

# *Township of Oakfield*

COUNTY OF KENT, MICHIGAN

## **ZONING ORDINANCE**

*Adopted by the Township Board and*

*made effective as of May 17, 1991*

*(including amendments adopted through February 9, 2010)*

**OAKFIELD TOWNSHIP ZONING ORDINANCE**

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## CHAPTER 1

### SHORT TITLE, PURPOSE, SCOPE AND INTERPRETATION

**Section 1.1 Short Title.** This ordinance shall be known as the “Oakfield Township Zoning Ordinance.”

**Section 1.2 Purpose.** This ordinance has the following purposes: To encourage the use of lands and resources of the township in accordance with their character, adaptability and suitability for particular uses.

- (b) To provide for the orderly and wholesome development of the Township.
- (c) To create safe and favorable conditions for living, economic progress and other activities in the township.
- (d) To provide security from fire, safety in traffic and reduce hazards to life and property.
- (e) To provide, in the interests of health and safety, standards under which certain buildings and structures may hereafter be erected and used.
- (f) To protect, stabilize and enhance property and property values.
- (g) To facilitate the development of adequate systems of transportation, fire protection, education, recreation, safe sewage disposal, safe and adequate water supplies and other public requirements.
- (h) To conserve life and natural resources and the use of public funds for public services and improvements to conform with the most advantageous uses of land, resources and properties.

**Section 1.3 Scope and Interpretation.** This ordinance does not repeal or impair existing provisions of other ordinances or regulations, except those specifically repealed by this ordinance. Where this ordinance imposes a greater restriction, limitation or requirement with regard to lands, buildings or structures or the use thereof, than are imposed or required by existing ordinances or by private restrictions or covenants, the provisions of this ordinance shall control.

**Section 1.4 Legal Basis.** This ordinance is enacted pursuant to the Michigan Zoning Enabling Act, Public Act 110 of 2006.

## CHAPTER 2

### DEFINITIONS

#### **Section 2.1 Definitions and Interpretation.**

- (a) The terms, words and phrases listed in this chapter shall have the definitions respectively set forth for the same. Such definitions shall apply in the interpretation and enforcement of this ordinance unless otherwise stated.
- (b) The catch-line headings given for sections or subsections are for convenience only and shall not be deemed to either enlarge or restrict the scope of the material to which they refer.
- (c) Unless the context of this ordinance clearly indicates to the contrary, words used in the present tense shall include the future tense; words used in the singular number shall include the plural and words used in the plural number shall include the singular.
- (d) The word “person” shall include a firm, association, partnership, joint venture, corporation, trust, estate or any combination of them, as well as a natural person.
- (e) Any word, term or phrase not defined herein shall be deemed to have the meaning in common or standard use.

**Section 2.2 Accessory Building.** A subordinate building or structure on the same lot with a main building, occupied or devoted to an accessory use. Where an accessory building is attached to a main building in a substantial manner or by a wall or roof, such accessory building shall be considered a part of the main building.

**Section 2.3 Accessory Use.** A use naturally and normally incidental, ancillary, and subordinate to the main use of the premises.

**Section 2.4 Basement.** That portion of a building between the floor and the ceiling, which is below grade or partly above and partly below grade but so located that the vertical distance from grade to the floor below is more than the vertical distance from grade to ceiling.

**Section 2.5 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.

**Section 2.6 Building Height.** The vertical distance measured from the top of the main or ground level foundation wall, whichever is lowest to the highest point of the roof surface.

**Section 2.7 Building Setback.** The measurement from the property line to the nearest point of the main wall of the building or structure. Steps may be located within the building setback.

Porches are considered as part of the building or structure and may not be located within the building setback.

**Section 2.7A Commercial Wireless Telecommunications Services.** Licensed telecommunications services, and unlicensed telecommunication services using duly authorized devices that do not require individual licenses, including cellular, personal communication services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), paging, and similar services that are marketed to the general public.

**Section 2.7B Child Care Center.** A facility, other than a private residence, receiving one or more minor children for periods of less than 24 hours per day, for not less than two consecutive weeks (regardless of the number of hours of care per day), where the parents or guardians are not immediately available to the child, including facilities described as day care centers, day nurseries, nursery schools, parent cooperative preschools, playgroups and drop-in centers (as licensed and registered under the Child Care Organizations Act, Act 116 of the Public Acts of 1973, MCL 722.111, *et seq.* as amended). Child care centers shall not include Sunday schools, vacation bible schools or religious instructional classes as defined in MCL 722.111(e).

**Section 2.8 Corner Lot.** Any lot having frontage on two (2) intersecting streets or upon two (2) portions of a curved street or streets where the interior angle of an intersection is less than one hundred forty-five degrees (145°).

**Section 2.9 Dwelling.** Any building or portion thereof, including a mobile home, which is occupied in whole or in part as a home, residence or sleeping place, either permanently or temporarily, by one or more families, but not including rooming houses or tourist homes or cabins.

**Section 2.10 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.

**Section 2.11 Family.**

- (a) One or more persons related by blood or marriage occupying a dwelling unit and living as a single, nonprofit housekeeping unit.
- (b) A collective number of persons living together in one dwelling, under one head, whose relationship is of a permanent and distinct domestic character and comprising a single housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, federation, group or organization, which is not a recognized religious order, nor shall it include a group of persons whose association is temporary or seasonal in character or nature.

**Section 2.11A Family Day Care Home.** A private home in which at least one, but fewer than seven minor children are receiving care and supervision for periods of less than 24 hours per day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage or adoption. A family day care home includes a home that gives care to an unrelated minor child for more than four weeks during a calendar year.

**Section 2.11B Flag Lot.** A lot which does not have the required frontage on a public street and which has a width to depth ratio greater than 4-to-1.

**Section 2.12 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 2.13 Garage.** A detached accessory building or portion of a main building for the parking or temporary storage of motor vehicles.

**Section 2.14 Home Occupation.** A gainful occupation traditionally or customarily carried on in the home or in a building accessory to the home, which is incidental to the use of the home as a dwelling place and conducted entirely within a residential building used as a dwelling or in a building that is accessory to a residential building being used as a dwelling, but not including the providing of nursing, custodial or related care as a gainful or profit-making occupation or activity (except that such prohibition shall not prevent the providing of such care to the relatives, by blood or marriage, of the owner or occupant of the home).

**Section 2.15 Intensive Livestock Operations.** Agricultural activities, facilities and lands in which livestock, fowl or other farm animals are maintained in close quarters for the purpose of raising or fattening such livestock, fowl or other farm animals for final shipment to market, where all such operations and activities are in compliance with generally accepted agricultural and management practices as promulgated by the Michigan Commission of Agriculture and applicable state law.

**Section 2.16 Junk or Trash.** The terms “trash,” “litter” and “junk” are synonymous and each as used herein shall include the following: used articles or used pieces or iron, scrap metal, automobile bodies or parts of machinery or junked or discarded machinery, used lumber, ashes, garbage, industrial by-products or waste, empty cans, food containers, bottles, crockery, utensils of any kind, boxes, barrels, and all other articles customarily considered trash or junk and which are not housed in a building.

**Section 2.17 Lot.** Contiguous land in the same ownership which is not divided by any street, private road or alley, including any part thereof, subject to any easement for any purpose other than a street, private road or alley, but excluding any part thereof severed from another lot where the severance creates any nonconformity for any use, building or structure. The word “lot” shall include plot or parcel.

**Section 2.18 Lot Area.** The total horizontal area included within the lot lines. Where the front lot line is the centerline of a street, or where a portion of a lot lies within a street right-of-way, the lot area calculated to meet the requirements of this ordinance shall include that area inside the street right-of-way.

**Section 2.19 Lot line - Front.** In the case of an interior lot, a line separating the lot from a street or private road right-of-way; and in the case of a corner lot, a line separating the lot from either street or private road right-of-way, but not both such streets or private roads, on which such lot is located (in the case of a corner lot, such front lot line shall be the lot line which is faced by the front of the building or proposed building; in the case of a building which faces the corner of a corner lot, the

front lot line shall be selected by the owner of the property). In the case of a corner lot, the width of the required side yard on the street or private road side of the principal building shall be not less than 25 feet on any corner lot in any zoned district (this provision being an exception to Sections 5.5 and 6.5).

**Section 2.20 Lot Line - Rear.** A lot line which is opposite and most distant from the front lot line and, in the case of an irregular-shaped lot, an imaginary line at least fifteen (15) feet long within the confines of the lot and parallel to the front lot line.

**Section 2.21 Lot Line - Side.** Any lot boundary line not a front lot line or a rear lot line.

**Section 2.22 Lot Width.** The horizontal distance between the side lot lines is measured at the front lot line, unless otherwise stated in this ordinance. Areas within streets, private roads or alleys shall not be included in determining lot width.

**Section 2.23 Mobile Home.** A structure, transportable in one or more sections, which is built on a chassis and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure, excluding, however, a vehicle designed and used as temporary living quarters for recreational, camping, or travel purposes, including a vehicle having its own motor power or a vehicle moved on or drawn by another vehicle. Also referred to as a “manufactured home” in this ordinance.

**Section 2.24 Mobile Home Park.** A parcel or tract of land under the control of a person upon which three or more manufactured homes are located on a continual non-recreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefor, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a manufactured home. Also referred to as a “manufactured housing community” in this ordinance.

**Section 2.25 Motel.** A building or group of buildings on the same lot, containing sleeping or dwelling units which may or may not be independently accessible from the outside, with garage or parking space located on the lot and designed for, or occupied by, travelers. The term shall include any building or buildings designated as hotels, motor lodges, tourist homes, or by any other title intended to identify them as providing lodging, for compensation on a transient basis.

**Section 2.26 Nonconforming Use.** The use of a building, structure or land, which was lawfully existing at the time this ordinance became effective, but which does not comply with the present regulations of the district in which it is located.

**Section 2.27 Parking Area.** An off-street open area, the principal use of which is for the parking of automobiles, whether for compensation or not, or as an accommodation to clients, customers, visitors or employees. Parking area shall include access drives within the actual parking.

**Section 2.28 Principal or Main Use.** The primary or predominant use of a lot.

**Section 2.29 Roadside Market Stand.** A temporary or seasonal building or structure designed or used for the display and/or sale of agricultural produce.

**Section 2.30 Street.** 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 an alley.

**Section 2.31 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.

**Section 2.32 Yard.** A required open space other than a court unoccupied and unobstructed by any building or structure or portion thereof from 30 inches above the general ground level of the lot upward; provided, however, that fences, walls, poles, posts, and other customary yard accessories, ornaments and furniture may be permitted in any yard subject to height limitations and requirements limiting obstruction of visibility.

**Section 2.33 Yard - Front.** A yard extending across the full width of the lot, the depth of which is the distance between the street right-of-way line and the main wall of the principal building or structure, or, where so provided in this ordinance, the distance between the nearest edge of the traveled portion of the street (whether paved, graveled or otherwise) and the main wall of the principal building. In the case of waterfront lots, the yard fronting on the street shall be considered the front yard.

**Section 2.34 Yard - Rear.** A yard unoccupied except for accessory building, 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.

**Section 2.35 Yard - Side.** 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.

## CHAPTER 3

### GENERAL PROVISIONS

**Section 3.1 Scope.** These general provisions shall apply to all zoning districts unless stated otherwise.

**Section 3.2 Effect of Zoning.** No lands, building or structure shall be used or occupied and no building or part thereof or structure shall be erected, moved, placed, reconstructed, extended, enlarged or altered, except in compliance with this ordinance.

**Section 3.3 Existing Lots of Record; Existing Lawful Uses.** If any lot or parcel in the R-R or MDR Zoning Districts is platted or otherwise of legal record as of the effective date of this ordinance, but such lot or parcel does not comply with the area and/or width requirements of the zoning district in which it is located, then such lot or parcel may be used for single-family dwelling use, if it has an area of not less than 17,500 square feet.

Any building, structure or use, lawfully in existence upon the effective date of this ordinance, may be continued except as stated and subject to the provisions of Chapter 16, regarding nonconforming uses and structures.

**Section 3.4 Principal Building.** Not more than one principal building, with permitted accessory buildings and structures, shall be placed on any lot or parcel of land, except as may otherwise be provided in this ordinance.

**Section 3.5 Required Area or Space.** No lot or parcel of land shall be so divided or so reduced in area that any required yard or lot area is less than the minimum requirements of this ordinance at the time of such division or reduction.

**Section 3.6 Accessory Buildings.** In any zone district, an accessory building may be erected, either detached from the principal building or as a part thereof, in accordance with the requirements of this section.

- (a) The architectural character of accessory buildings shall not be substantially incompatible with that of the principal building.
- (b) Detached accessory buildings shall not be located closer to the side property line or to the rear property line than the principal building is permitted to be. Detached accessory buildings shall not occupy more than thirty percent of any required rear yard space.
- (c) No accessory building or structure shall be used as a dwelling, either in whole or in part.
- (d) No accessory building shall be installed or constructed before the principal building is constructed, except that if the accessory building is for or in connection with agricultural uses, it may be constructed and used without regard to the presence of a principal building.

- (e) No mobile home, manufactured home, house trailer, camper, recreational vehicle, semi-trailer, truck or other vehicle, tank, junked object or salvage materials or similar things, objects or items shall be placed, established, installed, erected or used, in whole or in part, as or for an accessory building or an accessory use, whether for storage or any other accessory purpose and whether or not there is a principal building on the same parcel of land as any of such things, objects or items; provided, however, that:
  - (1) A semi-trailer, with all of its wheels and tires attached, may be used in the C and C-1 Districts only, on a parcel of land that includes a principal commercial building, for the storage of commercially-related goods and items that cannot be accommodated in the principal building or in an approved accessory building, subject to all of the following requirements:
    - (i) The semi-trailer must be placed at the rear of the principal commercial building, at a location such that it is not visible from the street that is located parallel to the front yard of the building.
    - (ii) The semi-trailer shall have an attached door or doors, which shall be locked after business hours.
    - (iii) The doors of the semi-trailer shall be kept closed except when goods or items are being placed into or removed from the semi-trailer.
    - (iv) All goods and items kept or stored in the semi-trailer shall be kept fully inside, and no junk, debris or discarded items shall accumulate outside the semi-trailer.
    - (v) When the semi-trailer is no longer used for such permitted storage, it shall be promptly removed.
    - (vi) The goods and items stored in the semi-trailer shall be only those associated with the permitted commercial use occurring on the property; no other goods or items shall be stored or kept in the semi-trailer, nor shall the semi-trailer be rented to or used by persons who are not owners of the property or operators of the commercial use occurring thereon.

**Section 3.7 Accessory Uses.** In any zoning district, accessory uses, incidental to a permitted use or other approved use, shall be permitted when located on the same lot or parcel of land.

**Section 3.8 Basement and Illegal Dwellings.** The use of a basement or any part thereof as a dwelling or as sleeping quarters is prohibited unless it complies with requirements of the Township Building Code regarding ingress and egress. The use of the basement of a partially completed building as a dwelling unit is prohibited. Buildings erected as garages shall not be occupied for dwelling purposes.

**Section 3.9 Front Yards.** Required front yards shall be measured from the nearest street right-of-way line to the nearest point on any part of the main wall of the building, excluding steps, porches, roof overhangs, and the like, provided, however, that if the portion of the street used for travel (whether paved, graveled or otherwise) is located in whole or in part nearer to the main building than the nearest street right-of-way line, then the required front yard shall be measured from the nearest edge of the traveled portion of the street (whether such portion is paved, graveled or otherwise).

**Section 3.10 Height Exceptions.** The maximum height requirements of buildings and structures may be exceeded by parapet walls, chimneys, silos, stacks, monuments, cupolas, mechanical appurtenances and television and radio antennas and telecommunications antennas that are attached to buildings, fire towers, grain elevators and elevated water towers, if such antennas do not exceed a height of 20 feet as measured from their foundations. This section shall not apply to towers and antennas for commercial wireless telecommunications services that exceed a height of 20 feet.

**Section 3.11 Moving of Buildings.** The moving of a building to a new location shall be considered as the erection of a new building, and all provisions and requirements relating to the erection of a new building shall apply.

**Section 3.12 Essential Services.** The erection, construction, alteration or maintenance by public utilities or governmental units of overhead or underground gas, electrical, communication, steam, water, sanitary sewer or storm sewer, distribution, transmission or collection systems and other similar equipment and structures in connection therewith, and which are reasonably necessary for the furnishing of adequate service, are permitted in any zoning district. The erection and use of buildings for such purposes shall take place only if approved by the Planning Commission as a special use under Chapter 12.

**Section 3.13 Single-Family Dwellings.** Any single-family dwelling erected or placed on a lot or parcel of land shall satisfy the following minimum requirements:

- (a) It shall have a minimum width of 22 feet, extending for at least 3/4 of its length (in the application of this sentence, width shall mean the shortest elevation of the dwelling).
- (b) There shall be a minimum floor to ceiling height of 7-1/2 feet.
- (c) The dwelling may not be incompatible in design and appearance with other dwellings in the same district.
- (d) The dwelling shall comply with the minimum floor area requirements for the district in which it is located.
- (e) The dwelling shall be connected to a public sewer system and public water supply system, or to such private sewer facilities and water facilities as are approved by the Kent County Health Department or by other agency having jurisdiction.
- (f) All construction and all plumbing, electrical apparatus and insulation in and about the dwelling shall be of a type and quality complying with the Township Building

Code or the Mobile Home Construction and Safety Standards as promulgated by the U. S. Department of Housing and Urban Development. The dwelling shall satisfy all applicable roof, snow load and strength requirements.

- (g) The placement, installation and construction of a mobile home shall meet the following additional requirements:
  - (1) It shall have either a sloped roof with shingles, or a flat roof containing built-up roofing.
  - (2) Additions to the mobile home shall comply with the Township Building Code. The exterior of any addition shall be compatible with the exterior appearance of the mobile home.
  - (3) The mobile home shall comply in all pertinent respects with the Township Building Code. It shall be secured to the premises by an anchoring device complying with regulations of the Michigan Mobile Home Commission. An exposed towing mechanism or undercarriage shall not be permitted.

#### **Section 3.14 Home Occupations.**

- (a) The following home occupations shall be permitted:
  - (1) Dressmaking, sewing and tailoring.
  - (2) Painting, sculpturing and writing.
  - (3) Telephone answering service.
  - (4) Home arts and crafts, including but not limited to rug weaving, quilting, pottery and ceramics, model making, woodworking, lapidary work and jewelry making, but any sales on the premises shall be of only arts and crafts made on the premises and shall occur only occasionally.
  - (5) Office of a sales person, sales representative or manufacturers representative.
  - (6) Musical instrument instruction, except that no instrument may be electronically amplified so as to be audible beyond the parcel of land where the use occurs.
  - (7) Drafting and illustration services.
  - (8) Architecture and interior design work.
  - (9) Bookkeeping, accounting and financial planning.
  - (10) Storage and distribution of direct sale products, such as home cleaning products, cosmetics, food containers and the like (but excluding sales on the premises).

- (11) Consulting and counseling services.
  - (12) Private tutoring.
  - (13) Telephone solicitation work; telephone answering service.
  - (14) Computer programming and other computer related work.
  - (15) Secretarial services.
  - (16) Office of minister, priest or other member of the clergy.
  - (17) Watch repair.
  - (18) Beauty salons and barber shops.
  - (19) Furniture upholstery.
  - (20) Cabinet making and carpentry work.
  - (21) Television and other small household appliance repair.
  - (22) Blacksmith and welding in the R R District only.
  - (23) Office of building contractor or building trades persons.
  - (24) Travel booking service.
  - (25) Gun dealer and gun repair service, but not including sales on the premises, or firing of guns in connection with the occupation.
  - (26) Home occupations which are similar in nature and effect to those specifically listed in this section. The determination whether a proposed home occupation is sufficiently similar in nature and effect to a home occupation specifically listed in this section may be made by the Zoning Administrator, but in the discretion of the Zoning Administrator, such determination may be made by the Planning Commission at a public meeting.
- (b) The following minimum conditions shall apply to all permitted home occupations:
- (1) The use shall be conducted entirely within a dwelling or within a building accessory to a dwelling.
  - (2) It shall be carried on only by the residents of the building and not more than one additional person, unless authorized as a special land use.
  - (3) The use shall be clearly incidental, subordinate and secondary to the use of the dwelling for dwelling purposes, and the appearance of the structure shall not be altered, nor shall the occupation within the dwelling be conducted in

any manner that would cause the premises to differ from their residential character either by the use of colors, materials, construction, lighting or by the emission of sounds, vibrations or light that carry beyond the premises, except that a sign or signs complying with the sign requirements of the applicable zoning district may be used.

- (4) There shall be no selling of goods, merchandise, supplies or products, except on an occasional basis, provided that orders previously made by telephone or at a sales event off the premises may be filled on the premises.
- (5) No storage or display shall be visible from outside the dwelling or an accessory building.
- (6) No combustible, toxic or hazardous materials may be used or stored on the premises, except in a safe manner and in full compliance with all federal, state and other governmental requirements concerning the use, handling, transport, storage and disposal of any such materials.
- (7) There shall be no activity that would interfere with radio or television transmission in the area, nor shall there be any significant offensive noise, vibrations, smoke, dust, odors, heat or glare noticeable at or beyond the property line.
- (8) As a result of home occupation, there shall not be any appreciably greater motor vehicle or pedestrian traffic than would be normal for the zoning district in which the use is located.
- (9) There shall be adequate off-street parking spaces.
- (10) There shall be no deliveries from commercial suppliers, other than on an occasional or incidental basis.
- (11) Any sign or signs shall comply with the sign requirements generally applicable to the zoning district in which the use is located, except that a sign identifying a home occupation permitted by right or as a special land use shall not exceed six square feet in area, provided, however, that if both sides of a sign are used, only one side of the sign need be counted toward the maximum permissible area, so long as each side of the sign is of the same area as the other side.
- (12) Not more than four motor vehicles shall be permitted at any one time on the premises, except for motor vehicles owned by persons residing on the premises and used for their personal use.
- (13) The home occupation shall occupy an area equal to not more than 20% of the area of the dwelling on the premises, or 625 square feet, whichever is greater.

- (c) The following home occupations may be permitted if approved by the Planning Commission as a special land use under Chapter 12 of this ordinance:
  - (1) Physician's office or clinic; dentist's office or clinic.
  - (2) Outdoor storage of contractor's equipment and vehicles in the R R District only.
  - (3) Photography studio.
  - (4) Gymnastics and dance instruction.
  - (5) Bed and breakfast establishments.
  - (6) Veterinarian's office or clinic, but only if located on parcels of land of at least 2-1/2 acres in area and not including outdoor kennels.
  - (7) Any permitted home occupation utilizing two or more employees who are not residents of the dwelling.
  
- (d) In considering any such home occupation for approval as a special land use, the Planning Commission shall consider and make findings upon the following standards:
  - (1) Whether the home occupation is incidental and secondary to the use of the premises as a dwelling.
  - (2) Whether the nature of the home occupation is substantially in keeping with the residential use of the property.
  - (3) Whether the likely effects of the home occupation upon adjacent and nearby lands would be within the scope of the effects likely to result from other, similar home occupations that are specifically permitted in this section.
  - (4) Whether the home occupation will have appreciable adverse effects upon adjacent and nearby lands and the uses thereof.
  - (5) The home occupation shall comply with the requirements of subsection (b), except subsection (b)(12).
  
- (e) In approving any such special land use, the Planning Commission may impose restrictions and limitations upon the use, including, but not limited to, restrictions and limitations concerning the following:
  - (1) Whether the use is located in a dwelling and/or an accessory building.
  - (2) The floor area of the use.
  - (3) The area, height, bulk, and location of any accessory building.

- (4) Whether the storage or display of goods, inventory or equipment would be visible from outside the dwelling or an accessory building.
- (5) Whether combustible toxic or hazardous materials will be used or stored on the premises.
- (6) Whether there would be any offensive noise, vibrations, smoke, dust, odors, heat or glare noticeable at or beyond the property line, or whether there would be machinery or electrical activity that would interfere with nearby radio or television reception.
- (7) Effects on motor vehicle and/or pedestrian traffic.
- (8) The amount of off-street parking provided, and the location thereof.

**Section 3.15 Temporary Buildings.** A temporary building for construction materials and/or equipment which is incidental and necessary for construction work at the site where located shall be permitted, but such temporary building shall be promptly removed upon the completion of construction work at the site.

A temporary dwelling at the site where a permanent dwelling is being constructed shall be permitted, but only for a duration not longer than six months. Such temporary dwelling shall be served by public utilities or by approved private water well and septic tank.

**Section 3.16 Access to Right-of-Way.** No building shall be erected unless the lands upon which it is located shall abut upon a public or private street.

**Section 3.17 Outdoor Lighting.** Outdoor lighting located on privately owned lands shall be so arranged that it does not shine directly on dwellings on adjacent or nearby lands, or interfere with motor vehicle traffic.

**Section 3.18 Animals.** Animals shall be kept only under sanitary conditions and in sanitary enclosures. No horses, cattle, swine or other animals that are not usually considered household pets shall be kept on lots or parcels of land of less than three acres.

**Section 3.19 Private Roads.**

- (a) **Definition.** A private road is any undedicated path, trail or road which provides or is intended to provide the primary means of access to two or more parcels or two or more principal buildings, dwelling units or structures, or combination thereof, whether created by private right-of-way agreement, easement or prescription.
- (b) **Minimum improvement and maintenance required.** All private roads, whether new or existing, shall at all times be improved, maintained, repaired and snowplowed so as to ensure that the private road is safe for travel at all times and so that suitable access is provided for emergency vehicles, in addition to meeting the specific standards provided in this section. All persons who own property which abuts a

private road are jointly and severally responsible for compliance with this requirement.

- (c) **New buildings.** No building or structure shall be erected which has its primary means of access from a private road unless the requirements of this section are satisfied.
- (d) **Standards for new private roads.** Means of ingress or egress which are physically improved or extended after May 17, 1991 so as to become private roads, regardless of whether the right-of-way was legally in existence before that time, shall comply with the following requirements:
  - (1) New private roads shall be subject to site plan review in accordance with Chapter 13 of this ordinance. The Planning Commission shall review the plans, drawings, and other materials relating to the private road and, if it determines that all applicable provisions of the ordinance have been satisfied, the Planning Commission shall approve the issuance of a private road permit. Private roads which are part of a site condominium, planned unit development, or other development shall be reviewed and approved as part of that process, and separate site plan review shall not be required. Applicants for review of a private road shall pay a fee established by resolution of the Township Board from time to time.
  - (2) Prior to the issuance of a private road permit, there shall be submitted to the Township Zoning Administrator an approved driveway permit from the Michigan State Highway Department or the Kent County Road Commission, in all cases where either of such permits is required.
  - (3) In connection with site plan review, the applicant and/or owner of the proposed private road right-of-way shall provide the Township with a recordable private road maintenance or restrictive covenant agreement between the owners of the private road right-of-way and any other parties having an interest therein, or other documentation satisfactory to the Township which shall provide for and ensure that the private road shall be regularly maintained, repaired and snowplowed so as to ensure that the private road is safe for travel at all times, that suitable access is provided for emergency vehicles, and that the cost thereof is paid. The agreement shall be binding against all future owners of lands which are served by the private road. Said agreement, once approved, must be executed and recorded before a building permit shall be issued for any building or structure to be served by the private road.
- (e) **Design and Construction Requirements.** All private roads shall be designed and constructed in accordance with the following minimum design, construction, inspection, approval and maintenance requirements:
  - (1) The private road right-of-way shall be at least 66 feet in width.

- (2) The area in which the private road is located shall have a minimum cleared width of 30 feet.
- (3) Private roads serving four or fewer parcels shall have a minimum roadbed width of 16 feet; private roads serving five or more parcels shall have a minimum roadbed width of 22 feet of paved shoulder or valley gutter on each side.
- (4) Private roads serving four or fewer parcels of land shall have a minimum subbase of 12 inches of sand and 6 inches of finished, compacted gravel (No. 22A).
- (5) Private roads serving five or more parcels of land shall be paved with a minimum subbase of 12 inches of sand and 6 inches of finished, compacted gravel (No. 22A), and a minimum of 3.5 inches of bituminous aggregate. Such paved private roads shall comply with other applicable Kent County Road Commission construction requirements for local roads.
- (6) Any private road which terminates at a dead end shall have a cul-de-sac with a minimum radius of 40 feet and shall have a cleared minimum radius of at least 60 feet.
- (7) No private road shall extend for a distance of more than 2,640 feet in length from the nearest public road right-of-way as measured along the centerline of the private road, unless direct access is provided thereto from another public road.
- (8) The private road surface shall have a minimum crown of .2 feet from the centerline of the road to the outside edge thereof.
- (9) A road shoulder shall be provided on each side of the private road surface with a minimum width of two feet for each shoulder.
- (10) The maximum longitudinal road grade shall not exceed 6%, provided the Township may allow up to a 8% grade provided the Township is satisfied that such increase in road grade will not adversely public safety or cause undue erosion.
- (11) A private road shall be constructed so as to sufficiently control stormwater runoff, by means of seepage basins, culverts and drainage contours and/or by such other effective methods as may be required by the Township so as to ensure adequate drainage and control of stormwater runoff.
- (12) The method and construction technique to be used in the crossing of any natural stream, wetland or drainage course, by a private road, shall satisfy the requirements of the Township engineer and/or any governmental agency having jurisdiction.

- (f) All parcels utilizing a private road shall have frontage on the private road for a distance equal to or greater than the minimum lot width required for the district in which the parcel is located.
- (g) All private roads shall have direct access to a public road.
- (h) All private roads shall have a recorded permanent right-of-way or easement. The right-of-way or easement shall expressly permit public or private utilities to be installed within the right-of-way.
- (i) The layout of the private road and the intersections of the private road with either a public or private road shall be such that clear vision, safe turning and travel in all directions at the posted speed limit is reasonably assured. The minimum distance between intersections of public and/or private road and street rights-of-way shall not be less than one hundred fifty (150) feet, as measured along the right-of-way lines thereof.
- (j) All private roads shall be named and identified by use of appropriately located road name signs. Road names shall not duplicate any existing road name in the County, except in the case of the continuation of an existing road. All lots fronting on a private road shall have an address on the private road. A stop sign conforming to the requirements of the County Road Commission shall be provided at the exit point from the private road to the public road, if required by the County Road Commission.
- (k) A private road or interconnected private road system shall not serve more than forty (40) parcels, principal buildings, dwelling units, structures, or combination thereof, unless a second means of access is provided for the entire property or development served by the private road or private road system. Any such second means of ingress and egress shall comply with the minimum standards for private roads, as set forth in this section.
- (l) Upon completion of construction, the owner shall submit a certification signed by a registered engineer stating that the road has been completed in accordance with the approved site plan and construction plan. The owner shall correct any deficiencies identified. Upon review and approval of the completed private road improvement, the Zoning Administrator shall issue a final private road permit to the owner. Building permits for construction on property served by the private road shall not be issued until the final private road permit has been issued.
- (m) The erection of a building or other structure which would increase to five (5) or more the total number of such buildings or structures served by a private road constructed after May 17, 1991, whether by extension of the private road, lot division or otherwise, shall be prohibited unless such private road complies, for its whole length, with paragraph (d)(5) and the other provisions of this section.
- (n) **Existing private roads.** Notwithstanding the foregoing, a building or structure may be erected upon a lot or parcel abutting a private road constructed adjacent to that property before May 17, 1991 if:

- (1) The lot or parcel was platted or otherwise of legal record as an individual lot or parcel as of December 31, 1998 and
  - (2) The private road:
    - (i) Has a cleared area at least 24 feet in width.
    - (ii) Has a travel area at least 16 feet in width.
    - (iii) Is graded to be passable by emergency vehicles.
    - (iv) Has sufficient gravel or other surface to be passable on a year-round basis.
- (o) **Division of parcels on existing private roads.** Notwithstanding the foregoing, if (i) a building or structure is proposed to be erected upon a lot that was not platted or otherwise of legal record as an individual lot or parcel as of December 31, 1998, and (ii) the private road abutting the lot was constructed before May 17, 1991, then the building or structure may be erected if that portion of the private road which from its intersection with the public right-of-way, extending across the lot on which the building is to be constructed, is brought into compliance with paragraph (d), with the following exceptions:
- (1) Site plan review shall not be required.
  - (2) The required minimum right-of-way shall be reduced to twenty-four (24 ) feet for private roads which provide access to less than five (5) lots, parcels, buildings or structures and to thirty (30) feet for those which provide access to five (5) or more lots, parcels, buildings, or structures, and the required right-of-way width for any required turn-around to a radius of forty (40) feet.
  - (3) The requirement for a road maintenance agreement shall be waived if the owners of other properties abutting the road refuse to agree upon road maintenance. In this case, there shall be recorded against the property a binding covenant that the owner of the property must ensure that the private road shall be maintained, repaired, and snowplowed so as to ensure that it is safe for travel at all times and provides sufficient access to emergency vehicles. Such covenant will not relieve other parties who utilize the road from their responsibilities under paragraph (b) of this section.
- (p) **Extension of private roads.** No private road which does not meet the standards of paragraph (d) shall be extended in length, nor shall any new private road be constructed which intersects with said nonconforming private road, unless the entire length of the private road or roads is brought into compliance with paragraph (d) of this section, subject to the same exceptions listed in paragraphs (f)(1), (2) and (3).

**Section 3.20 Inoperable, Disabled and Unused Motor Vehicles.**

- (a) The accumulation or storage of inoperable, disabled or unused motor vehicles, or parts thereof, except in compliance with the terms of this ordinance or other township ordinances, is hereby declared to be a public nuisance. The presence of such motor vehicles or parts thereof constitutes an attractive nuisance, invites plundering, constitutes an unsightly condition tending to reduce the value of real property and otherwise contributes to blight and deterioration, all contrary to the public interest and welfare.
- (b) No inoperable or disabled motor vehicle or any part thereof shall be located on any lot or parcel of land for a period in excess of seven consecutive days, unless such motor vehicle or part thereof is kept within a wholly-enclosed building or other wholly-enclosed structure or unless the keeping of such motor vehicle or part thereof is in compliance with the junk yard regulations of the Township of Oakfield Ordinance Code and all other applicable Township ordinances.
- (c) As used in this section, an inoperable motor vehicle means:
  - (1) A motor vehicle subject to registration under the State of Michigan Motor Vehicle Code but which has not been registered or which does not display current license plates issued for the vehicle.
  - (2) Or a motor vehicle, whether or not registered under the State of Michigan Motor Vehicle Code, which by reason of dismantling, disrepair or other cause is incapable of being propelled under its own power or which is unsafe for operation on the streets and highways of the state because of its non-compliance with the State Motor Vehicle Code.
- (d) As used in this section, disabled motor vehicle means any motor vehicle which is wrecked, inoperable, partially or totally dismantled, junked or abandoned and any part or parts thereof which:
  - (1) Constitute an unsightly condition.
  - (2) Create a fire hazard.
  - (3) Constitute an attractive nuisance.
  - (4) Tend to be a refuge for disease-spreading insects or vermin.
  - (5) Promote or contribute to blight or deterioration.
- (e) Not more than one motor vehicle may be parked or stored out of doors on any lot or parcel of land for more than seven consecutive days without such vehicles displaying current valid license plates, unless the same is otherwise permitted by the terms of this ordinance or by the terms of other applicable Township ordinances.

**Section 3.21 Trash and Junk.** It shall be unlawful for any person to accumulate, place, store or allow or permit the accumulation, placement or storage of trash, refuse, litter or junk on any lands in

the Township, except in a lawful junk yard or sanitary landfill or unless such materials are placed in watertight storage receptacles designed for the temporary accumulation of trash.

**Section 3.22 Motor Vehicle Repair.** Normal and customary maintenance work on motor vehicles in residential districts shall be permitted, but such work shall not be carried out for business or commercial purposes.

**Section 3.23 Traffic Visibility Across Corners.** No fence, structure or planting over 30 inches in height shall be erected or planted within a 20-foot radius of the corner property lines, in order to avoid interference with traffic visibility across corners.

**Section 3.24 Natural River District.** As to all lots and parcels of land adjacent to Wabasis Creek and east of Morgan Mills Avenue, the following minimum provisions shall be required:

- (a) Each lot or parcel shall have a minimum width of 150 feet.
- (b) No structure shall be located closer than 100 feet from the edge of the stream.
- (c) A 25-foot wide natural vegetation strip shall be maintained on both sides of the stream. Trees and shrubs may be pruned in order to create a filtered view of the river, but clear-cutting is prohibited. Dead, diseased, unsafe or fallen trees and noxious plants and shrubs may be removed without approval of the Zoning Administrator. Selective removal or trimming of trees for timber harvest, landscaping or public utilities is permitted if approval is obtained from the Zoning Administrator.
- (d) No mining or other extractive industry or activity shall be permitted within 300 feet of the stream.

**Section 3.25 Fences and Walls.** The construction, placement and use of all fences and walls shall occur only in compliance with the provisions of this ordinance for the zoning district in which any such fence or wall is located. In addition, no fence or wall shall be located closer than 10 feet to the shoreline or water front property line of any lot or parcel of land abutting a lake, stream or other navigable body of water. All fences or walls constructed on lands abutting lakes or other navigable bodies of water shall be so located and shall be constructed of such material as to permit an unobstructed view of any such lake or body of water through the fence or wall. Fences or walls constructed or maintained on lots or parcels of land having an area of three acres or less shall not contain barbed wire or have any electric current or other charge of electricity.

**Section 3.26 Funneling.**

- (a) **Findings of Fact.** The Township of Oakfield hereby determines that it is contrary to the public health, safety and welfare and an improper use of the land and natural resources to allow funneling, as hereinafter defined, as it causes overcrowding of lakes, streams and lands adjacent to them, contributes to the pollution and degradation of public waters, creates hazards to life and property by increasing the risks of boating and other similar accidents and adversely affects property values of shoreline property located near funneled developments.

- (b) **Intent.** It is the intent of these sections to carry out the purposes of the Township Rural Zoning Act and to regulate the proper use of natural resources within the Township; to protect the quality of inland waters by limiting uses of the waters which may tend to pollute them; to prevent the overuse and misuse of water resources within the Township, particularly relating to boating traffic and similar activities which have an impact on the quality of inland waters; to preserve the quality of waters and preserve the recreational use of all waters within the Township by limiting the number of users of lake and stream frontage.

Nothing within this section shall be construed to limit access to lakes or waterways by the general public through public parks or public access sites provided or maintained by any unit of the state, county or local government, nor shall any section in this ordinance be construed as depriving any riparian owner on any natural body of water or waterway of any riparian rights.

- (c) **Definitions.** For purposes of this section and Section 7.3(b) hereof, the following definitions shall apply:

- (1) **“Access property”** shall mean a property, parcel or lot abutting a lake or stream and used or intended to be used for providing access by pedestrian or vehicular traffic to and from other property to a lake or stream.
- (2) **“Dwelling unit”** shall mean a structure designed for use by one family or occupant, whether for seasonal, year round, temporary or other use and shall also include multiple dwelling units designed for multiple family or multiple individual occupancy, including but not limited to, homes, mobile homes, multi-unit complexes, condominiums, motels, hotels, cooperatives, or any similar use.
- (3) **“Funneling”** is the use of waterfront property for use as common open space for waterfront access for a development or dwelling unit or units located in a non-waterfront area.

- (d) **Limitation on Development.** No land within the Township shall be used or provided for use as access property from non-waterfront lands to a lake or stream unless there is provided access property with water frontage of not less than 150 feet, measured along the waters edge in the normal high water mark of the lake or stream and a minimum lot area of 22,500 square feet respectively for each dwelling unit using it as access property. Water frontage and areas consisting of wetlands, as defined by Part 303 of the Natural Resources and Environmental Protection Act, or successor provisions of like import, shall not be included in the measurement of frontage and area for purposes of this subsection. These restrictions shall apply to any property, regardless of whether access to the water shall be gained by easement, common fee ownership, single fee ownership, lease, gift, business, invitation or any other form of dedication or conveyance.

**Section 3.27 Antennas and Towers Not Exceeding 30 Feet in Height.** Freestanding radio, television or commercial wireless telecommunications antennas or towers (including satellite dish antennas) not exceeding 30 feet in height, are permitted in all districts upon compliance with the following requirements:

- (a) The antenna shall be permanently secured to a stable foundation.
- (b) No portion of the antenna shall conduct or display any advertising, message or other graphic representation other than the manufacturer's name.
- (c) No freestanding antenna shall exceed a height of 30 feet above grade, except that freestanding antennas or towers exceeding such height may be permitted by the Planning Commission as a special land use under Chapter 12.
- (d) Except in the R-R Rural Residential and Agricultural District, an antenna or tower (including a satellite dish antenna) shall be located only in the rear yard or the side yard and shall not be closer to a property line than its height or the depth of the required rear or side yard setback, whichever is the greater.
- (e) An antenna may be mounted on the roof of a principal or accessory building, provided it shall not exceed a height of 20 feet, as measured from its foundation.
- (f) All antennas must be grounded to protect against damage from lightning.
- (g) An antenna or tower shall not be so located or constructed as to have a serious adverse effect on adjacent or nearby land uses.
- (h) Amateur radio antennas (being antennas operated for the purpose of receiving or transmitting communications by a radio station described in Section 153(q) of Title 47 of the U.S. Code) and operated under a license issued by the Federal Communications Commission shall be subject to the provisions of this section, but if the effect of any such provision upon the operation of an amateur radio antenna would be to preclude or prevent the operation of such an antenna, then such provisions shall not apply.

**Section 3.28 Flag Lots.** Flag Lots are permitted in the RR Rural Residential and Agricultural District only upon compliance with the following minimum requirements:

- (a) A Flag Lot shall be accessed only by a parcel or easement at least 66 feet wide which connects to a public street. If access is to be by easement, said easement must have been in effect and of record as of December 31, 2003. The access parcel or easement shall not be included for purposes of calculating the minimum lot area of the Flag Lot or the parcel from which the Flag Lot is divided.
- (b) A Flag Lot shall be divided from a lot not less than five acres in area. After the division both the Flag Lot and the parcel from which it is divided shall each have a minimum lot area of two acres.

- (c) Excepting the access parcel or easement, the Flag Lot shall comply with the minimum lot width requirement of 200 feet and shall not exceed a width to depth ratio of 4-to-1.
- (d) The minimum distance between the parcels or easements providing access between Flag Lots shall be at least 266 feet.
- (e) The access route to the Flag Lot shall have a cleared area at least 24 feet wide, have a traveled area at least 16 feet wide and shall be graded and sufficiently maintained to be readily passable by emergency vehicles on a year round basis. The access route to the Flag Lot shall have a cul-de-sac with a minimum 40-foot radius turn-around area at the end, so as to accommodate the turning around of emergency vehicles.
- (f) The house number for a flag lot shall be posted on the public street near the intersection of the public street and the access parcel or easement.

## CHAPTER 4

### ZONING DISTRICTS

**Section 4.1 Zoning Districts.** For purposes of this Zoning Ordinance, the Township of Oakfield is hereby divided into the following Zoning Districts:

R-R	Rural Residential and Agricultural District
MDR	Multiple Family District
MHC	Manufactured Housing Community District
L-R	Lakes Residential District
C	General Commercial District
C-1	Neighborhood Commercial District
L-I	Light Industrial District
PUD	Residential Planned Unit Development District

**Section 4.2 The Zoning Map.** The locations and boundaries of the zoning districts are hereby established as shown on a map entitled “Zoning Map of the Township of Oakfield, Kent County, Michigan” which accompanies and is made a part of this ordinance. Where uncertainty exists as to the boundaries of zoning districts as shown on the zoning map, the following rules shall apply:

- (a) Boundaries indicated as approximately following the centerlines of streets, highways, or alleys shall be construed to follow such centerlines.
- (b) Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- (c) Boundaries indicated as approximately following township or village boundaries shall be construed as following township or village boundaries.
- (d) Boundaries indicated as following the shoreline of lakes or rivers shall be construed as following such shoreline, and in the event of a change in the shoreline of a lake or river, said boundary shall be construed as changing with said shoreline.
- (e) Boundaries indicated as approximately following property lines or section lines or other lines of the government survey shall be construed as following such property lines as of the effective date of this ordinance or applicable amendment.

**Section 4.3 Areas Not Included Within a District.** In every case where lands have not been specifically included within a zoning district, such lands shall be deemed to be in the R-R Rural Residential and Agricultural District.

**Section 4.4 Zone Districts under Prior Ordinance.** All lands zoned in the A-R Agricultural and Residential District under the prior Township of Oakfield Zoning Ordinance shall under the terms of this ordinance be zoned in the R-R Rural Residential and Agricultural District. All lands zoned in the C Commercial District under the prior Zoning Ordinance of the Township of Oakfield shall under the terms of this ordinance be zoned in the C General Commercial District.



## CHAPTER 5

### R-R RURAL RESIDENTIAL AND AGRICULTURAL DISTRICT

**Section 5.1 Description and Purpose.** The R-R Rural Residential and Agricultural District is intended to preserve agricultural and rural areas in the Township, and to encourage residential development which promotes the established rural character and protects the natural features of the district.

**Section 5.2 Permitted Uses.** Land, buildings and structures in the R-R District may be used for the following purposes only, unless otherwise provided in this Ordinance:

- (a) Single family dwellings.
- (b) Farms and farming activities conducted in accordance with generally accepted agricultural and management practices approved by the Michigan Commission of Agriculture, except intensive livestock operations.
- (c) Orchards, vineyards, apiaries, nurseries and greenhouses.
- (d) Family day care homes with no more than six minor children.
- (e) State licensed adult foster care family homes with no more than six adults.

**Section 5.3 Special Land Uses.** The following uses may be permitted when authorized as special land uses:

- (a) Churches and other houses of worship, public and private schools, libraries and museums when authorized by the Planning Commission and Township Board under Chapter 12.
- (b) Parks, playgrounds, golf courses and other facilities for outdoor recreational activities when authorized by the Planning Commission and Township Board under Chapter 12.
- (c) Hospitals, clinics, convalescent homes, retirement homes and similar facilities when authorized by the Planning Commission and Township Board under Chapter 12.
- (d) Home occupations involving two employees not residing on the premises when authorized by the Planning Commission under Chapter 12.
- (e) Limited seasonal display and sale of items, goods and produce incidental and closely related to the lawful use of the property and for a plant nursery, greenhouse, orchard or vineyard, but not more than 20 percent of the annual total dollar amount of sales from any nursery, greenhouse, orchard or vineyard shall be from the sale of produce grown or products made off the premises.

- (f) Veterinary services, animal clinics, animal hospitals and kennels when authorized by the Planning Commission under Chapter 12.
- (g) Housing for transient labor when authorized by the Planning Commission under Chapter 12, provided that occupancy of such housing shall be limited to the period between May 1 and October 31. The farm premises where such use occurs shall have not less than five acres; health and sanitation facilities shall be approved in writing by the Kent County Health Department; and the names of all occupants shall be registered with the Zoning Administrator within ten days of arrival.
- (h) Removal, processing and storage of topsoil, sand, gravel or other such minerals when authorized by the Planning Commission under Chapter 12.
- (i) Intensive livestock operations complying with generally accepted agricultural and management practices approved by the Michigan Commission of Agriculture. Terms and conditions imposed on the use shall be for the purpose of assuring compliance with generally accepted agricultural and management practices approved by the Michigan Commission of Agriculture.
- (j) Commercial riding stables at which horses are made available for rental or for riding lessons for compensation when authorized by the Planning Commission under Chapter 12, provided the following conditions are met in addition to the general standards for approval of special land uses:
  - (1) The parcel on which the commercial riding stable is located shall contain ten acres, plus one additional acre for each horse kept on the premises in excess of ten horses, not including areas devoted to living quarters or other uses not incidental to the stable.
  - (2) Buildings for the housing of animals shall not be located within 200 feet of any property line or street right-of-way.
  - (3) Areas for riding trails or riding purposes shall be located on the same premises, unless the owner has written permission to use adjacent lands for said purpose. Access to riding areas shall not necessitate the riding or leading of animals upon a public road.
  - (4) The premises shall include storage adequate for the disposal of manure and refuse, have proper insect control methods and be suitably fenced and comply with generally accepted agricultural and management practices.
  - (5) A special land use is not required for private stables used for boarding horses as permitted by Section 5.4(b)
- (k) Airplane landing fields or landing strips when authorized by the Planning Commission under Chapter 12.
- (l) Child Care Centers when authorized by the Planning Commission under Chapter 12.

**Section 5.4 Other Uses.** The following other uses may be permitted as follows:

- (a) Accessory buildings, structures and uses customarily incidental to any permitted use, including, though not limited to, a private garage (but such garage shall not exceed a three automobile capacity per family). No accessory building, structure or use shall alter the primary residential character of the premises. No accessory use shall include the conducting of any business or manufacturing not authorized by the ordinance.
- (b) Stables used for the boarding of horses which are owned by the occupants of the property, subject to the following regulations:
  - (1) The area in which the horses are kept shall be completely enclosed by a fence or similar barrier to prevent trespass onto adjoining properties or roadways.
  - (2) The premises shall be kept in a sanitary condition consistent with commonly accepted agricultural practices.
- (c) Sales of privately-owned articles in garages, yards, and porches and other parts of a lot or parcel, subject to the following restrictions:
  - (1) Such sales shall not include merchandise specifically purchased for resale.
  - (2) Such sales shall not include merchandise transported by vehicle, where such merchandise is sold by the vendor for a fee, commonly called flea markets.
  - (3) For a single dwelling or parcel of land, there shall be not more than four such sales in any one calendar year.
  - (4) No individual sale shall last more than three days without specific written approval by the Zoning Administrator.
  - (5) Not more than five families shall participate in the handling and/or providing of merchandise for such sales.
- (d) Roadside market stands.
- (e) Signs as regulated under Chapter 15.

**Section 5.5 Area Regulations.** No building or structure shall be erected, nor shall any building or structure be enlarged unless the following yard and lot area requirements are provided and maintained in connection with such building, structure or enlargement:

- (a) **Front Yard.** There shall be a front yard of not less than 75 feet.
- (b) **Side Yard.** There shall be two side yards totaling 40 feet, and no side yard shall be less than 15 feet, except as stated in Section 2.19.
- (c) **Rear Yard.** There shall be rear yard of not less than 50 feet.

- (d) **Lot Area.** The minimum lot area for a single-family dwelling shall be two acres.
- (e) **Lot Width.** Except for Flag Lots complying with Section 3.28, the minimum lot width for a single-family dwelling shall be 200 feet at the front lot line. Lot width for a lot fronting on a cul-de-sac shall be measured at the minimum front yard setback for the principal dwelling, rather than at the front lot line.

**Section 5.6 Height Regulations.** No dwelling or structure shall exceed 35 feet in height or 2-1/2 stories, whichever is the lesser height.

**Section 5.7 Minimum Floor Area.** Each dwelling unit shall have a minimum usable floor area of 850 square feet.

## CHAPTER 6

### MDR MULTIPLE-FAMILY DISTRICT

**Section 6.1 Description and Purpose.** The MDR Multiple-Family District is intended for medium density single-family, two-family and multiple-family residential uses.

**Section 6.2 Permitted Uses.** Land, buildings and structures in the MDR District may be used for the following purposes only, unless otherwise provided in this ordinance:

- (a) Single-family dwellings.
- (b) Two-family dwellings.
- (c) Multiple-family dwellings.
- (d) Uses permitted and as regulated in the R-R District.

**Section 6.3 Special Land Uses.** The following uses may be permitted when authorized as special land uses:

- (a) Churches, public and private schools, libraries and museums when authorized by the Planning Commission and Township Board under Chapter 12.
- (b) Parks, playgrounds, golf courses, and similar facilities for outdoor recreational activities when approved by the Planning Commission and Township Board under Chapter 12.
- (c) Hospitals, clinics, convalescent homes, retirement homes and similar facilities when authorized by the Planning Commission and Township Board under Chapter 12.
- (d) Other special land uses authorized and as regulated in the R-R District.

**Section 6.4 Other Uses.** The following other uses may be permitted as follows:

- (a) Accessory buildings, structures and uses customarily incidental to any permitted use, including though not limited to a private garage (but such garage shall not exceed a three automobile capacity per family). No accessory building, structure or use shall alter the primary residential character of the premises. No accessory use shall include the conducting of any business or manufacturing not authorized by this ordinance.
- (b) Signs as regulated under Chapter 14.

**Section 6.5 Area Regulations.** No building or structure shall be erected nor shall any building or structure be enlarged unless the following yards and lot area requirements are provided and maintained in connection with such building, structure or enlargement.

- (a) **Front Yard.** There shall be a front yard of not less than 50 feet.
- (b) **Side Yard.** There shall be two side yards of not less than 10 feet each, but if there are more than 4 dwelling units, then each side yard shall be an additional 5 feet in width for each dwelling unit exceeding four, up to a maximum of 50 feet for each side yard, except as stated in Section 2.19.
- (c) **Rear Yard.** There shall be a rear yard of not less than 30 feet for a single-family dwelling. There shall be a rear yard of not less than 50 feet for a two-family or a multiple-family dwelling.
- (d) **Lot Area.** The minimum lot area for a one-family dwelling shall be one-half acre where the lot or parcel is served with public sewer and shall be one acre where the lot of the parcel is not served with public sewer. The minimum lot area for a two-family dwelling shall be one acre where the lot or parcel is served by public sewer and two acres where the lot or parcel is not served with public sewer. The minimum lot area for a multiple-family dwelling shall be two acres for the first two dwelling units and an additional 15,000 square feet for each additional dwelling unit.
- (e) **Lot Width.** The minimum lot width for a one-family dwelling shall be 75 feet at the front lot line where the lot or parcel is served with public sewer. The minimum lot width for a one-family dwelling shall be 150 feet at the front lot line where the lot or parcel is not served with public sewer. The minimum lot width for a two-family dwelling shall be 100 feet at the front lot line where the lot or parcel is served with public sewer and shall be 150 feet at the front lot line where the lot or parcel is not served with public sewer. The minimum lot width for a multiple-family dwelling shall be 200 feet at the front lot line for a lot or parcel having not more than eight dwelling units. The minimum lot width for a multiple-family dwelling shall be 300 feet at the front lot line for a lot or parcel having more than eight dwelling units. Provided, however, that the minimum lot width for a lot fronting on a cul-de-sac shall be measured at the minimum front yard setback for the principal dwelling, rather than at the front lot line.

**Section 6.6 Height Regulations.** No dwelling or structure shall exceed 35 feet in height or 2-1/2 stories, whichever is the lesser height.

**Section 6.7 Minimum Floor Area.** Each dwelling unit shall have a minimum usable floor area as follows:

- (a) Each one-family dwelling shall have a minimum floor area of 850 square feet.
- (b) Each dwelling unit of a two-family dwelling shall have a minimum floor area of 850 square feet.
- (c) All other dwelling units shall have minimum floor areas as follows: one bedroom dwelling unit - 650 square feet; two bedroom dwelling unit - 750 square feet; three bedroom dwelling unit - 850 square feet.



## CHAPTER 6A

### MHC MANUFACTURED HOUSING COMMUNITY DISTRICT

**Section 6A.1 Description and Purpose.** The MHC Manufactured Housing Community District is intended for manufactured housing communities, and for medium density single-family, two-family and multiple-family residential uses.

**Section 6A.2 Permitted Uses.** Land, buildings and structures in the MHC District may be used for the following purposes only, unless otherwise provided in this ordinance:

- (a) Manufactured housing communities as regulated by Sections 6A.4 through 6A.6 of this ordinance.
- (b) Single-family dwellings as regulated in the MDR District.
- (c) Two-family dwellings as regulated in the MDR District.
- (d) Multiple-family dwellings as regulated in the MDR District.
- (e) Uses permitted and as regulated in the R-R District.

**Section 6A.3 Special Land Uses.** The following uses may be permitted when authorized as a special land use:

- (a) Churches, public and private schools, libraries and museums when authorized by the Planning Commission and Township Board under Chapter 12.
- (b) Parks, playgrounds, golf courses, and similar facilities for outdoor recreational activities when authorized by the Planning Commission and Township Board under Chapter 12.
- (c) Hospitals, clinics, convalescent homes, retirements homes and similar facilities when authorized by the Planning Commission and Township Board under Chapter 12.
- (d) Other special land uses permitted and as regulated in the R-R District.

**Section 6A.4 Manufactured Housing Community Design Requirements.** All manufactured housing communities shall comply with the following design requirements:

- (a) **Access and Roads.**
  - (1) The community's internal roads shall have access to a public thoroughfare or shall be connected to a public thoroughfare by a permanent easement.
  - (2) Two access points shall be provided to a public thoroughfare to allow a secondary access for emergency vehicles. A boulevard entrance extending to the first intersection of a community road shall be interpreted as satisfying this requirement.

- (3) All internal roads shall be constructed of concrete or bituminous asphalt and supported by a suitable subgrade in compliance with the standards of the American Association of State Highway and Transportation Officials (“AASHTO”).
- (4) An internal road that has no exit at one end shall terminate with an adequate turning area. Parking shall not be permitted within the turning area.
- (5) Safe-sight distance shall be provided at intersections.
- (6) An offset at an intersection or an intersection of more than two internal roads is prohibited.
- (7) The following types of internal roads shall have driving surfaces that are not less than the following widths:
  - (i) One-way, no parking 16 feet
  - (ii) Two-way, no parking 21 feet
  - (iii) One-way, parallel parking, one side 23 feet
  - (iv) One-way, parallel parking, two sides 33 feet
  - (v) Two-way, parallel parking, one side 31 feet
  - (vi) Two-way, parallel parking, two sides 41 feet
- (8) All entrances to communities that have 300 or more home sites shall be a minimum of 30 feet in width. The entrance shall consist of an ingress lane and a left and right egress turning lane at the point of intersection between a public road and the community’s internal road, and shall be constructed as follows:
  - (i) All turning lanes shall be a minimum of 10 feet in width and 60 feet in depth, measured from the edge of the pavement of the public road into the community.
  - (ii) The turning lane system shall be tapered into the community internal road system commencing at a minimum depth of 60 feet.
  - (iii) The ingress and right egress turning lanes of the ingress and egress road shall connect to the public road with a curved line that has a minimum radius of 15 feet. The intersection of the public road and ingress and egress road shall not have squared corners.
- (9) An orderly street name system and unit numbering system shall be established by the community owner and the plan of such system approved

by the Township Fire Department. Manufactured home space numbers shall be located uniformly on each space, housing unit or identification marker, throughout the community, and street names shall be adequately marked at all internal road intersections.

- (10) Appropriate traffic control signs shall be provided on all internal roads, and a regulation stop sign shall be installed at the point of intersection with a public road, unless a traffic control device is provided.

(b) **Driveways.**

- (1) Improved hard-surface driveways shall be provided on the site where necessary for convenient access to service entrances of buildings, and at delivery and collection points for fuel, refuse, and other materials.
- (2) The minimum width of driveways shall be 10 feet. The entrance to the driveway shall have the flare or radii, and horizontal alignment for safe and convenient ingress and egress.

(c) **Resident Vehicle Parking.**

- (1) All home sites shall be provided with two parking spaces.
- (2) If vehicle parking is provided on the home site, it shall be in compliance with both of the following provisions:
  - (i) The parking space shall be constructed of concrete or bituminous asphalt and supported by a suitable subgrade in compliance with the standards of AASHTO.
  - (ii) The parking spaces may be either in tandem or side by side. If spaces are in tandem, then the width shall not be less than 10 feet and the combined length shall not be less than 40 feet. If spaces are side by side, then the combined width of the two parking spaces shall not be less than 19 feet and the length shall be not less than 20 feet.
- (3) If the two resident vehicle parking spaces required by this section are provided off the home site, then the parking spaces shall be within 30 feet of the home site and each parking space shall have a clear parking width of 10 feet and a clear length of 20 feet.
- (4) If parking bays are provided for resident vehicle parking, they shall contain individual spaces that have a clear parking width of 10 feet and a clear length of 20 feet.

(d) **Visitor Parking Facilities.**

- (1) A minimum of one parking space for every three home sites shall be provided for visitor parking.
- (2) Visitor parking shall be located within 500 feet of the home sites the parking is intended to serve, as measured along a road or sidewalk.
- (3) If parking bays are provided for visitor parking, they shall contain individual spaces that have a clear parking width of 10 feet and a clear length of 20 feet.

(e) **Sidewalks.**

- (1) Sidewalks shall be constructed in the community and maintained for the safe and convenient movement from all home sites to principal destinations within the community and connection to the public sidewalks outside the community. Sidewalks shall be installed along one side of all internal collector roads within the community and to the public right-of-way and to all service facilities including but not limited to central laundry, central parking, and recreation areas. Sidewalks shall also be required along that portion of a community fronting along public thoroughfares.
- (2) All sidewalks shall be constructed in compliance with all of the following requirements:
  - (i) Sidewalks shall have a minimum width of 4 feet and shall be constructed in compliance with Act 8 of the Public Acts of 1973, being Section 125.1361 *et seq.* of the Michigan Compiled Laws, an act which regulates sidewalks for handicappers.
  - (ii) All sidewalks shall meet the standards established in Rule 928 of the Manufactured Housing Commission Rules and AASHTO standards.
- (3) An individual sidewalk with a minimum width of 3 feet shall be constructed between at least one entrance, or patio, porch, or deck if provided, and the parking spaces on the home site or parking bay, whichever is provided, or the common sidewalk.

(f) **Lighting.**

- (1) Access points shall be lighted. If the public thoroughfare is lighted, then the illuminated level shall not be more than the average illumination level of the adjacent illuminated thoroughfare.
- (2) At all internal road intersections and designated pedestrian crosswalks, the minimum illumination shall not be less than .15 foot candle.
- (3) Internal roads, parking bays, and sidewalks shall be illuminated at not less than .05 foot candle.

- (4) If a community directory is provided, then it shall be illuminated at not less than 3.15 horizontal foot candles on any entry on the directory.

(g) **Utilities.**

- (1) All electrical, telephone, cable television, natural gas, and other utility services shall be installed underground and specifically designed in conformance with the Manufactured Housing Commission Rules. When separate meters are installed, each meter shall be located in a uniform manner on each housing site.
- (2) All manufactured housing sites and all other buildings within the community shall be connected to the water system of the Township, if it is available to the community, or to another state-approved system. The community water system shall conform to Parts 2-4 of the Michigan Department of Environmental Quality manufactured housing community standards.
- (3) Fire hydrants shall be installed in all communities for which public water systems are available and shall be in compliance with the requirements and provisions of the fire code. There shall be no more than 500 feet between hydrants as measured along adjacent roadways within the community.
- (4) All manufactured housing sites and all other buildings within the community shall be connected to the sanitary sewage system of the Township, if it is available to the community, or to another state-approved system. The community's sanitary sewage system shall conform to the Michigan Department of Environmental Quality manufactured housing community standards.
- (5) All storm sewers shall be constructed in accordance Parts 2-4 of the Michigan Department of Environmental Quality manufactured housing community standards. Additional requirements for a community may be established by the Kent County Drain Commissioner, pursuant to Section 11(3) of Public Act 96 of 1987, as amended.

(h) **Site Size, Spacing and Setback Requirements.**

- (1) **Home Site Area.** The manufactured housing community shall be developed with sites averaging 5,500 square feet per manufactured housing unit. This 5,500 square feet average may be reduced by twenty (20%) percent provided that each individual site shall be equal to at least 4,400 square feet. For each square foot of land gained through the reduction of the average site below 5,500 square feet, at least an equal amount of land shall be dedicated as open space. This open space shall be in addition to that required under R 125.1946, Rule 946 and R 125.1941 and R 125.1944, Rules 941 and 944 of the Michigan Administrative Code, and Section 6A.4(j) of this chapter.
- (2) **Required Distances Between Homes and Other Structures.**

- (i) Home sites shall be arranged to allow for, and manufactured homes shall be located to comply with, all of the following minimum separation distances, as measured from the wall/support line or foundation line, whichever provides the greater distance:
  - (I) For a home not sited parallel to an internal road, 20 feet from any part of an attached structure of an adjacent home that is used for living purposes.
  - (II) For a home sited parallel to an internal road, 15 feet from any part of an attached structure of an adjacent home that is used for living purposes if the adjacent home is sited next to the home on the same internal road or an intersecting internal road.
  - (III) 10 feet from either of the following:
    - (aa) The parking space on an adjacent home site.
    - (bb) An attached or detached structure or accessory of an adjacent home that is not used for living purposes.
  - (IV) 50 feet from permanent community-owned structures, such as either of the following:
    - (aa) Club houses.
    - (bb) Maintenance and storage facilities.
  - (V) 100 feet from a baseball or softball field.
  - (VI) 25 feet from the fence of a swimming pool.
- (ii) Attached or detached structures or accessories that are not used for living space shall be a minimum of 10 feet from an adjacent home or its adjacent attached or detached structures.
- (iii) Any part of an accessory structure, such as steps, porches, supported or unsupported awnings, decks, carports or garages, or similar structures shall be set back the following minimum distances:
  - (I) 10 feet from the edge of an internal road.
  - (II) 7 feet from a parking bay off a home site.
  - (III) 7 feet from a common sidewalk.
  - (IV) 25 feet from a natural or man-made lake or waterway.

- (iv) A carport shall be in compliance with both of the following setbacks if it is completely open, at a minimum, on the two long sides and the entrance side:
  - (I) Support pillars that are installed adjacent to the edge of an internal road shall be set back 4 feet or more from the edge of the internal road or 2 feet or more from the edge of a sidewalk.
  - (II) Roof overhangs shall be set back 2 feet or more from the edge of the internal road.
- (v) Steps and their attachments shall not encroach into parking areas more than 3 1/2 feet.

(3) **Setbacks From Property Boundary Lines.**

- (i) Homes, permanent buildings and facilities, and other structures shall not be located closer than 20 feet from the property boundary line of the community.
- (ii) If homes, permanent buildings and facilities, and other structures abut a public right-of-way, then they shall not be located closer than 50 feet from the boundary line. If the boundary line runs through the center of the public road, then the 50 feet shall be measured from the road right-of-way line.

(i) **Screening/Landscaping.** Manufactured housing communities shall be landscaped as follows:

- (1) If a manufactured housing community abuts an existing residential development, the community shall be required to provide screening along the boundary abutting the residential development.
- (2) If the community abuts a non-residential development, it need not provide screening.
- (3) In all cases, however, a community shall provide screening along the boundary abutting a public right-of-way.
- (4) The landscaping shall consist of evergreen trees or shrubs at least three feet in height which are spaced so they provide a continuous screen at maturity. Alternative screening devices may be utilized if they conceal the manufactured housing community as effectively as the required landscaping described above.
- (5) Exposed ground surfaces in all parts of the community shall be paved or covered with ornamental stone or protected with grass, trees, or shrubs that

are capable of preventing soil erosion. The ground surface and all parts of the community shall be graded and equipped to drain all surface water in a safe and efficient manner.

(j) **Open Space Requirements.**

- (1) A community that contains 50 or more sites shall have not less than 2 percent of the community's gross acreage dedicated to designated open space, but in no case less than 25,000 square feet. At least one-half of the required open space, up to two acres, shall be dedicated to community recreation uses, such as, but not limited to, picnic areas, athletic fields, playgrounds, walking trails, shuffleboard courts and lawn game areas.
- (2) Required setbacks may not be used in the calculation of open space area.

(k) **Site Constructed Buildings and Dwellings.**

- (1) Site constructed buildings within the community such as community buildings or laundries, but not including manufactured homes and their accessory storage buildings, shall be reviewed by the Township at the time of submission for a building permit, unless approved as part of the original plan for the community.
  - (2) The maximum height of any community or similar building shall not exceed 25 feet, or two stories in height, whichever is less. Storage or service buildings shall not exceed 15 feet, or one story in height.
  - (3) Community or service buildings shall not be located adjacent to an adjoining parcel that is either zoned or developed for single-family residential purposes.
  - (4) Site-built single-family dwellings may be located in a community as follows:
    - (i) One single-family dwelling may be permitted for the exclusive use of the community owner or manager in a community of 30 acres or less.
    - (ii) Two single-family dwellings may be permitted for the exclusive use of the community owner, manager, or caretaker in a community in excess of 30 acres.
    - (iii) Any such single-family dwellings permitted under this section shall comply in all respects with the requirements of single-family dwellings in the MDR Multiple-Family District.
- (l) **Signs.** There shall be a maximum of one sign per road frontage with an entrance which shall bear only the name of the community. Such a sign shall be located from the street a distance equal to the setbacks established in Rule 944(2) of the Manufactured Housing Commission Rules. The sign may be lighted, provided that

the source of the light is not visible and is not of the flashing or intermittent type. One sign, not exceeding 32 square feet in area shall be permitted for the first entrance provided to the community. For multiple entrances, a 16 square foot sign shall be permitted at each entrance after the first. Signs may be double-faced, but each side of the sign shall have identical copy and be flush with the other side.

- (m) **RV Storage.** If boats, boat trailers and utility trailers are permitted to be parked within the manufactured housing community, adequate parking spaces for such vehicles in a central or collective parking area shall be provided. This area shall be in addition to the automobile parking requirements of this ordinance and shall be adequately locked, fenced and permanently buffered.
- (n) **Compliance with Regulations.** The design, layout, construction and use of a manufactured housing community shall in all other respects comply with the regulations on the design, construction and use of manufactured housing communities, the sale and leasing of manufactured housing lots and all other aspects of the construction and use of manufactured housing communities, as set forth in the rules of the Michigan Manufactured Housing Commission, as amended from time to time.

#### **Section 6A.5 Manufactured Homes Within Manufactured Housing Communities; Operation of Communities.**

- (a) **Home Size.** Manufactured homes within a community shall not contain less than 760 square feet of living area nor have an outside width of less than 13 feet.
- (b) **Installation.** The installation of manufactured housing on each site within the community shall conform with the requirements of Rule 602 and Rule 602A of the Manufactured Housing Commission Rules. All utility connections to homes within the community shall be performed in accordance with the requirements of Rule 603 of the Manufactured Housing Commission Rules.
- (c) Skirting shall be installed around all manufactured housing units and meet all of the following requirements:
  - (1) Such skirting shall be compatible aesthetically with the appearance and construction of the manufactured housing unit. All skirting shall be installed prior to the issuance of a certificate of occupancy. In the event that such installation is delayed due to weather, or for other similar reasons, a temporary certificate of occupancy may be issued for a period not to exceed 90 days. All skirting shall meet the requirements established by the rules of the Michigan Manufactured Housing Commission.
  - (2) Individual manufactured housing units shall be skirted around the perimeter of the manufactured housing unit to conceal the underbody from view. Skirting shall be vented in accordance with the requirements of Rule 604 of the Manufactured Housing Commission Rules. All skirting shall be manufactured of fire resistant material and certified as such by the

manufacturer. Skirting shall be installed in a manner so as to resist damage under normal weather conditions and shall be properly maintained.

- (d) No personal property shall be stored outside, under any mobile home or within carports which are open on any side. Storage sheds with a maximum area of one hundred forty-four (144) square feet may be placed upon any individual mobile home site.
- (e) Towing mechanisms shall be removed from all homes at the time of installation and stored so as not to be visible from the exterior of the community.
- (f) A manufactured home shall be used only as a single family dwelling.
- (g) No manufactured home shall be occupied for dwelling purposes unless it is placed on a site or lot and connected to water, sanitary sewer, electrical, and other facilities as may be necessary, prior to building official inspection and approval.
- (h) New or pre-owned manufactured homes, which are to remain on-site in the manufactured housing community, may be sold by the resident, owner or a licensed dealer or broker, provided that manufactured housing development management permits the sale.
- (i) The owner or operator of any community shall be responsible for all street maintenance within the confines of the community and shall be responsible for all snow removal within the confines of the community and shall be responsible for picking up trash and garbage within the confines of the community.
- (j) Swimming pools, if provided, shall be in compliance with Act 368 of the Public Acts of 1978, as amended, and the rules promulgated thereunder.
- (k) Individual fuel oil, liquid petroleum, or other fuel tanks or personal property shall not be permitted to be stored in or under any home.
- (l) Each home site shall be provided with approved garbage containers that meet the requirements of the Manufactured Housing Commission. The containers shall be kept in sanitary conditions at all times. It shall be the responsibility of the community operator to ensure that all garbage containers do not overflow and to ensure that all areas within the community are maintained free from any trash or other discarded materials.
- (m) Every community shall be equipped with fire extinguishment equipment in good working order, with type, size and number so located as to be in compliance with Rule 702A of the Manufactured Housing Commission Rules. Each fire extinguisher shall be periodically examined and kept at all times in a useable condition in compliance with the regulations of the State Police Fire Marshal Division.

**Section 6A.6  
Plans.**

**Review and Approval of Preliminary Manufactured Housing Community**

- (a) **Review.** Prior to the establishment of a new manufactured housing community, an expansion of a manufactured housing community, or construction of any building within the community not previously approved, a plan shall be presented to the Planning Commission for its review and approval.
- (b) **Application.** All plans submitted to the Planning Commission for review under this section shall contain the following information:
- (1) The date, north arrow and scale. The scale shall not be less than one inch equals fifty feet for property under three acres and at least one inch equals one hundred feet for those three acres or more.
  - (2) All site and/or property lines are to be shown in dimension.
  - (3) The location and height of all existing and proposed structures on and within one hundred feet of the subject property.
  - (4) The location and dimensions of all existing and proposed internal drives, sidewalks, curb openings, signs, exterior lighting, parking areas (showing dimensions of a typical parking space), unloading areas, community buildings, open space and recreation areas.
  - (5) The location and the pavement and right-of-way width of all abutting roads, streets, or alleys.
  - (6) The name and firm address of the professional civil engineering, registered landscape architect, landscaping firm, or architectural firms responsible for the preparation of the site plan.
  - (7) The name and address of the property owner and developer.
  - (8) The location of all rubbish receptacles and landscaping and the location, height, and type of fences and walls.
  - (9) Location of all fire hydrants, if applicable.
  - (10) The number of manufactured housing sites proposed.
  - (11) The submittal shall contain a narrative of the arrangements to be made for water supply and sewage disposal service, including approximate capacity, source of water supply, discharge points for sewage disposal, and description of stormwater management facilities.
  - (12) Utility and other easements.
  - (13) Clusters of trees and existing individual trees over 24 inches in diameter.
  - (14) Existing wetlands.

- (15) Proposed sign locations.
- (16) All required setbacks for front, side and rear yards.

Provided, however, that detailed construction plans shall not be required to be submitted to the Township.

- (c) **Fee.** Fees for the review of a manufactured housing community plan shall be established by resolution of the Township Board.
- (d) **Decision.**
  - (1) The plan shall be reviewed by the Planning Commission for compliance with the design standards for manufactured housing communities contained in this chapter, and the regulations of the State Manufactured Housing Commission. If it is determined that the manufactured housing community complies with the ordinance and regulations, it shall be approved.
  - (2) The plan shall be approved, approved with conditions, or denied within sixty (60) days after received by the Township, unless the applicant consents to allow a longer period of review.

## CHAPTER 7

### L-R LAKES RESIDENTIAL DISTRICT

**Section 7.1 Description and Purpose.** The L-R Lakes Residential District is intended for residential development around certain lakes in the Township. The regulations are designed to control new development in an orderly manner which avoids the creation of development at densities which could lead to degradation of the surface water quality or overuse of the lake. At the same time, these regulations recognize that substantial development of lakefront property has already taken place, and recognize the value and desirability of existing lakefront lots and the desire of owners of existing lots to maintain and make improvements to existing structures.

**Section 7.2 Permitted Uses.** Land, buildings and structures in the L-R District may be used for the following purposes only, unless otherwise provided in this ordinance:

- (a) Single family dwellings.
- (b) Family day care homes with no more than six minor children.
- (c) State-licensed adult foster care family homes with no more than six adults.

**Section 7.3 Special Land Uses.** The following uses may be permitted when authorized as special land uses:

- (a) Buildings or structures not devoted to a principal use and not accessory to a principal structure or use located or being conducted on the same lot may be permitted by the Planning Commission as a special land use in accordance with Chapter 12, and upon compliance with the following conditions:
  - (1) The building cannot reasonably be located on the site of the principal dwelling.
  - (2) Buildings or structures shall be used for storage of items devoted to or used exclusively for storage of automobiles, recreational equipment and other equipment customarily incident and subordinate to a residential use.
  - (3) Not more than one building or structure devoted to an accessory use on a vacant lot may be located directly across a public or private street from a lot improved with a principal dwelling, if both lots are under common ownership. As a condition of special land use, restrictive deed covenants shall be imposed against both properties, prohibiting their separate sale unless the accessory building is removed, or the lot on which it is located is improved by a principal dwelling, in compliance with the Zoning Ordinance.
  - (4) No building or structure may be used for a dwelling or sleeping purposes.
  - (5) The building or structure shall comply with the minimum setback requirements in the zoning district in which it is located, subject to being

increased by the Planning Commission in accordance with the standards for special land uses in Chapter 12. The maximum frontage and lot size requirements shall not be applicable to a lot on which only such an accessory building is located.

- (6) The size of the accessory building shall not exceed 1,200 square feet, subject to reduction in accordance with the standards set forth in Chapter 12.
- (b) Access Property intended to be shared by a number of individuals, other than the owners or occupants of a lot or condominium unit which touches the body of water, whether such use is by easement, common ownership, ownership by condominium, homeowners association or cooperative, division of condominium units, or other means of providing for shared use of such property, may be approved as a special land use by the Planning Commission in accordance with Chapter 12 and the following conditions:
- (1) For each dwelling unit using the access property, there shall be water frontage of not less than 150 feet, measured along the water's edge of the normal high water mark, and a minimum area of 22,500 square feet for each dwelling unit so using the property. Water frontage and area consisting of wetlands, as defined by Part 303 of the Natural Resources and Environmental Protection Act, or successor provisions of like import, shall not be included in the measurement of frontage and area for purposes of this subsection.
  - (2) The lake access site shall extend at least 100 feet inland from the water's edge.
  - (3) If creation of a lake access site is proposed in connection with a new subdivision, site condominium, planned unit development or similar development, then lake access sites shall be reviewed and approved as part of approval of such development. If approval is not sought in connection with the development, a separate application for special land use shall be made.
  - (4) An application for approval of a lake access site shall include the following information in addition to the information generally required for special land uses:
    - (i) The location of the ordinary high water mark.
    - (ii) The frontage on the body of water, measured at the ordinary high water mark.
    - (iii) Indication of wetland areas.
    - (iv) Vehicular and pedestrian access to the lake access site.
    - (v) Proposed locations of docks, moorings and boat launches.

- (vi) Proposed restrictions to limited use of the property.
  - (vii) Identification of properties entitled to use the lake access site.
  - (viii) Location of parking areas.
  - (ix) Description and location of signage, gates and fencing to prevent use of premises by unauthorized persons.
- (5) Deed restrictions or other appropriate restrictions shall be recorded in the Office of the Register of Deeds which identify the properties entitled to use the lake access site, and which specifically prohibit use of the property of lots not entitled to use lake access site from entering the site. The access properties maintained by condominium or homeowners association provisions shall be included in the master deed, plat, bylaws or other appropriate document to the effect that only those properties entitled to use the lake access site shall be responsible for any cost to maintain the site.
  - (6) Locked gates, fencing, signs and other appropriate devices shall be provided, as approved by the Planning Commission, to prevent entry of persons not entitled to use the lake access site.
  - (7) The number of moorings for water craft shall be not more than the number of dwelling units entitled to use the access property.
  - (8) One off-street parking space shall be provided for each dwelling entitled to use the lake access site which is located more than 500 feet from the site. Gravel or other dustless surface shall be provided for parking areas.
  - (9) No building or structure shall be constructed on the access property, other than the permitted docks, moorings and boat launch ramps.
  - (10) Any docks or moorings shall be located a minimum of 50 feet from the side lot line of the lake access site.
  - (11) Outdoor lighting shall not cause glare onto adjoining properties.

**Section 7.4 Other Uses.** Accessory buildings and sales of privately owned articles shall be permitted as provided in Section 6.4.

**Section 7.5 Area Regulations.** The following regulations shall apply to lots, buildings or structures created or erected after the effective date of this ordinance:

- (a) **Front Yard.** There shall be yards of not less than 35 feet each on the street side, and on the lake side measured from the ordinary high water mark.
- (b) **Rear Yard.** If a lot does not abut a lake, the rear yard shall be not less than 25 feet.

- (c) **Side Yard.** There shall be two side yards of not less than 10 feet each, except as stated in Section 2.19.
- (d) **Lot Area.** The minimum lot area for a single-family dwelling shall be one acre.
- (e) **Lot Width.** The minimum lot width, measured at the front lot line along the abutting road, shall be 150 feet. Lot width for a lot on a cul-de-sac shall be measured at the minimum setback for the principal dwelling from the front lot line along the abutting road, rather than at said front lot line. In addition, minimum lake frontage, measured along the ordinary high water mark, shall be 150 feet.
- (f) **Deck Regulations.** Decks shall be set back 10 feet from the side lot lines and shall not cover more than 40% of the required building setback area on the lake side.

**Section 7.6 Height Regulations.** No dwelling or structure shall exceed 35 feet in height or 2-1/2 stories, whichever is the lesser height.

**Section 7.7 Minimum Floor Area.** Each dwelling unit shall have a minimum usable floor area of 850 square feet.

**Section 7.8 Regulations for Existing Lots and Buildings.** The regulations of this section apply to lawful nonconforming lots, building and structures in existence as of the effective date of this chapter, which is January 28, 1997, and shall override contrary provisions generally applicable to nonconforming lots and uses for such lots and uses in the L-R District. A nonconforming lot may be used for all uses permitted in this district and buildings and structures may be erected, expanded or enlarged, provided the following conditions are met:

- (a) **Minimum Lot Area Shall be 5,000 Square Feet.** Minimum lot width, measured at the front lot line along the abutting road, shall be 50 feet. Lot width for a lot on a cul-de-sac shall be measured at the minimum setback from the front lot line along the abutting road for the principal dwelling, rather than at said front lot line. In addition, the minimum lake frontage, measured along the ordinary high water mark, shall be 50 feet.
- (b) **Minimum Required Setbacks.**
  - (1) Street side - 20 feet.
  - (2) Lake side - 35 feet.
  - (3) Side yard - 8 feet each.
- (c) **Maximum Lot Coverage by All Buildings.** 40%.
- (d) **Deck Regulations.** Decks shall be set back 8 feet from the side lot lines and shall not cover more than 40% of the required building setback area on the lake side.

## CHAPTER 8

### C GENERAL COMMERCIAL DISTRICT

**Section 8.1 Description and Purpose.** The C General Commercial District is intended for general shopping areas, including retail business or service establishments which supply goods or perform services to meet the needs of the community, the surrounding area and the travelling public.

**Section 8.2 Permitted Uses.** Land, buildings and structures in the C District may be used for the following purposes only, unless otherwise provided in this ordinance:

- (a) Any use permitted and as regulated in the C-1 Neighborhood Business District.
- (b) Automobile and other motor vehicle repair shop or garage.
- (c) Automobile and other motor vehicle sales (including new and used motor vehicles).
- (d) Automobile storage garage.
- (e) Dance studio.
- (f) Department store and discount store.
- (g) Farm machinery and implement sales and service.
- (h) Feed store.
- (i) Funeral home.
- (j) Health club.
- (k) Liquor store.
- (l) Mobile home sales.
- (m) Offices.
- (n) Pet shop, including boarding of animals.
- (o) Pool or billiard hall.
- (p) Printing and publishing shop.
- (q) Rental service businesses.
- (r) Restaurants.
- (s) Taverns and bars.

- (t) Mini-warehouses and self-storage facilities. A portion of the site may be used for the outdoor storage of materials, equipment and boats if these items are well screened from the view of nearby properties and roadways.
- (u) Other similar retail business or service establishment supplying goods or products or performing services primarily for residents of the community, the surrounding area and the traveling public.

**Section 8.3 Special Land Uses.** The following uses may be permitted when authorized by the Planning Commission and Township Board as special land uses under Chapter 12:

- (a) Hotels and motels.
- (b) Junkyards and salvage yards when in compliance with the Township Junkyard Ordinance.
- (c) Nightclubs, dance halls and theaters.
- (d) Welding and machine shops.
- (e) Other retail business or service establishment determined by the Planning Commission to be not sufficiently similar to the permitted uses set forth in Section 8.2 but which are determined by the Planning Commission to be retail businesses or service establishments which supply goods or products or which perform services primarily for residents of the community, the surrounding area and the travelling public.
- (f) Child care centers when authorized by the Planning Commission under Chapter 12.
- (g) Churches and other places of worship.

**Section 8.4 Other Uses.** The following other uses may be permitted as follows:

- (a) Accessory buildings, structures and uses customarily incidental to any permitted use.
- (b) Signs as regulated under Chapter 14.
- (c) Parking and loading as regulated under Chapter 15.

**Section 8.5 Required Conditions.** All sales, services and other business activities shall be conducted wholly within a completely enclosed building, except for motor vehicle parking, off-street loading, drive-up facilities at banks and other financial institutions, restaurant drive-up facilities (if approved as a special land use) and gasoline service stations (if approved as a special land use), and also except the limited storage in a semi-trailer permitted by the terms of Section 3.6(e).

**Section 8.6 Area Regulations.** No building or structure shall be erected nor shall any building or structure be enlarged unless the following yards and lot area requirements are provided and maintained in connection with such building, structure or enlargement.

- (a) **Front Yard.** There shall be a front yard of not less than 50 feet.
- (b) **Side Yard.** There shall be two side yards of not less than 10 feet each, but any side yard located next to lands zoned in the R-R or MDR Districts shall have a width of not less than 20 feet.
- (c) **Rear Yard.** There shall be a rear yard of not less than 50 feet.
- (d) **Lot Area.** The minimum lot area shall be one acre.
- (e) **Lot Width.** The minimum lot width shall be 200 feet at the front lot line.

**Section 8.7 Height Regulations.** No building or structure shall exceed 35 feet in height or 2-1/2 stories, whichever is the lesser height.

**Section 8.8 Minimum Floor Area.** No minimum required.

## CHAPTER 9

### C-1 NEIGHBORHOOD COMMERCIAL DISTRICT

**Section 9.1 Description and Purpose.** The C-1 Neighborhood Commercial District is intended for retail businesses or service establishments which provide convenience shopping and which supply goods or perform services to meet the daily needs of the area.

**Section 9.2 Permitted Uses.** Land, buildings and structures in the C-1 District may be used for the following purposes only, unless otherwise provided in this ordinance:

- (a) Antique shop.
- (b) Bakery.
- (c) Bank, savings and loan association and credit union.
- (d) Barber shop and beauty shop.
- (e) Candy store, ice cream shop and yogurt shop.
- (f) Clothing store.
- (g) Delicatessen.
- (h) Drug store.
- (i) Florist shop.
- (j) Furniture store.
- (k) Gift shop.
- (l) Grocery store and meat market.
- (m) Hardware store.
- (n) Household appliance store.
- (o) Jewelry store.
- (p) Laundry and dry cleaners.
- (q) Offices.
- (r) Photographic studio.
- (s) Restaurant, but not including drive-up or drive-through window or drive-in car service.

- (t) Shoe repair shop.
- (u) Tailor and dressmaker.
- (v) Variety store, including video rentals, computer stores and specialty stores.
- (w) Other similar retail businesses or service establishments supplying goods or products or performing services primarily for residents of the community to meet the daily needs of the area.

**Section 9.3 Special Land Uses.** The following uses may be permitted when authorized by the Planning Commission and Township Board as special land uses under Chapter 12:

- (a) Gasoline service station.
- (b) Restaurant with drive-in or drive-through window or drive-up car service.
- (c) Other retail businesses or service establishments determined by the Planning Commission to be not sufficiently similar to the permitted uses set forth in Section 9.2 but which are determined by the Planning Commission to be retail businesses or service establishments which supply goods or products or which perform services primarily for residents of the community to meet the daily needs of the area.
- (d) Child Care Centers when authorized by the Planning Commission under Chapter 12.
- (e) Churches and other places of worship.

**Section 9.4 Other Uses.** The following other uses may be permitted as follows:

- (a) Accessory buildings, structures and uses customarily incidental to any permitted use.
- (b) Signs as regulated under Chapter 14.
- (c) Parking and loading as regulated under Chapter 15.

**Section 9.5 Required Conditions.** All sales, services and other business activities shall be conducted wholly within a completely enclosed building, except for motor vehicle parking, off-street loading, drive-up facilities at banks and other financial institutions, restaurant drive-up facilities (if approved as a special land use) and gasoline service stations (if approved as a special land use), and also except the limited storage in a semi-trailer permitted by the terms of Section 3.6(e).

**Section 9.6 Area Regulations.** No building or structure shall be erected nor shall any building or structure be enlarged unless the following yards and lot area requirements are provided and maintained in connection with such building, structure or enlargement.

- (a) **Front Yard.** There shall be a front yard of not less than 50 feet.

- (b) **Side Yard.** There shall be two side yards of not less than 10 feet each, but any side yard located next to lands zoned in the R-R or MDR Districts shall have a width of not less than 20 feet.
- (c) **Rear Yard.** There shall be a rear yard of not less than 50 feet.
- (d) **Lot Area.** The minimum lot area shall be one acre.
- (e) **Lot Width.** The minimum lot width shall be 100 feet at the front lot line.

**Section 9.7 Height Regulations.** No building or structure shall exceed 35 feet in height or 2-1/2 stories, whichever is the lesser height.

**Section 9.8 Minimum Floor Area.** No minimum required.

## CHAPTER 10

### L-I LIGHT INDUSTRIAL DISTRICT

**Section 10.1 Description and Purpose.** The L-I Light Industrial District is intended to provide for the development of warehousing, light industrial and limited commercial uses that are characterized by minimal land coverage and the absence of objectionable external effects.

- (a) The permitted light industrial uses and the authorized special land uses in this district are in general those characterized by the assembly, packaging, fabrication and compounding of goods and articles from previously prepared materials, rather than the manufacture of products from raw materials.
- (b) Uses that result in serious adverse effects upon other lands by reason of noise, vibration, odor, smoke, dust, dirt, glare, heat or other adverse effects are not permitted.
- (c) The district is intended for light industrial uses, warehousing, wholesaling and other permitted uses or specially authorized uses that are of limited size and scale and that are not incompatible with uses on nearby lands or in the vicinity.
- (d) Because of the absence of public water supply and public sanitary sewer systems, and the importance of maintaining the Township's rural character, lands zoned in the L-I District shall be only of relatively modest extent, as compared to other zones within the Township.
- (e) Permitted light industrial uses and specially approved uses in the district shall be suitably located, screened, appropriately enclosed and otherwise moderated so that such uses shall not seriously interfere with or detract from the Township's generally rural character.

**Section 10.2 Permitted Uses.** Land, buildings and structures in the L-I District may be used for the following purposes only, unless otherwise provided in this ordinance:

- (a) Compounding, packaging, and assembling from previously prepared materials for the production of:
  - (1) Food products, including meat, dairy, fruit, vegetable, seafood, grain, bakery, confectionery, beverage, and kindred foods.
  - (2) Textile mill products, including woven fabric, knit goods, dying and finishing, floor coverings, yarn and thread, and other textile goods.
  - (3) Apparel and other finished products made from fabrics, leather goods, fur, canvas, and similar materials.
  - (4) Lumber and wood products, including mill work, prefabricated structural wood products and containers.

- (5) Furniture and fixtures.
- (6) Paperboard containers, building paper, building board, and bookbinding.
- (7) Printing and publishing.
- (b) Wholesale establishments, including automotive equipment, drugs, chemicals, dry goods, apparel, food, farm products, electrical goods, hardware, machinery, equipment, metals, paper products and furnishings, and lumber and building products.
- (c) Trade and industrial schools.
- (d) Lumber yards and other building supply establishments.
- (e) Mini-warehouses and self-storage facilities. A portion of the site may be used for the outdoor storage of materials, equipment and boats if these items are well screened from the view of nearby properties and roadways.
- (f) Building contractors such as painters, plumbers, electrical, cement, heating and air conditioning, fencing, and similar uses, provided that any materials or equipment kept outside shall be well screened from the view of nearby properties and roadways.
- (g) Customary accessory buildings and uses.
- (h) Any similar light industrial uses when authorized by the Planning Commission and if consistent with the description and purposes set forth in Section 10.1.

**Section 10.3 Special Land Uses.** The following uses may be permitted when authorized as a special land use by the Planning Commission:

- (a) Junkyards and salvage yards when in compliance with the Township Junkyard Ordinance.
- (b) Contractor yards for construction equipment such as bulldozers, backhoes, and dump trucks, provided all such equipment and vehicles are stored indoors or otherwise well screened from view of surrounding properties and roadways.
- (c) Open air businesses including but not limited to: the sale of farm implements, lawn and garden equipment sales and service, motor homes, mobile or modular homes, and similar uses.

**Section 10.4 Area Regulations.** Buildings and structures shall not be erected or enlarged unless the following requirements are met and maintained.

- (a) **Minimum Lot Area and Width.** Two acres with 300 feet of lot width.

- (b) **Front Yard.** All principal and accessory buildings constructed within this district shall have a setback from the street right-of-way of not less than 50 feet, except if located on M-57 where the front setback shall be 75 feet.
- (c) **Side Yard.** 25 feet unless abutting a residential zone, in which case a side yard setback of at least 50 feet shall be maintained.
- (d) **Rear Yard.** 50 feet unless abutting a residential zone, in which case the rear yard setback shall be a minimum of 100 feet.
- (e) **Maximum Height.** 35 feet or 2-1/2 stories, whichever is the lesser height.
- (f) **Maximum Building Lot Coverage.** 40%.
- (g) **Site Development Standards.** The following development standards are designed to mitigate negative impacts on nearby properties and shall apply to all uses in the L-I Industrial District:
  - (1) All storage and waste materials related to the use are to be kept within a completely enclosed building or within an area enclosed on all sides by a solid fence, green belt, or wall at least six feet in height. Further, all business shall be conducted in such a manner that any noise, smoke, dust, vibration, or like nuisance shall not adversely affect adjoining properties.
  - (2) Industrial equipment on a site, including trucks, shall not be operated in a manner such that it produces noise above 75 decibels when measured at the nearest occupied residential dwelling unit.
  - (3) The location of driveways shall be determined during site plan review. Driveways shall be located to minimize negative impacts upon nearby properties.
  - (4) Operations which involve the repair or storage of damaged vehicles shall immediately remove all fluids from such vehicles if there is evidence that leaking of fluids is occurring or could occur. This is necessary to minimize fire hazards and to prevent such fluids from contaminating ground water and surface water.

## CHAPTER 11

### RESIDENTIAL PLANNED UNIT DEVELOPMENT

**Section 11.1 Description and Purpose.** This chapter is intended to allow for a variation in lot size and orientation to make allowances for natural features such as slopes, wetlands, lakes and streams. This chapter is also intended to provide a mechanism for density bonuses to encourage creative and innovative design which preserves natural features or the appearance of open and rural character.

**Section 11.2 Authorization.** A Planned Unit Development (“PUD”) shall be approved by amendment to the zoning map, with an accompanying ordinance specifying the terms and conditions of approval of the PUD. Approval under this chapter, including all aspects of the final plan and conditions imposed shall be considered as part of the Zoning Ordinance, although it need not be incorporated into the codified ordinances of general application. Violation of any provision of a planned unit development ordinance shall in all respects be considered a violation of the Zoning Ordinance.

#### **Section 11.3 Eligibility for PUD Rezoning.**

- (a) Lands for which a PUD application is made must be under single ownership or under common control, and all parties in interest shall join in the application. The Township may require proof of such ownership or joint control.
- (b) The lands proposed for PUD rezoning must contain a minimum of five contiguous acres.
- (c) The lands must be located, at the time of application, within the R-R District. (The zoning district at the time of application is referred to as the “underlying district” in this chapter.)

#### **Section 11.4 Review Procedures.**

- (a) **Optional Preapplication Conference.** Before submitting an application for a PUD, the applicant may meet with the Planning Commission to submit information regarding the proposed PUD and to confer with the Planning Commission about the proposed application and the PUD.
- (b) **Preliminary Development Plan.**
  - (1) An applicant for PUD rezoning shall submit a site plan of the development which contains the information required for site plans according to Chapter 13 of this ordinance, and which contains the following additional information:
    - (i) A narrative describing the PUD.
    - (ii) Proposed restrictive covenants for the development.

- (iii) Areas with existing slopes between 12%-20%.
  - (iv) Areas with existing slopes of more than 20%.
  - (v) Drainage swales.
  - (vi) Ridges.
  - (vii) Wetlands, ponds, streams or other bodies of water, identified by type.
  - (viii) Wooded areas with a general description of the size and type.
  - (ix) High point of the property.
  - (x) General soil types based on U.S. Soil Conservation Survey of Kent County.
  - (xi) Proposed building envelopes and areas for drainfields and set aside drainfields.
  - (xii) Description of means proposed to dispose of sanitary sewage and supply potable water.
  - (xiii) Areas proposed to be left in natural states, and areas proposed for open space uses.
- (2) If required by the Planning Commission, the preliminary development plan shall include additional information reasonably necessary to determine and consider the environmental impact of the development, impact on services to be provided by governmental units and school districts and traffic. The Planning Commission may, in addition, request that the applicant obtain comments from the County Health Department, County Road Commission, County Drain Commissioner, Department of Natural Resources, Department of Environmental Quality, and other governmental units regarding impacts on matters within their jurisdiction.
- (c) **Review of Preliminary Development Plan.** The Planning Commission shall review the preliminary development plan and make recommendations to the applicant regarding the PUD, together with any recommended change or modification thereof. Such review and other consideration of the preliminary plan shall take place at public meetings or meetings of the Planning Commission, or at meetings of committees of the Commission, where appropriate. The recommendations shall be based upon consideration of the requirements of this ordinance and, in particular, the requirements of this chapter. In the course of its consideration of the preliminary development plan, the Planning Commission may, in its discretion, convene an advisory public hearing to receive public comments concerning the preliminary development plan. Notice of such advisory hearing shall be given in accordance with

Section 18.9 of this ordinance. Failure to give notice of such an advisory public hearing shall not affect the validity of the proceedings.

- (d) **Final Development Plan.** After receiving the recommendations of the Planning Commission concerning the preliminary development plan, the applicant shall submit a final development plan to the Township, which contains the information required for a preliminary development plan, and which addresses other matters requested by the Planning Commission. Copies of the plan shall be forwarded to the Planning Commission, in addition to the projected time for completion of the PUD, and any proposed phasing, if any, and the projected time for completion of each phase.
- (e) **Public Hearing on Final Development Plan.** The Planning Commission shall hold a public hearing on the final development plan and the application for rezoning. Notice of the hearing shall be given in the manner required by Section 18.9 of this ordinance.
- (f) **Recommendation by Planning Commission.** After public hearing, the Planning Commission shall make recommendations to the Township Board regarding the final development plan. The Planning Commission may recommend in favor of rezoning the lands in accordance with the final development plan; it may recommend against rezoning of the lands in accordance with the final development plan; or it may recommend such rezoning only if certain changes or modifications in the PUD are made or if certain specific conditions are imposed. The recommendations of the Planning Commission shall be transmitted to the Township Board as soon as reasonably practicable.
- (g) **Consideration by Township Board.** The Township Board shall review the final development board and the recommendations submitted by the Planning Commission. The Township Board shall determine whether the final development plan complies with the standards, conditions and requirements of this ordinance and, in addition, shall determine whether the proposed project promotes the purposes of this chapter. Upon a determination of the project and of each such standards, conditions and requirements, the Township Board may approve the final development plan and grant the rezoning request, or deny such plan and request, or approve with conditions.
- (h) **Conditions of Approval.** The Township Board may impose reasonable conditions upon approval to protect the environment and conserve natural resources and energy, to ensure compatibility with adjacent use of lands, and promote the use of land in a socially and economically desirable manner. Conditions imposed shall meet all of the following requirements:
  - (1) Shall be designed to protect natural resources, the health, safety and welfare of those who will use the proposed project, residence and landowners immediately adjacent to the project, and the community as a whole.

- (2) Shall be related to the valid exercise of the police power, and the purposes of which are affected by the proposed project.
- (3) Shall be necessary to meet the intended purpose of this ordinance, be related to the standards established in the ordinance for the proposed PUD under consideration, and be necessary to ensure compliance with those standards.
- (4) Shall be included in the PUD Ordinance, and shall remain unchanged, unless amended by the Township.

**Section 11.5 Cluster Option for Planned Unit Development.**

- (a) Planned unit development approval for clustered housing allows the creation of lots which do not meet the minimum standards of the underlying district.
- (b) The conditions for approval of a clustered planned unit development are:
  - (1) The overall density of the project is equal to the density as provided in the underlying district, not including (i) areas lying below the ordinary high water mark of lakes and streams, (ii) areas within the rights-of-way of public and private roads, and (iii) easements, other than easements to provide utility service to individual units.
  - (2) The design of the PUD has benefit in preserving natural features and rural character.
  - (3) PUD rezoning will result in a recognizable and substantial benefit to the ultimate users of the project and the Township, which would not be achieved by compliance with the requirements of the underlying zone by each lot or unit in the development.
  - (4) The PUD promotes the general intent of the design standards of Section 11.7 hereof.

**Section 11.6 Clustered Developments/Bonus Density Planned Unit Development.**

- (a) Rezoning under this section can, in addition to allowing clustering as provided in Section 11.5, permit an increase in overall density in excess of that which would be permitted in the underlying district. For projects which include five or more building sites, approval may be given for the creation of one additional building site for the first five units plus one additional unit for each ten units in excess of five. (Example: up to one additional site for qualifying developments with 5-15 units, two for developments with 16-25 units, and so on.)
- (b) To qualify for a density bonus, the PUD must satisfy all of the following standards:

- (1) The lands proposed for PUD rezoning must contain significant natural features or must be important in maintaining the rural character of the Township.
- (2) The PUD must be designed to have the minimal impact possible on the natural features to the site and the surrounding area.
- (3) Efforts to design the project to be compatible to the site must have resulted in additional development costs.
- (4) The project must substantially comply with all applicable design standards of Section 11.7 hereof.

**Section 11.7 General Design Standards.** The following development standards shall apply to Residential Planned Unit Developments:

- (a) Unless otherwise provided in the ordinance for rezoning lands to PUD, the regulations applicable within the underlying district shall apply. As conditions of rezoning, the Township may provide different regulations, which regulations may vary among different lots in the development.
- (b) All building sites within the PUD shall be provided access by interior public or private streets. No individual units shall have access directly to any street other than those constructed to serve the development.
- (c) Areas in which natural vegetation and terrain is left undisturbed shall be provided along public roads and adjacent property lines of sufficient width to screen buildings from adjacent roadways and properties.
- (d) Home sites shall be located toward the interior of the development, or shall be located behind existing natural features so as to screen dwellings from public roads or adjacent properties.
- (e) Building envelopes shall not be located on top of prominent hilltops, ridges or steep slopes, or in proximity to wetlands or other sensitive areas.
- (f) The entrance or entrances to the development shall be no wider than necessary to accommodate any necessary acceleration lanes and provide adequate sight distance. Boulevards, landscaping, planters, fences and other amenities designed to call attention to development shall not be permitted.
- (g) A single, attractively constructed unlighted sign of not more than 20 square feet, identifying the name of the development, may be located near each entrance to the development. An additional sign of up to 20 square feet advertising the availability of lots in the development for sale may be located at or near the entrances to the development for a period of not to exceed two years.

- (h) The location of roads, drainage structures and building sites, driveway locations, drainfields and drainfield locations shall be designed to minimize the clearing of desirable vegetation and the alteration of existing slopes and drainage patterns.
- (i) The site shall be designed so as to minimize additional runoff from roads, roofs, driveways and other improvements.
- (j) Roads shall be located away from areas of steep slopes.
- (k) If the roads within the PUD are to be private roads, they shall comply with the requirements of this ordinance pertaining to private roads. Provided, however, that the Township Board may, following consultation with the Township Fire Chief and other public safety officials as appropriate, allow a reduction in the minimum right-of-way and roadbed width requirements for all or a portion of the road to minimize removal of vegetation or alteration of natural slopes. The Township Board may require that portions of roads with reduced widths be one way only.
- (l) Provision shall be made, by restrictive covenant, master deed or other appropriate legal means, so that areas of the PUD designated as open space and considered in determining overall density of the project shall remain as such. Areas counted as open space for one development shall not be counted as open space for a different development.
- (m) Areas proposed for open space may be put to use as agricultural uses (not including animal husbandry), commercial stables, golf courses or other facilities for outdoor recreational activities. In the event a non-agricultural open space use is to be made available for use by persons other than the occupants of the development and their guests, only one-half of the area of the open space used may be included in the calculation of overall density.
- (n) Provisions for shared driveways by individual units shall be made as appropriate to minimize removal of vegetation or alteration of existing slopes.
- (o) Adequate provision shall be made for disposal of sanitary sewage and provision of potable water.
- (p) In addition to no disturbance zones in the perimeter of the development, provision shall be made for preservation of existing desirable vegetation within building sites, except as necessary for construction of buildings, drainfields, and driveways, and restrictions shall be imposed to prevent unnecessarily large manicured lawns and gardens.
- (q) Sites shall be designed, to the maximum extent possible, to minimize additional runoff from improvements into lakes, streams and wetlands.

## CHAPTER 12

### SPECIAL LAND USES

**Section 12.1 Description and Purpose.** Some of the land uses provided for in this ordinance have characteristics which require special limitations or controls in order to assure compatibility with adjacent land uses, the natural environment and the capacity of public services and facilities. The purpose of this chapter is to set forth procedures and standards applying to the special land uses authorized elsewhere in this ordinance.

**Section 12.2 Special Land Uses.** The special land uses to which this chapter applies are those specified in Chapters 5, 6, 7, 8, 9 and 10 of this ordinance. No other special land uses, unless listed in this chapter, are permitted.

#### **Section 12.3 Procedures.**

- (a) A written application for a special land use shall be submitted to the Township Clerk. The application shall include the name and address of the applicant, the address and legal description of the lands involved, a description of the requested special land use and other pertinent information.
- (b) The application shall include a site plan showing the location and dimensions of all existing and proposed buildings and structures; site drainage; water and sewer facilities, if any; streets and drives; yards; parking and loading; and landscaping and any screening, fencing or other buffering devices. The site plan shall also include a small locational map showing all adjacent streets and adjacent properties.
- (c) The special land use application shall be transmitted by the Township Clerk to the Planning Commission. The Planning Commission shall hold at least one public hearing on all special land use applications. Public notice of such a hearing shall be given in accordance with Section 18.9 of this ordinance.

**Section 12.4 Standards for Considering Special Land Uses.** Except as they reasonably do not apply, the following standards shall be used by the Planning Commission and/or the Township Board when considering applications for a special land use:

- (a) The size and nature of any buildings or structures to be erected or located on the lands shall not create serious social, economic or visual conflicts with adjacent land uses or lands in the immediate vicinity.
- (b) The proposed special land use shall not create substantial adverse or hazardous environmental conditions for adjacent property owners or the surrounding neighborhood. For purposes of this standard, environmental conditions shall include, but not be limited to, matters of soil, air and water quality and movement, dispersion of light and heat, volume and pitch of noise and abundance and type of wildlife and vegetation.

- (c) The population or use density resulting from a special land use shall not be so substantially greater than the population or use density in the surrounding area so as to increase the likelihood of additional requests for other land use changes which, if granted, would not conform to the land use types, patterns or density of the surrounding area.
- (d) Vehicular and pedestrian circulation shall be designed to minimize conflicts on public streets and the lands involved and to provide safe and convenient parking in relation to streets, pedestrian walkways and adjoining properties.
- (e) Safe and adequate water supply and sewage disposal facilities shall be provided in accordance with Township, County and State regulations.
- (f) The proposed special land use shall not create excessive additional demand, at public cost, for public facilities and services.
- (g) The proposed special land use shall be consistent with the intent and purpose of this Zoning Ordinance and with other applicable Township ordinances.

**Section 12.5 Approval of Special Land Use.**

- (a) Where such authority is granted under the terms of this ordinance, the Planning Commission, or where required, both the Planning Commission and Township Board, shall approve a special land use upon the finding that the proposed special use complies with the standards set forth in Section 12.4. The Planning Commission or Township Board may require additional conditions so as to assure that the intent of this ordinance shall be fully complied with.
- (b) Where approval of a special land use is specified to be given by both the Planning Commission and the Township Board, such bodies may convene jointly or separately. If convening separately, the Township Board may, though it need not, hold a public hearing. It shall not render a decision until it receives the recommendations of the Planning Commission.
- (c) Upon making a decision on whether to deny, approve or approve with conditions a requested special land use, the authorizing body shall incorporate its decision in a statement setting forth the basis for the decision and all conditions, limitations and requirements upon which the special land use is granted. All conditions of the special land use shall remain unchanged except upon the mutual consent of the authorizing body and the special land use applicant.
- (d) The authorizing body shall maintain a record of all conditions and limitations. The failure of compliance with any such conditions or limitations shall automatically invalidate the special land use.

**Section 12.6 Expiration.** Any special land use approved pursuant to the terms of this chapter shall be of no further force or effect one year after such approval, unless the authorized use or activity has

been commenced within such time. A greater time for commencement may, however, be specified in the approval of the special land use.

**Section 12.7 Performance Standards.** The following provisions are standards for specific special land uses which must be satisfied for qualification as a special land use, in addition to the general standards set forth in this chapter.

**Section 12.8 Antennas and Towers of a Height Greater than 30 Feet.** Freestanding radio, television and telecommunications antennas and towers (including satellite dish antennas) exceeding a height of 30 feet above grade, may be approved by the Planning Commission as a special land use upon compliance with the following requirements:

- (a) Any such antenna or tower shall be permanently secured to a stable foundation. It shall be grounded to protect against damage from lightning.
- (b) No part of the antenna or tower shall display any name, symbol, words or letters, advertising message, graphic representation or other written or pictorial matter visible from adjacent or nearby lands.
- (c) Any such antenna or tower shall be located only in a rear yard or side yard, unless otherwise permitted by the Planning Commission. It shall not be closer to a property line than its height, unless a lesser setback is permitted by the Planning Commission.
- (d) A commercial or public antenna or tower, including accessory buildings or structures, shall be fully enclosed by a sturdy fence, securely gated, and shall have such height as reasonably determined by the Planning Commission.
- (e) The antenna or tower shall not be so located or constructed so as to have a serious adverse effect on adjacent or nearby land uses.
- (f) The antenna or tower and the construction, installation, maintenance and operation thereof shall comply with all federal, state and local laws, ordinances and regulations.
- (g) Antennas and towers for commercial wireless telecommunications services, including cellular telephone antennas and towers, shall comply with the following requirements:
  - (1) Such antennas and towers may be required by the Planning Commission to be located on an existing approved tower or other structure if such location is reasonably feasible and practical, in the opinion of the Planning Commission, based upon the facts concerning the existing tower, the area to be served by the proposed telecommunications antenna and other relevant factors.
  - (2) A proposed tower for commercial wireless telecommunications services may be required, in the discretion of the Planning Commission, to be designed, constructed and placed so as to accommodate both the applicant's equipment and comparable equipment for at least two additional users. The Planning

Commission may require that such towers be designed and constructed so as to allow for the future rearrangement of equipment upon the tower, and to accept equipment mounted at varying heights on the tower.

- (3) Towers for commercial wireless telecommunications services shall be designed so as to blend, insofar as possible, into the surrounding environment, through the use of color of equipment and architectural treatment, except in those cases where color of equipment may be dictated by state or federal agencies. Such towers shall be of a monopole design unless the Planning Commission determines that an alternative design would be satisfactory.
  - (4) The Planning Commission may require that commercial wireless telecommunications towers not be illuminated, unless required by state or federal agencies having jurisdiction. No signs or other written or graphic matter not related to safety or hazard warnings shall be permitted on any part of the tower or associated equipment or buildings, except that a name identification sign may be located on an associated building.
  - (5) The Planning Commission may require that commercial wireless telecommunications towers, or other related structures or buildings, be screened with landscaping, berms, walls or a combination of any of them.
  - (6) Towers for commercial wireless telecommunications services which are abandoned or unused shall be removed, along with any associated buildings, structures or equipment within one year of the ceasing of operations, unless a time extension is granted by the Zoning Administrator. One time extension, of up to six months, shall be permitted if the Zoning Administrator determines that the owner or former operator of the facility is taking active steps to insure its removal.
- (h) The Planning Commission in its reasonable discretion may impose other terms and conditions regulating the construction, installation, use and maintenance of any such antenna or tower. Such other terms and conditions may include, though need not be limited to, the following:
- (1) The screening or buffering of an antenna or tower and any accessory buildings or structures thereof.
  - (2) The timely removal of unused or unsafe antennas or towers or accessory buildings or structures thereof.
  - (3) The prohibition on the construction or occupancy of dwellings or other buildings or the construction and use of other structures within a specified isolation distance from an antenna or tower.
  - (4) The preservation of existing trees and other existing vegetation not required to be removed for installation of an antenna or tower; the reasonable

restoration of trees or other vegetation removed or destroyed during the construction or installation of an antenna or tower or accessory buildings or structures thereof.

- (i) Where the effect of any of the provisions of this section would be to prevent or preclude the operation of amateur radio antennas (being antennas operating for the purpose of receiving or transmitting communications by a radio station described in Section 153(q) of Title 47 of the U.S. Code) and licensed by the Federal Communications Commission, such amateur radio antenna may be approved by the Planning Commission as a special land use if it is reasonably demonstrated that the application of any of the provisions of this section would be to preclude or prevent the operation of such amateur radio antenna. In granting any such special land use for an amateur radio antenna, the Planning Commission may impose reasonable conditions upon such approval, but such conditions shall not interfere with the reasonable accommodation of amateur radio communications and such conditions, if any, shall be no more than the minimum practicable regulations necessary to accomplish the Township's legitimate purposes in regulating such amateur radio antennas.

**Section 12.9 Private Airfields and Landing Strips.** Private airfields or landing strips are permitted as a special use in the R-R Rural Residential and Agricultural District if the Planning Commission finds that:

- (a) Such use will not adversely affect existing or future development in the vicinity.
- (b) The take-off and landing pattern within one thousand (1,000) feet of the ends of the runway does not pass over an occupied structure.
- (c) The landing strip and areas upon which airplanes taxi are at least two hundred (200) feet from any property line.
- (d) The safety of the citizens of the Township is not adversely affected.
- (e) The airport must be of such size, with the runways so located, that the operation thereof, in accordance with the standards and requirements of the Federal Aviation Administration, will not require limitation of heights of structures on adjacent land to less than the height limit specifically prescribed for the district in which such land is situated.
- (f) Landing and taxing areas shall be provided with a dustless surface.
- (g) Hangers no larger than that necessary to house the number of permitted aircraft may be permitted where approved by the Planning Commission.

**Section 12.10 Land Application of Sewage Sludge.** The land application of sewage sludge within the Township, either to the surface or by injection below the surface, shall not be permitted unless approved by the Planning Commission as a special land use in accordance with the general requirements of Sections 12.1 through 12.6 and the specific requirements of this section.

- (a) **Procedure for Permit.** A special land use application for the land application of sewage sludge within the Township shall include the following information and fees:
- (1) A fee of \$250.00 (two hundred and fifty dollars) for each parcel of land to which the sewage sludge is proposed to be applied.
  - (2) A map of the parcel(s) of land to which the sewage sludge will be applied, depicting all homes, buildings, streets, drainage facilities, municipal water supplies, domestic wells, surface waters, regulated and unregulated wetlands, property lines, and natural features within two thousand (2000) feet thereof. The map shall show contour elevation readings, at five (5) foot intervals, across the land to which sewage sludge will be applied and within two hundred (200) feet thereof.
  - (3) A written statement describing who will be responsible for managing the sewage sludge application (including name, address and telephone number), who has prepared the sewage sludge (including name, address and telephone number), the precise location where it will be applied, the method by which it will be applied, the amount to be applied, a reasonable estimate of the time application will begin and end, the person or persons responsible for the physical application of the sewage sludge to the property, and the expected benefits of sewage sludge application to the property.
  - (4) Written documentation, including analytical results, demonstrating that the sewage sludge to be land applied complies with the pollutant, vector attraction and pathogen requirements of state law.
  - (5) A copy of all soil fertility tests on soils sampled from the proposed application site in the two (2) years preceding the proposed date of application.
  - (6) A written statement setting forth the state and federal laws and regulations which govern the sewage sludge application and describing all permits and approvals obtained by the person(s) responsible for applying the sewage sludge. Copies of all permits and approvals must be attached to the written statement.
  - (7) A copy of the agreement between the owner(s) of the property to which the sewage sludge will be applied and the person(s) responsible for applying the sewage sludge.
  - (8) A written statement granting Township officials and employees the right to enter the proposed site of sewage sludge application for purposes of determining compliance with the provisions of this ordinance and any conditions imposed on a permit granted thereunder.
- (b) **Required Conditions.** The following conditions shall be complied with in connection with the land application of sewage sludge:

- (1) Sewage sludge nutrient content shall be controlled so that the level of nitrogen on the site of the application shall not overload the nutrient capacity of the site and pose an unacceptable risk of nitrates leaching into the groundwater.
  - (2) On agricultural land, sewage sludge shall not be applied in excess of agronomic rates, as defined under MAC R 323.2401, *et seq.*
  - (3) To prevent the spread of disease and reduce offensive odors, all sewage sludge must be treated with a process which significantly reduces the pathogens naturally occurring in the sewage sludge prior to application.
  - (4) The application of the sewage sludge shall be managed so as to minimize offensive odors, including the observance of isolation distances equal to or greater than those prescribed by the Michigan Department of Environmental Quality.
  - (5) Sewage sludge shall not be applied where the water table is less than 30 inches from the soil surface at the time of sewage sludge application.
  - (6) Sewage sludge shall not be applied to lands that are flooded, or to soils that are saturated with water, frozen or snow covered.
  - (7) Sewage sludge shall not be applied in a manner so that it will enter a wetland or any waters of the state.
  - (8) Sewage sludge application shall not result in the degradation of the quality of useable aquifers.
  - (9) The surface application of sewage sludge is prohibited on lands having a slope of more than 6% and the subsurface injection of sewage sludge is prohibited on lands having a slope of more than 12%.
  - (10) All required state and federal permits shall be obtained prior to the special use being granted.
  - (11) The property where the sewage sludge is applied shall be monitored to ensure compliance with this ordinance and all applicable federal and state laws, regulations and restrictions.
- (c) **Determination by Planning Commission.** The Planning Commission shall examine the application and proposed plans for sewage sludge application for compliance with the general requirements of this chapter and the specific requirements of this section. If the proposed plans are found to be in compliance, the Planning Commission shall approve the submitted plans and grant a special land use permit. If the proposed plans are found not to be in compliance, the Planning Commission shall either deny a special land use permit or grant a special land use permit subject to conditions designed to correct items of noncompliance.

- (d) **Notification to Township Board.** Upon approval of an application, the Chairperson of the Planning Commission shall inform the Township Board of its action and of any special conditions imposed.
- (e) **Inspection.** The Township Zoning Administrator, or his or her designee, may enter a site approved for the land application of sewage sludge at any time to determine compliance with the provisions of this ordinance or the conditions of a permit granted under this section. If conduct or conditions of noncompliance are observed, the Zoning Administrator may issue a stop work order enjoining all activities undertaken pursuant to the special land use permit. Sewage sludge application activities shall not thereafter resume until the permittee appears before the Planning Commission and demonstrates that corrective actions have been taken to prevent future occurrences of the non-complying conduct or conditions. Failure of a permittee (or its agents, contractors or subcontractors) to comply with the requirements of this ordinance or to comply with the conditions of a permit issued hereunder on more than one occasion shall be grounds for the Planning Commission to permanently revoke the permittee's special land use permit and refuse to grant the permittee any future permits for the land application of sewage sludge.
- (f) **Definitions.** The terms, words and phrases listed below shall, as used in this section, have the definitions respectively set forth for the same:
  - (1) **Agronomic Rate.** The calculated sewage sludge application rate (dry rate basis) which provides the amount of plant available nitrogen needed by the crop or vegetation grown on the land; which minimizes the amount of nitrogen that passes below the root zone of the crop or vegetation grown; and which considers the amounts of phosphate and potash added by the sewage sludge as part of the total nutrient management plan.
  - (2) **Aquifer.** A geologic formation, group of geologic formations, or a portion of geologic formation capable of yielding groundwater to wells or springs.
  - (3) **Groundwater.** Water below the land surface in the saturated zone.
  - (4) **Incorporation.** The blending of surface applied sewage sludge into the soil so that a significant amount of the sewage sludge is not present on the land surface within one hour after blending.
  - (5) **Injection.** The placement of sewage sludge below the land surface so that a significant amount of the biosolids is not present on the land surface within one hour after land application.
  - (6) **Land Application.** Spraying or spreading sewage sludge onto the land surface, injecting sewage sludge below the land surface, or incorporating sewage sludge into the soil so that the sewage sludge can either condition the soil or fertilize crops or vegetation grown in the soil.

- (7) **Sewage Sludge.** Solid, semi-solid, or liquid residue generated during the treatment of domestic sewage or sanitary sewage in a treatment works. Sewage sludge includes, but is not limited to, domestic septage; scum or solids removed in primary, secondary, or advanced wastewater treatment processes; and any derivative of the removed scum or solids.
- (8) **Surface Application.** The spraying or spreading of sewage sludge or derivatives onto the land surface for use as a soil conditioner or as a nutrient source for plant growth.

**Section 12.11 Child Care Centers.** Child Care Centers are permitted as a special land use in the R-R Rural Residential and Agricultural District, C General Commercial District and C-1 Neighborhood Commercial District as a special land use if the following conditions are satisfied:

- (a) The Child Care Center shall not be located within 1,500 feet of the property lines of a substance abuse treatment center which serves seven or more persons, an adult foster care facility licensed for care or treatment of persons released from or assigned to adult correctional institutions, a nursing home or home for the aged or other state licensed facility for adult or child care.
- (b) **Lot Size.** The minimum lot size shall be calculated by multiplying the number of persons approved for capacity of the center by 500 square feet, but in no event shall the minimum lot size be less than two acres.
- (c) Adequate off street parking, including off street pickup and drop off areas shall be provided.
- (d) There shall be adequate outdoor recreation space, sufficient for the number of persons being cared for in the facility and in such location as approved by the Planning Commission. The outdoor recreation space shall be free from sharp gravel, glass or cinder and shall be well drained. The outdoor recreation space shall be completely enclosed by a chain link or solid fence and shall be screened from any abutting residential use by vegetation.
- (e) All applicable state license requirements shall be complied with.
- (f) Signs shall conform to the sign regulations applicable in the district in which the Child Care Center is located.

## CHAPTER 13

### SITE PLAN REVIEW; SITE CONDOMINIUMS

#### **Section 13.1 Review Required.** Site plan review shall be required:

- (a) Prior to the creation of any new use or erection of any new building.
- (b) Prior to any change in an existing use or structure, but only (1) if such change is from a residential to nonresidential use, or (2) is accompanied by an increase in the exterior dimensions of a building, or (3) if there is a change in traffic circulation patterns or ingress and egress, or (4) if the use is changed to one in which the minimum parking spaces required for the use increase by more than 10%, or (5) if the change in use is one for which a use variance is required to be received.
- (c) If otherwise required by Township ordinance.

Provided, however, that site plan review shall not be required for a single or two-family dwelling when permitted by right on a lot on which there exists no other building or use, or for mobile home parks governed by Chapter 6.

#### **Section 13.2 Contents of Site Plan.** A site plan shall include all of the following information:

- (a) The date, north arrow, and scale. The scale shall be not less than 1 inch = 100 feet for those sites three (3) acres or more.
- (b) The name and firm address of the professional individual responsible for the preparation of the site plan.
- (c) The name and address of the property owner or petitioner.
- (d) A locational sketch.
- (e) Legal description of the subject property.
- (f) The size (in acres) of the subject property.
- (g) Property lines and required setbacks.
- (h) The location of all existing structures, driveways, and parking areas within 300 feet of the subject property's boundary.
- (i) The location and dimensions of all existing and proposed structures on the subject property.
- (j) The location of all existing and proposed drives (including dimensions and radii), acceleration/deceleration lanes, sidewalks, signs, exterior lighting, curbing, existing and proposed parking areas (including the dimensions of a typical parking space and the total number of parking spaces to be provided), and unloading areas.

- (k) The location, pavement width and right-of-way width of all abutting roads, streets, alleys or easements.
- (l) The existing zoning and use of all properties abutting the subject property.
- (m) The location and a general description of all existing vegetation, and the location, type, and size of all proposed landscaping, and the location, height and type of existing and proposed fences and walls.
- (n) Size and location of existing and proposed utilities, including proposed connections to public sewer or water supply systems.
- (o) The location and size of all existing and proposed surface water drainage facilities.
- (p) Existing and proposed topographic contours at a maximum of two (2) foot intervals.
- (q) Recreation areas, common use areas, and areas to be conveyed for public use and purpose.
- (r) Flood plain areas and basement and floor elevations of all buildings.
- (s) Any deed restrictions or covenants.
- (t) Typical elevation views of the front and side of each building.
- (u) Summary schedules and views should be affixed as applicable in residential developments, giving the following data:
  - (1) The number of dwelling units proposed (by type), including typical floor plans for each type of dwelling unit.
  - (2) The number and location (by code if necessary) of efficiency and one or more bedroom units.
- (v) A brief narrative description of the project.

The application for site plan approval shall be accompanied by a fee, as established by resolution from time to time. The Planning Commission may require additional information necessary to review the site plan, or waive information which is not necessary for such review.

**Section 13.3 Standards of Review.** The Planning Commission shall approve a site plan if it determines that the plan complies with the requirements of this ordinance; is consistent with the intent and purposes of this ordinance; will be compatible with adjacent land uses, and the natural environment and capacities of public services and facilities; and will be consistent with the public health, safety and welfare. In addition, the site plan shall comply with the following standards, unless more specific standards are imposed by Township ordinances:

- (a) **Traffic Circulation.** The number, location, and size of access and entry points, and internal traffic and pedestrian circulation routes shall be designed to promote safe and efficient access to and from the site, and circulation within the site. In reviewing traffic circulation features, the Planning Commission shall consider spacing and alignment with existing and probable future access points on nearby properties, and may require that provision be made for shared access with adjacent properties. Driveways shall be curbed and shall be limited to one per property, absent compelling reasons to the contrary.
- (b) **Stormwater.** Stormwater detention and drainage systems shall be designed so that the removal of surface waters will not adversely affect neighboring properties or public stormwater drainage systems, unless impractical, stormwater shall be removed from all roofs, canopies, and paved areas by an underground surface drainage system.
- (c) **Landscaping.** The landscape shall be preserved in its natural state, insofar as practicable, by minimizing unnecessary tree and soil removal, and any grade changes shall be in keeping with the general appearance of neighboring developed areas. The Planning Commission may require that landscaping, buffers, or greenbelts be preserved or provided to ensure that the proposed uses will be adequately buffered from one another and from surrounding property.
- (d) **Screening.** Where commercial uses abut residential uses, appropriate screening consisting of attractively designed, opaque fencing, or equivalent landscaping, shall be provided so as to shield residential properties from noise, headlights, and glare, and from the view of trash receptacles, dumpsters and similar outdoor, utilitarian uses, common to commercial activities.
- (e) **Lighting.** Lighting shall be designed so as to minimize glare on adjacent properties and public streets. As a condition of site plan approval, the Planning Commission may require reduction of lighting during nonbusiness hours.
- (f) **Utility Service.** All utility services shall be underground, unless impractical.
- (g) **Exterior Uses.** Exposed storage areas, machinery, heating and cooling units, service areas, loading areas, utility buildings and structures, and similar accessory areas shall be located so as to have a minimum negative effect on adjacent properties, and shall be screened if reasonably required to ensure compatibility with surrounding properties.
- (h) **Emergency Access.** All buildings and structures shall be readily accessible to emergency vehicles.
- (i) **Water and Sewer.** Water and sewer installations shall comply with all Township specifications and requirements.
- (j) **Signs.** Permitted signs shall be so located to avoid the creation of distraction and visual clutter.

- (k) **Building Design.** New or substantially remodeled buildings shall be reasonably compatible in appearance with, or shall enhance, the established general character of other buildings in the immediate vicinity.

**Section 13.4 Conditions.** The Planning Commission may impose reasonable conditions on the approval of a site plan. Such conditions may include but need not be limited to conditions necessary to insure compatibility with adjacent land uses, to promote the use of land in a socially and economically desirable manner, to protect the natural environment and conserve natural resources and to insure that public services and facilities affected by a proposed land use or activity will be capable of handling increased service and facility demands caused by the land use or activity.

Conditions imposed by the Planning Commission shall satisfy the following requirements:

- (a) Be designed to protect natural resources, the health, safety and welfare and the social and economic welfare of those who will use the land use or activity and also residents and landowners immediately adjacent to the proposed land use and the community as a whole.
- (b) Be related to the valid exercise of the public authority of the Township in connection with the zoning and use of lands.
- (c) Be necessary to meet the intent and purpose of this ordinance and related to the standards set forth in this ordinance for the land use under consideration.

The conditions imposed on the approval of a site plan shall be recorded in the minutes of the Planning Commission and shall remain unchanged except upon the mutual consent of the Planning Commission and the property owner.

**Section 13.5 Procedures.** After a determination that a proposed land use complies with the Zoning Ordinance, the Building Code and other ordinances of the Township, the site plan shall be placed on the agenda of a meeting of the Planning Commission. Decisions on a site plan shall be made by a majority vote. Upon approval of a site plan, the site plan as approved shall become part of the record of approval of the land use. All subsequent actions relating to the land use shall be consistent with the approved site plan, unless changes therein are approved by majority vote of the Planning Commission. Upon approval of a site plan, one copy signed by the chairman of the Planning Commission shall be filed with the Township Clerk, one copy shall be submitted to the Township Building Inspector and one copy shall be returned to the applicant. Failure to conform to an approved site plan shall be a violation of this ordinance.

**Section 13.6 Appeal.** If any person shall be aggrieved by the action of the Planning Commission with regard to a site plan, appeal in writing to the Township Board may be taken within seven days after the date of such action. The Township Board shall determine a date, time and place when it will consider such appeal and shall notify the applicant thereof. All interested parties may be heard at the meeting at which the Township Board considers the appeal. After hearing the matter, the Township Board shall affirm, modify or reverse, in whole or in part, the action of the Planning Commission with regard to the site plan. Such action by the Township Board shall be based upon the standards set forth in Section 13.3. In all decisions on appeal, the Township Board shall state its

findings and the reasons for its action in writing, and copies thereof shall be given to the person appealing and to the Planning Commission.

## **SITE CONDOMINIUMS**

**Section 13.7 Purpose and Scope.** Site condominium projects are condominium developments in which each condominium unit consists of an area of vacant land and a volume of vacant air space within which a building or other improvements may be constructed by the condominium unit owner. Either the condominium unit by itself, or the condominium unit taken together with any contiguous, appurtenant limited common element, shall be considered to constitute a building site which is the functional equivalent of a “lot” for purposes of determining compliance with the requirements of the Zoning Ordinance and other applicable laws, ordinances and regulations.

These provisions require preliminary review by the Planning Commission followed by final review and approval by the Township Board of site condominium project plans to ensure that site condominium projects comply with all applicable laws, ordinances and regulations, including, without limitation, this Zoning Ordinance, and the Condominium Act, Public Act 59 of 1978, as amended.

**Section 13.8 Definitions.** For purposes of this chapter, the following words and phrases are defined as follows:

- (a) **“Building envelope”** means the area of a condominium unit within which the principal building or structure may be constructed, together with any accessory structures, as described in the master deed for the site condominium project. In a single-family residential site condominium project, the building envelope refers to the area of each condominium unit within which the dwelling and any accessory structures may be built.
- (b) **“Building site”** means either:
  - (1) The area within the site condominium unit by itself (i.e., exclusive of any appurtenant limited common element), including the area under the building envelope and the area around and contiguous to the building envelope.
  - (2) Or the area within the condominium unit (as described in 13.8(b)(1)), taken together with any contiguous and appurtenant limited common element.

For purposes of determining compliance with the applicable requirements of the Zoning Ordinance, a “building site” shall be considered to be the equivalent of a “lot.”

- (c) **“Condominium Act”** means Public Act 59 of 1978, as amended.
- (d) **“Limited common element”** means an area which is appurtenant to a site condominium unit and which is reserved in the master deed for the site condominium project for the exclusive use of the owner of the site condominium unit.

- (e) **“Site condominium project”** means a plan or project consisting of not less than two site condominium units established in compliance with the Condominium Act.
- (f) **“Site condominium project plan”** means the plans, drawings and information prepared for a site condominium project as required by Section 66 of the Condominium Act and as required by this chapter for review of the project by the Planning Commission and the Township Board.
- (g) **“Site condominium unit”** means a condominium unit established in compliance with the Condominium Act which consists of an area of vacant land and a volume of vacant air space, designed and intended for separate ownership and use as described in the site condominium project master deed, and within which a building or other improvements may be constructed by the condominium unit owner.
- (h) Except as otherwise provided by this chapter, the following words and phrases, as well as any other words or phrases used in this chapter which are specifically defined in the Condominium Act, shall conform to the meanings given to them in the Condominium Act: “common elements;” “condominium documents;” “condominium unit;” “contractible condominium;” “convertible area;” “expandable condominium;” “general common elements;” and “master deed.”

**Section 13.9 Review of Preliminary Plans by Planning Commission.**

- (a) Prior to final review and approval of a site condominium project plan by the Township Board, a preliminary site condominium project plan shall be reviewed by the Planning Commission in accordance with the procedures, standards and requirements provided by this chapter.
- (b) Application for review and approval of a site condominium project plan shall be initiated by submitting to the Township Clerk:
  - (1) A minimum of five copies of a preliminary site condominium project plan which complies with the requirements of Section 13.12.
  - (2) An application fee in accordance with the fee schedule established by resolution of the Township Board.

The Township Clerk shall forward the copies of the preliminary plan to the Planning Commission.

- (c) The Planning Commission shall review the preliminary site condominium project plan in accordance with the following standards and requirements:
  - (1) The building site for each site condominium unit shall comply with all applicable provisions of this ordinance, including minimum lot area, minimum lot width, required front, side and rear yards, and maximum building height. Compliance with required front, side and rear yards shall be determined by measuring the distance from the equivalent front, side, or rear

yard boundaries of the building site to the closest respective front, side or rear boundary of the building envelope.

- (2) If a site condominium project is proposed to have public streets, the streets shall be paved and developed to the minimum design, construction, inspection, approval and maintenance requirements for platted public streets as required by the Kent County Road Commission. All private streets in a site condominium project shall be developed to the minimum design, construction, inspection, approval and maintenance requirements as provided by Section 3.19 of this ordinance.
- (3) The site condominium project shall be connected to the Township's water and sanitary sewer facilities, if available. If public water and sanitary sewer facilities are not available, each condominium unit shall either be served by a private central system (designed for connection to a public system when and if a public system is made available), or shall have a well, septic tank and drain field located within the condominium unit's building site. Water and sanitary sewer facilities shall be approved by the Kent County Department of Health and the Township in accordance with applicable standards.

**Section 13.10 Planning Commission Recommendation.** After reviewing the preliminary site condominium project plan, the Planning Commission shall prepare a written statement of recommendations regarding the proposed site condominium project, including any suggested or required changes in the plan. The Planning Commission shall provide a copy of its written recommendations to the applicant and to the Township Board.

**Section 13.11 Review and Approval of Final Plans by Township Board.**

- (a) After receiving the Planning Commission's recommendations on the preliminary plan, the applicant shall submit to the Township Clerk a minimum of five copies of a final site condominium development plan. The Township Clerk shall forward the copies of the final plan to the Planning Commission.
- (b) The final site condominium project plan submitted by the applicant shall incorporate all of the recommendations, if any, made by the Planning Commission based on its prior review of the preliminary plan. If any of the Planning Commission's recommendations are not incorporated in the final plan, the applicant shall clearly specify in writing which recommendations have not been incorporated and the reasons why those recommendations have not been incorporated.
- (c) The final site condominium project plan shall be forwarded by the Township Clerk to the Planning Commission. The Commission shall review the final plan and shall forward to the Township Board its comments and recommendations thereon.
- (d) After receiving the Planning Commission's recommendations on the preliminary and final plans and after receiving the final site condominium development plan from the applicant, the Township Board shall proceed to review and may approve, deny or approve with conditions the plan in accordance with the standards provided by

Section 13.9(c) and other applicable procedures, standards and requirements provided by this chapter.

- (e) As a condition of approval of a final site condominium project plan:
  - (1) The Township Board shall, where appropriate, require that the plan be submitted to the Kent County Health Department, Kent County Road Commission, Kent County Drain Commissioner, Michigan Department of Natural Resources, Michigan Department of Public Health and other state and county agencies having jurisdiction.
  - (2) The Township Board may require that a cash deposit, certified check, irrevocable bank letter of credit, or surety bond acceptable to the Board covering the estimated cost of improvements associated with the site condominium project be deposited with the Township.
  - (3) The Township Board may impose additional reasonable conditions of approval.

**Section 13.12 Contents of Site Condominium Project Plans.** A condominium project plan shall include the documents and information required by Section 66 of the Condominium Act and such other materials that are determined necessary by the Planning Commission for review of a preliminary plan or by the Township Board for review of a final plan, and shall also include the following:

- (a) The use and occupancy restrictions and maintenance provisions for all general and limited common elements that will be included in the master deed.
- (b) A storm drainage and a storm water management plan, including all lines, swales, drains, basins and other facilities and easements granted to the Township for installation, repair and maintenance of all drainage facilities.
- (c) A utility plan showing all water and sewer lines and easements granted to the Township for installation, repair and maintenance of all utilities.
- (d) A narrative describing the overall objectives of the proposed site condominium project.
- (e) A narrative describing the proposed method of providing potable water supply, waste disposal facilities and public and private utilities.
- (f) A street construction, paving and maintenance plan for all private streets within the proposed condominium project.

**Section 13.13 Construction in Compliance with Plan.** No buildings or structures shall be constructed nor shall any other site improvements or changes be made on the property in connection with a proposed site condominium project except in compliance with a final site condominium project plan as approved by the Township Board, including any conditions of approval.

**Section 13.14 Commencement of Construction; Issuance of Permits.** No construction, grading, soil stripping or other site improvements or changes shall be commenced by any person and no building, construction or grading permits shall be issued by the building inspector for a site condominium project until (1) a final site condominium project plan has been approved by the Township Board, (2) all conditions on commencement of construction imposed by the Township Board have been met, and (3) all applicable approvals or permits from county and state agencies have been obtained.

**Section 13.15 Revision of Approved Plan.** Any proposed changes to an approved final site condominium project plan shall be reviewed by the Planning Commission and reviewed and approved by the Township Board as provided by this chapter for the original review and approval of preliminary and final plans.

**Section 13.16 Master Deed.** All provisions of a final site condominium project plan which are approved by the Township Board as provided by this chapter shall be incorporated, as approved, in the master deed for the site condominium project. A copy of the master deed as recorded with the Kent County Register of Deeds shall be provided to the Township promptly after recording.

## CHAPTER 14

### SIGNS IN ALL DISTRICTS

#### Section 14.1 Permitted Signs.

- (a) Signs shall be permitted only in accordance with the provisions of this chapter and other applicable provisions of this ordinance.
- (b) Signs shall be placed, constructed and erected in accordance with good construction practices and shall be maintained in good condition and repair. Illuminated signs shall be constructed and operated in compliance with the township electrical code. Signs shall be placed only on private property except for lawful signs of governmental bodies or agencies.
- (c) No sign or sign structure shall be placed, constructed or erected in any location or manner where it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device. No rotating light or flashing illumination resembling a police or emergency light shall be used on or in connection with any sign.
- (d) Signs may be illuminated only in accordance with this chapter. Any externally illuminated sign shall be shielded in such a manner as to direct the light toward the sign. Any internally illuminated sign shall not be of such intensity as to illuminate any adjacent residential property.
- (e) The following signs are exempt from the provisions of this chapter.
  - (1) Governmental (except schools) and political signs.
  - (2) Traffic and highway signs placed or erected by a governmental body or agency.
  - (3) Directional signs in or for private off-street parking areas, but any such sign shall not exceed four square feet in area and shall be only for the purpose of traffic control.
  - (4) Essential services signs denoting utility lines, railroads, hazards and the like.
  - (5) Signs in the R-R District which only identify the name of a farm or farm owner or crops or livestock on a farm.
  - (6) Decorative signs or displays used temporarily for holidays, patriotic occasions or public, governmental or charitable purposes or events. Any such signs or displays may be erected for a period not exceeding 30 days. They shall not be placed or erected in any manner such as to create or tend to create a traffic hazard or public nuisance.

- (7) Signs identifying buildings or sites designated as historic landmarks or centennial farms by state or federal agencies.
- (8) Signs or placards posted to control or prohibit hunting or trespassing.
- (9) Memorial signs, tablets or markers.

**Section 14.2 Signs in the R-R and MDR Districts.** Signs in the R-R Rural Residential and Agricultural District and the MDR Multiple-Family and Mobile Home Park District shall be permitted only in accordance with this section and other applicable provisions of this ordinance.

- (a) There may be one sign, not exceeding 25 square feet in area, on each lot or parcel of land, except as stated in subsections (c) and (d).
- (b) Signs may be attached flat against a building or may be freestanding. Except as stated in subsections (c) and (d), there shall be only one freestanding sign per lot or parcel of land. Any freestanding sign shall be located at a minimum setback of 5 feet from the nearest street right of way line.
- (c) Signs for the purpose of identifying or providing directions for churches, schools, parks and playgrounds, golf courses, libraries and museums, hospitals, clinics, convalescent homes and retirement homes may have an area not exceeding 32 square feet for all of such signs located on a lot or parcel of land, unless a greater area is approved by the Planning Commission as a special land use under Chapter 12. Such signs may be attached flat against a building or may be freestanding. Any freestanding sign shall be located at a minimum setback of 10 feet from the nearest street right of way line.
- (d) In the MDR District signs identifying multiple-family dwellings and state-licensed mobile home parks shall not exceed 32 square feet in total area for all of the signs on any lot or parcel of land, unless a greater area is approved by the Planning Commission as a special land use under Chapter 12. Such signs may be attached flat against a building or may be freestanding. Any freestanding sign shall be located at a minimum setback of 10 feet from the nearest street right of way line.
- (e) Signs shall not exceed a height of 10 feet above grade.

**Section 14.3 Signs in the C and C-1 Zoning Districts.** Signs in the C General Commercial District and the C-1 Neighborhood Commercial District shall be permitted only in accordance with this section and other applicable provisions of this ordinance.

- (a) Such signs shall not exceed 100 square feet in area per sign and shall not exceed 300 square feet in total area of all signs (except exempt signs) per lot or parcel of land.
- (b) Freestanding signs in the C District shall not exceed a height of 24 feet. Signs in the C-1 district shall not exceed a height of 18 feet.

- (c) Signs may be attached flat against a building. Any freestanding sign shall be located at a minimum setback of five feet from the nearest street right of way line.

**Section 14.4 Billboards.** Billboards shall be permitted only as follows:

- (a) Billboards shall be located only in the C District and only within a distance of 200 feet from the nearest right-of-way line of State Highway M-57. They shall be located not closer than 25 feet from the nearest right of way line of State Highway M-57.
- (b) Billboards shall not exceed 300 square feet in area and shall not exceed 25 feet in height.
- (c) A billboard shall not be located closer than 1,200 feet from any other billboard.
- (d) Billboards may be illuminated, but no flashing lights shall be permitted. Such illumination shall be operated in such a manner as to prevent intense beams or rays of light from being directed at any part of State Highway M-57 or other public highway. A billboard shall not be so illuminated that it obscures or interferes with the effectiveness of an official traffic sign, signal or device.
- (e) For purposes of this section, a billboard is defined as any structure on which lettering or pictorial matter is displayed for the purpose of advertising or providing information about a product, service, business or other commercial enterprise or a public activity which is not conducted on the land upon which the structure is located or where any product so advertised is not sold, manufactured, processed or fabricated on such lands.
- (f) The owner of a billboard shall apply for an annual permit pursuant to Section 6 of the Highway Advertising Act of 1972 or pursuant to other applicable State law. Such owner shall also apply for a sign permit issued by the Township under the provisions of this chapter and shall pay the fee prescribed therefor.
- (g) Except as stated above in this subsection, the provisions of the Highway Advertising Act of 1972 or other applicable State law shall regulate and control the size, lighting and spacing of billboards and other matters pertaining thereto.

**Section 14.5 Signs for Special Land Uses.** Signs in and for special land uses shall be as permitted by the Planning Commission and Township Board, or by the Planning Commission alone, whichever has the authority under this ordinance to approve the special land use.

## CHAPTER 15

### PARKING AND LOADING

**Section 15.1 General.** In all zoning districts, there shall be provided, before any building or structure is occupied or enlarged or increased in capacity, off-street parking spaces for motor vehicles as follows:

Use	Minimum Number of Spaces Per Unit of Measure
<b>(a) Residential Uses.</b>	
(1) One or Two-Family	2 for each dwelling unit.
(2) Multiple-Family 1 or 2 bedroom	2 per dwelling unit.
(3) Multiple-Family 3 or more bed-rooms	2 per dwelling unit.
(4) Retirement homes	1 for each 3 beds.
<b>(b) Institutional Uses.</b>	
(1) Church	1 for each 4 seats in the main worship area.
(2) Hospital	2 per patient bed
(3) Convalescent homes	1 for each 2 beds, plus 1 per employee during the maximum shift.
(4) Elementary and junior high school	2 per classroom, plus 1 for each 3 auditorium seats, plus 1 for each 300 sq. ft. of administrative office area.
(5) Senior high school and institution of higher learning	7 per classroom, plus 1 for each 3 auditorium seats, plus 1 for each 300 sq. ft. of administrative office area.
(6) Libraries and museums	1 for each 100 sq. ft. of floor area.
<b>(c) Commercial Uses.</b>	
(1) Retail stores (except as otherwise specified herein)	1 per each 200 sq. ft. of floor area.

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|--|--|
| (2) Hotels/Motels  | 1 per unit, plus 1 for each 5 units; plus, for dining and meeting rooms, 1 for each 3 seats. |
| (3) Establishments for the sale and consumption of beverages, food or refreshments on the premises | 1 for each 2 seats.  |
| (4) Funeral homes  | 1 for each 50 sq. ft. of floor area used for services.                                       |
| (5) "Drive-in" establishments  | 8 for each 125 sq. ft. of ground floor area.   |
- (d) **Offices.**
- |   |   |
|---|---|
| (1) Banks, business, offices and public buildings not specifically mentioned elsewhere. | 1 for each 150 sq. ft. of floor area.       |
| (2) Professional offices and buildings.   | 1 for each 200 sq. ft. of floor area.       |
| (3) Medical doctor's office or dental clinic.   | 8 for each doctor plus 1 for each employee. |
- (e) **Other.** Off-street parking spaces for motor vehicles for uses not otherwise listed in this chapter shall be as determined by the Planning Commission.

**Section 15.2 Location of Facilities.** Off-street parking facilities shall be located as hereafter specified. When a distance is specified, it shall be the distance measured from the nearest point of the parking facility to nearest normal entrance to the building or use that such parking facility serves.

- (a) For all residential buildings and for all nonresidential buildings and uses in Residential Zoning Districts, required parking shall be provided on the lot where the building or use is located.
- (b) For commercial and all nonresidential buildings and uses in Commercial Zoning Districts, required parking shall be provided within 300 feet of the building or use.

**Section 15.3 Size of Parking Space.** Each off-street parking space shall have an area of not less than 200 square feet (exclusive of access drives or aisles) and shall have a minimum width of 10 feet.

**Section 15.4 Miscellaneous Off-Street Parking Requirements.**

- (a) Existing off-street parking at the effective date of this ordinance: Off-street parking existing at the effective date of this ordinance which serves an existing building or use shall not be reduced in size to less than that required under the terms of this ordinance.
- (b) Fractional requirements: When units of measurement determining the number of required parking spaces result in the requirement of a fractional space, the fraction shall be considered one full required space.
- (c) Floor area shall mean the gross floor area of all the floors of a building as defined in Section 2.12 of this ordinance.

**Section 15.5 Off-Street Loading Spaces.** For every building or addition to an existing building hereafter erected to be occupied by 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 of vehicles of materials or merchandise, there shall be provided and maintained on the same lot with such building or addition an area or means adequate for the maneuvering of delivery vehicles and for the ingress and egress of delivery vehicles. The size of off-street loading spaces in relation to floor areas shall be as determined by the Planning Commission in its reasonable discretion.

## CHAPTER 15A

### ADULT LAND USES

**Section 15A.1. Special Land Use Compliance.** The general standards and requirements of Chapter 12, Special Land Uses, shall apply to all Sexually Oriented Businesses as defined herein. The specific and detailed requirements set forth in this chapter relate to particular uses and are requirements which must be met by those uses in addition to the foregoing general standards and requirements.

**Section 15A.2. Purpose and Intent of Chapter.**

- (a) It is not the intent of this section to suppress any activity protected by the First Amendment of the United States Constitution or the Michigan Constitution, but to enact a content neutral ordinance which addresses the adverse secondary effects of Sexually Oriented Businesses.
- (b) There are some uses which, because of their very nature, are recognized as having serious objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances thereby having a deleterious effect upon adjacent areas. In particular, nation-wide studies have demonstrated that sexually oriented businesses produce certain adverse secondary effects on neighborhoods and communities, including increases in crime (such as prostitution, drug-dealing, sexual assaults and public drunkenness), blight, an increased risk of the spread of sexually-transmitted diseases, decreases in property values and rental rates, and increases in vacancy rates. Special regulation of these uses is necessary in order to mitigate these well documented adverse secondary effects. These special regulations are itemized in this chapter. Control over such uses is also necessary to prevent a concentration of these uses in any one area of the Township, to insure the integrity of the Township's residential and agricultural areas, and to protect the integrity of churches, synagogues or other places of religious worship, schools, licensed day care facilities, parks and playgrounds, and other areas where persons congregate in the Township. Nothing in this section shall be construed as permitting or allowing a violation of any state or federal law.
- (c) A Sexually Oriented Business shall be permitted only if approved as a special land use under the terms of Chapter 12 and this chapter. It shall also be subject to review and approval under Chapter 13, Site Plan Review, and the following provisions.
- (d) The definition of words and terms used in these regulations of Sexually Oriented Businesses shall be as stated in Section 15A.36 of this chapter.

**Section 15A.3. Location.** A Sexually Oriented Business shall be located only in the C General Commercial District or L-1 Light Industrial District. Further, a Sexually Oriented Business shall not be located or operated:

- (a) Within one thousand (1,000) feet of existing specified uses as follows:

- (1) Sexually Oriented Business. This requirement may be waived upon a determination by the Planning Commission and Township Board that a second Sexually Oriented Business would not contribute to blighting or an excessive concentration of such uses.
  - (2) Church, synagogue or other places of religious worship, park, playground, school, licensed day care facility or establishment which sells or serves alcoholic beverages.
  - (3) For purposes of these distance limitations, the measurement shall be made by extending a straight line from the property line of the Sexually Oriented Business to the nearest property line of a lot or parcel occupied by any other sexually oriented business, church, synagogue or other place of religious worship, park, playground, school, or licensed day care facility.
- (b) Within three hundred (300) feet of any residential structure, as measured by extending a straight line from the front lot line (starting at the road right-of-way of the Sexually Oriented Business) to the residential structure. In addition, the front lot line (as defined in Section 2.19 of this ordinance) of a Sexually Oriented Business must be on or directly abut the right-of-way line of a state highway, and neither the rear lot line (as defined in Section 2.20 of this ordinance) nor the front lot line may be directly across any street, road or highway, from a residential use.

**Section 15A.4. Signs.** Any message, image or picture that depicts or refers to any specified anatomical area or specified sexual activity shall be prohibited. All signs shall comply with the requirements of Chapter 14 of this ordinance.

**Section 15A.5. Building Exterior.** Upon order of the Zoning Administrator, graffiti appearing on any exterior surface of a building or structure shall be removed and that surface restored within seventy two (72) hours of notification of the owner or person in charge of the premises. Adult products or services or any picture or other representation shall not be displayed so as to be visible from a point outside the establishment.

**Section 15A.6. Lighting Requirements.**

- (a) All off-street parking areas and premises entries of Sexually Oriented Businesses shall be illuminated from dusk to closing hours of operation with a lighting system which provides an average maintained horizontal illumination of one (1) foot candle of light on the parking surface and/or walkways. This required lighting level is established in order to provide sufficient illumination of the parking areas and walkways serving the Sexually Oriented Business to help ensure the personal safety of patrons and employees and to reduce the incidence of vandalism and other criminal conduct.
- (b) The premises of all Sexually Oriented Businesses, except adult motion picture theaters, shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access to provide an

illumination of not less than two (2) foot candle of light as measured at the floor level.

- (c) Adult motion picture theaters shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access to provide an illumination of not less than one (1) foot candle of light as measured at the floor level.

**Section 15A.7. Age Requirement Regulations.**

- (a) It shall be unlawful to allow a person who is younger than eighteen (18) years of age to enter or be on the premises of a Sexually Oriented Business at any time that the Sexually Oriented Business is open for business.
- (b) It shall be the duty of the operator of each Sexually Oriented Business to ensure that an attendant is stationed at each public entrance to the Sexually Oriented Business at all times during such Sexually Oriented Business' regular business hours. It shall be the duty of the attendant to not allow any person under the age of eighteen (18) years to enter the Sexually Oriented Business. It shall be presumed that an attendant knew a person was under the age of eighteen (18) unless such attendant asked for and was furnished a valid operator's, commercial operator's, or chauffeur's driver's license; or a valid personal identification certificate issued by the State of Michigan verifying that such person is eighteen (18) years of age or older.

**Section 15A.8. Hours of Operation.** Hours of operation of a Sexually Oriented Business shall be limited to Monday through Saturday, 10:00 a.m. to 8:00 p.m. No Sunday hours of operation shall be permitted.

**Section 15A.9. Other Regulations, Permits or Licenses.** The provisions of this section do not waive or modify any other provision of this Zoning Ordinance, any other ordinance of the Township, or any county, state or federal law or regulation.

**Section 15A.10. Alcohol Prohibited.** Open alcohol shall not be served, consumed or permitted in any Sexually Oriented Business as defined by this ordinance.

**Section 15A.11. Information Submission.** In addition to the information and documents required to be submitted with an application for a special land use in accordance with the requirements of this chapter, an applicant for a special land use to establish a Sexually Oriented Business must submit a floor plan of the premises showing the following:

- (a) Location and dimensions of any manager's station, demonstrating that there is an unobstructed view from at least one (1) of the manager's stations of every area of the premises to which any patron is permitted access for any purpose, excluding restrooms.
- (b) Location of all overhead lighting fixtures.
- (c) Identification of any portion of the premises in which patrons will not be permitted.

- (d) The location of any stage.
- (e) Identification of the use of each room or other area of the premises.
- (f) A current certificate and straight line drawing, prepared within thirty (30) days prior to the application, by a land surveyor depicting the property lines and the structures of the Sexually Oriented Business, showing a circle extending one thousand (1,000) feet from the property line of the property on which the business will be located, and depicting the property line of any church, synagogue, regular place of worship, park, playground, school, licensed day care facilities, or establishment which sells or serves alcoholic beverages. The certificate must also show a circle extending three hundred (300) feet from the front lot line (starting at the road right-of-way of the Sexually Oriented Business), and any residential structure or use. The certificate must also show the properties that are directly across any street, road or highway, from the proposed Sexually Oriented Business.

**Section 15A.12. Application to be Complete.** The Township Clerk shall not accept any application that is not complete in every detail. In the event that the Township Clerk determines that an application is incomplete, the Clerk shall notify the applicant accordingly.

**Section 15A.13. Limit on Reapplication.** No application for a Sexually Oriented Business which has been denied in whole or in part shall be resubmitted for a period of one (1) year from the date of the denial, except on the grounds of new evidence not previously available or proof of changed conditions.

**Section 15A.14. Conditions Requiring Rejection of Special Land Use Application.** The Planning Commission shall not approve a special land use application for a Sexually Oriented Business if it finds one (1) or more of the following to be true:

- (a) An applicant is under eighteen (18) years of age.
- (b) An applicant is overdue in payment to the Township of taxes, fees, fines or penalties assessed against the applicant or imposed upon the applicant in relation to a Sexually Oriented Business.
- (c) An applicant has failed to provide information required by the Township Zoning Ordinance or has knowingly answered a question or request for information falsely.
- (d) The premises to be used for the Sexually Oriented Business has not been approved by the building inspector and the zoning enforcement officer as being in compliance with applicable laws and ordinances.
- (e) The applicant or a director, officer, partner, member, principal manager or chief executive officer of the applicant has had a Sexually Oriented Business license or adult business license revoked or suspended within one (1) year prior to the date of application.

- (f) The applicant or a director, officer, partner, member, principal manager or chief executive officer of the applicant has operated a Sexually Oriented Business or adult business which was determined to be a public nuisance under laws of any state, county, city, village or township within one (1) year prior to the date of application.
- (g) The applicant is not in good standing or authorized to do business in Michigan.
- (h) The application fee has not been paid.
- (i) An application of the proposed Sexually Oriented Business is in violation of or is not in compliance with, any of the provisions of this chapter.
- (j) The applicant or owner has been convicted of any of the following criminal offenses in any jurisdiction within the last ten (10) years:
  - (1) Prostitution, procuring a prostitute, or solicitation of a prostitute.
  - (2) Sale, distribution or display of obscene material.
  - (3) Sale, distribution or display of material which is harmful to minors.
  - (4) Soliciting, procuring or aiding and abetting an unlawful sexual performance by a minor.
  - (5) Possession, sale or distribution of child pornography.
  - (6) Public lewdness.
  - (7) Indecent conduct with a child.
  - (8) Sexual assault or rape.
  - (9) Sexual solicitation of a child.
  - (10) Contributing to the delinquency of a minor.
  - (11) Harboring a runaway child.

**Section 15A.15. Inspection.** An applicant or owner shall permit all representatives of the Township, Kent County and the State of Michigan to inspect the premises of the Sexually Oriented Business for the purpose of insuring compliance with applicable law.

**Section 15A.16. Exterior Structural Requirements.** All Sexually Oriented Businesses must meet the following exterior structural requirements:

- (a) The merchandise or activities of the Sexually Oriented Business may not be visible from any point outside the business.

- (b) The exterior portion of the Sexually Oriented Business may not utilize flashing lights, or any words, lettering, photographs, silhouettes, drawings, or pictorial representations of any manner.
- (c) It shall be unlawful for the owner or operator of a Sexually Oriented Business to allow exterior portions of the Sexually Oriented Business to be painted any color other than a single neutral color.

**Section 15A.17. Interior Structural Requirements.**

- (a) The interior of the premises shall be configured in such a manner that there is an unobstructed view from a manager's station of every area of the premises to which any patron is permitted access for any purpose excluding restrooms. Restrooms may not contain video reproduction equipment. If the premises has two (2) or more manager's stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose excluding restrooms from at least one (1) of the manager's station. The view required in this subsection must be by direct line of sight from the manager's station.
- (b) A manager's station may not exceed thirty two (32) square feet of floor area.
- (c) No alteration to the configuration or location of a manager's station may be made without the prior approval of the Township zoning enforcement officer.
- (d) Viewing rooms or peep booths must be separated from other viewing rooms or peep booths by a solid, opaque, uninterrupted physical divider which is a minimum one (1) inch thick and serves to prevent physical contact between patrons.
- (e) No private viewing rooms or booths shall be constructed unless one (1) side is always open to a central public area. No door shall be placed on any viewing room or peep booth, and no holes or openings shall be placed or allowed to remain in the wall between any two (2) adjacent viewing rooms or peep booths.

**Section 15A.18. Standards of Conduct.** The following standards of conduct must be adhered to on the premises of the Sexually Oriented Business by the all employees, managers, officers, patrons and agents of any Sexually Oriented Business:

- (a) No employee or entertainer mingling with the patrons or serving food or drinks shall be unclothed or in such attire, costume or clothing so as to expose to view any specified anatomical areas.
- (b) No employee or entertainer shall engage in, encourage or knowingly permit any specified sexual activities on the premises of the Sexually Oriented Business.
- (c) No employee or entertainer while in view of the patrons on the licensed premises shall be unclothed or in such attire, costume or clothing so as to expose any specified anatomical areas, except upon a stage which shall be fixed and immovable at least

eighteen (18) inches above the immediate floor level and removed at least six (6) feet from the nearest patron or behind a solid, uninterrupted physical barrier which completely separates the entertainer from any patrons. This barrier must be a minimum of one quarter (1/4) inch thick and have no openings between the entertainer and any patrons.

- (d) A list of food and drink prices shall be conspicuously posted in the common areas of each Sexually Oriented Business offering food or drinks.
- (e) Any tips for entertainers shall be placed by a patron into a tip box which is permanently affixed in the Sexually Oriented Business and no tip may be handed directly to an entertainer. A business that desires to provide for such tips from its patrons shall provide one (1) or more containers to receive tips. Any physical contact between a patron and an entertainer is strictly prohibited.
- (f) No adult entertainment occurring on the premises shall be visible at any time from the outside of the premises.
- (g) An owner, manager or an employee shall not knowingly allow the possession, use, or sale of controlled substances on the premises.
- (h) An owner, manager, or an employee shall not knowingly allow prostitution on the premises.
- (i) An owner, manager, or an employee shall not knowingly allow any live specified sexual activity to occur in or about the premises.
- (j) An owner, manager, or an employee shall not illegally offer for sale or illegally allow to be consumed or possessed upon the licensed premises, or upon any parking areas, sidewalks, walkways, access ways or grounds of the licensed premises, narcotics or dangerous drugs or fermented malt, malt, vinous or spirituous beverages.
- (k) At least one manager must be on duty and situated in each manager's station at all times that the business is open to the public.
- (l) All doors to public areas on the premises must remain unlocked during business hours.
- (m) It shall be the duty of the owner, and it shall also be the duty of any agents and employees present in the premises to ensure that any view area or peep booth remains unobstructed by any doors, curtain, drapes, walls, merchandise, display racks or other materials at all times and to ensure that no patron is permitted access to any area of the premises which has been designated as an area in which patrons will not be permitted.
- (n) No viewing room or peep booth may be occupied by more than one (1) person at any one (1) time.

**Section 15A.19. Massage Parlors.** No establishment, regardless of whether it is a public or private facility, shall operate as a massage parlor or any similar type business where any physical contact with the recipient of such services is provided by a person of the opposite sex unless the person(s) massaging any client or customer is a graduate of a recognized school and certified as a massage therapist by the American Massage Therapy Association. In addition:

- (a) The premises of each massage parlor may be inspected by law enforcement personnel or by the township zoning enforcement officer during business hours and at other reasonable times to ensure compliance with this ordinance.
- (b) All persons offering massages in a massage parlor shall, not less than five (5) months and not more than six (6) months following the issuance of a special land use approval for a massage parlor, file with the Township Clerk a statement from a licensed medical doctor or osteopath certifying or recertifying that such person has been examined within the thirty (30) days immediately prior thereto and has been found to be free from all communicable or contagious diseases, including but not limited to, sexually transmitted diseases. Failure to comply with this requirement shall constitute grounds for revocation of special land use approval.
- (c) No employee of a massage parlor, or any other person associated with a massage parlor, on the premises of a massage parlor, may offer or engage in any specified sexual activity.
- (d) Each massage parlor and massagist shall comply with the following standards:
  - (1) No patron shall be serviced who is infected with any fungus or other skin infection; nor shall any service be performed on a patron exhibiting skin inflammation or eruptions.
  - (2) All massagists shall wash their hands in hot water with soap before giving any service or treatment to each separate patron.
  - (3) All towels, tissues, sheets or other coverings shall be used singularly for each patron and discarded for laundry or disposal immediately after use.
  - (4) Nondisposable tools of the trade shall be disinfected after use upon each patron.
  - (5) In any establishment in which massage services are rendered to members of the same sex at any one time, such persons of the same sex may be placed in a single, separate room, or the operators of the massage parlor may elect to place such persons of the same sex in separate enclosed rooms or booths having adequate ventilation to an area outside said room or booth while massage services are being performed.
  - (6) No massage or massage service may be carried on within any cubicle, room, booth, or area within a massage parlor which is fitted with a door capable of being locked.

- (7) Adequate bathing, dressing, locker and toilet facilities shall be provided for patrons. A minimum of one (1) tub or shower, one (1) dressing room containing a separate locker for each patron to be served, which locker shall be capable of being locked, as well as a minimum of one (1) toilet and (1) wash basin, shall be provided by every massage parlor; provided, however, that if male and female patrons are to be served simultaneously at the establishment, separate bathing, a separate massage room, or rooms, separate dressing and separate toilet facilities shall be provided for male and female patrons.
- (8) All walls, ceiling, floors, pools, showers, bathtubs, steam rooms, and all other physical facilities for the establishment must be in good repair and maintained in a clean and sanitary condition. Wet and dry heat rooms, steam or vapor rooms, steam or vapor cabinets, shower compartments, and toilet rooms shall be thoroughly cleaned each day the business is in operation. Bathtubs and/or showers shall be thoroughly cleaned after each use.
- (e) Non-transparent uniforms or garments covering the torso shall be worn by massagists at all times while attending patrons. Such uniforms or garments shall be of a washable material and shall be kept in a clean condition.

**Section 15A.20. License Required.** It shall be unlawful to operate or cause to be operated a Sexually Oriented Business in the Township without a valid license issued pursuant to the provisions of this chapter. The granting of a special land use under Chapter 12 does not confer a license on the applicant.

**Section 15A.21. License Application.**

- (a) All applicants for a Sexually Oriented Business license shall file an application for such license with the zoning enforcement officer. Each individual applicant, partner of a partnership, member of a limited liability company, partner of a limited liability partnership, officer and director of a corporation and all managers shall be named in each application and each of them shall be photographed and fingerprinted by the Kent County Sheriff's Department, or other appropriate law enforcement agency. The photographs and fingerprints must be submitted with the application.
- (b) The applicant must be qualified according to the provisions of this chapter and the premises must be inspected and found to be in compliance with the law by the Township Building Inspector and zoning enforcement officer.
- (c) If a person who wishes to operate a Sexually Oriented Business is an individual, he or she must sign the application for a license as the applicant. If a corporation is listed as owner of a Sexually Oriented Business or as the entity which wishes to operate such a business, each individual having a ten (10) percent or greater interest in the corporation must sign the application for a license as applicant, along with each officer and director of the corporation. If the applicant is a partnership, each partner must sign the application. If the applicant is a limited liability company each

member must sign the application. If the applicant is a limited liability partnership each partner must sign the application.

- (d) Applications for a license, whether original or renewal, must be made to the zoning enforcement officer by the intended operator of the Sexually Oriented Business. Applications must be submitted by hand delivery to the office of the zoning enforcement officer during regular working hours. The intended operator shall be required to give the following information on the application:
- (1) If the applicant is an individual, the individual shall state his legal name and address and any aliases.
  - (2) If the applicant is a partnership, the partnership shall state its complete name, and the names and addresses of all partners and whether the partnership is general or limited.
  - (3) If the applicant is a limited liability company, the limited liability company shall state its complete name and the names and addresses of all of its members.
  - (4) If the applicant is a limited liability partnership, the limited liability partnership shall state its complete name and the names and addresses of all of its partners.
  - (5) If the applicant is a legal entity other than a partnership, limited liability company or limited liability partnership, the application shall state its complete name, the date and place of its organization, the names, addresses and capacity of all officers and directors of a corporation and of the chief executive officer and manager for any other legal entity, and the name of the resident agent and the address of the registered office for service of process.
  - (6) The name under which the Sexually Oriented Business is to be operated and a general description of the services to be provided.
  - (7) The telephone number of the Sexually Oriented Business.
  - (8) The address and legal description of the real property on which the Sexually Oriented Business is to be located.
  - (9) If the Sexually Oriented Business is in operation, the date on which the owner(s) acquired the Sexually Oriented Business for which the license is sought, and the date on which the Sexually Oriented Business began operations as a Sexually Oriented Business at the location for which the license is sought.
  - (10) If the Sexually Oriented Business is not in operation, the expected start up date (which shall be expressed in number of days from the date of the application). If the expected start up date is to be more than ten (10) days

following the date of the application, then a detailed explanation of the construction, repair or remodeling work or other cause of the expected delay and a statement of the owner's time schedule and plan for accomplishing the same is also required.

- (11) Whether the applicant or any other individual identified in the application had a previous Sexually Oriented Business license under this section or other adult business ordinance from another city, village, township or county denied, suspended or revoked, including the name and location of the sexually oriented or adult business for which the license was denied, suspended or revoked, as well as the date of the denial, suspension or revocation.
  - (12) Whether the applicant or any other individuals identified in the application has been partner in a partnership, a member of a limited liability company or partnership or an officer, director, chief executive officer or manager of any other legal entity that is permitted under this section whose license has previously been denied, suspended or revoked, including the name and location of the sexually oriented or adult business for which the license was denied, suspended or revoked, as well as the date of the denial, suspension or revocation.
  - (13) Whether the applicant or any other individual identified in the application holds any other licenses under this section or other similar sexually oriented or adult business ordinance from another city, village, township or county and, if so, the names and locations of such other permitted business.
  - (14) The location of the proposed Sexually Oriented Business, including a legal description of the property, street address and telephone number(s), if any.
  - (15) The applicant's mailing address and residential address.
  - (16) The applicant's driver license number, social security number and/or federally issued tax identification number.
- (e) The application shall contain a statement under oath that:
- (1) The applicant has personal knowledge of the information contained in the application and that the information contained therein and furnished therewith is true and correct.
  - (2) The applicant has read the provisions of this section.
- (f) A separate application and license shall be required for each Sexually Oriented Business.

**Section 15A.22. License Application; Accompanying Documents.** The application shall be accompanied by the following:

- (a) Payment of the application, investigation and license fees.
- (b) If the applicant is an individual, satisfactory proof that he or she is at least eighteen (18) years of age.
- (c) If the applicant is a Michigan corporation, a certified copy of the articles of incorporation, together with all amendments thereto, and a current good standing certificate.
- (d) If the applicant is a corporation incorporated in another state, a certified copy of the certificate of authority to transact business in Michigan.
- (e) If the applicant is a partnership, a copy of the partnership agreement, together with all amendments thereto.
- (f) If the applicant is a Michigan limited partnership, a certified copy of the certificate of limited partnership, together with all amendments thereto.
- (g) If the applicant is a limited partnership formed under the laws of another state, a certified copy of the Michigan certificate of registration.
- (h) If the applicant is a Michigan limited liability company, a certified copy of the articles of organization, together with all amendments thereto.
- (i) If the applicant is a limited liability company formed under the laws of another state, a certified copy of the Michigan certificate of authority.
- (j) If the applicant is a Michigan limited liability partnership, a certified copy of the registration of limited liability partnership, together with all amendments thereto.
- (k) If the applicant is a limited liability partnership formed under the laws of another state, a certified copy of the Michigan registration.
- (l) Documentation identifying the owner(s) of the real property on which the Sexually Oriented Business is to be situated.
- (m) If the person(s) identified as the owner(s) of the real property identified above is not also the owner(s) of the Sexually Oriented Business, then the lease, purchase contract, purchase option contract, lease option contract or other document(s) evidencing the legally enforceable right of the owner(s) or proposed owner(s) of the Sexually Oriented Business to have or obtain the use and possession of the real property thereof that is to be used for the purpose of the operation of the Sexually Oriented Business.

**Section 15A.23. Approval of License Application.** The zoning enforcement officer shall approve the issuance of a license to an applicant within sixty (60) days after receipt of an application if the application is complete and meets all the requirements of this section, unless he or she finds

that the applicant or owner is ineligible for special land use approval for any of the reasons set forth in Section 15A.14 above.

**Section 15A.24. Display of License.** The license, if granted, shall state on its face the name of the person or persons to whom it is granted, the expiration date, and the address of the Sexually Oriented Business. The license shall be posted in a conspicuous place at or near the entrance to the Sexually Oriented Business so that it may be easily read at any time.

**Section 15A.25. Denial of License.** In the event that the zoning enforcement officer determines that an applicant is not eligible for a license, the applicant shall be given notice in writing of the reasons for the denial within sixty (60) days of the receipt of the application by the zoning enforcement officer, provided that the applicant may request, in writing, that such period be extended for an additional period of not more than ten (10) days at any time before the notice is issued in order to make modifications necessary to comply with this section.

**Section 15A.26. Appeal to Board of Zoning Appeals.** An applicant may appeal the decision of the zoning enforcement officer regarding a denial of an application or the revocation of a license pursuant to Section 15A.32 below to the Board of Zoning Appeals by filing a written notice of appeal within fifteen (15) days after the applicant is given notice of the zoning enforcement officer's decision. The notice of appeal shall be accompanied by a memorandum or other writing setting out fully the grounds for such appeal and all arguments in support thereof. The zoning enforcement officer may submit a memorandum in response to the memorandum filed by the applicant on appeal. After reviewing the relevant information, the Board of Zoning Appeals shall vote to either uphold or overrule the zoning enforcement officer's decision. Such vote shall be taken within sixty (60) calendar days after the date on which the Board of Zoning Appeals receives the notice of appeal. However, the applicant shall be required to comply with the zoning enforcement officer's decision during the pendency of the appeal.

**Section 15A.27. Investigation of Applicant.** Upon receipt of a properly completed application, together with all information required in connection therewith, fingerprints and photographs, and the payment of the application, investigation and license fee, the zoning enforcement officer shall transmit the application to the Kent County Sheriff's Department and/or Michigan State Police Department for investigation of the background of each individual applicant, the partners of a partnership, the members of a limited liability company, the partners of a limited liability partnership, or the officers and directors of a corporation and manager of the proposed Sexually Oriented Business.

**Section 15A.28. Application Fee.** Each applicant shall pay an application fee at the time of filing an application for a license in an amount as established from time to time by resolution of the Township Board. The application fee shall include the cost of the investigation by the Kent County Sheriff's Department, Michigan State Police Department, or other appropriate law enforcement agency. The application fee shall be non-refundable.

**Section 15A.29. License Fee.** Each licensee issued a license pursuant to this chapter shall pay an annual license fee at the time of application for the license as herein provided. The annual license fee shall be established from time to time by resolution of the Township Board. The license fee shall be refunded if the license is not approved.

**Section 15A.30. License Renewal.** Any application for renewal of a license shall be filed with the zoning enforcement officer not less than forty-five (45) days prior to the date of expiration. The zoning enforcement officer may, for a good cause shown, waive the requirement for timely filing of a renewal application.

**Section 15A.31. Term of License.** All licenses issued pursuant to this section shall be for a term of one (1) year. Said term shall commence on January 1 of each year and terminate upon December 31 of the same year. Applications for a license filed at any other time during the year shall be treated the same as if they were filed January 1 of that year and shall terminate on December 31 of that same year, and no pro ration of fees shall be permitted.

**Section 15A.32. Revocation of License.** The zoning enforcement officer shall revoke a license if a cause of suspension occurs and the license has been suspended within the preceding twelve (12) months. The zoning enforcement officer shall also revoke a license if he or she determines that any of the following has occurred:

- (a) Any condition exists that would warrant disapproval of a license as set forth in this section.
- (b) A licensee, operator, manager or employee has engaged or has allowed patrons or employees to engage in acts of misconduct on the licensed premises in violation of any Township ordinance, the laws of the State of Michigan or of the United States when the licensee, operator, manager or employee knew or should have known such acts were taking place.
- (c) Repeated disturbances of public peace have occurred within the licensed Sexually Oriented Business or upon any parking areas, sidewalks, access ways or grounds of the licensed Sexually Oriented Business involving patrons, employees, or the licensee.
- (d) When the zoning enforcement officer revokes a license, the revocation shall continue for one (1) year, and the licensee shall not be issued a sexually oriented license for one (1) year from the date revocation became effective. If, subsequent to revocation, the zoning enforcement officer finds that the basis for the revocation has been corrected or abated, a license may be reinstated if at least ninety (90) days have elapsed since the date the revocation became effective.

**Section 15A.33. Registration of Managers, Entertainers and Employees.**

- (a) No person shall work as a manager, entertainer or employee at a Sexually Oriented Business without being registered under this section.
- (b) All managers, entertainers and employees shall provide to the Township their legal name and any aliases, social security number, home address, telephone number, date of birth and satisfactory proof that they are eighteen (18) years of age or older, and any other necessary identifying information for the Township to conduct a criminal background check on the manager, entertainer or employee.

- (c) The registration fee shall be as established from time to time by resolution of the Township Board.
- (d) The owner or manager of a Sexually Oriented Business shall provide the Township with the names, any aliases, dates of birth, and social security numbers of all managers, entertainers and employees within five (5) days of employment. This information will be used to verify the information submitted by the manager, entertainer or employee, who must also register with the Township within five (5) days of employment.

**Section 15A.34. Exemptions From Enforcement.** It is a defense to prosecution under this section that a person appearing in a state of nudity or semi nudity did so in a modeling class operated:

- (a) By a proprietary school, licensed by the State of Michigan or a college, junior college, or university supported entirely or partly by taxation.
- (b) By a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation.

**Section 15A.35. Reporting of Violations.** Any owner, manager or employee shall immediately report to the Township Clerk and to the Kent County Sheriff's Office any violation of this section or any breach of the peace or unlawful or disorderly act, conduct or disturbance committed on the Sexually Oriented Business, including any parking area or adjoining area under the control or management of the owner, provided that the owner, manager or employee knew or should have known of such violation of law.

**Section 15A.36. Definitions.** The following words and terms in this Chapter 15A shall be defined as stated below:

- (a) **Adult Book Store.** An establishment having more than an insubstantial or insignificant portion of its stock in trade in books, magazines, and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas," as defined herein. An establishment may have other categories of items for sale which are not characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas," as defined herein, but still be classified as an Adult Book Store.
- (b) **Adult Cabaret.** A nightclub, bar, restaurant, lounge or similar establishment, whether or not alcoholic beverages and/or food are served, which regularly features one or more of the following: (i) persons who appear nude or in a state of nudity or semi-nudity; or (ii) live or recorded performances which are characterized by an emphasis on matter depicting "specified anatomical areas" or "specified sexual activities," or which involve the exposure of "specified anatomical areas" or "specified sexual activities" as defined herein.

- (c) **Adult Motion Picture Theater.** An establishment predominantly used for presenting motion pictures distinguished or characterized by an emphasis on matter depicting, describing, or relating to “specified sexual activities” or “specified anatomical areas,” as defined herein, for observation by patrons therein.
- (d) **Adult Novelty Store.** An establishment having more than an insubstantial or insignificant portion of its stock in trade in devices that simulate human genitals or devices designed for sexual stimulation. An establishment may have other categories of items for sale which are not devices that simulate human genitals or devices designed for sexual stimulation, but still be classified as an Adult Novelty Store.
- (e) **Adult Video Store.** An establishment having more than an insubstantial or insignificant portion of its stock in trade in video or digital material (in any form) for sale or rental which is distinguished or characterized by an emphasis on matter depicting, describing, or relating to “specified sexual activities” or “specified anatomical areas,” as defined herein. An establishment may have other categories of items for sale which are not characterized by their emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas,” as defined herein, but still be classified as an Adult Video Store.
- (f) **Employee.** Any person who works or performs in and/or for a Sexually Oriented Business, including the manager, regardless of whether or not said person is paid a salary, wage or other form of compensation.
- (g) **Entertainer.** Any person who performs any entertainment, exhibition or dance of any type within a Sexually Oriented Business, whether or not such person or anyone else charges or accepts a fee for such entertainment, exhibition, or dance.
- (h) **Escort.** A person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie, to privately perform a striptease for another person, or to otherwise display specified sexual activities or specified anatomical areas.
- (i) **Escort Agency.** A person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration.
- (j) **Manager.** An Employee, other than the licensee, who is employed by a Sexually Oriented Business to act as a Manager or supervisor of Employees or who is otherwise responsible for the operation of, or in charge of, a Sexually Oriented Business.
- (k) **Massage.** Massage shall mean a method of treating external parts of the body for remedial or hygienic purposes, consisting of rubbing, stroking, kneading, adjusting or tapping with the hand or any instrument, electric, magnetic or otherwise, with or without supplementary aids.

- (l) **Massage Parlor.** Any establishment having a fixed place of business where massages are administered solely or in combination with any other services or activity for pay, including but not limited to massage parlors, sauna baths, and steam baths. This definition shall not be construed to include a hospital, nursing home, medical clinic, or the office of a physician, surgeon, chiropractor, osteopath, or physical therapist duly licensed by the State of Michigan, nor barber shops, beauty salons or athletic facilities in which massages are administered only to the scalp, the face, the neck, the shoulder, the back above the waist or the legs below the thighs. This definition shall not be construed to include a nonprofit organization operating a community center, swimming pool or tennis court, or other educational, cultural, recreational, and athletic facilities for the welfare of the residents of the area.
- (m) **Nude Artist and Photography Studios.** Any building, structure, premises or part thereof used solely or primarily as a place which offers as its principal activity the providing of models to display “specified anatomical areas” as defined herein for artists and photographers for a fee or charge.
- (n) **Operator.** All persons who own, operate, direct, oversee, conduct, maintain, or effectively exert management control or authority over a Sexually Oriented Business or its affairs, without regard to whether such person(s) owns the premises in which the Sexually Oriented Business does business. An Operator effectively exerts management control or authority when he or she actually does, or is in a position to, participate in the management, direction or oversight of a Sexually Oriented Business or its affairs, whether or not such person’s name appears on any public record filed with any government agency in connection with a Sexually Oriented Business or any parent company or affiliate.
- (o) **Owner.** A person owning, directly or beneficially, any interest or part interest, however identified, in a Sexually Oriented Business.
- (p) **Recognized School.** Recognized school shall mean any school or educational institution which teaches the theory, method, profession, or work of massage, and; requires five hundred (500) hours before the student receives a diploma or certificate of graduation for having completed the course, and; is either licensed to teach massage and to do business as a school or educational institution in the State of Michigan, or is approved by the American Massage Therapy Association.
- (q) **Sexually Oriented Business.** Any of the uses defined in this subsection of this ordinance as an adult bookstore, adult cabaret, adult motion picture theater, adult novelty store, adult video store, escort agency, massage parlor, and/or nude artist and photography studio, or any establishment which advertises or holds itself out to the public (on signs, publications, television, radio and/or other media forms) as being for the use or benefit solely of adults because of its products or services with an emphasis on, or associated with, Specified Anatomical Areas and/or Specified Sexual Activities, even if only a portion of the establishment is dedicated to one or more of the activities listed herein. This definition shall include the conversion of an existing

business, whether or not a Sexually Oriented Business, to a Sexually Oriented Business.

- (r) **Specified Anatomical Areas.** Specified anatomical areas are defined as less than completely and opaquely covered: (a) Human genitals, pubic region, buttock, and female breast below a point immediately above the top of the areola; and (b) Human male genitals in a discernible turgid state, even if completely and opaquely covered.
- (s) **Specified Sexual Activities.** Specified sexual activities are defined as: (a) Human genitals in a state of sexual stimulation or arousal; (b) Acts of human masturbation, sexual intercourse or sodomy; or (c) Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

## CHAPTER 16

### NONCONFORMING USES AND STRUCTURES

**Section 16.1 Continuance of Nonconforming Uses.** Subject to the provisions of this chapter, the lawful use of any building or structure or of any land or premises which is existing and lawful on the effective date of this ordinance, or in the case of an amendment of this ordinance, then on the effective date of such amendment, may be continued although the use does not conform with the provisions of this ordinance or any amendment thereto. An existing private road shall not be considered to be a use of land or premises for purposes of this section. Existing private roads and the buildings and structures which are provided access by them, are subject to Section 3.19 of this ordinance.

**Section 16.2 Discontinuance of Nonconforming Buildings and Uses.** Any nonconforming use of land, premises, buildings or structures which is discontinued for a period of 90 days shall constitute abandonment of use. Thereafter, the use shall conform to the requirements of the district in which it is located.

#### **Section 16.3 Repair and Restoration of Nonconforming Buildings and Uses.**

- (a) No provision of this chapter shall prevent the repair or reinforcement of a nonconforming building, structure or use during its natural life to correct deterioration, wear or unsafe conditions.
- (b) No provision of this chapter shall prevent the restoration of a nonconforming building, structure or use damaged by fire, explosion or other cause where such destruction does not exceed 50% of the usable space or area thereof immediately preceding such destruction; provided, however, that a single-family dwelling so damaged may be restored without regard to the area of usable space destroyed, so long as the restored dwelling is at least 850 square feet in area, and provided further that if such single-family dwelling so destroyed is less than 15 feet wide, it may be restored as provided herein if the resulting width is at least 14 feet, and if the resulting length is 70 feet.
- (c) No provision of this chapter shall prevent the replacement of a nonconforming single-family dwelling if such dwelling at the time of replacement is less than 15 feet wide and if the replacement dwelling is at least 850 square feet in area, at least 14 feet in width and at least 70 feet in length.

**Section 16.4 Extension of Nonconforming Uses.** Subject to approval of the Board of Appeals, a nonconforming use occupying a building may be extended throughout such building, provided no structural alterations are made therein, except those required by law or such as may be required for safety, or to secure or insure continued advantageous use of the building during its natural life.

**Section 16.5 Building or Structure Under Construction on Effective Date of Ordinance.** Any building or structure shall be considered an existing and lawful use if, on the effective date of this ordinance, a building permit has been obtained therefore, if required, or, if no building permit is required, a substantial start has been made toward construction and construction is thereafter pursued diligently to conclusion.

## CHAPTER 17

### BOARD OF ZONING APPEALS

#### **Section 17.1 Creation, Membership, Term of Office, Officers, Rules.**

- (a) There is hereby created a Zoning Board of Appeals consisting of five members. One member of the Board shall be the chairperson of the Planning Commission; one member shall be a member of the Township Board appointed by the Township Board; and the other three members shall be appointed by the Township Board, by majority vote among the electors residing in the unincorporated areas of the Township.
- (b) Initially, one member of the Board of Zoning Appeals shall be appointed for a term of three years, two members shall be appointed for a term of two years each, and two members shall be appointed for a term of one year each. Thereafter, each member, when appointed, shall have a term of three years.
- (c) The Zoning Board of Appeals shall elect one of its members as its chairperson and one of its members as its secretary. It may adopt rules for the conduct of its meetings and other activities. The Township Board member of the Board of Zoning Appeals may not serve as the chairperson of the Board.

#### **Section 17.2 Powers and Duties of the Board of Zoning Appeals.** The Board of Zoning Appeals shall have all the powers and duties prescribed by law and by this chapter, as follows:

- (a) Make interpretations of the zoning map of the Township of Oakfield, Kent County, Michigan, including determination of the exact location of any district if there is uncertainty with respect thereto.
- (b) Hear and decide appeals from and review any order, requirements, decisions, or determination made by an administrative official or body charged with enforcement of this ordinance, including any requirement, decisions or determinations made with regards to special uses.
- (c) Grant dimensional variances where, by reason of exceptional narrowness, shallowness, or shape of a lot or parcel of land, or by reason of exceptional topographic conditions or extraordinary conditions of land, buildings or structures, there are practical difficulties in carrying out the literal requirements of this ordinance; or grant a use variance where, by reason of the uses of adjacent or nearby lands or for other reasons, there is or would be unnecessary hardship in carrying out the literal requirements of this ordinance pertaining to uses of land.

#### **Section 17.3 Procedure.**

- (a) The presence of three members shall constitute a quorum, but the concurring vote of a majority of the members of the Board of Zoning Appeals shall be necessary to reverse any order, requirements, decision or determination of any administrative

official or to decide in favor of the applicant in any matter upon which it is required to pass under this ordinance or to effect any variance in such ordinance; provided, however, that a use variance shall not be granted unless approved by at least a two-thirds vote of the members of the Board of Appeals.

- (b) An application or appeal to the Zoning Board of Appeals shall be taken by the filing of a notice of appeal with the Township Clerk specifying the grounds thereof. An application or appeal shall be filed within 30 days after the decision or other action as to which the application or appeal is taken. The Clerk shall transmit to the Board the notice of application or appeal and the papers constituting the record from which the application or appeal is taken. The applicant shall pay the fee for such application or appeal as prescribed by the Township Board.
- (c) When an application or an appeal has been filed in proper form and with the required data, the application or appeal shall be scheduled for public hearing at a meeting of the Board of Zoning Appeals and notices thereof shall be delivered and published in accordance with Section 18.9 of this ordinance.
- (d) The Board of Zoning Appeals may reverse or affirm wholly or partly or may modify the order, requirements, decision or determination as in its opinion ought to be made in the matter, 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. The grounds of each determination of the Board of Zoning Appeals shall be stated in its minutes.
- (e) The decision of the Board of Zoning Appeals shall be final; provided, however, a party aggrieved by the Board of Appeals' decision may appeal to the circuit court, to the extent and in the manner permitted by law.
- (f) A member of the Zoning Board of Appeals who also serves as a Planning Commission member or as a Township Board member is prohibited from participating in or voting on matters previously voted on his or her capacity as a Planning Commission member or Township Board member.

**Section 17.4 Conditions of Approval.** In authorizing a variance or exception, the Board of Zoning 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 of the use, or, as to other matters, reasonably necessary to carry out the intent and spirit of this ordinance and the protection of the public interest.

**Section 17.5 Time Limit on Variances.** Any variance or exception granted by the Board of Zoning Appeals shall automatically become null and void after a period of one year from the date granted unless the applicant shall have taken substantial steps toward effecting the variance within said period; provided, however, that the Board of Zoning Appeals may extend such period for a further period of time not exceeding one year upon application and without further notice.

**Section 17.6 Variances.** In accordance with the provisions of this chapter, the Board of Zoning Appeals shall have jurisdiction to vary or modify any of the provisions of this ordinance in the following circumstances:

- (a) Where, by reason of exceptional narrowness in width, breadth, length or shape of a parcel of land or by reason of exceptional topographic conditions thereof, the literal enforcement of the requirements of this ordinance would cause practical difficulties or unnecessary hardship.
- (b) Where, by reason of extraordinary or exceptional situation or condition of land, building or structure or the use thereof, or for other reasons, there are practical difficulties or unnecessary hardship in complying with the provisions of this ordinance, and if variance and/or modification of such provisions would promote general welfare, secure public safety and accomplish substantial justice while observing the intent and purposes of this ordinance.

**Section 17.7 Standards for Variances.** The Board of Zoning Appeals may grant a variance from the provisions or requirements of this ordinance only if the Board finds from reasonable evidence that all of the following facts and conditions exist:

- (a) That there are exceptional or extraordinary circumstances or conditions applying to the property in question, as to the intended use thereof, that do not apply generally to other properties in the same zone.
- (b) That such variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zone. The possibility of increased financial return shall not of itself be deemed sufficient to warrant the granting of a variance.
- (c) That such variance, if granted, will not be of substantial detriment to adjacent property and will not materially impair the intent and purposes of this ordinance or the public interest.
- (d) That the condition or situation of the property or the intended use thereof is not of so general or recurrent a nature as to make reasonably practicable a general regulation for such condition or situation.

## CHAPTER 18

### ADMINISTRATION AND ENFORCEMENT

**Section 18.1 Zoning Administration.** The provisions of this ordinance shall be administered and enforced by the Township Board or its designee.

**Section 18.2 Building and Zoning Permits Required.** A building or structure shall not be erected, moved, placed, reconstructed, extended, enlarged or altered unless such activity is performed in accordance with a building permit issued pursuant to the Township Building Code and unless such activity is performed in accordance with a zoning permit issued pursuant to the Township Zoning Ordinance. However, a zoning permit shall not be required for small or easily movable structures, such as storage sheds without a foundation, dog houses or other similar structures, as determined by the Zoning Administrator.

Application for building permits and zoning permits shall state the name and address of the owner and contractor, the address or description of the location of the premises, and the value of the proposed improvements. It shall be accompanied by a drawing and such plans and specifications as the Building Official and Zoning Administrator consider to be necessary in order to determine that the requirements of the Zoning Ordinance, the Township Building Code and of any other applicable laws or ordinances will be complied with. The application shall otherwise comply with the Township Building Code.

**Section 18.3 Certificate of Occupancy.** No building or structure which is erected, moved, placed, reconstructed, extended, enlarged or altered shall be used in whole or in part until the owner thereof shall have been issued a certificate of use and occupancy as provided by the terms of the Township Building Code. No such certificate of use and occupancy shall be issued unless all of the provisions of this ordinance and other applicable township ordinances have been complied with.

**Section 18.4 Expiration of Building and Zoning Permits.** A building or zoning permit for which all construction has not been completed within one year from the date of its issuance shall expire automatically. A building or zoning permit expiring automatically pursuant to this section shall, upon re-application, be renewable once for an additional term of one year upon payment of an additional fee equal to one-half of the original permit fee. If construction work has not been completed within such additional one-year period, new building and zoning permits, upon payment of the fees prescribed therefor, shall be obtained.

**Section 18.5 Cancellation of Permits.** The Building Official shall have the authority to revoke and cancel any permit in the event of a failure or neglect to comply with all of the terms and provisions of this ordinance or the Township Building Code or in the event of any false statement or misrepresentation in the application for the permit. The Zoning Administrator shall have the authority to revoke and cancel any zoning permit issued pursuant to this ordinance in the event of a 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 construction site. Such posting shall be service of notice upon the permit holder as to the cancellation and revocation of the permit.

**Section 18.6 Fees.** Petitions filed pursuant to the provisions of this ordinance for the rezoning of lands or for other purposes shall be accompanied by the payment of such fee as may be established by the Township Board for such purpose.

**Section 18.7 Penalties.** Any building or structure which is erected, moved, placed, reconstructed, razed, extended, enlarged, altered, maintained or changed in violation of any provision of this ordinance is hereby declared to be a nuisance per se. A violation of this ordinance is a municipal civil infraction, for which the fine shall be not less than \$250 for the first offense and not less than \$500 for subsequent offenses, in the discretion of the Court, and in addition to all other costs, damages, and expenses provided by law. For purposes of this section, “subsequent offense” means a violation of the provisions of this ordinance committed by the same person within 12 months of a previous violation of the same provision of this ordinance for which said person admitted responsibility or was adjudicated to be responsible. Each day during which any violation continues shall be deemed a separate offense. Civil infraction penalties shall be in addition to all other remedies available to the Township by law, including but not limited to, injunctive relief.

**Section 18.8 Other Procedures.** The Township Board, the attorney for the Township or the prosecuting attorney for Kent County 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 are in addition to all other remedies provided by law.

**Section 18.9 Publication and Delivery of Notice of Public Hearing.** Except as stated otherwise in this ordinance, whenever a public hearing on a zoning application is required by this ordinance or by the Michigan Zoning Enabling Act, as amended, notice of the public hearing shall be published and delivered in accordance with the requirements of this section.

- (a) The notice shall be published once, at least 15 days prior to the date of the public hearing, in a newspaper of general circulation in the Township.
- (b) For applications involving the rezoning of ten or fewer adjacent properties; for applications to the Zoning Board of Appeals involving a specific parcel; and for all planned unit development and special land use applications, a notice of public hearing shall be mailed by first class U.S. mail or personally delivered to the following persons, at least 15 days prior to the date of the public hearing:
  - (1) The applicant.
  - (2) All persons to whom real property is assessed within 300 feet of the property that is the subject of the application.
  - (3) One occupant of each dwelling unit in each structure within 300 feet of the subject property that contains four or fewer dwelling units.
  - (4) The owner or manager of a structure containing more than four dwelling units, who shall be requested to post the notice at the primary entrance of the structure but failure of such posting shall not constitute lack of notice to the owners or occupants of such dwelling units.

If the above-described 300-foot radius extends outside the Township's boundaries, notice shall nevertheless be provided outside the Township boundaries, within such 300-foot radius, to all persons stated above in this subsection.

- (c) The notice of public hearing shall include the following information:
  - (1) A description of the nature of the application or request.
  - (2) An identification of the property that is the subject of the application or request. The notice shall include a listing of all existing street addresses within the property; provided, however, that street addresses do not need to be created and listed if no such addresses currently exist within the property; and provided further that street addresses do not need to be listed if 11 or more adjacent properties are being proposed for rezoning.
  - (3) State when and where the application or request will be considered.
  - (4) Identify when and where written comments will be received concerning the application or request.

## CHAPTER 19

### AMENDMENTS

**Section 19.1 Amendments.** Amendments of this ordinance may be initiated by the Township Board, the Planning Commission or by any interested person.

**Section 19.2 Procedures.** A Petition for amendment of this ordinance shall be in writing, signed, and filed with the Township Clerk. A petition by an interested property owner concerning a pending amendment shall be sent by certified mail to the Township Clerk. 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 other persons having a legal or equitable interest.
- (b) The reasons and grounds for the proposed amendments; if adopted, 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, and the zoning district of the abutting lands.
- (d) All other facts and circumstances and information offered in support of the proposed amendment.

**Section 19.3 Public Hearing.** 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 schedule a time and place for a public hearing. The Township Clerk shall arrange for delivery and publication of a notice of such hearing in accordance with Section 18.9 of this ordinance. For a petition by an interested property owner concerning a pending amendment, however, notice need be provided only to the interested property owner.
- (c) The Planning Commission shall hold said public hearing. The Planning Commission may make minor changes in the amendment in response to comments raised at the hearing or to correct typographical or grammatical errors. 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.
- (d) Following the public hearing of the Planning Commission, the Township Board may adopt or deny the amendment. If the Township Board desires to make changes in the amendment as acted upon by the Planning Commission, the Board may, but is not required to, refer the proposed amendment back to the Planning Commission for a

report. Whether or not the Board requests such a report from the Planning Commission, the Township Board may adopt or reject such amendment, in whole or in part, with or without any changes referred to the Planning Commission by the Township Board.

**CHAPTER 20**

**MISCELLANEOUS PROVISIONS**

**Section 20.1 Administrative Liability.** No officer, member, agent or employee of the Township Board, Planning Commission, or Board of Appeals shall be personally liable for any damage or consequence that may occur as a result of any act, decision, or other event or cause arising out of the discharge of such person's duties and responsibilities pursuant to this ordinance.

**Section 20.2 Severability.** This ordinance and the parts thereof are hereby declared to be severable. If any part or provision is adjudged unconstitutional or invalid, the remainder of this ordinance shall not be affected thereby.

**Section 20.3 Amendment of Prior Ordinance.** This Zoning Ordinance is an amendment, in its entirety, of the Zoning Ordinance of the Township of Oakfield adopted July 12, 1967, and all amendments and supplements thereto.

This ordinance was adopted by the Township Board and made effective as of May 17, 1991.

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This text of the Zoning Ordinance includes all amendments, deletions and other changes in the Zoning Ordinance adopted through and including February 9, 2010.

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Linda Matz, Township Clerk