal Use. A major essential service facility located on an otherwise vacant Parcel shall be considered the Principal Use of that Parcel.
6. An above ground essential service facility which is Fenced or which is housed in an equipment Building shall include a Sign placard of not more than two (2) square feet which shall indicate the owner or operator's name, address and emergency contact information. In addition, such facilities may include any required hazard warning Signage.

Section 18.19 Reserved.

Section 18.20 Reserved.

Section 18.21 Home Occupation, Major

Major Home Occupations shall be subject to the following requirements:

1. Major Home Occupations shall be conducted entirely within the Dwelling and/or in an Accessory Building. No outdoor activities or storage shall be permitted.
2. The Home Occupation shall be conducted only by the immediate Family or occupants of the Dwelling and no more than three (3) Persons who are not an occupant of the Dwelling.
3. There shall be no external evidence of such occupation, except a small Sign not exceeding four (4) square feet in area.
4. Major Home Occupations shall not occupy more than twenty-five (25) percent of the Floor Area of the Dwelling in which it is located or one thousand (1,000) square feet, whichever is less. The Planning Commission may limit the amount of space within an Accessory Building that is occupied by the Major Home Occupation as a condition of approval, based upon a consideration of the size of the Accessory Building and the requirements of the Major Home Occupation. The storage of equipment or materials related to the Home Occupation shall be included in determining the amount of Floor Area occupied by the Home Occupation.
5. No occupation shall be conducted upon, or from, the premises which would constitute a nuisance or annoyance to adjoining residents by reason of noise, smoke, odor, electrical disturbance, night lighting, or the creation of unreasonable traffic to the premises. Noise, smoke, odor, electrical disturbance, or the source of lighting shall not be discernible beyond the boundaries of the property from which the occupation is conducted.

6. The operator of a proposed Major Home Occupation shall provide the Planning Commission with the following information when applying for a special land use permit:
 - A. The nature of the proposed Major Home Occupation
 - B. Expected hours of operation
 - C. A description of shipping and delivery requirements
 - D. A description of any materials to be stored on the premises in connection with the proposed Major Home Occupation
 - E. A written narrative demonstrating compliance with the standards of this Ordinance and a plan addressing steps the applicant will follow if the Home Occupation grows to a point where the standards of this Section cannot be met.
7. The Planning Commission may require, as a condition of approval, the annual review of a Major Home Occupation to ensure compliance with this Ordinance.
8. Major Home Occupations in existence as of the effective date of this Ordinance shall be permitted to continue without further action by the operator of the Home Occupation. Changes to a Major Home Occupation in existence as of the effective date of this Ordinance shall be handled pursuant to Section 14.03 of this Ordinance.
9. In addition to the foregoing requirements, In-Home Firearm Sales shall be subject to the following additional regulations:
 - A. The applicant shall maintain, at all times, all required federal, state, and local licenses and permits.
 - B. All firearms on the site shall be securely stored in a locked firearm safe or similar storage container designed for the secure storage of weapons.
 - C. The applicant shall notify the Planning Commission of any intended firearm discharging for testing purposes and demonstrate that appropriate safety measures are in place to accommodate such testing.
 - D. The Planning Commission may establish reasonable hours of operation for In-Home Firearm Sales.

Section 18.22 Kennels

Kennels shall be subject to the following requirements:

1. The minimum Lot Area shall be one (1) acre for the first four (4) animals, and an additional one-third (1/3) acre for each animal in addition to the first four (4).
2. Buildings where animals are kept, dog runs, and exercise areas shall not be located nearer than one hundred (100) feet to any adjacent occupied Dwelling and shall be set back at least seventy-five (75) feet from any adjacent property line.
3. Dog runs and exercise areas shall not be located in any Front Yard or required side or Rear Yard.

4. All Principal Use activities, other than outdoor dog runs or exercise areas, shall be conducted within a completely enclosed Building.

Section 18.23 Manufacturing Establishment

Manufacturing Establishments shall be subject to the following requirements:

1. The Planning Commission may establish hours of operation to protect the character of the land uses in the vicinity.
2. The applicant shall disclose any hazardous, flammable or corrosive materials proposed to be stored, used or handled on the site. Use and handling shall be conducted in accordance with applicable local, state and federal requirements.
3. Federal, state and local agency requirements for storage, spill prevention, record keeping, emergency response, transport, and disposal of hazardous substances and polluting materials shall be met. No discharge to groundwater, including direct and indirect discharges, shall be allowed without appropriate state and County permits and approvals.
4. Any storage facilities shall provide adequate security and Signage to notify the public of any hazardous materials and to prevent trespass.
5. The Planning Commission may require buffering, screening, Setbacks and other elements that are greater than those otherwise required by this Ordinance in keeping with the spirit and intent of this Ordinance to protect the public health, safety, and welfare.
6. The applicant shall demonstrate and disclose the following:
 - A. Potential environmental impacts on air, surface water, ground water, soils, and natural features. These potential impacts shall be minimized or fully mitigated.
 - B. Potential impacts on the health of residents of the Township and surrounding communities and on plant and wildlife communities in the vicinity. The Planning Commission shall not approve the proposed manufacturing, compounding, or processing use if potential impacts are significant.
 - C. The potential chemical constituents of all emissions to the air, groundwater and surface waters shall be disclosed.

Section 18.24 Natural Resource Extraction

Natural Resource Extraction Operations shall be subject to the following requirements:

1. Required Information. In addition to the requirements of Section 18.02(2), an application to operate a Natural Resource Extraction operation shall include the following information:
 - A. A site plan conforming to the requirements of Article XIX of this Ordinance, and also containing the following:
 - 1) The location and construction details of proposed Access drives and service roads on the Parcel, together with proposed scrub pads;

- 2) The boundaries of the area proposed for the Natural Resource Extraction operation activities and, if applicable, phase or mining cell boundaries depicting acreage, number of phases/cells, and an active or future label for the completion of each phase/cell;
 - 3) The location and details of proposed Fences, gates, Signs and Parking Areas, structures, and fixed equipment to be placed on the site for the Natural Resource Extraction operation and any Ancillary Activities;
 - 4) Setback lines as required by this Section;
- B. The boundaries, surface areas and bottom contours of any lake or pond to be created or modified by the Natural Resource Extraction operation.
- C. A plan narrative containing the following information:
- 1) The time period and operating hours proposed for the Natural Resource Extraction operation;
 - 2) A description of the type of Natural Resources and the quantity (in cubic yards) involved in the proposed Natural Resource Extraction operation;
 - 3) A description of Ancillary Activities proposed for the site, methods of mining, and transporting of the Natural Resources on and from the site, including a description of the type and the loaded weight of trucks to be used, the proposed haul route, and number of trucks leaving the site per day.
 - 4) A description of proposed phases/cells and projected dates for completion of restoration of each phase/cell;
 - 5) Measures taken to prevent the following: noise and vibration beyond the boundaries of the Parcel, erosion and wind-blown sand, dust, dirt or other materials, trespassing on the site, waste accumulation, stagnant water and surface water erosion, degradation of existing vegetation and topsoil, and similar impacts.
 - 6) Copies of all other Township, County, state, or federal permits or approvals that relate to and are required for the proposed Natural Resource Extraction operation.
2. Regulations. Natural Resource Extraction Operations are subject to the following requirements:
- A. Access. Driveways leading to a site shall be secured to prevent unauthorized Access during non-operating hours.
 - B. Driveways and Streets. The operator of the Natural Resource Extraction Operation shall take all necessary measures, including scrub pads, washing equipment, or other equipment as necessary, to keep Streets free and clear of any Natural Resources emanating from the transporting vehicles.
 - C. Erosion Control. The conduct of the Natural Resource Extraction operation shall not result in:
 - 1) wind-blown sand, dust or soil that would migrate off-site;

- 2) the collection of surface water or the run-off of water onto adjoining lands contrary to normal and natural drainage patterns;
- D. **Equipment.** Only equipment which is used for the Extraction of Natural Resources from the property, or for Ancillary Activities related to the Extraction of Natural Resources from the property, is permitted on the site.
- E. **Screening.** The Planning Commission may require that Natural Resource Extraction operations be screened from adjoining properties and public streets, consisting of fencing, landscaping, berms, natural vegetation, and natural topography. Any fences shall be at least four (4) feet high and of a type to discourage and impede unauthorized entry to hazardous areas within a site for safety and security purposes.
- F. **Setbacks.** The following table shall serve as general guidelines for Setbacks for a Natural Resource Extraction operation. The Planning Commission may adjust these guidelines and establish the Setback distances when approving the special land use in light of the circumstances of the proposed Natural Resource Extraction operation.

Type of Operation or Equipment	Minimum Setbacks (in feet) from:	
	Property Lines	Public Streets Right-of-Way
Mining	50	100
Moving	50	50
Ancillary Activities*	300	300
*Refers to Structures and stationary equipment that are generally in fixed locations and does not include tractor driven heavy earthmoving equipment.		

- G. **Signs.** Only one (1) Sign shall be permitted on the Parcel, such Sign shall be located near the main Access drive and its dimensions shall be determined by the Planning Commission. However, additional no trespassing and warning Signs shall be installed as appropriate.
- H. **Truck Traffic.** Trucks used to transfer the Natural Resources from the Parcel shall follow a route designated by the Planning Commission and/or the Ottawa County Road Commission that poses the least interference with other traffic, minimizes traffic through residential areas, and uses Public Streets constructed for high volumes of heavy truck traffic.
- I. **Special Studies or Reports.** In performing its review of a Natural Resource Extraction Operation, the Planning Commission may require the applicant to submit special studies or reports, including, but not limited to, hydrogeological studies, monitoring wells data, well logs or reports, market studies, traffic impact or analyses, or other reports or studies as deemed necessary.
- J. **Compliance.** The proposed Natural Resource Extraction operation, and all Buildings, Structures and Ancillary Activities shall comply with all Township, County, State, and Federal regulations, orders, and permit and approval requirements. Any new

Structure or the modification or moving of any Existing Structure on the Parcel shall comply with the Building Code and Township ordinances.

- K. Reclamation. Reclamation of areas affected by the Natural Resource Extraction operation shall be performed in accordance with the plan approved by the Planning Commission as part of the special land use approval. The reclamation plan shall require, without limitation the following:
- 1) Upon completion of the Natural Resource Extraction, the Parcel shall be rehabilitated such that it will be suitable for a primary permitted use of the zoning district in which the Parcel is located.
 - 2) Slopes of land in the Natural Resource Extraction area shall be restored to a minimum three (3) feet horizontal/one (1) foot vertical.
 - 3) All fill shall be properly compacted to stabilize the soil conditions and prevent settling.
 - 4) Appropriate vegetative cover, together with topsoil as may be appropriate for such vegetation, shall be reestablished promptly to prevent erosion by wind or water.
 - 5) All equipment, refuse, and debris associated with the Natural Resource Extraction operation and Ancillary Activities shall be removed from the Parcel.
 - 6) If the Natural Resource Extraction operation involves a number of phases or cells, appropriate reclamation of the existing, completed phase/cell shall be commenced and continued when the Natural Resource Extraction operations/activities begin on the next phase or cell. The scope and type of appropriate reclamation shall be specified in the plan approved by the Planning Commission in consideration of the type of Natural Resource Extraction activities involved, the potential for erosion by wind or water, and the health, safety and welfare of the Township and its residents.
3. Basis of Determination. When reviewing an application for a Natural Resource Extraction operation, the Planning Commission shall consider the following factors when assessing the likelihood of very serious consequences resulting from the extraction of natural resources in accordance with MCL 125.3205:
- A. The relationship of extraction and associated activities with existing land uses.
 - B. The impact on existing land uses in the vicinity of the property.
 - C. The impact on property values in the vicinity of the property and along the proposed hauling route serving the property, based on credible evidence.
 - D. The impact on pedestrian and traffic safety in the vicinity of the property and along the proposed hauling route serving the property.
 - E. The impact on other identifiable health, safety, and welfare interests in the Township.
 - F. The overall public interest in the extraction of the specific Natural Resource on the property.

4. Performance Guarantee. Upon approval of the special land use permit for a Natural Resource Extraction operation and prior to the issuance of the special land use permit, the applicant shall submit a performance guarantee pursuant to Section 21.08 of this Ordinance shall be submitted to ensure that the requirements of this Ordinance have been fulfilled. This performance guarantee also considers reclamation of the site upon termination of the Natural Resource Extraction activities.
5. Right of Entry. The Zoning Administrator and other Township representatives shall have the right to enter and to inspect a permitted Natural Resource Extraction operation site at a reasonable time for purposes of monitoring compliance with this Ordinance and with the terms of any permit issued pursuant to this Ordinance.

Section 18.25 Open Air Markets

Open air markets shall be subject to the following requirements:

1. Lot Area, Lot Width, and other dimensional requirements of the zoning district shall be complied with; provided, that no item or items displayed outdoors shall be greater than twenty (20) feet in height.
2. The Planning Commission may establish, as a condition of approval, hours of operation for the Open Air Market.
3. The Planning Commission may establish, as a condition of approval, buffering mechanisms, including, but not limited to, evergreen landscaping, berms, and fencing; and such conditions may be in addition to the landscaping requirements of this Ordinance to mitigate the visual impact of an Open Air Market.
4. The Planning Commission may make reasonable inquiries of the applicant, including, but not limited to, what types of items will be for sale. Certain items, as determined by the Planning Commission, may be restricted for display to rear or Side Yards and with adequate screening or fencing.
5. The application shall provide for measures acceptable to the Planning Commission to prevent any noise in excess of sixty (60) Decibels at any property line. Unless specifically approved by the Planning Commission, the use of amplifiers, Banners, and other attention gathering devices shall be prohibited.
6. The outdoor sales area shall be paved, or otherwise provided with a dust-free surface. The site plan shall include measure satisfactory to the Planning Commission to contain blowing dust, trash, and debris on the site.
7. Any dumpsters on site shall be enclosed on four (4) sides with an opaque Fence equipped with a lockable gate and shall not be visible from any Lot Line.

Section 18.26 Reserved

Section 18.27 Restaurant, With Liquor or Drive-Through

1. Restaurants with liquor shall be subject to the following requirements:

- A. Such facilities shall maintain, at all times, all required state and local licenses and permits.
 - B. Such facilities shall be located and designed such that no objectionable noise in excess of sixty (60) Decibels shall be carried onto adjoining property zoned for, or occupied by, residential uses.
 - C. Such facilities shall be located and designed such that no objectionable odor or fumes shall be carried onto property located in the R-1 or LSR districts.
 - D. Any dumpsters on site shall be enclosed on four (4) sides with an opaque Fence and lockable gate six (6) feet in height, so that any refuse or dumpster shall not be visible from any Building, Dwelling, adjacent property, or street. The site plan shall include measures satisfactory to the Planning Commission to control blowing trash, dust or debris from the facility.
 - E. The Planning Commission may establish reasonable hours of operation for Restaurants With Liquor.
2. Restaurants With Drive-Through shall be subject to the following requirements:
- A. Sufficient stacking capacity for the drive-through portion of the operation shall be provided to ensure that traffic does not extend into the Public Street Right-of-Way. A minimum of ten (10) stacking spaces for the service ordering station shall be provided. Stacking spaces shall be located so as not to interfere with vehicular circulation and egress from the property by vehicles not using the drive-through portion of the facility
 - B. In addition to Parking Space requirements, at least three (3) Parking Spaces shall be provided, in close proximity to the exit of the drive-through portion of the operation, to allow for customers waiting for delivery of orders.
 - C. Public Access to the site shall be located at least fifty (50) feet from any intersection as measured from the nearest Right-of-Way line to the nearest edge of said Access.
 - D. The parking and maneuvering areas of the site shall be Fenced and screened from the view of any abutting residential district or use by a decorative Fence or wall, or a landscaped equivalent.
 - E. Outdoor speakers for the Drive-Through Facility shall be located in a way that minimizes sound transmission toward neighboring property and uses.

Section 18.28 Riding Stables

Riding Stables shall be subject to the following requirements:

1. The minimum Lot Area shall be five (5) acres.
2. The maximum horse population shall be limited to two (2) horses for the first five (5) acres and an additional one (1) horse per each acre over five (5) acres.
3. Any Buildings used to breed, house, feed, train, or shelter horses shall be located at least fifty (50) feet from any Lot Line and paddocks or corals must be at least ten (10) feet from any side or Rear Lot Line.

4. The facility shall be so constructed and maintained that odor, dust, noise, or drainage shall not constitute a nuisance, disturbance, or hazard to adjacent or nearby property owners.
5. All on-site accumulations of manure and other animal related solid wastes shall be disposed of in accordance with Ottawa County Health Department and state health regulations. On-site accumulations of manure shall not adversely affect adjoining Parcels.
6. All egress points and off-street Parking Areas shall be of a durable and dust free surface, graded, and properly drained.
7. All outdoor lighting located on-site shall be constructed and installed so that all sources of light shall not be visible beyond the perimeter Lot Lines.
8. For riding Stables only, one and one-half (1-1/2) off-street Parking Spaces shall be provided for each horse kept on-site, plus any required for other uses accessory to the Stable.
9. Off-street loading and unloading of horses, feed, straw, or any other on-site use related to the facility shall be completely on the property.

Section 18.29 Self-Storage Facility

Self-storage facilities shall be subject to the following requirements (*amended 7/14/21, Ordinance No. Z2021-02*):

1. The Lot Area of the proposed site shall be at least two (2) acres.
2. The use shall be established and maintained in accordance with all applicable Township, state and federal laws.
3. All outdoor storage areas shall be Fenced and screened from view from adjoining roadways and residential properties.
4. All parking, maneuvering, and drive lane areas shall be provided with a paved surface and all drive aisles shall be forty (40) feet in width. Where a 40-foot width is not practicable, the Planning Commission may permit a lesser width provided that all units remain accessible, and the lesser width is approved by the Port Sheldon Township Fire Department. All outdoor storage areas shall be provided with a smooth and dust free surface.

Section 18.30 Sexually Oriented Business

Sexually Oriented Businesses shall be subject to the following requirements:

1. Purpose of Regulation. The purpose and intent of the Sections of this Ordinance pertaining to the regulation of Sexually Oriented Businesses is to regulate the location and operation of, but not to exclude, Sexually Oriented Businesses within the Township and to minimize their negative secondary effects. It is recognized that Sexually Oriented Businesses because of their very nature, have serious objectionable operational characteristics, which cause negative secondary effects upon nearby residential, educational, religious, and other similar public and private uses. The regulation of sexually oriented uses is necessary to ensure that their negative secondary effects will not

contribute to the blighting or downgrading of surrounding areas and will not negatively impact the health, safety and general welfare of Township residents. The provisions of this Ordinance are not intended to offend the guarantees of the First Amendment to the United States Constitution or to deny adults access to Sexually Oriented Businesses and their products, or to deny Sexually Oriented Businesses access to their intended market. Neither is it the intent of this Ordinance to legitimize activities that are prohibited by the Ordinances of the Township, or state or federal law. If any portion of this Section, including the definitions appearing in Article II and referenced in this Section, is found to be invalid or unconstitutional by a court of competent jurisdiction, the Township intends said portion to be disregarded, reduced and/or revised so as to be recognized to the fullest extent possible by law.

2. Standards. Sexually Oriented Businesses shall be subject to the following standards:
 - A. The proposed Sexually Oriented Business shall not be located within three hundred (300) feet of any residentially zoned property, park, school, child care organization, place of worship or other Sexually Oriented Business. The distance between a proposed Sexually Oriented Business and any residence, residentially zoned property, park, school, child care organization, place of worship or other Sexually Oriented Business shall be measured in a straight line from the nearest property line upon which the proposed Sexually Oriented Business is intended to be located to the nearest property line of the residence, residentially zoned property, school, child care organization, place of worship, or other Sexually Oriented Business.
 - B. Entrances to the proposed Sexually Oriented Business shall be posted on both the exterior and interior walls, in a location clearly visible to those entering and exiting the business, and using lettering no less than two (2) inches in height that:
 - 1) "Persons under the age of eighteen (18) are not permitted to enter the premises," and
 - 2) "No alcoholic beverages of any type are permitted within the premises unless specifically allowed pursuant to a license duly issued by the Michigan Liquor Control Commission."
 - C. No product or service for sale or gift, or any picture or other representation of any product or service for sale or gift shall be displayed so as to be visible from the nearest adjoining road Right-of-Way or a neighboring property.
 - D. Hours of operation shall be limited to 8:00 a.m. to 11:00 p.m., Mondays through Saturdays.
 - E. Any dumpsters on site shall be enclosed on four (4) sides with an opaque Fence equipped with a lockable gate and shall not be visible from Lot Lines.
 - F. All Signs shall be in accordance with Article XV of this Ordinance. Provided, however, that no Sign visible from the nearest adjoining road Right-of-Way or a neighboring property shall display or depict any Specified Anatomical Areas or Specified Sexual Activities.

- G. All parking shall be in accordance with Article XVI of this Ordinance. Provided, however that all off-street Parking Areas shall be illuminated during all hours of operation of the Sexually Oriented Business, and until one hour after the business closes, such that the off-street Parking Areas are visible from the nearest adjoining road Right-of-Way.
- H. As a condition of approval and continued operation of a Sexually Oriented Business, such business shall acquire and comply with all pertinent federal, state and local requirements governing its operation and licensing.
- I. Any booth, room or cubicle available in any Sexually Oriented Business used by patrons for the viewing of any entertainment characterized as showing Specified Anatomical Areas or Specified Sexual Activities shall:
 - 1) Be constructed in accord with the Michigan Building Code, as amended.
 - 2) Be unobstructed by any door, lock or other entrance and exit control device.
 - 3) Have at least one (1) side totally open to a public lighted aisle so that there is an unobstructed view at all times from the adjoining aisle of any occupant.
 - 4) Be illuminated by a light bulb of wattage not less than sixty (60) watts, and
 - 5) Have no holes or openings, other than doorways, in any side or rear walls.
- J. Public Nudity is prohibited in the operation of a Sexually Oriented Business.

Section 18.31 Wireless Communication Antenna

- 1. Applicability. All new towers or antennas in the Township shall be subject to these regulations, except as provided for below:
 - A. Preexisting Towers or Antennas. Preexisting towers and preexisting antennas shall not be required to meet the requirements of this Section unless modified.
 - B. Colocation of antenna on Existing towers and amateur radio stations antenna are permitted and regulated under the provisions of Section 4.35 of this Ordinance.
- 2. New facilities. A new Wireless Communication Facility is permitted when authorized by the Planning Commission as a special land use and it shall comply with the following conditions:
 - A. Height: Towers for radio, television, cellular phones and other transmitting and relay antenna towers shall be located so any Setback equals the Setback from any adjacent or adjoining property lines equal to or greater than the height of the tower. The maximum height shall be the minimum demonstrated to be necessary by a radio frequency engineer. However, in no case shall the height of the tower exceed one hundred ninety-nine (199) feet. The radio frequency reception data maps showing signal strength information for the tower location shall accompany all applications.
 - B. Construction: All towers shall be a monopole or stealth technology and comply with all Building Code regulations. The applicant shall provide all appropriate engineering information, site plans, and drawings to the Building Official at the date of application.

No Building other than the associated support Building, sidewalk, Parking Lot or other area with anticipated pedestrian or vehicular traffic shall be permitted within the self-collapsing or “safe fall” area.

- C. Compatibility: The entire facility must be aesthetically and architecturally compatible with the surrounding environment. The use of residentially compatible materials such as wood, brick and stucco is required for associated support Buildings, which shall be designed to architecturally match the exterior of residential Structures within the neighborhood. The Structures shall be located and constructed in compliance with this Section.
- D. Review Requirements: In addition to the requirements of this Article, an application for a wireless communication antenna shall include the following information:
- 1) Name and address of the proposed operator of the site.
 - 2) Name and address, including phone number of the Person responsible for determining feasibility of co-location as provided in this Section.
 - 3) Preliminary design of all proposed Structures, including elevations and renderings showing the proposed facility from four vantage points located not less than two hundred (200) feet nor more than five hundred (500) feet from the proposed tower location.
 - 4) Registered Engineer’s certification of the design and safety of the proposed tower to withstand winds of eighty-five (85) miles per hour. Such certification shall set forth the fall zone area for the proposed tower. If such fall zone area is less than that of a circle whose radius is equivalent to the height of the proposed tower, such certification shall provide structural calculations and detail sufficient to demonstrate the accuracy of such lesser fall zone area determination. Such certification shall be provided by an engineer licensed to practice in Michigan.
 - 5) Method of fencing, and finished color and, if applicable, the method of camouflage and illumination.
 - 6) A notarized statement signed by the applicant indicating the number and type of additional antenna the proposed tower will accommodate through co-location.
 - 7) Each applicant shall provide an inventory of Existing towers, tall Structures, antennas, or sites approved for towers or antennas, that are either within the Township or within one (1) mile of the border thereof, including specific information about the location, height, and design of each tower or tall Structure.
 - 8) The separation distance from other towers described in the inventory of existing sites shall be shown on an updated site plan or map. The applicant shall also identify the type of construction of the Existing tower(s) and the owner/operator of the Existing tower(s), if known. The applicant shall also demonstrate the reasons such Existing towers or tall Structures cannot be used in lieu of the proposed communication tower.

Once all required materials are submitted, the Planning Commission shall review the application in accordance with the standards of this Article and shall either approve, approve with conditions, or deny the application within ninety (90) days of receipt of all required information, as determined by the Zoning Administrator. If the Planning Commission does not approve, approve with conditions, or deny the application within ninety (90) days, the application shall be considered approved and the Planning Commission shall be considered to have made any determination required for approval.

E. Location Criteria

- 1) Facilities shall be sited to minimize views from residential areas or the public Right-of-Way.
- 2) Concentration of support Structures will be limited in all geographic areas to avoid excessive visual impacts.
- 3) The Structure shall be located on a site of not less than two (2) acres consisting of a rectangle with not more than a three (3) to one (1) depth to width ratio.
- 4) Minimum spacing between towers shall be at least two (2) miles.

F. Development and Design Standards

- 1) Wireless Communication Support Structures shall be located as to be screened from view by siting them near Buildings or placed near existing tall trees to the extent possible.
- 2) All Wireless Communication Support Structures shall be of a monopole design. Guyed or lattice towers are prohibited.
- 3) Wireless Communication Support Structures shall be located a minimum of one hundred fifty (150) feet from any residential Lot Line.
- 4) Wireless Communication Support Structures shall be painted in unobtrusive colors.
- 5) Wireless Communication Support Structures shall be designed to prevent unauthorized climbing.
- 6) When the FAA or other federal or state authority requires lighting, it shall be the minimum required to meet regulations. It shall be oriented inward so as not to project onto surrounding properties.
- 7) The Planning Commission may require anti-climbing devices and security fencing of at least six (6) feet preventing Access to the associated Building, tower, and/or guyed wires.
- 8) Signs and logos are prohibited on the tower.
- 9) All signal and remote control conductors of low energy extending substantially horizontally above the ground between a tower or antenna and Structure, or between towers, shall be at least sixteen (16) feet above the ground at all points, unless buried underground.

- 10) Towers shall be located so that they do not interfere with television, radio or short wave radio reception in nearby residential areas.
 - 11) Existing on-site vegetation shall be preserved to the maximum extent practicable. However, the site shall be maintained in harmony with the surrounding properties.
 - 12) Where the property line of a site containing a wireless communication Structure abuts a residential zoned or used area, the operator shall provide a plant screen sufficient in Density and height so as to have an immediate buffering impact on adjacent property.
 - 13) There shall be no employees located on the site on a permanent basis to service or maintain the antenna. Occasional or temporary repair and service activities are excluded from this restriction.
 - 14) Antenna and metal towers shall be grounded for protection against a direct strike by lightning and shall comply as to electrical wiring and connections with all applicable Township, County, State, and Federal statutes, regulations, and standards.
 - 15) Towers with antenna shall be designed to withstand a uniform wind loading as prescribed in the Building Code.
 - 16) Structures shall be subject to current State and Federal regulations concerning non-ionizing electromagnetic radiation. If more restrictive state or federal standards are adopted in the future, the antenna shall be made to conform. Cost for testing and verification of compliance shall be borne by the operator of the antenna.
 - 17) All Wireless Communication Support Structures associated with the Wireless Communication Facility shall be located on the property owned or leased by the communications company operating the facility including all guyed wires and anchors relating thereto.
 - 18) The Access road leading to the facility shall be constructed of gravel and/or aggregate sufficient to maintain adequate Access to the site. A driveway permit, where necessary, will be sought and received by the applicant prior to issuance of any building permit.
 - 19) The applicant is responsible for seeking and receiving any and all permits required for the site location, including but not limited to FAA, Michigan Aeronautics Commission, Ottawa County Road Commission, or other Federal, State, or local agencies.
 - 20) To insure compliance with the above criteria, the Township may require a bond to assure compliance with the same.
- G. Safety Standards. All new wireless communication facilities shall be designed within the applicable ANSI standards.

- 1) Collocation and Construction: Any proposed tower shall be designed and constructed to accommodate future collocation. Towers must be designed to allow for future arrangement of antennas upon the tower and to accept not less than three (3) antennas mounted at varying heights. Whenever possible, proposed wireless communication facilities shall collocate on Existing Buildings, Structures and Existing wireless communication Structures. If a provider fails to or refuses to permit collocation, such a Structure shall be a Nonconforming Structure and shall not be altered or expanded in any way. As a condition of the special land use, the applicant will be requested to allow location of municipal antennas on the tower for fire and police use.
- 2) Airport or Helipad Setbacks: All towers over twenty-five (25) feet in height shall be a minimum of one-half (1/2) mile from any airport runway or designated helicopter landing site.
- 3) Discontinuance: When a wireless communication Structure has not been used for a period of ninety (90) consecutive days after new technology is available which permits the operation of a facility without the necessity of a wireless communication Structure, all parts of the Structure shall be removed within one hundred sixty (160) days. The removal of antenna or other equipment from the Structure or the cessation of reception or transmission of radio signals shall be considered the beginning of non-use. The Township may secure the removal of the Structure if it is still standing thirty (30) days after the Township has sent a notice to the operator stating the need to remove the Structure. In securing the removal of the Structure, the Township may charge up to one hundred twenty-five (125) percent of the removal cost to the operator and/or the landowner.

ARTICLE XIX - SITE PLAN REVIEW

Section 19.01 Purpose and Intent

The intent of this Article is to provide for consultation and cooperation between the land Developer and the Planning Commission in order that the Developer may accomplish objectives in the utilization of land within the regulations of the Ordinance, with minimum adverse effect on the land, shore, highways, and on existing and future uses of property in the immediate vicinity, and to insure that a proposed land use or activity is in compliance with this Ordinance.

Section 19.02 Site Plan Required

1. Site plan review and approval shall be required for all uses described in this Section before any change of use, or before any excavation, removal of soil, clearing of a site, or placing of any fill on lands contemplated for development; and, except as hereinafter provided, no building permit shall be issued for any Building or use, or reduction or enlargement in size or other alteration of any Building or change in use of any Building including Accessory Structures unless a site plan is first submitted and approved by the Planning Commission pursuant to the provisions of this Article.
2. All uses in the following districts shall require site plan approval:
 - A. C Commercial District
 - B. I Industrial District
 - C. PUD – Planned United Development District
3. In the AG, R-1 and LSR districts, site plan approval shall be required for all uses other than Single-Family Dwellings, their Accessory Buildings, and farming structures.
4. Site plan review and approval shall be required for all special land uses, and for all developments, including Single-Family Dwellings, to be located in wetland as defined by the Michigan Department of Natural Resources (DNR) or the Michigan Department of Environmental Quality (MDEQ) or within a 100-year Floodplain as determined by FEMA.
5. Site plan review and approval shall not be required if the construction, alteration or change of occupancy or use does not affect existing circulation, drainage, relationship of Buildings to each other, landscaping, buffering, lighting and other considerations of site plan review.

Section 19.03 Optional Sketch Plan Review

1. Preliminary sketches of proposed site and development plans may be submitted for review to the Planning Commission prior to site plan review. The purpose of such procedure is to allow discussion between a Developer and the Planning Commission, to better inform the applicant of the acceptability of proposed plans prior to incurring extensive engineering and other costs which might be necessary for final site plan approval. Such sketch plans shall include as a minimum the following:

- A. The name and address of the applicant or Developer, including names and addresses of any officers of a corporation or partners of a partnership, together with telephone numbers.
 - B. Legal description, property Parcel number, and street address of the subject Parcel of land.
 - C. Sketch plans showing tentative site and development plans.
2. The Planning Commission shall not be bound by any comments or tentative judgments made at this time and may require the applicant to sign an affidavit acknowledging the advisory nature of the sketch plan review process.

Section 19.04 Application Procedure

A request for site plan review shall be made at least twenty-one (21) days prior to the next regular Planning Commission meeting by filing with the Zoning Administrator the following:

1. An application for site plan review consisting of the following:
 - A. A completed application form, as provided by the Township.
 - B. Payment of a fee, in accordance with a fee schedule as determined by the Township Board.
 - C. A legal description of the subject property.
 - D. Ten (10) copies of the site plan, which shall be prepared by a registered professional surveyor, engineer, architect or landscape architect. The site plan shall include and illustrate, at a minimum, the following information:
 - 1) A small scale sketch of properties, streets and use of land within one-half (1/2) mile of the area.
 - 2) A site plan at a scale of not more than one (1) inch equals one hundred (100) feet showing any existing or proposed arrangement of:
 - a) Existing adjacent Public and Private Streets and proposed Public and Private Streets.
 - b) Existing and proposed Lots.
 - c) Parking Lots and Access points.
 - d) Proposed buffer strips or screening.
 - e) Natural features including, but not limited to, open space, stands of trees, brooks, ponds, hills and similar natural assets both on the subject property and within one hundred (100) feet of the Lot Lines.
 - f) Location of any Signs not attached to the Building.
 - g) Existing and proposed Buildings.
 - h) Existing and proposed general topographical features including contour intervals no greater than two (2) feet.

- i) Present zoning of the subject property and adjacent property.
 - j) Location of public and private Rights-of-Way and easements contiguous to and within the proposed development which are planned to be continued, created, relocated, or abandoned, including grades and types of construction of those upon the site.
 - k) Location and type of drainage, storm sewers and other facilities, including surface and subsurface drainage for all impermeable surfaces on the site and all drainage calculations.
 - l) Existing and proposed water main and sanitary sewer, natural gas, electric, telephone, cable television and other utilities, the proposed location of connections to existing utilities and any proposed extensions thereof.
 - m) Detail pertaining to proposed Signage including an illustration of all proposed Signs, their surface area, height, and nature of illumination.
 - n) Any additional material information or special studies necessary to consider the impact of the project upon adjacent properties and the general public, including, but not limited to, traffic impact studies, environmental impact statements or hydrogeological studies as may be requested by the Zoning Administrator or the Planning Commission.
- 3) A narrative describing:
- a) The overall objectives of the proposed development.
 - b) Number of acres allocated to each proposed use and gross area in Building, Structures, parking, Public and/or Private Streets and drives and open spaces.
 - c) Dwelling Unit densities by type, if applicable.
 - d) Proposed method of providing sewer and water service as well as other public and private utilities.
 - e) Proposed method of providing storm drainage.
2. Modification of Requirements. The Zoning Administrator or Planning Commission may waive any required element of this Section if determined to be not reasonable or pertinent for the application.

The Planning Commission or Zoning Administrator may require additional information to be illustrated on the site plan beyond what is required in this Section to consider the impact of the project upon adjacent properties and the general public. The Planning Commission or Zoning Administrator may also require the submission of special studies or research including, but not limited to, traffic impact studies, environmental impact statements or hydrogeological studies to aid in the evaluation of any site plan.

3. Action on Application and Site Plans.

- A. Upon receipt of the application and plans, the Zoning Administrator shall review the application materials for completeness. If complete, the Zoning Administrator shall

transmit one copy to each planning commissioner; one (1) copy to the Fire Department when applicable, one (1) copy to other area review agencies when applicable and retain one (1) copy in the Township offices.

- B. A meeting shall be scheduled by the Chairman of the Planning Commission for a review of the application and site plan. The meeting shall be held within sixty (60) days of the date of the receipt of the plans and completed application.
- C. The Planning Commission or Zoning Administrator may hold a public hearing on any application for its plan to be approved, though it is not required. The Planning Commission or Zoning Administrator shall set the time and place for such public hearing and arrange for notice of such hearing in accordance with Section 21.11 of this Ordinance.
- D. The Planning Commission shall reject, approve, or conditionally approve the site plan, as it pertains to requirements and standards contained in this Ordinance. Any conditions required by the Planning Commission shall be stated writing and delivered to the applicant.

Section 19.05 Site Plan Review Standards

In the process of reviewing a site plan, the Planning Commission shall consider the following:

1. That there is a proper relationship between the existing streets and highways within the vicinity, and proposed deceleration lanes, service drives, entrance and exit driveways, and Parking Areas to assure the safety and convenience of pedestrian and vehicular traffic, and that the proposed streets and Access plan conform to any street or Access plan adopted by the Township or the Ottawa County Road Commission.
2. That the Buildings, Structures, and entrances thereto proposed to be located upon the premises are so situated and so designed as to minimize adverse effects upon owners and occupants of adjacent properties and the neighborhood.
3. That as many natural features of the landscape shall be retained as possible, particularly, where they furnish a barrier or buffer between the project and adjoining properties used for dissimilar purposes and where they assist in preserving the general appearance of the neighborhood or help control erosion or the discharge of storm waters.
4. That any adverse effect of the proposed development and activities emanating therefrom upon adjoining residents or owners shall be minimized by appropriate screening, fencing, walls or landscaping.
5. That all provisions of this Ordinance are complied with unless an appropriate Variance therefrom has been granted by the Zoning Board of Appeals.
6. That all Buildings and Structures are accessible to emergency vehicles.
7. That a plan for erosion control and storm water discharge has been approved by the appropriate public agency.

8. That the plan as approved is consistent with the intent and purpose of zoning to promote public health, safety and general welfare; to encourage the use of lands in accordance with their character and adaptability to avoid the overcrowding of population; to lessen congestion on the Public Streets; to reduce hazards to life and property; to facilitate adequate provisions for a system of transportation, sewage disposal, safe and adequate water supply, education, recreation and other public requirements; and to conserve the expenditure of funds for public improvements and services to conform with the most advantageous uses of land, resources and properties; to preserve property values and Natural Resources; and to give reasonable consideration to character of a particular area, its peculiar suitability for particular uses and the general appropriate trend and character of land, Building, and population development.

Section 19.06 Approved Site Plans

1. Site Plan Approval. A site plan shall be approved if it contains the information required by, and is in compliance with, this Ordinance, the conditions imposed pursuant to the Ordinance, other Township planning documents, other applicable ordinances, and state and federal statutes. Three copies of the approved site plan and any supporting documents shall be signed by the Chairman or Secretary of the Planning Commission and the applicant. Two copies of the approved site plan shall be kept on file by the Township and the other copy shall be retained by the applicant.
2. Conformity to Approved Site Plans. Property which is the subject of site plan approval must be developed in strict compliance with the approved site plan and any amendments or changes thereto which have received the approval of the Planning Commission or Zoning Administrator. If construction and development does not conform with such approved plans, the approval may be revoked by the Zoning Administrator by written notice of such revocation posted upon the premises involved and mailed to the Developer at the last known address. Upon revocation of such approval, all construction activities shall immediately cease upon the site, other than for the purpose of correcting the violation.
3. Duration of Approval. An approved site plan shall be valid for a period of two (2) years after the date of approval. Upon written request by the applicant stating the reasons therefore, the Planning Commission may extend a site plan approval for an additional one (1) year period if the evidence shows that all of the following conditions exist:
 - A. The conditions necessitating the delay in the construction and completion of the project are reasonably beyond the control of the applicant.
 - B. The requirements and standards, including those of this Ordinance that are reasonably related to the development, have not changed.
 - C. Development or redevelopment in the proximity to the approved site plan has not resulted in changed conditions impacting the site.
 - D. There has not been a change in State or Federal law, or other County or Township ordinance prohibiting the construction or further construction of the approved project.

- E. An application for an extension of a site plan must be filed at least sixty (60) days prior to the expiration of the original site plan or the expiration of any extension previously approved by the Township, whichever is applicable.
4. If a site plan expires pursuant to subsection 19.06.3, above, no work may be undertaken until a new site plan has been approved by the Planning Commission pursuant to the standards of this Article.

Section 19.07 Amendments to an Approved Site Plan

No changes shall be made to an approved site plan prior to or during construction except upon application to the Zoning Administrator pursuant to the following standards:

1. Minor amendments to an approved site plan involving changes in the location of Buildings and Structures, adjustment of utilities, walkways, trafficway, landscaping, Building size, Parking Areas, and similar minor changes up to ten (10) percent of the approved area as determined by the Zoning Administrator may be approved by the Zoning Administrator. The Zoning Administrator shall report all administratively approved changes of a site plan to the Planning Commission at their next regularly scheduled meeting.
2. Major amendments to an approved site plan include change or amendment that is not determined to be a minor amendment. Major amendments shall require the approval of the Planning Commission in the same manner as the original application was submitted, reviewed, and approved.

Section 19.08 Appeals

With regard to site plan approval decisions, an appeal may be taken to the Zoning Board of Appeals in the same manner as other administrative decisions. The concurring vote of a majority of the members of the Zoning Board of Appeals shall be necessary to reverse any decision by the Planning Commission, or to decide in favor of the applicant. The appeal may be taken by any person aggrieved or by any officer, department, board, or bureau of the Township, County, or State. The Zoning Board of Appeals shall state the grounds of each determination. An appeal to the Zoning Board of Appeals must be taken within thirty (30) days of the decision complained of by the appellant.

Section 19.09 Performance Guarantees

In approving a site plan, the Planning Commission may require a Performance Guarantee pursuant to Section 21.08.

ARTICLE XX – PRIVATE STREETS

Section 20.01 Purpose

The Township has hereby determined that as large tracts of land are divided, sold, transferred, and developed, Private Streets are being created to provide access to the newly divided properties which are not subject to regulation under the Michigan Subdivision Control Act of 1967 and other State regulations. The Township determines it is in the best interest of the public health, safety, and welfare to regulate the construction, improvement, extension, relocation, and use of Private Streets to assure that:

1. Private Streets are designed with width, surface, and grade to assure safe passage and maneuverability of police, fire, ambulance, and other safety vehicles.
2. Private Streets are constructed of suitable materials to ensure minimal maintenance and safe passage.
3. Private Streets will be constructed so as to protect against or minimize soil erosion and prevent damage to the lakes, streams, wetlands, and natural environment of the Township.

Section 20.02 Definitions

For purposes of this Article, the following terms are defined as follows:

1. **EXISTING PRIVATE STREET**: A Private Street or a Private Street system which is used to provide access to two (2) or more existing Lots or Dwellings as of September 17, 1997.
2. **EXISTING LOT**: A Lot which, as of September 17, 1997, meets at least one (1) of the following conditions:
 - A. The Lot consists of a Parcel described by metes and bounds for which a deed has been recorded with the Ottawa County Register of Deeds, or of a Parcel described by a land contract or memorandum of land contract which has been recorded with the Ottawa County Register of Deeds;
 - B. The Lot has been assigned its own permanent parcel number by the Ottawa County Property Description and Mapping Department and is individually assessed and taxed on that basis; or
 - C. The Lot consists of a “condominium unit” (i.e., a portion of a condominium project designed and intended for separate ownership and use as described in the condominium master deed) located within a “site condominium” development for which a condominium master deed has been recorded with the Ottawa County Register of Deeds in accordance with the requirements of the Michigan Condominium Act (PA 59 of 1978, as amended, MCL 559.101 et seq.) and other applicable laws and ordinances.
3. **EXISTING DWELLING**: A Single-Family Dwelling for which a Building permit has been issued by the Township as of September 17, 1997.

Section 20.03 General Requirements

1. A Private Street shall not be constructed, extended, relocated, or improved, or have lots added that derive access from it, except in accordance with the minimum standards and requirements of this Article. If an additional Lot is proposed to be served by an existing Private Street, the Private Street shall meet the requirements of Section 20.04.4 or Section 20.04.5, depending on which one is applicable, and a Private Street permit must be obtained as per Section 20.06. If an existing Private Street is proposed to be extended then the existing portion shall be improved to meet the standards of this Article.
2. The provisions of this Article shall not apply to access roads internal to any individual Lot or Parcel which has direct Public Street frontage access and is under the control of one Person, provided that the access road does not provide access to any abutting Lot or Parcel. Examples of access roads that may be exempted from the provisions of this Article include those serving multi-family Dwellings, nursing homes, hospitals, factories, schools, mobile home parks, and shopping centers which are otherwise subject to site plan review and approval under the provisions of this Ordinance.
3. The provisions of this Article pertaining to names for Private Streets, Building numbers, and minimum Lot frontage shall apply to an Existing Private Street.
4. Private Streets shall not interconnect with the Public Street network in a manner that will preclude the extension of Public Streets necessary to further the logical, orderly, and efficient development of the overall Public Street network. In making such determination, the Planning Commission shall consider the circulation pattern and traffic volumes on nearby Public Streets, existing and proposed land use in the general area, the recommendations contained within the Master Plan and Major Street Plan, if any and if applicable, the Street and Highway Plans of the Ottawa County Road Commission, and the Michigan Department of Transportation.

Section 20.04 Minimum Standards for Private Streets

1. A Private Street shall be located within a Private Street easement. Such easement shall not be less than sixty-six (66) feet in width. At any dead-end of such easement, the easement shall widen such that there is a minimum radius of sixty (60) feet.
2. A Lot shall have frontage on the Private Street easement which is at least equal to the minimum Lot width required for the zoning district in which the Lot is located.
3. A Private Street shall intersect and connect to a Public Street. The Private Street shall have a minimum of sixty six (66) feet of frontage at its access point to the Public Street. "Boulevard" entrances with center medians are prohibited. A Private Street shall not be approved which accesses a Public Street by another Private Street.
4. A Private Street serving two (2) or more Lots shall be given a Street name that is not the same or similar to any other Street name in the county. A Street sign bearing the Street name given the Private Street meeting Ottawa County Road Commission standards as to design, location, and maintenance shall be erected and maintained by the applicant where such Private Street intersects any Public Street. The provision shall also apply to existing

Private Streets. A Street sign shall be erected within one (1) year after the adoption of this Ordinance.

5. Private Streets shall be a minimum of 16' wide. The base shall consist of at least a six (6) inch gravel base (MDOT 22A) with a twelve (12) inch sand sub-base (MDOT Class 2). The Private Street shall have a minimum of two tenths (0.2) crown from centerline to the edge of the Private Street. and shall have a minimum width of sixteen (16) feet with a three (3) foot shoulder on each side. A new Private Street serving five (5) or fewer Lots is not required to be paved but shall have a minimum width of sixteen (16) feet with a three (3) foot shoulder on each side.
6. Private Streets shall have a three (3) foot shoulder on each side. Shoulder grading shall not exceed a slope of one half ($\frac{1}{2}$) of an inch per foot.
7. Private Street serving six (6) or more Lots shall be paved with a minimum of two (2) inches of asphalt or equivalent dustless surface.
8. The Private Street shall widen at any dead-end so there is at least an eighty (80) foot diameter turn-around that is completely unobstructed. The top elevation of the Private Street shall be a minimum of three (3) feet above the seasonal high water table.
9. A Private Street shall not exceed a grade of eight (8) percent; provided that within thirty (30) feet of the intersection of a Private Street with any other Private Street or with any Public Street, a Private Street shall not exceed a grade of one and one-half (1.5) percent.
10. A Private Street shall be constructed in a manner to provide effective storm water drainage and to prevent run-off onto adjacent property. If a Private Street crosses a natural drainage course, stream, or other natural body of water, the method of crossing (by bridge, culvert or other structure) must be certified by a registered professional engineer that it complies with applicable Ottawa County Water Resources Commissioner and State of Michigan requirements.
11. A Dwelling or the principal Building of a commercial or industrial business which derives its primary access from a Private Street shall display a Building number in a manner so that the number is at all times readily visible from the Private Street. The Building number shall be a minimum of three inches (3") in height.
12. In determining the location of a Private Street, consideration shall be given to safety of traffic entering and exiting the Private Street in relationship with the Public Street.
13. The name of the Private Street on which a Dwelling or other Building fronts and derives its primary access shall be the name used for the Street address (including the postal address) of such Dwelling or other Building. The use of the name of a Public Street with which the Private Street intersects shall not be permitted to be used as the Street address. An owner of a Dwelling or other Building on an existing Private Street that currently does not use the name of the Private Street for the Street address, within three (3) months from the effective date of this Ordinance, shall comply with this subsection, including without limitation making the change to the proper Street address on the records of the Township, County, State, and the United States Postal Service as appropriate.

Section 20.05 Road Maintenance

Improvements to and maintenance of a Private Street shall be accomplished so as to provide for a consistent surface maintained to meet the requirements of this Article throughout the entire length of the Private Street.

1. Road Maintenance Agreement. The applicant (s) and/or owner(s) of the proposed Private Street shall provide to the Township Clerk a recorded road maintenance agreement, access easement agreement, and deed restrictions in compliance with Section 20.06.1.F which shall provide for the perpetual private (non-public) maintenance of the Private Street and its easement to a necessary and reasonable standard to serve the parties having an interest in the Private Street. These documents shall contain the following provisions.
 - A. A method of initiating and financing the Private Street and its easement in order to keep the Private Street in a reasonably good and usable condition.
 - B. A workable method of apportioning the costs of maintenance and improvements of the Private Street, including the potential of future paving if the Private Street is extended to serve six (6) or more lots. Maintenance and improvements shall be completed over the entire length of the Private Street and any extensions thereto.
 - C. A notice that if repairs and maintenance are not made, the Township Board may bring the Private Street up to the design standards specified in Section 20.04 and assess owners of Parcels on the Private Street for the improvements, plus an administrative fee in the amount of five (5) percent of the total cost of the improvements.
 - D. A notice that no public funds of the Township are to be used to build, repair, or maintain a Private Street.
 - E. Easements to the public for purposes of utilities and to provide access for emergency and other public vehicles for whatever public services are necessary.
 - F. A provision that the owners of any and all of the Lots accessed by the Private Street shall refrain from prohibiting, restricting, limiting or in any manner interfering with normal ingress and egress and use by any of the other owners. Normal ingress, egress, and use shall include use by family, guests, invitees, tradespeople, and others bound to or returning from any of the Lots accessed by the Private Street.

Section 20.06 Procedure for Review of Private Streets

1. **Permit Application and Fee**. An application to establish, extend, or relocate a Private Street shall be filed with the Zoning Administrator along with a fee as set by the Township Board. This shall also apply to changing the name of a Private Street. The submission shall be made as set by the resolution adopted by the Township Board for establishing submission deadlines. The application shall contain or be accompanied by the following information:
 - A. The name(s) of the owners and any other parties having any legal interest in the Private Street, the Lots accessed by the Private Street, and the property across which the Private Street is to be constructed.

- B. Permanent parcel number or legal description of the property over which the Private Street is to be constructed.
- C. A site location map not to scale which shows the location of the parcel containing the Private Street relative to surrounding properties and Streets within one-half mile of the site.
- D. A scaled drawing showing the location, route, dimensions, specifications, and design of the Private Street and any proposed extensions of the Private Streets, existing or proposed curb cuts, and the location and distance to any Public Street which the Private Street is to intersect, in compliance with this Article.
- E. A scaled drawing illustrating any proposed Lot divisions.
- F. A road maintenance agreement, access easement agreement, and deed restrictions as described in Section 20.05 above.
- G. A driveway permit application from the Ottawa County Road Commission.
- H. A letter from the Ottawa County Road Commission indicating there is no known duplication of the proposed Private Street name.
- I. The Zoning Administrator shall determine the type of information from the above items that will be necessary to consider a road name change plus a statement from all adjacent property owners with access to the private road indicating their desire to change the name of the road.

2. Review of Permit Application

- A. The permit application, drawings, and other required information shall be forwarded to the Planning Commission, upon review by the Zoning Administrator, to determine compliance with the standards for Private Streets. The Planning Commission shall conduct a public hearing pursuant to Section 21.11 of this Ordinance.
- B. The Planning Commission shall review this information and may consult with the Township Zoning Administrator, Fire Chief, Attorney, Engineer, and/or Planner as deemed necessary.
- C. The applicant shall submit the petition at least twenty-one (21) days prior to the next Planning Commission meeting to be added to that meeting's agenda for consideration.
- D. The Planning Commission shall approve or deny a special land use permit for the Private Street within a reasonable time after receiving all requested information from the applicant and all desired recommendations (e.g. from Planner, Fire Chief, Attorney, etc.). The special land use decision shall be based on the requirements of this Article and Article XVIII.
- E. The Planning Commission shall approve a Private Street name change provided there is proof there is no name duplication or objection from the owners of Lots with access to the Private Street.

- F. If the Planning Commission finds that the application meets the requirements of this Article and Article XVIII, the Planning Commission shall then approve the special land use and direct the Zoning Administrator to issue a permit for the construction of the Private Street. This permit shall consist of a stamp noting approval and containing the signature of the Zoning Administrator and the date of approval.
- G. Two (2) copies of the Private Street plans shall be stamped for approval; one (1) copy shall be kept by the applicant, and one (1) by the Township. A Private Street permit does not authorize the construction of any Building on any Lot accessed by the Private Street. The permit is valid for a period of one (1) year from the date of approval. If construction of the Private Street has not commenced before this date, the permit shall expire, and a new permit shall be required following the same procedure as before.
- H. Final Compliance Requirements. Upon completion of construction of the Private Street, the applicant shall provide to the Zoning Administrator:
- 1) A letter from a registered professional engineer or the Ottawa County Road Commission that the Private Street has been constructed in compliance with the approved Private Street plans;
 - 2) Documentation that the road maintenance agreement, access easement, and deed restrictions have been recorded with the Ottawa County Register of Deeds office; and
 - 3) A driveway permit for the Private Street from the Ottawa County Road Commission.
- I. Permits for Buildings on Private Streets. A Building permit shall not be issued for any Building which derives its primary access from a Private Street unless the Private Street has either been completed in accordance with the approved permit or the applicant for the Building permit or owner(s) of the Private Street right-of-way have provided the Township with cash or irrevocable letter of credit in an amount determined by the Township, to insure construction of the Private Street in accordance with the approved Private Street construction permit within one (1) year from the issuance of the Building permit. The letter of credit shall contain a provision that the Township shall have the right to access the letter of credit if such letter is not renewed 30 days before the expiration date of the letter.

Section 20.07 Township Liability

The owner(s) of the Private Street agree by applying for and securing a permit to construct the Private Street that they shall indemnify and save and hold the Township harmless from all claims for personal injury and/or property damage arising out of the failure to properly construct, maintain, repair and replace the Private Street. Such wording shall appear on the application for the permit and be signed by the applicant.

ARTICLE XXI – ADMINISTRATION

Section 21.01 Zoning Administrator

The provisions of this Ordinance shall be administered and enforced by the Zoning Administrator. The Zoning Administrator shall be appointed by the Township Board for such term and subject to such conditions and at such rate of compensation as the Township Board shall determine. To be eligible for appointment to the post of Zoning Administrator, the applicant must:

1. Be generally informed of the provisions of this Ordinance.
2. Have a general knowledge of the Building arts and trades.
3. Be physically capable of fulfilling the duties of the Zoning Administrator.

Said applicant shall have no interest whatsoever, directly or indirectly, in the sale or manufacture of any material, process, facility, or device entering into or used in connection with Building construction.

Section 21.02 Duties and Limitations of the Zoning Administrator

1. The Zoning Administrator shall have the authority to make inspection of Buildings or premises necessary to carry out duties in the enforcement of this Ordinance.
2. The Zoning Administrator shall require that an application for excavation, construction, moving, alteration, or change in type of use or type of occupancy, shall, where required by this Ordinance, be accompanied by a site plan, in accordance with Article XIX of this Ordinance.
3. If the proposed excavation, construction, moving or alteration, or use of land as set forth in the application, and site plan, when required, is in conformity with the provisions of this Ordinance and all other pertinent regulations, the Zoning Administrator shall approve said application. If an application is not approved, the Zoning Administrator shall state in writing the cause for such disapproval.
4. Approval of plans or applications shall in no case be construed as waiving any provisions of this Ordinance. The Zoning Administrator shall have no authority to grant exceptions to the actual meaning of any clause, order, or regulation contained in this Ordinance to any Person making application to excavate, construct, move, alter, or use Buildings, Structures, or land, except as such authority may be explicitly provided for in this Ordinance. The Zoning Administrator shall have no authority to make changes to this Ordinance or to vary the terms of this Ordinance in carrying out his/her duties.
5. The Zoning Administrator shall not refuse to approve any application or issue any permit when the applicant has complied with all applicable conditions required by this Ordinance and all other pertinent regulations. Violations of contracts such as covenants, deed or plat restrictions, or private agreements which may result upon the granting of a permit or approval of an application are not cause for refusal to issue a permit or reject a plan.

Section 21.03 Permits Required

No Person shall excavate, erect, construct, enlarge, alter, repair, move, improve, remove, convert, or demolish any Building or Structure except in conformance with this Ordinance and other applicable laws or regulations. Further, no Person shall excavate, erect, construct, enlarge, alter, repair, move, improve, remove, convert, or demolish any Building or Structure until all necessary permits from the Township, County, state and any federal agencies have been obtained.

Section 21.04 Zoning Compliance Permits

1. It shall be unlawful to commence the excavation for or the construction of any Building or Structure, including an Accessory Building, or to commence the moving or structural alteration of a Building or Structure, including an Accessory Building, until the Zoning Administrator has issued for such work a Zoning Compliance Permit.
2. It shall be unlawful to change the type of use of any Building, until the Zoning Administrator has issued for such intended use a Zoning Compliance Permit.
3. In all cases where a Building Code permit is required, application for a Zoning Compliance Permit shall be made simultaneously with the application for a Building Code permit and in all other cases shall be made not less than ten (10) days prior to the time when a new or expanded use of a Building or Lot or part thereof is intended to begin. This application shall be made in writing to the Zoning Administrator and shall provide all relevant project information. A record of all such applications shall be kept on file by the Zoning Administrator.
4. Any Zoning Compliance Permit issued under the provisions of this Ordinance shall be valid only for a period of twelve (12) months following the date of issuance.
5. When the Zoning Administrator receives an application for a Zoning Compliance Permit that requires a special land use approval, variance, or other approval, the Zoning Administrator shall so inform the applicant.
6. Before any Zoning Compliance Permit shall be issued, an application and inspection fee and any required escrow fees shall be paid. The amount of such fees and escrows shall be fixed by a schedule established by the Township Board.
7. No Building or Structure or use for which a Zoning Compliance Permit has been issued shall be used, established or occupied until after a final inspection has been performed which indicates that all the provisions of this Ordinance and all other applicable codes are met and a certificate of occupancy has been issued by the Building Official. The issuance of a certificate of occupancy shall in no case be construed as waiving any provisions of this Ordinance.
8. The Zoning Administrator shall have the power to revoke and cancel any Zoning Compliance Permit in the event of failure or neglect to comply with all of the terms and provisions of this Ordinance, or in the event of any false statement or misrepresentation in the application for the permit. Notice of such cancellation and revocation shall be securely posted at the property to which the permit pertained. Such posting shall be service of notice upon the permit holder as to the cancellation and revocation of the permit.

9. To obtain a Zoning Compliance Permit, the applicant shall first file an application therefor in writing on a form furnished for that purpose. Every such application shall:
 - A. Identify and describe the work to be covered by the permit for which application is made.
 - B. Describe the land on which the proposed work is to be done, by Lot, block, track, and house and street address, or similar description that will readily identify and definitely locate the proposed Building or work.
 - C. Indicate the use or occupancy for which the proposed work is intended.
 - D. Be accompanied by plans and specifications as required in Article XIX.
 - E. State the valuation of the proposed work.
 - F. Be signed by permittee, or an authorized agent, who may be required to submit evidence to indicate such authority.
 - G. Give such other information as reasonably may be required by the Zoning Administrator, including, but not limited to, the following:
 - 1) The actual shape, location, and dimensions of the Lot.
 - 2) The shape, size, area and location of the Building or Structure to be excavated, Erected, constructed, enlarged, altered, repaired, moved, improved, converted or demolished, and of any Buildings or other Structures already on the Lot.
 - 3) The Existing and intended use of the Lot and of all Structures upon it.
 - 4) Such other information concerning the Lot, adjoining Lots, or other matters as may be essential for determining whether the provisions of this Ordinance are being observed.

Section 21.05 Building Permit Plans and Specifications

With each application for a Zoning Compliance Permit and when required by the Zoning Administrator for enforcement of any provisions of this Ordinance, two sets of plans and specifications shall be submitted. The Zoning Administrator may require plans and specifications to be prepared and designed by a professional engineer, architect, or landscape architect licensed by the state to practice as such.

Plans and specifications shall be submitted to the Zoning Administrator in accord with the requirements of this Ordinance and all other local, county, state, and federal rules and regulations. The Zoning Administrator may exercise discretion to require a certified property survey to insure that the provisions of this Ordinance are met.

Section 21.06 Fees and Applicant Escrow Accounts

1. The Township Board may establish by resolution, fees for appeals, applications for amendments, special land uses, site plan reviews, land use permits, and other matters pertaining to this Ordinance. The schedule of fees shall be posted in the Township Hall and may be altered only by resolution of the Township Board. Until all applicable fees,

charges, and expenses have been paid in full, no action shall be taken on any application or appeal.

2. If the Planning Commission or Zoning Board of Appeals determines that the basic fees provided under subsection 1 above will not cover the actual costs of the application review or appeal, or if the Planning Commission or Zoning Board of Appeals determines that review of the application and/or participation in the review process or appeal by qualified professional planners, engineers, attorneys, or other professionals is necessary, then the Planning Commission or Zoning Board of Appeals may require the applicant to deposit with the Township Treasurer such additional zoning fees in an amount determined by the Planning Commission or Zoning Board of Appeals equal to the estimated additional costs.
3. These additional fees shall be held in escrow in the applicant's name and shall be used solely to pay these additional costs. If the amount held in escrow becomes less than ten (10) percent of the initial escrow deposit or less than ten (10) percent of the latest additional escrow deposit and review of the application or decision on the appeal is not completed, then the Zoning Administrator may require the applicant to deposit additional fees into escrow in an amount determined by the Zoning Administrator to be equal to the estimated costs to complete the review or decide the appeal. Failure of the applicant to make any escrow deposit required under this Ordinance shall be deemed to make the application incomplete or the appeal procedurally defective thereby justifying the denial of the application or the dismissal of the appeal. Any unexpended funds held in escrow shall be returned to the applicant following final action on the application or the final decision on the appeal. Any actual costs incurred by the Township in excess of the amount held in escrow shall be billed to the applicant and shall be paid by the applicant prior to the issuance of any permit or the release of a final decision on an appeal.

Section 21.07 Performance Guarantees

In the interest of insuring compliance with the Zoning Ordinance provisions, protecting the health, safety and welfare of the residents of the Township, and future users or inhabitants of an area for which a site plan for a proposed use has been submitted, the Zoning Administrator, Planning Commission, Zoning Board of Appeals or Township Board may require the applicant to deposit a Performance Guarantee as set forth herein. The purpose of the Performance Guarantee is to insure completion of improvements connected with the proposed use as required by this Ordinance, including but not limited to, roadways, lighting, utilities, sidewalks, drainage, Fences, screens, walls, and landscaping.

1. Performance Guarantee as used herein shall mean a cash deposit, certified check, or irrevocable bank letter of credit in the amount of the estimated cost of the improvements to be made as determined by the applicant and verified by the Zoning Administrator.
2. When a Performance Guarantee is required, said Performance Guarantee shall be deposited with the Township Treasurer prior to the issuance of a Zoning Compliance Permit by the Zoning Administrator for the development and use of the land.
3. In the event a Performance Guarantee is required, the applicant shall also furnish such authorization as is required by the Township to permit the Township to enter upon the

subject property to complete the improvements at the cost of the applicant, in the event of default by the applicant.

4. An approved site plan or project shall also prescribe the period of time within which the improvements for which the Performance Guarantee has been required are to be completed. The period will begin from the date of the issuance of the Zoning Compliance Permit.
5. Upon the satisfactory completion of the improvement for which the Performance Guarantee was required, as determined by the Zoning Administrator, the Township Treasurer shall return to the applicant the Performance Guarantee deposited.
6. In the event the applicant defaults in making the improvements for which the Performance Guarantee was required within the time period established by the Township, the Township shall have the right to use the Performance Guarantee deposited and any interest earned thereon to complete the improvements through contract or otherwise, including specifically the right to enter upon the subject property to make the improvements. If the Performance Guarantee is not sufficient to allow the Township to complete the improvements for which it was posted, the applicant shall be required to pay the Township the amounts by which the costs of completing the improvements exceeds the amount of the Performance Guarantee deposited. Should the Township use the Performance Guarantee or a portion thereof, to complete the required improvements, any amounts remaining after said completion shall be applied first to the Township administrative costs in completing the improvement with any balance remaining being refunded to the applicant. At the time the Performance Guarantee is deposited with the Township and prior to the issuance of a land use permit, the applicant shall enter an agreement incorporating the provisions hereof with the Township regarding the Performance Guarantee.

Section 21.08 Certificate of Occupancy

No Building or Structure, except as otherwise provided in the Building Code, shall be used or occupied, and no change in the use of a Building or portion thereof shall be made until the Zoning Administrator has issued a Certificate of Occupancy. Such Certificate shall affirm that the Building conforms in all respects with the provisions of this Ordinance and the Building Code.

1. A temporary Certificate of Occupancy may be issued by the Zoning Administrator for the use of a portion or portions of a Building prior to the completion of the entire Building.
2. No permit or certificate shall be issued for any illegal use existing at the time of the adoption of this Ordinance. Furthermore, the issuance of a Certificate of Occupancy shall in no case be construed as waiving any provision of this Ordinance.

Section 21.09 Amendments

1. This Ordinance may be amended or supplemented from time to time in accordance with the Zoning Act. Amendments to this Ordinance may be initiated by the Township Board, the Planning Commission, or by any interested Person or Persons by petition to the Planning Commission.

2. All petitions for amendment to this Ordinance shall be in writing, signed and filed with the Township Clerk for presentation to the Planning Commission. The submission shall be made as set by the resolution adopted by the Township Board for establishing submission deadlines. Such petitions shall include the following:
 - A. The petitioner's name, address, and interest in the petition and, if applicable, the name, address, and interest of each Person having a legal or equitable interest in any land which is to be rezoned.
 - B. The nature and effect of the proposed amendment.
 - C. If the proposed amendment would require a change in the zoning map, a fully dimensioned map showing the land which would be affected by the proposed amendment, a legal description of such land, the present zoning district of the land, the zoning district of all abutting lands, and all public and private Right-of-Way and easements bounding and intersecting the land to be rezoned.
 - D. The alleged error, if any, in the Ordinance which would be corrected by the proposed amendment, with a detailed explanation of such alleged error and detailed reason why the proposed amendment will correct the same.
 - E. The changed or changing conditions in the area or in the Township that make the proposed amendment reasonably necessary to the promotion of the public health, safety, and general welfare.
 - F. All other circumstances, factors, and reasons which the petitioner offers in support of the proposed amendment.
3. After initiation, amendments to this Ordinance shall be considered as follows:
 - A. The Planning Commission shall authorize the preparation of the proposed amendment to be considered.
 - B. The Planning Commission shall set a time and place for a public hearing on the proposed amendment and shall arrange for notice of such public hearing to be given in accordance with Section 21.11 and the Zoning Act.
 - C. At said hearing, the Planning Commission shall establish that the applicant has paid to the Township the fee established by the Township Board and that proper notices have been made.
 - D. The Planning Commission shall hold said public hearing, noting all comments and reports requested, or noting the absence of such.
 - E. The Planning Commission may make minor changes in the amendment to reflect objections raised at the hearing or to correct technical errors. The changed text shall be forwarded as above without further hearing. If the Planning Commission desires to make major changes in the proposed amendment, it shall either adjourn the hearing, announcing at that time the time and place of the continuation thereof, or set a time and place for a new public hearing as called for above.

- F. If the Township Board determines that the proposed amendment should be modified or rejected, it may refer the proposed amendment back to the Planning Commission for consideration and for comments within a time specified by the Township Board. After receiving the report of the Planning Commission, the Township Board shall grant a hearing on the proposed amendment to a property owner who requests a hearing by certified mail, addressed to the Clerk. Additionally, the Township Board may hold a public hearing on the proposed amendment if it considers it necessary. Notice of any such hearing shall be given in accordance with the Section 21.11.
- G. The Township Board may pass the amendment after receiving the recommendation of the Ottawa County Planning Commission, if any is required, or at least thirty (30) days after the County recommendation is requested.
- H. If the Township Board adopts the amendment, it shall do so in the prescribed manner and shall publish the amendment or a summary of the amendment within fifteen (15) days.
- I. The Township Board shall then file the amendment in the official ordinance book of the Township within seven (7) days after adoption and publication with a certification by the Supervisor and Clerk authenticating the record.

Section 21.10 Requirements for Notice

Whenever a public hearing is required or granted by discretion under the provisions of this Ordinance or the Zoning Act relating to an application or request for zoning approval or other zoning action, notice of the public hearing shall be given as follows:

- 1. The notice shall be published once, at least fifteen (15) days prior to the date of the public hearing, in a newspaper of general circulation in the Township.
- 2. Except as provided in subsection 4 of this Section, a notice of public hearing shall also be mailed or be delivered to the following Persons, at least fifteen (15) days prior to the date of the public hearing:
 - A. The applicant;
 - B. All Persons to whom real property is assessed within three hundred (300) feet of the property that is the subject to the application or request; and
 - C. The occupants of all Structures within three hundred (300) feet of the property that is the subject of the application or request.

If the above described three hundred (300) feet radius extends outside of the Township's boundaries, then notice must be provided outside of the Township boundaries, within the three hundred (300) foot radius, to all Persons in the above stated categories.

- 3. The notice of public hearing shall include the following information:
 - A. A description of the nature of the application or request.
 - B. An identification of the property that is the subject of the application or request. Except as provided in subsection 4 of this Section, the notice shall include a listing of all

- existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property and another means of identification of the property shall be used.
- C. State when and where the application or request will be considered.
 - D. Identify when and where written comments will be received concerning the application or request.
 - E. In the case of an amendment to the Ordinance or to the Zoning Map the notice shall indicate the place where and the times when the proposed text or map amendment may be examined.
4. When a proposed rezoning involves eleven (11) or more adjacent properties, the mailing or delivery requirements of subsections 2 and 3.B of this Section are not required, and the listing of individual property addresses under subsection 3.B is not required.

Section 21.11 Reapplication

No application for a Special Land Use, site plan review, Planned Unit Development, or Variance which has been denied, in whole or in part, by either the Planning Commission or the Zoning Board of Appeals or the Township Board may be resubmitted for a period of twelve (12) months from the date of the denial, except on the grounds of newly discovered evidence, or unless the site plan is substantially changed in the opinion of the Zoning Administrator.

ARTICLE XXII - VIOLATIONS AND MISCELLANEOUS PROVISIONS

Section 22.01 Violations and Procedures

Whenever a violation of this Ordinance occurs, or is alleged to have occurred, any Person may file a written complaint. Such complaint, stating fully the causes and basis thereof, shall be filed with the Zoning Administrator. The Zoning Administrator shall record properly such complaint, immediately investigate, and take action thereon as provided by this Ordinance. A record of the disposition of complaints shall be filed.

Section 22.02 Penalties

A violation of the provisions of this Ordinance shall be deemed a Municipal Civil Infraction as defined and enforced in Ordinance 2009-02, Municipal Civil Infractions Ordinance, as amended.

The Township Board, the duly authorized Attorney for the Township, the Prosecuting Attorney for Ottawa County, or any owners or occupants of any real estate within the Township may institute injunction, mandamus, abatement or any other appropriate action or proceedings to prevent, enjoin, abate, or remove any violation of this Ordinance. The rights and remedies provided herein are cumulative and in addition to all other remedies provided by law.

Section 22.03 Administrative Liability

No officer, agent, employee, Building Official, Zoning Administrator, or member of the Planning Commission, Township Board, or Zoning Board of Appeals shall be personally liable for any damage that may accrue to any Person as the result of any act, decision, or other consequence or occurrence arising out of the discharge of duties and responsibilities pursuant to this Ordinance.

Section 22.04 Severability

This Ordinance and the various parts, sections, subsections, sentences, phrases and clauses thereof are hereby declared severable. If any part, section, subsection, sentence, phrase, or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby. The captions included at the beginning of each Section and Article are for convenience only and shall not be considered a part of this Ordinance.

Section 22.05 Repealer

The former Zoning Ordinance of this Township, effective June 22, 1985, and all amendments thereto, are hereby repealed; provided, however, that the same shall remain in force for the purpose of instituting or sustaining any proper action or prosecution for the enforcement of any penalty or liability thereunder. All other ordinances and parts of ordinances, or amendments thereto, of the Township, in conflict with the provisions of this Ordinance, except those ordinances and parts of ordinances or amendments thereto which are more restrictive than this Ordinance, are hereby repealed.

Section 22.06 Effective Date

This Ordinance was adopted at a regular meeting of the Port Sheldon Township Board on _____, and is ordered to take effect upon the expiration of eight (8) days following publication of adoption in The Holland Sentinel, a newspaper having general circulation in the Township, under the provisions of 2006 Public Act 110, except as may be extended under the provisions of such Act.

ROLL CALL VOTE:

YES: _____

NO: _____

Declared adopted on: _____

Howard Baumann, Township Supervisor

Teresa De Graaf, Township Clerk

CERTIFICATE

I, Teresa De Graaf, the Clerk for Port Sheldon Township, Ottawa County, Michigan, certify that the foregoing Ordinance was adopted at a regular meeting of the Port Sheldon Township Board held on _____, 2019. The following members of the Township Board were present at that meeting: _____.

The following members of the Township Board were absent: _____.

The Ordinance was adopted by the Township Board with members of the Board _____ voting in favor and members of the board _____ voting in opposition. The Ordinance was published after adoption on _____, 2019.

Teresa De Graaf, Port Sheldon Township Clerk