

# **CROCKERY TOWNSHIP ZONING ORDINANCE**

**Effective: February 2010**

**As amended November 29, 2010, December 13, 2010, February 14, 2011, April 25, 2011,  
June 6, 2011, August 8, 2011, October 10, 2011, February 20, 2012, May 14, 2012,  
September 29, 2014.**

**CROCKERY TOWNSHIP**  
**ZONING ORDINANCE**

An ordinance to establish zoning regulations for the Township of Crockery, Ottawa County, Michigan, including regulations governing nonconforming uses, structures and buildings, to provide for the administration, enforcement and amendment of such regulations, to prescribe penalties for the violation of such regulations, and to provide for conflicts with other ordinances or regulations, all in accordance with the provisions of Michigan Act 33 of 2008, as amended.

**THE TOWNSHIP OF CROCKERY, OTTAWA COUNTY, MICHIGAN, ORDAINS:**

# Crockery Township Zoning Ordinance

## Table of Contents

Article 1	Title, Purpose, Scope and Legal Basis.....	
1.01	Title.....	1
1.02	Purpose.....	1
1.03	Scope and Interpretation .....	1
1.04	Legal Basis.....	2
Article 2	Definitions.....	
2.01	Rules Applying to Text.....	1
2.02	Definitions .....	1
Article 3	General Provisions.....	
3.01	The Effect of Zoning.....	1
3.02	Accessory Buildings and Structures.....	1
3.03	Adult Foster Care Homes .....	3
3.04	Change of Use.....	3
3.05	Conditional Rezoning.....	3
3.06	Clear Vision Areas .....	7
3.07	Control of Heat, Glare, Fumes, Dust, Noise, Vibration, and Odors.....	6
3.08	Corner Lots .....	6
3.09	Demolition of Buildings .....	7
3.10	Destroyed Or Damaged Buildings.....	7
3.11	Docking Of Watercraft .....	7
3.12	Essential Services.....	8
3.13	Existing Lots of Record.....	9
3.14	Fences.....	9
3.15	Front Yard Setback Averaging .....	10
3.16	Governmental Improvements .....	10
3.17	Hazardous Materials.....	10
3.18	Health Department Approvals .....	11
3.19	Height Exceptions.....	11
3.20	Home Occupations .....	11
3.21	Keeping Of Animals .....	14
3.22	Lot Coverage.....	14
3.23	Measurements Of Distances .....	17
3.24	Minimum Street Frontages And Lot Width .....	17
3.25	Minor Mineral Removal Activities .....	17
3.26	Moving Of Buildings And Structures.....	17
3.27	Outdoor Lighting .....	18
3.28	Outdoor Ponds (Recreational and agricultural).....	18
3.29	Outdoor Storage .....	18
3.30	Outdoor Wood-Fired Boilers.....	18
3.31	Planned Mineral Removal.....	19
3.32	Principal Building on Lot .....	19
3.33	Private Residential Driveways .....	19

3.34	Private Streets .....	20
3.35	Roadside Stands.....	23
3.36	Roof Overhangs.....	23
3.37	Single-Family Dwellings.....	24
3.38	Swimming Pools .....	26
3.39	Temporary Uses Of Structures.....	27
3.40	Trash And Junk.....	28
3.41	Vehicle Repair.....	28
3.42	Vehicle Storage.....	28
3.43	Waterfront Setback Averaging.....	29
3.44	Wind Turbines, Personal Use.....	29
3.45	Wireless Communications Towers and Antennas .....	33

Article 4 Mapped Zoning Districts.....

4.01	Zoning Districts .....	1
4.02	Zoning Map .....	1
4.03	Areas Not Included Within a District.....	3

Article 5 Ag-1 Agricultural And Open Space District.....

5.01	Intent and Purpose.....	1
5.02	Uses Allowed by Right.....	1
5.03	Height Regulations.....	4
5.04	Area Regulations .....	4
5.05	Minimum Floor Area.....	4
5.06	Special Land Uses.....	5

Article 6 Ag-2 Rural/Agricultural Preservation District .....

6.01	Intent And Purpose.....	1
6.02	Uses Allowed by Right.....	1
6.03	Height Regulations.....	2
6.04	Area Regulations .....	3
6.05	Minimum Floor Area.....	3
6.06	Special Land Uses.....	3

Article 7 R-1 Low Density Single-Family Residential District .....

7.01	Intent and Purpose.....	1
7.02	Uses Allowed by Right.....	1
7.03	Height Regulations.....	1
7.04	Area Regulations .....	1
7.05	Minimum Floor Area.....	1
7.06	Special Land Uses.....	2

Article 8 R-2 Medium Density Residential District .....

8.01	Intent and Purpose.....	1
8.02	Uses Allowed By Right .....	1
8.03	Height Regulations.....	1
8.04	Area Regulations .....	1
8.05	Minimum Floor Area.....	2

8.06	Site Plan Approval .....	2
8.07	Special Land Uses.....	3
Article 9 C-1 Commercial District .....		
9.01	Intent and Purpose.....	1
9.02	Uses Allowed by Right.....	1
9.03	Required Conditions .....	3
9.04	Height Regulation .....	4
9.05	Area Regulations .....	4
9.06	Special Conditions .....	4
9.07	Mechanical Appurtenances .....	4
9.08	Special Land Uses.....	4
9.09	Multiple Permitted Principal Uses.....	6
Article 10 CH Commercial Horticultural District .....		
10.01	Intent and Purpose.....	1
10.02	Use Regulations.....	1
10.03	Required Conditions .....	1
10.04	Mechanical Appurtenances .....	<b>Error! Bookmark not defined.</b>
10.05	Height Regulations.....	2
10.06	Area Regulations .....	2
Article 11 I-1 Light Industrial District .....		
11.01	Intent and Purpose.....	1
11.02	Uses Allowed by Right.....	1
11.03	Site Plan Review.....	2
11.04	Height Regulation .....	2
11.05	Area Regulation .....	2
11.06	Mechanical Appurtenances .....	2
11.07	Landscape and Screening Requirements .....	2
11.08	Parking .....	3
11.09	Special Land Uses.....	3
Article 12 Pud Planned Unit Development District.....		
12.01	Intent and Purpose.....	1
12.02	Application.....	1
12.03	Application Review.....	3
12.04	Permitted Uses .....	6
12.05	Height, Bulk, Density, and Area Requirements.....	6
12.06	Open Space Preservation Requirements.....	7
Article 13 Grm Grand River Marina District .....		
13.01	Intent and Purpose.....	1
13.02	Uses Allowed by Right.....	1
13.03	Special Land Uses.....	2
13.04	Development Requirements .....	3
13.05	Prohibited Uses.....	5

Article 14 R-5 Manufactured Housing Community District.....

14.01 Intent and Purpose..... 1

14.02 Uses Allowed by Right..... 1

14.03 Installation and Occupation of Manufactured Homes ..... 2

14.04 Standards and Regulations ..... 2

14.05 Utility Standards..... 9

14.06 Site Constructed Buildings and Dwellings..... 9

14.07 Manufactured Homes Within Manufactured Housing Communities; Operation of Communities ..... 10

14.08 Inspection and Permits ..... 12

14.09 Review and Approval of Preliminary Manufactured Housing Community Plans..... 13

Article 15 M-104 Corridor Overlay District.....

15.01 Intent and Purpose..... 1

15.02 Applicability ..... 1

15.03 Site Plan Review..... 1

15.04 Criteria..... 2

15.05 Traffic Impact Assessment or Study..... 3

15.06 Setbacks ..... 3

15.07 Parking ..... 5

15.08 Driveway Design, Placement, and Spacing ..... 6

15.09 Front and Rear Service Drives, Parking Lot Connections, and Shared Driveways .... 13

15.10 Signage..... 13

15.11 Natural Feature Preservation ..... 13

Article 16 FPO Floodplain Overlay District .....

16.01 Intent and Purpose..... 1

16.02 Uses Allowed by Right..... 1

16.03 Prohibited Uses..... 2

16.04 Height Regulations..... 2

16.05 Area Regulations ..... 2

16.06 Vegetative Greenbelt ..... 2

16.07 Site Plan Approval ..... 3

Article 17 Site Condominiums .....

17.01 Intent and Purpose..... 1

17.02 Definitions ..... 1

17.03 Review of Preliminary Plans..... 2

17.04 Planning Commission Recommendations ..... 3

17.05 Review and Approval of Final Plans by Township Board ..... 3

17.06 Contents of Site Condominium Project Plans ..... 4

17.07 Compliance With Approved Final Site Condominium Project Plan ..... 5

17.08 Commencement of Construction and Issuance of Permits..... 5

17.09 Expandable or Convertible Condominium Projects ..... 5

17.10 Revisions of Approved Final Site Condominium Project Plan ..... 5

17.11 Incorporation of Approved Provisions in Master Deed..... 5

17.12 Approval Effective For One Year..... 6

17.13 Exemption of Existing Projects..... 6

Article 18 Site Plan Review .....	
18.01 Intent and Purpose.....	1
18.02 Land Uses Requiring Site Plan Review.....	1
18.03 Land Uses Exempt From Site Plan Review .....	2
18.04 Sketch Plan .....	2
18.05 Sketch Plan Submissions and Content .....	2
18.06 Application for Sketch Plan Review.....	4
18.07 Application for Formal Site Plan Review .....	5
18.08 Procedure For Consideration and Review of Site Plans.....	8
18.09 Standards For Review of Site Plans.....	9
18.10 Conditions on Approval of Site Plans .....	11
18.11 Construction in Accordance With Approved Site Plan .....	11
18.12 Performance Guaranties.....	12
18.13 Changes in Approved Site Plans.....	12
18.14 As-Built Site Plan .....	13
18.15 Phasing of Development or Land Use.....	14
18.16 Approval Effective For One Year.....	14
Article 19 Special Land Uses .....	
19.01 Intent and Purpose.....	1
19.02 General Provisions.....	1
19.03 Applications For Special Land Uses.....	1
19.04 Public Hearing and Mimimum Requirements.....	2
19.05 Standards For Considering Special Land Uses .....	2
19.06 Terms and Conditions of Approval .....	3
19.07 Required Standards and Findings .....	4
19.08 Planning Commission Action .....	5
19.09 Conditions of Approval.....	5
19.10 Reapplication .....	6
19.11 Expiration .....	6
19.12 Violation of Special Land Use Requirements.....	6
19.13 List of Specific Special Land Uses .....	6
19.14 Standards and Requirements for Specific Special Land Uses .....	9
Article 20 Parking and Loading Spaces .....	
20.01 General .....	1
20.02 Joint Use of Parking Facilities .....	5
20.03 Location of Parking Facilities.....	5
20.04 Requirements For Parking Areas .....	5
20.05 Parking Areas, Front Yard – Required Landscaping .....	6
20.06 Off-Street Loading Spaces .....	6
Article 21 Signs.....	
21.01 Intent and Purpose.....	1
21.02 Definitions .....	1
21.03 Sign Permit Required.....	2
21.04 Procedure to Obtain a Permit .....	2
21.05 Sign Maintenance or Change of Message .....	3
21.06 Sign Installation Requirements.....	3

21.07	Prohibited Signs.....	3
21.08	Sign Installation Permit Expiration.....	4
21.09	Measuring Sign Area .....	4
21.10	Regulations For All Signs .....	5
21.11	Regulations For Wall Signs .....	8
21.12	Permanent Signs Exempt From Permit.....	7
21.13	Temporary Signs.....	10
21.14	Off-Premises Signs (Not Including Billboards).....	10
21.15	Billboards .....	11
21.16	Prohibited Signs.....	10
21.17	Signs in Particular Districts.....	12
21.18	Nonconforming Signs .....	15

## Article 22 Landscape and Greenbelt Provisions.....

22.01	Intent and Purpose.....	1
22.02	Landscaping – General.....	1
22.03	Buffer Yard Requirements .....	2
22.04	Buffer Yard Design Requirements.....	4
22.05	Required Buffer Yards – Additional Planting Requirements.....	5
22.06	Required Buffer Yards – Reductions and Substitutions of Plantings .....	5
22.07	Green Space Within the Public Right-of-Way and Private Easements .....	5

## Article 23 Nonconforming Uses, Buildings or Structures.....

23.01	Continuance of Nonconforming Uses, Buildings or Structures.....	1
23.02	Expansion of Nonconforming Buildings or Uses.....	1
23.03	Change of Use .....	1
23.04	Restoration and Repair.....	1
23.05	Residential Buildings Destroyed.....	2
23.06	Discontinuance .....	2
23.07	Non-Conformity Created By Eminent Domain .....	2
23.08	Damage or Destruction of Lawfully Nonconforming Building or Structure .....	5
23.09	Damage or Destruction of Conforming Building or Structure for a Nonconforming Use.....	5

## Article 24 Administration, Enforcement and Penalties .....

24.01	Zoning Administration .....	1
24.02	Permits .....	1
24.03	Inspection of Buildings and Structures.....	4
24.04	Certification of Compliance.....	4
24.05	Penalties .....	5
24.06	Procedures.....	5

## Article 25 Zoning Board of Appeals .....

25.01	Board Established.....	1
25.02	Membership and Terms.....	1
25.03	General Regulations for the Zoning Board of Appeals .....	2
25.04	Powers and Duties of Zoning Board of Appeals .....	2
25.05	Fees .....	2
25.06	Hearings.....	2
25.07	Appeals – General Rules.....	3



25.08 Appeals – Procedures .....	3
25.09 Variances – General Rules.....	3
25.10 Variances – Procedures .....	3
25.11 Appeals to Courts .....	5
25.12 Conditions of Approval.....	6
 Article 26 Ordinance Amendment .....	
26.01 Initiation of Amendments .....	1
26.02 Amendment Petition Procedure.....	1
26.03 Amendment Procedure.....	1
 Article 27 Miscellaneous Provisions .....	
27.01 Administrative Liability .....	1
27.02 Severability.....	1
27.03 Repeal.....	1
27.04 Savings Clause.....	1
27.05 Effective Date.....	1

## ARTICLE 1

### TITLE, PURPOSE, SCOPE AND LEGAL BASIS

#### 1.01 TITLE

This Ordinance shall be known and may be cited as the "Crockery Township Zoning Ordinance."

#### 1.02 PURPOSE

This Ordinance is based upon the Crockery Township Comprehensive Plan and is designed:

1. To promote the public health, safety, and general welfare
2. To provide for a harmonious relationship between major land use types including residential, commercial, agricultural, industrial, and public land uses
3. To guide the use or preservation of land in accordance with its natural capabilities and adaptability and discourage the inappropriate use of land which may result in environmental degradation, loss of farmland, natural resources, or other qualities considered essential to a high quality living environment
4. To allow for appropriate densities of residential development
5. To maintain a transportation network that provides for the safe, convenient movement of people and goods
6. To reduce hazards to life and property
7. To facilitate the adequate provision of public utilities, a safe and adequate water supply, education, recreation, and other public services
8. To encourage public improvements and services in areas where they can be provided most efficiently and cost-effectively

This Ordinance is adopted with reasonable consideration, among other things, of the character of each zoning district, its peculiar suitability for particular uses, the conservation of property values and natural resources, and the general existing and desired character of land, building, and population development.

#### 1.03 SCOPE AND INTERPRETATION

This Ordinance shall not repeal, abrogate, annul or in any way impair or interfere with existing provisions of other laws, ordinances or regulations, except those repealed herein by specific reference or with private restrictions placed upon property by covenant, deed or other private agreement, or with restrictive covenants running with the land to which the Township is a party. Where this Ordinance imposes greater restrictions, limitations, or requirements upon (1) The use of building, structures, or land, (2) The height of buildings or structures, (3) Lot coverage, (4) Lot areas, (5) Yards or other open spaces, (6) Any other use or utilization of land than are imposed or required by such existing laws, ordinances, regulations, private restrictions, or restrictive covenants, the provisions of this Ordinance shall control.

#### **1.04 LEGAL BASIS**

This Ordinance is enacted pursuant to Michigan Act 110 of 2006, as amended, with due consideration to a basic plan as adopted pursuant to Michigan Act 33 of 2008, as amended.

**ARTICLE 2**  
**DEFINITIONS**

**2.01 RULES APPLYING TO TEXT**

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

1. The particular shall control the general.
2. With the exception of this chapter, the headings which title a chapter, section or subsection are for convenience only and are not to be considered in any construction or interpretation of this Ordinance or as enlarging or restricting the terms and provisions of this Ordinance in any respect.
3. The word "**shall**" is always mandatory and not discretionary. The word "**may**" is permissive.
4. Unless the context clearly indicates to the contrary: (a) words used in the present tense shall include the future tense; (b) words used in the singular number shall include the plural number; and (c) words used in the plural number shall include the singular number.
5. A "**building**" or "**structure**" includes any part thereof.
6. The word "**person**" includes a firm, association, partnership, joint venture, corporation, trust, or equivalent entity or a combination of any of them as well as a natural person.
7. The words "**used**" or "**occupied**", as applied to any land or building, shall be construed to include the words "**intended**", "**arranged**," or "**designed to be used**," or "**occupied**."
8. Any word or term not defined herein shall be defined in accordance with its common or standard definition.

**2.02 DEFINITIONS**

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

1. **Access** - A ways or means of approach to provide vehicular or pedestrian entrance or exit to a property from a public roadway.
2. **Access Easement** - A legally binding written agreement between two (2) or more property owners who share joint-Access to the Corridor, Parking lots, Front or Rear Service Drives.
3. **Access Management** - The process of providing and managing Access to land development while simultaneously preserving traffic flow on the surrounding Street system. Access Management is intended to maintain a safe and efficient flow of vehicular traffic using Front and Rear Service Drives, Parking lot Connections, and Shared Driveways in conjunction with Driveway Spacing standards, while retaining Reasonable Access to the property.

4. **Access Point** –

- A. The connection of a Driveway at the Right-of-Way line to a public Street, Front, or Rear Service Drive.
- B. A Driveway, Parking lot Connection, Shared Driveway, Front, or Rear Service Drive.

5. **Acceleration/Deceleration Lane** - A speed-changing lane that enables a Vehicle to enter or leave the traffic lane at a speed equal to or slightly less than the speed of traffic in the through lane.

6. **Accessory Use, Building, or Structure** - a use, building, or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use, building, or structure. The square footage of an accessory building shall include only the building footprint and not the square footage of second story storage areas or attics.

7. **Adjacent Driveway** - Driveway(s) located next to each other and on the same side of M-104.

8. **Adult Motion Picture Theaters** - Any establishment used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to "specified sexual activities" or "specified anatomical area," as defined herein for observation by patrons therein.

9. **Adult Book Store** - Any establishment having as a substantial or significant portion of its stock in trade, 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, or an establishment with a segment or section devoted to the sale or display of such material.

A. **Specified Sexual Activities** - Specified sexual activities are defined as:

- i. Human genitals in a state of sexual stimulation or arousal.
- ii. Acts of human masturbation, sexual intercourse, or sodomy.
- iii. Fondling or other erotic touching of genitals, pubic region, buttock, or female breast.

B. **Specified Anatomical Areas** - Specified anatomical areas are defined as:

- i. Less than completely and opaquely covered.
- ii. Human genitals, pubic region.
- iii. Female breast below a point immediately above the top of the areola.
- iv. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

10. **Adult Cabaret** - A cabaret that features go-go dancers, erotic dancers, strippers, male or female impersonators, or similar entertainers.

11. **Adult Day Care Facility** - An establishment having as its principal function the receiving of one (1) or more persons eighteen (18) years of age or older for the provision of supervision, personal care, and protection for periods of less than twenty-four (24) hours a day, four or more days a week for two (2) or more consecutive weeks. Adult day care facilities may be further defined as follows:

- A. **Adult Day Care Center** - A facility other than a private residence, receiving more than six (6) adults for group care periods of less than twenty-four (24) hours a day.
- B. **Adult Family Day Care Home** - A private residence in which one (1), but less than seven (7) adults are given care and supervision for periods of less than twenty-four (24) hours a day except adults related to the family by blood, marriage, or adoption.
- C. **Adult Family Group Day Care Home** - A private residence in which more than six (6), but not more than twelve (12) adults are given care and supervision for periods of less than twenty-four (24) hours a day except adults related to the family by blood, marriage, or adoption.

Adult day care facilities do not include adult foster care facilities or Child Care organizations as defined in this ordinance.

12. **Adult Foster Care Home** - An establishment having as its principal function the receiving of persons eighteen (18) years of age or older for the provision of supervision, personal care and protection in addition to room and board, for twenty-four (24) hours a day, five or more days a week, and for two (2) or more consecutive weeks for compensation, as licensed and regulated by the state under Act No. 218 of the Public Acts of 1979 and the associated rules promulgated by the State Department of Social Services. Such facilities may be further defined as follows:

- A. **"Adult foster Care Camp" or "Adult Camp"** - An adult foster care facility with the approved capacity to receive more than four (4) adults who shall be provided foster care. An adult foster care camp is a facility located in a natural or rural environment.
- B. **"Adult Foster Care Congregate Facility"** - An adult foster care facility with the approved capacity to receive more than twenty (20) adults who shall be provided foster care.
- C. **"Adult Foster Care Family Home"** - A private residence with the approved capacity to receive not more than six (6) adults who shall be provided foster care for five (5) or more days a week and four (4) or more consecutive weeks. The Adult Foster Care Family Home licensee shall be a member of the household and an occupant of the residence.
- D. **"Adult Foster Care Large Group Home"** - An adult foster care facility with the approved capacity to receive at least thirteen (13) but not more than twenty (20) adults who shall be provided foster care.
- E. **"Adult Foster Care Small Group Home"** - An adult foster care facility with the approved capacity of not more than twelve (12) adults who shall be provided foster care.

Adult foster care facility does not include any of the following:

- A. Adult day care facilities as defined in this ordinance.
  - B. Nursing homes, homes for the aged or hospitals as defined in this chapter and as licensed under Article 17 of the Public Health code, Act No. 368 of the Public Acts of 1978, as amended, or facilities operated under the Mental Health Code and Social Welfare Acts being Act No. 258 of the Public Acts of 1974 and Act No. 280 of the Public Acts of 1939.
  - C. A child care organization as defined in this chapter if the number of residents who become eighteen (18) years of age while residing in the facility does not exceed the following:
    - i. Two (2), if the total number of residents is ten (10) or fewer.
    - ii. Three (3), if the total number of residents is not less than eleven (11) and not more than fourteen (14).
    - iii. Four (4), if the total number of residents is not less than fifteen (15) and not more than twenty (20).
    - iv. Five (5), if the total number of residents is twenty-one (21) or more.
    - v. An establishment commonly described as an alcohol or a substance abuse rehabilitation center, a residential facility for persons released from or assigned to adult correctional institutions, a maternity home, or a hotel or rooming house, which does not provide or offer to provide foster care.
    - vi. A veteran's facility created under Act No. 152 of the Michigan Public Acts of 1885, as amended.
13. **Alternative Means of Access** - A Front or Rear Service Drive, Parking lot Connection, or a Shared Driveway.
14. **Alternative Tower Structure** - Water Towers, Man-made trees, clock towers, bell steeples, church spires, light poles, elevator bulkheads and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.
15. **Ambient Sound Level** - The amount of background noise at a given location which may include, but not be limited to, traffic, machinery, lawnmowers, human activity, and the interaction of wind with the landscape. The ambient sound level is measured on the dB (A) weighted scale as defined by the American National Standards Institute.
16. **Anemometer** - A temporary wind speed indicator constructed for analyzing the potential for utilizing a wind energy turbine at a given site. This includes the tower, base plate, anchors, cables and hardware, wind direction vanes, booms to hold equipment, data logger, instrument wiring, and any telemetry devices that are used to monitor or transmit wind speed and wind flow characteristics over a period of time for either instantaneous wind information or to characterize the wind resource at a given location.
17. **Antenna** - Any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves,

digital signals, analog signals, radio frequencies (excluding radar signals), wireless communications signals or other communication signals.

18. **Arterial** - See definition of "Functional Classification".
19. **Basement** - A portion of a building located totally below, or partly below and partly above grade, where the average vertical distance from grade to the floor below is greater than the average vertical distance from grade to ceiling.
20. **Bed and Breakfast Establishment** - An establishment in which transient guests are provided a sleeping room and board in return for payment, which is located in a single-family dwelling which is used to house the owner of the establishment as his/her principal place of residence.
21. **Boarding and Riding Stables** - Boarding and Riding Stables are for the boarding, hire, and training of horses that are owned by the operator of the stable or by persons other than the operator of the stable including the structures where horses are lodged or fed, and arenas where indoor riding or riding lessons take place.
22. **Building** - Anything which is constructed or erected, and secured to frost footings or a concrete slab, 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.
23. **Caliper** - The diameter of a tree in inches at breast height measured four and one-half (4-1/2) feet above the established grade.
24. **Channelized Driveway** - A Driveway having a physical design that prevents left turns into and out of a site.
25. **Child Caring Facility** - means a facility as licensed and regulated by the state under Act 116 of 1973 for receiving minor children for care, maintenance, and supervision, usually on a twenty-four (24) hour basis, in homes or in buildings maintained for that purpose, and operates throughout the year. An educational program may be provided, but the educational program shall not be the primary purpose of the facility. Child caring facility facilities may be further defined as follows:
  - A. **Children's Camp (four (4) or more children)** - means a residential, day, troop, or travel camp that provides care and supervision and is conducted in a natural environment for more than four (4) children, apart from the children's parents, relatives, or legal guardians, for five (5) or more days in a fourteen (14) day period.
  - B. **Child Care Center or "Day Care Center" (one (1) or more children)** - means a facility, other than a private residence, receiving one (1) or more preschool or school-age children for care for periods of less than twenty-four (24) hours a day, and where the parents or guardians are not immediately available to the child. A Child Care center or day care center includes a facility that provides care for not less than two (2) consecutive weeks, regardless of the number of hours of care per day.
  - C. **Foster Family Home (four (4) or fewer children)** - is a private home in which one (1) but not more than four (4) minor children, who are not related to an adult member of the household by blood or marriage, or who are not placed in the household under the Michigan adoption code, chapter X of the probate code of 1939, 1939 PA 288, MCL



710.21 to 710.70, are given care and supervision for twenty-four (24) hours a day, for four (4) or more days a week, for two (2) or more consecutive weeks, unattended by a parent or legal guardian.

**D. Foster Family Group Home (five (5) or six (6) children)** - means a private home in which more than four (4) but fewer than seven (7) minor children, who are not related to an adult member of the household by blood or marriage, or who are not placed in the household under the Michigan adoption code, chapter X of the probate code of 1939, 1939 PA 288, MCL 710.21 to 710.70, are provided care for twenty-four (24) hours a day, for four (4) or more days a week, for two (2) or more consecutive weeks, unattended by a parent or legal guardian.

**E. Child Caring Institution (six (6) or more children)** - means a facility organized to receive minor children for care and supervision on a twenty-four (24) hour basis operated throughout the year.

26. **Co-location** - The placement of antennas of two or more service providers upon a single tower or alternative tower structure.

27. **Commercial Amusement** - A business or enterprise for leisure or recreation purposes, including a miniature golf course, bowling alley, arcade, go-cart track, skating rink, golf driving range, baseball batting cage and similar leisure or recreational uses.

28. **Condominium Development** - A development that is created under the Condominium Act.

29. **Corner Lot** - A corner lot is located at the intersection of two streets or abutting upon a curved street if tangents to the curve at the two points where the lot lines meet the curve forms an interior angle of 135 degrees or less.

30. **Corridor** - In all instances where the term, "the corridor" is referenced in this Ordinance, it shall refer to state highway M-104 and/or Cleveland Street.

31. **Decibel** - A unit of measure used to express the magnitude of sound pressure and sound intensity. Decibels shall be measured on the dB (A) weighted scale as defined by the American National Standards Institute.

32. **Decommissioning** - The process of terminating operation and completely removing all related buildings, structures, foundations, access roads, and equipment.

33. **Dock** - Any structure, whether permanent or removable, that extends from the shoreline into a lake, river, or stream and to which one or more boats or other watercraft may be docked or moored.

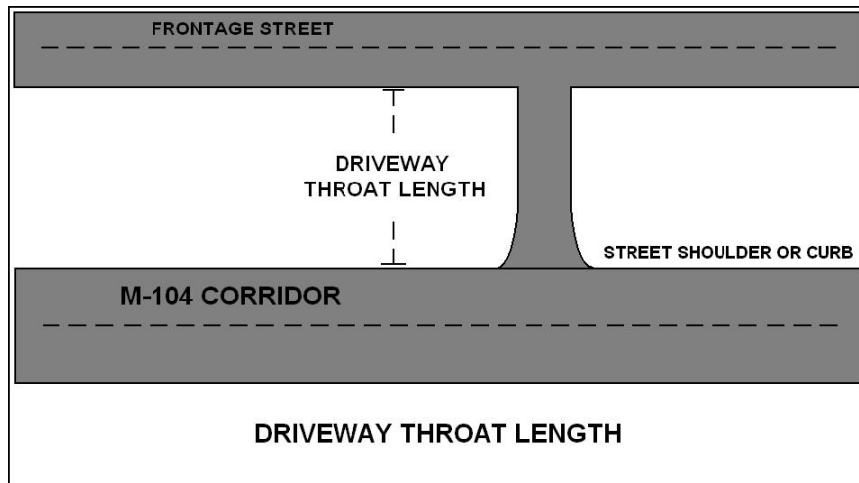
34. **Driveway** - Any improved or unimproved entrance or exit to a parcel of land, building, or dwelling providing the primary means of access by vehicles from an abutting roadway.

35. **Driveway Spacing** - The distance between Driveways as measured from the centerline of one Driveway to the centerline of the second Driveway.

36. **Driveway Throat Length** - The length of a Driveway measured from the edge of the paved shoulder of the Corridor to the first on-site location at which a driver can make a

right or left turn (or from the near edge of the Parking lot). On Streets with curb and gutter, the throat length shall be measured from the face of the curb.

### Example Driveway Throat Length



37. **Dwelling** - Any building used in whole or in part as a home, residence, or sleeping place either permanently or temporarily including manufactured homes, one family, two family, and multi-family buildings and boarding houses, but not including hotels, motels, tents, recreational vehicles, or other unconventional structures.

A. **Dwelling, Manufactured Home** - A manufactured home is a structure in one or more sections, of vehicular, portable design, built on a chassis and designed to be moved from one site to another, and to be used with or without a permanent foundation. The manufactured home is designed to be used as a dwelling, when connected to the required utilities. Required utilities include plumbing, heating, and electrical systems, all of which are contained in the structure. Manufactured homes are designed, constructed, and maintained to be transported from one location to another and not mounted on a permanent foundation. A mobile unit is titled by the State of Michigan and bears a Housing and Urban Development (HUD) nameplate affixed in a permanent location. Manufactured Homes must meet the construction and safety standard established by the U.S. Department of Housing and Urban Development (HUD). A manufactured home is a type of manufactured dwelling. Recreational vehicles, as defined and regulated herein, shall not be considered "manufactured homes" for the purposes of this Ordinance. Manufactured homes shall be considered as single-family dwellings for the purposes of this Ordinance and are subject to all requirements relating to such contained herein.

B. **Dwelling, Modular** - A prefabricated transportable dwelling unit designed to be incorporated at a building site into a structure on a permanent foundation to be used for a residential dwelling when connected to the required plumbing, heating and electrical systems. The prefabricated unit is designed and constructed to comply with all of the requirements of the current building code for on site and prefabricated construction. Modular homes are transported to the building site upon a separate vehicle or flatbed trailer and have no axles, wheels, metal undercarriage, or chassis, as distinguished from a manufactured home. The roof of a modular shall be designed and constructed to a forty (40) pound Per Square Foot snow load, with the exterior covered with vinyl siding. Modular homes shall be considered as single-family

dwellings for the purposes of this Ordinance and subject to all requirements relating to such contained herein.

- C. **Dwelling, Multiple-Family** - A building used or designed as a residence for three or more families or domestic units living independently of each other.
  - D. **Dwelling, Single-Family Detached** - A building surrounded by open space on its building lot, used and designed for one family or domestic unit.
  - E. **Dwelling, Two-Family or Duplex** - A detached building containing two dwelling units and designed for use by two families or domestic units living independently.
38. **Dwelling Unit** - One or more rooms designed or used as an independent housekeeping establishment for one family or domestic unit and containing kitchen facilities, including a stove or cooking device and a permanently installed sink, bathroom facilities, and sleeping facilities.
39. **Egress** - The exit of vehicular traffic from abutting properties to a street.
40. **Essential Services** - The erection, construction, alteration or maintenance by public utilities or governmental units, boards or commissions of overhead or underground gas, electrical, steam or water distribution, transmission, collection, communication, or supply systems including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, poles and other similar equipment and accessories in connection therewith which are reasonably necessary for the furnishing of adequate service by such public utility or municipal department or commission or for the public health, safety or general welfare is permitted in any zoning district. This definition shall not include antennas that are exterior transmitting or receiving devices mounted on a tower, building, or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies, wireless telecommunications signals, or other communication signals. An essential service shall further not include towers which are designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio and similar communication purposes; radio and television transmission, towers; microwave towers; common carrier towers; or cellular telephone towers.
41. **Exotic or Wild Animal** - A non-domestic animal not occurring naturally, either presently or historically in this state.
42. **Family or Domestic Unit** - An individual or group of two or more persons whose relationship is of a continuing non-transient domestic character, who are domiciled together as a single, domestic, housekeeping unit in a dwelling unit and who are cooking and living as a single nonprofit housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization, or group of students or other individuals whose domestic relationship is of a transitory or seasonal nature or for an anticipated limited duration of a school term or other similar determinable period.
43. **Family Day Care Home (6 or fewer children)** - A private home in which one (1) but fewer than seven (7) minor children are received for care and supervision for periods of less than twenty-four (24) hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Family

day care home includes a home in which care is given to an unrelated minor child for more than four (4) weeks during a calendar year.

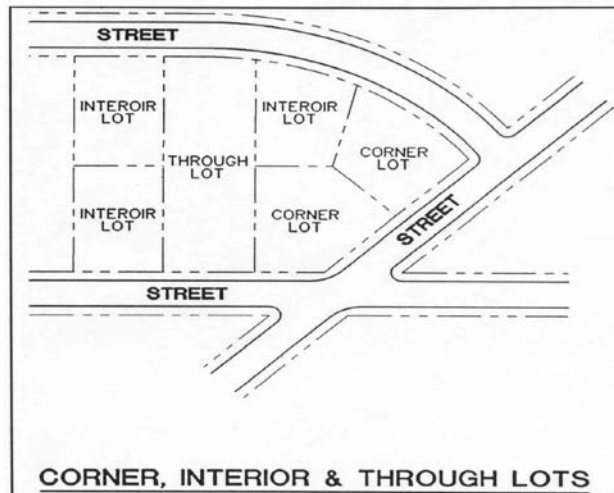
44. **Farm** - The land, plants, animals, buildings, structures, including ponds used for agricultural or aquaculture activities, machinery, equipment, and other appurtenances used in the commercial production of farm products. A farm also includes the operation and management of a condition or activity that occurs at any time as necessary in connection with the commercial production, harvesting, and storage of farm products.
45. **Front Service Drive** - A Local Street or Private Road typically located in front of the principle Buildings and parallel to the Corridor utilized for the purposes of providing Access to abutting properties and controlling Access to the Corridor.
46. **Floor Area, Gross** - The sum of the gross horizontal area of all floors of a building or structure, or an addition to an existing building, including finished attics, finished basements and all covered areas, including porches, sheds, carports and garages measured from the outer edge of the exterior walls, up to and including structural columns with no deduction for hallways, stairs, closets, thickness of interior walls, columns, or other features and is measured from or from the centerline of a wall separating two buildings. This definition does not include the area of parking facilities within the principal 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.
47. **Floor Area, Usable** - The floor area of a building exclusive of garages, porches, utility areas, attics, and uninhabitable basements as defined by the Township building codes.
48. **Functional Classification** - A system used to group public Streets into classes according to their purpose and function. Streets are classified by the following categories:
  - A. **Interstate** - Major highways providing no direct property Access and Interstates are designed primarily for through traffic.
  - B. **Major Arterial** - Arterials are Streets of regional importance intended to serve moderate to high volumes of traffic traveling relatively long distances. A Major Arterial is intended primarily to serve through traffic where Access is carefully controlled. Most of the Corridor is classified as a Major Arterial.
  - C. **Minor Arterial** - A Street similar in function to Major Arterials but operates under lower traffic volumes over shorter distances and provides a higher degree of property Access than Major Arterials provide.
  - D. **Major Collector** - A Street that provides for traffic movement between Arterials and Local Streets and carries moderate traffic volumes over moderate distances. Collectors may also provide direct Access to abutting properties. A small portion of the Corridor is classified as a Major Collector.
  - E. **Minor Collector** - A Street similar in function to a Major Collector but which carries lower traffic volumes over shorter distances and provides a higher degree of property Access than a Major Collector provides.

- F. **Local Street** - A Street intended to provide Access to abutting properties, which tends to accommodate lower traffic volumes and serves to provide mobility within that neighborhood.
49. **General Common Element** - An area designated for use by all owners within a condominium development.
50. **Gross Usable Acres** - The total land area that is suitable for development (i.e., excluding areas of swamps, steep slopes, or other natural or fabricated limitations that preclude or limit development).
51. **Group Day Care Home** (seven to twelve (7-12) children) - A private home in which more than six (6) but not more than twelve (12) minor children are given care and supervision for periods of less than twenty-four (24) hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Group day care home includes a home in which care is given to an unrelated minor child for more than four (4) weeks during a calendar year.
52. **Hazardous Substance** - Hazardous substances include hazardous chemicals as defined by the Michigan Department of Public Health and the Michigan Department of Labor; flammable and combustible liquids as defined by the Michigan Department of State Police, Fire Marshal Division; hazardous materials as defined by the U.S. Department of Transportation. Hazardous substances are also critical materials, polluting materials, and hazardous waste as defined by the Michigan Department of Natural Resources. Petroleum products and waste oil are also considered hazardous substances.
53. **Height, Building or Structure** - The vertical distance measured from the average finished grade to the highest point of the roof or the maximum height reached by any part of the structure. When referring to a structure upon which an antenna or wind turbine is mounted, the height is the maximum height reached by any part of the structure or the distance measured from the average finished grade at the base of the structure to the highest point on the antennae or most vertical extension of any blade.
54. **Home Occupation** - A gainful occupation traditionally or customarily carried on in the home as a use incidental to the use of the home as a dwelling place. Home occupations may include any profession, vocation, or trade, or artists, authors, photographers, or handicraft workers, but shall not include nursery schools caring for more than three children, studios, restaurants, retail sales, or vehicle repairs.
55. **Ingress** - The entrance of vehicular traffic to abutting properties from a street.
56. **Hunting Club** - A property, location or land use established and used for recreational hunting and shooting purposes, by a formal association of members engaging in such activities for sporting purposes, including the hunting of live game birds and live game animals with firearms, bow and arrow or otherwise; the shooting at targets or clays; and other similar activities for recreational hunting or shooting purposes. A hunting club may include improvements such as buildings and other facilities used for permitted purposes.
57. **Intersection** - The location where two (2) or more streets or private streets cross at grade without a bridge.

58. **Junk** - Junk is considered a crowded or confused mass or collection of things that clutter a place, or a collection of rejected or useless matter, waste, worthless things or debris in a crumbled or broken condition.
59. **Junk farm apparatus** - Tractors and other farm machinery or equipment which is not in useable condition or which lack all necessary parts to be operable and serviceable.
60. **Junk Motor Vehicle** - A vehicle that is three (3) years or older and does not have legal plates or registration and is extensively damaged, such damages including but not limited to any of the following: a broken window or windshield, missing wheels, tires, motor or transmission, has a fair market value of \$1,500.00 or less, and is not running and not operable (operable meaning able to be started and driven under its own power), and does not comply with all State of Michigan safety laws and equipment provisions for motor vehicles.
61. **Junkyard** - A place where junk, waste, or discarded or salvaged materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including wrecked vehicles, used building materials, structural steel materials and equipment and other manufactured goods that are worn, deteriorated or obsolete.
62. **Kennel** - Any land, building, or structure where three (3) or more cats, dogs, or other household pets, six (6) months of age or older, are kept temporarily or permanently for any reason other than veterinary medicine such as boarding, breeding, or sale. Kennels shall have a license, issued by the Ottawa County Treasurer's Office.
63. **Large Wind Energy Turbine (LWET)** - A tower-mounted wind energy system that converts wind energy into electricity through the use of equipment which includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, vane, wire, inverter, batteries, or other components used in the system. The LWET has a nameplate above two hundred fifty (250) kilowatts, and the main purpose of the LWET is to supply electricity to off-site customers.
64. **Level of Service** - Level of service (LOS) is the operational function of roadways. Level of service is graded on a letter scale from *A* - *F* with *A* being the highest level of service and *F* being the lowest. At LOS *A*, traffic flows freely, selecting desired travel speeds with ample passing opportunities. At LOS *F*, traffic flow is forced, the traffic volume has exceeded the capacity of the roadway to handle it, and there are no passing opportunities. LOS *D* is generally considered the lowest tolerable level of service for roadways.
65. **Long Term Care Facilities** - In general, long-term care housing options fall into four main categories based upon the level of care and types of services provided: (1) Independent Living Communities/Retirement Communities, (2) Assisted Living Facilities, (3) Continuing Care Retirement Communities and (4) Skilled Care / Nursing Homes. They are typically facilities that provide rehabilitative, restorative, and/or ongoing skilled nursing care to patients or residents in need of assistance with activities of daily living. Long-term care facilities include nursing homes, rehabilitation facilities, and inpatient behavioral health facilities, long-term chronic care hospitals sub acute care facilities, homes for the aged, hospice facilities, assisted living facilities, independent living, senior housing, and extended care facilities.
66. **Lot** - A piece or parcel of land which is separately described on a deed or other instrument recorded in the office of the Register of Deeds, whether by metes and bounds description, as part of a platted subdivision, or condominium unit intended for individual



ownership and use or otherwise, and which has a distinct and separate tax parcel identification number.



- A. **Lot, Interior** - A lot other than a corner or through lot.
  - B. **Lot, Through** - A lot having frontage on two approximately parallel streets. A through lot shall be treated as an interior lot if the frontage on one street is less than ten percent (10%) of the frontage on the other street, in which case the greater of the two (2) frontages shall be considered the front lot line. If the distance between the streets is greater than six hundred (600) feet the lot line nearest the building shall be considered the front lot line.
  - C. **Lot, Waterfront** - A lot abutting any lake, pond, river, stream, creek, or any other type of water body or watercourse including wetlands that are contiguous to a water body or watercourse.
67. **Lot Area** - The total horizontal area of a lot within the lot lines or boundaries, excluding areas within a private or public street right-of-way or lying beneath a lake or river, unless the ordinance clearly indicates otherwise.
68. **Lot Depth** - The horizontal distance between the front and rear lot lines of interior and corner lots, or the two front lines of a through lot, measured along the median line between the side lot lines. In the case of a waterfront lot, lot depth is measured from the water's edge to the street right-of-way line.
69. **Lot Lines** - Any line dividing one lot from another or from an abutting street right-of-way. In cases where the following lot line definitions are not applicable, the Zoning Administrator shall designate the lot lines. The lines bounding a lot are further defined as:
- A. **Front Lot Line** - The line separating the lot from the adjacent public or private street right-of-way or access easement or from other adjacent land owned by or dedicated to the County Road Commission, State Transportation Department or other public road agency, whichever shall provide the greater front yard building setback distance from the street right-of-way. Through lots and corner lots shall be considered to have two front lot lines, consisting of the lines separating said lot from each of the street rights-of-way abutting the lot. In the case of a waterfront lot, the front lot line is the lot line abutting the street right-of-way.

- B. **Rear Lot Line** - That lot line opposite and most distant from the front lot line. In the case of a corner lot, the property owner may treat one of the lot lines opposite either of the two front lot lines as the rear lot line. In the case of a triangular lot, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten feet long, lying farthest from the front lot line or wholly within the lot. A through lot has no rear lot line.
- C. **Side Lot Line** - The lot lines connecting the front and rear lot lines of an interior lot, the front lot lines of a through lot, the front and designated rear lot line of a corner lot, any lot line that intersections with the front lot line or any lot line that is not a front lot line or a rear lot line.
70. **Lot Width** - Lot width is the horizontal distance between the side lot lines, uninterrupted by other lots or rights-of-way, as measured at the required front setback line and most nearly perpendicular to the side lot lines. In the event that a lot may have more than one horizontal distance (lot width) between side lot lines (as shown in the figure), only the greatest distance shall be used to meet the lot width requirement, and under no circumstances shall the minimum lot width be determined based on more than one horizontal distance. The minimum lot width shall be established for each zoning district according to the schedule of district regulations.
71. **Manufactured Home** - See "**Dwelling, Manufactured Homes.**"
72. **Marina** - A landing, boat basin or a harbor specially designed to cater to the needs of pleasure boats and their owners that has offering dockage, moorings, supplies, and other and other service facilities for yachts and small craft small boats, where ships are loaded and unloaded or repaired.
73. **Manufactured Home Pad** - That portion of a manufactured home lot reserved for the placement of a manufactured home, appurtenant structures, or additions.
74. **Manufactured Housing Community** - 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 therefore, together with any buildings, structures, enclosures, streets, equipment, or facilities which are accessory to such park, subject to conditions set forth in the Manufactured home Commission Rules and Michigan Public Act 419 of 1976, as amended
75. **Medium Wind Energy Turbine (MWET)** - A tower-mounted wind energy system that converts wind energy into electricity through the use of equipment which includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, vane, wire, inverter, batteries, or other components used in the system. The MWET has a nameplate capacity that does not exceed two hundred fifty (250) kilowatts. The Total Height does not exceed one hundred and fifty (150) feet.
76. **Mineral Material** - The material derived from underlying geological material (generally bedrock or a superficial or drift deposit) in which soil is formed, including both organic and mineral soils.
77. **Motel** - A building or group of buildings on the same lot, whether detached or in connected rows, 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 automobile travelers. The term shall include any building



or building groups designated as motor lodges, transient cabins, or by any other title intended to identify them as providing lodging, with or without meals, for compensation on a transient basis.

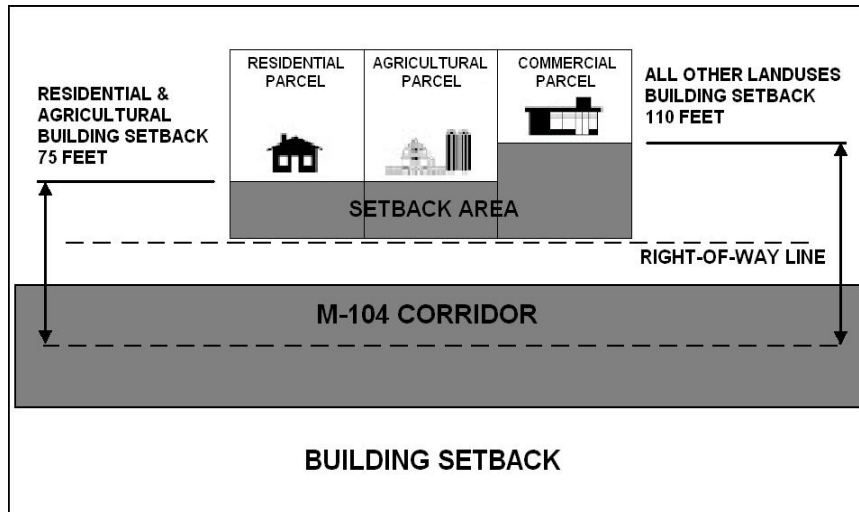
78. **Nacelle** - The encasement that houses all of the generating components, gearbox, drive tram, and other equipment.
79. **Nature Preserve** - An area where exotic or wild animals are kept in a natural setting where the animals are not hunted or trapped.
80. **Net Metering** - A special metering and billing agreement between utility companies and their customers, which facilitates the connection of renewable energy generating systems to the power grid.
81. **Nonconforming Structure** - A structure or part thereof lawfully constructed and existing at the effective date of this Ordinance or amendments thereto, that does not conform to the area, placement or height regulations, or off-street parking or loading requirements of the district in which it is located.
82. **Nonconforming Use** - A structure, lot, or other parcel of land lawfully occupied by a use at the effective date of this Ordinance, or amendments thereto, that does not conform to the use regulations of the district in which it is located.
83. **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.
84. **Nursing Home** - A facility licensed under Michigan Act 368 of 1978, as amended or any similar successor having similar licensing jurisdiction.
85. **Occupied Building** - A residence, school, hospital, church, public library, business, or other building used for public gatherings.
86. **Operator** - The entity responsible for the day-to-day operation and maintenance of a Wind Energy Turbine (WET).
87. **Opposite Side Driveway** - A Driveway located on the opposite side of M-104 from the Driveway in question.
88. **Outdoor Businesses** - Any business enterprise having services, display or storage not conducted wholly within an enclosed building.
89. **Outdoor Pond** - Any outdoor body of standing water accumulated in a natural or artificially constructed basin or depression in the earth, either above or below or partly above or partly below grade, capable of holding water to a depth of greater than two feet when filled, and having a water surface area measuring at least 400 square feet.
90. **Outdoor Wood-Fired Boiler** - A boiler, furnace, or stove that is fueled by the burning of a natural clean fuel source and is not located within a building or structure intended for habitation by humans or domestic animals, but that provides heat or hot water for such a building or structure.

91. **Overlay District** - An overlay district is an additional zoning requirement placed on a specific geographic area but does not change the underlying zoning.
92. **Owner** - The individual or entity, including their respective successors and assigns, which have an equity interest, own, or control the land.
93. **Parcel** - See **Lot**.
94. **Parking Area Space or Lot** - 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 area.
95. **Parking Bay** - A hard surface area adjacent and connected to, but distinct from a street, intended for parking motor vehicles.
96. **Parking lot Connection** - A vehicular connection between two (2) or more contiguous Parking lots.
97. **Peak Hour** - A one (1) hour period of time representing the highest hourly volume of traffic flow during the morning (a.m. Peak Hour), during the afternoon or evening (p.m. Peak Hour); or representing the hour of highest volume of traffic entering or exiting a site (Peak Hour of generator).
98. **Portable or Temporary Signs** - Signs that are not permanent or affixed to a Building or Structure and by their nature may be or are intended to be moved from one (1) location to another.
99. **Pre-Existing Towers and Pre-Existing Antennas** - Any tower or antenna for which a building permit or Special Land Use permit has been properly issued prior to the effective date of this Ordinance, or any tower or antenna for which no building or Special Land Use permit was required, including permitted towers or antennas that have not yet been constructed so long as such approval is current and not expired.
100. **Principal or Main Use** - The primary or predominant use of a lot as allowed by this ordinance.
101. **Private Communication Antenna** - An apparatus installed out-of-doors that is capable of receiving or transmitting communications for radio and/or television, including Satellite Dish reception antennas, amateur radio transmitting and receiving antennas but excluding such antennas as commercial radio and television and microwave communication towers. Excluded are such other facilities as have been preempted from Township regulation by applicable state or federal laws or regulations.
102. **Private Garage** - An accessory building for the private use of the owner or occupant of a principal building, situated on the same parcel of land as the principal building, for the storage of motor vehicles, personal goods, equipment and other items owned or used by the owner or occupant. Private garages shall not be used for commercial service or repair of motor vehicles.
103. **Protected Tree** - Any tree twelve (12) inches or greater caliper which does not have a life-threatening disease and which has not been damaged to a point which threatens its viability.

104. **Rear Service Drive** - A Local Street or Private Road typically located behind the principle Buildings; utilized for the purpose of providing Access to abutting properties, and controlling Access to the Corridor.
105. **Recreational Vehicle** - A new or used vehicle that is towed by a motor vehicle or has its own motive power. A recreational vehicle is primarily designed to provide temporary living quarters for recreational, camping, travel, or seasonal use, complies with all applicable federal vehicle regulations and does not require a special highway movement permit to be operated or towed on a street or highway. The term recreational vehicle includes, but is not limited to a motor home, travel trailer, trailer coach, fifth wheel trailer (designed to be towed by a motor vehicle using a towing mechanism that is mounted above or forward of the tow vehicle's rear axle), camping trailer (constructed with collapsible side walls that fold for towing and unfold), park model trailer, or pickup camper.
106. **Reasonable Access** - The minimum number of Access Points, direct or indirect, necessary to provide safe Access to and from a public Street consistent with the purpose and intent of the Overlay District. Reasonable Access does not necessarily mean direct Access.
107. **Right-of-Way** - A general term denoting land, property, or interest therein, usually in a strip acquired for or devoted to transportation purposes.
108. **Road** - See Street, Public, or Private.
109. **Roadside Market Stand** - A temporary building or structure designed or used for the display and/or sale of agricultural products or value-added agricultural products directly to the consumer from a site on a working farm or an agricultural, horticultural or agribusiness operation.
110. **Roof Overhang** - The portion of a roof that extends beyond the vertical wall of any structure.
111. **Rotor Diameter** - The cross-sectional dimension of the circle swept by the rotating blades of a WET.
112. **Satellite Dish Antenna** - A parabolic or spherical reflective type of antenna used for communications with a satellite-based system located in planetary orbit.
113. **Setback** - Measurement from property lines to the nearest point of the main wall of a building or structure. In the case of the front setback, the measurement shall be made from the street right-of-way line. Where property is adjacent to M-104, the setback shall be measured perpendicular from the centerline of M-104 to the nearest point at which buildings, structures, or improvements are allowed per the standards contained herein. Porches and similar structures are considered part of the building or structure and shall not be located within the building setback.

Steps, window wells, landscaping, patios, driveways, sidewalks, and all other structures that do not extend more than twelve (12) inches above the surrounding grade may be located within the building setback. A deck in the rear yard of a waterfront lot may be located within the building setback only if it is no more than thirty (30) inches above the surrounding grade.

## Example Building Setback



114. **Set Back Line** - A line parallel to a property line used to measure the distance of any structure to a property line as provided in this ordinance.
115. **Shadow Flicker** - The moving shadow, created by the sun shining through the rotating blades of a Wind Energy Turbine (WET). The amount of shadow flicker created by a WET is calculated by a computer model that takes into consideration turbine location, elevation, and tree cover, location of all structures, wind activity, and sunlight.
116. **Shared Driveway** - A Driveway serving two (2) or more contiguous properties and providing Access to the public Street system.
117. **Sight Distance** - The distance of unobstructed view for the driver of a vehicle, as measured along the normal path of a roadway to a specified height above the roadway.
118. **Sign** - Any structure, part or device, attached, painted or represented thereon, or any material or thing, which displays or includes any numeral, letter, word, logo, model, banner, emblem, insignia, device, code, mark, or other representation used as, or in the nature of, an announcement, advertisement, direction, or designation, or any person, firm, organization, place, commodity, service, business, profession, or industry which is located upon any land or in any building, in such manner as to attract attention from outside the premises.
119. **Sign Types** -
- A. **Billboard** - Any off-premises sign subject to the "Highway Advertising Act of 1972" (Act 106 of 1972, as amended), for the purpose of advertising a product, event, person, or subject not related to the premises on which the sign is located, including the wall of any building or any structure on which lettered, figured, or pictorial matter is displayed.
  - B. **Business Sign** - Any structure, including the wall of any building, on which lettered, figured, or pictorial matter is displayed for advertising a business, service, or entertainment conducted on the land where the structure is located, or products primarily sold, manufactured, processed, or fabricated on such land.

120. **Double-Sided (double-faced) Signs** - A sign, which has lettering or other material on both sides of the same surface, shall nevertheless be deemed a single sign for all purposes in this chapter.
121. **Freestanding Sign** - A sign supported by uprights, poles, or braces in or upon the ground surface and not attached to a building or wall.
122. **Ground Sign** - A freestanding sign which is placed directly on the ground surface without the use of uprights, poles, or other means to elevate the sign face above the surrounding ground.
123. **Identifying Sign** - Any sign which serves only to: (1) tell the name or use of any public or semi-public building or recreation space, club, lodge, church, or institution, (2) tell the name or address of an apartment house, hotel, or motel, or (3) inform the public as to the use of a parking lot.
124. **Name Plate** - A structure affixed flat against the wall of a building that serves solely to designate the name or the name and profession or business occupation of a person or persons occupying the building.
125. **Off-Premises Signs** - Signs that relate to or advertise an establishment, product, merchandise, good, service or entertainment, which is not located, sold, offered, produced, manufactured or furnished at the property; see also billboards.
126. **Portable or Temporary Signs** - Signs that are not permanent or affixed to a Building or Structure and by their nature may be or are intended to be moved from one location to another.
127. **Pylon Signs** - Freestanding signs, the bottoms of which are more than twenty-four (24) inches above the finished grade, and which are supported by structures, poles, or braces which are less than fifty percent (50%) of the width of the signs.
128. **Real Estate Sign** - Any temporary structure used only to advertise with pertinent information the sale, rental, or leasing of the premises upon which it is located.
129. **Roof Mounted Sign** – A sign installed and maintained on the roof of a building.
130. **Wall Sign** - Any sign attached to or placed flat against the wall or surface of any building or canopy, including illuminated signs placed on the inside of any window or visible from the outside of the building.
131. **Small Structure-Mounted Wind Energy Turbine (SSMWET)** - Converts wind energy into electricity through the use of equipment which includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, vane, wire, inverter, batteries, or other components used in the system. A SSMWET is attached to a structure's roof, walls, or other elevated surface. The SSMWET has a nameplate capacity that does not exceed ten (10) kilowatts. The Total Height does not exceed fifteen (15) feet as measured from the highest point of the roof, excluding chimneys, antennae, and other similar protuberances.
132. **Small Tower-Mounted Wind Energy Turbine (STMWET)** - A tower-mounted wind energy system that converts wind energy into electricity through the use of equipment which includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, vane, wire, inverter, batteries, or other components used in the system. The STMWET

has a nameplate capacity that does not exceed thirty (30) kilowatts. The Total Height does not exceed one hundred twenty (120) feet.

133. **Street** - A way for vehicular traffic, whether designated a road, highway, thoroughfare, parkway, throughway, avenue, boulevard, lane, cul-de-sac, place, or otherwise designated, and including the entire area within the Right-of-Way.

A. **Street, Public** - A public street is a dedicated right-of-way or publicly dedicated easement that provides the primary means of access to a parcel or parcels of land. A public street may be conveyed or dedicated to the county, the county road commission, the Township, or other public body having jurisdiction over public streets. A public street may be dedicated by means of a recorded plat or by means of a separate recorded easement or other properly recorded document. Whenever the term "street" is used in this Ordinance, it shall be construed to include both public and private streets.

B. **Street, Private** - A path, trail, road, driveway, or street that provides or is intended to provide the primary means of access to one or more buildings, dwellings, or parcels of land. A private street may be established by easement, right-of-way agreement or other written instrument, or by prescription or other rights of use. A private street is established or conveyed to a person or persons, a legal entity or other party that is authorized to hold title to land, that is not conveyed or dedicated to the county, the county road commission, the Township or other public agency having jurisdiction over roads. Whenever the term "street" is used in this Ordinance, it shall be construed to include both public and private streets.

134. **Street Classification** - Streets are classified by the following categories.

A. **Interstate** - Major highway providing no direct property access designed primarily for through traffic.

B. **Major Arterial** - Major arterials are streets of regional importance intended to serve moderate to high volumes of traffic traveling relatively long distances. A major arterial is intended primarily to serve through traffic where access is carefully controlled. For example, 112th Avenue shall be considered a major arterial street.

C. **Minor Arterial** - A Street similar in function to Major Arterials, but operates under lower traffic volumes, over shorter distances, and provides a higher degree of property Access than Major Arterials. A Street intended to provide Access to abutting properties, which tends to accommodate lower traffic volumes and serves to provide mobility within that neighborhood.

D. **Major Collector** - A Street that provides for traffic movement between Arterials and Local Streets and carries moderate traffic volumes over moderate distances. Collectors may also provide direct Access to abutting properties. A small portion of the Corridor is classified as a Major Collector.

E. **Minor Collector** - A Street similar in function to a Major Collector but which carries lower traffic volumes over shorter distances and provides a higher degree of property access.

135. **Structure** - Anything except a building, constructed or erected, the use of which requires permanent location on the ground or lake, river or stream bottom or attachment to



something having a permanent location on the ground or lake, river or stream bottom, that is a minimum of twelve (12) inches above ground level.

136. **Taper** - A triangular pavement surface that transitions the roadway pavement to accommodate an Acceleration/Deceleration Lane.
137. **Tourist Home** - A building, other than a hotel, boarding house, lodging house, or motel, where lodging is provided by a resident family in its home for compensation, mainly for transients.
138. **Tower** - Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting (i.e., without guy wires or other external means of support) lattice towers, guyed towers, or monopole towers, used for the transmission or reception of radio, telephone, cellular telephone, television, microwave or any other form of telecommunication signals. The term includes the structure and any support for the structure.
139. **Traffic Impact Assessment** - Analysis of the potential traffic impacts generated by a proposed development project that is expected to generate fifty (50) to ninety-nine (99) peak hour directional trips.
140. **Traffic Impact Study** - Analysis of the potential traffic impacts generated by a proposed development project that is expected to generate over one hundred (100) peak hour directional trips.
141. **Trailer Body** - Any boat trailer, utility trailer, horse or animal trailer, truck trailer, travel trailer or any type of trailer or device used for hauling or moving things which lack all of the necessary component parts to make it then operative and serviceable as a trailer to be pulled as such on the highway.
142. **Trip (i.e. directional Trip)** - A single or one-direction Vehicle movement with either the origin or the destination (exiting or entering) inside a study site.
143. **Unwholesome substances** - Any trash, garbage, metal, plastics, liquids, fabric, inoperable equipment, junk motor vehicle, trailer body, junk farm apparatus, unused stoves or other appliances, junk, offal, refuse, rubbish, debris, filth, or any other material which constitutes a threat or menace to the health, safety, or general welfare of the public.
144. **Upwind Turbine** - And Energy Turbine (WET) positioned in a manner so that the wind hits the turbine blades before it hits the tower in order to avoid the thumping noise which can occur if the wind is disrupted by hitting the tower before the blades.
145. **Wildlife Sanctuary** - An area where exotic or wild animals are protected and where the animals are not hunted or trapped.
146. **Wind Energy Turbine (WET)** - A structure-mounted, small, medium, or large Wind Energy Conversion system that converts wind energy into electricity using a Wind Generator and includes the nacelle, rotor, tower, and pad transformer, if any.
147. **Winter Storage** - Winter storage shall mean the storage of recreational boats, yachts, cruisers, inboards, outboards, and sailboats outside of a building or structure during the period of November through March.

148. **Yard** - A required open space other than a court unoccupied and unobstructed by any building or structure; 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.

A. **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 building or structure. In the case of waterfront lots, the yard fronting on the street shall be considered the front yard.

B. **Yard, Rear** - A yard, unoccupied except for accessory buildings, extending across the full width of the lot, the depth of which is the distance between the rear lot line and the rear wall of the main building.

C. **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.

149. **Retaining Wall** – A wall constructed to hold in place a mass of earth or prevent the erosion of an embankment. It may also be battered, with the face inclined toward the load it is bearing.

150. **Berm**

A. **Landscape Berm** - A mound of earth used for decorative, screening, or buffering purposes.



## ARTICLE 3

### GENERAL PROVISIONS

#### 3.01 THE EFFECT OF ZONING

Zoning applies to every building, structure, or use. No building, structure, or land shall be used or occupied, and no building, structure, or part thereof shall be erected, moved, placed, reconstructed, extended, enlarged, or altered, except in conformity with this Ordinance.

#### 3.02 ACCESSORY BUILDINGS AND STRUCTURES

##### 1. Requirements for all accessory buildings and structures

- A. No accessory buildings or structures shall be allowed on any parcel that does not have a principal use.
- B. Accessory uses shall not involve the conduct of any business, trade or industry, except as may otherwise be allowed in this ordinance.
- C. The architectural character of all accessory buildings or structures shall be compatible and similar to the principal building.
- D. Accessory buildings or structures shall be prohibited in commercial and industrial zoning districts except as may be approved by the Planning Commission on a specific Site Plan in accordance with this ordinance.
- E. The distance between accessory buildings or structures and any other building or structure shall not be less than ten (10) feet.
- F. Accessory buildings or structures shall be considered as attached to a principal building when the distance between two buildings is not greater than thirty (30) feet in length and is solidly covered and enclosed by a breezeway, portico, covered colonnade having a common wall, roofline or similar architectural feature.
- G. Accessory buildings or structures shall not exceed the height limitation of the district in which it is located.
- H. Except as otherwise required in this ordinance, accessory buildings or structures shall not be located closer than five feet to the rear lot line and shall not occupy more than thirty percent (30%) of any required rear yard space.
- I. In the case of a waterfront lot, accessory buildings or structures shall not be located closer than forty (40) feet to the water's edge (except pump houses not exceeding three (3) feet in height) and shall not occupy more than thirty percent (30%) of any required waterfront yard space.
- J. Accessory buildings or structures shall not be closer to any side lot line or front lot line than the principal building is permitted.

##### 2. Residential Garages

- A. Residential garages shall not have a floor area exceeding forty percent (40%) of the gross floor area of the principal structure.
- B. If a residential garage is the only accessory building on the same lot or parcel as a dwelling, the garage may have a floor area up to ninety percent (90%) of the gross floor area of the dwelling on the same lot or parcel.
- C. A residential garage may be constructed, erected, and placed in the front yard of any waterfront lot which is platted or otherwise of record as of the effective date of this Ordinance if it is an accessory building and if it is located not less than twenty (20) feet from the edge of the street.
- D. The appearance and architectural character of a residential garage shall be compatible and similar to the principal building.

### **3. Accessory Buildings in Residential Zoning Districts**

On lots of less than one acre, only one accessory building is permitted, in addition to an attached garage, and it shall not exceed one thousand (1,000) square feet of gross floor area. On lots of one acre or more, two accessory buildings are allowed (in addition to an attached garage), but the combined total floor area of the accessory building(s) shall not exceed (a) one thousand (1,000) square feet gross floor area, or (b) one percent (1%) of the parcel size (whichever is greater), up to a maximum of one thousand eight hundred (1,800) square feet gross floor area.

### **4. Agricultural Accessory Buildings in Agricultural Zoning Districts**

Accessory buildings in agricultural zoning districts shall be allowed without a size limitation in accordance with the following:

- A. The building is accessory to a farm and used exclusively for agricultural purposes
- B. The parcel on which the building is located meets the minimum parcel size of the district in which it is located
- C. The farm on which the building is located uses Generally Accepted Agricultural Management Practices as determined by the Michigan Department of Agriculture
- D. The building is subject to the setback requirements of the district in which it is located

### **5. Residential Accessory Buildings in Agricultural Zoning Districts**

In agricultural zoning districts, not more than two residential accessory buildings (in addition to an attached garage) may be allowed. The combined total gross floor area of the residential accessory building(s) not used exclusively for agricultural purposes shall not exceed one thousand (1,000) square feet gross floor area or one percent (1%) of the parcel size (whichever is greater) up to a maximum of four thousand eight hundred (4,800) square feet.

### **6. Small Accessory Buildings**

One small accessory building or structure of not more than 100 square feet shall be allowed in any residential or agricultural providing it meets required accessory building setbacks from side and rear property lines and is at least 100 feet from the front property line. Such small accessory buildings shall not require a zoning permit and shall not be included in the maximum allowable square footage for the parcel of land on which the building is located.

### **3.03 ADULT FOSTER CARE HOMES**

Adult foster care small group homes providing care for individuals for five (5) or more days a week for two (2) or more consecutive weeks shall be permitted as a residential use in any residential district. Adult foster care large group homes shall be permitted as a Special Land Use.

### **3.04 CHANGE OF USE**

In any zoning district, a change from one allowed use to another allowed use shall require a zoning permit. The zoning permit shall be required even if there is no change in building size or any change to the site. In addition, Site Plan Review by the Planning Commission may be required at the discretion of the Zoning Administrator.

### **3.05 CONDITIONAL REZONING**

1. Intent - It is recognized that there are certain instances where it would be in the best interests of the Township, as well as advantageous to property owners seeking a change in zoning boundaries, if certain conditions could be proposed by property owners as part of a request for a rezoning. It is the intent of this Section to provide a process consistent with the provisions of the Township Zoning Act (PA 110 of 2006) by which an owner seeking a rezoning may voluntarily propose conditions regarding the use and/or development of land as part of the rezoning request.
2. Application and Offer of Conditions - An owner of land may voluntarily offer in writing conditions relating to the use and/or development of land for which a rezoning is requested. This offer may be made either at the time the application for rezoning is filed or may be made later during the rezoning process.
  - A. The required application and process for considering a rezoning request with conditions shall be the same as that for considering rezoning requests made without any offer of conditions, except as modified by the requirements of this Section.
  - B. The owner's offer of conditions may not purport to authorize uses or developments not permitted in the requested new zoning district.
  - C. The owner's offer of conditions shall bear a reasonable and rational relationship to the property for which rezoning is requested.
  - D. Any use or development proposed as part of an offer of conditions that would require a special land use permit under the terms of this Ordinance may be commenced only if a special land use permit for such use or development is ultimately granted in accordance with the provisions of this Ordinance.
  - E. Any use or development proposed as part of an offer of conditions that would require a variance under the terms of this Ordinance may be commenced only if a variance for

such use or development is ultimately granted by the Zoning Board of Appeals in accordance with the provisions of this Ordinance.

- F. Any use or development proposed as part of an offer of conditions that would require site plan approval under the terms of this Ordinance may be commenced only if site plan approval for such use or development is ultimately granted in accordance with the provisions of this Ordinance.
  - G. The offer of conditions may be amended during the process of rezoning consideration only if any amended or additional conditions are entered voluntarily by the owner. An owner may withdraw all or part of its offer of conditions any time prior to final rezoning action of the Township Board. If such withdrawal occurs after the Planning Commission's public hearing on the original rezoning request, the rezoning application shall be referred to the Planning Commission for a new public hearing with appropriate notice and a new recommendation.
- 3. Planning Commission Review - The Planning Commission, after public hearing and consideration of the factors for rezoning set forth in this Ordinance, may recommend approval, approval with recommended changes or denial of the rezoning.
  - 4. Township Board Review - After receipt of the Planning Commission's recommendation, the Township Board shall deliberate upon the requested rezoning and may approve or deny the conditional rezoning request. The Township Board's deliberations shall include, but not be limited to, a consideration of the factors for rezoning set forth in this Ordinance.
  - 5. Approval - If the Township Board finds the rezoning request and offer of conditions acceptable, the offered conditions shall be incorporated into a formal written Statement of Conditions acceptable to the owner and conforming in form to the provisions of this Section. The Statement of Conditions shall be incorporated by attachment or otherwise as an inseparable part of the ordinance adopted by the Township Board to accomplish the requested rezoning.
  - 6. The Township Board may consider amendments to the proposed conditional rezoning if amendments of conditions are offered by the owner. The Township Board shall refer such amendments to the Planning Commission for a report to be completed in a specified time, whereby the Township Board shall proceed thereafter to deny or approve the conditional rezoning with or without amendments.
- A. The Statement of Conditions shall:
    - i. Be in a form recordable with the Register of Deeds of the County in which the subject land is located or, in the alternative, be accompanied by a recordable Affidavit or Memorandum prepared and signed by the owner giving notice of the Statement of Conditions in a manner acceptable to the Township Board.
    - ii. Contain a legal description of the land to which it pertains.
    - iii. Contain a statement acknowledging that the Statement of Conditions runs with the land and is binding upon successor owners of the land.
    - iv. Incorporate by attachment or reference any diagram, plans or other documents submitted or approved by the owner that are necessary to illustrate the

implementation of the Statement of Conditions. If any such documents are incorporated by reference, the reference shall specify where the document may be examined.

- v. Contain a statement acknowledging that the Statement of Conditions or an Affidavit or Memorandum giving notice thereof may be recorded by the Township with the Register of Deeds of the County in which the land referenced in the Statement of Conditions is located.
  - vi. Contain the notarized signatures of all of the owners of the subject land preceded by a statement attesting to the fact that they voluntarily offer and consent to the provisions contained within the Statement of Conditions.
- B. Upon the rezoning taking effect, the Zoning Map shall be amended to reflect the new zoning classification along with a designation that the land was rezoned with a Statement of Conditions. The Township Clerk shall maintain a listing of all lands rezoned with a Statement of Conditions.
- C. The approved Statement of Conditions or an Affidavit or Memorandum giving notice thereof shall be filed by the Township with the Register of Deeds of the County in which the land is located. The Township Board shall have authority to waive this requirement if it determines that, given the nature of the conditions and/or the period, within which the conditions are to be satisfied, the recording of such a document would be of no material benefit to the Township or to any subsequent owner of the land.
- D. Upon the rezoning taking effect, the use of the land so rezoned shall conform thereafter to all of the requirements regulating use and development within the new zoning district as modified by any more restrictive provisions contained in the Statement of Conditions.
7. Compliance with Conditions - Any person who establishes a development or commences a use upon land that has been rezoned with conditions shall continuously operate and maintain the development or use in compliance with all of the conditions set forth in the Statement of Conditions. Any failure to comply with a condition contained within the Statement of Conditions shall constitute a violation of this Zoning Ordinance and be punishable accordingly. Additionally, any such violation shall be deemed a nuisance per se and subject to judicial abatement as provided by law. No permit or approval shall be granted under the Ordinance for any use or development that is contrary to an applicable Statement of Conditions.
8. Time Period for Establishing Development or Use - Unless another time period is specified in the Ordinance rezoning the subject land, the approved development and/or use of the land pursuant to building and other required permits must be commenced upon the land within 18 months after the rezoning took effect and thereafter proceed diligently to completion. This time limitation may be extended by the Township Board upon written request if:
- A. It is demonstrated to the Township Board's reasonable satisfaction that there is a strong likelihood that the development and/or use will commence within the period of extension and proceed diligently thereafter to completion, and

- B. The Township Board finds that there has not been a change in circumstances that would render the current zoning with Statement of Conditions incompatible with other zones and uses in the surrounding area or otherwise inconsistent with sound zoning policy.
9. Reversion of Zoning - If the approved development and/or use of the rezoned land do not occur within the period specified, then the land shall revert to its former zoning classification. The reversion process shall be initiated by the Township Board requesting that the Planning Commission proceed with consideration of rezoning of the land to its former zoning classification. The procedure for considering and making this reversionary rezoning shall thereafter be the same as applies to all other rezoning requests.
  10. Subsequent Rezoning of Land - When land that is rezoned with a Statement of Conditions is thereafter rezoned to a different zoning classification or to the same zoning classification but with a different or no Statement of Conditions, whether as a result of a reversion of zoning or otherwise, the Statement of Conditions imposed under the former zoning classification shall cease to be in effect. Upon the owner's written request, the Township Clerk shall record with the Register of Deeds of the County in which the land is located a notice that the Statement of Conditions is no longer in effect.
  11. Amendment of Conditions - During the period for commencement of an approved development or use or during any extension thereof granted by the Township Board, the Township shall not add to or alter the conditions in the Statement of Conditions. The Statement of Conditions may be amended thereafter in the same manner as was prescribed for the original rezoning and Statement of Conditions.
  12. Township Right to Rezone - Nothing in the Statement of Conditions or in the provisions of this Section shall be deemed to prohibit the Township from rezoning all or any portion of land that is subject to a Statement of Conditions to another zoning classification. Any rezoning shall be conducted in compliance with this Ordinance and the Michigan Zoning Enabling Act.
  13. Failure to Offer Conditions - The Township shall not require an owner to offer conditions as a requirement for rezoning. The lack of an offer of conditions shall not affect an owner's rights under this Ordinance.

### **3.06 CLEAR VISION AREAS**

All clear vision corners at the intersection of two (2) streets or at the mouth of a driveway shall be determined by connecting lines extending thirty (30) feet along each street (public or private) or driveway.

### **3.07 CONTROL OF HEAT, GLARE, FUMES, DUST, NOISE, VIBRATION, AND ODORS**

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

### **3.08 CORNER LOTS**

Buildings on lots having frontage on two (2) intersecting or non-intersecting streets shall comply with front yard requirements on both such streets.

### **3.09 DEMOLITION OF BUILDINGS**

No building or structure of more than one thousand (1,000) square feet shall be demolished unless a Township zoning permit and building permit have first been obtained. Such demolition shall be subject to all of the following requirements:

1. All utilities shall be disconnected (including but not limited to sanitary sewer system connections and removal of any septic tank) and water supply wells shall be properly capped to prevent groundwater contamination (or may be reused if in compliance with Ottawa County Health Department requirements) and written confirmation thereof shall be submitted to the Township prior to the issuance of any permits for demolition.
2. It shall not be obnoxious to occupants of surrounding properties due to dust, noise, vibration, traffic and the like.
3. Adequate provision shall be made for the safety of person and property.
4. All waste materials shall be removed from the demolition site.
5. All debris and rubble (including concrete and brick shall be removed from the demolition site.
6. The demolition site shall be restored to a level grade using clean fill. Clean fill shall consist of natural soil having no detectable contaminants, and may contain some rock, clean brick, ceramics reused in construction, concrete, asphalt paving fragments being "virtually inert", sediments, stone from quarries, borrow pits, etc., or reclaimed asphalt directly reused in construction of roads, bridges, incidental construction, parking areas, etc.

In accordance with State law, a demolition permit is required from the Building Official before work may commence. A cash deposit, certified check, irrevocable bank letter of credit, or surety bond acceptable to the Township shall be deposited with the Township Clerk to guarantee compliance with all the requirements of this section and completion of the demolition and all required cleanup and removal within the time specified in the permit. The amount of such financial guarantee shall be determined by the Township Board.

### **3.10 DESTROYED OR DAMAGED BUILDINGS**

The owner of any building or structure, which has been damaged or destroyed by fire, windstorm, or other casualty, shall repair such damage within one year after its occurrence. In the event the building or structure is damaged beyond repair, any part left standing after such damage or destruction shall be demolished pursuant to a permit. However, nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition of any part of any building or structure that is unsafe.

### **3.11 DOCKING OF WATERCRAFT**



Boat docks and boat cradles are permitted as accessory structures and uses to single-family and two-family dwellings on all lots and parcels lying contiguous to a navigable body of water within the Township subject to the following requirements:

1. One (1) boat dock and the docking of not more than four boats or other watercraft shall be permitted for every separate frontage measuring at least fifty (50) feet. "Separate frontage," means that portion of a parcel or lot of record which abuts or intersects with the normal high-water mark of a lake, stream, or river, whether such lot or parcel is owned by one or more persons, or commonly owned by several persons or combinations of persons.
2. Where a lot or parcel contains more than fifty (50) feet of separate frontage on the navigable body of water as measured along the water's edge at the normal high-water mark of the lot or parcel, one additional boat dock for up to two additional boats is permitted for every full fifty (50) feet of additional frontage.
3. No boat dock, mooring, or slip in any zoning district shall be sold, leased, or the use thereof given in exchange for consideration to any third party, other than the owner or lessee of the lot and building thereon.
4. The provisions in this subsection regulating the number of boats and boat cradles shall not apply to personal watercraft.
5. No boat dock shall be located, utilized, or placed within seven feet of the side lot lines of a lot or parcel as extended to the center of the lake or body of water. However, offshore boat cradles may be located within two feet of a side lot line so extended to the center of the lake or body of water. No watercraft shall be launched, stored, moored, or docked within two feet of the side lot lines of a property as extended to the center of the lake or body of water.
6. In all zoning districts there shall be at least fifty (50) feet of separate frontage as measured along the normal high water mark of the lake for each dwelling unit, single-family dwelling, cottage, condominium unit, site condominium unit, or apartment unit utilizing or accessing the lake frontage. This restriction shall apply to all lots and parcels on or abutting any lake in any zoning district, regardless of whether access to the lake shall be by easement, park, common-fee ownership, single-fee ownership, condominium arrangement, license, or lease.

### **3.12 ESSENTIAL SERVICES**

The erection, construction, alteration or maintenance by public utilities or governmental units, boards or commissions of overhead or underground gas, electrical, steam or water distribution, transmission, collection, communication, or supply systems including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, poles and other similar equipment and accessories reasonably necessary for the furnishing of adequate service by such public utility or municipal department or commission or for the public health, safety or general welfare is permitted in any zoning district.

This shall not include antennas, which are exterior transmitting, or receiving devices mounted on a tower, building, or structure and used in communications that radiate or capture electromagnetic wave digital signals analog signals radio frequencies wireless telecommunications signals or other communication signals. An essential service shall further not include towers which are designed and constructed primarily for the purpose of supporting one or



more antennas for telephone; radio and similar communication purposes; radio and television transmission towers; microwave towers; common-carrier towers; or cellular telephone towers.

Electrical substations, gas regulator stations, utility pump and metering stations gasoline or oil pipelines and other public utility or governmental unit facilities which are potentially hazardous or obnoxious may be permitted in any zoning district but only with the prior approval of the Planning Commission as a Special Land Use.

### **3.13 EXISTING LOTS OF RECORD**

**Agricultural or Residential District** - A lot or other parcel of land in an agricultural or residential district which is platted or otherwise of record as of the effective date of this ordinance may be developed and used for one single-family detached dwelling if the lot or other parcel of land has a minimum lot area of 6,500 square feet and if the permitted single-family detached dwelling complies with all current minimum yard requirements of the zoning district in which the lot or other parcel of land is located.

**Commercial or Industrial District** - A lot or other parcel of land in a commercial or industrial district which is platted or otherwise of record as of the effective date of this ordinance, may be developed and used for a permitted commercial or industrial use if the lot or other parcel of land has a minimum area of 12,000 square feet and if any permitted principal building and accessory building complies with all current minimum yard requirements of the zoning district in which the lot or other parcel of land is located.

Where two (2) or more such non-complying lots are adjacent to each other and in common ownership, such lots shall be combined so that the lot or lots created by this combination comply with the minimum requirements of this Ordinance.

### **3.14 FENCES**

In residential zoning districts, any building and fenced area to house the animals shall be located in the rear yard or have a front setback of at least 150 feet and side and rear yards of at least 50 feet. In agricultural zoning districts, fences to house animals may be constructed on the property boundary.

1. No fence in excess of six (6) feet in height shall be erected, constructed, located, or maintained except as may otherwise be provided in this ordinance.
2. No fence in excess of 36 inches in height shall be erected, constructed, located, or maintained in a front yard (or in the front or rear yard of any waterfront lot) in any zoning district. However, fences of up to 48 inches in height may be allowed provided they are constructed of chain link or have up to three horizontal slats not exceeding a width of six inches each; provided, however, that a fence in the front yard may be of such greater height as stated below in this Section, if necessary to confine livestock or to protect growing crops on a farm (as defined in this Ordinance) from damage by deer or other non-domestic animals, in compliance with this Ordinance, but as further described and limited below in this Section.

In non-residential zoning districts:

1. No fence in excess of eight (8) feet in height shall be erected, constructed, located, or maintained except as may otherwise be provided in this ordinance.

2. No fence in excess of thirty-six (36) inches in height shall be erected, constructed, located or maintained in a front yard (or in the front or rear yard of any waterfront lot) in any zoning district. However, fences of up to forty-eight (48) inches in height may be allowed provided they are constructed of chain link or have only two horizontal slats not exceeding a width of four (4) inches each.

In all zoning districts:

1. If necessary to confine livestock on the premises in compliance with this Ordinance, a fence of up to five feet in height is permitted in a front yard if the fence is of a wired, slatted or other generally open design such that the view through the fence material is not substantially obscured and, further, if the fence material is not more than 50% solid. The height of fence posts shall be approximately the same as that of the fencing material.
2. If necessary to protect growing crops on a farm (as defined in this Ordinance) from damage by deer or other non-domestic animals, a fence, of up to ten (10) feet in height is permitted in any yard in any zoning district; provided, however, that the fence material shall consist only of wire and further provided that if the fence is located in the front yard, it shall be no closer to the nearest street right-of-way line than the outer boundary of the farm field located in the front yard.
3. No fence shall include barbed wire, in whole or in part, unless the fence is used to confine livestock as part of a farm as defined in this Ordinance.
4. No fence, hedge or other landscaping shall be erected, constructed, located or maintained at any location or in any manner which constitutes a hazard to motor vehicle traffic, by reason of interference with vehicle driver visibility or for other reasons.
5. A zoning permit for the construction, installation, enlargement or alteration of a fence shall not be required under Section 24.02 of this Ordinance or under other provisions hereof.

### **3.15 FRONT YARD SETBACK AVERAGING**

In any Residential Zoning District where the average depth of two or more adjacent front yards within one hundred (100) feet of the lot in question and in the same block and on the same side of the street, have existing buildings that are less than the minimum front yard depth prescribed for the zoning district in which the lot is located, then the required front yard may be modified to be no less than the average depth of the existing adjacent buildings; provided, however, that the depth of the setback shall not be less than twenty (20) feet.

### **3.16 GOVERNMENTAL IMPROVEMENTS**

The provisions of this Ordinance shall be applicable to and enforceable against the Township itself and all other federal, state or local governmental agencies and units, except when otherwise provided by law.

### **3.17 HAZARDOUS MATERIALS**

The intent of these regulations is to protect the groundwater and surface water quality in the Township by establishing regulations for the storage of hazardous substances; requiring groundwater protection measures; and requiring the disclosure of the location of storage, use, and disposal areas of hazardous substances as a condition of site plan review, as outlined in this ordinance.

These regulations apply to all businesses or facilities that generate, store, or handle hazardous substances as defined herein.

**1. Above Ground Storage -**

- A. Hazardous substances stored in drums or other containers shall be product-tight.
- B. Secondary containment of hazardous substances shall be provided by all uses that are subject to the Site Plan Review procedures as contained in this ordinance.
- C. No aboveground storage of hazardous substances and related secondary containment facilities shall be located within fifty (50) feet of any property line or one hundred (100) feet of any residentially zoned property.
- D. At a minimum, state and federal agency requirements for storage, leak detection, record keeping, spill prevention, emergency response, transport, and disposal of hazardous substances shall be met.

**2. Below Ground Storage –**

- A. Any hazardous substance stored underground shall comply with the requirements of the Michigan Department of Environmental Quality and the Michigan Fire Marshal.
- B. No underground storage tank shall be within thirty (30) feet of any property line or fifty (50) feet of any residentially zoned property.
- C. Operations that involve the repair or storage of damaged vehicles shall immediately remove all fluids from such vehicles if there is evidence that leakage of fluids could occur or has occurred. This is necessary to minimize fire hazard and to prevent such fluids from contaminating groundwater and surface water.

**3.18 HEALTH DEPARTMENT APPROVALS**

No permit shall be issued for the construction of a building or structure, which is to have drinking water and/or sanitary facilities but is located on a lot which is not served by both public water and sewer facilities, unless its water supply and/or sewage disposal facilities comply with the Rules and Regulations governing Waste and Sewage Disposal of Ottawa County.

**3.19 HEIGHT EXCEPTIONS**

The following structures shall be permitted to a height not exceeding one hundred (100) feet in the Agricultural (AG), Commercial (C-I), and Industrial (I-1) Zoning Districts: chimneys, cooling towers, elevator bulkheads, fire towers, grain elevators, silos, stacks, water towers, public monuments, cupolas, church spires, and rooftop housing for necessary mechanical equipment.

**3.20 HOME OCCUPATIONS**

- 1. **Minimum Conditions for Permitted Home Occupations** - The following minimum conditions shall apply to all permitted home occupations -
  - A. The home occupation shall be conducted wholly within the principal residence by members of the family residing in such building.

- B. No home occupation shall occupy more than one-third of the usable floor area of the principal residence; provided, however, that in no event shall the home occupation occupy more than five hundred (500) square feet. No rooms constructed as an addition to a principal residence or created by the conversion of a garage, or other part of a principal residence not included in the usable floor area of the principal residence, shall be considered part of the usable floor area until two years after the date of the completion thereof as shown by the records of the Zoning Inspector.
  - C. For purposes of identification, one non-illuminated nameplate not exceeding one square foot in area shall be permitted. Such identification nameplate shall identify only the name and profession, vocation or trade of the person or persons operating the home occupation. No other sign shall be utilized in connection with such home occupation.
  - D. No motors other than electrically operated motors shall be used in conjunction with the home occupation. The total horsepower of all electrical motors utilized in the home occupation shall not exceed three (3) horsepower. No single electrical motor used in the home occupation shall exceed one (1) horsepower. All electrical motors and equipment used in the conduct of the home occupation shall be shielded so as not to cause radio or television interference for adjoining properties.
  - E. In no event shall the use of a principal residence for a home occupation alter the residential character of the principal residence.
  - F. No merchandise or articles for sale shall be displayed on the lot utilized for the home occupation.
  - G. No article or material used in connection with the home occupation shall be stored other than in the principal residence.
  - H. The home occupation may increase vehicular traffic flow and parking by no more than two additional vehicles at a time. Any need for parking generated by the conduct of such home occupation shall be met off the street and in areas other than in the required front yard.
  - I. There shall be no deliveries to or from a home occupation with a vehicle having more than two axles.
  - J. In no case shall a home occupation be open to the public earlier than 7:00 AM in the morning nor later than 10:00 PM at night.
  - K. A home occupation shall not create noise, dust, vibration, smell, smoke, glare, electrical interference, fire hazard, or any other hazard or nuisance to any greater or more frequent extent than would normally be generated in a similarly zoned residential district.
2. **Permitted Home Occupations** - The following home occupations shall be permitted uses:
- A. Architecture and interior design work
  - B. Beauty salons and barbershops licensed by the State of Michigan provided there is no more than one beauty or barber chair installed

- C. Bookkeeping, accounting and financial planning
  - D. Cabinet making and carpentry work
  - E. Computer programming and other computer related work
  - F. Consulting and counseling services
  - G. Drafting and illustration services
  - H. Dressmaking, sewing, and tailoring
  - I. Furniture upholstery
  - J. Gun dealer and gun repair service
  - K. Instruction in a craft or fine art, 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
  - L. 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
  - M. Office of building contractor or building trades persons, sales person, sales representative, manufacturer's representative, minister, priest or other member of the clergy
  - N. Pet Grooming
  - O. Painting, sculpturing, and writing
  - P. Private tutoring
  - Q. Secretarial services
  - R. Small household appliance repair including television, watch, and audio/video equipment repair
  - S. Storage and distribution of direct sale products, such as home cleaning products, cosmetics, food containers and the like (but excluding sales on the premises)
  - T. Telephone solicitation work; telephone answering service
  - U. Travel booking service
  - V. Catering services; banquet and reception facilities
3. **Non-listed, but Similar, Home Occupations** - In addition to the above permitted home occupations, there shall also be permitted 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.

In determining whether a proposed home occupation is sufficiently similar to one listed in this section, the Zoning Administrator or the Planning Commission, as the case may be, shall consider and make findings upon the following standards:

- A. Whether the home occupation is incidental and secondary to the use of the premises as a dwelling.
  - B. Whether the nature of the home occupation is substantially in keeping with the residential use of the property.
  - C. 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.
  - D. Whether the home occupation will have appreciable adverse effects upon adjacent and nearby lands and the uses thereof.
4. **Prohibited Home Occupations** - Certain users, by the nature of their operation, have a pronounced tendency to increase in intensity beyond the limits permitted for home occupations, thereby impairing the reasonable use and value of surrounding residential properties. Therefore, the following uses shall not be permitted as home occupations:
- A. Hospitals and medical clinics
  - B. Nursing homes
  - C. Mortuaries
  - D. Funeral homes
  - E. Antique shops
  - F. Bed and breakfast establishments
  - G. Restaurants and coffee shops
  - H. Private clubs
  - I. Veterinary clinics
  - J. Vehicle, marine, motorcycle, recreational vehicle or small engine sales and/or repair
  - K. Auto body repair

### 3.21 KEEPING OF ANIMALS

- 1. **Household Pets** - The keeping of household pets for pleasure or companionship, including cats, dogs, gerbils, hamsters, guinea pigs, rabbits, or household fish and birds,

is permitted in any zoning district. However, no more than eight (8) properly licensed adult dogs, cats or other household pet of one (1) type (except fish), or any combination thereof, six months of age or older, shall be kept or housed in or at one (1) dwelling unit. The owner of a household pet shall not permit or enable them to run at large and they may not be kept for sale, boarding, breeding, or training purposes.

2. **Exotic or Wild Animals** - Except as otherwise provided in this section, it is unlawful in this Township for a person to possess, breed, exchange, buy, sell, or attempt or offer to buy or sell, the following exotic or wild animals:
  - A. Non-human primates
  - B. Venomous cold blooded reptiles and other cold blooded animals that, if in contact with humans, are capable of inflicting fatal injury to the average human
  - C. All poisonous animals
  - D. Constrictor snakes, six feet in length or more
  - E. Exotic or wild family cats including but not limited to bobcat, cheetah, cougar, jaguar, leopard, lion, lynx, mountain lion, panther, puma, and tiger
  - F. Non-domesticated omnivores or carnivores including hybrid crosses of non-domesticated carnivores
  - G. Crocodylian (by example, crocodiles, alligators)
  - H. Piranha fish
  - I. Chondrichthyes (sharks)
  - J. Poisonous spiders, venomous or poisonous insects
  - K. Proboscides (by example, elephants)
  - L. Perissodactyla (generally non-ruminant ungulate mammals with odd numbered toes, by example rhinoceros)
3. **Prohibited Facilities** - Wildlife sanctuaries and nature preserves for exotic or wild animals are prohibited. Exceptions to this prohibition shall be as follows: Zoological parks and aquariums that are accredited by the American Association of Zoological Parks and Aquariums, wildlife sanctuaries, nature preserves, circuses, bona fide scientific, medical, educational and research facilities or state licensed wild animal rehabilitation facilities.
4. **Farm Animals** - The keeping of beef and dairy cattle, horses, goats, hogs, poultry, sheep, or other fur-bearing farm animals is prohibited in Commercial and Industrial zoning districts.
  - A. In any Residential zoning district, the maximum number of farm animals that may be kept on a parcel of land shall be as follows:



Type of Farm Animal	Less than one acre	1 to 2 acres	2 to 3 acres	3 to 4 acres	More than 4 acres
---------------------	--------------------	--------------	--------------	--------------	-------------------

adult horses, cows, or pigs	0	0	1	2	3
adult goats or sheep	0	0	1	3	5
chickens, ducks, geese, or other fowl	0	3	6	9	12

- i. Noise or odors shall not adversely affect the use of adjoining properties or the surrounding neighborhood.
  - ii. Adult roosters are prohibited.
  - iii. The keeping of the farm animals is for recreational purposes only.
  - iv. The owner of farm animals shall not permit or enable them to run at large. All areas where farm animals are kept must be enclosed with fencing appropriate to the type of animal being restrained.
- B. In residential zoning districts, the building and fenced area to house the animals shall have a front yard of at least one hundred fifty (150) feet and side and rear yards of at least fifty (50) feet. In agricultural zoning districts, fences to house animals may be constructed on the property boundary.
- C. The keeping of poultry and fowl is allowed without limitation in the AG-1 District, provided the parcel size is forty (40) acres or more. If a parcel in AG-1 is less than 40 acres, the provisions of AG-2 apply. The keeping of poultry and fowl is allowed in the AG-2 District, provided the parcel size is three (3) acres or more and the number of poultry and fowl does not exceed five (5) birds per acre. Any operation within the AG-2 District, which involves the keeping of poultry or fowl in excess of two hundred (200) birds, is prohibited.
- D. In AG-1, the number of farm animals not classified as poultry or fowl shall be limited to one animal for the first sixty thousand (60,000) feet of parcel area and an additional one (1) animal per acre thereafter. Within the AG-2 District, the number of farm animals not classified as poultry or fowl shall be limited to one for the first sixty thousand (60,000) square feet of parcel area and an additional one (1) animal per acre thereafter up to a maximum of twenty (20) animals.
- E. **Commercial Stables** - Private commercial stables for the keeping of horses or other large domestic animals, for commercial use or hire on the site, shall be permitted within AG-1 and AG-2 Districts when authorized by the Planning Commission as a Special Land Use.

### 3.22 LOT COVERAGE

No lot shall have impervious surfaces covering more than 50% of the total lot area.



### **3.23 MEASUREMENT OF DISTANCES**

Any measurement of distance for purposes of this Ordinance shall be determined by rounding to the nearest whole foot.

### **3.24 MINIMUM STREET FRONTAGES AND LOT WIDTH**

Every principal building and use shall be located on a lot which has the required minimum frontage on an accessible public or private street for the zoning district in which it is located, provided, however, that:

1. Lots that have an unusual rear lot line configuration may have a width at or near the rear lot line of less than fifty (50) feet if no buildings or structures are located within the portion of the lot located near the rear lot line which has a width of less than fifty (50) feet, and
2. Lots located on a curved street or on the curved portion of a cul-de-sac street may have a width at the front lot line of less than the required minimum if the lot is not less than fifty (50) feet wide at a distance of twenty-five (25) feet from the front lot line and meets the required lot width at the front setback line.

The minimum street frontage and minimum lot width required by this section shall be maintained throughout the entire length of the parcel and shall be provided with land that is owned by the lot owner. Land over which the lot owner has an easement, license, or other non-ownership interest may not be used to meet the minimum street frontage or minimum lot width required by this section.

### **3.25 MINOR MINERAL REMOVAL ACTIVITIES**

Mineral removal or extraction of mineral materials in quantities less than five thousand (5,000) cubic yards, or the reshaping, enlarging, straightening, damming or diminution of lakes, waterways, ponds or other bodies of water is permitted only upon Special Land Use approval

### **3.26 MOVING OF BUILDINGS AND STRUCTURES**

No existing building or structure of any type or kind exceeding two hundred (200) square feet shall be moved into the Township or moved from one lot in the Township to another lot in the Township in any event without first obtaining a zoning permit and building permit. In considering the granting of such permit, the following standards shall be considered:

1. The type and kind of construction of the building or structure to be moved in relation to its strength
2. Whether the type and age of the building or structure to be moved is in keeping with the type and age of such buildings and structures which are adjoining and in the surrounding neighborhood
3. The type and kind of materials used in the construction of the structure or building to be moved as such construction materials relate and compare to the type and kind of materials used in the construction of other buildings and structures adjoining and in the neighborhood surrounding the lot to which the building or structure is to be moved.

This section shall not apply to the moving of manufactured homes into a manufactured housing community. Engineering documentation may be required for manufactured homes that have been structurally altered showing that the alteration conforms to the Michigan Residential Code.

### **3.27 OUTDOOR LIGHTING**

Exterior lighting in residential zoning districts may not exceed five foot-candles at the source or must have full horizontal cut-offs. The source of light (filament, bulb, etc.) shall not be visible beyond the property line.

### **3.28 OUTDOOR PONDS (Recreational and agricultural)**

No person shall erect, install, locate, or construct an outdoor pond, unless it has first been approved by the Planning Commission as a Special Land Use.

### **3.29 OUTDOOR STORAGE**

Except for operable and properly licensed vehicles, boats, boat trailers, travel trailers, motor homes, campers, or similar recreational vehicles, all outdoor storage in residential and commercial zoning districts is prohibited. In an industrial zoning district all outdoor storage shall be enclosed by a solid fence or wall of not less than six (6) and no more than eight (8) feet in height which is adequate to conceal such outdoor storage from adjacent properties and from public view or adequately screened in accordance with the Landscape and Greenbelt provisions of this ordinance.

### **3.30 OUTDOOR WOOD-FIRED BOILERS**

Outdoor wood-fired boilers can create noxious and hazardous smoke, soot, fumes, odors, air pollution, particles, and other products of combustion, particularly when restricted airflow and low operating temperatures are present. This can be detrimental to citizens' health and can deprive neighboring residents of the enjoyment of their property. These regulations are intended to eliminate noxious and hazardous conditions caused by outdoor wood-fired boilers.

An outdoor wood-fired boiler shall not be permitted within the Township unless it complies with each of the following:

1. **Zoning District** - An outdoor wood-fired boiler may be installed and used only on parcels of land greater than two (2) acres in area and are located in an agricultural or residential zoning district.
2. **Setback** - The outdoor wood-fired boiler shall be located no less than one hundred fifty (150) feet from the nearest building which is not on the same property as the outdoor wood-fired boiler.
3. **Chimney Height** - The outdoor wood-fired boiler shall have a chimney that extends at least fifteen (15) feet above the ground surface. The Mechanical Inspector may approve a lesser height on a case-by-case basis if necessary to comply with manufacturer's recommendations and if the smoke from the lower chimney height does not create a nuisance for neighbors.

4. **Fuel** - No fuel other than natural wood without additives, wood pellets without additives, and agricultural seeds in their natural state may be burned. The following materials are specifically prohibited:
  - A. Rubbish or garbage, including but not limited to food waste, food wraps, packaging, animal carcasses, paint or painted materials, furniture, composite shingles, construction or demolition debris or other household or business wastes
  - B. Waste oil or other oily wastes
  - C. Asphalt and products containing asphalt
  - D. Treated or painted wood including, but not limited to plywood, composite wood products or other wood products that are painted, varnished or treated with preservatives
  - E. Any plastic material including, but not limited to nylon, PVC, ABS, polystyrene or urethane foam, and synthetic fabrics, plastic films and plastic containers
  - F. Rubber, including tires and synthetic rubber-like products
  - G. Newspapers, corrugated cardboard, containerboard or office paper
  - H. Grass clippings
5. **Permit** - The owner of an outdoor wood-fired boiler shall obtain a zoning permit from the Township. The applicant for a permit shall submit the following information:
  - A. Verification that the outdoor wood-fired boiler will comply with the manufacturer's specifications for such outdoor wood-fired boiler
  - B. Verification that the outdoor wood-fired boiler will comply with all applicable state and federal statutes
  - C. A drawing providing the location and other relevant details of the proposed outdoor wood-fired boiler and of nearby residences

### **3.31 PLANNED MINERAL REMOVAL**

Planned Mineral Removal ("**PMR**") provisions are adopted for the purpose of authorizing the removal of mineral material equaling or exceeding five thousand (5,000) cubic yards from specified lands within the Township through the Special Land Use approval process.

### **3.32 PRINCIPAL BUILDING ON LOT**

Except as may be provided elsewhere in this ordinance no more than one (1) principal building, structure or use shall be placed, used or conducted on any lot or parcel of land.

### **3.33 PRIVATE RESIDENTIAL DRIVEWAYS**

No building permit shall be issued for a residential building, dwelling, or structure, which is to be served by a driveway unless the proposed driveway complies with the standards in this section.

An applicant for a building permit shall provide documentation as required by the Zoning Administrator to ensure the applicant is complying with the minimum standards of this Ordinance.

1. The area in which the driveway is to be located shall have a cleared width maintained by the property owner or by those persons having a legal right to use the driveway.
2. Overhead branches shall be trimmed to a height of twelve (12) feet above the ground; said trimmed height shall be maintained by the property owner or by the persons having a legal right to use the driveway.
3. The driving surface of a driveway shall be at least 10-feet wide with a cleared width of twelve (12) feet.
4. The driving surface of a driveway shall have a sub-base of stable soil and a reasonable amount of compacted gravel (or equivalent) on the top thereof.
5. The longitudinal slope of the driveway shall not exceed fifteen percent (15%)
6. The driving surface of the driveway shall be adequately maintained year-round by the property owner, or by those persons with a legal right to use the driveway to ensure the safe passage of private and emergency vehicles.
7. When a driveway crosses any natural stream or drainage course, adequate provisions shall be included to maintain the surface water flow. The method used in crossing any natural stream, drainage course, or similar feature shall have a sufficient load capacity to safely support fire department equipment. In constructing the crossing, best management practices to prevent soil from entering the stream or drainage way shall be used. Such measures shall also be used to ensure soil does not enter the stream or drainage way after construction of the crossing is completed.
8. Except where the driveway crosses a natural stream or drainage course, the driveway shall be no closer than twenty-five (25) feet from the stream or drainage course or other body of water.
9. The inside radius of any driveway curve shall be a minimum of fifty (50) feet.
10. The application for a zoning permit for a building, dwelling, or structure, which is to be served by a driveway connecting to a public road, shall include a driveway permit as issued by the Road Commission.

### **3.34 PRIVATE STREETS**

The Township has determined that it is in the best interest of the public health, safety, and welfare to regulate the construction, improvement, extension, relocation, and use of private streets. Private streets shall be designed with adequate width, surface, and grade to assure safe passage and maneuverability of private and emergency vehicles and shall be designed and constructed in accordance with the design, construction, inspection, approval, and maintenance requirements of the Crockery Township Design and Construction Standards.

All private streets shall be named and identified as required by the Crockery Township Addressing and Street Naming Ordinance. All private streets, whether new or existing, shall at all times be improved, maintained, repaired and snowplowed so as to insure that the private street is safe for travel at all times and so that suitable access is provided for emergency vehicles, in

addition to meeting the specific standards stated in this section. All persons who have deeded access to a private street are responsible for compliance with this requirement.

1. **Public Hearing Required** - Following the submittal of a completed application for a private street, the planning commission shall advertise and hold a public hearing. Notice of the hearing shall be provided to all taxpayers of record within 300 feet of the private street and one notice shall be published in the newspaper of local circulation. If the private street is included in a proposed planned unit development, Special Land Use, site condominium, or other land development requiring Planning Commission consideration, then the Commission may consider approval of the private street as a part of the proceedings for the development.
2. **Application** - An applicant wishing to construct a private street must make application to the Township for a permit. This application will include complete sets of plans for the private street to be constructed and maintained such that in all weather conditions the private street shall be passable and shall readily afford emergency access to the dwellings, buildings or other structures serviced by the private street.
3. **Procedures for Approval of a Private Street** - The Planning Commission shall review the application for the private street, and shall approve the application if, in its discretion, the Planning Commission determines that the following standards have been satisfied:
  - A. That the private street complies with Site Plan Review and all other applicable requirements of this Ordinance.
  - B. That the private street is designed in accordance with the Crockery Township Design and Construction Standards.
  - C. That the private street would not create conditions that may be detrimental to the health, safety, or welfare of persons or property, through their creation of hazardous or potentially hazardous situations.
  - D. In approving an application for a Private Street, the Planning Commission may require that the applicant comply with reasonable terms and conditions relating to the placement, design, construction, and use of the private street, consistent with the terms of this section and other applicable Township Ordinances.
4. **Authorization to Construct** -
  - A. Authorization to begin construction of the proposed private street shall be granted by the Zoning Administrator. No private street shall be constructed until written permission has been issued. In determining whether to issue a construction permit, the Zoning Administrator or his or her designee, shall consider the approval of the private street by the Planning Commission, whether the private street can be constructed safely and without serious adverse effects upon adjacent or nearby lands or property interests and whether the private street meets the design standards of this section.
  - B. The private street must be under construction within twelve (12) months and completed within twenty-four (24) months. Failure to complete construction within twenty-four (24) months shall constitute forfeiture of escrow.

5. **Periodic Inspection** - From time to time the Township Engineer or his/her designee may inspect the private street construction associated with the approved site plan for the development. If during any inspection, the Township Engineer, or his/her designee determines that work is not acceptable and according to the approved site plan, the Owner will be advised in writing of specific defects to be remedied. The Owner will have thirty (30) days to file an appeal to the Township's remedy notification.
6. **Final Inspection and Compliance** -
  - A. Upon completion of construction of a private street, the Township Engineer, or his or her designee, shall inspect the completed construction to determine whether it complies with the approved plans and specifications for the street, the approval given therefore by the Planning Commission, and the terms of this section and other applicable provisions of this Ordinance.
  - B. The applicant shall provide the Township with a set of "as-built" drawings, bearing a certificate and statement from a registered engineer certifying that the private street has been completed in accordance with the requirements of this section and other provisions of this Ordinance and with the terms of approvals given by the Planning Commission.
  - C. After receiving the certified as-built drawings, on-site inspection of the completed construction, and written approval of the private street by the Township Engineer, the Zoning Administrator shall issue and submit to the applicant a certificate of compliance. The certificate shall state that based upon the inspection of the construction the private street complies with this section, other applicable provisions of this Ordinance and the Planning Commission approvals.
  - D. If the completed private street does not satisfy the requirements of this section, other applicable provisions of this Ordinance or approvals given by the Planning Commission, the applicant shall be notified in writing of such noncompliance and shall be given a reasonable period of time in which to correct the stated deficiencies.
  - E. No zoning permits or other permits shall be issued for any dwelling, or other building, structure or use, the primary access to which is to be provided by a private street, until the private street has been approved in accordance with this section.
7. **Surety** - If a private street has not yet been completed and approved in accordance with this section and other applicable provisions of this Ordinance, but the applicant has submitted to the Township a performance bond, with acceptable surety, or a letter of credit, conditioned upon the timely and full completion of the private street in accordance with this section, then one building permit may be issued for a dwelling or for other principal building, structure or use, the primary access to which is to be provided by the private street; provided, however, that no such permit shall be issued unless the Township Engineer also determines that persons and vehicles may traverse the incomplete private street in sufficient safety. In such a case, the further construction of the private street shall be pursued diligently to completion.

As a condition of approval of a private street, the Township may require that the applicant provide a performance bond, letter of credit, or other acceptable surety, conditioned upon the timely and faithful performance by the applicant under the terms of this section and under the terms of any approvals given for the private street by the Planning Commission.



8. **Certificate of Occupancy** - A Certificate of Occupancy for a dwelling or other building, the primary access to which is to be provided by a private street, shall not be issued until the private street has been laid out and constructed with sufficient width, surface, and grade to assure the safe passage and maneuverability of fire, police, ambulance and other emergency service vehicles.

If the private street is proposed as part of a Planned Unit Development or a Special Land Use, the provisions of this section may be modified by the Planning Commission and Township Board (where Township Board approval is otherwise required) upon a determination that the requirements of the Planned Unit Development or Special Land Use and the requirements of this section would nevertheless be sufficiently accommodated.

9. **Existing Private Streets and Easements** - The provisions of this Ordinance shall apply to existing private streets to the extent stated in this subsection.

Notwithstanding the provisions of this Ordinance, a building or structure may be erected upon a lot or parcel abutting a private street or easement created or constructed adjacent to that property before the effective date of this Ordinance if:

- A. The lot or parcel was platted or otherwise of legal record as an individual lot or parcel as of the effective date of this Ordinance.
- B. The private street has a cleared area of at least sixteen (16) feet, graded to be passable by emergency vehicles, and has sufficient gravel or other surface to be passable by vehicles on a year-round basis.

Notwithstanding the other provisions of this Ordinance, if 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 the effective date of this Ordinance, and if the private street abutting the lot or parcel was constructed before the effective date of this Ordinance, then the building or structure may be erected if that part of the private street which from its intersection with the public right-of-way, and extending across or adjacent to the lot or parcel on which the building or structure is to be constructed, is brought into compliance with the requirements of this Ordinance.

No private street, which does not meet the requirements of this Ordinance, shall be extended in length, unless the entire length of the private street, both the existing portion, and the new, extended portion, is brought into compliance with the provisions of this Ordinance.

At the end of the private street, a turn-around shall be provided, in accordance with the requirements of the Crockery Township Design and Construction Standards.

### **3.35 ROADSIDE STANDS**

Roadside stands must be conducted as an accessory use to a farm, or in a commercial zoning district. Stands shall not be located within the road right-of-way and have at least two (2) off-street parking spaces. Such off-street parking spaces need not be paved with asphalt or concrete. The sales area shall not exceed five hundred (500) square feet. Roadside stands located on Township owned property shall be exempt from the sales area size limitation.

### **3.36 ROOF OVERHANGS**

Where a roof overhang measures two (2) feet or less, as measured perpendicularly from the vertical wall of the structure the roof covers, the area of ground beneath the roof overhang shall not be considered for calculating the floor area of the structure. However, where a roof overhang measures greater than two (2) feet, as measured perpendicularly from the vertical wall of the structure the roof covers, the area of ground beneath the roof overhang shall be considered part of the floor area of the structure.

Where a lean-to or a similar structure is placed against the roof, roof overhang or wall of a structure for the purpose of providing storage space or other useable floor space beneath the lean-to or similar structure, then the area of ground beneath the lean-to or similar structure shall be considered part of the floor area of the structure.

### **3.37 SINGLE-FAMILY DWELLINGS**

Any single-family dwelling erected on site, or a manufactured dwelling constructed at an off-site location which is not located within a manufactured home park, shall be permitted in the Agricultural and Residential Zoning Districts only if in conformance with all of the following requirements:

1. The dwelling unit must conform to the minimum floor area, yard, and lot area requirements for the zoning districts in which it is located.
2. The dwelling unit shall provide a minimum height between the floor and ceiling of seven (7) feet, six (6) inches; or if a manufactured home, it shall meet the requirements of the United States Department of Housing and Urban Development Regulations, entitled Manufactured Home Construction and Safety Standards, effective June 15, 1976, as amended.
3. The minimum width of any single-family dwelling unit shall be twenty-three (23) feet for at least sixty-seven percent (67%) of its length, measured between the exterior parts of the walls having the greatest length.
4. In the case of a manufactured home, the manufactured home must either be:
  - A. new and certified by the manufacturer and/or appropriate inspection agency as meeting the Manufactured Home Construction and Safety Standards of the Department of Housing and Urban Development, as amended, or any similar successor or replacement standards which may be promulgated, or
  - B. used and certified by the manufacturer and/or appropriate inspection agency as meeting the standards referenced above, and found, on inspection by the Zoning Inspector or his designee, to be in excellent condition and safe and fit for residential occupancy.
5. The dwelling shall comply with all building, electrical, plumbing, fire, energy, and other similar codes of the Township. Where a dwelling is required by law to comply with any federal or state standards or regulations for constructions, and where such standards or regulations for construction are different than those imposed by Township codes, then and in such event such federal or state standard or regulation shall apply. Appropriate evidence of compliance with such standards or regulations shall be provided to the Township Zoning Inspector.



6. The dwelling shall be firmly attached to a permanent continuous foundation with frost-protected footings constructed on the building site, such foundation to have a wall to be constructed of such materials and type as required by the Township Building Code for on-site constructed single-family dwellings. If the dwelling is a manufactured home, its foundation shall hide the chassis, undercarriage, and towing mechanism.
7. If the dwelling is a manufactured home, the manufactured home shall be installed pursuant to the manufacturer's setup instructions and shall be secured to the building site by an anchoring system or device complying with the rules and regulations, as amended, of the Michigan Manufactured home Commission. The wheels of the manufactured home shall be removed.
8. All dwellings without basements, except slab on grade construction, shall provide a crawl space below the entire floor of the dwelling four feet in depth, with a vapor barrier consisting of two inches of concrete on the floor of the crawl space. The crawl space shall also be provided with adequate drains to drain any accumulation of water in the crawl space. The building inspector may allow an alternative building plan to be utilized if consistent with the approved construction code of the Township.
9. All dwellings shall be connected to a septic or sewer system and a water supply system approved by the Township or the County Health Department.
10. Storage areas totaling no less than one hundred twenty (120) square feet shall be provided. These storage areas may consist of a basement, closet area, attic, and/or a separate accessory building whose construction is of equal or better quality to that of the dwelling and which complies with all other applicable provisions of this Ordinance pertaining to accessory buildings.
11. The dwelling shall be constructed with construction materials of consistent quality. Additions of rooms or other areas shall be constructed with similar workmanship as the original structure. Permanent attachment to the principal structure shall include construction of a foundation and no addition shall involve placing a bearing load on a manufactured home. Hybrid construction combining on site constructed with off-site constructed dwellings or two or more different off-site constructed dwellings is prohibited.
12. Permanently attached steps or porch areas at least three (3) feet in width shall be provided where there is an elevation differential greater than eight inches between the dwellings first floor and ground level.
13. All dwellings shall have a double pitched roof of not less than two and one-half (2½) feet of rise for each twelve (12) feet of run unless twenty percent (20%) of the single family dwellings within one-half (1/2) mile have a lesser pitched roof, then a pitch equal to an average of those twenty percent (20%) single family dwellings shall be provided, and the roof shall be covered by either asphalt, fiberglass, or shake shingles.
14. The exterior finish of the dwelling shall not cause a reflection that is greater than that from siding coated with clean, white, gloss, exterior enamel.
15. The dwelling shall have no less than two (2) exterior doors, with the second one being in either the rear or the side, of the dwelling.
16. The dwelling is aesthetically compatible, in design and appearance, with other single-family dwellings in the vicinity, either having a roof overhang of not less than six inches on

all sides or alternatively with windowsills or roof drainage systems, concentrating roof drainage collection points along sides of the dwellings.

17. The compatibility of design and appearance shall be determined in the first instance by the Zoning Inspector upon review of the plans submitted for a particular dwelling, subject to appeal by the applicant to the Zoning Board of Appeals. In determining compatibility, the following standards shall apply:
  - A. The type and kind of architectural design and appearance of the dwelling as compared with the type and kind of architectural design and appearance of one or more residential dwellings located outside a manufactured home park or manufactured home subdivision within five hundred (500) feet of the subject dwelling.
  - B. The foregoing shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, unique land contour, or relief from the common or standard designed home.
  - C. Prior to issuance of a building permit for any dwelling unit, construction plans, including a plot plan adequate to illustrate compliance with the requirements of this Ordinance, shall be submitted to the building inspector. If the dwelling unit is a manufactured home, there shall also be submitted adequate evidence to assure that the dwelling complies with the standards applicable to manufactured homes set forth in this section. The building inspector shall have a minimum of three working days to review plans prior to issuing a building permit.

### **3.38 SWIMMING POOLS**

1. No swimming pool shall be constructed, erected, or installed on any lands in the Township unless a permit has first been obtained from the Zoning Inspector.
2. The outside edge of the pool wall shall not be located nearer than four (4) feet to any lot line; provided, however, that if any part of the pool walls are more than two (2) feet above the surrounding grade level, then the outside edge of the pool wall shall not be placed nearer than ten (10) feet from any lot line.
3. Swimming pools must be constructed in accordance with the Michigan Residential Building Code.
4. Each pool shall be enclosed by a fence or a wall of a height no less than four (4) feet nor more than six (6) feet in height, which is constructed in such manner that no person may enter the yard or the area where the pool is located without passing through a gate or door located on the lot on which the pool is situated. In addition:
  - A. Each pool located in the rear yard of a waterfront lot shall be enclosed by a fence of a "see through" type which results in minimal visual obstruction. The fence may be placed on or anywhere inside the lot lines of the lot where the pool is situated, provided, however, that no fence may be erected closer to a street than a building may be erected in the zoning district in which the pool is located. A fence may not be required for aboveground swimming pools with four (4)-foot sidewalls and a removable or raising ladder.

- B. All gates and doors, which permit access to the pool area, shall be installed with self-latching and self-closing gates and shall be locked when no person is present on the lot on which the pool is located.

### **3.39 TEMPORARY USES OF STRUCTURES**

Upon application, the Zoning Administrator shall issue a Temporary Use Permit for the following a temporary uses or structures:

1. An office building or yard for construction materials and/or equipment, which is both incidental and necessary to construction at the site where located. Each permit shall be valid for a period of not more than six (6) calendar months and shall be renewed by the Zoning Administrator for four (4) additional successive periods of six (6) calendar months or less at the same location if such building or yard is still incidental and necessary to construction at the site where located.
2. A temporary office, which is both incidental and necessary for the sale or rental of real property in a new subdivision or housing project. Each permit shall specify the location of the office and area and shall be valid for a period of not more than six (6) calendar months and shall be renewed by the Zoning Administrator for four additional successive periods of six (6) calendar months or less at the same location if such office is still incidental and necessary for the sale or rental of real property in a new subdivision or housing project.
3. Portable storage pods used for moving and storage, on-site storage containers, and mini-storage containers for moving household belongings are allowed for a period of not more than thirty (30) days.
4. Construction of a new single family dwelling on a parcel on which a single-family dwelling is already located, may be allowed without the removal of the existing dwelling, in accordance with the following requirements:
  - A. The property owner must comply with all of the representations in the property owner's application to the Township for the proposed dwelling.
  - B. The property owner must comply with all Federal, State, County and Township laws, ordinances, rules and regulations applicable to the property.
  - C. The property owner shall complete the construction of the proposed dwelling and shall fulfill all of the requirements to receive an occupancy permit from the Township for the proposed dwelling within one year after approval has been granted.
  - D. Within 90 days after the property owner receives an occupancy permit for the proposed dwelling, the property owner shall completely remove the existing dwelling from the property. The removal of the existing dwelling shall include the complete removal of the structure and all connections to it, as well as restoration of the grounds to a clean level surface unless otherwise approved by the Township.
  - E. A notarized agreement along with required fees and exhibits shall be completed and accepted by the Township.

- F. To ensure compliance by the property owner with the requirements of this section, the property owner shall post a performance guarantee to consist of a cash deposit, certified check, irrevocable bank letter of credit, or surety bond. The performance guarantee shall be an amount adequate to remove the existing structure as described above as provided by a certified demolition company, plus 25%, and it shall be maintained until the removal of the existing dwelling has been fully completed. The performance guarantee shall be posted with the Township before construction of the proposed dwelling has begun. The performance guarantee may be used by the Township to remove the existing dwelling or to restore the grounds if the property owner has not completed these tasks within 90 days after receiving a certificate of occupancy for the proposed dwelling, or if the property owner fails to comply with any requirements of this section.

### **3.40 TRASH AND JUNK**

No trash and junk shall be deposited, dumped or accumulated by any person on any property, private or public in the Township unless such place has been designated as a public dumping ground by the Township, or except as otherwise provided in this Ordinance. Trash and junk shall include but not be limited to junk motor vehicles, unwholesome substances, trailer bodies, and junk farm apparatus.

If materials or wastes are stored outside which might cause fumes, odors and dust or which constitute a fire hazard or which may be edible by rodents or insects, then such materials shall be stored only in closed containers and screened from public view and adjacent properties. No materials or wastes shall be deposited on a lot or property in such form or manner that they may be moved off the lot or property by natural causes or forces. Waste materials shall not be allowed to accumulate on a lot or property in such a manner as to be unsightly, constitute a fire hazard, or contribute to unsanitary conditions.

### **3.41 VEHICLE REPAIR**

Mechanical work on trucks of one ton or more, on racecars (stock or otherwise), or on off-road vehicles is permitted, provided such vehicles are owned by the occupant of a lot and all permitted work on vehicles is performed entirely within a building. Mechanical work on vehicles not owned by the occupant of a lot is prohibited in all residential zoning districts, unless otherwise provided for in this Ordinance.

### **3.42 VEHICLE STORAGE**

In all zoning districts, automotive vehicles or other motorized vehicles of any kind which are not in legally operable condition, or vehicles otherwise defined as "junk motor vehicle" under the terms of this ordinance, shall not be parked or stored, nor otherwise remain, other than in a completely enclosed building. Also:

1. No boat, travel trailer, motor home, camper, or similar vehicle parked or stored in any zoning district shall be connected to utilities, and no such vehicles shall be used for human habitation for a period exceeding fourteen (14) consecutive days.
2. In all zoning districts, during the time period beginning November 1 and ending the last day of February of each year, all watercrafts, boat trailers, boat cradles, portable boat docks, shore stations, travel trailers, campers, motor homes or similar vehicles owned by the occupant of the lot, shall be stored in back of the front building line or at least one hundred (100) feet back from the street right-of-way line, whichever is lesser. In the case

of a corner lot, during the time period beginning November 1 and ending the last day of February of each year, such items shall be stored in back of the front and street side building lines or at least one hundred (100) feet back from the front and side street right-of-way lines, whichever is lesser.

3. In addition, with respect to any multi-family dwelling in any zoning district, no boat cradle, boat trailer, portable boat dock, shore station, boat or other watercraft shall at any time be located, placed or stored on the lot used for such multi-family dwelling, except for boats and other watercraft located on trailers legal for use on public highways.
4. Parking or storage of semi-tractors or trailers is prohibited on any parcel of land used for a residential purpose in any zoning district.

### **3.43 WATERFRONT SETBACK AVERAGING**

The following requirements shall apply to lots abutting a body of water. In any residential zoning district where the average setback from the water of at least two (2) rear yards of existing adjacent lots within three hundred (300) feet of the lot in question is greater than the minimum rear yard setback prescribed for the residence zoning district in which the lot is located, then the required rear yard setback shall be modified to be no less than the average depth of the existing adjacent rear yard setbacks, provided, however, that the depth of the rear yard setback shall not be closer than fifty (50) feet to the body of water.

### **3.44 WIND TURBINES, PERSONAL USE**

A Small Structure-Mounted Wind Energy Turbine ("**SSMWET**") and a Small Tower-Mounted Wind Energy Turbine ("**STMWET**") shall be considered a permitted use in all zoning districts and shall not be erected, constructed, installed, or modified as provided in this Ordinance unless a building permit has been issued to the Owner(s) or Operator(s).

All SSMWETs and STMWETs are subject to the following minimum requirements:

1. **Siting and Design Requirements -**
  - A. "Upwind" turbines shall be required.
  - B. Visual Appearance -
    - i. A SSMWET or STMWET, including accessory buildings and related structures shall be a non-reflective, non-obtrusive color (e.g. white, gray, black). The appearance of the turbine, tower, and any ancillary facility shall be maintained throughout the life of the SSMWET or STMWET.
    - ii. A SSMWET or STMWET shall not be artificially lighted, except to the extent required by the FAA or other applicable authority, or otherwise necessary for the reasonable safety and security thereof.
    - iii. SSMWET or STMWET shall not be used for displaying any advertising (including flags, streamers, or decorative items), except for identification of the turbine manufacturer.

- C. **Ground Clearance** - The lowest extension of any blade or other exposed moving component of a SSMWET or STMWET shall be at least fifteen (15) feet above the ground (at the highest point of the natural grade within thirty [30] feet of the base of the tower) and, in addition, at least fifteen (15) feet above any outdoor surfaces intended for human use, such as balconies or roof gardens, that are located directly below the SSMWET or STMWET.
  - D. **Noise** - Noise emanating from the operation of a SSMWET or STMWET shall not exceed, at any time, the lowest ambient sound level that is present between the hours of 9:00 p.m. and 9:00 a.m. at any property line of a residential or agricultural use parcel or from the property line of parks, schools, hospitals, and churches. Noise emanating from the operation of a SSMWET(s) or STMWET shall not exceed, at any time, the lowest ambient noise level plus five (5) dBA that is present between the hours of 9:00 p.m. and 9:00 a.m. at any property line of a non-residential or non-agricultural use parcel.
  - E. **Vibration** - Vibrations shall not be produced which are humanly perceptible beyond the property on which a SSMWET or STMWET is located.
  - F. **Guy Wires** - Guy wires shall not be permitted as part of the SSMWET or STMWET.
2. **Additional Standards for SSMWET** - In addition to the Siting and Design Requirements listed previously, the SSMWET shall also be subject to the following:
- A. **Height** - The height of a SSMWET shall not exceed 15 feet as measured from the highest point of the roof, excluding chimneys, antennae, and other similar protuberances.
  - B. **Setback** - The setback of the SSMWET shall be a minimum of fifteen (15) feet from the property line, public right-of-way, public easement, or overhead utility lines if mounted directly on a roof or other elevated surface of a structure. If the SSMWET is affixed by any extension to the side, roof, or other elevated surface, then the setback from the property line or public right-of-way shall be a minimum of fifteen (15) feet. The setback shall be measured from the furthest outward extension of all moving parts.
  - C. **Location** - The SSMWET shall not be affixed to the wall on the side of a structure facing a road.
  - D. **Quantity** - No more than three (3) SSMWETs shall be installed on any parcel of property.
  - E. **Separation** - If more than one SSMWET is installed, a distance equal to the height of the highest SSMWET must be maintained between the bases of each SSMWET.
3. **Additional Standards for STMWET** - In addition to the Siting and Design Requirements listed previously, the STMWET shall also be subject to the following:
- A. **Height** - The Total Height of a STMWET shall not exceed one hundred twenty (120) feet.
  - B. **Location** - The STMWET shall only be located in a rear yard of a property that has an occupied building.



- C. **Occupied Building Setback** - The setback from all occupied buildings on the applicant's parcel shall be a minimum of twenty (20) feet measured from the base of the Tower.
- D. **Other Setbacks** - The setback shall be equal to the Total Height of the STMWET, as measured from the base of the Tower, from the property line, public right-of-way, public easement, or overhead public utility lines. This setback may be reduced if the applicant provides a registered engineer's certification that the WET is designed to collapse, fall, curl, or bend within a distance or zone shorter than the height of the wind turbine.
- E. **Quantity** - No more than one (1) STMWET shall be installed on any parcel of property.
- F. **Electrical System** - All electrical controls, control wiring, grounding wires, power lines, and system components shall be placed underground within the boundary of each parcel at a depth designed to accommodate the existing land use to the maximum extent practicable. Wires necessary to connect the wind generator to the tower wiring are exempt from this requirement.

4. **Permit Application Requirements -**

- A. Name of property owner(s), address, and parcel number.
- B. A site plan shall include maps (drawn to scale) showing the proposed location of all components and ancillary equipment of the SSMWET(s) or STMWET, property lines, physical dimensions of the property, existing building(s), setback lines, right-of-way lines, public easements, overhead utility lines, sidewalks, non-motorized pathways, roads and contours. The site plan must also include adjoining properties as well as the location and use of all structures.
- C. The proposed type and height of the SSMWET or STMWET to be constructed; including the manufacturer and model, product specifications including maximum noise output (measured in decibels), total rated generating capacity, dimensions, rotor diameter, and a description of ancillary facilities.
- D. Documented compliance with the noise requirements set forth in this Ordinance.
- E. Documented compliance with applicable local, state, and national regulations including, but not limited to, all applicable safety, construction, environmental, electrical, communications, and FAA requirements.
- F. Proof of applicant's liability insurance.
- G. Evidence that the utility company has been informed of the customer's intent to install an interconnected, customer-owned generator and that such connection has been approved. Off-grid systems shall be exempt from this requirement.
- H. Other relevant information as may be reasonably requested.
- I. Signature of the Applicant.
- J. In addition to the Permit Application Requirements previously listed, the SSMWET

Application shall also include the total proposed number of SSMWETs.

- K. In addition to the Permit Application Requirements previously listed, the STMWET Application shall also include a description of the methods that will be used to perform maintenance on the STMWET and the procedures for lowering or removing the STMWET in order to conduct maintenance.

**5. Safety Requirements -**

- A. If the SSMWET or STMWET is connected to a public utility system for net-metering purposes, it shall meet the requirements for interconnection and operation as set forth in the public utility's then-current service regulations meeting federal, state, and industry standards applicable to wind power generation facilities, and the connection shall be inspected by the appropriate public utility.
- B. The SSMWET or STMWET shall be equipped with an automatic braking, governing or feathering system to prevent uncontrolled rotation, over-speeding, and excessive pressure on the tower structure, rotor blades and other wind energy components unless the manufacturer certifies that a braking system is not necessary.
- C. A clearly visible warning sign regarding voltage shall be placed at the base of the SSMWET or STMWET.
- D. The structural integrity of the SSMWET or STMWET shall conform to the design standards of the International Electrical Commission, specifically IEC 61400-1, "Wind Turbine Safety and Design" and/or IEC 61400-2, "Small Wind Turbine Safety," IEC 61400-22 "Wind Turbine Certification," and IEC 61400-23 "Blade Structural Testing," or any similar successor standards.
- E. Signal Interference - The SSMWET or STMWET shall not interfere with communication systems such as, but not limited to, radio, telephone, television, satellite, or emergency communication systems.

**6. Decommissioning -**

- A. The SSMWET or STMWET Owner(s) or Operator(s) shall, complete decommissioning within twelve (12) months after the end of the useful life. Upon request of the owner(s) or assigns of the SSMWET or STMWET, and for a good cause, the Township council/board may grant a reasonable extension of time. The SSMWET or STMWET will presume to be at the end of its useful life if no electricity is generated for a continuous period of twelve (12) months. All decommissioning expenses are the responsibility of the Owner(s) or Operator(s).
- B. If the SSMWET or STMWET Owner(s) or Operator(s) fails to complete decommissioning within the period prescribed above, the Township council/board may designate a contractor to complete decommissioning with the expense thereof to be charged to the violator and/or to become a lien against the premises. If the SSMWET or STMWET is not owned by the property owner(s), a bond must be provided to the Township for the cost of decommissioning each SSMWET or STMWET.
- C. In addition to the Decommissioning Requirements listed previously, the STMWET shall also be subject to the following:



- i. Decommissioning shall include the removal of each STMWET, buildings, electrical components, and any other associated facilities. Any foundation shall be removed to a minimum depth of sixty (60) inches below grade, or to the level of the bedrock if less than sixty (60) inches below grade.
  - ii. The site and any disturbed earth shall be stabilized, graded, and cleared of any debris by the owner(s) of the facility or its assigns. If the site is not to be used for agricultural practices following removal, the site shall be seeded to prevent soil erosion, unless the property owner(s) requests in writing that the land surface areas not be restored.
- 7. **Public Inquiries & Complaints** - Should an aggrieved property owner allege that the SSMWET or STMWET is not in compliance with the noise requirements of this Ordinance, the procedure shall be as follows:
  - A. Noise Complaint.
  - B. Notify the Township in writing regarding concerns about noise level.
  - C. If the complaint is deemed sufficient by the Township to warrant an investigation, the Township will request that the aggrieved property owner deposit funds in an amount sufficient to pay for a noise level test conducted by a certified acoustic technician to determine compliance with the requirements of this Ordinance.
  - D. If the test indicates that the noise level is within Ordinance noise requirements, the Township will use the deposit to pay for the test.
  - E. If the SSMWET or STMWET Owner(s) is in violation of the Ordinance noise requirements, the Owner(s) shall reimburse the Township for the noise level test and take immediate action to bring the SSMWET or STMWET into compliance that may include ceasing operation of the WET until Ordinance violations are corrected. The Township will refund the deposit to the aggrieved property owner.
- 8. **Temporary Uses** - The following is permitted in all zoning districts as a temporary use, in compliance with the provisions contained herein, and the applicable WET regulations:
  - A. The construction, installation, or modification of an anemometer tower shall require a building permit and shall conform to all applicable local, state, and federal applicable safety, construction, environmental, electrical, communications, and FAA requirements.
  - B. An anemometer shall be subject to the minimum requirements for height, setback, separation, location, safety requirements, and decommissioning that correspond to the size of the WET that is proposed to be constructed on the site.
  - C. An anemometer shall be permitted for no more than thirteen (13) months for a SSMWET, STMWET, or MWET, and no more than three (3) years for a LWET.

### 3.45 WIRELESS COMMUNICATIONS TOWERS AND ANTENNAS

The Township finds that it is in the public interest to permit the siting of wireless communications towers and antennas within its boundaries. It is the Township's intent to permit the siting of wireless communications towers and antennas within its boundaries. It is the Township's intent to

protect and promote the public health, safety, and welfare by regulating the siting of wireless communications towers and antennas within its boundaries.

1. **Allowed Uses** - The uses listed in this section are allowed in any zoning district and shall not require a Special Land Use permit:

- A. Antennas or towers located on property owned, leased, or otherwise controlled by the Township are permitted uses, provided a license or lease authorizing such antenna or tower has been approved by the Township. This provision shall not be interpreted to require the Township to approve a license or lease.
- B. Antennas located upon legally existing lattice electric transmission towers and do not exceed the height limitation of the zoning district in which they are located.
- C. Co-location of an antenna on an approved tower.
- D. Replacement of existing equipment such as antennae, wires, cables, etc.
- E. Addition of non-structural ground equipment such as cabinets, meters, ice bridges, etc. providing it is located within a previously already approved enclosure.

2. **General Requirements** -

- A. **Principal or Accessory Use** - Antennas and towers may be considered either principal or accessory uses. A different existing use of or on the same lot shall not preclude the installation of an antenna or tower on the lot.
- B. **Lot Size** - Even though antennas or towers may be located on leased portions of a lot, the dimensions of the entire lot shall be used to determine if the installation of a tower or antenna complies with the regulations of the applicable zoning district, including but not limited to setback requirements, lot coverage requirements, and other such requirements.
- C. **Inventory of Existing Sites** - Each applicant for an antenna and/or tower shall provide an inventory of its existing towers, antennas, or sites approved for towers or antennas, that are within the jurisdiction of the Township or within one mile of the Township border, including specific information about the location, height, and design of each tower or antenna.
- D. **Tower Finish** - Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness.
- E. **Tower Site** - At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend them into the natural setting and surrounding buildings.
- F. **Antenna Color** - An antenna and its supporting electrical and mechanical equipment must be or a neutral color that is identical to, or closely compatible with the color of the supporting structure to make the antenna and related equipment as visually unobtrusive as possible.

- G. **Lighting** - Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding views.
3. **State or Federal Requirements** - All towers and antennas must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the state or federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this Ordinance shall bring such towers and antennas into compliance with such revised and applicable standards and regulations within six (6) months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to comply with such revised and applicable standards and regulations shall constitute grounds for the Township to seek a court order, authorizing the Township or its designee to remove the tower or antenna at the owner's expense.
  4. **Building Codes, Safety Standards** - The owner of a tower or antenna shall ensure its structural integrity by maintaining it in compliance with standards contained in applicable state or local building codes and applicable standards published by the Electronic Industries Association or any similar successor organization, as amended from time to time. If the Township suspects that a tower or antenna does not comply with such codes and standards and constitutes a danger to persons or property, then the Township may proceed under applicable State of Michigan law (i.e. Michigan Public Act 144 of 1992, as amended, or any successor statute) or common law to bring the tower or antenna in to compliance at the owner's expense.
  5. **Measurement** - Tower setbacks and separation distances shall be measured and applied to facilities located in the Township without regard to municipal and county jurisdictional boundaries.
  6. **Not Essential Services** - Towers and antennas shall be regulated and, permitted pursuant to this ordinance. They shall not be regulated or permitted as essential services, public utilities, or private utilities.
  7. **Franchises** - Owners and/or operators of towers or antennas shall certify that all franchises required by law for the construction and/or operation of a wireless communication system in the Township have been obtained, they shall file a copy of all required franchises with the Zoning Administrator.
  8. **Signs** - No signs or advertising shall be allowed on an antenna or tower. However, the tower owner may post a sign designating a person to contact in an emergency, together with the person's telephone number and address.
  9. **Metal Towers** - Metal towers shall be constructed with a corrosion-resistant material.
  10. **No Interference** - Towers shall not interfere with television or radio reception on surrounding properties.
  11. **Roads** - All access roads shall be constructed and maintained to Crockery Township standards for a private street with forty (40) feet right-of-way (easement) width.
  12. **Site Plan Review** - A Site Plan prepared in accordance with this ordinance shall be required.

## ARTICLE 4

### MAPPED ZONING DISTRICTS

#### 4.01 ZONING DISTRICTS

The Township of Crockery is hereby divided into the following zoning districts:

1. "AG-1" Agricultural and Open Space District
2. "AG-2" Agricultural District
3. "R-1" Low Density Single-Family Residential District
4. "R-2" Medium Density Residential District
5. "CH" Commercial Horticultural District
6. "C-1" Commercial District
7. "I-1" Light Industrial District
8. "PUD" Planned Development District
9. "FPO" Floodplain Overlay District
10. "GRM" Grand River Marina District
11. "MH" Manufactured Housing District

#### 4.02 ZONING MAP

The locations and boundaries of the zoning districts are hereby established as shown on a map, as the same may be amended from time to time, entitled "The Zoning Map of Crockery Township, Ottawa County, Michigan," which accompanies and is hereby made a part of this Ordinance. When uncertainty exists as to the boundaries of zoning districts as shown on the zoning map, the following rules of construction and interpretation shall apply:

1. Boundaries indicated as approximately following the centerlines of streets, highways, or alleys shall be constructed to follow such centerlines.
2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
3. Boundaries indicated as approximately following Township boundaries shall be construed as following Township boundaries.
4. Boundaries indicated as following shorelines of rivers or streams shall be construed as following such shorelines and in event of change in the location of such shorelines shall be construed as moving with the shoreline. The boundaries of all zoning districts having frontage on rivers or streams shall be construed as extending to the center of the thread of the stream.

\*Insert Zoning Map\*

5. Boundary lines substantially parallel to streets, without indication of the distance from the street right-of-way line, shall be construed as being that distance from the street right-of-way line as is calculated with reference to the scale to which the Township Zoning Map is drawn.
6. Boundaries indicated as approximately following property lines, section lines or other lines of government survey shall be construed as following such property lines, section lines or other lines of a government survey as they exist as of the effective date of this Ordinance or applicable amendment thereto.

#### **4.03 AREAS NOT INCLUDED WITHIN A DISTRICT**

In every case where land has not been included within a district on the zoning map, such land shall be in the AG Zoning District.

## ARTICLE 5

### AG-1 AGRICULTURAL AND OPEN SPACE DISTRICT

#### 5.01 INTENT AND PURPOSE

It is recognized that the public health and welfare of the citizens of Crockery Township, Ottawa County, the State of Michigan, and the United States are greatly dependent upon the sustenance and economic benefits provided by a viable agriculture industry. The regulations of the AG-1 District are intended to ensure that land areas within Crockery Township, which are well suited for production of food and fiber, are retained for such production, unimpeded by the establishment of incompatible uses that would hinder farm operations and irretrievably deplete agricultural lands. People contemplating building a residence in the agricultural zone should be aware of the unusual and specific conditions normally associated with land uses in farming such as, but not limited to, odors, noise, sprays, and dust. Specific purposes for which this district is established include:

1. To prevent the conversion of agricultural land to non-farm development which, when unregulated, unnecessarily increases the cost of public services to all citizens and results in the premature disinvestment in agriculture.
2. To preserve woodlands and wetlands associated with farms which, because of their natural features, are useful as water retention, surface water purification, and ground water recharge areas, and as habitat for plant and animal life; and which have an important aesthetic and scenic value which contributes to the unique character of the Township.
3. To provide the basis for land tax assessment which reflect its existing agricultural nature and owing to these regulations, its limited use for other purposes.
4. To protect farmland from speculative increases in land values.
5. To prevent conflicts between agricultural activities and residences.
6. To prevent intrusion of uses into farm areas which are incompatible with general farming activities.
7. To prevent encroachment of urban and suburban services into agricultural areas.
8. To encourage long-term investment in improvements needed to maintain and expand agricultural production by creating a stable environment for such production.
9. To prevent loss of farmland.

#### 5.02 USES ALLOWED BY RIGHT

1. Farms for both general and specialized farming, together with farm dwellings and buildings and other installations necessary to such farms including temporary housing for migratory workers provided such housing and its sanitary facilities are in conformance with all requirements of the Ottawa County Health Department and/or any other federal, state and/or local regulating agency having jurisdiction.

2. Greenhouses, nurseries, orchards, vineyards, apiaries, chicken hatcheries, blueberry, poultry farms, and the raising of fur-bearing animals.
3. Commercial agricultural "U-pick" operations with sufficient off-street parking provided.
4. General and specialized farming of agricultural products and agricultural activities, including the raising or growing of crops, livestock, poultry, bees and other farm animals, products and foodstuffs. Any building or structure may be located thereon and used for the day to-day operation of such activities, for the storage or preservation of said crops or animals, products and collection, distribution, or processing, and for the incidental sale of crops, products and foodstuffs raised or grown on said parcel or in said building or structure.
5. Storage, retail or wholesale marketing, or processing of agricultural products into a value-added agricultural product is a permitted use in a farming operation if more than fifty percent (50%) of the stored, processed, or merchandised products are produced by the farm operator for at least three (3) of the immediately preceding five (5) years.
6. Cider mills or wineries selling product, in a tasting room, derived from crops grown primarily on site for at least three (3) of the immediately preceding five (5) years.
7. Direct marketing of produce in a farm market, on-farm market, or roadside stand no greater than five hundred (500) square feet in building area.
8. Seasonal U-pick fruits and vegetables operations.
9. Seasonal outdoors mazes of agricultural origin such as straw bales or corn.
10. Food sales/processing, processing any fruits/produce.

The uses listed above may include any or all of the following ancillary agriculturally related uses and some non-agriculturally related uses so long as the general agricultural character of the farm is maintained and the income from these activities represents less than fifty percent (50%) of the gross receipts from the farm:

- Value-added agricultural products or activities such as education tours or processing facilities, etc.
- Bakeries selling baked goods containing produce grown primarily on site (e.g., minimum fifty percent (50)).
- Playgrounds or equipment typical of a school playground, such as slides, swings, etc. (not including motorized vehicles or rides).
- Petting farms, animal display, and pony rides.
- Wagon, sleigh and hayrides.
- Nature trails.
- Open air or covered picnic area with restrooms.
- Educational classes, lectures, seminars.



- Historical agricultural exhibits.
- Kitchen facilities, processing/cooking items for sale.
- Gift shops for the sale of agricultural products and agriculturally related products.
- Gifts shops for the sale of non-agriculturally related products such as antiques or crafts, limited to twenty-five percent (25%) of gross sales.

11. Single-family dwellings and signs for non-residential uses.

12. Kennels, if no buildings, animal runs, or exercise areas shall be located within one hundred (100) feet of a dwelling unit; and all animal runs and exercise areas shall be located within a rear yard. Kennels should comply with Michigan state law.

13. Cemeteries.

14. Storing, packaging, and processing of farm produce, provided such activities are done on a farm consisting of at least forty (40) acres and that such storage, packaging, or processing includes farm products grown on that parcel. Canning and freezing activities are prohibited.

15. Feed lots, subject to the following conditions:

- A. Animal wastes must be confined to within the perimeter of the feedlot. Animal waste management practices shall follow the guidelines established by the Michigan Department of Agriculture for runoff control, odor control, manure storage and treatment, and manure application to land.
- B. The perimeter of the feedlot shall be at least two hundred (200) feet from any lot line, three hundred (300) feet from existing residences, and one thousand (1,000) feet from any AG-2, R-1, or R-2 Zoning Districts.
- C. Feedlots located within five hundred (500) feet of residences on adjoining properties shall be screened by an obscuring greenbelt.

16. Governmental or non-governmental public service buildings and facilities when in character with the surrounding area, provided that outside storage of vehicles or materials is visually obscured by a fence, greenbelt, or building on all sides.

17. Farm labor housing of any size as an accessory use to a farm, provided the following conditions are met in addition to the other requirements of the Agricultural District:

- A. Compliance with the Michigan Public Health Code being Act 368 of the Public Acts of Michigan of 1978, as amended, including any rules promulgated pursuant thereto.
- B. The occupants are employed for farm labor or are related to persons currently employed by the owner of the property while they occupy the housing.
- C. Farm labor housing must be at least one hundred (100) feet from all side and rear property lines and at least seventy-five (75) feet from the street right-of-way on which the property fronts. Farm labor housing must also be at least one hundred one hundred fifty (150) feet from any single-family residence located on a separate parcel of property owned or rented by another individual or entity. Farm labor housing

existing as of the effective date of this Ordinance that does not meet these setback requirements may be expanded or enlarged, provided such expansion or enlargement does not reduce the existing distance of such farm labor housing from said property lines and single-family dwellings.

18. Golf courses and customary accessory uses excluding residential development, subject to site plan approval.
19. Adult Foster Care Family Home facilities (six (6) or fewer persons).
20. Family Child Care Homes (six (6) or fewer persons).
21. Ethanol Production Facilities providing that:
  - A. None of the adjoining property is zoned for any residential district;
  - B. The ethanol being produced is used exclusively for uses associated with the agricultural operations of the farmer producing the ethanol; and
  - C. The production of the ethanol is limited to a "**Small Plant**" as defined by the Alcohol and Tobacco Tax and Trade Bureau, which limits production to ten thousand (10,000) gallons per year. The ten thousand (10,000) gallon limit will be enforced irrespective of any allowances for greater production that may be provided for by the Alcohol and Tobacco Tax and Trade Bureau rules.

### 5.03 HEIGHT REGULATIONS

No residential building or structure shall exceed thirty-five (35) feet in height. No buildings and structures shall exceed their usual and customary heights.

### 5.04 AREA REGULATIONS

No building or structure nor any enlargement thereof shall be hereafter erected except in conformance with the following setback, lot area, and building coverage requirements:

1. **Front Setback** - There shall be a front setback of not less than forty (40) feet, except that there shall be a front setback of not less than one hundred fifty (150) feet for all farm buildings and structures.
2. **Side Setback** - There shall be side setbacks of not less than twenty-five (25) feet.
3. **Rear Setback** - There shall be a rear setback of not less than fifty (50) feet.
4. **Lot Width** - minimum lot width shall be three hundred thirty (330) feet.
5. **Lot Area** - The minimum lot area shall be forty (40) acres including street right-of-way.

### 5.05 MINIMUM FLOOR AREA

Each one-family dwelling shall meet the following minimum floor area requirements:

1. One-story with less than three (3) bedrooms shall have at least nine hundred fifty (950) - square feet.

2. One-story with three (3) or more bedrooms shall have at least one thousand forty (1,040) square feet.
3. One and one-half (1½) stories shall have at least one thousand fifty (1,150) square feet, of which seven hundred sixty eight (768) square feet must be on the first floor.
4. More than one and one-half (1½) stories shall have at least one thousand three hundred (1,300) square feet, of which seven hundred (700) square feet must be on the first floor.

## **5.06 SPECIAL LAND USES**

The following use will be allowed following approval by the Planning Commission as Special Land Uses:

1. Campgrounds and Recreational Vehicle Parks
2. Boarding and Riding Stables
3. Publicly-owned athletic grounds and parks
4. Home occupations
5. Planned mineral removal or minor mineral removal
6. Child caring facilities
7. Churches
8. Group child care home
9. Ethanol Production Facilities, if any adjoining property is zoned for any residential district or production exceeds ten thousand (10,000) gallons per year.
10. Accessory dwellings.
11. Hunting clubs.

## ARTICLE 6

### AG-2 RURAL/AGRICULTURAL PRESERVATION DISTRICT

#### 6.01 INTENT AND PURPOSE

The AG-2 District is intended to provide for residential development in a rural setting close to agricultural land use areas and zoning districts. With a density of one dwelling unit for every ten (10) acres, this zoning district will also permit general and specialized farming activities but on a smaller scale than the AG-1 Zoning District.

The large lots and agricultural activities permitted in the AG-2 District are intended to satisfy a demand for a rural life style without using up prime agricultural land. Such areas are not intended to be served by public water and sanitary sewer. The AG-2 zone is also intended to serve as a transition or buffer zone between the AG-1 zone and more intensive zoning district.

#### 6.02 USES ALLOWED BY RIGHT

Land, buildings or structures in this zoning district may be used for the following purposes only:

1. Farms for both general and specialized farming, except livestock feedlots and poultry farms; together with farm dwellings, buildings, and other installations necessary to such farms. Temporary housing for migratory workers is prohibited.
2. Greenhouses, nurseries, orchards, vineyards, or blueberry farms.
3. General and specialized farming of agricultural products and agricultural activities, including the raising or growing of crops, livestock, poultry, bees and other farm animals, products and foodstuffs. Any building or structure may be located thereon and used for the day to-day operation of such activities, for the storage or preservation of said crops or animals, products and collection, distribution, or processing, and for the incidental sale of crops, products and foodstuffs raised or grown on said parcel or in said building or structure.
4. Storage, retail or wholesale marketing, or processing of agricultural products into a value-added agricultural product is a permitted use in a farming operation if more than fifty percent (50%) of the stored, processed, or merchandised products are produced by the farm operator for at least three (3) of the immediately preceding five (5) years.
5. Cider mills or wineries selling product, in a tasting room, derived from crops grown primarily on site for at least three (3) of the immediately preceding five (5) years.
6. Direct marketing of produce in a farm market, on-farm market, or roadside stand no greater than five hundred (500) square feet in building area.
7. Seasonal U-pick fruits and vegetables operations.
8. Seasonal outdoors mazes of agricultural origin such as straw bales or corn.
9. Food sales/processing, processing any fruits/produce.

The uses listed above may include any or all of the following ancillary agriculturally related uses and some non-agriculturally related uses so long as the general agricultural character of the farm

is maintained and the income from these activities represents less than fifty percent (50%) of the gross receipts from the farm:

- Value-added agricultural products or activities such as education tours or processing facilities, etc.
- Bakeries selling baked goods containing produce grown primarily on site (e.g., minimum fifty percent (50%).
- Playgrounds or equipment typical of a school playground, such as slides, swings, etc. (not including motorized vehicles or rides).
- Petting farms, animal display, and pony rides.
- Wagon, sleigh and hayrides.
- Nature trails.
- Open air or covered picnic area with restrooms.
- Educational classes, lectures, seminars.
- Historical agricultural exhibits.
- Kitchen facilities, processing/cooking items for sale.
- Gift shops for the sale of agricultural products and agriculturally related products.
- Gifts shops for the sale of non-agriculturally related products such as antiques or crafts, limited to twenty-five percent (25%) of gross sales.

10. Detached single-family dwellings.

11. Business signs for non-residential uses.

12. Kennels provided no buildings, animal runs, or exercise areas shall be located within one hundred (100) feet of a dwelling unit, and all animal runs and exercise areas are located within a rear yard. Kennels should comply with Michigan state law.

13. Golf courses and customary accessory uses, excluding residential development, subject to site plan approval.

14. Family Child Care Homes (six (6) or fewer children).

### **6.03 HEIGHT REGULATIONS**

No residential building or structure shall exceed thirty-five (35) feet in height. No buildings or structures shall exceed their usual and customary heights.

## 6.04 AREA REGULATIONS

No building or structure nor any enlargement thereof shall be hereafter erected except in conformance with the following setback, lot area, and building coverage requirements:

1. **Front Setback** - There shall be a front setback of not less than forty (40) feet, provided, however, that there shall be a front setback of not less than one hundred fifty (150) feet for all farm buildings and structures.
2. **Side Setback** - There shall be side setbacks of not less than twenty-five (25) feet.
3. **Rear Setback** - There shall be a rear setback of not less than fifty (50) feet.
4. **Lot Area and Width** - The minimum lot width for uses in this district shall be three hundred thirty (330) feet.
5. **Lot Area** - The minimum lot area for uses in this district is ten (10) acres including street right-of-way;

## 6.05 MINIMUM FLOOR AREA

Each one-family dwelling shall meet the following minimum floor area requirements:

1. One (1)-story with less than three (3) bedrooms shall have at least nine hundred fifty (950) square feet.
2. One (1)-story with three (3) or more bedrooms shall have at least one thousand forty (1,040) square feet.
3. One and one-half (1½) story shall have at least one thousand one hundred fifty (1,150) square feet, of which seven hundred sixty-eight (768) square feet must be on the first floor.
4. More than one and one-half (1½) story shall have at least one thousand three hundred (1,300) square feet, of which seven hundred (700) square feet must be on the first floor.

## 6.06 SPECIAL LAND USES

The following use will be allowed following approval by the Planning Commission as Special Land Uses:

1. Campgrounds and Recreational Vehicle Parks
2. Boarding and Riding Stables
3. Publicly-owned athletic grounds and parks
4. Home occupations
5. Planned mineral removal or minor mineral removal
6. Child caring facilities

7. Churches
8. Group child care homes
9. Private and public schools, libraries, museums, and similar uses
10. Bed and Breakfast operations
11. Removal and processing of topsoil, sand and gravel and other minerals
12. Tack shops
13. Photography studio
14. Gymnastics and dance instruction
15. Ethanol Production Facilities
16. Accessory dwellings

## ARTICLE 7

### R-1 LOW DENSITY SINGLE-FAMILY RESIDENTIAL DISTRICT

#### 7.01 INTENT AND PURPOSE

This zoning district is intended for the construction and continued use of low-density single-family residential uses, together with recreational, religious, and educational facilities. Multiple-family, business, commercial, or industrial uses which would interfere with the development or continuations of single-family dwellings in this district are prohibited.

#### 7.02 USES ALLOWED BY RIGHT

Land, buildings or structures in this zoning district may be used for the following purposes only:

1. Detached single-family dwellings
2. Single-family housing developments
3. Family Child Care Homes (six (6) or fewer children)

#### 7.03 HEIGHT REGULATIONS

No building or structure shall exceed thirty-five (35) feet in height or two and one-half (2½) stories.

#### 7.04 AREA REGULATIONS

No building or structure nor any enlargement thereof shall be hereafter erected except in conformance with the following setback, lot area, and building coverage requirements:

1. **Front Setback** - There shall be a front setback of not less than forty (40) feet.
2. **Side Setback** - There shall be side setbacks of not less than ten (10) feet.
3. **Rear Setback** - There shall be a rear setback of not less than fifty (50) feet.
4. **Lot Width** - The minimum lot width shall be one hundred fifty (150) feet.
5. **Lot Area** - The minimum lot area shall be two (2) acres.

#### 7.05 MINIMUM FLOOR AREA

1. Each one (1)-family dwelling shall meet the following minimum floor area requirements:
  - A. One (1)-story with less than three bedrooms shall have at least nine hundred fifty (950) square feet.
  - B. One (1)-story with three or more bedrooms shall have at least one thousand forty (1,040) square feet.



- C. One and one-half (1½)-story shall have at least one thousand one hundred fifty (1,150) square feet, of which seven hundred sixty-eight (768) square feet must be on the first floor.
  - D. More than one and one-half (1½)-story shall have at least one thousand three hundred (1,300) square feet, of which seven hundred (700) square feet must be on the first floor.
- 2. Each two (2)-family dwelling shall have at least eight hundred (800) square feet.
  - 3. Each three (3)-bedroom unit shall have at least one thousand (1,000) square feet.

## **7.06 SPECIAL LAND USES**

The following use will be allowed following approval by the Planning Commission as Special Land Uses:

- 1. Private and public schools, libraries, and similar uses
- 2. Parks, playgrounds, community centers, governmental, administration, or service buildings which are owned and operated by a governmental agency or a non-commercial organization
- 3. Churches
- 4. Two-family dwellings as part of a Residential Subdivision
- 5. Photography studio
- 6. Group child care home
- 7. Gymnastics and dance instruction
- 8. Child caring facilities
- 9. Accessory dwellings
- 10. Bed & Breakfast

## ARTICLE 8

### R-2 MEDIUM DENSITY RESIDENTIAL DISTRICT

#### 8.01 INTENT AND PURPOSE

This zoning district is intended for medium density single, two (2), and multiple-family dwelling uses, together with related facilities and services. The intent is to provide varied housing for the needs of Township residents. Medium density residential areas adjacent to low density residential areas should provide for a transition zone to ensure compatibility in housing style and appearance between these two (2) different residential densities.

#### 8.02 USES ALLOWED BY RIGHT

Land, buildings or structures in this zoning district may be used for the following purposes only:

1. Any use permitted in the R-1 Zoning District, subject to the same conditions, restrictions and requirements as are provided in said R-1 Zoning District except as specifically provided otherwise in this chapter
2. Two-family dwellings
3. Single-family housing developments

#### 8.03 HEIGHT REGULATIONS

No building or structure shall exceed thirty-five (35) feet in height or two and one-half (2½) stories in height.

#### 8.04 AREA REGULATIONS

No building or structure nor any enlargement thereof shall be hereafter erected except in conformance with the following setback, lot area, and building coverage requirements:

1. **Front Setback** - There shall be a front setback of not less than 40 feet.
2. **Side Setback** - There shall be side setbacks as follows:
  - A. For single and two (2)-family dwellings, the side setbacks shall be not less than ten (10) feet.
  - B. For multi-family dwellings and all other permitted uses side setbacks shall be not less than twenty (20) feet.
3. **Rear Setback** - There shall be a rear setback of not less than twenty-five (25) feet; provided, however, that in the case of lake front lots, the rear setback shall be not less than fifty (50) feet.
4. **Lot Area and Width (Single-Family)** - The minimum lot area for a single-family dwelling shall be forty thousand (40,000) square feet. The minimum lot width for a single-family dwelling shall be one hundred (100) feet.

5. **Lot Area and Width (Two-Family)** - The minimum lot area for a two (2)-family dwelling shall be eighty thousand (80,000) square feet. The minimum lot width for a two-family dwelling shall be one hundred fifty (150) feet.
6. **Lot Area and Width (Other than One- and Two-Family)** - The minimum lot width shall be three hundred (300) feet. The minimum lot area shall be eighty thousand (80,000) square feet for the first two (2) dwelling units and an additional (fifteen thousand (15,000) square feet for each additional dwelling unit thereafter. The minimum lot area for all non-residential uses shall be twenty thousand (20,000) square feet. The minimum lot width for all non-residential uses shall be one hundred (100) feet

#### **8.05 MINIMUM FLOOR AREA**

1. Each one-family dwelling shall meet the following minimum floor area requirements:
  - A. One (1)-story with less than three bedrooms shall have at least nine hundred fifty (950) square feet.
  - B. One (1)-story with three (3) or more bedrooms shall have at least one thousand forty (1,040) square feet.
  - C. One and one-half (1½) story shall have at least one thousand fifty (1,150) square feet, of which seven hundred sixty eight (768) square feet must be on the first floor.
  - D. More than one and one-half (1½) story shall have at least one thousand three hundred (1,300) square feet, of which seven hundred (700) square feet must be on the first floor.
2. Each two (2)-family dwelling shall meet the following minimum floor area requirements:
  - A. Each two (2)-bedroom unit shall have at least eight hundred (800) square feet.
  - B. Each three (3)-bedroom unit shall have at least one thousand (1,000) square feet.
3. Each multi-family dwelling shall have minimum usable floor area as follows:
  - A. One (1) bedroom unit, six hundred fifty (650) square feet per unit.
  - B. Two (2) bedroom unit, seven hundred fifty (750) square feet per unit.
  - C. Three bedroom unit, nine hundred (900) square feet per unit.
4. Additional bedrooms require an additional one hundred (100) square feet of usable floor area for each additional bedroom. The basement floor area of a dwelling, or any portion thereof, may not be included for purposes of determining compliance with the floor area requirements of this section.

#### **8.06 SITE PLAN APPROVAL**

A site plan for any multiple-family dwelling to be erected in this zoning district, which is in accordance with the requirements of this Ordinance, shall be approved by the Planning Commission before a building permit is issued.

## **8.07 SPECIAL LAND USES**

The following use will be allowed following approval by the Planning Commission as Special Land Uses:

1. Private and public schools, libraries, and similar uses
2. Parks, playgrounds, community centers, governmental, administration, or service buildings which are owned and operated by a governmental agency or a non-commercial organization
3. Churches
4. Multiple-family dwellings
5. Bed and Breakfast operations
6. Photography studio
7. Gymnastics and dance instruction
8. Child caring facilities
9. Group child care home
10. Accessory dwellings

## ARTICLE 9

### C-1 COMMERCIAL DISTRICT

#### 9.01 INTENT AND PURPOSE

This zoning district is for neighborhood convenience shopping including retail businesses or service establishments that supply commodities or perform services meeting the daily needs of the neighborhood or surrounding area.

#### 9.02 USES ALLOWED BY RIGHT

Land, buildings or structures in this zoning district may be used for the following purposes only:

1. Antique shops
2. Automobile parts (new)
3. Automobile Sales and Service (new and used)
4. Bakery goods store
5. Banks, loan and/or finance offices
6. Barber or beauty shop
7. Book, newsstand, stationery or gift store
8. Business or trade school
9. Candy store, soda fountain and/or ice cream store
10. Car wash, automatic and self serve
11. Clinic, dental or medical; veterinary clinic (overnight boarding of animals for treatment purposes only)
12. Clothes store/dress/tailor shop/fabric/shoes
13. Clothes cleaning/laundry pick-up
14. Convenience store
15. Craft, hobby shops
16. Dance studio
17. Delicatessen store
18. Diaper/linen service and supply
19. Doggie day care, training, grooming and pet supplies

20. Drug store
21. Florist and gift shop without nursery
22. Funeral home
23. Furniture stores
24. Gas Stations
25. Governmental and public service buildings
26. Grocery store and/or meat market
27. Gun shops/sporting goods store/bait and tackle
28. Hardware store
29. Household appliance, computer, audio and video store
30. Jewelry store
31. Laboratories, environmental/dental/medical
32. Laundromats
33. Liquor stores
34. Locksmiths
35. Musical instrument sales and lessons
36. Nursery school and day nurseries
37. Offices (professional)
38. Office supply
39. Paint and wall paper store
40. Parcel and post offices
41. Park and ride parking lots
42. Parking lots
43. Party stores
44. Pet grooming and supplies; small-animal obedience class
45. Photographic and art studios
46. Print shops

47. Resale shops (excluding outdoor storage)
48. Restaurant and/or café
49. Self-serve mini warehouses
50. Shoe repair shop
51. Signs as regulated
52. Tanning salons
53. Theaters
54. Tool-instrument sales/repair/rental
55. Travel agency
56. Variety store including notions and "five and ten" stores
57. Shopping centers and supermarkets consisting of less than forty-five thousand (45,000) square feet of gross floor area
58. Other uses similar in nature to the above uses

### **9.03 REQUIRED CONDITIONS**

1. All business, service and processing shall be conducted entirely within a completely enclosed building, except for off-street parking and loading, drive-through facilities and such out-of-doors land uses as may be authorized under the terms of approved special land uses.
2. All goods produced on the premises shall be sold at retail on the premises where produced.
3. All uses permitted in this zoning district shall be serviced with public water. If public water is not available at the time the site plan is approved, hookup will be required when public water becomes available to the site. All private sewage disposal systems not connected to a public sewer must be approved by the Ottawa County Health Department.
4. A site plan for any permitted use in this zoning district, which is in accordance with the requirements of this Ordinance, must be approved by the Planning Commission before a building permit is issued.
5. The total area devoted to roofed structures shall not exceed thirty percent (30%) of the total site.
6. Off street parking facilities shall be provided in accordance with the requirements of this ordinance.
7. Landscaping and screening shall be provided in accordance with this ordinance.

8. Where a parking area is provided in the front yard, no less than ten (10) feet adjacent to the street right-of-way shall be green space or be landscaped.

#### **9.04 HEIGHT REGULATION**

No building or structure shall exceed thirty-five (35) feet in height.

#### **9.05 AREA REGULATIONS**

No building or structure nor any enlargement thereof shall be hereafter erected except in conformance with the following setback, lot area, and building coverage requirements:

1. **Front Setback** - There shall be a front setback of not less than twenty (20) feet.
2. **Side Setback** - Where the side of a lot in a C-1 Zoning District abuts upon the side of a lot in any other zoning district, each side setback shall be not less than twenty-five (25) feet. No side setback shall be required when directly abutting other commercial uses or land included in the C-1 Zoning District. However, if the building is not constructed to the lot line, there shall be a side setback of not less than ten (10) feet in width.
3. **Corner Lot** - A corner lot shall be considered as having two (2) front setbacks. Each shall comply with the front setback requirements.
4. **Rear Setback** - Where the rear of a lot in a C-1 Zoning District abuts upon the side setback of a lot in any Residential or Agricultural Zoning District, there shall be a rear setback of not less than twenty-five (25) feet. In all other cases, there shall be a rear setback of not less than twenty (20) feet. No accessory building shall be permitted closer than ten (10) feet from the rear lot line.
5. **Lot Area** - The minimum lot area shall be twenty thousand (20,000) square feet.
6. **Lot Width** - The minimum lot width shall be one hundred twenty-five (125) feet.

#### **9.06 SPECIAL CONDITIONS**

The Planning Commission shall be particularly concerned with both present and future traffic flow, traffic safety, and traffic volumes in its review of a site development plan in the C-1 District. No use shall have more than two access drives along anyone public roadway and there shall be a minimum spacing of one hundred (100) feet between adjoining driveways serving the same parcel. The Planning Commission may, for safe traffic circulation, require the joint use of drives between several uses and prohibit more than one drive to a specific parcel of property.

#### **9.07 MECHANICAL APPURTENANCES**

Mechanical appurtenances such as blowers, ventilating fans and air conditioning units must be attached to the principal building or, if separate from the principal building, be placed no closer than twenty (20) feet to any adjoining property. All such mechanical appurtenances shall be screened from view from adjacent properties and road rights-of-way.

#### **9.08 SPECIAL LAND USES**

1. Private and public schools, libraries, and similar uses



2. Parks, playgrounds, community centers, governmental, administration, or service buildings which are owned and operated by a governmental agency or a non-commercial organization
3. Multiple-family dwellings
4. Bed and breakfast operations
5. Amusement enterprises
6. Shopping centers and supermarkets exceeding forty-five thousand (45,000) square feet of floor area
7. Child Caring facilities
8. Car wash, automatic and self-serve
9. Motor vehicle sales and service (new and used)
10. Farm vehicle and farm implement sales and service
11. Recreational vehicle sales and service, including boats and other watercraft, off-road vehicles, snowmobiles, motorcycles and other types of recreational vehicles
12. Gasoline service station
13. Greenhouse and plant nursery
14. Landscape business, including outdoor display and sale of landscape materials such as topsoil, mulch and the like
15. Outdoor display and sale of yard accessories, including statuary, playground equipment, storage sheds and similar yard accessories
16. Farm Market
17. Church or other house of worship
18. Hotel and motel
19. Contractor, supply and equipment yard
20. Indoor sports business, including court games
21. Theater, banquet hall and other place of assembly
22. Dog kennel, including boarding of dogs
23. Doggie daycare business, not including overnight boarding of dogs or other animals

In considering a Special Land Use authorization in the C-1 Zoning District, the Planning Commission shall consider the following standards:

1. The size, nature, and character of the proposed use.
2. The proximity of the proposed use to adjoining properties.
3. The parking facilities provided for the proposed use.
4. How well the proposed use harmonizes, blends with, and enhances adjoining properties and the surrounding neighborhood.
5. The need or necessity for the proposed use to service the needs of the surrounding neighborhood.
6. The effect of the proposed use on adjoining properties and the surrounding neighborhood.

#### **9.09 MULTIPLE PERMITTED PRINCIPAL USES**

There may be more than one permitted principal use on a single parcel of land in the District, subject to site plan review and approval if required under the terms of the site plan review provisions of this Ordinance.

## ARTICLE 10

### "CH" COMMERCIAL HORTICULTURAL DISTRICT

#### 10.01 INTENT AND PURPOSE

A primary planning goal of Crockery Township is to provide for a balanced variety of land uses, which are compatible with the community as a whole, and which will enhance the preservation of open space, providing agricultural uses that are viable in today's marketplace.

#### 10.02 USE REGULATIONS

Land, buildings and structures in this Zoning District may be used for the following purposes only:

1. The growing of plants, trees, and shrubs for sale to customers on a seasonal retail or wholesale basis and construction and use of greenhouses and other structures required for that purpose.
2. The growing of fruit bearing bushes such as blueberries
3. Ancillary office and retail facilities used in connection with the retail or wholesale trade in plants, trees, or shrubs.
4. Facilities used in connection with the retail or wholesale trade in plants, trees, or shrubs; facilities used in the storage, assembly and fabrication of ancillary products used in connection with the retail or wholesale trade in plants, trees or shrubs.
5. Driveways and parking areas for the use of customers and employees.
6. Irrigation infrastructure for crop irrigation.
7. Ponds and retention or detention basins for storm water management and/or irrigation in accordance with County drain regulations.
8. Fences up to eight (8) feet in height and gates to keep out wildlife and prevent vandalism.

#### 10.03 REQUIRED CONDITIONS

1. Any use proposed for use in this Zoning District or any change in an approved site plan shall be subject to site plan review as provided in this Zoning Ordinance.
2. Buildings over 10,000 square feet may require natural screening or additional setbacks from property lines, particularly when adjacent to a residential zoning district or when bordering an existing residence.
3. Mechanical appurtenances such as blowers, ventilating fans and air conditioning units must be attached to the principal building or, if separate from the principal building, be placed no closer than twenty (20) feet to any adjoining property. All such mechanical appurtenances shall be screened from view from adjacent properties and road rights-of-way.

#### **10.04 HEIGHT REGULATIONS**

No building or structure shall exceed thirty-five (35) feet in height or two and one-half (2½) stories, whichever is less.

#### **10.06 AREA REGULATIONS**

No building or structure nor any enlargement thereof shall be erected except in conformance with the following setback, lot area, and building coverage requirements:

1. **Front Setback** - There shall be a front setback of not less than seventy-five (75) feet for all permanent structures.
2. **Side Setback** - There shall be a side setback of not less than ten (10) feet.
3. **Rear Setback** - There shall be a rear setback of not less than fifty (50) feet.
4. **Lot Width** - The minimum lot width shall be one-hundred fifty (150) feet.
5. **Lot Area** - The minimum lot area shall be two (2) acres.

## ARTICLE 11

### "I-1" LIGHT INDUSTRIAL DISTRICT

#### 11.01 INTENT AND PURPOSE

The intent of the I-1 Light Industrial District is to provide areas for the manufacture, assembly, compounding, and treatment of articles or materials; distribution warehouses; and similar uses. The regulations for the I-1 District are intended to establish values in the Township and to protect the investment of the community and industries occupying improved sites. To these ends, development is controlled so that uses are carried out in an unobtrusive manner and are compatible with surrounding agricultural, residential, or commercial areas.

#### 11.02 USES ALLOWED BY RIGHT

Land, buildings, or structures in this zoning district may be used for the following purposes only:

1. Manufacturing operations and operations for the servicing, compounding, assembling or treatment of articles or merchandise which do not emit significant levels of noise, smoke, odor, dirt, noxious gases, heat or other forms or radiation, vibration or other physiological ill effects which would pose a health or safety hazard or be a nuisance of annoyance to the inhabitants of adjacent premises and which are wholly contained within fully enclosed buildings, except for the following permissible outdoor activities:
  - A. Outdoor storage in the rear yard area which shall not exceed twenty percent (20%) of the floor area of the principal building upon the premises and which must be screened from adjoining premises of any other zoning district and from public streets in accordance with the requirements of this Ordinance.
  - B. Delivery operations to and from the industrial use.
  - C. Any other outdoor use specifically listed within this section.
2. Vehicle repair and paint shops where all repair takes place within a wholly enclosed building. No vehicle may be stored on-site longer than six (6) consecutive business days. All outdoor storage of vehicles shall be temporary and shall be screened from adjoining properties and public streets in accordance with the requirements of this ordinance.
3. Used automobile parts assembly and sales.
4. Lumberyards, provided screening is installed and maintained for all outdoor storage and processing areas.
5. Storage yards for machinery, trucks, or equipment.
6. Sign fabrication and painting.
7. Retail sales of goods produced or processed on-site if the total square footage of floor area devoted to retail sales shall not exceed fifteen percent (15%) of the total floor area of the building.
8. Any other use similar to the above uses.

9. Warehousing

10. Distribution Facility

11. Light Assembly and fabrication where all processing, fabricating, assembly, or disassembly of items takes place wholly within an enclosed building. Typical items under this use include but are not limited to apparel, appliances, food, drapes, clothing accessories, bedspreads, decorations, artificial plants, jewelry, instruments, computers, and electronic devices.

### **11.03 SITE PLAN REVIEW**

A site plan for any permitted use in this zoning district, which is in accordance with the requirements of this Ordinance, shall be approved by the Planning Commission before a building permit is issued.

### **11.04 HEIGHT REGULATION**

No building or structure, nor any enlargement thereof shall exceed 50 feet in height.

### **11.05 AREA REGULATION**

No building or structure, nor any enlargement thereof, shall be hereafter erected except in conformance with the following setback, lot area, and building coverage requirements:

1. **Front Setback** - There shall be a front setback of not less than fifty (50) feet.
2. **Side Setbacks** - There shall be side setbacks of at least twenty (20) feet.
3. **Rear Setback** - There shall be a rear setback of not less than twenty-five (25) feet.
4. **Lot Width** - The minimum lot width shall be one hundred fifty (150) feet.
5. **Lot Area** - The minimum lot area shall be forty thousand (40,000) square feet.
6. Lot coverage of impervious surfaces shall not exceed 75%.

### **11.06 MECHANICAL APPURTENANCES**

Mechanical appurtenances such as blowers, ventilating fans and air conditioning units must be attached to the principal building or, if separate from the principal building, be placed no closer than twenty (20) feet to any adjoining property. All such mechanical appurtenances shall be screened from view from adjacent properties and road rights-of-way.

### **11.07 LANDSCAPE AND SCREENING REQUIREMENTS**

Landscaping and buffering shall be provided in accordance with the following. Any permitted outside storage of materials shall be screened from the view of adjoining residential premises, premises in another zoning district, or from any public street in the following manner:

1. A greenbelt may be used for required screening; provided, however, that trees and evergreen shrubs shall be provided and maintained of sufficient height to cover completely the materials screened thereby.

2. An artificial wall or fence may also be used for required screening; provided, however, that such wall or fence shall be of sufficient density or compactness and height to completely cover the materials screened thereby and shall not be less than five (5) feet in height. Cyclone fences with slats shall not suffice as a screening device. An artificial wall or fence shall not be closer to the right-of-way than the front of the building or 75 feet whichever is closer.

## **11.08 PARKING**

Off street parking shall be provided in accordance with this ordinance.

## **11.09 SPECIAL LAND USES**

In the development and execution of this section, it is recognized that there are some uses, which because of their very nature, have serious objectionable operational characteristics, particularly when several of them are concentrated in near proximity to a residential zone or community and neighborhood shopping areas, thereby having a deleterious effect upon such areas. It is also recognized that the controlled uses have legitimate rights under the United States Constitution as well as locational needs similar to many other retail establishments. Special regulation of these uses within the I-1 District is therefore necessary to ensure that adverse effects of such uses will not contribute to the blighting or downgrading of residential areas or the quality of the community's existing and future retail areas. At the same time, the controls are intended to provide commercially viable locations within the Township where these uses are considered more compatible and less deleterious. The controls do not legitimize activities that are otherwise illegal under this Ordinance or various other local, state, and federal statutes. Uses subject to these controls are Adult Uses.

1. Any of the regulated uses enumerated herein are permitted only after a finding has been made by the Planning Commission at a public hearing, with notice published and delivered in accordance with this Ordinance, that the following conditions exist:
  - A. The property is located within only the I-1 Light Industrial District.
  - B. The property is located a minimum of two hundred (200) feet outside the boundary of a residential district. This requirement may be waived if the applicant requesting the waiver files with the Township Clerk a petition that indicates approval of the waiver by fifty-one percent (51%) of those adult residents and owners residentially zoned property within three hundred (300) feet of the property line of the proposed location. The petition form shall be one that is provided by the Township and the applicant shall submit a list of addresses at which no contact was made.
  - C. The property is located a minimum of one thousand (1,000) feet from the property line of any public or private primary or secondary school, public park, library or museum, any public or licensed private day care or nursery school or any religious site of assembly, worship or school.
  - D. The use is not located within one thousand (1,000) feet of any other such use except that such restriction may be waived, if the following findings are made:
    - i. That the proposed use will not be contrary to the public interest or injurious to nearby properties and that the spirit and intent of this section will be observed.

- ii. That the proposed use will not enlarge or encourage the development of a blighted or deteriorating area in its immediate surroundings.
  - iii. That the establishment of such use, or an additional use regulated under these provisions, in the area will not be contrary to any program of neighborhood conservation, nor will it interfere with any program of urban renewal.
  - iv. That all applicable state laws and local ordinances will be observed.
- E. Any other use similar to the above uses in this ordinance when authorized by the Planning Commission as a Special Land Use. In considering such authorization, the Planning Commission shall consider the following standards:
- i. The size, nature, and character of the proposed use.
  - ii. The parking facilities provided for the proposed use.
  - iii. How well the proposed use harmonizes and blends with adjoining properties and the surrounding neighborhood.
  - iv. The effect of the proposed use on adjoining properties and the surrounding neighborhood.
  - v. Impact on traffic and traffic safety on adjoining roads.
  - vi. Such use meets all county, state, and federal regulations and does not pose a threat to local natural resources or the environment.
2. **Conditions and Limitations** - Prior to the granting of any waiver as herein provided, the Township Board, upon the recommendation of this Planning Commission, may impose any such conditions or limitations upon the establishments' location, construction, maintenance, or operation of the regulated use as may in its judgment be necessary for the protection of the public interest. Any evidence and any guarantee may be required, as proof that the conditions stipulated in connection therewith will be fulfilled. Failure to follow such limitation or condition will act to terminate immediately any permit or license given.
3. **Limit on Reapplication** - No application for such a use, which has been denied wholly or in part, shall be resubmitted for a period of one year from the date of said order of denial, except on the grounds of new evidence not previously available or proof of changed conditions.
4. Gasoline and petroleum storage after Special Land Use approval by the Planning Commission provided no such use is located within five hundred (500) feet of a residential district, and subject to all of the provisions of this ordinance.
5. Ready-mix concrete and asphalt plants, providing screening is installed and maintained for all outdoor storage and processing areas.

### 11.10 Other Provisions



Multiple industrial uses may be permitted on a parcel of land even if those uses occur in more than one building.

## ARTICLE 12

### "PUD" PLANNED UNIT DEVELOPMENT DISTRICT

#### 12.01 INTENT AND PURPOSE

This article provides enabling authority and standards for the submission, review, and approval of applications for planned unit developments. It is the intent of this article to authorize the use of planned unit development regulations for the purpose of encouraging the use of land in accordance with its character and adaptability; encouraging economy and efficiency in the use of land, natural resources, energy and the provision of public services and utilities; encouraging innovation in land use planning; providing enhanced housing, employment, shopping, traffic circulation and recreational opportunities for the people of Crockery Township; bringing about a greater compatibility of design and use between neighboring properties; encouraging the preservation of prime and unique agricultural land, prime forest and recreational land, (or) wetlands, by allowing the clustering of structures in return for the dedication of open spaces for uses such as agriculture, forestry, or wetland, and by rewarding excellence in project design which meets the standards and fulfills the intent of this Ordinance and contributes to the achievement of the goals of the Master Plan. The provisions of this Article are not intended as a device for ignoring the Zoning Ordinance or the planning upon which it has been based. To that end, provisions of this Article are intended to result in land use development substantially consistent with the zoning district in which it is proposed, with modifications and departures from generally applicable requirements made in accordance with standards provided in this Article to insure appropriate, fair, and consistent decision-making.

#### 12.02 APPLICATION

Application for development under the "PUD" District shall be predicated on the simultaneous approval of the following by the Township Board:

1. The specific principal use(s) which is intended to occupy the land.
2. The specific plan for site and building improvements that are intended to be placed on the land.
3. The reclassification of the applicants land to the "PUD" District to permit development of the intended use(s).
4. It is further the intent of the "PUD" District that once a parcel of land has been granted site plan approval and has been rezoned to a "PUD" District classification, no development shall take place thereon nor use made of any part thereof except in accordance with the originally approved application and plans, or in accordance with an approved amendment thereto.
5. Application for development under the "PUD" District shall be made to the Planning Commission for its review and recommendation to the Township Board. The application shall be complete and shall include:

- A. A mapped property area survey of the exact area being requested for rezoning.
- B. A proof of ownership of the land or an option to purchase land being requested for rezoning.
- C. A written report containing an assessment of the impact that the rezoning and accompanying development will have on the site. The report shall consist of at least the following:
  - i. That the proponent has reviewed the most recent Conservation Service soil survey data as it applied to the property and is aware of the general soil conditions of the site and of the surrounding area.
  - ii. The general vegetation characteristics of the site in terms of type, coverage, and quality. A detailed survey of these conditions is not required. The statement may be prepared from review of aerial photographs and filed observations of the site.
  - iii. Explaining in detail the full intent of the applicant, indicating the specifics of the type of development proposed for the site.
  - iv. A statement as to how the intended use of the property would affect the natural environment of the site as described in (1) and (2) above. Attention shall also be given to the potential effect that the district requested and its intended land use development will have on adjacent properties, particularly with respect to drainage patterns.
  - v. A statement as to the potential social and economic impact the rezoning and proposed land use will have on the area in terms of the number of people who could be expected to live or work on the site, the number of school age children, if applicable, that can be expected, the need for public facilities such as parks, schools, utilities, roads and public safety; the anticipated potential floor space to be used for shopping or working areas; the market potential for the proposed uses and the potential vehicular traffic generation of the use and its impact on the existing road network with respect to traffic flow, current road conditions and road capacities.
  - vi. A preliminary site plan of the entire proposed area, carried out in such detail as to comply with the site plan review requirements as set forth and regulated in this Ordinance. In addition to these requirements, the site plan shall contain a detailed statement with respect to each of the following:
    - a. A statement describing the general topography of the site as well as the adjoining lands surrounding the site including any significant natural or manmade features.
    - b. A statement concerning the relationship of buildings to one another both on-site and in the surrounding area relative to entrance, service area and mechanical appurtenances.
    - c. A statement concerning general rooftop appearances, particularly those rooftops which will lie below finish street grades or may be viewed from the windows of higher adjacent existing or proposed buildings.

- d. A statement relative to the extent and general makeup of landscaping, off-street parking areas and adjoining service drives on surrounding lands.
- e. A statement as to the general layout of the site conforming to street, road, or other public conveyance, public utility layouts including drainage courses that are any part of a previously approved plat or plan.
- f. A statement as to the general architecture of the proposed building(s) including overall design and types of facade materials to be used and how the proposed architectural design and facade materials will be complimentary to existing or proposed uses within the site and on surrounding lands.
- g. A clear designation on each building depicted on the site plan as to its specific use or uses, (i.e., retail commercial store, office building, restaurant, etc.).

### 12.03 APPLICATION REVIEW

The Planning Commission upon receipt of an application to rezone and develop under the "PUD" District as set forth above, shall first set at a public hearing date for review of the application. The Planning Commission, in making its review, shall adhere to the following conditions:

1. In considering a request to rezone land to a "PUD" District, the Planning Commission shall recommend approval of the request to the Township Board only after it finds that:
  - A. The request to rezone is being made with the full intent of developing the land in strict accordance with the requirements of the "PUD" District.
  - B. The use or uses proposed for development, redevelopment is in accordance with the submitted site plan and is, are compatible with existing uses on adjacent land.
  - C. The area being requested for rezoning is either fully served by public utilities including water and sanitary sewer, or will be fully served through the extension of public utilities to the site at the time of the development.
  - D. The preliminary site plan complies with the review criteria herein set forth.
2. **Preliminary Site Plan Review; Planning Commission** - The Planning Commission, in making its review of the preliminary site plan, shall find that at least the following conditions are met:
  - A. The preliminary site plan meets all the requirements of this Ordinance for site plans.
  - B. The plan satisfies the intent of this section with respect to use of land, principal, and accessory use relationships within the site as well as with uses on adjacent sites.
  - C. That all existing or proposed streets, roads, utilities and marginal access service drives, as may be required, are correctly located on the site plan.
  - D. The plan meets all the applicable standards of this Ordinance relative to height, bulk, and area requirements, building setbacks, off-street parking, and preliminary site engineering requirements.

- E. That there exists a reasonable harmonious relationship between the site planning of buildings on the site and with buildings on lands in surrounding area; that there is functional compatibility between all structures on the site and structures within the surrounding area as to assure proper relationships between:
  - i. The topography of the adjoining lands as well as that of the site itself including any significant natural or manmade features.
  - ii. The relationship of one building to another whether or on adjacent land, i.e., entrances service areas and mechanical appurtenances.
  - iii. Compliance with street, road and public utility layouts approved or the area.

Upon review of the preliminary site plan by the Planning Commission, the Commission shall forward its findings and recommendations along with all plans and supporting documents to the Township Board for its review.

- 3. **Preliminary Site Plan Review, Township Board** - The Board shall review the preliminary site plan with regard to the Planning Commission's recommendation and the review requirements and conditions set forth in this Ordinance. The Township Board shall approve the preliminary site plan provided all the conditions as set forth in this Ordinance are met.

Once the preliminary site plan has been approved by the Township Board, no development shall take place therein nor use made of any part thereof, except in accordance with the approved site plan or in accordance with an approved amendment thereto.

Approval of the preliminary site plan by the Township Board shall give direction to the applicant to proceed with development of the final site plan.

4. **Final Site Plan Review** -

- A. A final site plan shall be prepared and submitted to the Planning Commission for its review and recommendation to the Township Board. The final site plan shall:
  - i. Contain all the requirements as set forth in this Ordinance.
  - ii. Include plans and drawings illustrating, in detail, all physical layouts as indicated on the approved preliminary site plan, as well as building elevations of all building walls, including a legend detailing facade materials, landscaping plans and any other physical plan details such as lighting, signs, etc., being proposed. Supporting documentation in the form of building plans and schedules of construction may also be requested.
- B. The Planning Commission in making its review of the building wall elevations and building facade materials, shall to the best of its ability, be satisfied that there exists a reasonably harmonious relationship between the location of buildings on the site and the surrounding area that there is reasonable architectural compatibility between all structures on the site and structures within the surrounding area to assure proper relationships between:

- i. The rooftops of buildings that may be below street levels or from windows of higher adjacent buildings.
  - ii. Landscape plantings, off-street parking areas, and service drives on adjacent lands.
  - iii. The architecture of the existing and proposed building(s) including overall design and facade materials used. Architectural design and facade material should be complimentary to existing or proposed buildings within the site and the surrounding area. It is not intended herein that proper design contrasts in architectural design and use of facade materials is to be discouraged, only that care shall be taken to assure that any such contrasts will not be so out of character with existing building design and facade materials so as to conflict instead of contract with other buildings or create an adverse effect on the stability and value of the surrounding buildings.
5. **Final Site Plan Approval** - The final site plan along with all supporting documentation, shall accompany the Planning Commission's recommendation for final review by the Township Board. The Township Board, in reviewing the final site plan, shall find:
  - A. The final site plan is in conformity with the preliminary site plan and meets the conditions as set forth in this Ordinance.
  - B. The dedication of public rights-of-way or planned public open spaces, where proposed on the site plan or as may be otherwise, required, shall have been made.
  - C. In residential use area, any prorated open space has been irrevocably committed and retained as open space for park, recreation and related uses, and that all such lands meet the requirements of the Township.
  - D. Where applicable, marginal access road easements or rights-of-way have been provided. When the Township Board finds that the above conditions are met, it may grant final site plan approval.
  - E. The granting of final site plan approval shall constitute rezoning of the land contained within the approved final site plan to the PD District. Rezoning under the PD District shall rely upon the plan submitted and all supporting documentation, the plan, therefore, being basic to the rezoning. Adoption by the Township Board of the Zoning Ordinance amendment, the final approved site plan, and all supporting documents, shall be made an integral part of the zoning amendment to the PD District and for the purposes of recordation, shall be referred to as "Planned to the PD District and for the purposes of recordation, shall be referred to as "Planned Development No. \_\_\_\_," which number shall correspond to the number of the amending ordinance, and which shall thereafter be recorded with the Ottawa County Register of Deeds.
6. **Site Plan Revisions** - Revisions to an approved preliminary or final site plan shall required re-submittal of plan revisions to the Township for administrative review. The Township, in making its review, may require such revisions to be resubmitted to the Planning Commission and Township Board for review and approval, when in its opinion, such revisions constitute a major or significant change in the previously approved plans, or when it feels such changes may compromise the intent and review standards of the option as herein set forth. Significant changes can include but are not limited to increased

dwelling unit size or density, increased nonresidential use areas, loss of parking, relocation of buildings, or substantial amounts of parking.

The Planning Commission and Township Board, in making a review of the revised site plan, shall find that any such revisions forwarded to them for review and approval, meet all the minimum requirements of this section, including its general intent.

7. **Site Plan Approval Limitations** - Approval of a preliminary site plan shall be effective for a period of one year from date of approval by the Township Board. Approval of a final site plan shall be effective for a period of two (2) years from the date of approval by the Township Board.

If development has not commenced within the above stated periods, the Planning Commission shall review progress to date and make its recommendation to the Township Board as to action to be taken relative to permitting continuation under the original approval.

#### **12.04 PERMITTED USES**

In the PD Planned Development District, no existing building or land shall be used and no new building shall be erected except for one or more of the following specified uses:

1. All uses permitted in the residential districts.
2. All uses permitted in the commercial district.

#### **12.05 HEIGHT, BULK, DENSITY, AND AREA REQUIREMENTS**

Height, bulk, area, and dwelling unit density for uses permitted in the PD District shall be in accordance with the following standards:

1. Single-family and two (2)-family dwellings shall meet the applicable requirements of the District.
2. Multiple-family dwellings shall comply with the following requirements:
  - A. Multiple-family dwellings in new construction shall meet the requirements of the District.
  - B. The dwelling unit density for new multiple-family dwellings in existing buildings shall be predicated on the total number of multiple dwelling rooms (not including kitchen, dining and sanitary facilities) not being more than the area of the parcel, in square feet, divided by nine hundred (900). All units shall have at least one (1) bedroom and one (1) living room.
  - C. For computing the permitted number of dwelling units per acre, the following room assignments shall control:
    - i. One (1)-bedroom unit shall equal two (2) rooms.
    - ii. Two (2)-bedroom units shall equal three (3) rooms.
    - iii. Three (3) or more bedroom unit shall equal four (4) rooms.



- iv. Plans showing one (1), two (2), and three (3) or more bedroom units and including a den, library, or other extra room shall count such room as a bedroom for computing density.
- v. The area used for computing density shall be the total site area exclusive of any dedicated public right-of-way of either interior or exterior bounding roads.
- vi. Multiple-family dwellings may be considered for development on the site provided the following requirements are met.
  - a. Multiple-family dwellings in new construction shall meet the requirements of the district.
  - b. Dwelling unit density for new multiple-family dwellings in existing buildings shall be determined in the same manner as set forth in this section, except that the area of the parcel shall be divided by six hundred thirty (630).
  - c. The height of a new building shall not exceed thirty-five (35) feet.
- vii. Except as otherwise permitted herein, exterior yards at least equal to the height of the new building shall be provided on all sides of the building except that no building shall have yards less than thirty (30) feet in depth. Where more than one building is to be erected, the distance between the buildings shall be determined in accordance with the formula set forth in this Ordinance. Off-street parking shall be located in accordance with this Ordinance.
- viii. Where the use or reuse of existing buildings is proposed, the setback requirements of this district need not apply provided the Planning Commission and Township Board are satisfied, after review of a site plan, that adequate light and air is provided and that the overall use of the site is in substantial keeping with the intent and purposes of the PD District.
- ix. Where a mix of residential and nonresidential uses are proposed within the same building, the Planning Commission shall be satisfied that no conflict will exist or be created by mixing such uses and that all access to the residential element of the floor will be strictly private.
- x. Off-street parking for a use or uses permitted in the PD District shall meet the numerical and layout requirements of this chapter. Loading, unloading areas shall be provided as set forth and regulated in this chapter.

## **12.06 OPEN SPACE PRESERVATION REQUIREMENTS**

1. **Description and Purpose** - Act 177 of the Public Acts of Michigan of 2001 ("Act 177") requires that zoned Townships having a population of one thousand eight hundred (1,800) or more and having undeveloped land zoned for residential development must adopt provisions in their zoning ordinances known as "open space preservation" provisions, which permit land satisfying specified criteria to be developed, at the option of the landowner, with the same number of dwellings on a portion of the land specified in the Zoning Ordinance, but not more than fifty percent (50%), that, as determined by the Township, could otherwise be developed, under existing ordinances, laws and rules, on the entire land area. The purpose of this section is to adopt open space preservation provisions consistent with the requirements of Act 177.

## 2. Qualifying Conditions -

- A. Land may be developed under the provisions of this section only if each of the following conditions is satisfied:
- i. The land shall be zoned in the AG-2, R-1 or R-2 Zoning District, or other zoning district permitting residential development, but specifically excluding the AG-1 District.
  - ii. The zoning district in which the land is located shall permit development at a density equivalent to two (2) or fewer dwelling units per acre, if the land is not served by a public sewer system; or shall permit development at a density equivalent to three (3) or fewer dwelling units per acre, if the land is served by a public sanitary sewer system.
  - iii. The development of land under this section shall not depend upon the extension of a public sanitary sewer or a public water supply system to the land, unless the development of the land without the exercise of the clustering option provided by this section would also depend on such extension.
  - iv. The clustering option provided pursuant to this section shall not have previously been exercised with respect to the same land.
  - v. If all of the preceding conditions are satisfied, the land may be developed, at the option of the landowner, in accordance with the provisions of this section.

## 3. Review Procedures -

- A. **Sketch Plan Approval** - To be considered as an Open Space Development ("**OSD**") the applicant shall be required to receive approval of a sketch plan in accordance with the requirements of this section.
- i. Applications for sketch plan approval for "OSD"s shall be submitted to the Zoning Administrator at least sixty (60) days prior to the date of first consideration by the Planning Commission.
  - ii. The application materials shall include all the following information, unless the Zoning Administrator determines that some of the required information is not reasonably necessary:
    - a. Current proof of ownership of the land to be utilized or evidence of a contractual ability to acquire such land, such as an option or purchase agreement, or a signed agreement from the property owner indicating permission to file such application.
    - b. Parallel Plan used to determine base density that meets the standards herein.
    - c. [Reserved.]
    - d. If a phased development is proposed, identification of the areas included in each phase. The density, lot area, and setbacks of proposed housing units within each phase and for the total "OSD".

- e. Arrangement and area calculations for open space, including upland and wetland open space areas.
- f. A completed application form, supplied by the Zoning Administrator, and an application fee.
- g. Nine (9) copies of a sketch plan meeting the requirements of the Site Plan Review section of this Ordinance.
- h. The Planning Commission shall review the sketch plan in accordance with the requirements of this Ordinance and deny, approve, or approve with conditions, the sketch plan.

**4. Final Site Plan Approval -**

- A. After receiving approval of a sketch plan from the Planning Commission, the applicant shall submit within one year a final site plan to the Planning Commission.
- B. The final site plan may be either for the entire project or for one or more phases.
- C. Applications for final site plan approval for "OSD"s shall be submitted to the Zoning Administrator at least forty-five (45) days prior to the date of first consideration by the Planning Commission.
- D. The application materials shall include all the information required for a final site plan under the Site Plan Review provisions of this Ordinance, unless the Zoning Administrator determines that some of the required information is not reasonably necessary.
- E. Failure to submit a final site plan for approval within the one-year period shall void the previous sketch plan approval and a new application shall be required to be submitted and approved in accordance with these provisions.
- F. [Reserved.]
- G. The Planning Commission shall review the final plan in accordance with the requirements of this Ordinance and deny, approve, or approve with conditions, the final site plan for the "OSD".
- H. Major changes in the final site plan, as defined in this Ordinance, shall be submitted to the Township pursuant to the above procedures applicable to the original application.

**5. Permitted Uses -** The following uses may be permitted, either singly or in combination, in accordance with the applicable "OSD" requirements:

- A. Single-family detached dwellings.
- B. Accessory buildings and uses customarily associated with single-family detached dwellings.
- C. Agriculture.

- D. Private open space and recreational facilities for use by the residents of the OSD or public open space, parks or playgrounds.

**6. Site Development Requirements** - The minimum lot area, width, setbacks, and yard requirements for any lot designated for residential use shall be determined by the Planning Commission as part of the review process for the "OSD". Minimum floor area and height regulations for dwelling units shall conform to the R-1 Residential Zoning District.

Land not proposed for development, but used for the calculation of overall density shall be considered open space and subject to the requirements of this Ordinance.

**7. Development Density -**

A. **Parallel Plan** - The maximum base density and number of dwelling units permitted in the "OSD" shall be determined through the completion and submission of a parallel plan, which shall indicate the number of dwelling units that may be developed under the existing zoning classification. The parallel plan shall meet the following minimum requirements:

- i. The parallel plan shall contain enough detail to permit the Planning Commission to evaluate the feasibility of development for each indicated lot and/or dwelling unit. The Planning Commission may require additional detail or information as it may determine necessary to evaluate the feasibility of the parallel plan.
- ii. All lots or buildings shown on the parallel plans shall be located on buildable lots, which, for the purposes of this section shall mean lots or building areas that have an area of sufficient size and shape to accommodate the proposed mail building septic and well systems (where no public sanitary sewer or water system is to be used), and required driveways, streets, or other means of permitted access.
- iii. Areas of wetlands, water bodies, and other un-buildable areas shall not be included within buildable areas, but may be included in the lot area calculations.
- iv. The parallel plan shall be an approvable plan, i.e., the Planning Commission shall not consider a parallel plan that would not otherwise be approvable under Township requirements, standards, and other review considerations.

**B. Density Bonus -**

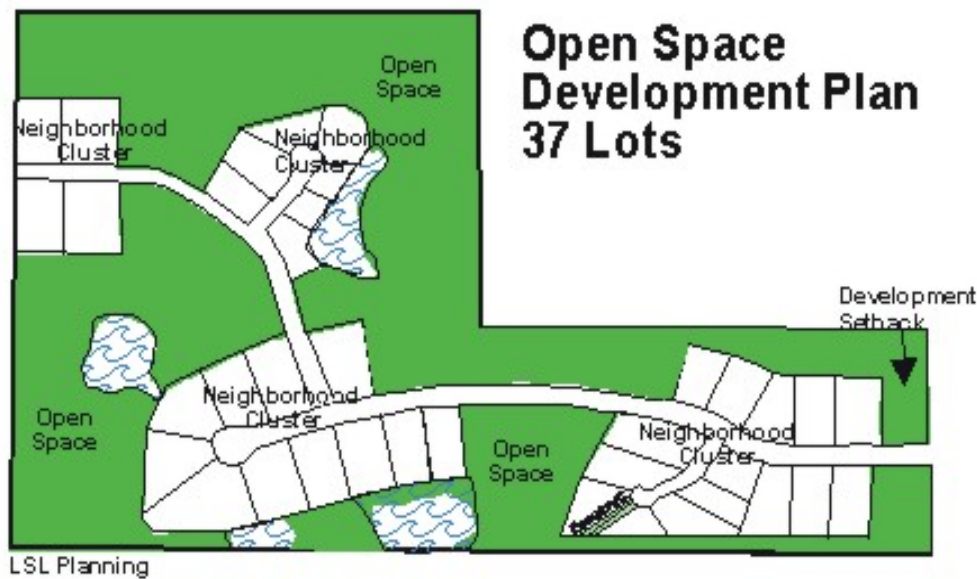
- i. In order to preserve the maximum amount of open space, and/or preserve the quality of the groundwater, protect surface waters, or otherwise preserve or protect environmental features, the Planning Commission may permit an increase in the number of dwelling units within the "OSD" above the base density established in the parallel plan. In no case shall such density bonus exceed fifty percent (50%) of the base density.

The "OSD" may qualify for density bonuses in accordance with the following:

Facility/Open Space Provided	Density Bonus
Open Space 55% open space	10%
60% open space	20%
65% open space	30%
Community or Public Sanitary Sewer Service	30%
Community or Public Water Service	20%
Community or Public Sanitary Sewer and Water Service	50%

- ii. In determining the permitted number of dwelling units within the bonus density calculations, fractional units of any value shall not be counted as a whole unit.
  - iii. For the purposes of this section, a community wastewater disposal system shall be defined as all aspects of a complete system required to properly collect, treat, and dispose of wastewater from all of the individual dwelling units or other buildings within the "OSD," including all pumps, pipes, laterals, controls, valves, treatment units, and other equipment necessary to collect, treat, and dispose of wastewater at a central location.
  - iv. A community water service system shall be defined as all aspects of a complete system required to draw water from a groundwater source, including all pumps, pipes, laterals, controls, valves, and other equipment necessary to provide potable domestic water to all of the individual dwelling units or other buildings within the "OSD" from a central location or water sources.
8. **Open Space** - Any open space provided in the "OSD" shall meet the following considerations and requirements:
- A. Open space areas shall be large enough and of proper dimensions so as to constitute a usable area, with adequate access, through easements or other similar arrangements, such that all properties within the entire "OSD" may utilize the available open space.
  - B. The "OSD" shall have a minimum of fifty percent (50%) open space. Any area used in the calculation of required open space shall have a minimum width of fifty (50) feet.
  - C. Satisfactory arrangements shall be made for the maintenance of designated open space by way of including a maintenance agreement in the recorded legal instrument designating and setting aside the required open space. The maintenance agreement shall be submitted to and subject to approval by the Township attorney prior to recording.
  - D. Open space may be provided where significant natural features may be preserved and/or be used for passive or active recreation. Open space is encouraged to be

located between neighborhood clusters of housing units, as shown in the accompanying illustration.



- E. Land designated and set aside as open space shall remain in a perpetually undeveloped state by means of a conservation easement, plat dedication, restrictive covenant, or other legal instrument that runs with the land, which shall be submitted to and approved by the Township attorney prior to recording. Land set aside for agriculture may later, at the discretion of the property owner(s), be converted to open space, but not for any other use.
- F. All open space shall be in the joint ownership of the property owners within the "OSD". A property owner's association shall be formed which shall take responsibility for the maintenance of the open space.

**9. Development Setback -**

- A. Any building area, which for the purposes of this section shall mean any lot on which a main use is located, shall be located at least two hundred fifty (250) feet from any public street right-of-way not constructed as part of the "OSD". No native or natural vegetation shall be removed from the two hundred (200) foot setback, nor any grading or changes in topography occur, except that necessary for entrance roads, required utilities, or drainage improvements.
- B. The Planning Commission may reduce this setback if existing landscaping provides a natural screen, or the proposed development provides such a landscape screen. In any case, the setback shall be not less than one hundred (100) feet. The landscape screen shall meet all of the following minimum requirements:
  - i. Occupy at least seventy percent (70%) of the lineal distance of the property line abutting any public street right-of-way.
  - ii. Be on a strip of unoccupied land at least fifty (50) feet in depth.

- iii. Have at least fifty percent (50%) opacity from the roadside view at the time of planting.
  - iv. Consist of existing vegetation, landforms, or landscaped areas using native or natural materials, or a combination thereof.
- C. "OSD" sites abutting more than one public street shall be permitted to reduce the setback on the shortest side of the abutting streets to one hundred (100) feet without a natural screen. No native or natural vegetation shall be removed from the one hundred (100) foot setback, nor any grading or changes in topography occur, except that as may be necessary for entrance roads or utilities.
10. **Design Principles** - The overall intent of the Open Space Development regulations is to foster more creative development design, using open space to the advantage of the development, maintaining the rural character of the Township, ensuring access to open spaces, preserving natural features, and other design objectives intended to foster an improved living environment. To this end, the following general guidelines will be considered by the Planning Commission in evaluating proposed Open Space Developments.
- A. Open space should be provided where significant natural features may be preserved, active agricultural land maintained, or be used for passive or active recreation.
  - B. Open space should generally be used to group areas of residential neighborhoods as clusters of housing units. This is intended to avoid the suburban development type normally found in urbanized areas. Generally, neighborhood clusters should have not more than eight (8) to ten (10) units per cluster for projects of less than fifty (50) dwelling units and not more than ten (10) to fifteen (15) for projects with fifty (50) or more dwelling units.
  - C. The Open Space Development should be designed with due regard for views from adjacent roadways as well as adjacent properties. Where possible, substantial setbacks from adjacent development should be provided, except where internal roadways are designed to connect to adjacent properties for the purposes of providing a network of internal connections between properties.
  - D. Open space within the development should generally be accessible from as many places with the development as possible, rather than limited to individual easements between development lots. To this end, providing open space segments along the internal roadways will be considered a high priority by the Township. Such areas should be large enough to appear as open space, rather than a vacant lot for future development, and kept in their natural state. Such areas however, may incorporate trails or other internal pedestrian circulation paths.
  - E. The overall design of the Open Space Development should emphasize the rural character of the Township, provide views to open spaces from as many areas of the development as possible, and avoid long, straight street segments and rows of homes.



## ARTICLE 13

### "GRM" GRAND RIVER MARINA DISTRICT

#### 13.01 INTENT AND PURPOSE

A primary planning goal of Crockery Township is to provide a balance and variety of land uses which are compatible with the community as a whole. It is further intended that the Zoning Ordinance recognize the fact that the Grand River Waterfront is unique in character and that this natural resource is different from any other area of Crockery Township. The Grand River Marina District is therefore, designed to provide for certain land uses which will best take advantage of the unique qualities of the waterfront, that recognizes that this resource area is limited in the Township of Crockery, that will enhance the general benefit and enjoyment of the public, that will provide for boating and navigational uses of the Grand River waterfront area. In reviewing the acceptability of an area proposed for the GRMD Grand River Marina District, the Township of Crockery Planning Commission and the Township of Crockery Board shall determine that the following criteria have been met:

1. The district location will enhance or preserve the recreational functions of the riverfront.
2. The proposed location and relationship to adjacent properties is such, that traffic to and from the site will not be hazardous or adversely impact abutting properties or conflict with the normal traffic flow of the general area. In reviewing this particular aspect, the Crockery Township Planning Commission and the Crockery Township Board shall consider the following:
  - A. Conflicts with routes for pedestrian traffic, particularly those which would involve children including but not limited to school, playgrounds, etc.
  - B. The relation of the site to major thoroughfares and street intersections to insure that the road system is capable of handling the traffic generated by the zoned properties.
  - C. Conflicts with traffic routes and adjacent land uses.
  - D. The proposed location shall be compatible with the orderly development of adjacent properties and properties of the general area.
  - E. The proposed location shall be compatible with the existing land uses of adjacent properties and properties of the general area.
  - F. The proposed site can be adequately served by public services and facilities such as, but not limited to, gas, electrical, storm sewers, sewage disposal, and water, if available, without diminishing or adversely effecting said public services and facilities to existing land projected land uses in the area.

#### 13.02 USES ALLOWED BY RIGHT

In all "GRM" Grand River Marina Districts no building or land, except as otherwise specifically provided for in this Ordinance, shall be erected, or used for other than the following specified uses:

1. Municipal or privately owned facilities for the docking, servicing and protection of recreation boats, yachts, cruisers, inboards, outboards and sailboats.



2. Summer (April through October) outdoor storage of recreation boats, yachts, cruisers, inboards, outboards, and sailboats, which would be incidental to the above referenced operations, shall be permitted. Summer storage for the purpose of this article shall mean the storage of the aforementioned items outside of a building or structure during the period of April through October.
3. Storage of recreation boats, yachts, cruisers, inboards, outboards, and sailboats within an enclosed building shall be permitted all year round (January through December).
4. Commissary facilities for the retail sale of food, beverages and other goods, normally used or stored aboard recreation boats; yachts, cruisers, inboards, outboards and sailboats.
5. Municipal or private beaches and water related recreation areas.
6. Retail businesses that supply commodities related to waterfront recreation and boating such as the sale of boats, boat engines, and accessories, fishing equipment and similar goods.
7. Accessory structures and uses customarily incidental to the above permitted uses including private or public launching ramps.

### **13.03 SPECIAL LAND USES**

The following uses shall be considered Special Land Uses in this district and may be permitted only after public hearing, review, and approval by the Planning Commission. The Commission shall review the application for use subject to special conditions in accordance with the procedure and standards as established in this Ordinance and specific standards directly related to the proposed use as established below:

1. Hotel or motel subject to the following requirements:
  - A. Access shall be directed to a major thoroughfare road or through a commercial project that shall be designed to avoid a negative impact of general traffic.
  - B. All yards abutting a street shall be landscaped and shall not be penetrated by parking. This shall not prevent access drives to be located in these yard areas. When access drives run parallel to the adjacent roadway, a minimum twenty (20) feet greenbelt consisting of trees and shrubs shall be provided.
  - C. Each unit shall be a minimum of two hundred fifty (250) square feet of floor area.
2. Restaurants, lounges, or clubs:
3. Boat fuel stations.
4. Winter (November through March) outdoor storage of recreation boats, yachts, cruisers, inboards, outboards and sailboats.
5. Any other commercial office or service use which the Crockery Township Planning Commission finds not to be inconsistent with the purpose of this article and which will not impair the present or potential use of adjacent properties. When considering other uses, the Crockery Township Planning Commission shall review the nature and function of the

use and its proposed location to ensure that said use would not present a potential conflict with principal permitted uses in this district.

#### 13.04 DEVELOPMENT REQUIREMENTS

1. The following requirements apply to the "GRM" District:
  - A. Site plan and development approval for all uses as specified in this Ordinance.
  - B. Off street parking for all uses.
  - C. Screening and land uses buffer for land uses.
  - D. Signs for land uses.
2. Height, area, lot coverage and yard regulations as follows:
  - A. **Height** - No building or structure shall exceed thirty-five (35) feet in height.
  - B. **Front Yard** - There shall be a front yard of at least seventy-five (75) feet.
  - C. **Side Yards** - There shall be side yards of no less than twenty (20) feet except that in cases of a corner lot there shall be a side yard of at least forty (40) feet from the street side.
  - D. **Rear Yard** - There shall be a rear yard of not less than twenty-five (25) feet.
3. **General Provisions of this Ordinance** - Particular conditions or provisions may generally apply to development in this district as found in general provisions of this Ordinance.
4. **Yard Grading and Drainage** - All yards in a "GRM" shall be graded in a manner that shall avoid the ponding of storm water unless said conditions have been designed to occur as part of a storm detention plan, which has been approved by Crockery Township, and such grading shall comply with the engineering design standards for Crockery Township. A detailed grading plan shall be submitted by the builder/developer and shall be approved by Crockery Township prior to issuance of a permit.
5. **Specific Requirements** - The following specific requirements shall apply with in a Grand River Marina District:
  - A. All dredging, construction or development shall be subject to the requirements of all applicable Crockery Township, county, state, and federal laws, regulations and requirements.
  - B. The flushing or discharge of boat toilets, discarding of waste or refuse from boats in marinas is prohibited. Facilities shall be provided at the marina for disposal of refuse from boating holding tanks in a sanitary manner.
  - C. Each marina shall provide suitable, safe, and sanitary toilet and refuse facilities within buildings designed for that purpose. No less than one (1) toilet shall be provided for each forty (40)-boat spaces or less within not more than one thousand (1,000) feet of walking distance of each boat space. Refuse and garbage containers, with covers,

shall be provided and kept in clean and sanitary condition for the use of boat owners within not more than one hundred fifty (150) feet of walking distance of each boat space. Any such facilities shall be subject to the approval of the Ottawa County Health Department.

- D. Public launching permitted in any marina having a public launching ramp, shall be limited as follows: the number of public launches permitted shall be limited to the number of parking spaces available for vehicles and boat carriers in any such marina.
  - E. Lighting shall be provided for all parking areas, buildings, grounds and water areas. The lighting shall be a hidden source, so located, and designed as to reflect light away from adjacent properties with particular attention to single-family residential areas.
  - F. The general design, layout, and locations of uses and support systems shall be developed in a manner that will enhance the riverfront property and the natural environment. Sufficient greenbelt (minimum seventy-five (75) feet) shall be maintained between the shores edge and any marina development. The 75-foot greenbelt may be penetrated with pedestrian walks, etc. within the intent of this section. The Crockery Township Planning Commission may approve alternatives, as it deems necessary to accommodate peculiar circumstances or unforeseen problems to carry out the spirit and intent of this section of the article maintenance of open space as the predominant waterfront character.
  - G. All marina facilities shall conform to all applicable Crockery Township, county, state, and federal fire codes, and standards. All structures and items, which could require fire protection, shall be readily accessible by fire and emergency vehicles.
  - H. No damaged or permanently disabled boats or trailers or other equipment shall be kept on the site for more than forty-eight (48) hours.
6. **Off-Street Parking Spaces Required** - One and one-half (1½) parking spaces shall be provided for each harbor space, plus requirements for specific uses as found in "**Table of Parking Requirements**" of this Ordinance.
- A. Development and layout of off-street parking shall be consistent with the requirements as specified by this Ordinance.
  - B. Off-street loading and unloading requirements shall be provided as specified by this Ordinance.
  - C. Method and location of trash pickup shall be presented to the Crockery Township Planning Commission for review and approval. All trash pickup points (dumpster, etc.) shall be screened. All dumpsters shall be located on a concrete pad sufficient in size (area) to accommodate the dumpster and the dumpster pickup vehicle.
  - D. The site shall be developed in a manner that shall meet all Crockery Township, County, state and federal health regulations or standards.
  - E. The Crockery Township Planning Commission may require the entire site or portions thereof to be fenced. Said fencing shall be six (6) feet in height and shall be buffered by a planting strip consisting of deciduous shrubs or evergreen trees.

- F. The minimum distance between buildings shall equal twenty (20) feet. In reviewing the spacing between buildings, the Crockery Township Planning Commission shall ensure that the spacing proposed shall provide adequate light and air to each structure and shall be consistent with the intent of the Grand River Marina District.
- G. A perimeter yard setback of fifty (50) feet shall be provided. This strip shall be landscaped and maintained as a greenbelt and shall consist of deciduous, evergreen, and flowering trees and shrubs. The existing and future development of the adjacent properties shall be taken into consideration when developing the landscape plan for the fifty (50) feet in perimeter yard and greenbelt area.

### **13.05 PROHIBITED USES**

1. Engine and hull repair shops - outdoor storage of scrap parts, etc.
2. Outdoor painting.
3. Outdoor body repair.
4. Outdoor painting, body, and fender repair or tire recapping.

## ARTICLE 14

### "R-5" MANUFACTURED HOUSING COMMUNITY DISTRICT

#### 14.01 INTENT AND PURPOSE

The intent of the Manufactured Housing District is to provide an affordable housing alternative where placement of such a development would be appropriate and consistent with the general character of the Township. The standards required in this district are intended to be consistent with the adopted standards for other types of housing in Crockery Township. All manufactured home parks shall comply with the applicable requirements of Act 96, P.A. 1987, as amended. However, some standards of this Ordinance are more stringent than the typical standards promoted by the Manufactured Housing Commission. These more strict standards reflect the overall nature of Crockery Township, in contrast with some other areas of Michigan where the universal rules of the Manufactured Housing Commission may be appropriate. These adopted standards are designed to foster and encourage development that complements and protects the investment on adjacent properties, and promotes preservation of important natural features.

1. For the preservation of the interests of various types of residential developments, which should be permitted in every community, and for the protection of the residents of any manufactured home park development, these regulations are considered to be minimum standards to be applied to all manufactured home park developments in Crockery Township.
2. All manufactured home parks shall comply with the applicable requirements of Act 96, P.A. 1987, as amended, provided further that said developments meet the standards and conditions and all other provisions as herein established.

#### 14.02 USES ALLOWED BY RIGHT

Land, buildings or structures in this zoning district may be used for the following purposes only:

1. Manufactured home parks.
2. Parks, playgrounds, community centers, governmental, administration, or service buildings which are owned and operated by a governmental agency or a noncommercial organization when authorized as a Special Land Use by the Planning Commission. In considering such authorization, the Planning Commission shall consider the following:
  - A. The necessity for such use for the surrounding neighborhood.
  - B. The proximity of the intended use to adjoining properties specifically including proximity to occupied dwellings.
  - C. The size, nature, and character of the proposed use.
  - D. Potential traffic congestion which might be occasioned by the intended use.
  - E. Parking facilities to be provided for the proposed use.
  - F. The effect of the proposed use on adjoining properties and the surrounding neighborhood.

- G. [Reserved for future use.]
- H. Family, adult, and child foster care homes.
- I. Accessory uses and buildings, as regulated by the applicable provisions of Accessory Uses and Buildings section of this ordinance.
- J. Home occupations, as regulated by Home Occupations section of this ordinance.

**14.03 INSTALLATION AND OCCUPATION OF MANUFACTURED HOMES**

1. No manufactured home shall be placed, parked, or installed in a manufactured home park until a building permit is obtained from the Township Building Inspector. Such permit shall be issued by the building inspector after making a finding that said manufactured home meets construction standards as approved by the Department of Housing and Urban Development (HUD) Code, or has been certified by a manufacturer as constructed according to the requirements of the HUD code.
2. No manufactured home shall be occupied by any person as a residence or for any other purpose until said manufactured home is placed or situated on a specific lot in the manufactured home park and has been inspected by the Township Building Inspector and issued an occupancy permit. Such inspection shall include the placement, connection to utilities, and compliance with all necessary state, Township or other ordinances and regulations. The occupancy permit shall be issued by the building inspector on payment of inspection fee as may be authorized by resolution of the Township Board from time to time. In the event a manufactured home is moved to another lot or another manufactured home is placed on the specific lot, a new occupancy permit must be obtained by the owner or resident from the Township Building Inspector.

**14.04 STANDARDS AND REGULATIONS**

All manufactured home parks shall be designed and developed in accordance with the following standards and regulations:

1. **Park Size** -
  - A. Minimum site size for a manufactured home park shall be fifteen (15) acres.
  - B. Required streets and utilities shall be completed for at least twenty (20) manufactured home spaces along with related improvements before first occupancy.
2. **Access, Roads, Driveways, Sidewalks and Lighting** - All manufactured housing communities shall comply with the following design requirements:
  - A. The community's internal roads shall have access to a paved public thoroughfare or shall be connected to a public thoroughfare by a permanent easement.
  - B. Two (2) 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.

- C. All internal roads shall be constructed of concrete or bituminous asphalt and supported by a suitable sub-base in compliance with the standards of the American Association of State Highway and Transportation Officials ("**AASHTO**").
- D. An internal road that has no exit at one end shall terminate in a cul-de-sac with a minimum turning radius of fifty (50) feet of traveled street surface. Parking shall not be permitted within the turning area. Maximum cul-de-sac length shall be seven hundred fifty (750) feet, unless fire hydrants are installed in the community at a maximum spacing of five hundred (500) feet, in which case the maximum cul-de-sac street length shall be one thousand three hundred (1,300) feet.
- E. A safe site distance of two hundred fifty (250) feet shall be provided at all intersections.
- F. Offsets at intersections or intersections of more than two (2) internal roads are prohibited.
- G. All internal roads shall be two-way and shall have driving surfaces that are not less than the following widths:
  - i. Two-way, no parking – twenty-one (21) feet.
  - ii. Two-way, parallel parking, one side – thirty-one (31) feet.
  - iii. Two-way, parallel parking, two sides - forty-one (41) feet.
- H. All entrances to new communities or new entrances to expanded communities shall be a minimum of thirty-three (33) 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 eleven (11) feet in width and sixty (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 sixty (60) feet.
  - iii. The ingress and right egress turning lanes of the ingress and egress road shall connect to the public road and shall have a radius determined by the local public road authority having jurisdiction. The intersection of the public road and ingress and egress road shall not have squared corners.
  - iv. An orderly street name system and unit addressing system shall be established and posted by the community owner and the plan of such system approved by the Township fire department. Manufactured home address 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. 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.

- v. School bus stops, if provided, shall be located in an area that is approved by the school district.

**3. Driveways -**

- A. 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.
- B. The minimum width of driveways shall be ten (10) feet. The entrance to the driveway shall have the flare or radii, and horizontal alignment for safe and convenient ingress and egress.

**4. Sidewalks -**

- A. 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.
- B. All common sidewalks shall be constructed in compliance with all of the following requirements:
  - i. Sidewalks shall have a minimum width of four (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 that regulates sidewalks for handicappers.
  - ii. All sidewalks shall meet the standards established in Rule 928 of the Manufactured Housing Commission Rules and AASHTO standards.
  - iii. An individual sidewalk with a minimum width of three (3) feet shall be constructed between at least one (1) 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.

**5. Lighting -**

**A. Minimum Illumination Standards -**

- i. 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.
- ii. At all internal road intersections and designated pedestrian crosswalks, the minimum illumination shall not be less than .15-foot candles.
- iii. Internal roads, parking bays, and sidewalks shall be illuminated at not less than .05 foot candles.



**B. Outdoor Lighting Regulations and Maximum Illumination -**

- i. All outdoor light fixtures shall be shielded with I.E.S. full cut-off fixtures.
- ii. All outdoor light fixtures shall be installed and placed to ensure that light does not spill onto adjacent properties or roadways above an illumination level of 0.1 foot candles and does not produce an unacceptable glare.
- iii. Outdoor light fixtures shall not exceed a height of thirty (30) feet above the ground, directly below the fixture.
- iv. An outdoor light fixture shall not have a light source that is greater than four hundred (400) watts.

**6. Vehicle Parking -**

**A. Resident Vehicle Parking -**

- i. All home sites shall be provided with two (2) parking spaces.
- ii. If vehicle parking is provided on the home site, it shall comply with both of the following provisions:
  - a. The parking space shall be constructed of concrete or bituminous asphalt and supported by a suitable sub-base in compliance with the standards of AASHTO.
  - b. The parking spaces may be in either tandem or side-by-side. If spaces are in tandem, then the width shall not be less than ten feet and the combined length shall not be less than forty (40) feet. If spaces are side by side, then the combined width of the two parking spaces shall not be less than twenty (20) feet and the length shall be not less than twenty (20) feet. In either method, the length shall be measured from the closest edge of the back of the curb, the paving surface, or the common sidewalk.
  - c. If the two (2) resident vehicle parking spaces required by this section are provided off the home site, then the parking spaces shall be within thirty (30) feet of the home site and each parking space shall have a clear parking width of ten feet and a clear length of twenty (20) feet.
  - d. If parking bays are provided for resident vehicle parking, they shall contain individual spaces that have a clear parking width of ten (10) feet and a clear length of twenty (20) feet.

**7. Visitor Parking Facilities -**

- A. A minimum of one (1) parking space for every three (3) home sites shall be provided for visitor parking.
- B. Visitor parking shall be located within five hundred (500) feet of the home sites the parking is intended to serve, as measured along a road or sidewalk.

- C. If parking bays are provided for visitor parking, they shall contain individual spaces that have a clear parking width of ten feet and a clear length of twenty (20) feet.

**8. Site Size, Spacing and Setback Requirements -**

A. **Home Site Area** - The manufactured housing community shall be developed with sites averaging five thousand five hundred (5,500) square feet per manufactured housing unit. This five thousand five hundred (5,500) square feet average may be reduced by twenty percent (20%) if each individual site shall be equal to at least four thousand four hundred (4,400) square feet. For each square foot of land gained through the reduction of the average site below five thousand five hundred (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 R125.1946, Rule 946 and R125.1941 and R125.1944, Rules 941 and 944 of the Michigan Administrative Code, and this Ordinance.

B. **Required Distances Between Homes and Other Structures** - 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, twenty (20) feet from an adjacent home, including an attached structure that may be used for living purposes for the entire year.
- ii. For a home sited parallel to an internal road, fifteen (15) feet from an adjacent home, including an attached structure that may be used for living purposes for the entire year if the adjacent home is sited next to the home on and parallel to the same internal road or an intersecting internal road.
- iii. Ten (10) feet from either of the following:
  - a. The parking space on an adjacent home site.
  - b. An attached or detached structure or accessory of an adjacent home that may not be used for living purposes for the entire year.
  - c. Fifty (50) feet from permanent community-owned structures, such as either of the following:
    - Club houses.
    - Maintenance and storage facilities.
    - One hundred (100) feet from a baseball or softball field.
    - Twenty-five (25) feet from the fence of a swimming pool.
    - Attached or detached structures or accessories that may not be used for living purposes for the entire year shall be a minimum of ten (10) feet from an adjacent home or its adjacent attached or detached structures.

- A home, including an accessory, shall be set back all of the following minimum distances, where applicable:
    - Seven (7) feet from the edge of the back of the curb or the edge of an internal road-paving surface.
    - Seven (7) feet from a parking space on an adjacent home site or parking bay off a home site.
    - Seven (7) feet from a common sidewalk.
    - Twenty-five (25) feet from a natural or man-made lake or waterway.
- C. 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 four (4) feet or more from the closest edge of the internal road and two (2) feet or more from the closest edge of a common sidewalk.
  - ii. Roof overhangs shall be set back four (4) feet or more from the edge of the internal road.

**9. Setbacks From Property Boundary Lines -**

- A. Homes, permanent buildings and facilities, and other structures (except as noted below) shall not be located closer than twenty-five (25) feet from the property boundary line of the community.
- B. Club houses, maintenance and storage facilities, and pools and their related amenities (including fencing of maintenance and storage facilities) shall not be located closer than fifty (50) feet from the boundary lines of an adjoining property that is zoned or used for residential purposes. Athletic fields shall not be located closer than one hundred (100) feet from the boundary lines of an adjoining property that is zoned or used for residential purposes.
- C. If homes, permanent buildings and facilities, and other structures abut a public right-of-way, then they shall not be located closer than fifty (50) feet from the boundary line. If the boundary line runs through the center of the public road, then the fifty (50) feet shall be measured from the road right-of-way line.

**10. Screening/Landscaping -** Manufactured housing communities shall be landscaped as follows:

- A. If a manufactured housing community abuts an existing residential use, the community shall be required to provide landscape screening along the boundary abutting the residential use.
- B. If the community abuts a non-residential development, it need not provide screening.
- C. In all cases, however, a community shall provide landscape screening along the boundary abutting a public right-of-way.

- D. The landscaping shall consist of evergreen trees and/or shrubs at least three feet in height at planting 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.
- E. 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.
- F. All grass and shrubbery within a manufactured housing community shall be kept mowed and maintained in a neat and attractive manner. Any dead, diseased, or damaged plant or grass materials shall be replaced with comparable plantings within six (6) months.

**11. Open Space Requirements** - Manufactured housing communities shall provide open space in accordance with the following requirements:

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

**12. Signs** - There shall be a maximum of one (1) sign per road frontage 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, if the source of the light is not visible and is not of the flashing or intermittent type. One (1) sign, not exceeding thirty-two (32) square feet in area shall be permitted for the first entrance provided to the community. For multiple entrances, a sixteen (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.

**13. RV Storage** - If boats, boat trailers and utility trailers are 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, permanently buffered and surfaced in accordance with Rule R125.1922(1).

The storage area shall be limited to use by the residents of the manufactured housing community only.

**14. 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.

#### **14.05 UTILITY STANDARDS**

The following utility standards shall apply to all manufactured home parks.

1. All utilities shall be underground. All local distribution lines for franchised utilities (telephones, electric service, and cable television) shall be placed entirely underground throughout the manufactured housing development area. Mainlines and perimeter feed lines located on a section or quarter section line may be above ground if they are configured or installed within the State Electrical Code guidelines.
2. Conduits or cables shall be placed within private easements provided to the service companies by the proprietor and/or developer or within public ways. Those telephones and electrical facilities placed in dedicated public ways shall be planned so as not to conflict with other underground utilities. All telephones and electrical facilities shall be constructed in accordance with standards of construction approved by the Michigan Public Service Commission.
3. All lots shall be provided with public water and sanitary sewer service, or such water and sanitary services that may be approved by the Michigan Department of Environmental Quality and other applicable agencies. All manufactured homes shall be connected thereto and all expenses of installation and connection shall be borne by the owner or operator of the manufactured home park, and no costs shall be applied or taxed against owners of any adjacent property or along any main extended from the manufactured home park to the present public sanitary sewer system, unless such adjacent owners shall install a sewer connection to such main.
4. The manufactured home park shall provide sufficient storm sewer facilities, independent of sanitary sewers, to prevent flooding of either streets or lots within the park in accordance with the requirements of the Michigan Department of Environmental Quality. All storm water drainage outlet improvements shall be subject to review and approval by the Ottawa County Drain Commissioner, the Michigan Department of Environmental Quality, in accordance with MDEQ Manufactured Home Park Standards, pursuant to 1987 P.A. 96, as amended.

#### **14.06 SITE CONSTRUCTED BUILDINGS AND DWELLINGS**

1. Site constructed buildings within the community such as community buildings, laundries, public works facilities or management offices, 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, which shall be required prior to construction thereof.
2. The maximum height of any community or similar building shall not exceed thirty (30) feet, or two (2) stories in height, whichever is less. Storage or service buildings shall not exceed fifteen (15) feet, or one (1) 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:

- A. One (1) single-family dwelling may be permitted for the exclusive use of the community owner or manager in a community of thirty (30) acres or less.
- B. Two (2) single-family dwellings may be permitted for the exclusive use of the community owner, manager, or caretaker in a community in excess of thirty (30) acres.
- C. Any such single-family dwellings permitted under this section shall comply in all respects with the height regulations and minimum floor requirements of the R-1 Low Density Single-Family Residential District.
- D. Site-constructed buildings shall be constructed in accordance with the State Building Code.

#### **14.07 MANUFACTURED HOMES WITHIN MANUFACTURED HOUSING COMMUNITIES; OPERATION OF COMMUNITIES**

- 1. **Home Size** - Manufactured homes within a community shall not contain less than eight hundred ninety (890) square feet, as measured by the outside dimensions, nor have an outside width of less than thirteen (13) feet.
- 2. **Installation** - The installation of manufactured housing on each site within the community shall conform to 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.
- 3. **Skirting** – Skirting shall be installed around all manufactured housing units and meet all of the following requirements:
  - A. All skirting shall be installed prior to the issuance of a certificate of occupancy, and shall be installed within sixty (60) days following the placement of the home on the home site, unless weather does not permit compliance with this schedule. 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 ninety (90) days.
  - B. Such skirting shall be compatible aesthetically with the appearance and construction of the manufactured housing unit. All skirting shall meet the requirements established by the rules of the Michigan Manufactured Housing Commission.
  - C. 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 to resist damage under normal weather conditions and shall be properly maintained.
- 4. **Storage of Personal Property** -
  - A. Except as otherwise noted in this Ordinance, no personal property, including tires, shall be stored outside or under any manufactured home, or within carports that are open on any side.

- B. Bicycles and motorcycles may be parked in carports. Seasonal outdoor storage of outdoor cooking grills is permitted so long as they are kept on a finished wooden deck, a concrete or bituminous asphalt patio, or equivalent type of surface associated with the home.
- C. One (1) storage shed with a maximum area of one hundred forty-four (144) square feet may be placed upon any individual manufactured home site for the storage of personal property. Storage sheds shall be constructed with durable weather resistant and rust resistant materials, and shall be maintained to maintain reasonably their original appearance and to be free from mechanical and structural defects.
- D. Storage sheds that are attached to homes shall consist of materials similar to that of the home.
- E. A detached storage shed shall be at least ten (10) feet from all adjacent homes.
- F. All storage sheds shall be securely anchored to the ground.

**5. General Standards –**

- A. 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. Towing mechanisms, including axles, may however be stored under manufactured homes within a community.
- B. A manufactured home shall be used only as a single-family dwelling. This provision shall not be construed to preclude the siting of model manufactured homes on licensed sites in a manufactured housing community.
- C. 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.
- D. 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, if manufactured housing development management permits the sale.
- E. 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. Streets shall be maintained in reasonable repair so that they are reasonably safe and convenient for vehicular travel. The owner or operator shall also be responsible for picking up trash and garbage within the confines of the community.
- F. Where community dumpsters are provided, they shall be set back not less than fifty (50) feet from the boundary line of the community.
- G. The owner and operator of the community shall be responsible for ensuring that no community garbage dumpsters overflow and that they do not create offensive odors at community home sites or on adjacent properties.
- H. An on-site recycling station for residents may be provided at a location approved by the Planning Commission and the Michigan Department of Environmental Quality.



- I. Adequate screening shall be provided around community dumpsters and/or recycling stations.
- J. Swimming pools, if provided, shall comply with Act 368 of the Public Acts of 1978, as amended, and the rules promulgated there under.
- K. Individual fuel oil, liquid petroleum, or other fuel tanks or combustible personal property shall not be permitted to be stored in or under any home.
- L. Each home site shall have 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 no garbage containers overflow and to ensure that all areas within the community are maintained free from any trash or other discarded materials, and that garbage collection areas do not create offensive odors on community home sites or on adjacent properties.
- M. Every community shall be equipped with fire extinguishment equipment in good working order, with type, size, and number so located as to comply 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.
- N. If mailbox clusters are used in lieu of individual mail boxes on individual sites, the clusters shall be located a minimum of two hundred (200) feet from any intersection of an interior community road and a public right-of-way, or as otherwise approved by the local post office providing mail service in the community.

#### **14.08 INSPECTION AND PERMITS**

The building inspector or such other person designated by the Township Board shall have the right to inspect the manufactured home park to determine whether or not the park owners or operators, or any owners or person occupying manufactured homes within the park are in violation of this Ordinance, or any other state ordinance or state or governmental regulations covering manufactured home parks affecting the health, safety and welfare of inhabitants, under the following conditions:

1. He has reasonable reason to believe that the owner, operator, resident, or owner of manufactured home in the park is in violation of any part of this or other Township ordinance.
2. That notice has been sent to the owner or operator of the manufactured home park at its last known address, and to the owner or resident of the manufactured home park at their last known address as shown on the occupancy permit for said manufactured home, and that the Township has not received satisfactory proof or indication that the purported violation is not a violation, or that the purported violation has been corrected within fifteen (15) days from the date of mailing said notice.
3. All persons, including but not by limitation, Township or county officials, whose entry upon the manufactured home park property is necessary, proper or advisable in the execution of their duties, or to the execution of work authorized by a governmental body, or for the preservation of the peace, shall have the right to enter upon and inspect the manufactured home park at all reasonable times.



#### 14.09 REVIEW AND APPROVAL OF PRELIMINARY MANUFACTURED HOUSING COMMUNITY PLANS

1. **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.
2. **Application** - All plans submitted to the Planning Commission for review under this section shall contain the following information:
  - A. The date, north arrow and scale - The scale shall not be less than one inch equals fifty (50) feet for property under three (3) acres and at least one inch equals one hundred (100) feet for those three acres or more.
  - B. All site and/or property lines are to be shown in dimension.
  - C. The location and height of all existing and proposed structures on and within the subject property, and existing within one hundred (100) feet of the subject property.
  - D. The location and typical 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.
  - E. The location and the pavement and right-of-way width of all abutting roads, streets, or alleys.
  - F. 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.
  - G. The name and address of the property owner and developer.
  - H. The location of all community rubbish receptacles and landscaping and the location, height, and type of fences and walls.
  - I. Location of all fire hydrants, if applicable.
  - J. The number of manufactured housing sites proposed.
  - K. 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 storm water management facilities.
  - L. Utility and other easements.
  - M. Existing wetlands.
  - N. Proposed sign locations.

- O. Demonstration that all required setbacks and separation distances will be met; provided, however, that detailed construction plans shall not be required to be submitted to the Township.
- 3. **Fee** - Fees for the review of a manufactured housing community plan shall be established by resolution of the Township Board.
- 4. **Decision** -
  - A. 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 this chapter and the state regulations, it shall be approved.
  - B. 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. The sixty- (60) day review period, or other review period of alternate duration consented to by the applicant, shall not commence, in any case, until the lands for which the plan have been submitted have been zoned in the Manufactured Housing District.

## ARTICLE 15

### M-104 CORRIDOR OVERLAY DISTRICT

#### 15.01 INTENT AND PURPOSE

The M-104 corridor (the "Corridor") serves as a primary east-west thoroughfare in Crockery Township. The principal function of M-104 is to accommodate relatively high volumes of traffic, and to provide a link between I-96 and the lakeshore communities to the west. The M-104 Corridor Overlay District (the "Overlay District") consists of approximately four (4) miles of roadway between 144th Avenue and 112<sup>th</sup> Avenue.

The concept of the Overlay District is based upon recommendations from the M-104 Access Management and Corridor Study (the "Study") which was completed in September 2004. The Study recommended adoption of a zoning ordinance amendment to implement Access Management techniques.

Access Management is accomplished using Service Drives, Parking lot Connections, and Shared Driveways in conjunction with Driveway Spacing standards, Access Management is intended to maintain a safe and efficient flow of vehicular traffic while retaining Reasonable Access to the property.

In addition to incorporating Access Management techniques into the zoning ordinance, a secondary goal of the Overlay District is to maintain and preserve the aesthetic quality of the Corridor. Specific regulations pertaining to signage and natural feature preservation have been incorporated into the Overlay District.

Finally, the requirements of the Overlay District will help to ensure that the public investment in the road system is maintained and the need for additional capital improvements is postponed to the greatest extent possible.

The standards required by the Overlay District are based upon considerable research and guidelines provided by the Michigan Department of Transportation (MDOT). In addition, significant public input was obtained as the M-104 Overlay District Ordinance was being prepared.

#### 15.02 APPLICABILITY

The standards of the Overlay District apply to the lots and parcels of land having frontage on M-104 or any parcel of land gaining Access to the Corridor.

The standards of the Overlay District shall apply to all uses for which site plan review and approval is required. Single and Two-Family Residential and Agricultural uses shall comply with the Setbacks but are exempt from all other standards contained herein.

The applicable standards of the underlying zoning district shall also apply. Where a conflict exists between the regulations of the Overlay District and the underlying zoning, the regulations of the Overlay District shall apply.

#### 15.03 SITE PLAN REVIEW

In addition to the submittal information required for site plan review, the following shall be provided with any application for site plan review for properties located within the Overlay District:

1. Proposed and existing access points within eight hundred (800) feet on either side of the Corridor, and along both sides of any adjoining Streets, shall be shown and dimensioned on the site plan.
2. Evidence shall be submitted indicating that the Sight Distance requirements of MDOT or the Ottawa County Road Commission (OCRC), as applicable, are met.
3. Dimensions shall be provided for driveways (width, radii, throat length, length of any acceleration or deceleration lanes, tapers, pavement markings, and signs) and all curb radii within the site.
4. Illustrate the route and dimensioned turning movements of any expected truck traffic, tankers, delivery vehicles, waste receptacle vehicles, and other similar vehicles. The plan should confirm that routing the vehicles would not disrupt operations at the access points nor impede maneuvering or parking within the site.
5. A Traffic Impact Assessment or Study may be required, (as determined by MDOT).
6. Correspondence showing that the proposal has been submitted to MDOT, and/or, where appropriate, OCRC.
7. Where shared access is proposed or required, an Access Easement, including the maintenance and operation agreements, shall be submitted for approval. Once approved, the Access Easement shall be recorded with the Ottawa County Register of Deeds.
8. Where a cooperative parking agreement has been reached, a copy of the cooperative parking contract between the property owners shall be provided.

The Planning Commission shall have the discretion to waive any of the above-referenced submittal requirements.

#### **15.04 CRITERIA**

The Planning Commission shall determine the extent of upgrades that will be necessary in order to bring the site into greater compliance with the standards contained herein. In making this decision, the Planning Commission shall consider, but is not limited to, the following criteria:

1. The type and location of uses on the lot and adjacent to the lot
2. The location, size, and design of existing and proposed Access Point(s) and Parking Area(s)
3. The existing and projected traffic volume on the abutting and adjacent Streets
4. Compatibility between adjacent land uses and the likelihood of change or expansion
5. Number of lots
6. Location of lot lines
7. Amount of Street frontage
8. Topography and Sight Distance along adjacent Streets on the site

9. Distance from Intersections
10. Location of Opposite Side Driveways, and the distance from the proposed access point on the subject site.
11. Width of the abutting Street(s) and number of traffic lanes
12. Environmental limitations (steep slopes, water, vegetation, etc.)
13. Proposed Setback
14. Any specific recommendations of the Township Master Plan and/or the M-104 Corridor and Access Management Study
15. Any specific recommendations, from MDOT or the OCRC
16. The results of any Traffic Impact Assessments or Studies, (as determined by MDOT)

#### **15.05 TRAFFIC IMPACT ASSESSMENT OR STUDY**

1. **Procedures** -
  - A. A Traffic Impact Study shall be required for uses that are expected to generate one hundred (100) or more peak hour directional trips. The estimated generated traffic volumes shall be based on a similar type and size of land use listed in the Institute of Transportation Engineers (ITE) publication "Trip Generation" (current edition).
  - B. MDOT may also require a Traffic Impact Assessment or Study based on the type and size of the land use proposed. MDOT shall be contacted to determine if a Traffic Impact Assessment or Study is required.
  - C. If a Traffic Impact Assessment or Study is required, the applicant shall submit a copy with the application for site plan review. A revised Traffic Impact Assessment or Study may be required as the scope and details of the site plan change.
2. **Cost** - The cost of the Traffic Impact Assessment or Study and review shall be borne by the applicant.
3. **Contents** - The contents of the Traffic Impact Assessment or Study shall be consistent with MDOT's requirements.
4. **Waiver of Requirements** - The requirement for a Traffic Impact Assessment or Study may be waived or modified by MDOT.

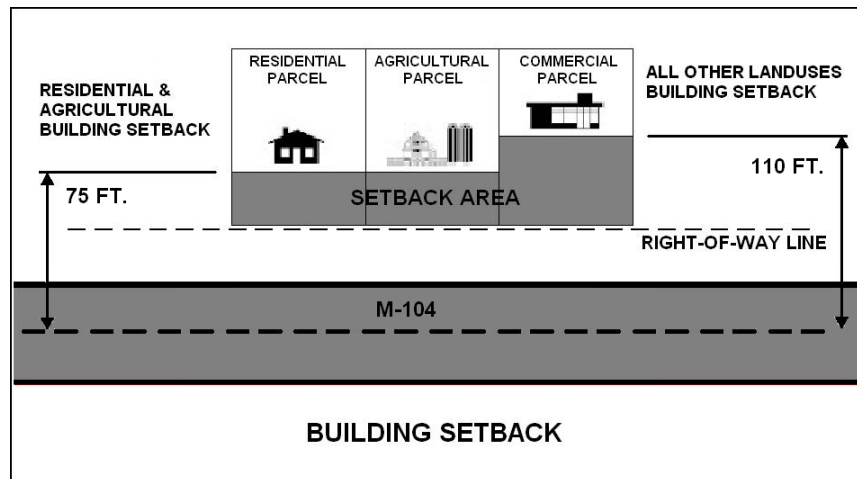
#### **15.06 SETBACKS**

1. **Purpose** - The intent of this Section is to preserve sufficient land area along the Corridor for potential future roadway expansions, Access Management, and aesthetic improvements.
2. **Dimensional** - No Building and/or Structure shall be hereafter constructed, erected, or enlarged within the Overlay District unless the minimum Setbacks in Table 1 are maintained.

Table 1 - Minimum Setback	
Land Use	*Setback
Single & Two-Family Residential, Agricultural	75 feet
All Other Land Uses	110 feet

\*Setbacks are measured from the centerline of M-104

Figure 1 – Setback



3. Permitted Structures and Improvements within the Setback - The following uses may be permitted within the Setback area outside of the Right-of-Way and Clear Vision Area. In no case shall any permitted Structure or improvement be located within sixty (60) feet from the centerline of the Corridor. In addition, all of the permitted Structures or improvements listed below shall comply with the applicable regulations of the underlying zoning district.
  - A. Front or Rear Service Drives and Access Easements are permitted where necessary to accommodate traffic flow plan (75-foot minimum setback)
  - B. Sidewalks and non-motorized paths
  - C. Utility lines/structures
  - D. Storm water storage (e.g., catch basins, culverts, etc.)
  - E. Signs
  - F. Landscaping

G. Lighting fixtures

H. Agricultural/horticultural Activities (farm Buildings are not permitted within the Setback area)

## 15.07 PARKING

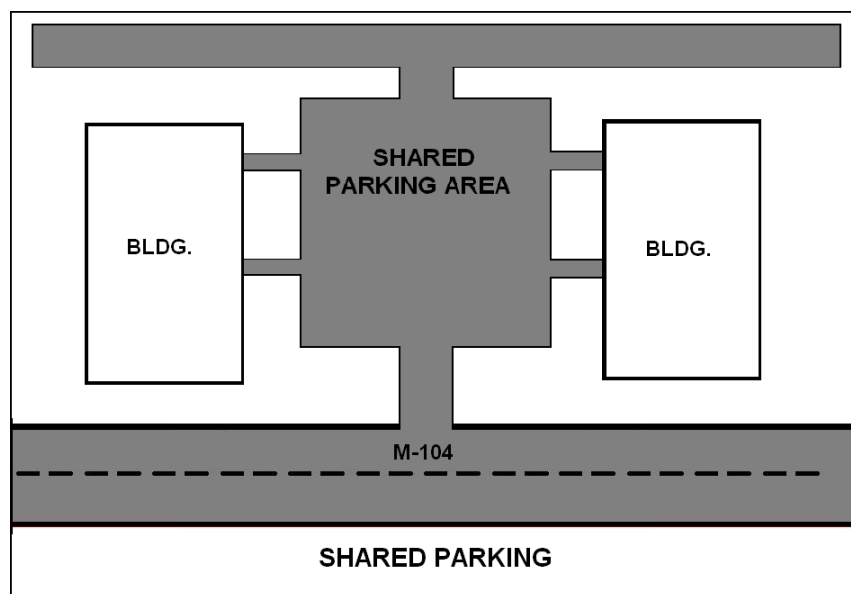
1. **Purpose** - The intent of this Section is to provide alternatives to traditional parking design and limit unnecessary amounts of impervious surfaces.
2. **Size** - Parking shall be provided at all commercial and industrial zoned lots or parcels of land and shall comply with the applicable regulations of the underlying zoning district.

Where the property owner can demonstrate that the required amount of parking is excessive for a particular use, the Planning Commission may consider approving a smaller Parking Area.

If the Planning Commission approves the use of a smaller Parking Area, the remaining area needed to meet the normal Parking Space requirements shall be retained as open space and then developed for additional parking if the Planning Commission concludes the parking is needed.

3. **Parking Alternatives** - The Planning Commission may require new developments to use alternative parking arrangements.
  - A. **Cooperative Parking** - At the discretion of the Planning Commission, provisions for cooperative parking may be allowed. Cooperative provisions for off-Street parking would be made by contract between two (2) or more adjacent property owners. The Parking Area provided on any one (1) lot could be reduced to not less than one-half (1/2) of the number of required spaces. The Parking Areas shall be interconnected for vehicular passage. A copy of the cooperative parking agreement between property owners shall be provided with the application for site plan review.
  - B. **Shared Parking** - Where a mix of land uses creates staggered peak periods of parking, shared parking agreements that have the effect of reducing the total amount of needed spaces may be required. In these cases, the required number of Parking Spaces may be reduced. Retail, office, institution, and entertainment uses may share Parking Areas.

**Figure 2 – Shared Parking**



### **15.08 DRIVEWAY DESIGN, PLACEMENT, AND SPACING**

1. **Purpose** - The purpose of this section is to create driveway spacing requirements that simplify driving by reducing the amount of information a driver must process. Locating driveways away from the operational area of a signalized Intersection decreases the potential for congestion and accidents for both through-traffic and vehicles using the driveway. Adequate spacing between driveways and unsignalized roadways or other driveways can reduce confusion. Inadequate spacing requires drivers to watch for Ingress and egress traffic at several points, while simultaneously trying to control their vehicles and monitor other traffic ahead of and behind them.
2. **Closing, Relocation, or Redesign of Access Point** - In the case of expansion, alteration, change of use, or redesign of an existing development where existing Access Points do not comply with the spacing standards required by the Overlay District, the Planning Commission could require that the Access Point be closed, relocated, or redesigned.
3. **Maximum Number of Access Points for Multi-Family Residential, Commercial, Office, and Industrial Parcels** - The number of Driveways shall be the minimum necessary to provide Reasonable Access for regular traffic and emergency vehicles, while preserving traffic operations and safety along the Corridor.

Driveways shall be comprised of either a two-way single Driveway or a paired system wherein one Driveway is designed and appropriately marked to accommodate Ingress traffic, and the other Driveway is designed and appropriately marked to accommodate Egress traffic.

When a Multi-Family, commercial, office, or industrial lot or parcel of land abuts more than one (1) Street, Access to each abutting Street may be allowed only if all of the following criteria are met:



- A. It is demonstrated that such Access is required to serve adequately Driveway volumes and the Access will not be detrimental or unsafe to traffic operations on public Streets. A Traffic Impact Assessment or Study supporting this shall be submitted to the Planning Commission.
  - B. The minimum Driveway spacing requirements are met.
  - C. Where the subject site adjoins land that may be developed or redeveloped in the future, Access shall be located to ensure the adjacent site can also meet the minimum spacing standards in the future.
4. **Minimum Spacing Requirements** - Minimum spacing between driveways shall be maintained in accordance with MDOT requirements.
- A. **Modification of Spacing Requirements** - In the case of expansion, alteration, or redesign of an existing development where it can be demonstrated that pre-existing conditions prohibit adherence to the minimum Driveway Spacing standards, the Planning Commission in conjunction with MDOT, shall have the authority to modify the Driveway Spacing requirements.

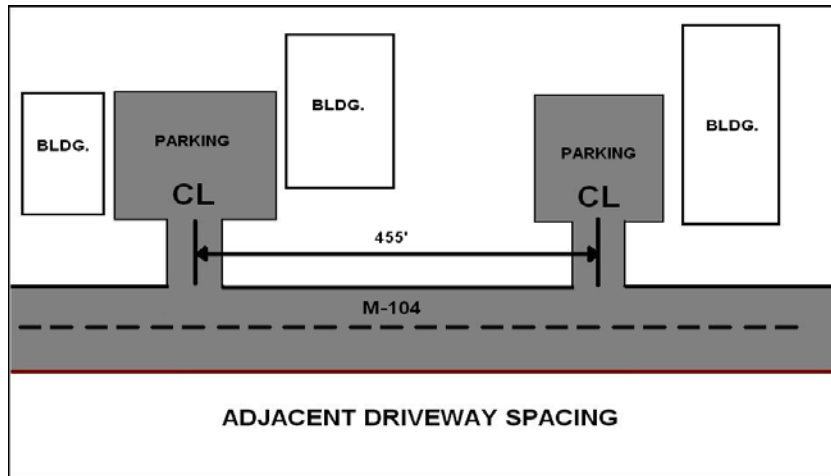
In the event that a lot or parcel of land lacks sufficient frontage to maintain adequate spacing, one of the following options shall be required:

- i. Choose one of the lower miles per hour (mph) spacing from Table 2.
- ii. Encourage a shared driveway or Parking lot Connection with the adjacent lot or parcel of land.
- iii. Provide an access point to an adjoining street when it is possible.
- iv. In areas where front or rear service drives exist or can be constructed, individual properties shall be provided access to these rather than directly to the main highway.
- v. After all of the above options are exhausted, an access point may be allowed within the property limits as determined by MDOT.

- B. **Minimum Spacing between Adjacent Driveways** - The required minimum driveway spacing contained in Table 2 shall be measured from the centerline of the proposed Driveway to the centerline of the Adjacent Driveway (on the same side of the Street), as depicted in Figure 3.

<b>Table 2 – Adjacent Driveway Spacing</b>	
<b>Posted Speed</b>	<b>Required Minimum Driveway Spacing</b>
40 mph	300 feet
45 mph	350 feet
50 mph +	455 feet

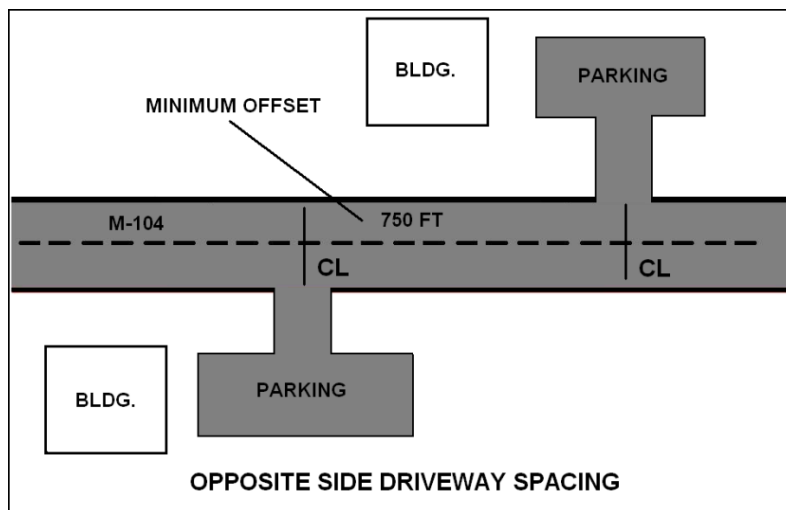
**Figure 3 – Adjacent Driveway Spacing**



- C. **Minimum Spacing Between Opposite Side Driveways (Alignment)** - Access Points shall be aligned with Opposite Side Driveways, or offset by the appropriate distance contained in Table 3. Measurements shall be taken from centerline of the proposed Driveway to the centerline of the Opposite Side Driveway, as depicted in Figure 4.

<b>Posted Speed</b>	<b>Required Minimum Driveway Spacing</b>
40 mph	525 feet
45 mph	630 feet
50 mph +	750 feet

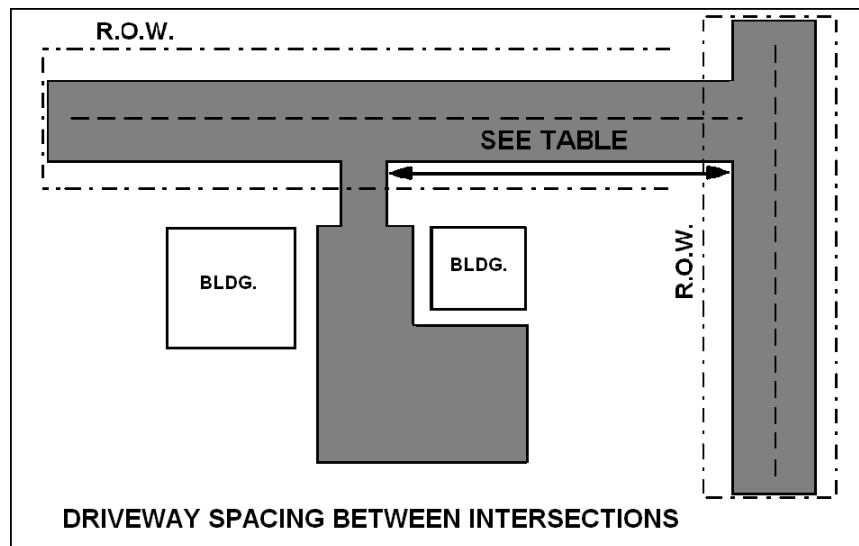
**Figure 4 – Opposite Side Driveway Spacing**



- D. **Minimum Driveway Spacing between Intersections** - The measurements contained in Table 4 are taken from the centerline of the proposed Driveway to the near Right-of-Way of Intersection type listed below, as depicted in Figure 5.

<b>Table 4 – Driveway Spacing between Intersections</b>			
<b>Intersection Along M-104</b>	<b>Type</b>	<b>Minimum Spacing for a Full Movement Driveway</b>	<b>Minimum Spacing for a Channelized Driveway (Right In / Right Out)</b>
Expressway Ramp		300 feet (600 feet preferred)	300 feet (600 feet preferred)
Bridges		100 feet	100 feet
Median Openings		75 feet	75 feet
Arterial		300 feet	125 feet
Collector or Local Street		200 feet	125 feet

**Figure 5 – Driveway Spacing between Intersections**



5. **Additional Access Points** - Additional Access Points may be permitted as follows:
- A. One (1) additional Access Point may be allowed for a site with continuous frontage of four hundred (400) feet or more if the Planning Commission, in conjunction with MDOT, determines that no other Access opportunities are available.

- B. Two (2) additional Access Points may be allowed for a site with continuous frontage of eight hundred (800) feet or more if the Planning Commission, in conjunction with MDOT, determines that no other Access opportunities are available.
- C. Additional Access Points may be allowed if the applicant provides a Traffic Impact Assessment or Study that indicates traffic safety will be improved with the additional Access Point. The Planning Commission, in conjunction with MDOT, shall make the final decision.
- D. The following conditions may also warrant the consideration of an additional Access Point. The applicant must submit a completed Traffic Impact Assessment or Study to the Planning Commission. The Planning Commission, in conjunction with MDOT, shall decide if an additional Driveway is warranted based on the following criteria:
  - i. Traffic volumes reported in the Traffic Impact Study
  - ii. On-site traffic circulation
  - iii. Use of Channelized Driveway
  - iv. Length of property frontage
  - v. Relationship between Local Streets, Arterials, and Front or Rear Service Drives
  - vi. Square footage of development
  - vii. When alternatives to a single, two-way Driveway are necessary to provide Access to property fronting the Corridor, and Shared Driveways or Front/Rear Service Drives are not a viable option, the following progression of alternatives shall be used:
    - viii. One (1) standard, two-way Driveway
    - ix. Additional Ingress/Egress lanes on one (1) standard, two-way drive
    - x. Two (2) one-way Driveways
    - xi. Additional Ingress/Egress lanes on two (2) one-way Driveways
    - xii. Additional Driveway(s) on an abutting Street with a lower Functional Classification
    - xiii. Additional Driveway on the Corridor

#### **15.09 FRONT AND REAR SERVICE DRIVES, PARKING LOT CONNECTIONS, AND SHARED DRIVEWAYS**

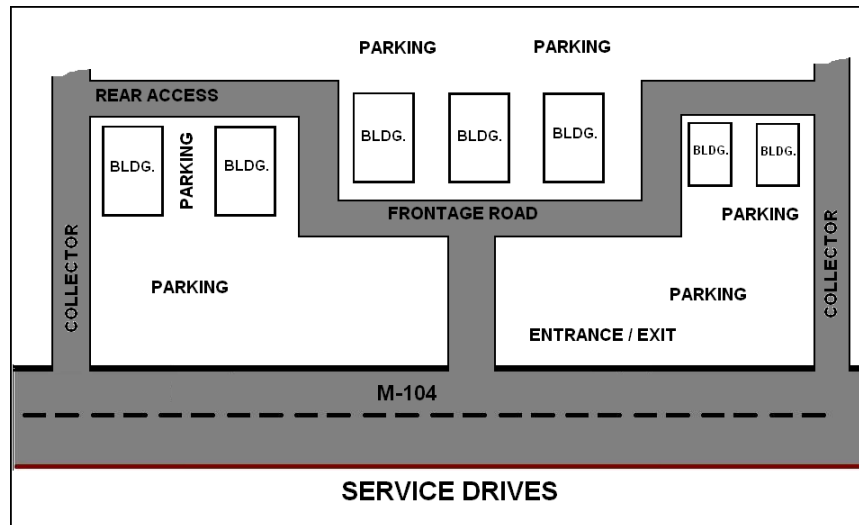
1. **Purpose** - The purpose of this Section is to provide guidance for circumstances that may exist where direct Access, consistent with the Driveway Spacing standards of the Overlay District, cannot be achieved, and the construction of an Alternative Means of Access will minimize the number of Driveways. The use of Front or Rear Service Drives, Parking lot Connections, and Shared Drives shall ensure that traffic is able to safely and efficiently Ingress and Egress onto the Corridor, and shall provide for Alternative Means of Access to properties along the Corridor.

2. **Applicability** - Front and Rear Service Drives, Parking lot Connections, and/or Shared Driveways may be required when the current Access does not comply with the Driveway Spacing standards for the Overlay District, or as determined by the Planning Commission or MDOT. An Alternative Means of Access may be required if one (1) or more of the following circumstances exist:
  - A. Driveway Spacing standards for the Overlay District cannot be met.
  - B. If the proposed development is expected to generate one hundred (100) or more Peak Hour Trips. Generated traffic volumes shall be based on a type and size of land use which is compatible with a land use listed in the current edition of the Institute of Transportation Engineers (ITE) "Trip Generation" manual.
  - C. The proposed Driveway could potentially interfere with traffic operations at an existing or planned traffic signal location.
  - D. The site is along a portion of the Corridor that exhibits high traffic volumes, congestion, or a relatively high number of crashes.
  - E. The fire department or other emergency service agency recommends an Alternative Means of Access for emergency Vehicles.
3. **General** - Multi-Family, commercial, office, and industrial properties may be required to install Access for a connection to adjacent lots that are zoned or planned for Multi-Family, commercial, office, or industrial uses.
4. **Parking** - Front and Rear Service Drives, Parking lot Connections, and Shared Drives are intended, and shall be designed for use exclusively for circulation, not as a parking-maneuvering aisle. The Planning Commission may require the posting of "no parking" signs.
5. **Maintenance** - Front and Rear Service Drives, Parking lot Connections, and Shared Driveways shall be privately controlled and maintained by adjoining property owners or other persons who enter into a formal legal agreement together to provide joint maintenance.
6. **Front and Rear Service Drives** -
  - A. Front or Rear Service Drives, as depicted in Figure 6, may be required, especially if the proposed development is expected to generate one hundred (100) or more peak hour trips.
  - B. If a Rear Service Drive is proposed, the Planning Commission may allow a decrease in the minimum Setback to the rear service drive.
  - C. If two (2) or more existing continuous lots comprise less than three hundred (300) feet of Street frontage, Front or Rear Service Drive may be required. Additionally, expansion of the Front or Rear Service Drive may be required as additional contiguous lots develop.
  - D. Front or Rear Service Drives shall be approved in accordance with the Crockery Township Design and Construction Standards for Private Streets. Front Service Drives

may be required for locations where construction of a Rear Service Drive is not practical.

- E. In cases where Front or Rear Service Drives exist, or are proposed on an approved site plan for an adjoining lot, Access may be required via such Street, rather than by direct connection to the Corridor.

**Figure 6 – Service Drives**

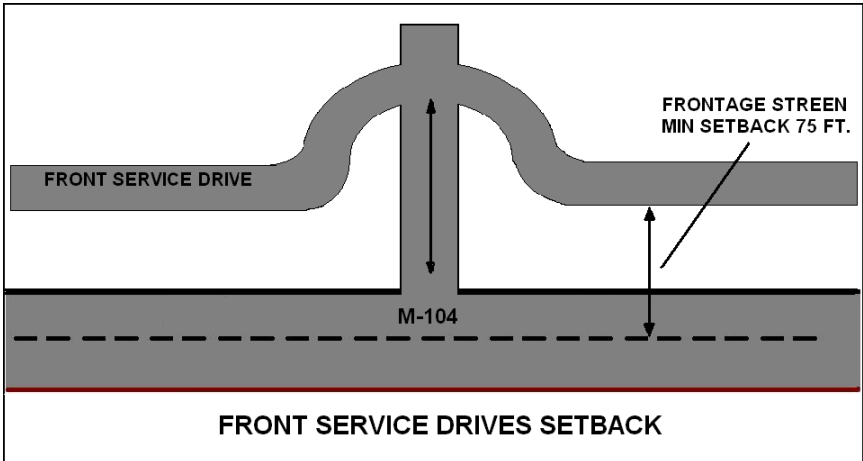


- 7. **Identification** - All Front or Rear Service Drives must have a designated name on a sign meeting the requirements of the Crockery Township Addressing and Street Naming Ordinance.
- 8. **Location** - In considering the most appropriate location for a Front or Rear Service Drive, the Planning Commission shall consider the Setbacks of the existing and/or proposed Buildings and anticipated traffic flow for the site. MDOT shall be encouraged to make reasonable allowance of its Right-of-Way for Front Service Drives when existing Buildings, Structures and conditions warrant.
- 9. **Design** - Front and Rear Service Drives shall comply with the Crockery Township Design and Construction Standards for Private Streets. Provisions must be made for adequate snow storage.

Directional Signs and pavement markings may be required to help promote safe and efficient circulation. The property owner(s) shall be required to maintain all pavement markings and signs. All Directional Signs and pavement markings shall conform to the standards contained in the current "Michigan Manual of Uniform Traffic Control Devices."

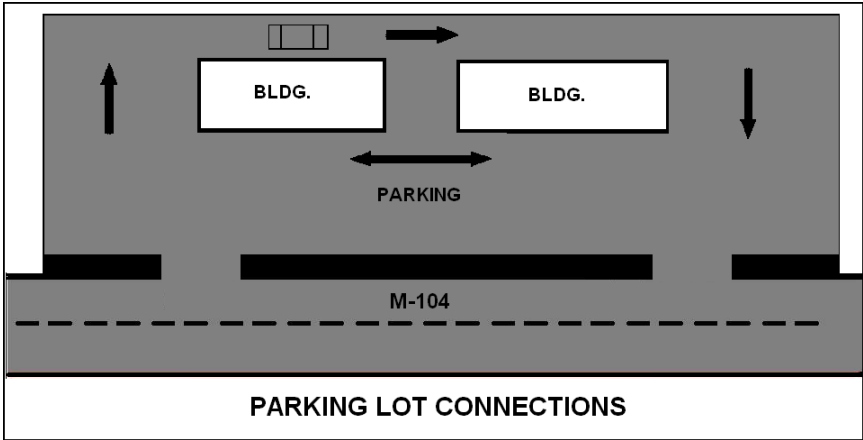
- 10. **Setback** - Front Service Drives shall have a minimum setback of seventy-five (75) feet, measured from the centerline of the Corridor to the nearest edge of pavement on the Front Service Drive, as depicted in Figure 7.

**Figure 7 – Front Service Drives Setback**



- 11. **Access Points** - The Planning Commission shall recommend the appropriate location for all Access Points to the Front or Rear Service Drive. The Planning Commission, in conjunction with MDOT, shall make the final approval of all Access Points to Front or Rear Service Drives.
- 12. All separate Parking Areas shall use no more than one (1) Access Point or Driveway to the Front or Rear Service Drive. In areas where Front or Rear Service Drives are required, but adjacent properties have not yet developed, the site shall be designed to accommodate the future Front or Rear Service Drives.
- 13. **Parking lot Connections** - Where a proposed Parking lot is adjacent to an existing Parking lot of a similar use, providing vehicular connections between the two (2) Parking lots may be required.

**Figure 8 – Parking Lot Connections**



- A. **Location** - Parking lot Connections may be required to be located where physically feasible, or as recommended by the Planning Commission.
- B. Developments adjacent to vacant properties may be required to provide easements for future Parking lot Connection(s).

#### 14. Shared Driveways -

- A. **Location** - The Shared Driveway shall be constructed as close as possible to the midpoint between the two (2) properties.
- B. **General** - Shared Driveways shall remain undedicated and privately owned and maintained. The following shall be adhered to upon construction/approval of a Shared Driveway:
  - i. A written easement shall be executed which will allow traffic to travel across one (1) parcel to Access another and/or Access M-104. The owners of the two (2) properties shall enter into a joint written maintenance agreement.
  - ii. Shared Driveways shall have a minimum easement frontage of sixty-six (66) feet upon a Street; this may be reduced by the Planning Commission.
  - iii. The required easement frontage on a Street may be reduced to forty (40) feet where it is demonstrated that there exists no possibility that the Shared Driveway will be used to serve any more than four (4) lots. If easements widths are reduced, property owners are required to submit a recorded deed restriction on any of the affected properties indicating that the Shared Driveway will not serve any more than four (4) lots.
  - iv. Driveways shall be constructed and maintained in order to provide year-round Access for emergency Vehicles.

15. **Access Easements** - Access Easements are required when two (2) or more property owners share joint-Access to the Corridor, Parking lots, or Front or Rear Service Drives. Access Easements must be reviewed and approved by the Planning Commission at the time of site plan review. Once approved, the Access Easement shall be filed with the Ottawa County Register of Deeds.

16. **Operating and Maintenance Agreements** - Operating and maintenance agreements shall be included in the Access Easement. The agreements shall specify who is responsible for enforcing speed limits, parking, repairs, snow removal, and other related vehicular activity. The owners shall also file documentation for any future Buildings or lots subject to the maintenance agreements. Lastly, the maintenance agreements must state that the cost of maintenance is solely the responsibility of the property owners named in the Access Easement.

#### 15.10 SIGNAGE

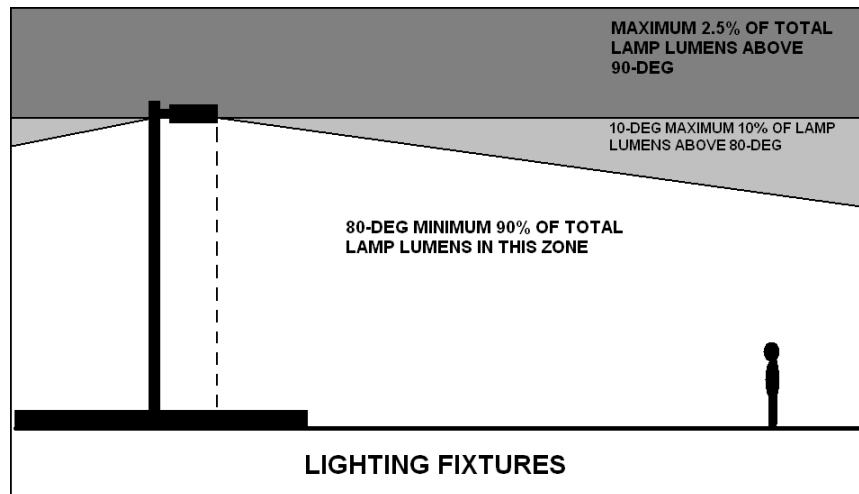
- 1. **Purpose** - The purpose of this Section is to manage signs intended to be visible from the public Right-of-Way, to avoid sign clutter, and to minimize visual distractions to motorists along the Corridor.
- 2. **Exempted Signs** - Signs attached to buildings, governmental signs, and essential service signs are exempt from the requirements of this Section.
- 3. **Sign Setbacks** - All signs located on properties adjacent to M-104 shall be setback a minimum of sixty (60) feet from the centerline of M-104. Where the associated Building or Structure on the subject property is already within sixty (60) feet of the centerline of M-104, the sign shall be attached to the Structure of the Building, but in no case shall the



sign protrude into the Right-of-Way. In addition, Clear Vision Areas must be maintained per the requirements of this Ordinance and MDOT.

4. **External Illumination** - The following shall apply to externally illuminated signs.
  - A. External lighting shall be limited to light fixtures that do not blink, fluctuate, or move.
  - B. Lighting fixtures shall be carefully located, aimed, and shielded so that the light is directed only onto the sign façade. Lighting fixtures shall not be aimed at adjacent Streets or properties.
  - C. All lighting fixtures shall be night-sky friendly (as depicted in Figure 9 below). To the extent possible, fixtures shall be mounted and directed downward (i.e., below the horizon).

**Figure 9 – Lighting Fixtures**



5. **Internal Illumination** - Internal lights shall be limited to internal light contained within translucent letters and internally illuminated sign boxes, provided the background or field on which the copy and/or logos are placed is opaque. The area illuminated is restricted to sign face only.
6. **Sign Height** - Signs shall have a maximum height of eight (8) feet. Sign height may be increased by ten (10) percent for every additional ten (10) foot increase in setback. However, by virtue of increasing the sign setback, sign height shall not exceed a maximum of twelve (12) feet.
7. **Sign Size** - Signs shall have a maximum area of thirty-six (36) square feet. Sign area may be increased by ten (10) percent for every additional ten (10) foot increase in setback. However, by virtue of increasing the sign setback, sign area shall not exceed a maximum of sixty (60) square feet.
8. **Signs for Multiple Businesses** - A development with two (2) or more attached or detached businesses located on one or more lots or parcels of land may, and are encouraged to, combine individual signs onto one (1) Ground Sign. No more than two (2)

Ground Signs shall be allowed per development, and they shall be at least three hundred (300) feet apart. The sign and mounting structure shall have a maximum area of sixty (60) square feet and a maximum height of fifteen (15) feet.

9. **Prohibited Signs** - The following signs are prohibited for use in the Overlay District:
  - A. Pylon Signs
  - B. Moving, scrolling, flashing, or blinking signs
  - C. Off-Premise Signs
  - D. Portable or Temporary Signs
  - E. Roof Sign
  - F. Inflatable signs
  - G. Freestanding signs less than two (2) feet tall

#### 15.11 NATURAL FEATURE PRESERVATION

1. **Purpose** - The purpose of this Section is to promote preservation of important natural features and to maintain the natural edge and views along the Corridor.
2. **Guidelines** - The following shall be required:
  - A. Prior to construction of any new development, an inventory of natural features, including Protected Trees, located within the Setback area must be submitted, unless waived by the Planning Commission.
  - B. The site plan shall be designed to preserve existing natural features and individual Protected Trees to the greatest extent reasonable, based upon a consideration of the size of the lot, the lot coverage from buildings and structures, the required Setbacks, the topography of the lot, the utility requirements for the lot, and such other factors at the discretion of the Planning Commission. Trees that are likely to be lost during construction activity or those that are not expected to remain healthy due to the change in the site environment may be removed without penalty with the approval of the Planning Commission.
  - C. Protected Trees located within the Setback area shall not be removed unless the Planning Commission determines that the removal is necessary to construct Driveways or other improvements as approved. Individual tree removal within the Setback area shall be reviewed and approved by the Planning Commission.
  - D. Protected Trees located within the Setback area that are removed or damaged, to threaten its continued viability, in violation of this Section, shall be replaced at the discretion of the Planning Commission.

## ARTICLE 16

### "FPO" FLOODPLAIN OVERLAY DISTRICT

#### 16.01 INTENT AND PURPOSE

The intent of the Floodplain Overlay District is to support, encourage, and provide for the conservation of necessary natural resources of the Township and to allow for the development thereof preventing substantial, immeasurable, permanent and irreparable damage to the property and inhabitants of the Township.

Pursuant to Section 523 of Article 4 of the Constitution of the State of Michigan and the Michigan Zoning Enabling Act, Public Act 110 of 2006, the regulations of this district are intended to conserve, protect and enhance the natural resources, amenities, wildlife habitats, and watershed of the Township; to prevent loss of life and damage to property as a result of flooding; to enhance agricultural capabilities, recreational opportunities, and general economic activities in the interest of the health, safety and general welfare of the residents and property owners of the Township and the people of the State of Michigan.

This district is located as designated on the official Zoning Map of Crockery Township, as amended, and coincides with the one hundred (100)-year Floodplain area as designated by the U.S. Army Corps of Engineers.

The objective of this section is:

1. Prevention of conditions that increase susceptibility to dangers of flooding and pollution.
2. Protection of soils capable of providing necessary infiltration for the maintenance of aquifer stability.
3. Prevention of damage to waterways caused by erosion, scarification, sedimentation, turbidity, or siltation.
4. Protection against the loss of wildlife, fish, or other beneficial aquatic organisms, vegetation; and protection against the destruction of the natural habitat thereof.

The provisions, conditions, and restrictions of this chapter shall be deemed to apply in addition to, and where applicable to take precedence over the provisions, conditions, and restrictions of underlying zoning districts shown on the official zoning map, as amended, and other ordinances of Crockery Township sufficient to fulfill the purpose and intent of this chapter. However, no provisions of this chapter shall be deemed to lessen or diminish other provisions, conditions, or restrictions of this Ordinance, other ordinances of Crockery Township, or state and federal laws and regulations.

#### 16.02 USES ALLOWED BY RIGHT

Land, buildings, or structures in this zoning district may be used for the following purposes only:

1. General farming including, but not limited to, the cultivation and harvesting of crops such as hay, corn, berries, and fruits.

2. Pasture, grazing, forestry, and outdoor plant nurseries.
3. Wildlife sanctuaries, woodland preserves, and arboretums.
4. Open recreational and cultural uses such as parks, golf courses, driving ranges, picnic grounds, hunting and fishing areas, hiking trails, and the preservation of historic and scientific areas.
5. Residential supportive uses such as lawns, gardens, parking areas, or play areas.
6. Boat landings, moorings, or docks, excluding marinas, when authorized under the provisions of this Ordinance.
7. Structures accessory to the uses permitted above, if such structures are designed and constructed to accommodate a one hundred (100) year flood without material damage to the structure, material obstruction of the flood plain, and detriment to other properties.

### **16.03 PROHIBITED USES**

The following uses are expressly prohibited within the Floodplain District:

1. No building or structure intended for use as a residence, permanent or temporary, may be erected, constructed, or moved into the Floodplain District.
2. No building or structure approved for use as a residence, permanent or temporary, prior to passage of this Ordinance, may be reconstructed except in conformance with this Ordinance.
3. No landfill, dump, salvage yard, or junkyard shall be allowed.
4. On-site sewage disposal systems of any type are prohibited, unless approved by the Ottawa County Environmental Health Department.
5. The storage or processing of materials which, in time of flooding, become buoyant, flammable or explosive or are likely to deteriorate, or otherwise be injurious to the public health, adjacent waters or tributaries.

### **16.04 HEIGHT REGULATIONS**

No building or structure shall exceed thirty-five (35) feet in height.

### **16.05 AREA REGULATIONS**

Within the Floodplain District, all lot area, width, yard setback, and related area regulations required by the underlying zoning district as shown on the official zoning map, as amended, shall apply, except as otherwise specified in this chapter.

### **16.06 VEGETATIVE GREENBELT**

A fifty (50) foot natural vegetative strip shall be provided and maintained along both sides of all rivers and streams within the Floodplain District. The purpose of such vegetative strip is to stabilize riverbanks, prevent erosion, and protect the natural habitat for fish and wildlife. However,

this provision does not intend to prohibit the selective removal of natural vegetation to provide a view of the river.

#### **16.07 SITE PLAN APPROVAL**

Site plan approval by the Planning Commission is required for all recreational uses.

## ARTICLE 17

### SITE CONDOMINIUMS

#### 17.01 INTENT AND PURPOSE

Site condominiums are developments in which each condominium unit consists of an area of vacant land and a volume of surface or sub-surface vacant air space within which a building or other improvements may be constructed by the condominium unit owner. Each site condominium unit may also have an appurtenant limited common element reserved for the exclusive use of the owner of the condominium unit. 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 Crockery Township Zoning Ordinance and other applicable laws, ordinances and regulations. Site condominium projects may also include general common elements consisting of common open space, recreational areas, streets, and other areas available for use by all owners of condominium units within the project.

Site condominium projects require preliminary review by the Zoning Administrator and Planning Commission followed by final review and approval by the Zoning Administrator and Township Board to ensure that site condominium projects comply with all applicable laws, ordinances and regulations, including, without limitation, the Crockery Township Zoning Ordinance, and the Condominium Act, Public Act 59 of 1978, as amended. Site condominium projects may be approved as provided by this Ordinance in any zoning district for the uses permitted by the Crockery Township Zoning Ordinance in the zoning district in which the project is located.

#### 17.02 DEFINITIONS

For purposes of this Ordinance, the following words and phases are defined as follows:

1. **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.
2. **Building Site** means either:
  - A. The area within the site condominium unit 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; or
  - B. The area within the condominium unit taken together with any contiguous and appurtenant limited common element. For purposes of determining compliance with the applicable requirements of the Crockery Township Zoning Ordinance (including, without limitations, height, area, yard, and density requirements) or with other applicable laws, ordinances, or regulations, a "building site" shall be considered the equivalent of a "lot". Condominium Act means Public Act 59 of 1978, as amended.
3. **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 unit.

4. **Site Condominium Project** means a plan or project consisting of not less than two site condominium units established in compliance with the Condominium Act.
5. **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 Ordinance for review of the project by the Zoning Administrator, Planning Commission, and the Township Board.
6. **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 surface or sub-surface 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.

Except as otherwise provided by this Ordinance, the following words and phrases, as well as any other words or phrases used in this Ordinance 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**."

### **17.03 REVIEW OF PRELIMINARY PLANS**

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 Zoning Administrator and the Planning Commission in accordance with the procedures, standards, and requirements provided by this section.

1. Application for review and approval of a Site Condominium Project Plan shall be initiated by submitting to the Township Clerk.
2. A minimum of ten (10) copies of a preliminary Site Condominium Project Plan that complies with the requirements of this Ordinance.
3. An application fee in accordance with the fee schedule established by resolution of the Township Board.
4. The Township Clerk shall forward the copies of the preliminary plan to the Zoning Administrator who shall review the preliminary plan to determine its completeness and to provide any comments to the Planning Commission regarding the Plan. If the plan is not complete, it shall be returned to the applicant with a written explanation of any deficiencies. A corrected application may be submitted without payment of a new application fee within six (6) months of the return of any plan to an applicant. If the plan is complete, the Zoning Administrator shall forward it to the Planning Commission on completion of his review together with any comments from the Zoning Administrator.
5. The Planning Commission shall review the preliminary Site Condominium Project Plan in accordance with the standards and requirements of this Ordinance for Site Plan Review, and in accordance with the following additional standards and requirements:
  - A. In its review of a Site Condominium Project Plan, the Planning Commission shall consult with the Zoning Administrator, Township Attorney, Township Engineer, Township Fire Chief, Township Planner or other appropriate persons regarding the

adequacy of the proposed common elements and maintenance provisions, use and occupancy restrictions, utility systems and streets, project layouts and design, or other aspects of the proposed project, and compliance of the proposed project with all requirements of the Condominium Act or other applicable laws, ordinances or regulations.

- B. The building site for each site condominium unit shall comply with all applicable provisions of the Crockery Township Zoning Ordinance, including minimum lot area, minimum lot width, required front, side and rear yards, and maximum building height. For example, the area and width of the building site shall be used to determine compliance with the minimum lot area and lot width requirements. 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. With regard to building height, the condominium documents shall expressly provide that no building shall exceed the maximum building height permitted by the applicable zoning district regulations.
- C. 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 Ottawa County Road Commission. All private streets in a site condominium project shall be developed to the minimum design, construction, inspection, approval and maintenance requirements and any other applicable standards of any Township ordinance for Private streets.
- D. 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, the site condominium project 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 Ottawa County Department of Health and the Township in accordance with applicable standards.

#### **17.04 PLANNING COMMISSION RECOMMENDATIONS**

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.

#### **17.05 REVIEW AND APPROVAL OF FINAL PLANS BY TOWNSHIP BOARD**

After receiving the Planning Commission's recommendations on the preliminary plan, the applicant shall submit to the Township Clerk a minimum of ten (10) copies of a final Site Condominium development plan that complies with the requirements of this section and of Section 6 of this Ordinance. The Township Clerk shall forward the copies of the final plan to the Zoning Administrator who shall review the final plan to determine its completeness and to provide any comments to the Township Board regarding the plan. If the plan is not complete, it shall be returned to the applicant with a written explanation of any deficiencies. A corrected application may be submitted without payment of a new application fee within six months of the return of any plan to an applicant. If the plan is complete, the Zoning Administrator shall forward it to the



Township Board on completion of his review together with any comments from the Zoning Administrator.

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. Except for changes made to the plan as necessary to incorporate the recommendations of the Planning Commission, the final plan shall otherwise be identical to the preliminary plan that was reviewed by the Planning Commission. Changes made to the plan other than those necessary to incorporate the recommendations of the Planning Commissions shall be reviewed by the Planning Commission as provided by this Ordinance prior to approval of the plan by the Township Board.

After receiving the Planning Commission's recommendations on the preliminary plan and a 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 herein and other applicable procedures, standards and requirements provided by this Ordinance.

As a condition of approval of a final Site Condominium Project Plan:

1. The Township Board shall require that the plan be submitted to the Ottawa County Health Department, Ottawa County Road Commission, Ottawa County Drain Commission, Michigan Department of Natural Resources, Michigan Department of Public Health and other appropriate state and county review and enforcement agencies (the "**Agencies**") having direct approval or permitting authority over any aspect of the proposed site condominium project. Unless a different time limit for completion of review by the Agencies has been established by law or regulation, the review by the Agencies must be completed within one hundred twenty (120) days after submission of an administratively complete final Site Condominium Project Plan. If no response is received within the applicable period for review, the approval of the Agency or Agencies shall be presumed.
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 for which approval is sought be deposited with the Township as provided by the Michigan Zoning Enabling Act, Public Act 110 of 2006.
3. The Township may impose additional reasonable conditions of approval as provided by the Site Plan Review and any other provisions of this Ordinance, any other Township Ordinance, state law or regulation, or any other applicable law or regulation.

## **17.06 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 by this Ordinance as 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 include the following:

1. The use and occupancy restrictions and maintenance provisions for all general and limited common elements that will be included in the master deed.

2. Storm drainage and a Storm Water Management Plan, including all lines, swales, drains, basins, and other facilities and easements granted to the appropriate municipality for installation, repair, and maintenance of all drainage facilities.
3. A utility plan showing all water and sewer lines and easements granted to the appropriate municipality for installation, repair, and maintenance of all utilities.
4. A narrative describing the overall objectives of the proposed site condominium project.
5. A narrative describing the proposed method of providing potable water supply, waste disposal facilities and public and private utilities.
6. A street construction, paving, and maintenance plan for all private streets within the proposed condominium project.

#### **17.07 COMPLIANCE WITH APPROVED FINAL SITE CONDOMINIUM PROJECT 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.

#### **17.08 COMMENCEMENT OF CONSTRUCTION AND ISSUANCE OF PERMITS**

No construction, grading, tree removal, 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 to commencement of construction imposed by the Township Board have been met.
3. All applicable approvals or permits from appropriate county and state review and enforcement agencies have been obtained for the project.

#### **17.09 EXPANDABLE OR CONVERTIBLE CONDOMINIUM PROJECTS**

Approval of a final Site Condominium Project Plan shall not constitute approval of expandable or convertible portions of a site condominium project unless the expandable or convertible areas were specifically reviewed and approved by the Township Board in compliance with the procedures, standards, and requirements of this Ordinance.

#### **17.10 REVISIONS OF APPROVED FINAL SITE CONDOMINIUM PROJECT PLAN**

Any proposed changes to an approved final Site Condominium Project Plan shall be reviewed by the Planning Commission, reviewed, and approved by the Township Board as provided by this Ordinance for the original review and approval of preliminary and final plans.

#### **17.11 INCORPORATION OF APPROVED PROVISIONS IN MASTER DEED**

All provisions of a final Site Condominium Project Plan that are approved by the Township Board as provided by this Ordinance shall be incorporated, as approved, in the master deed for the site

condominium project. A copy of the master deed as filed with the Ottawa County Register of Deeds for recording shall be provided to the Township within ten days after filing the plan with the County.

### **17.12 APPROVAL EFFECTIVE FOR ONE YEAR**

Approval of a final Site Condominium Project Plan by the Township Board shall be effective for a period of one (1) year. This one (1) year period may be extended by the Board in its discretion for additional periods as determined appropriate by the Board if the extension is applied for by the applicant within the effective period of the approval.

### **17.13 EXEMPTION OF EXISTING PROJECTS**

This Ordinance shall not apply to a site condominium project, which is determined by the Township Board to have met the following conditions as of the effective date of this Ordinance (an "**existing project**"):

1. A condominium master deed was recorded for the project with the Ottawa County Register of Deeds in accordance with the requirements of the Condominium Act and other applicable laws and ordinances.
2. The project fully complies with all other applicable requirements under Township ordinances in effect on the date when the condominium master deed was recorded.
3. The exemption provided by this section shall apply only to an existing project precisely as described in the condominium master deed recorded for the project on the effective date of this Ordinance, and not to any subsequent expansion, conversion or re-platting of the project or subsequent modification or amendment to the master deed which shall be fully subject to the review and approval requirements as provided by this Ordinance.

**ARTICLE 18**  
**SITE PLAN REVIEW**

**18.01 INTENT AND PURPOSE**

The purpose of this chapter is to provide standards and procedures, under which applicants would submit, and the Township would review, site development plans for specified types of land uses within the Township. Such review of proposed site plans by the Township, and the approval thereof under appropriate terms and conditions, will help to assure compliance with the terms of this Ordinance and implementation of the goals and policies of the Township General Development Plan.

Among other matters, this chapter provides standards under which the Township may consider the approval of site plans, including standards with respect to effect on existing land uses; vehicle traffic patterns; impact on natural features and natural resources; storm water drainage; access from public and private streets; placement of buildings and off-street parking areas; adequate water supply and wastewater disposal; the providing of open space; and a variety of other aspects of land development, including signs, exterior lighting, alteration of grades, fire protection and the like.

**18.02 LAND USES REQUIRING SITE PLAN REVIEW**

Site plan review by the Planning Commission shall be required for the following land uses and in the following circumstances:

1. Any land use in the AG-1, AG-2, R-1, and R-2 Districts except farms, single-family detached dwellings and two-family detached dwellings, and accessory buildings
2. Any land use in the C-1, I-1, FPO, GRM, and MHC Districts except accessory buildings
3. Any building or structure in the CH zoning district
4. Special Land Uses
5. Site condominium and condominium subdivisions
6. Planned unit developments
7. Other land uses subject to site plan review under the terms of this Ordinance
8. A change in land use, whether such change is in whole or in part, where the new, revised or augmented land use is subject to site plan review under the terms of this chapter or elsewhere in this Ordinance (whether or not site plan approval was given for any part of the existing land use) including, but not limited to a change in the existing land use that is more than a minor change (and that does not qualify as a minor change as defined in this ordinance in or with respect to any of the following:
  - A. The principal building(s) or other principal structure(s)
  - B. The means or location of vehicle access to the land
  - C. An increase or decrease in the area of the land

- D. The addition of a building or structure
- E. The addition of one or more land uses, including the addition of an additional business or commercial use
- F. A change in the principal building or principal structure, including a change in area, height, façade or other significant aspect thereof
- G. An increase or reduction in the size or configuration of off-street parking area
- H. A change in, addition to or reduction in outdoor lighting fixtures, devices or equipment
- I. Any other change in the existing land use that does not qualify as a minor change under the terms of this Ordinance

In any zoning district, a change from one allowed use to another allowed use shall require a zoning permit. The zoning permit shall be required even if there is no change in building size or any change to the site. However, Site Plan Review by the Planning Commission may be required at the discretion of the Zoning Administrator.

### **18.03 LAND USES EXEMPT FROM SITE PLAN REVIEW**

The following land uses are exempt from site plan review:

1. Single family and two-family detached dwellings.
2. Farms, farm buildings and farm structures.
3. Permitted residential accessory buildings, except those for which Special Land Use approval is required.

### **18.04 SKETCH PLAN**

Sketch Plan review is voluntary and not mandatory. Preliminary sketches of proposed site and development plans may be submitted for review prior to formal Site Plan submittal. The purpose of such procedure is to allow discussion between the applicant and the Township to inform the applicant of the acceptability of the proposed plan prior to incurring extensive engineering and other costs that might be necessary for formal Site Plan approval.

### **18.05 SKETCH PLAN SUBMISSIONS AND CONTENT**

Applicants shall prepare and submit to the Zoning Administrator three (3) copies of a sketch plan. The Zoning Administrator shall promptly transmit two (2) copies of this plan to the Planning Commission. This plan shall set forth, in general terms, the proposed uses to be developed and the following specific information:

Sketch Plans shall include the following:

1. Basic layout of existing and proposed project elements
2. The location of natural features such as woodlots and surface water

3. The legal description and the common or popular description of the site, together with the legal description of all easements benefiting or encumbering the site
4. A small-scale locational map of the Township showing the approximate location of the site including adjacent properties, streets, and use of land within one-half mile of the area
5. The size of the site in acres and square feet
6. The location and dimensions of all existing and proposed drives, curb openings, signs, and curbing
7. Additional information as may be requested by the Planning Commission that is reasonably necessary to evaluate the proposed development of the site.
8. A generalized map to scale showing any existing or proposed arrangement of the following:
  - A. Streets
  - B. Lots
  - C. Access points
  - D. Other transportation arrangement
  - E. Buffer strips screening
  - F. Natural characteristics, including but not limited to, open space, stands of trees, brooks, ponds, floodplains, hills, dune classifications, dune crests, and similar natural assets.
  - G. Signs; location and lighting
  - H. Buildings
9. A narrative containing, at a minimum, a statement as to the type of proposed use as well as all expected accessory uses, representations as to design standards for the development, and the expected needs of the development, both in terms of time and capacity, for public and private utilities and transport. The narrative describing the overall objectives of the proposed development shall include the following:
  - A. The overall objectives of the proposed development
  - B. Number of acres allocated to each proposed use and gross area in buildings, structures, parking, public and/or private streets and drives, and open space
  - C. Square footage of dwellings or buildings by type
  - D. Proposed method of providing sewer and water service, as well as other public and private utilities
  - E. Proposed method of providing storm drainage

- F. Number of acres allocated to the proposed use and gross area in buildings, structures, parking, public and/or private streets and drives, and open space
- G. Proposed method of re-vegetating open or exposed ground areas, both preexisting and newly created, to a stable condition
- H. Method of financing and commitments or other proof of ability to obtain financing
- I. The period of time within which the project will be completed
- J. Proposed staging of the project, if any

In addition to the above said applicant shall submit the Sketch Plan Review fee in accordance with the established fee schedule to cover the normal and specially incurred expenses of the review.

### **18.06 APPLICATION FOR SKETCH PLAN REVIEW**

If the applicant chooses to submit a Sketch Plan, the Township Zoning Administrator will submit their plans to the Planning Commission. The PC may request comments from other Township officials such as the Fire Chief, Attorney, Township Engineer, Planning Consultant, and Assessor, if appropriate and base their recommendations on those review comments, as well as the purposes, objectives, and requirements in this Ordinance. The Planning Commission shall review the sketch plan and make recommendations to the applicant based on (1) the requirements of this Ordinance and (2) the following specific considerations where applicable:

The following considerations shall be applicable:

1. A scaled drawing accurately depicting all elements of the site
2. The general shape, size, and location of all existing structures and improvements on the site and on all adjoining properties
3. Required setbacks
4. General compatibility with adjacent properties
5. Refuse and service areas
6. Proposed exterior lighting, with reference to glare, traffic safety, economic effect and compatibility and harmony with adjoining properties and properties in the area
7. Yards and other open spaces
8. Ingress and egress through the property and proposed structures thereon with particular reference to motor vehicle and pedestrian safety and convenience, traffic flow and control, and access in case of fires, catastrophe, or emergency
9. Off-street parking and loading areas where required, with particular attention to noise, glare, and odor effects of each use in the plan on adjoining properties and properties in the proposed development

10. Sanitary sewer and water, (well and septic), and storm drainage and all public utilities with reference to locations, availability, and compatibility
11. Screening and buffering with reference to type, dimensions, and character
12. Signs and their proposed lighting, relative to glare, traffic safety, economic effect, compatibility, and harmony with adjoining properties
13. The general purposes and spirit of this Ordinance and the general guidelines of the Township's Master Plan., as well as compatibility with other ordinances and statutes that regulate land development.

The Planning Commission shall review the sketch plan based on the following considerations:

1. **Eligibility Requirements** - Whether the site meets the eligibility requirements of this Chapter.
2. **Access** - Whether there will be adequate and safe access onto and from the site.
3. **Storm Water Retention And Drainage** - Whether the site will have adequate and safe storm water retention capability, and whether the site will change drainage patterns or the amount of drainage off the site.
4. **Environmental Harm** - Whether the proposed mineral removal from the site will threaten any endangered or threatened species of plants or animals, wetlands, body of water, or otherwise create an unusually adverse or detrimental effect upon the environment.
5. **Open Space** - Whether the proposed use will maintain yards and open space as required in this Ordinance.
6. **Access To The Property** - Whether the proposed use will have adequate and safe access from and onto the public streets of the Township, with particular reference to vehicle and pedestrian safety and convenience, traffic flow and control, traffic volume, and emergency access in case of fire or other catastrophe.
7. **Access To Utilities** - Whether the proposed use will have adequate access to all public and private utilities necessary or desirable for its or their development in accordance with the preliminary plan, with reference to locations, availability, and compatibility.
8. **Storm Water Retention And Drainage** - Whether the proposed end use will have adequate access to public drainage systems or will be able to provide for adequate storm water retention on site so that drainage from the site after development of the end use proposed for the site will not increase or decrease the drainage burden upon adjoining properties.

#### **18.07 APPLICATION FOR FORMAL SITE PLAN REVIEW**

An application for site plan review shall be submitted to the Zoning Administrator, together with a site plan complying with the requirements of this section and other applicable provisions of this Ordinance.

1. **Contents of Application** - The application for site plan review shall include at least the following information:



- A. The applicant's name, business address and telephone number
  - B. The name and address of the owner(s) of record if the applicant is not the owner of record and the signature of the owner(s)
  - C. The address and property tax identification number of the property
  - D. The name and address of the registered engineer, architect, landscape architect or surveyor who prepared the site plan; alternatively, the name and address of other or non-registered professional with expertise in the preparation of site plans, including but not limited to a land use planner or similar qualified professional person.
  - E. A location sketch drawn at a scale of 1"= 100' with North arrow
  - F. A completion time schedule of proposed construction; proposed phases of development
  - G. A written statement describing impacts on existing infrastructure (including traffic capacity of streets, schools, and existing utilities) and on the natural environment of the site and adjoining lands
  - H. The property owners signed consent for Township representatives to enter and inspect the property for plan review purposes
2. **Required Contents of Site Plan** - The site plan shall consist of an accurate, reproducible drawing at a scale of 1"=100' or less, showing the site and all land within three hundred (300) feet of the site. Each site plan shall state or depict the following as may be applicable:
- A. The legal description of the property.
  - B. The area (in acres) of the property shall be stated (1) as the total acreage of the entire property; and (2) the area within the property that is proposed to be developed and, secondly, the area or areas of the property that are proposed to remain undeveloped. Such undeveloped areas shall include all areas which, under the terms of this Ordinance, are not permitted to be developed, whether by reason of water bodies or wetlands, areas of steep slopes, street rights-of-way, private easements or otherwise.
  - C. Existing and proposed property lines, dimensions thereof, and building setback lines
  - D. The location and dimensions of existing and proposed buildings (including square footages) and structures
  - E. Proposed uses of buildings and other structures
  - F. Existing and proposed topographic contours at two-foot intervals.
  - G. Signs, including location, size, height, and drawings thereof
  - H. Outdoor lighting, including location, type and height of fixtures, area of illumination and shielding measures used
  - I. Fences, walls and other screening features

- J. Refuse and service areas, including screening measures for trash receptacles
  - K. Significant existing vegetation and other significant natural features
  - L. Existing and proposed watercourses and water bodies
  - M. Existing public and private streets, and street rights-of-way, existing access easements
  - N. Proposed streets and drives; curb cuts and access easements; acceleration, deceleration and passing lanes and sidewalks
  - O. Existing uses, buildings, structures, driveways and off-street parking areas within three hundred (300) feet of the subject property
  - P. Boundaries and zoning of abutting lands
  - Q. Proposed off-street parking areas, off-street loading, and unloading areas
  - R. Existing and proposed water supply and sanitary sewage disposal facilities, including proposed septic systems and drain fields, and proposed public or community sanitary sewer and/or water supply systems and the components thereof
  - S. Proposed storm water management systems, including storm sewers, retention and/or detention ponds, storm water discharge areas, and other storm water management measures for 25-year storm event
  - T. Public utilities on and for the site, including natural gas, electric, cable television, and telephone
  - U. Proposed snow removal storage areas
  - V. Seal of the registered engineer, architect, landscape architect, or surveyor who prepared the site plan, if the site plan was prepared by such registered professional person.
3. **Discretionary Contents of Site Plan** - The site plan shall depict the following as may be determined by the Planning Commission:
- A. Location and type of existing soils and locations of soil borings
  - B. Buildings and other facilities for public or community use
  - C. Proposed landscaping including proposed size of new trees and other plantings and description and location of existing landscaping to be retained shall be indicated
  - D. Open space and recreation areas
  - E. Identification of any significant scenic views into or from the site and to or from adjoining lands
  - F. Delineation of the 100-year floodplain and any proposed uses therein and a determination of state-regulated wetlands, if any

- G. Typical elevation views of the front, side, and rear of each building
- H. Preliminary architectural sketch of buildings and structures and/or a written description of the type of construction and exterior materials to be used in proposed buildings and structures
- I. Ottawa County Road Commission approval or Michigan Department of Transportation approval for street entrances may be required
- J. Additional information the Township may request that is reasonably necessary to evaluate the site plan

The Planning Commission, in its discretion, may waive any element, component, or other matters otherwise required to be included in a site plan or a site plan application, if such matters are not deemed necessary for the Planning Commission's review and consideration of the land use which is the subject of the site plan.

An environmental impact study may be required by the Planning Commission, in its discretion.

A site plan need not include such detail with respect to buildings, structures, utility and storm water systems and other features as would require preparation of detailed construction drawings or other highly detailed submissions, such as would normally be required for issuance of building permits. However, the Planning Commission may require more detailed submissions with respect to particular buildings, structures or other features if such more detailed information is reasonably necessary for a sufficient review of the proposed land use.

#### **18.08 PROCEDURE FOR CONSIDERATION AND REVIEW OF SITE PLANS**

The procedure for considering site plans shall be as follows:

1. One (1) copy of a completed application form and twelve (12) copies of a proposed site plan shall be submitted to the Zoning Administrator. One (1) copy of the application form and the proposed site plan shall be submitted to the Township fire chief and may be submitted to the Township engineer and other Township consultants. The required application fee shall be paid, and the required zoning escrow deposit shall be made, at the time of submission of the application and the site plan.
2. The application and the site plan shall be reviewed by the Zoning Administrator to determine whether the plan sufficiently complies with this section, and thus whether it is complete for consideration by the Planning Commission.
3. After review of the site plan and the application by the Zoning Administrator, and upon the Zoning Administrator's determination that the submitted materials are complete, the site plan shall be forwarded to the Planning Commission for inclusion on the agenda of a Planning Commission meeting.
4. The Zoning Administrator may make a written recommendation to the Planning Commission as to whether the plan should be approved or denied, in whole or in part.
5. The site plan shall be considered by the Planning Commission at a public meeting. The Commission may continue its consideration of the site plan during subsequent meetings.

6. The Planning Commission may approve the site plan, disapprove the plan, or approve the plan with conditions. The Planning Commission decision on a site plan shall be made by majority vote of the members present, a quorum being present.
7. The decision by the Planning Commission may be included in a motion or in a separate resolution, but in either event, the terms and conditions of approval or the grounds for denial, as the case may be, shall be included. Either the minutes of the meeting shall include a summary of the action and the terms and conditions of approval or the grounds for denial, or alternatively, the minutes may refer to the contents of a separate resolution adopted by the Commission.
8. All terms and conditions of site plan approval, and required revisions or modifications of the plan, shall be deemed a part of the site plan. If the site plan is approved, the plan shall be promptly redrawn or otherwise revised, to reflect any terms, conditions and modifications required by the Planning Commission, and the revised plan shall then be promptly submitted to the Zoning Administrator, in six (6) copies or in such additional number as may be required by the Zoning Administrator. If the revised plan accurately reflects all the required terms, conditions and modifications, the Zoning Administrator shall then approve it.
9. To indicate such approval of the plan as revised to reflect all Township requirements, the Zoning Administrator shall mark such approval on the Township's original copy of the plan. One copy each of the site plan as thus approved shall be forwarded to the building department, one copy shall be forwarded to the Township engineer, and two copies shall be retained by the Zoning Administrator. One copy shall be returned to the applicant.
10. No construction or other work at the site shall commence until the Zoning Administrator has so approved the site plan.
11. All subsequent actions relating to the land use shall be consistent with the approved site plan, unless subsequent changes therein are approved by the Planning Commission, or in the case of minor changes approved by the Zoning Administrator. Any construction, land use or other activity carried out contrary to or not in conformity with an approved site plan shall be a violation of this Ordinance. Building permits and all other required permits shall be issued only in accordance with the approved site plan.
12. In the event of construction work or other activity that does not comply with an approved site plan, the Township may issue a stop work order, whereupon all work in violation of or inconsistent with the approved site plan shall cease, or all work specified in the stop work order shall cease, until the order is withdrawn or cancelled by the Township. A violation of a stop work order is a violation of this Ordinance.

#### **18.09 STANDARDS FOR REVIEW OF SITE PLANS**

The Planning Commission shall approve a site plan if it determines that the plan:

1. Complies with the requirements of this Ordinance
2. Is consistent with the intent and purposes of this Ordinance
3. Will be compatible with adjacent land uses, the natural environment and the current capacities of public services and facilities

4. Will be consistent with the public health safety and welfare

Site plans shall conform to the requirements of the Ottawa County Health Department and state and county requirements for soil erosion and sedimentation control. Site plan approval shall be conditioned upon the applicant receiving all applicable Township, county and state permits or other approvals, prior to issuance of building permits or within such other deadline or time constraint determined by the Planning Commission in its approval of the site plan. Site plans shall fully conform to the driveway and traffic safety standards of the Township and the Ottawa County Road Commission. Private streets shall comply with Township private street requirements; public streets shall comply with Ottawa County Road Commission requirements.

In addition, the site plan shall comply with the following minimum requirements:

1. **Basic Elements of the Site** - All elements of the site plan shall be organized harmoniously and efficiently in relation to topography, the size, and nature of the land parcel, the character of adjoining property, and the type and size of buildings. The site shall be so developed as not to impede the normal and orderly development or improvement of surrounding property for uses permitted by this Ordinance. The site plan shall comply in all respects with applicable provisions of this Ordinance, including but not limited to the minimum provisions of the zoning district and any applicable overlay district and all generally applicable provisions of the Zoning Ordinance.
2. **Buildings and Structures** - Building and structures shall be located and arranged in compliance with zoning district requirements and other applicable provisions of this Ordinance.
3. **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.
4. **Sidewalks** - In its approval of a site plan, the Planning Commission may require the providing of sidewalks or other measures for pedestrian circulation.
5. **Storm Water Drainage** - Storm water detention and drainage systems shall be designed so that the removal of surface waters will not adversely affect the subject property, adjacent or nearby properties or public storm water drainage systems. The plan shall show compliance with the any storm water ordinance adopted by the Township.
6. **Landscaping** - The landscape shall be preserved in its natural state, insofar as practicable, by minimizing unnecessary tree and soil removal. Grade changes shall be in keeping with the general appearance of adjacent developed areas. The site plan shall comply with the landscaping and greenbelt requirements of this ordinance.
7. **Screening** - Where commercial or industrial uses abut residential uses, or where more intensive residential uses abut less intensive residential uses, appropriate screening consisting of attractively designed fencing or screening, or equivalent landscaping, shall be provided to shield residential properties from the effects and view of commercial or industrial uses.

8. **Lighting** - Outdoor lighting shall be designed to minimize glare on adjacent properties and streets, and shall be designed, installed and operated in compliance with any outdoor lighting requirements of this Ordinance.
9. **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 no serious adverse effects on adjacent or nearby properties, and shall be screened as required by the Planning Commission.
10. **Utilities** - Water supply and sanitary sewage disposal facilities shall comply with all Township, county and state requirements.
11. **Signs** - Signs shall comply with the applicable sign provisions of this Ordinance.
12. **Outdoor Storage and Waste Disposal** - All outdoor storage facilities shall be enclosed by a solid fence or wall of not less than six and no more than ten feet in height, which is adequate to conceal such facilities from adjacent properties and from public view. If materials or wastes are stored outside which might cause fumes, odors and dust or which constitute a fire hazard or which may be edible by rodents or insects, then such materials shall be stored only in closed containers and screened from public view and adjacent properties. No materials or wastes shall be deposited on a lot or property in such form or manner that they may be moved off the lot or property by natural causes or forces. Waste materials shall not be allowed to accumulate on a lot or property in such a manner as to be unsightly, constitute a fire hazard, or contribute to unsanitary conditions.
13. **Parking and Loading** - Off-street parking and loading facilities shall comply with the applicable parking and loading regulations of this Ordinance. Loading and unloading areas and outside storage areas which face or are visible from residential uses or streets shall be screened by a sufficient fence or by landscaping.

#### **18.10 CONDITIONS ON APPROVAL OF SITE PLANS**

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:

1. insure compatibility with adjacent land uses
2. promote the use of land in a socially and economically desirable manner
3. protect the natural environment and conserve natural resources
4. 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

#### **18.11 CONSTRUCTION IN ACCORDANCE WITH APPROVED SITE PLAN**

Following the approval of a site plan by the Planning Commission, the applicant shall design, construct, and install all site plan improvements and other features in full compliance with the plan as approved. Failure to do so shall be a violation of this Ordinance.

## **18.12 PERFORMANCE GUARANTIES**

To assure compliance with the terms of this Ordinance and any conditions imposed upon the approval of a site plan, the Planning Commission may require that a cash deposit, irrevocable bank letter of credit or performance bond, with surety acceptable to the Township, be submitted to the Township, as a condition of approval of the site plan. Such deposit or financial guarantee shall be in an amount determined by the Township Engineer, or as otherwise determined by the Planning Commission.

1. The amount of the required performance guarantee may include but shall not be limited to such amount as is determined sufficient to assure the completion of streets, outdoor lighting, utilities, sidewalks, drainage systems, fencing and screening, landscaping, and other elements of the proposed construction or development.
2. A bank letter of credit or performance bond shall be conditioned upon timely and faithful compliance with all conditions imposed upon approval of the site plan and in compliance with all applicable zoning ordinances and other requirements.
3. When a performance guarantee is required, the guarantee, whether in the form of cash deposit or other permitted form of guarantee, shall be deposited with the Township clerk prior to the issuance of a building permit or other required permits.
4. In the discretion of the Zoning Administrator, as phases or elements of the work or development are completed, portions of the cash deposit or the amount covered by a bank letter of credit or performance bond may be released.
5. Upon the satisfactory completion of the improvements for which the performance guarantee was required, as determined by the Zoning Administrator, the Township shall return to the applicant the cash deposit or the performance guarantee, or such portion thereof that has not been utilized by the Township for required completion of construction or other work.

## **18.13 CHANGES IN APPROVED SITE PLANS**

An approved site plan may not be changed, and development in accordance with a changed site plan may not take place, unless the changes in the site plan have been reviewed and approved by the Planning Commission except as stated herein:

The property owner or other holder of an approved site plan shall submit to the Zoning Administrator an application for approval of any proposed change in the approved site plan. The application shall be accompanied by a site plan, showing the change or changes for which approval is being requested. Any required application fee shall be paid at the time the application and proposed revised site plan are submitted.

1. Minor changes in an approved site plan may be approved by the Zoning Administrator, upon a determination that the proposed minor change will not alter the basic design of the development or any of the specific terms and conditions imposed as a part of the original approval of the site plan. Minor changes eligible for consideration and approval by the Zoning Administrator consist only of the following:
  - A. Replacement of plant material specified in the landscape plan, with comparable material.



- B. Changes in building materials to a comparable or higher quality.
  - C. Internal rearrangement of a parking area which does not affect the number of parking spaces or traffic circulation on the site nor alter access locations or overall design of the site or parking area(s).
  - D. Changes required or requested by the Township for safety reasons.
  - E. Changes that will preserve the existing natural features of the site without changing the basic site layout.
  - F. Other similar changes of a minor nature which are deemed by the Zoning Administrator to be not material or significant in relation to the entire site, and which the Zoning Administrator determines would not have a significant adverse effect upon the subject lands, or upon adjacent or nearby lands or the public interest.
2. Any requested minor change submitted to the Zoning Administrator for approval, may be referred by the Administrator to the Planning Commission for decision, regardless of whether the proposed change qualifies or does not qualify as a minor change. In the case of such referral to the Planning Commission, the Commission shall make the decision on the requested change, even if the change qualifies as a minor change.
  3. If the change requested in an approved site plan is not a minor change under the terms of this section, then such change shall be deemed a major change. In that event, the site plan, showing the major change, shall be submitted to the Planning Commission, for its review and consideration, and the procedures with respect thereto shall be the same as those required for original consideration of a site plan.
  4. In the approval of any changes in an approved site plan, whether by the Zoning Administrator or by the Planning Commission, terms and conditions may be imposed thereon and the applicant shall comply with such terms and conditions.
  5. Upon the Zoning Administrator's approval of minor changes in an approved site plan, the Zoning Administrator shall notify the Planning Commission of the changes approved.
  6. Upon approval of changes in an approved site plan, the applicant shall promptly submit to the Zoning Administrator four copies of the site plan, or such additional copies as may be required by the Zoning Administrator, accurately showing the changes in the plan so approved. The Zoning Administrator shall then mark the original of the site plan as approved, by means of affixing a signature or other authentication and setting forth the date of the authentication.

#### **18.14 AS-BUILT SITE PLAN**

Upon completion of required improvements as shown on the approved site plan, the property owner or other interest holder shall submit to the Zoning Administrator three copies of an "as-built" site plan, certified by an engineer, surveyor or other professional, prior to the anticipated occupancy of any building within the area comprising the site plan. The as-built plan shall be reviewed by the Zoning Administrator or Township engineer to determine whether the plan is in conformity with the approved site plan and other Township requirements and applicable county and state requirements. The Township may request that the as-built site plan be submitted in both paper copy and electronic format.



The Township building official, or other authorized Township official, shall not issue an occupancy permit until the as-built site plan is in full conformance with the following:

1. The approved site plan
2. All applicable provisions of the Township Zoning Ordinance
3. All applicable provisions of other Township ordinances
4. The building code
5. The storm water ordinance
6. Other applicable ordinances

### **18.15 PHASING OF DEVELOPMENT OR LAND USE**

The applicant may divide the proposed development or land use into two or more phases. In such cases, the site plan shall show the entire property involved and shall clearly indicate the location, size, and nature of each phase. The applicant may submit a site plan for each phase, separately, and site plans may be submitted for review and approval for each subsequent phase of the development or land use.

If, however, a phase of a development or land use is dependent in whole or in part on the completion or partial completion of one or more other phases, then the site plan shall show such other phases, in whole or in part, upon which the proposed phase is dependent.

### **18.16 APPROVAL EFFECTIVE FOR ONE YEAR**

Approval of a site plan under the terms of this chapter shall be effective for a period of one (1) year, but only if the development and construction of the land use covered by the site plan commences within such period of one (1) year and is diligently pursued thereafter. If construction or development of the use permitted by the approved site plan has not commenced during such one (1) year period, the period may be extended by the Planning Commission in its discretion, for up to two (2) additional periods of one (1) year each.

**ARTICLE 19**  
**SPECIAL LAND USES**

**19.01 INTENT AND PURPOSE**

The intent of this chapter is to permit land to be used for Special Land Uses upon public notice and after public hearing, review, and approval by the Planning Commission. In connection with any such approval, the Planning Commission may impose reasonable terms and conditions in order to ensure that public services and facilities will be capable of accommodating increased service and facilities requirements, to protect the natural environment and conserve natural resources and to promote the use of land in a socially and economically desirable manner.

**19.02 GENERAL PROVISIONS**

The formulation and enactment of the Zoning Ordinance is based upon the division of unincorporated portions of Crockery Township into districts in each of which certain specified, mutually compatible uses are permitted by right. However, some land uses and activities possess unique characteristics, which under certain conditions require special limitations and controls to insure compatibility with adjacent land uses, the natural environment, and with existing and projected capacities of public services and facilities. Such uses or activities have been designated as Special Land Uses. Without certain conditions, limitations, and controls, Special Land Uses may not be entirely appropriate and compatible with the uses permitted by right in the zoning district in which they are located. Therefore, the following Special Land Uses may be allowed following review by the Planning Commission.

Only the Special Land Uses specified in this Ordinance are eligible for consideration. No Special Land Use shall be engaged in unless the required approval has been granted, in accordance with the procedures specified in this chapter.

**19.03 APPLICATIONS FOR SPECIAL LAND USES**

An applicant for a Special Land Use shall proceed as follows:

1. An application, on a form provided by the Township, shall be completed by the applicant and filed with the Zoning Administrator.
2. The application shall include:
  - A. Name, address and telephone number of the applicant
  - B. Address of the property involved
  - C. Date of the application
  - D. Applicant's interest in the property and, if not the fee simple owner, a signed authorization from the owner(s) for the application including the names and addresses of all record owners and proof of ownership
  - E. Legal description, address, and tax parcel number of the property
  - F. A detailed description of the proposed use

- G. A statement indicating the sections of this Ordinance under which the Special Land Use is sought. The applicant shall also specify the grounds upon which the Special Land Use is requested.
3. The fee established for an application for a Special Land Use shall be paid at the time of the filing of the application. The applicant shall deposit the required sum into an escrow account with the Township, for use in reimbursing the Township for its expenses in the consideration of the matter, as specified in the Townships' zoning escrow account procedures.
4. A site plan covering the Special Land Use shall be submitted with the application. At a minimum, the site plan shall comply with all of the required contents of a sketch plan, as stated in the Site Plan Review Section of this Ordinance. If determined necessary and appropriate for the type of approval sought, the Planning Commission may require the submission of a full site plan in addition to the sketch plan.

#### **19.04 PUBLIC HEARING AND MINIMUM REQUIREMENTS**

1. Special Land Use applications, when complete, shall be forwarded to the Planning Commission. The Commission shall hold a public hearing on the Special Land Use application, after the providing of public notice. After the public hearing, the Commission shall consider the Special Land Use and shall approve it, deny it or approve it with conditions.
2. Special Land Uses shall comply with all of the minimum requirements provided in this Ordinance and in other applicable Township ordinances for all of the aspects and features of the land use for which minimum requirements are so specified. However, in approving a Special Land Use, the Planning Commission may authorize other or different requirements or may determine that any of such requirements need not be satisfied, if justified by the relevant facts and circumstances and if the standards for consideration of Special Land Uses stated in this Chapter would nevertheless be satisfied.
3. Notice of a public hearing on a Special Land Use shall be accomplished as required by state law.
4. In considering a Special Land Use, the Planning Commission may require the submission of additional reports, studies, or information, including an environmental impact assessment, traffic impact study, utility system plan, stormwater drainage plan, water supply system plan and other plans or studies, or any of them, bearing upon the operation and effects of the Special Land Use.
5. In its review of the Special Land Use application, the Planning Commission may submit the application and other materials to its consulting engineer and other professional consultants and advisors, for review and comment.

#### **19.05 STANDARDS FOR CONSIDERING SPECIAL LAND USES**

The Planning Commission shall apply and make findings upon the following general standards, in addition to other standards provided in this Ordinance for particular Special Land Uses:

1. The size, character, and nature of proposed principal buildings and accessory buildings and structures or the uses to be erected and constructed shall not have a substantial adverse effect upon the nature and character of buildings and structures or properties

adjoining in the surrounding neighborhood or nearby lands. The area and/or height and location of the proposed use shall not have a substantial adverse effect upon in relation to the size of the lot on which it is to be placed and other uses and buildings on adjoining lots.

2. The Special Land Use shall not have a substantial adverse effect on storm water drainage or other adverse effects.
3. The Special Land Use shall not have a substantial adverse effect on the need and extent of law enforcement and fire protection services, or other public safety and emergency services.
4. The Special Land Use shall not have a substantial adverse effect on the protection and preservation of natural resources and natural features. The possibility of unforeseen environmental consequences shall be carefully scrutinized.
5. Vehicular and pedestrian traffic circulation upon the property shall be designed to minimize conflicts on public streets and prevent potential traffic congestion. Safe and convenient off-street parking areas, ingress, and egress to the lot and the proposed buildings or structures to be located thereon shall be appropriate to the Special Land Use proposed. The Special Land Use shall not have a substantial adverse effect on the street capacity and volume of traffic, traffic safety, and vehicle circulation. Available parking shall be adequate for the intended use.
6. Safe and adequate sewage disposal facilities and water supply measures shall be provided in compliance with county and state requirements, and shall be designed for compatibility with existing systems and anticipated future development. Connection with existing sanitary sewer systems and water supply systems may be required.
7. The Special Land Use shall not create excessive additional demand, at public cost, for public facilities and services.
8. The period of day and times of the year during which a Special Land Use activity commences or continues shall be reasonably related to both the use and the neighborhood or area in which it is proposed.
9. The Special Land Use shall be consistent with the intent and purposes of the Comprehensive Plan.
10. Effect of the intended use on light and air circulation for properties that are both adjoining and in the surrounding neighborhood shall be considered.
11. Any increase in density of the proposed use shall be compatible with the surrounding neighborhood.

#### **19.06 TERMS AND CONDITIONS OF APPROVAL**

The Planning Commission may impose reasonable terms and conditions on the approval of a Special Land Use. The terms and conditions shall be for achieving the following goals and favorable results.

1. To ensure that public services and facilities affected by the Special Land Use will be capable of accommodating increased service requirements resulting from the use.

2. That the proposed use complies with the development and design requirements of the zoning district in which it is located and with the applicable standards of this chapter.
3. To ensure that the Special Land Use is reasonable.
4. To ensure that the Special Land Use is compatible with adjacent and nearby land uses.
5. To protect natural resources, the health, safety, and welfare of those who will utilize the Special Land Use and residents near the Special Land Use and the Township as a whole.
6. To ensure that the Special Land Use is consistent with the intent and purposes of the zoning ordinance.
7. To ensure compliance with the general Special Land Use standards and the specific standards applying to the Special Land Use under consideration.
8. If the Special Land Use is of a temporary nature, or if it involves uses or activities, which by their nature will terminate at some point in the future, the Planning Commission may impose terms and conditions that limit the duration of the Special Land Use.
9. The Planning Commission may require that a Special Land Use be periodically reviewed to determine whether the terms and conditions of the use are being met. All terms and conditions of a Special Land Use shall remain unchanged unless revoked or amended by the Planning Commission.

#### **19.07 REQUIRED STANDARDS AND FINDINGS**

The Planning Commission shall review the particular circumstances and facts of each proposed use in terms of the following standards and required findings, and with respect to any additional standards set forth in the zoning districts and general provisions herein. The Planning Commission shall find and record adequate data, information, and evidence showing that the proposed use on the proposed lot meets all required standards. Taking into consideration the size, location and character of the proposed land use, viewed within the context of surrounding land uses and the Comprehensive Plan for such area, the proposed Special Land Use shall:

1. Be compatible and harmonious with generally accepted planning standards and/or principles, with (1) the surrounding uses and/or (2) the orderly development of the surrounding neighborhood and/or vicinity in accordance with the Zoning Ordinance and Comprehensive Plan.
2. Be of a nature that will make vehicular and pedestrian traffic no more hazardous than is normal for the district involved, taking into consideration vehicular turning movements in relation to routes of traffic flow, proximity and relationship to intersections, adequacy of sight distances, location and access of off-street parking and provisions for pedestrian traffic, with particular attention to minimizing child-vehicle interfacing.
3. Not affect surrounding property in terms of noise, dust, fumes, smoke, air, water, odor, light, and/or vibration, and further, shall not affect persons perceiving the operation in terms of aesthetics. Where such concerns can be appropriate development and use of adjacent land and buildings or unreasonably affect their value.
4. Be such that the proposed location and height of buildings or structures, and location, nature and height of walls, fences, and landscaping will not interfere with, discourage the

appropriate development and use of adjacent land and buildings, or unreasonably affect their value.

5. Relate harmoniously with the physical and economic aspects of adjacent land uses as regards prevailing shopping habits, convenience of access by prospective patrons, continuity of development, and need for particular services and facilities in specific areas of the Township.
6. Be in general agreement with the Comprehensive Plan designated for the area where the use is to be built.
7. Be so designed, located, planned and to be operated that the public health, safety and welfare will be protected.
8. Not cause substantial injury to the value of other property in the neighborhood in which it is to be located and will not be detrimental to existing and/or other permitted land uses in the zoning district.
9. Not result in an impairment, pollution, and/or destruction of the air, water, natural resources, and/or public trust herein.
10. Not burden the capacity of public services and/or facilities.

#### **19.08 PLANNING COMMISSION ACTION**

The Planning Commission shall approve, approve with conditions, or deny a Special Land Use permit application. The Planning Commission's decision, the basis for the decision, and all conditions imposed, shall be described in a written statement, which shall be made a part of the record of the meeting.

#### **19.09 CONDITIONS OF APPROVAL**

In granting a Special Land Use permit, the Planning Commission shall impose such conditions, as it deems necessary to achieve the objectives and standards of the Ordinance, the standards of the Michigan Zoning Enabling Act, Public Act 110 of 2006; and the public health, safety, and welfare of Crockery Township. Failure to comply with any such conditions shall be considered a violation of this Ordinance. Conditions of approval shall remain unchanged except upon mutual consent of the Planning Commission and the landowner. Any such changes shall be entered into Township records and recorded in the minutes of the Planning Commission meeting at which the action occurred.

To ensure compliance with the Zoning Ordinance and any conditions imposed there under, the Planning Commission may require a performance guarantee be deposited with the Township Clerk. The performance guarantee shall consist of a cash deposit, certified check, irrevocable bank letter of credit, or surety bond acceptable to the Township in an amount necessary or appropriate to cover the estimated cost of safeguards associated with the proposed use. This performance guarantee shall be deposited prior to the issuance of the permit authorizing the proposed use. If the performance guarantee is a cash deposit, it may be rebated periodically by the Planning Commission upon application of the depositor in reasonable proportion to the ratio of the work completed on the required safeguards. For purposes of this subsection, the word "safeguards" shall mean those features and actions associated with the proposed use that are considered necessary by the Township Board to protect natural resources, and/or the health,

safety and welfare of the residents of the Township and future users or inhabitants of the land included within and surrounding the proposed use.

### **19.10 REAPPLICATION**

No application for a Special Land Use permit, which has been denied wholly or in part by the Planning Commission, shall be resubmitted for a period of three hundred sixty-five (365) days from the date of such denial, except on grounds of new evidence or proof of changed conditions found by the Planning Commission to be valid. Alternatively, the Zoning Administrator may determine that reapplication is justified in view of circumstances affecting the lands or the uses thereof, and in such a case, the Zoning Administrator may submit the reapplication to the Planning Commission for its consideration. Resubmitted applications shall be subject to the same fees, procedures, and application requirements as a new application.

### **19.11 EXPIRATION**

A Special Land Use permit shall expire one year after it is approved, unless construction or other commencement of the use has substantially occurred and continues. Upon request by the applicant, the Planning Commission may extend the term of the Special Land Use for up to one additional year, upon a finding that such an extension of time is reasonable under the circumstances. Any such requested extension of time may be denied if the Planning Commission determines that land use conditions in the vicinity have changed such that a reapplication and rehearing of the Special Land Use would be required.

### **19.12 VIOLATION OF SPECIAL LAND USE REQUIREMENTS**

A violation of any of the terms and conditions of a Special Land Use shall be a violation of this Ordinance, and all penalties specified herein for the violation of the ordinance shall apply, and the Township shall have such other enforcement remedies authorized by law. The Township may also take such other lawful action as may be necessary to and/or moderate the violation, including revocation of all or part of the Special Land Use, requirement for further hearing and consideration or other lawful review of the matter. Failure to fulfill the terms of the approved Special Land Use permit shall be grounds for revocation.

### **19.13 LIST OF SPECIFIC SPECIAL LAND USES**

The following special land uses are authorized for approval under the terms of this ordinance, subject to the applicable standards and requirements for each special land use, as stated in this chapter:

1. Accessory Dwellings
2. Adult Foster Care Group Homes
3. Adult Use
4. Bed and breakfast operation
5. Boarding and Riding Stables
6. Boat fuel station
7. Campground and Recreational Vehicle Park

8. Car wash, automatic and self-serve
9. Child caring facility
10. Church or other house of worship
11. Commercial amusement
12. Commercial stable
13. Contractor, supply and equipment yard
14. Dog kennel, including boarding of dogs
15. Doggie daycare business, not including overnight boarding of dogs or other animals
16. Drive-In or Drive-Through Eating Establishments
17. Essential Services
18. Ethanol production facility
19. Ethanol production facilities, if any adjoining property is zoned for any residential district or production exceeds ten thousand (10,000) gallons per year
20. Farm Market
21. Farm vehicle and farm implement sales and service
22. Gasoline service station
23. Governmental Administration and Service Buildings, Libraries, Museums, Private and Public Schools, and Similar Uses
24. Greenhouse and plant nursery
25. Group child care home
26. Gymnastics and dance instruction
27. Home occupations
28. Hotel or motel
29. Hunting Clubs
30. Indoor sports business, including court games
31. Kennels, Boarding
32. Kennels, Breeding



33. Landscape business, including outdoor display and sale of landscape materials such as topsoil, mulch and the like
34. Lodge Halls and Fraternal Organizations
35. Long Term Care Facilities
36. Minor Mineral Removal
37. Motor vehicle sales and service (new and used)
38. Multiple-family dwelling
39. Non-Commercial and Not-for-Profit Organizations
40. Other commercial, office or service use determined by the Planning Commission to be not inconsistent with the stated purposes of Article 13, and subject to Section 13.03.5
41. Outdoor Businesses
42. Outdoor display and sale of yard accessories, including statuary, playground equipment, storage sheds and similar yard accessories
43. Park, playground, community center, and governmental, administration or service buildings, owned and operated by a governmental agency or a non-commercial organization
44. Photography studio
45. Planned mineral removal or minor mineral removal
46. Ponds, Agricultural
47. Ponds, Recreational
48. Private and public school, library, museum, and similar use
49. Publicly-owned athletic ground and park
50. Recreational vehicle sales and service, including boats and other watercraft, off-road vehicles, snowmobiles and other types of recreational vehicles
51. Removal and processing of topsoil, sand and gravel and other minerals
52. Residential Use of a Commercial Building
53. Restaurant, lounge or club
54. Retail Space Exceeding Forty-Five Thousand (45,000) Square Feet in Size
55. Tack shop
56. Theater, banquet hall and other place of assembly

- 57. Two-family dwelling as part of a residential subdivision
- 58. Wind Turbines, Commercial Use
- 59. Winter (November through March) outdoor storage of boats, yachts, cruisers, inboards, outboards and sailboats
- 60. Wireless Communications Towers and Antennas

#### **19.14 STANDARDS AND REQUIREMENTS FOR SPECIFIC SPECIAL LAND USES**

The following provisions are standards and requirements for specific Special Land Uses, which must be satisfied with respect to a specified Special Land Use, in addition to compliance with the general Special Land Use standards set forth in this chapter:

##### **1. Accessory Dwellings –**

Accessory dwelling units such as guesthouses, or elder residences may be permitted as a special land use on a parcel of land in any agricultural or residential zoning district if a detached single-family dwelling is located on such parcel and if all of the following requirements are complied with.

- A. Accessory dwelling units such as guesthouses, or elder residences may be permitted as a special land use on a parcel of land in any agricultural or residential zoning district if a detached single-family dwelling is located on such parcel and if all of the following requirements are complied with.
- B. Only one such dwelling unit shall be permitted on each premises and the use of the accessory dwelling unit, shall be limited to use as the residence of domestic employees, or family members of the owner or the lessee of the principal single-family dwelling. Legal evidence or affidavit of such shall be required prior to the issuance of a building permit for an accessory dwelling.
- C. The premises shall be the principal address of the owner or lease holder of the property.
- D. The accessory dwelling shall be erected as an integral part of the principal dwelling structure or as an integral part of an otherwise permitted accessory building such as an attached or detached garage.
- E. The minimum square footage of habitable floor area provided in the accessory dwelling shall be two hundred eighty (280) square feet for one person and four hundred (400) square feet for two persons. The maximum amount of floor area allowed in an accessory dwelling shall be six hundred fifty (650) square feet or fifty percent (50%) of the total floor area of the principal dwelling, whichever is larger.
- F. In such instance that the accessory dwelling unit is to be a part of an otherwise permitted accessory building, the habitable floor area shall not comprise more than fifty percent (50%) of the total floor area of an accessory structure.
- G. Whether an integral part of the principal dwelling structure, attached, or detached accessory building, the accessory dwelling shall be equipped with its own domestic

water supply, sanitary facilities approved by the Ottawa County Health Department, food preparation facilities, and means of outdoor entrance and exit.

- H. Detached accessory buildings containing an accessory dwelling unit shall comply with the provisions of this ordinance except that such building shall not be located closer than twenty-five (25) feet from the rear lot line.
- I. If attached to or integrated within the principal dwelling structure, only one (1) front entrance to the structure shall be visible from the front yard and there shall be no external evidence of occupancy by more than one (1) domestic unit (family). The floor area of the accessory dwelling shall not be calculated in maintaining the minimum required floor area for the principal dwelling unit.
- J. All building additions made to an existing structure to facilitate the provision of an accessory dwelling shall be done in a manner that conforms architecturally to the existing structure.
- K. Detached accessory buildings containing an accessory dwelling shall be constructed to conform architecturally with the principal dwelling or an alternate architectural style similar to that for single-family homes in the zoning district. Manufactured homes shall not be permitted as an accessory dwelling unit structure.

## **2. Adult Foster Care Group Homes (seven (7) or more persons) -**

Adult foster care group homes as defined, licensed, and regulated by the state under Act No. 218 of the Public Acts of 1979 and the associated rules promulgated by the State of Michigan shall be permitted as a Special Land Use as authorized by the Planning Commission, subject to the following conditions and standards:

- A. In no event shall an adult foster care group home be located within a one thousand five hundred (1,500) foot radius of any other small or large group adult foster care home, measured from property lines horizontally in any direction, including a group home as defined in any adjacent jurisdictions' zoning ordinance.
- B. The operator of the group home shall have a license and/or certificate as required by appropriate federal, state, or local agencies, if any is required, demonstrating the operator's qualifications to operate the group home.
- C. The group home shall be limited to not more than three (3) resident staff.
- D. No services including, but not limited to, counseling and other treatment shall be permitted for persons other than the residents of the group home.
- E. Prior to the occupancy of a group home, the operator of the home shall obtain a letter from the Zoning Administrator certifying that the provisions of this Ordinance have been met. This certification letter shall state that the group home meets the definition and requirements of group home as stated herein, and meets all other applicable standards and criteria.

## **3. Adult Use -**

An application for an adult use shall include information submitted by the applicant that shall substantiate the following:

- A. That the proposed use and its projected traffic generation is consistent with achieving or maintaining the established level of service set forth in the Township's growth management elements. If the Township's established level of service is already exceeded, then the proposed use and its projected traffic generation will not result in a net increase in the level of service.
- B. That the proposed site is adequately served by other public and private service facilities consistent with the established level of services as set forth in the Township's Comprehensive Plan.
- C. That the proposed site is not located within a 1,500-foot radius of (1) a residential land use or zoning district, (2) an existing or planned school or park (3) a religious institution, or (4) any other adult use, whether located in this or an adjacent jurisdiction. This distance shall be measured between the nearest exterior walls of the adult use or proposed adult use along a straight line extended to the nearest property line of the referenced land use designation.
- D. That neither the applicant, if an individual, or any of the officers or general partners, if a corporation or partnership, have been found guilty or pleaded nolo contendere within the past four years of a misdemeanor or a felony classified by the state as a sex or sex-related offense.
- E. Any conditions imposed upon the permit shall be in keeping with the objective development standards of the Township Comprehensive Plan and the underlying zoning district in which the property is located.

#### **4. Bed and Breakfast Operations -**

In considering such authorization, the Planning Commission shall consider the following standards:

- A. The number of bedrooms.
- B. The effect of the proposed operation on the adjoining properties and the surrounding neighborhood.
- C. Potential traffic that will be generated by the proposed bed and breakfast operation.
- D. One parking space must be provided for every bedroom

#### **5. Boarding and Riding Stables -**

The special land use shall comply with all of the following requirements:

- A. The special use shall have a land parcel area of at least one acre for each animal on the premises at any one time, but in any event, the land parcel shall not be smaller than five acres.
- B. The use may be accessory to the residential use of the land or accessory to some other permitted principal use.

- C. All buildings, arenas, exercise areas or other areas in which animals are kept shall be located at least 100 feet away from any property line and at least 50 feet from any occupied dwelling or any building used by the public, and shall be located within a rear yard or at least one hundred fifty (150) feet from the front property line if the boarding or riding stable is the principal use. If horses are confined by permitted fencing, they may be pastured to the property lines, if permitted by the Planning Commission in its approval of the special land use.
- D. The special land use shall not result in serious adverse effects on adjacent or nearby lands or streets by reason of odor, dust, noise, storm water drainage or other adverse effects.
- E. Manure shall be stored, managed and removed in a manner that minimizes off-site odors or other adverse impacts, under the terms of a waste management plan approved by the Planning Commission in its discretion.
- F. The total ground floor area of all buildings shall not exceed five percent of the area of the land parcel or 6,000 square feet, whichever is the larger.
- G. All applicable regulations of the County Health Department with respect to on-site septic systems, water supply wells, groundwater protection and manure management shall be fully complied with.
- H. Driveway access to the special land use from the adjacent public street shall be subject to the approval of the County Road Commission.
- I. There shall be adequate off-street parking area for motor vehicles, including trucks and trailers.
- J. If future expansion of the use is contemplated, the applicant shall indicate the proposed area for such expansion, though the expansion need not necessarily be approved at the time of approval of the original special land use.
- K. Any signs shall comply with the applicable sign requirements of this Ordinance.
- L. Paddocks, turnout areas, pens, corrals and other areas in which horses may be located or ridden shall comply with the requirements of the Planning Commission in its approval of the special land use, including requirements as to the area of pens and corrals, the type of fencing, the location and size of gates, the adequacy of areas for snow removal and storage, the types of shelters for horses, the assurance of safety for horses and persons on the premises and other matters with respect to the design, layout, construction, maintenance and operation of the special land use.
- M. All aspects of the special land use shall comply with applicable provisions of Michigan law.

## 6. **Boat Fuel Stations -**

Establishment of a new boat fuel station may be permitted only when the site is located within the Grand River Marina Zoning District and in accordance with State and Federal regulations and the following:

- A. Establishment of a new boat fuel station may be permitted only when the site area is no less than twenty thousand (20,000) square feet, except when it becomes a part of a functionally integrated marina complex.
- B. All buildings and structures shall be set back at least twenty-five (25) feet from all property lines. New gasoline pump islands or additions to existing gasoline pump islands shall be set back at least sixteen (16) feet from any property line or waterline.
- C. Decorative masonry walls shall be constructed where necessary to screen effectively the boat fuel station, or uses operating within the boat fuel station, from adjacent properties and public rights-of-way.
- D. All onsite utilities shall be placed underground.
- E. No accessory structures, including movable or portable buildings, shall be permitted on any Boat Fuel Station site, except that small storage cabinets and other small structures may be permitted.
- F. Operations outside permanent structures shall be limited to the dispensing of gasoline, oil, additives, water, air, minor parts replacement, and cleaning and detailing. No painting, body, and fender repair or tire recapping shall be allowed on the site.
- G. No damaged or permanently disabled boats or trailers or other equipment shall be kept on the site for more than forty-eight (48) hours.
- H. No boat fuel station shall engage in the display, storage, rental, or sale of automobiles, trucks, motorcycles, boats, campers, dolly carts, garden, or household supplies, or other retail items not associated with boat refueling operation. This prohibition shall not be construed to prohibit the display of boat related items (i.e. oil, additives, fluids, etc.) from display racks located at pump islands to render efficient service to the boating public.
- I. All vending machines shall be located inside a building or in an architecturally screened area designated for such machines.
- J. Landscaping and landscape areas shall be installed pursuant to this ordinance.
- K. Trash enclosures and recycling areas shall be provided.
- L. Hours of operation for all boat fuel stations shall be compatible with adjacent land uses.
- M. The operation of the boat fuel station shall be reviewed with reference to the criteria in this section as well as to the method of operation as it relates to maintenance, compatibility with adjacent land uses and overloading of the site. Conditions of approval may require the applicant to make reasonable efforts to conform to the purpose and criteria of this section, and may include requirements for installation of signs; construction of walkways, driveways, walls, landscaping, and trash enclosures; under grounding of utilities; removal of accessory structures; and limitations on operations.

## **7. Campgrounds and Recreational Vehicle Parks -**

Recreational Vehicle Parks offering daily, weekly, or seasonal camping are permitted in consideration of the following standards:

- A. Size of campground.
- B. The effect on traffic and traffic safety.
- C. The effect on neighboring properties.
- D. The area used for placement of camping units shall have a buffer strip of at least one hundred (100) feet from neighboring property on all sides.
- E. Campground shall maintain a boundary fence of at least six (6) feet in height or provide sufficient boundary postings to prevent trespassing upon neighboring properties.
- F. A buffering berm with plantings shall be maintained on all sides in accordance with of this Ordinance.
- G. No year round occupancy shall be allowed with the exception of the owner/manager's dwelling that shall be constructed to current Crockery Township building code standards.
- H. In applying for the Special Land Use, the applicant shall submit a site plan meeting the Site Plan Review requirements of this Ordinance.

**8. Carwash, automatic and self-serve**

- A. If the use adjoins residentially-zoned or residentially-used property, a landscaped buffer or greenbelt shall be provided, to obscure the view of the use from adjacent or nearby lands.
- B. Sufficient stacking capacity for the drive-through portion of the use shall be provided, to assure that vehicles that are lined up for washing do not extend into the public right-of-way.
- C. Driveways shall be located a sufficient distance from intersecting streets, to avoid adverse traffic impacts.
- D. Any outdoor vacuuming facilities shall be at least 50 feet away from a residential property line. Wash bays for self-service wash establishments shall be located at least 50 feet away from a residential property line.

**9. Child Caring Facility -**

In considering Child Caring Facilities, the Planning Commission shall issue a Special Land Use permit, if the facility meets all of the following standards:

- A. Facilities may be located on corner parcels only
- B. Is located not closer than one thousand five hundred (1,500) feet to any of the following:

- i. Another Child Caring Facility or licensed group day-care home.
  - ii. An adult foster care small group home or large group home licensed under the adult foster care facility licensing act, 1979 PA 218, MCL 400.701 to 400.737.
  - iii. A facility offering substance abuse treatment and rehabilitation service to seven (7) or more people licensed under article 6 of the public health code, 1978 PA 368, MCL 333.6101 to 333.6523.
  - iv. A community correction center, resident home, halfway house, or other similar facility that houses an inmate population under the jurisdiction of the department of corrections.
- C. Maintains the property consistent with the visible characteristics of the neighborhood.
- D. The combined total surface area of all signs shall not exceed thirty-two (32) square feet.
- E. Parking areas must comply with the Parking and Loading requirements of this ordinance. A child caring facility must provide off-street parking accommodations as follows:
- i. One (1) space per two (2) staff employees or staff volunteers whether full-time or part-time.
  - ii. One (1) space per every four (4) children.
  - iii. One (1) space per each child caring facility vehicle.
- F. A child caring facility operator must provide an outdoor program that promotes the child's coordination, active play, and physical, mental, emotional, and social development based on their age. The play area must:
- i. Adjoin the indoor premises directly or be reachable by a safe route or method; Have adequate drainage and be free from health and safety hazards;
  - ii. Contain a minimum of seventy-five (75) usable square feet per child using the play area at any one time.
  - iii. Be enclosed by means of a minimum four (4)-foot fence or wall.
  - iv. At a minimum, the facility must meet the Bufferyard Requirements of letter designation "B" of the Landscaping and Greenbelt Provisions of this ordinance.
  - v. All classrooms, nurseries, or playrooms must have interior windows for viewing.

The distances required herein shall be measured along a public road, street, or place and generally open to the public as a matter of right for the purpose of vehicular traffic, not including an alley.



## 10. Church or other house of worship –

In considering such authorization, the Planning Commission shall consider the following standards:

- A. The size, character, and nature of the church building.
- B. The proximity of the church to adjoining properties.
- C. The off-street parking that is to be provided for the church.
- D. The potential traffic congestion and hazards that may be caused by the church use.
- E. The degree, with which the church harmonizes, blends with and enhances adjoining properties and the surrounding neighborhood.
- F. The effect of the church on adjoining properties and the surrounding neighborhood.
- G. Adequate, safe and convenient access driveways shall be provided. Driveways shall be located a sufficient distance away from any street intersection and from any other driveway so as to avoid adverse traffic impacts.
- H. The property shall be adequately lit for the convenience of worshippers and others attending religious services or other events during evening or night time hours.
- I. A traffic impact study may be required. The study shall include proposed traffic circulation routes on the site, projected traffic impacts from the operation of the use, and shall analyze other potential traffic impacts.
- J. The length and configuration of access driveways shall be designed to enable entering traffic to conveniently enter the property of the church or other house of worship, and to enable such traffic to disburse, so as to avoid the accumulation of parked vehicles on a public street, waiting to enter the property.
- K. The special land use shall be subject to the approval of the Township fire chief under the terms of the fire protection provisions of the applicable building codes.
- L. The Planning Commission may require suitable screening or buffering so as to obscure the view of off-street parking areas, from adjacent or nearby lands.
- M. Any outdoor waste receptacles shall be screened from view from the adjacent streets and other lands.

## 11. Commercial Amusement -

In considering such authorization, the Planning Commission shall consider the following standards:

- A. **Fencing** - At the time of new construction or reconstruction of a building on property, a solid fence of masonry six feet high shall be installed and thereafter maintained by the owner of property in this zoning district on all common property lines with residentially zoned property or with property designated as residential in the Comprehensive Plan.

Fencing shall not exceed three feet in height if located within twenty (20) feet of front or street-side yard lot lines.

- B. **Landscaped Buffer** - A planter landscaped in screening shrubs and trees is required and shall be permanently maintained adjacent to the fencing and property lines abutting a residentially zoned property or property designated as residential in the Comprehensive Plan. Each planter area shall be surrounded with a six-inch raised concrete curbing or planning division-approved equivalent. Minimum width of planter shall be ten feet. An irrigation system shall be installed and permanently maintained in working order in each separate planter area.
- C. **Lighting** - Lighting, if provided, shall reflect away from residential areas.
- D. **Trash Disposal** - Each property shall provide adequate and accessible trash disposal areas. Said disposal area shall be screened from public view by a masonry enclosure, with solid wood gates, at least six (6) feet in height and shall be designed and located in an acceptable manner.
- E. **Noise Impact** - Noise impact shall be considered in the design of all facilities and uses to minimize the impact on residential properties.
- F. **Residential Separation** - Such uses shall be located no closer than 200 feet to a residential district.
- G. **Open Landscaped Area** - The following yards and areas shall be developed into and permanently maintained as open landscaped areas containing ground cover, trees, and shrubs:
  - i. First twenty (20) feet of required front yards and street side yards of corner lots (with openings for access ways). A landscaped berm or approved equivalent, not less than thirty (30) inches in height, shall be provided between the required street landscaping and any open area used for parking, storage, and the like, except for necessary driveways and walkways.
  - ii. A minimum area of at least ten percent (10%) of the required parking area to be evenly distributed throughout the parking area and adjacent to buildings.
  - iii. An alternative proposal, equal to or exceeding the open landscaped area provisions provided herein, may be used subject to approval by the planning commission.
- H. **Minimum Parking Requirements** - The minimum parking requirements are as specified in this ordinance.

## 12. Commercial stable –

Standards and regulations to be provided at a later date.

## 13. Contractor, supply and equipment yard –

- A. Adequate, safe and convenient driveways for the ingress and egress of construction equipment and other contractor equipment shall be provided.

- B. The outdoor parking and storage of construction equipment, supplies and other contractor equipment may be required to be shielded or screened by a landscaped buffer, fencing or other means sufficient to reasonably obscure the view of such vehicles, supplies and equipment from adjacent and nearby lands.
- C. There shall be adequate landscaping, buffering or isolation area so as to avoid adverse effects on other lands by reason of excessive noise, dust, fumes and other adverse effects resulting from the use.

**14. Dog kennel, including boarding of dogs –**

Standards and regulations to be provided at a later date.

**15. Doggie daycare business, not including overnight boarding of dogs or other animals –**

Standards and regulations to be provided at a later date.

**16. Drive-In or Drive-Through Eating Establishments -**

In considering such Special Land Use, the Planning Commission shall consider the following standards:

- A. The proposed location for the drive-in.
- B. The size, nature, and character of the buildings and structures to be utilized for the drive-in.
- C. The proximity of the drive-in to adjoining properties.
- D. The parking facilities provided for the drive-in.
- E. The location of entrances and drives in terms of any traffic congestion or hazards that may be caused by the drive-in.
- F. How well the drive-in harmonizes, blends with, and enhances adjoining properties and the surrounding neighborhood.
- G. The hours of drive-in operation and any potential disturbance or nuisance of the drive-in operation for adjoining properties and the surrounding neighborhood.
- H. The effect of the drive-in on adjoining properties and the surrounding neighborhood.

**17. Essential Services -**

Electrical substations, gas regulator stations, utility pump and metering stations gasoline or oil pipelines and other above-ground public utility or governmental unit facilities, shall meet the following standards:

- A. Electrical substations and/or gas regulator stations shall be enclosed with a fence or wall a minimum of six (6) feet high and adequate to obstruct passage of persons or materials.

- B. Public utility or governmental unit facilities shall be constructed and maintained in a neat and orderly manner.
- C. All buildings shall be landscaped and conform to the general character of the architecture of the surrounding neighborhood.

#### **18. Ethanol Production Facilities -**

The intent of this section is to provide regulations for the proper location and safe operation of Ethanol Production Facilities in order to provide for the safety and welfare of nearby residents, protect property, and preserve the natural environment. Ethanol Production Facilities are allowed provided the ethanol being produced is used exclusively for uses associated with the agricultural operations of the farmer producing the ethanol.

- A. A building permit shall be required for the installation of an Ethanol Production Facility.
- B. All equipment used to produce ethanol, storage tanks used to hold ethanol, and buildings used in the production of ethanol shall be a minimum of one hundred (100) feet from any property line in addition to meeting all setbacks and standards for the agricultural district, as well as all standards, setback requirements, fire codes, and building codes of local, state, and federal government agencies.
- C. Ethanol production shall not occur unless the owner operator of the Ethanol Production Facility can provide the Township with proof of compliance that all necessary approvals have been obtained from the Michigan Department of Environmental Quality (MDEQ) and other State and Federal agencies which are involved in permitting any of the following aspects of ethanol production: storage of raw materials, fuel, and byproducts used in, or resulting from, ethanol production; reuse and disposal of byproducts resulting from ethanol production; air quality standards associated with ethanol production; and transportation of ethanol products.
- D. An applicant for an Ethanol Production Facility shall provide a site plan in accordance with the requirements of Site Plan Review as well as all of the following information:
  - i. A map of the property, existing and proposed buildings, and the proposed location of the ethanol operation;
    - a. The process used to produce the ethanol; The anticipated production of ethanol, measured in gallons per year;
    - b. An emergency access and fire protection plan with review and approval by responding service providers;
  - ii. Written documentation from the applicable Ottawa County, State of Michigan and Federal agencies that the proposed use will comply with local, state, and federal regulations (these regulations will include, but not be limited to, the following: storage of raw materials, fuel, and byproducts; reuse and disposal of byproducts; air quality; and transportation of fuel);
  - iii. A study of water usage by a Michigan professional engineer or other professional familiar with hydro geologic reports addressing how much water will be utilized and identifying the impact upon Township infrastructure and water sources; and

- iv. Any additional information as may be required by the Planning Commission.

This information shall be provided and reviewed by the Commission before a public hearing is held on the Special Land Use request.

The owner operator of the Ethanol Production Facility shall maintain the facility in a neat and clean condition and operate it so as not to create a nuisance. An Ethanol Production Facility shall contain sufficient storage for raw materials, fuel, and byproducts or have the capacity to dispose of the same through land application, livestock consumption, or sale, each in accordance with local, state, and federal regulations. Conditions within the premises shall be controlled to minimize noise, odors, and lighting pollution. The Township shall have the right to make inspection of the premises upon which any Ethanol Production Facility is maintained.

**19. Ethanol production facilities, if any adjoining property is zoned for any residential district or production exceeds ten thousand (10,000) gallons per year –**

Standards and regulations to be provided at a later date.

**20. Farm Market**

- A. The structure or structures comprising a farm market shall be located a sufficient distance back from the street right-of-way line so as to avoid hazardous traffic conditions.
- B. Adequate off-street parking shall be provided. The location of off-street parking areas and the length of driveways shall be sufficient to avoid the backing up of vehicles into the public right-of-way.
- C. The size of the farm market building and other structures used in the farm market shall be as approved by the Planning Commission.
- D. The special land use shall include terms and conditions on the operations of the farm market.
- E. Any merchandise offered for sale in addition to agricultural produce shall be limited to items that are accessory to or related to the produce being offered for sale.

**21. Farm vehicle and farm implement sales and service –**

- A. Driveways, off-street parking areas and on-site vehicle circulation areas shall be paved or shall have some other approved hard surface. Such areas shall be sufficiently graded and drained to effectively dispose of accumulated surface water.
- B. The number, configuration and placement of driveways shall be subject to Planning Commission approval.
- C. The location and extent of outdoor display of farm vehicles and farm implements shall be as specified in the terms of the special land use.

**22. Gasoline service station –**

- A. The number and configuration of driveways and the widths and locations thereof shall be as approved by the Planning Commission in its approval of the use.

- B. The site shall be of sufficient area to provide adequate space for the parking of vehicles making any use of the service station or other facilities, including vehicles being serviced, those being parked for service at a future time and the temporary parking of vehicles for service or for departure from the site.
- C. Driveways, off-street parking areas and on-site vehicle circulation areas shall be paved. Such areas shall be sufficiently graded and drained to effectively dispose of accumulated surface water.

**23. Governmental Administration and Service Buildings, Libraries, Museums, Private and Public Schools, and Similar Uses -**

When owned and operated by a governmental agency or nonprofit organization and when authorized by the Planning Commission as a Special Land Use unless such requirement is preempted by state law. In considering such authorization, the Planning Commission shall consider the following standards:

- A. The size, nature, and character of the proposed use.
- B. The necessity for such use for the surrounding neighborhood.
- C. The proximity of the proposed use to adjoining properties, specifically including proximity to occupied dwellings.
- D. The parking facilities provided for the proposed use.
- E. Any traffic congestion or hazards which will be occasioned by the proposed use.
- F. How well the proposed use harmonizes, blends with, and enhances adjoining properties and the surrounding neighborhood.
- G. The effect of the proposed use on adjoining properties and the surrounding neighborhood.

**24. Greenhouse and plant nursery –**

- A. Adequate off-street parking shall be provided.
- B. The required minimum setbacks of greenhouses and other buildings and permanent structures shall be as required by the Planning Commission in its approval of the special land use.
- C. The outdoor display of plants and related authorized merchandise, including the locations of planted trees and shrubs available for sale, shall take place only at locations and under such terms and conditions as are specified by the Planning Commission in its approval of the special land use.

**25. Group Child Care Home -**

In considering Group Child Caring Homes, the Planning Commission shall issue a Special Land Use permit, if the facility meets all of the following standards:

- A. Is located not closer than one thousand five hundred (1,500) feet to any of the following:
  - i. Another licensed Group Child Care Home.
  - ii. An adult foster care small group home or large group home licensed under the adult foster care facility licensing act, 1979 PA 218, MCL 400.701 to 400.737.
  - iii. A facility offering substance abuse treatment and rehabilitation service to 7 or more people licensed under article 6 of the public health code, 1978 PA 368, MCL 333.6101 to 333.6523.
  - iv. A community correction center, resident home, halfway house, or other similar facility that houses an inmate population under the jurisdiction of the department of correction.
- B. Be enclosed by means of a minimum four (4)-foot fence or wall.
- C. Maintains the property consistent with the visible characteristics of the neighborhood.
- D. Does not exceed 16 hours of operation during a twenty-four (24)-hour period.
- E. May not allow outdoor activities between the hours of 10 PM and 6 AM.
- F. The combined total surface area of all signs shall not exceed sixteen (16) square feet.
- G. Parking areas must comply with the Parking and Loading requirements of this ordinance. A Group Child Care Home must provide off-street parking accommodations as follows:
  - i. One (1) space per two (2) caregivers whether full-time or part-time.
  - ii. One (1) space per every four (4) children.
  - iii. One (1) space per each adult residing at the premises

The distances required herein shall be measured along a public road, street, or place and generally open to the public as a matter of right for the purpose of vehicular traffic, not including an alley

## **26. Gymnastics and dance instruction -**

Standards and regulations to be provided at a later date.

## **27. Home Occupations -**

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:

- A. Whether the home occupation is incidental and secondary to the use of the premises as a dwelling.

- B. Whether the nature of the home occupation is substantially in keeping with the residential use of the property.
- C. 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.
- D. Whether the home occupation will have appreciable adverse effects upon adjacent and nearby lands and the uses thereof.
- 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:
  - i. Whether the use is located in a dwelling and/or an accessory building.
  - ii. The floor area of the use.
  - iii. The area, height, bulk, and location of any accessory building.
  - iv. Whether the storage or display of goods, inventory, or equipment would be visible from outside the dwelling or an accessory building.
  - v. Whether combustible toxic or hazardous materials will be used or stored on the premises.
  - vi. 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.
  - vii. Effects on motor vehicle and/or pedestrian traffic.
  - viii. The amount of off-street parking provided, and the location thereof.

**28. Hotels and Motels -**

In considering such Special Land Use, the Planning Commission shall consider the following standards:

- A. Access shall be directed to a major thoroughfare road or through a commercial project, which shall be designed to avoid a negative impact of general traffic.
- B. All yards abutting a street shall be landscaped and shall not be penetrated by parking. This shall not prevent access drives to be located in these yard areas.
- C. Each unit shall be a minimum of two hundred fifty (250) square feet of floor area.

**29. Hunting Clubs –**

The special land use shall comply with all of the following requirements:

- A. The hunting club property shall consist of at least 80 acres of land.



- B. The combined ground floor area of all clubhouses, other buildings and storage facilities shall not exceed 12,000 square feet.
- C. There shall be sufficient buffer zones and/or fencing to avoid adverse effects on adjoining or nearby agricultural or residential uses. No building, structure, parking lot or unenclosed recreational facility shall be located within 50 feet of any side or rear property line. There shall be sufficient buffer zones and/or fencing where necessary for the protection of adjacent wildlife habitats or erosion hazard areas.
- D. There shall be no outdoor public address system.
- E. Any outdoor lighting shall not project onto, nor shall light sources be visible from, adjacent or nearby lands or public or private streets.
- F. Access to the hunting club shall be from an approved public or private street.
- G. There shall be sufficient on-site motor vehicle parking area, as determined by the Planning Commission in its consideration of the use, based upon the anticipated number of motor vehicles on site at any one time.
- H. There shall be no retail sales on the premises.
- I. The hunting club shall be designed and intended for use by fewer than 100 persons at any one time.
- J. Access drives shall be adequate to accommodate fire department and other emergency vehicles.
- K. Sanitary sewage disposal facilities and water supply shall be adequate and in compliance with applicable regulations, including the sewage disposal and water supply regulations of the Ottawa County Health Department. Garbage service and litter cleanup shall be provided on a regular basis.
- L. There shall be no sleeping accommodations on the premises.
- M. Any shooting ranges shall be located at least 1,000 feet away from all property lines.

**30. Indoor sports business, including court games –**

- A. The special land use may include health and fitness centers; tennis clubs; gymnastics facilities; dance instruction; bowling alleys; and similar indoor sports, fitness or athletic facilities.
- B. Adequate, safe and convenient access driveways shall be provided.
- C. Sufficient off-street parking area shall be provided, to accommodate the vehicles of participants and spectators, as well as those of employees and others associated with the use.
- D. If approved in the special land use, limited outdoor sports areas, such as tennis courts or similar areas, may be included in the use, subject to such terms and conditions as may be imposed as to landscaping or other screening of outdoor uses.

### **31. Kennels, Boarding -**

Kennels for the keeping of dogs or other domestic pets, shall be permitted in accordance with the following standards:

- A. All buildings, animal runs, or exercise areas in which animals are kept shall be located a minimum of one hundred (100) feet from any property line and a minimum of one hundred fifty (150) feet from any occupied dwelling or any building used by the public, and shall be located within a rear yard.
- B. All kennels shall be constructed and maintained so that odor, dust, noise, and drainage shall not create a nuisance or hazard to adjoining properties.
- C. All animal waste shall be removed or managed in a manner that minimizes off-site odors and must have a waste management plan approved by the Planning Commission.
- D. Kennels may be accessory to the residential use of the parcel or the principal use.
- E. Kennels shall comply with Ottawa County and Michigan state law.
- F. Activities such as exercising in which animals are outdoors, shall be permitted only between the hours of 8:00 AM and 8:00 PM.

### **32. Kennels, Breeding -**

Kennels for the breeding of dogs or other domestic pets shall be permitted in accordance with the following standards:

- A. All buildings, animal runs, or exercise areas in which animals are kept shall be located a minimum of two hundred (200) feet from any property line and a minimum of three hundred (300) feet from any occupied dwelling or any building used by the public, and shall be located within a rear yard.
- B. All kennels shall be constructed and maintained so that odor, dust, noise, and drainage shall not create a nuisance or hazard to adjoining properties.
- C. All animal waste shall be removed or managed in a manner that minimizes off-site odors and must have a waste management plan approved by the Planning Commission.
- D. Kennels may be accessory to the residential use of the parcel or the principal use.
- E. Kennels shall comply with Michigan state law.

### **33. Landscape business, including outdoor display and sale of landscape materials such as topsoil, mulch and the like –**

- A. The types of landscape materials to be displayed and sold out-of-doors shall be specified by the Planning Commission in its approval of the use.
- B. The special land use, if approved, shall specify the minimum setbacks of any outdoor display and sale area from the property lines.

- C. The sale and display area may be required to be adequately screened from view from adjacent residential lands.

#### **34. Lodge Halls and Fraternal Organizations -**

In considering such authorization, the Planning Commission shall consider the following:

- A. The necessity for such use for the surrounding neighborhood.
- B. The proximity of the intended use to adjoining properties specifically including proximity to occupied dwellings.
- C. The size, nature, and character of the proposed use.
- D. Potential traffic congestion which might be occasioned by the intended use.
- E. Parking facilities to be provided for the proposed use.
- F. The effect of the proposed use on adjoining properties and the surrounding neighborhood.

#### **35. Long Term Care Facilities -**

- A. All living units in the building shall have a minimum of two hundred (200) square feet.
- B. All medical waste facilities shall be safely secured and meet the requirements of the Michigan Department of Health.
- C. The site shall front upon a paved road. The ingress and egress for off-street parking facilities for guests, patients, employees, and staff shall be from said paved road.
- D. Minimum setbacks for all buildings shall be seventy-five (75) feet.
- E. Any emergency entrances shall be visually screened from view of adjacent residential uses by a structure or by a sight-obscuring wall or fence of six (6) feet in height. Access to and from the emergency entrance shall be directly from a paved road.
- F. No more than thirty percent (30%) of the gross site area shall be occupied by buildings.
- G. A sidewalk shall be required adjacent to the front property line beginning at one side lot line, and ending at the other. In the case of a corner lot, the sidewalk shall run adjacent to the entire road frontage.
- H. Any outdoor recreation, sitting, or walking areas shall be served by a sidewalk connecting all such areas, with all egress doors on the main building, the off-street parking area, and sidewalk adjacent to the front property line.
- I. The facility shall be supported by certain infrastructure features, including paved roads, natural gas, and municipal water and sanitary sewer.
- J. The use shall be screened from the view of any abutting property, as outlined in the Site Plan Review (Landscaping Requirements) section of this Ordinance.

### 36. Minor Mineral Removal -

Mineral removal or extraction of mineral materials (as defined in this Ordinance) in quantities less than five thousand (5,000) cubic yards, or the reshaping, enlarging, straightening, damming or diminution of lakes, waterways, ponds or other bodies of water is permitted only upon Special Land Use approval granted by the Planning Commission and with the intent and in such manner as to prepare or render the premises suitable for the primary intended uses of the district in which the premises is located or as envisioned in the Township Comprehensive Plan.

Mineral extraction activities and other operations covered by the terms of this section shall be permitted only upon compliance with the following provisions:

- A. **Procedure for Permit** - The owner of any parcel of land or body of water who desires to proceed with mineral removal activities as regulated by this section shall apply to the Planning Commission for a Special Land Use permit. Said application shall include the following information and fees:
- i. The application fee required under the terms of the applicable Township Board resolution.
  - ii. A map of the parcel where mineral removal activities will occur, depicting all buildings, streets, drainage facilities and natural features within five hundred (500) feet thereof.
  - iii. A written statement describing the equipment to be used and the process involved, estimating the time such removal will require, describing the proposed use of the premises after such removal, and an agreement to conform to the provisions of this section.
- B. **Required Conditions** - The following conditions shall be complied with:
- i. Final grades shall be harmonious with surrounding grades and shall not be in excess of five percent (5%) unless demonstrably necessary for the future intended use of the land.
  - ii. No topsoil shall be removed from the property unless demonstrably necessary for the proper intended use of the property.
  - iii. All remaining topsoil shall be redistributed properly upon termination of the zoning permit.
  - iv. Except as otherwise provided in this subsection, no final grades shall be created in any area that might fill with water after the removal operation.
  - v. No mechanical processing of mineral resources shall be permitted where such operation would be detrimental to an adjacent use of land. Storm water runoff shall be directed to existing drainage systems in a manner approved by the Township and the County Drain Commissioner.
  - vi. The creation or enlargement of a lake or pond may be permitted, but the Planning Commission in its discretion may require that the applicant demonstrate from engineering and geological studies that the waters of the lake or pond will not

become polluted or stagnant; further, the Planning Commission may require that the applicant submit a plan for future use of the shore of the lake or pond, and demonstrate that the lake or pond has been approved by the MDEQ and the Ottawa County Drain Commissioner. Special Land Use approval pursuant to this Ordinance, in addition to approval under this section, shall be required.

- vii. No removal, storage area, structure, access drive, or loading area shall be closer than one hundred fifty (150) feet to a principal structure on adjoining property. All unpaved areas and roadways shall be regularly maintained and kept in a dust free condition.
- viii. Truck routing shall be only on streets approved by the County Road Commission under such conditions and securities as may be imposed by the Township or the County to protect or repair the roads and to insure the safety of the public.
- ix. All structures and stored material equipment shall be removed from the property within six (6) months of the discontinuance of the mineral extraction activities. All land shall be graded to final elevations and reseeded to avoid erosion following the expiration of activities.
- x. To the extent required by the Planning Commission, areas of steep grades or other areas of hazard shall be enclosed by a suitable fence at least four feet high to prevent or inhibit persons who may enter the removal area from being in parts of the removal area where there may be hazards.
- xi. Permits issued under this section shall be effective for not more than one (1) year; provided, however, that a permit may be renewed for a period of not more than six (6) months, but such renewal shall occur only if the applicant demonstrates to the satisfaction of the Planning Commission that extraordinary circumstances have occurred, beyond the control of the applicant, which justify the approval of a renewal.

**C. Determination by Planning Commission** - The Planning Commission shall examine the proposed plans in relation to the Township Comprehensive Plan, the effects of such use or change upon the area involved, the effects of proposed ultimate uses on planned and future streets, lots, grades and waterways proposed.

Following public hearing, as required by this Ordinance, the Planning Commission shall approve, approve with conditions, or deny the application. The Planning Commission shall not approve or conditionally approve an application unless the applicant demonstrates that the mineral removal activities will:

- i. Prepare the premises for a permitted primary intended use for the district in a reasonable period.
- ii. Not adversely affect permitted uses in the district.
- iii. Conform to all provisions of this section.
- iv. Not create any condition that will adversely affect the public health, safety, or general welfare.

- v. Not create any very serious adverse consequences or serious environmental impact on adjacent or nearby lands or other lands elsewhere in the Township or the area.

The Planning Commission, in considering whether any such very serious adverse consequences or serious environmental impact would result from the proposed removal operations and activities, shall determine the degree and extent of public interest in the removal of the minerals from the applicant's land, considering the type of resource involved, the market demand and availability of supply, and other relevant factors and conditions which determine the relative benefit to the public from the proposed removal operations and activities.

The Planning Commission shall issue a permit only if the proposed removal operations and activities do not, considering the nature and extent of public benefit from the resource removal, result in very serious adverse consequences or serious environmental impact. Safety concerns and additional noise occasioned by the proposed operations, including additional truck traffic; decreased air quality caused by dust and odors from the operations and truck traffic; diminution of nearby property values; decrease in residential or other development in the area; loss of property tax revenues and other relevant factors may be considered in determining whether very serious adverse consequences or serious environmental impact would result from the removal operations and activities.

**D. Exceptions** - The provisions of this section shall not apply to the following:

- i. Where the mineral extraction activities are more than five hundred (500) feet from any street or property line, occupies not more than two (2) acres in area, does not constitute a weekly average intensity of use of more than five (5) yards of material per day, and creates no area that fills with water other than a watering pond for farms.
- ii. Where only mineral processing, storage or refining takes place in the I-1 Light Industrial District.
- iii. The ordinary and necessary grading of land for the tilling and cultivation of soils for the growing of crops.
- iv. The ordinary and necessary grading or excavation for construction of buildings or structures or related septic systems on a lot under a permit issued by the Township.
- v. Excavation within a public right-of-way, drainage easements, or utility easements.
- vi. The control and regulation of oil or gas wells.

**E. Existing Permits** - Upon the effective date of this section, existing Special Land Use permits, which have been previously issued under this Ordinance, shall continue in effect until, but not after, the authorized amount of mineral material has been removed and any required site rehabilitation completed. In the case of such Special Land Use permits that do not designate the amount of mineral material which may be removed, such permits shall continue in effect for the remainder of the period of time for which they were issued or last renewed. Mineral removal activities and operations shall not thereafter be conducted on the lands covered by the Special Land Use permit unless

a new Special Land Use permit has been obtained pursuant to the procedures set forth in this section.

**37. Motor vehicle sales and service (new and used) –**

- A. The number, location and configuration of driveways, and the minimum distance between driveways, shall be subject to Planning Commission approval.
- B. Driveways, off-street parking areas and on-site vehicle circulation routes shall be paved or shall have some other approved hard surface. Such areas shall be so graded and drained as to effectively dispose of all accumulated surface water.

**38. Multiple Family Dwellings -**

- A. Multiple-Family dwellings must be served by public water and sanitary sewer and subject to the standards contained in the zoning district in which they are located.
- B. All dwellings in the building shall have a minimum of six hundred (600) square feet.
- C. The site shall front upon a paved road. The ingress and egress for off-street parking facilities shall be from said paved road.
- D. Minimum setbacks for all buildings shall be seventy-five (75) feet.
- E. No more than thirty percent (30%) of the gross site area shall be occupied by buildings.
- F. All off-street parking areas shall be in the side or rear yard.
- G. A five (5) foot sidewalk shall be required adjacent to the front property line beginning at one (1) side lot line, and ending at the other. In the case of a corner lot, the sidewalk shall run adjacent to the entire road frontage.
- H. Any outdoor recreation, sitting, or walking areas shall be served by a five (5) foot wide sidewalk connecting all such areas, with all egress doors on the main building, the off-street parking area, and sidewalk adjacent to the front property line.
- I. The facility shall be supported by certain infrastructure features, including paved roads, natural gas, and municipal water and sanitary sewer.
- J. The use shall be screened from the view of any abutting property, as outlined in the Site Plan Review (Landscaping Requirements) section of this Ordinance.

**39. Non-Commercial and Not-for-Profit Organizations -**

In considering such authorization, the Planning Commission shall consider the following:

- A. The necessity for such use for the surrounding neighborhood.
- B. The proximity of the intended use to adjoining properties specifically including proximity to occupied dwellings.
- C. The size, nature, and character of the proposed use.



- D. Potential traffic congestion which might be occasioned by the intended use.
- E. Parking facilities to be provided for the proposed use.
- F. The effect of the proposed use on adjoining properties and the surrounding neighborhood.

**40. Outdoor Businesses -**

In considering such authorization, the Planning Commission shall consider the following:

- A. The necessity for such use for the surrounding neighborhood.
- B. The proximity of the intended use to adjoining properties specifically including proximity to occupied dwellings.
- C. The size, nature, and character of the proposed use.
- D. Potential traffic congestion which might be occasioned by the intended use.
- E. Parking facilities to be provided for the proposed use.
- F. The effect of the proposed use on adjoining properties and the surrounding neighborhood.

**41. Outdoor display and sale of yard accessories, including statuary, playground equipment, storage sheds and similar yard accessories –**

- A. The types of yard accessories to be displayed out of doors and available for purchase shall be limited to those specified by the Planning Commission in its approval of the special land use.
- B. In its approval of the use, the Planning Commission shall specify the minimum setbacks of the area of outdoor display, from street rights-of-way lines and other property boundaries.
- C. The site plan shall accurately show the boundaries of the area or areas within which yard accessories may be displayed out of doors.
- D. Adequate off-street parking shall be provided. The length of driveways extending off of the adjacent street or streets shall be sufficient to avoid the backing up of vehicles into the street or streets. The special land use approval may include requirements for adequate landscaping or other buffering, to obscure the view of displayed storage sheds or other large-size yard accessories, from adjacent and nearby lands zoned or used for residential purposes.

**42. Park, playground, community center, and governmental, administration or service buildings, owned and operated by a governmental agency or a non-commercial organization –**

Standards and regulations to be provided at a later date.



#### 43. Photography studio –

Standards and regulations to be provided at a later date.

#### 44. Planned Mineral Removal -

Planned Mineral Removal ("**PMR**") provisions authorize the removal of mineral material exceeding five thousand (5,000) cubic yards from lands within the Township through the Special Land Use approval process, and for authorizing resulting land uses, after the completion of planned mineral removal operations, in accordance with an approved site rehabilitation plan. Under the terms of any PMR permit, mineral removal shall be accomplished without serious adverse consequences to other lands and other land uses in the vicinity and elsewhere in the Township.

Land, including the buildings and structures thereon, that is subject to a PMR permit may be used only for planned mineral removal and/or for the uses permitted herein and shall take place only in accordance with the provisions of this section. Any resulting use, following mineral removal activities and operations, shall conform to the Township Comprehensive Plan. Proposed PMR uses shall be considered for approval under this section only if all of the following conditions for eligibility and requirements permit applications are met.

No lands shall be considered for a PMR permit unless they are located at least five hundred (500) feet from any dwelling.

- A. **Application for PMR Permit** - Applicants proposing an eligible PMR use shall submit an application for a PMR permit, together with the required application fee, to the Township Zoning Administrator. The application accompanied by all required fees and escrow deposit into an account for reimbursement of Township expenses shall include the following:
- i. A legal description of the lands proposed for the PMR use.
  - ii. Twelve (12) copies of a PMR plan, drawn and sealed by a registered civil engineer, and including the following:
    - a. A North arrow, scale and date;
    - b. Shading or other markings showing the lands on which mineral removal operations and activities will take place;
    - c. The location, width, and grade of all easements or rights of way on or abutting the lands;
    - d. The location and nature of all structures on the lands;
    - e. The identification, location and direction of all watersheds, streams and other water courses whether on or off the removal site and storm water drainage areas and flow ways on the lands, and also all water courses and storm water drainage areas or flow ways on other lands which may be affected by the mineral removal operations.
    - f. Existing elevations of the lands at contour intervals of not more than five (5) feet.

- g. Copies of logs of all existing water supply wells on the mineral removal lands and on all adjacent lands.
- h. Typical cross sections showing the estimated extent of overburden, estimated extent of mineral material located in or on the lands, and the groundwater table.
- i. Mineral processing and storage areas including areas for stockpiling mineral material.
- j. Proposed fencing, gates, parking areas and signs.
- k. Roads for ingress to and egress from the lands, including on-site roads, other areas to be used for movement of vehicles and a description of the proposed measures to limit dust, dirt and other debris generated by mineral removal activities and movement of vehicles.
- l. A map showing access routes between the subject lands and the nearest major streets, and the streets and routes proposed to be used for the hauling of mineral material and the return of trucks to the site.
- m. Areas to be used for ponding or other accumulation of water.

The application shall include a narrative description and explanation of the proposed mineral removal operations and activities. The narrative shall contain:

- i. The date of commencement;
- ii. Proposed hours and days of operation;
- iii. Estimated type and quantity of mineral material to be removed;
- iv. Description of extraction and processing methods, including proposed equipment and the noise rating of each type thereof;
- v. A detailed listing and description of the potential serious adverse consequences that may result from the proposed mineral removal operations and activities;
- vi. The measures proposed, if any, for the avoidance or moderating of such adverse consequences;
- vii. A summary of the procedures and practices that will be used to insure compliance with the provisions of this section;

The application shall include a site rehabilitation plan containing the following:

- i. A description of the restoration, reclamation and improvement of the lands, and the proposed resulting uses for the lands after mineral removal activities have ended, including any phasing of proposed site rehabilitation and the timing thereof.
- ii. A plan showing final grades of the lands as rehabilitated, at contour intervals not exceeding five feet; water courses, ponds or lakes, if any; landscaping and plantings; areas of cut and fill; and all land features, improvements, streets and

other aspects of the proposed uses for the lands after completion of mineral removal operations.

- iii. A description of all adverse effects, whether anticipated or reasonably possible, on the groundwater table and other underground sources of water supply, together with copies of reports or studies analyzing the effect, if any, of the mineral removal operations on the underground water supply of the subject land and adjacent and nearby lands.
- iv. A description of proposed methods or features which will ensure that the resulting uses are feasible and shall comply with the Township Comprehensive Plan and all applicable requirements of this Ordinance.

The application shall include an environmental impact statement, including the following:

- i. A current aerial photograph (at a scale of not less than one hundred (100) feet to one inch) displaying the lands to be mined and all other lands within one thousand (1,000) feet thereof. The aerial photograph shall also show the location of current land uses, types and extent of existing natural features, topography, soils, vegetation, wild life habitat and other items or land features noted in the environmental impact statement.
- ii. A description of the type and extent of significant vegetation on the lands proposed for rezoning, including trees and endangered plant species.
- iii. A detailed description of any known, anticipated, or possible adverse or detrimental effects upon any aspect or element of the environment, including lands proposed for rezoning and adjacent and nearby lands.

Such other studies, reports, and assessments that may be requested by the Township, including though not limited to the following:

- i. A traffic impact study;
- ii. A listing of known existing mineral removal operations within the Township and within reasonable proximity of the Township, including estimated quantity and type of mineral material available for removal and other aspects of such operations; and
- iii. Other reports, studies or information that may be requested by the Township with respect to the proposed PMR operations.

**B. Standards of Review for PMR Permits** - Before consideration by the Township Board, the Planning Commission shall review each PMR permit application. In such review, the Planning Commission shall consider, among other matters, the intent, and purpose of this section and the Zoning Ordinance. The Planning Commission shall recommend approval of a PMR permit application, and the Township Board shall consider the same for approval, only if all of the following standards, conditions, and requirements are satisfied by the application, PMR plan, Site Rehabilitation Plan and other materials required to be submitted under the terms of this section.

**C. Operations and activities for mining, extracting, excavating for, processing, removal and transport of mineral materials shall be located only as follows:**

- i. They shall be at least five hundred (500) feet from any occupied dwelling, unless a closer distance to such an occupied dwelling is authorized by the Planning Commission and Township Board in the approval of the PMR operations.
  - ii. They shall be at least five hundred (500) feet from any dwelling.
  - iii. They may be located without any setback from a boundary line of adjacent lands for which a PMR permit has been granted if such adjacent lands are owned by the owner or operator of the subject lands. If such zero-setback is approved, or if some other setback is approved, by the Planning Commission and Township Board as a provision in the PMR permit.
  - iv. There shall be not more than one (1) entrance to and exit from the site of PMR operations, from and to a public street, unless additional entrances or exits are approved as a part of the PMR permit. Any such entrance and exit shall be subject to the approval of the Ottawa County Road Commission. If reasonably feasible, the locations of entrances and exits shall be placed so that the travel of mineral transport vehicles over primarily residential streets is avoided.
  - v. Not more than twenty-one (21) acres of land shall be authorized for PMR operations or activities at any one time. Of this number, or some lesser number of acres, not more than one-third (1/3) shall at any one time be used for site preparation; not more than one-third (1/3) shall at any one time be used for removal of mineral material; and not more than one-third shall at any one time be used for site reclamation, in accordance with an approved site rehabilitation plan.
- D. There shall be an inspection by the Township Zoning Administrator of each completed phase to verify compliance with the terms of this section.

Upon the completion of each phase, the applicant shall notify the Township that the phase is ready for inspection, and the Township shall make the inspection within a reasonable time. Until such inspection is made, and until approval of the completed phase has been given by the Township, the applicant shall not commence work on any subsequent phase.

Any work or other action undertaken by the applicant in or with respect to a subsequent phase, before the Township inspection and approval of the previous phase, shall be a violation of the PMR permit and a violation of the Zoning Ordinance. In that event, the Township may take all appropriate enforcement measures, including issuance of an order for the stopping of all work within the PMR, until all required inspections have been made and Township approvals given.

- E. Each Site Rehabilitation Plan shall be reviewed by the Planning Commission and comply with all of the following standards and requirements:
- i. Topsoil shall be replaced on the site to a depth of not less than six inches, except where the resulting uses do not involve the growing of vegetation. Slopes shall be graded and stabilized to such extent as will accommodate the proposed resulting use. The plan shall indicate any phasing of site rehabilitation; if site rehabilitation is to be phased, topsoil shall be replaced, and slopes shall be graded, stabilized, and seeded before mineral removal operations are commenced in another area of the PMR site. The placing of top soil and the grading, stabilization and seeding of slopes shall take place not only at the end of PMR operations at the site, but also upon the conclusion of each mineral removal phase, as described in this section.

- ii. Final slopes shall have a ratio of not greater than one foot of elevation within each three feet of horizontal distance, at the conclusion of PMR operations at the site and at the conclusion of each individual phase of mineral removal as described in this section.
- iii. Final surface water drainage courses and areas of surface water retention shall be designed and constructed at such locations and in such manner as to avoid adverse effects on adjacent or nearby lands as a result of storm water runoff. Erosion or other damage to the lands, at the end of PMR operations at the site and at the conclusion of each mineral removal phase shall be avoided. The applicant shall apply for any required storm water permit under any Township stormwater ordinance provisions, and the site rehabilitation plan shall comply with any Township stormwater ordinance provisions.

iv. **Plantings/Landscaping -**

- a. Plantings of grasses, shrubs, trees and other vegetation shall be located on the site to maximize erosion protection, and enhance the natural beauty of the site, and for the screening of view from other lands.
- b. Landscaping shall be planted and maintained, and where appropriate earthen berms shall be constructed, in order to screen less attractive areas or resulting uses. In addition, landscaping and/or earthen berms may be required in order to screen PMR operations and activities from view from other lands and to moderate noise levels from operations of equipment and vehicles.
- c. Trees and shrubbery shall be planted sufficiently close together and shall be of such height that when planted they serve as effective screening of the view from adjacent lands and to moderate noise levels from operations. Dead or diseased trees and other vegetation shall be promptly removed and replaced, to ensure the continuance and effectiveness of any landscaped screening.
- d. The site rehabilitation plan, both at the end of PMR operations at the site, and with respect to each mineral removal phase, shall not include the storage or dumping of stumps, concrete, asphalt, discarded materials or any other materials, objects or debris not associated with the mineral removal operations. Further, no such storage or dumping of any such materials shall occur at any other time during PMR operations, unless authorized in the PMR permit or the plan.

The resulting uses shall conform to the uses designated for the lands by the Township Comprehensive Plan. In reviewing proposed resulting uses, the Planning Commission shall require compliance with the requirements of the zoning district that authorizes land uses having the greatest similarity to the resulting uses proposed in the Site Rehabilitation Plan, including requirements relating to density, location, bulk, area, and height of buildings and structures.

The Planning Commission shall not recommend approval of an application for a PMR permit, nor shall the Township Board approve the same, unless the applicant sufficiently demonstrates that the proposed mineral removal operations and activities will not create any very serious adverse consequences or serious environmental impact on the adjacent area or nearby lands.

- F. The Planning Commission, in considering whether any such very serious adverse consequences or serious environmental impact would result from the proposed removal operations and activities, shall determine the degree and extent of public interest in the removal of the minerals from the applicant's land. The Planning Commission shall consider the type of resource involved, the market demand, and availability of supply, and other relevant factors and conditions that determine the relative benefit to the public from the proposed removal operations and activities.

The Planning Commission shall recommend a PMR permit, and the Township Board shall approve such permit, only after considering:

- i. Whether the proposed removal operations and activities result in very serious adverse consequences or serious environmental impact;
- ii. Safety concerns and additional noise occasioned by the proposed operations, including additional truck traffic;
- iii. The possibility of decreased air quality caused by dust and odors from the operations and truck traffic;
- iv. The possible diminution of nearby property values;
- v. The possible decrease in residential or other development in the area;
- vi. The nature and extent of public benefit from the resource removal;
- vii. The possible loss of property tax revenues.

- G. **Operating Conditions on Mineral Removal Operations and Activities** - The Planning Commission's recommendation for approval of any PMR permit, and the Township Board's approval of the same, shall include provisions requiring compliance with specified conditions relating to mineral removal activities and operations. Such conditions shall include the following:

- i. Mineral removal operations shall be approved for a duration of not more than three years, unless the Planning Commission and Township Board determine that there are extraordinary circumstances which justify a removal period of greater duration.
- ii. Upon or prior to the expiration of a PMR permit, the Planning Commission may recommend and the Township Board may approve renewals of the permit for successive periods of not more than three years each in duration, if the applicant demonstrates that there are extraordinary circumstances justifying renewal of the PMR permit.
- iii. In considering whether to recommend that a PMR permit be renewed, the Planning Commission may, but need not, convene a public hearing; in considering whether to approve a renewal of a PMR permit, the Township Board may, but need not, convene a public hearing.
- iv. In the case of any Planning Commission or Township Board public hearing on the proposed renewal of any PMR permit, the public notice for any such hearing shall be the same as that otherwise required for the original granting of a PMR permit.



- v. Other matters concerning renewal of PMR permits as provided herein.
  - vi. Mineral removal, processing and transport operations and activities shall commence not earlier than 7:00 a.m. and shall not continue after 5:00 p.m., Monday through Friday only, except that there may be minor equipment maintenance work at the site on Saturdays from 9:00 a.m. to not later than 3:00 p.m., but such minor equipment maintenance shall be limited to maintenance work that does not generate noise which carries beyond the PMR lands; and provided further that the Planning Commission may place additional limitations on the hours and days of operation in order to avoid serious adverse consequences upon adjoining or nearby lands. Mineral removal activities of all types are prohibited on Sundays and on the following legal holidays: New Year's Day, Memorial Day, Fourth of July, Labor Day, Thanksgiving, and Christmas.
  - vii. Equipment for the processing of mineral material which emits noise louder than eighty (80) decibels, measured at a distance of fifty (50) feet from said equipment when operating, shall not be located closer than one-quarter mile from the nearest occupied dwelling, unless the Planning Commission authorizes other noise emission requirements.
  - viii. Access to and from a mineral removal site, and the routes to be taken by vehicles hauling mineral material from the site and returning to the site shall be only by means of those streets designated on the approved PMR Plan. Other routes as may be specified by the Planning Commission as a part of the operating conditions attached to the PMR permit.
- H. **Non-Operating Hours** - During activities and operations for the removal of mineral material, no mineral material, or other excavated material, shall be left during weekends or overnight in such condition or manner as to constitute a danger to persons who may enter the removal area.
- i. After operations each day, all banks of excavated material shall be graded to slopes that are not steeper than one foot of elevation for each two feet of horizontal distance, unless the Planning Commission authorizes some other daily grading requirement and if the applicant takes approved measures so as to prevent harm to persons who may enter into the area of steep slopes, by constructing and maintaining a substantial fence, of at least four feet in height, so as to fully enclose all the areas of steep slopes. Alternatively, the Planning Commission may approve other measures deemed sufficient to protect persons from harm within the removal area during times when operations are not occurring.
  - ii. All entrance and exit roads and other routes into or from the PMR site shall be securely gated. Such gates shall extend across the entire width of any entrance or exit road or route, and they shall be locked securely when PMR operations are not occurring. The placement of any such gates shall be at such locations as will prevent unauthorized vehicles from entering the PMR lands.
  - iii. All roads, trails or other areas used by vehicles in mineral removal operations or activities shall have gates at specified locations. Measures to control dust and dirt arising from mineral removal operations shall be undertaken in accordance with conditions included in the PMR permit. Such dust control measures may include the application of dust inhibiting solvents or similar non-polluting surface

treatments, particular road-surfacing measures or other actions as specified in the PMR permit.

- I. Storm water drainage on and from the mineral removal site shall be controlled so adjacent or nearby lands shall not be adversely affected by surface water drainage, erosion or other similar effects. The mineral removal site shall be contoured and graded to avoid the unintended impoundment of water, except where ponds or other bodies of water are proposed in an approved site rehabilitation plan.

Unless authorized by the terms of a PMR permit, no storage of soil from lands outside the mineral removal area, nor the dumping, disposal, storage, or stockpiling of stumps, concrete, asphalt, discarded building materials or other waste or discarded material may take place on the mineral removal site.

- J. Before the commencement of mineral extraction activities on the PMR site, 4" x 4" white painted posts, a minimum of five feet in height above grade, shall be placed along the designated setback lines around the site. Such posts shall be placed at a distance, not to exceed three hundred (300) feet, from each post. The post should be placed at intervals so that, from the location of any post, two additional posts are visible.
- K. Any processing plant and all equipment for sorting, crushing, loading, weighing, and other operations shall not be located closer than two hundred (200) feet from any property line, three hundred (300) feet from a public highway, measured from a centerline, and five hundred (500) feet from any existing dwelling.
- L. Any processing plant shall be located within the excavation area, and if possible shall be located at a point lower than the general level of the surrounding terrain, to reduce the visual and sound impact of the processing plant.
- M. Before the commencement of mineral removal activities, a fence of a type approved by the Planning Commission shall be erected around the perimeter of the site, in locations approved by the Planning Commission, and it shall be maintained in good condition until all mineral extraction activities have been completed.
- N. The Planning Commission may require the posting of "keep out - danger" or similar signs placed every one hundred (100) feet along the entire perimeter fence.
- O. No blasting shall be allowed at any time as part of any mineral removal activities.
- P. The Planning Commission may require compliance with such other conditions as may be necessary to ensure compliance with the terms of this section. Such conditions may include, though are not limited to, weed control; erosion and sedimentation controls; measures to prevent the tracking of dirt and other debris onto public streets; fencing and other visual screening; groundwater monitoring wells; preservation of trees and other vegetation; and limitations on the loading or storage of fuel for vehicles and equipment.
- Q. **Public Hearing Procedures** - No PMR permit shall be granted unless and until a public hearing is conducted in accordance with the following requirements:
  - i. The Planning Commission shall convene a public hearing before recommending action by the Township Board on any application for a PMR permit.



- ii. The giving of public notice for the public hearing and the convening of the hearing shall proceed in accordance with this Ordinance.
- iii. In its discretion, the Township Board may convene a public hearing upon any application for a PMR permit or an application for the renewal of a PMR permit, after receiving the recommendation of the Planning Commission on the same. If the Township Board convenes a public hearing, public notice and the procedures therefore shall be in accordance with the standards above.

**R. Approval and Issuance of PMR Permit** - Applications for and issuance of PMR permits shall be approved only in accordance with the following procedures:

- i. **Planning Commission Recommendation** - After the public hearing as required above, the Planning Commission shall recommend to the Township Board whether to approve, deny, or approve with conditions any application for a PMR permit.
- ii. **Consideration by Township Board** - After receiving the recommendation of the Planning Commission with regard to an application for a PMR permit, the Township Board shall approve, deny, or approve with conditions the application for a PMR permit.

If in considering the PMR permit as recommended by the Planning Commission, the Township Board considers changes in the terms of the permit, the Board may approve, deny, or approve with conditions the application for a PMR permit, whether or not the proposed changes therein have been recommended by the Planning Commission.

**S. Issuance of Permit** - The Zoning Administrator shall issue a PMR permit, without further public hearing, if such permit is granted by the Township Board.

**T. Performance Bond** - An applicant for a PMR permit shall submit a performance bond, with an approved surety, in an amount approved by the Township. The performance bond shall be conditioned upon the timely and faithful performance by the applicant of all of the terms and conditions of the PMR plan and the PMR permit.

- i. The performance bond shall not be refunded or reduced until the mineral removal operations and activities, land reclamation or restoration, and all other required activities have received final inspection and approval by the Township.
- ii. If the applicant proposes to create a pond or lake on all or part of the PMR premises, the Planning Commission may nonetheless require the applicant to submit a performance bond in an amount sufficient to restore the area of the pond or lake to its original grade.
- iii. If the performance bond is revoked or if it expires and is not renewed, the Township shall immediately suspend and shall not thereafter reinstate or approve the renewal of the PMR permit, until such bond has been satisfactorily reinstated.

**U. Insurance** - Prior to the issuance of a PMR permit, the applicant shall file with the Zoning Administrator a site-specific liability insurance policy of not less than Two Million and no/100 Dollars (\$2,000,000.00) per occurrence for all liability claims arising out of the mineral removal activities. The liability insurance shall cover property damage and bodily injury resulting from surface and/or subsurface mineral removal activities and shall name Crockery Township, its elected and appointed officials, and

employees as additional named insureds. Said insurance shall provide an endorsement that provides that the general aggregate limit of the operator's commercial and general liability apply separately to the site. Failure of the operator, or any persons, firm or corporation named in a policy to maintain such insurance policy shall be cause for revocation of the PMR permit.

- V. **Transferability of Permits** - No permit authorized by this section shall be transferred to a person or party other than the applicant to whom it was issued unless such transfer is first considered and approved by the Planning Commission and Township Board.
- W. **Expiration of Permits** - Mineral removal operations and activities authorized by the terms of any PMR permit shall be commenced no later than one year after issuance of such permit and shall be diligently pursued thereafter, unless the PMR permit provides otherwise. In the absence of timely commencement and diligent prosecution of such operations and activities, the PMR permit shall be of no further force or effect. Mineral removal activities or operations shall not thereafter be commenced unless a new PMR permit has been obtained pursuant to the procedures set forth in this section.
- X. **Re-Application for Permit** - An applicant whose application for a PMR permit has been denied, in whole or in part, by the Township Board shall not re-submit an application covering the same lands, or substantially the same lands, within eighteen (18) months after the date of such denial, except that a new application may be submitted and considered if there are significantly changed conditions which are determined by the Planning Commission and Township Board to be sufficient to justify reconsideration of the application.
- Y. **Existing Permits** - Upon the effective date of this section, existing Special Land Use permits which have been previously issued under this ordinance shall continue in effect until, but not after, the authorized amount of mineral material has been removed and any required site rehabilitation completed. In the case of such Special Land Use permits, which do, not designate the amount of mineral material that may be removed, such permits shall continue in effect for the remainder of the period of time for which they were issued or last renewed. Mineral removal activities and operations shall not thereafter be conducted on the lands covered by the Special Land Use permit unless a PMR permit has been obtained pursuant to the procedures set forth in this section.
- Z. **Application Fee; Surveillance Fee** -
  - i. An applicant for a PMR permit shall pay the established application fee, and shall deposit the required amount into a zoning escrow account, when the application is filed with the Township.
  - ii. The applicant shall also pay to the Township annually a fee (the "surveillance fee") to defray the Township's cost of administration, surveillance, and enforcement of the PMR permit, including but not limited to costs for review of applications, testing, monitoring, sampling, surveying, personnel expenses, enforcement, legal, engineering, and other consultant fees, and other related costs and expenses. The fee shall be \$.03 per ton of mineral material removed during the entire removal operation.
  - iii. Funds received from the application fee shall be deposited in the Township's general fund, or in such other Township fund as is established for other zoning

application fees. Funds received from the surveillance fee shall be accounted for separately on the books of the Township, as to each PMR permit.

- iv. The surveillance fee, at the above-stated rate of mineral material removed, shall be paid by the applicant annually. Not later than January 31 of each year, the Township shall notify the applicant in writing to submit copies of load tickets or other written proof accurately showing the total amount of mineral material removed during the preceding year (or during any such lesser preceding period, in the case of the recent commencement or termination of a PMR permit). Such notification by the Township shall indicate a period for response by the applicant, and the requested information shall be submitted by the applicant to the Township within that time.
- v. Based upon the amount of mineral material removed as stated in the written response received from the applicant, the Township shall calculate the amount of surveillance fee due and shall then send to the applicant an invoice in that amount. The applicant shall promptly pay to the Township the amount indicated on the invoice. In the event that the Township desires further or more complete information as to the amount of mineral material removed, the Township shall notify the applicant accordingly, and the applicant shall respond promptly and fully.

AA. When the PMR permit expires, the Township shall also notify the applicant to provide in writing a statement of the amount of mineral material removed, since the last previous such statement, and the Township shall then prepare and forward a final invoice for payment of the surveillance fee based upon the above-stated per-ton rate, and the applicant shall promptly pay the amount indicated on the invoice. If an expired or soon-to-expire PMR permit is renewed, the Township may retain any surveillance fee amounts then on hand, and apply them to defray the costs of review of the application for renewal and for applicable costs subsequently incurred following renewal of the PMR permit. As in the case of annual surveillance fee payments, the applicant shall furnish to the Township any requested load tickets or other written proof with respect to the amount of mineral material removed during the last removal period before expiration of the PMR permit.

After expiration of a PMR permit without renewal, the Township shall refund, without interest, any unused surveillance fee amounts that have been received from the applicant.

In its discretion, the Township may request from the applicant, and the applicant shall promptly provide, load tickets or other written proof of mineral material removed, at times other than the annual surveillance fee payment period.

As to each PMR permit, the Township shall maintain a record of surveillance fee payments made by the applicant and expenditures made by the Township with respect to the PMR operation.

Surveillance fee payments made by the applicant shall not limit the applicant's liability for civil infraction penalties, damages, or other sanctions for violation of a PMR permit, Township Ordinances or other laws or regulations.

**BB. Renewal of PMR Permits** - This subsection applies only to the renewal of PMR permits for extraction of minerals from the same location or locations as permitted under an existing PMR permit. Applications for permission to expand mineral removal

operations beyond the location approved under an existing PMR permit shall comply with the procedure set forth in this section for issuance of a new PMR permit.

If renewal of a PMR permit is desired, an applicant shall apply for such renewal at least one hundred twenty (120) days before the expiration of the existing PMR permit.

All of the applicant's rights and privileges arising under the permit shall terminate at the expiration thereof, if the permit has not then been renewed, and in that event, all PMR operations covered by the expiring permit shall then cease, except approved emergency operations required protecting the public safety and excepting as stated in this subsection.

The termination of rights and privileges under a PMR permit, at the time of expiration of the permit, shall take place even though an applicant may have applied for renewal thereof and even though proceedings for such renewal may have commenced, unless the Planning Commission in its discretion votes by majority vote of those present to temporarily extend an expiring PMR permit during the period required for proceedings to consider renewal of the permit (however, such vote for temporary extension of the permit may be rescinded in the event that the applicant unduly delays such proceedings, whether by action or inaction.)

Upon the conclusion of proceedings for renewal of a PMR permit, if the permit is renewed, PMR operations may be resumed if and to the extent covered by the PMR permit as renewed. An application for PMR renewal shall consist of the following:

- i. The Zoning Administrator's Certificate of Compliance, as described below.
- ii. A copy of the original application for a PMR permit, with addendum updating the information from the original application and supplying any information missing on the original application.
- iii. A revised PMR plan, drawn and sealed by a registered civil engineer, showing the areas of the site which are currently under excavation, which are in the process of reclamation, and which have been reclaimed.
- iv. A narrative describing the extraordinary conditions that justify renewal of the permit beyond the time provided in the original permit.
- v. The required application fee and any required deposit of funds into an escrow account for reimbursement of Township expenses.
- vi. The Township may require additional information if necessary in the consideration of the requested renewal or the Township may waive any of the above-stated application requirements, but the requirement of the Certificate of Compliance shall not be waived.

Neither the Planning Commission nor Township Board shall consider an application for renewal unless the applicant submits a Certificate of Compliance signed by the Township Zoning Administrator, which states that the mineral removal operation, as of the date of signing of the Certificate of Compliance, is in compliance with the present PMR permit and all Township ordinances, and that all required mineral removal fees and escrow deposits have been paid.

Upon request by an applicant for a Certificate of Compliance, the Township shall promptly arrange to have the PMR operation reviewed and inspected. If the Zoning Administrator finds that the operation is in compliance, the Zoning Administrator shall issue a Certificate of Compliance. The Certificate shall also describe any past violations, which have been rectified.

If the Zoning Administrator finds that the operation is not currently in compliance, the Zoning Administrator shall notify the applicant of the steps necessary to cure such deficiency.

The issuance of a Certificate of Compliance does not require the Planning Commission or Township Board to recommend approval of or to approve a renewal of the PMR permit.

In making decisions regarding renewal, the Planning Commission and the Township Board shall apply the standards for approval applicable to new permits under this Ordinance, taking into consideration current conditions in the vicinity, the operational history under the previous PMR permit, any complaints or comments about the PMR operation, and whether there are extraordinary conditions justifying the renewal. In their discretion, the Planning Commission and/or Township Board may convene public hearings on the PMR permit renewal application. Conditions may be attached to the renewals which are in addition to or different from those contained in the previous permit.

#### **CC. Enforcement -**

Enforcement of the terms of a PMR permit may be directed against the PMR applicant and all operators acting or purporting to act under such permit, or any of them. Full and timely compliance with all of the terms of this section and all of the terms of the applicable PMR permit is a condition for the continued effectiveness of the permit or for any renewal thereof.

In the enforcement of the provisions of this section and those of any PMR permit, a Township may avail itself of all procedures and remedies described in the penalties Chapter of this Ordinance and all other remedies provided by law.

The Township Enforcement Officer or other designated Township representative shall act as the agent of the Township Board in the administration, supervision and enforcement of PMR permits.

The Township Enforcement Officer shall be entitled to access to the applicant's PMR lands during reasonable business hours, for verifying compliance with the PMR District requirements.

The Enforcement Officer is authorized to demand compliance with the terms of this section and the PMR permit. In the absence of such compliance, the Enforcement Officer may issue an order directing the applicant and any operator to cease immediately mineral removal work on or from the premises and all other operations relating thereto.

Upon the issuance of a stop work order, the applicant and any PMR operator shall have no further right or privilege to continue or to conduct any PMR operations, except permitted emergency operations required to protect the public safety and except any authorized limited operations that may be authorized by any such order.

#### 45. Ponds, Agricultural -

No person shall erect, install, locate, or construct an agricultural pond, unless it has first been approved subject to the following:

- A. The pond shall be used for agricultural use only.
- B. The creation of any pond resulting in the extraction and removal of material off-site shall require the issuance of a Mineral Removal permit in accordance with this Ordinance; provided, however, that if a Minor Mineral Removal Special Land Use under this Ordinance is required under the terms of that subsection, then the Planning Commission may consider and make a decision on a proposed Agricultural Pond Special Land Use without the need for the applicant to separately apply for the Agricultural Pond Special Land Use, if the amount of earth or mineral material to be removed for the pond does not exceed 5,000 cubic yards.

Application for approval of a Special Land Use permit for an agricultural pond shall include:

- A. The name of the person who is or will be the owner of the pond.
- B. The location of the proposed or existing pond.
- C. The size, depth, and water capacity of the pond.
- D. The depth to ground water at the location where the pond is to be constructed.
- E. The method of filtration and treatment of the water, if required.
- F. Plans for the duration of activities relative to the offsite removal of excess material, such as sand and gravel, if any.
- G. Any further information necessary for the protection of public health, safety, and environment as may be required by the Planning Commission.
- H. The application must also include a sketch plan of the land on which the pond is to be located. The sketch plan shall be drawn to scale and include:
  - i. Lot lines
  - ii. Location of pond
  - iii. Location of all buildings on the premises
  - iv. The application shall also include a description and sketch of the construction of the pond and all other proposed improvements
- I. An agricultural pond may be located in any agriculturally zoned district and may be considered a principal or accessory use.
- J. At a minimum, an agricultural pond used as a farm manure lagoon shall not be located less than three hundred (300) feet from adjacent lot lines or road right-of-way lines. The Planning Commission may increase the minimum setbacks for ponds when in its



discretion such is determined to be necessary to minimize potential public health and safety concerns or nuisance conflicts with adjoining properties.

- K. As part of its authorization of an agricultural pond, the Planning Commission may approve the location of a pond in a front yard.
- L. Ponds located within five hundred (500) feet of a County Drain or surface water must obtain a "Soil Erosion and Sedimentation Permit" from the County Drain Commissioner and be approved by the Michigan Department of Environmental Quality ("MDEQ") or its successor agency. **MDEQ approval is also required for ponds that are either, within a regulated wetland or greater than five (5) acres in size.**
- M. If the Planning Commission determines in the course of its approval of a pond that the protection of the public requires that the pond be enclosed, the Planning Commission shall require that the pond be enclosed by a wall, fence, or other type of enclosure. The wall, fence, or other enclosure shall be constructed according to the "Crockery Township Design and Construction Manual".
- N. All gates or doors leading to a pond, except a door in any building forming part of the enclosure, shall be kept closed when the pond is not in actual use or when the proprietor is absent or away. The gates and doors shall be fitted with a positive latching device that automatically latches when the gate or door is closed.
- O. If the Planning Commission determines that adherence to one or more of the construction standards is unnecessary or contrary to the public interest, the Planning Commission may waive or modify such standard. In addition, the Planning Commission may waive or modify one or more of the above standards if the pond is for use as part of a bona fide aquaculture operation carried out in an AG-1 District or the pond is a detention/retention facility required for stormwater management purposes. No pond shall be constructed, installed, or maintained which either causes or contributes to the erosion of any adjacent, abutting, or nearby lands.
- P. The applicant must demonstrate compliance with the permitting requirements of the Michigan Department of Natural Resources for discharge into surface and/or ground waters.
- Q. In making its decision whether to grant the Special Land Use permit, the Planning Commission may require the submission of soil borings, runoff quantities, and other relevant data to ensure that the proposed pond is capable of being maintained and supported with adequate water volumes.

#### 46. Ponds, Recreational -

No person shall erect, install, locate, or construct an outdoor pond, unless it has first been approved subject to the following:

- A. The pond shall be used for recreation or pleasure use only.
- B. Recreational ponds that are less than five hundred (500) square feet in size are exempt from Special Land Use requirements.
- C. If, under the terms of this Ordinance, a Minor Mineral Removal Special Land Use is required, then the Planning Commission may also consider and decide an application

- for a Recreational Pond Special Land Use, without the need for the applicant to apply separately for the Recreational Pond Special Land Use, if the amount of earth or mineral material to be removed for the recreational pond will not exceed 5,000 cubic yards.
- D. The Planning Commission may require the applicant to submit a performance bond in an amount sufficient to restore the area of the pond to its original grade. The Planning Commission shall not release the performance bond until the applicant demonstrates to the satisfaction of the Planning Commission that the pond is being used for the recreation or pleasure as originally proposed and constructed according to the approved design.
- E. If the Planning Commission determines that adherence to one or more of the construction standards is unnecessary or contrary to the public interest, the Planning Commission may waive or modify such standard. In addition, the Planning Commission may waive or modify one or more of the standards if the pond is for use as a detention/retention facility required for stormwater management purposes. If the topsoil, sand, or gravel is to be used on the parcel, where the pond is to be constructed, no further permits are required.
- F. The application for approval of a Special Land Use permit for a pond shall include a sketch plan of the land on which the pond is to be located. The sketch plan shall be drawn to scale and include:
- i. The name of the property owner;
  - ii. The location of the proposed or existing pond;
  - iii. Property lines;
  - iv. Location of any wall, fence, or enclosure around the pond including the location of gates or doors;
  - v. Location of all buildings on the premises;
  - vi. The safety precautions to be taken to protect those using the pond or who might be endangered by it;
  - vii. The size, depth, and water capacity of the pond;
  - viii. The depth to ground water at the location where the pond is to be constructed;
  - ix. The method of filtration and treatment of the water, if required;
  - x. Plans for the on-site use of extracted topsoil, sand, and gravel; and
  - xi. Any further information necessary for the protection of public health, safety, and environment as may be required by the Planning Commission.
- G. Ponds located within five hundred (500) feet of a County Drain or surface water must be approved by the Ottawa County Drain Commissioner and the Michigan Department of Environmental Quality or its successor agency. **MDEQ approval is also required**



**for ponds that are either within a regulated wetland or greater than five (5) acres in size.**

- H. A pond may be located in any zoning district and may be considered a principal or accessory use.
- I. At a minimum, a pond shall comply with all the yard requirements for the zoning district in which it is located. The Planning Commission may increase the minimum setbacks for ponds when in its discretion such is determined to be necessary to minimize potential public health and safety concerns or nuisance conflicts with adjoining properties.
- J. As part of its authorization of a pond, the Planning Commission may approve the location of a pond in a front yard.
- K. If the Planning Commission determines in the course of its approval of a pond that the protection of the public requires that the pond be enclosed, the Planning Commission shall require that the pond be enclosed by a wall, fence, or other type of enclosure. Where any portion of a pond has slopes greater than one (1) foot of rise to three (3) feet of run or is located in a residential zoning district on a parcel that is less than two acres in size, the pond must be enclosed by a fence. The wall, fence, or other enclosure shall be designed and constructed according to the "Crockery Township Design and Construction Manual".
- L. All gates or doors leading to a pond, except a door in any building forming part of the enclosure, shall be kept closed when the pond is not in actual use or when the proprietor is absent or away. The gates and doors shall be fitted with a positive latching device that automatically latches when the gate or door is closed.
- M. The pond shall be constructed according to the specifications contained in the "Crockery Township Design and Construction Manual:"
  - i. No pond shall be drained in any manner that will cause water to flow upon the land of another.
  - ii. No public water shall be used in connection with the filling or operation of a pond when limitations on the consumption and use of public water are in effect.
  - iii. No pond shall be constructed, installed, or maintained which either causes or contributes to the erosion of any adjacent, abutting, or nearby lands.
- N. In making its decision whether to grant the Special Land Use permit, the Planning Commission may require the submission of soil borings, runoff quantities, and other relevant data to ensure that the proposed pond is capable of being maintained and supported with adequate water volumes.

**47. Private and public school, library, museum, and similar use –**

Standards and regulations to be provided at a later date.

**48. Publicly-owned athletic ground and park –**

Standards and regulations to be provided at a later date.

**49. Recreational vehicle sales and service, including boats and other watercraft, off-road vehicles, snowmobiles and other types of recreational vehicles –**

- A. The outdoor parking and display of recreational vehicles shall be subject to such minimum required setback distances from street rights-of-way and other property lines as are required by the Planning Commission in its approval of the special land use.
- B. The number, configuration and location of driveways shall be as approved by the Planning Commission in the terms of the special land use.
- C. Adequate off-street parking area shall be provided.

**50. Removal and processing of topsoil, sand and gravel and other minerals –**

Standards and regulations to be provided at a later date.

**51. Residential Use of a Commercial Building -**

- A. The building must be an existing two (2)-story structure of at least three thousand seven hundred (3,700) square feet of which not more than two thousand five hundred (2,500) square feet may be used for residential dwelling purposes.
- B. There must be adequate parking as required by the parking standards of this ordinance.
- C. Health Department approval is required for all well and septic systems where public water and sanitary sewer is not provided.
- D. The space devoted to nonresidential uses shall be accessible from the dwelling area.
- E. Only residents of the dwelling shall use the nonresidential portion for purposes of employment.
- F. The floor area of the dwelling unit shall be at least six hundred (600) square feet.
- G. The planning Commission may limit the hours of operation of the nonresidential use.
- H. Any change in the nature of activities of a nonresidential use shall be regarded as a new use and shall require a new application.
- I. The Planning Commission may require measures to abate potential nuisances associated with the nonresidential portion such as noise, odors, dust, hazardous materials, or similar nuisance.

**52. Restaurant, lounge or club –**

Standards and regulations to be provided at a later date.

### **53. Retail Space Exceeding Forty-Five Thousand (45,000) Square Feet in Size -**

The following findings are required for approval of a Special Land Use permit to create a retail space of greater than forty-five thousand (45,000) square feet:

- A. That the size of the proposed space reflects the range of retail sizes found within the immediate area and will not break the rhythm of storefronts established along the street frontage or within a courtyard as viewed by pedestrians;
- B. That the proposed size is compatible with the design of the building;
- C. That the size of the proposed space will not create a sense of monotony in storefront design or type of retail window display and the proposed size will reinforce the sense of discovery and vitality found along the street frontage that is engendered by frequent changes in building design, window displays and land uses;
- D. That the proposed land use is compatible with the objectives and policies of the Comprehensive Plan and will reinforce the character of the community as a retail facility in a residential area with unique shops and a wide variety of goods for residents and visitors.

### **54. Tack shop –**

Standards and regulations to be provided at a later date.

### **55. Theater, banquet hall and other place of assembly –**

- A. Adequate, safe and convenient access driveways shall be provided. Driveways shall be located a sufficient distance away from any street intersection and from any other driveway so as to avoid adverse traffic impacts.
- B. The site shall be adequately lit for the convenience of patrons attending performances or other events during evening or night time hours.
- C. A traffic impact study may be required. The study shall include proposed traffic circulation routes on the site, projected traffic impacts from the operation of the use, and shall analyze other potential traffic impacts.
- D. The length and configuration of access driveways shall be designed to enable entering traffic to conveniently enter the site and to disburse, so as to avoid the accumulation of parked vehicles on a public street, waiting to enter the site.
- E. The special land use shall be subject to the approval of the Township fire chief under the terms of the fire protection provisions of the applicable building codes.
- F. In its approval of the special land use, the Planning Commission may require suitable screening, buffering and isolation distance on the site, to avoid serious or adverse impacts on other lands by reason of traffic noise and other adverse impacts.
- G. All outdoor waste receptacles shall be screened from view from the public street and other lands.

## 56. Two-family dwelling as part of a residential subdivision –

Standards and regulations to be provided at a later date.

## 57. Wind Turbines, Commercial Use -

A Medium Wind Energy Turbine ("**MWET**") or a Large Wind Energy Turbine ("**LWET**") shall be a special use in agricultural, commercial, industrial, and public use districts, as well as in Condominium Developments that are approved after the effective date of this Ordinance.

In addition to the materials required for all special land uses, the application shall include the following:

### A. **Siting and Design Requirements** -

- i. "Upwind" turbines shall be required.
- ii. The design of a MWET or LWET shall conform to all applicable industry standards.

### B. **Visual Appearance** -

- i. Each MWET or LWET, including accessory buildings and other related structures shall be mounted on a tubular tower and a non-reflective, non-obtrusive color (e.g. white, gray, black). The appearance of turbines, towers, and buildings shall be maintained throughout the life of the MWET or LWET.
- ii. Each MWET or LWET shall not be artificially lighted, except to the extent required by the FAA or other applicable authority, or otherwise necessary for the reasonable safety and security thereof.
- iii. Each MWET or LWET shall not be used for displaying any advertising (including flags, streamers, or decorative items), except for reasonable identification of the turbine manufacturer or operator(s).

C. **Vibration** - Each MWET or LWET shall not produce vibrations humanly perceptible beyond the property on which it is located.

D. **Shadow Flicker** - The MWET or LWET owner(s) and/or operator(s) shall conduct an analysis on potential shadow flicker at any occupied building with direct line-of-sight to the MWET or LWET. The analysis shall identify the locations of shadow flicker that may be caused by the project and the expected durations of the flicker at these locations from sun-rise to sun-set over the course of a year. The analysis shall identify situations where shadow flicker may affect the occupants of the buildings for more than thirty (30) hours per year, and describe measures that shall be taken to eliminate or mitigate the problems. Shadow Flicker on a building shall not exceed thirty (30) hours per year.

E. **Guy Wires** - Guy wires shall not be permitted as part of the MWET or LWET.

F. **Electrical System** - All electrical controls, control wiring, grounding wires, power lines, and all other electrical system components of the MWET or LWET shall be placed underground within the boundary of each parcel at a depth designed to accommodate the existing land use to the maximum extent practicable. Wires necessary to connect

the wind generator to the tower wiring are exempt from this requirement.

In addition to the Siting and Design Requirements listed previously, the MWET shall also be subject to the following:

- A. **Location** - If an MWET is located on an agricultural, commercial, industrial, and public property that has an occupied building it shall only be located in the rear yard. The MWET shall only be located in a General Common Element in a Condominium Development.
- B. **Height** - The Total Height of a MWET shall not exceed one hundred and fifty (150) feet.
- C. **Ground Clearance** - The lowest extension of any blade or other exposed moving component of a MWET shall be at least fifteen (15) feet above the ground (at the highest point of the grade level within fifty [50] feet of the base of the tower) and, in addition, at least fifteen (15) feet above any outdoor surfaces intended for human occupancy, such as balconies or roof gardens, that are located directly below the MWET.
- D. **Noise** - Noise emanating from the operation of a MWET or shall not exceed, at any time, the lowest ambient sound level that is present between the hours of 9:00 p.m. and 9:00 a.m. at any property line of a residential or agricultural use parcel or from the property line of parks, schools, hospitals, and churches. Noise emanating from the operation of a MWET(s) shall not exceed, at any time, the lowest ambient noise level plus five (5) dBA that is present between the hours of 9:00 p.m. and 9:00 a.m. at any property line of a non-residential or non-agricultural use parcel.
- E. **Quantity** - No more than one (1) MWET shall be installed for every two and one-half (2.5) acres of land included in the parcel.
- F. **Building Setback** - The setback from all occupied buildings on the applicant's parcel shall be a minimum of twenty (20) feet measured from the base of the Tower.
- G. **Property Line Setbacks** - With the exception of the locations of public roads (see below), drain rights-of-way and parcels with occupied buildings (see above), the internal property line setbacks shall be equal to the Total Height of the MWET as measured from the base of the Tower. This setback may be reduced to a distance agreed upon as part of the special use permit if the applicant provides a registered engineer's certification that the WET is designed to collapse, fall, curl, or bend within a distance or zone shorter than the height of the WET.
- H. **Public Road Setbacks** - Each MWET shall be set back from the nearest public road a distance equal to the Total Height of the MWET, determined at the nearest boundary of the underlying right-of-way for such public road.
- I. **Communication and Electrical Lines** - Each MWET shall be set back from the nearest above-ground public electric power line or telephone line a distance equal to the Total Height of the MWET, as measured from the base of the Tower, determined from the existing power line or telephone line.
- J. **Tower Separation** - MWET/tower separation shall be based on industry standard and manufacturer recommendation.

In addition to the Siting and Design Requirements listed previously, the LWET shall also be subject to the following:

- A. **Ground Clearance** - The lowest extension of any blade or other exposed moving component of an LWET shall be at least fifty (50) feet above the ground (at the highest point of the grade level within one hundred fifty [150] feet of the base of the tower).
- B. **Noise** - Noise emanating from the operation of a LWET or shall not exceed, at any time, the lowest ambient sound level that is present between the hours of 9:00 p.m. and 9:00 a.m. at any property line of a residential or agricultural use parcel or from the property line of parks, schools, hospitals, and churches. Noise emanating from the operation of a LWET(s) shall not exceed, at any time, the lowest ambient noise level plus five (5) dBA that is present between the hours of 9:00 p.m. and 9:00 A.M. at any property line of a non-residential or non-agricultural use parcel.
- C. **Quantity** - The number of LWETs shall be determined based on setbacks and separation.
- D. **Setback & Separation** -
  - i. **Occupied Building Setback** - Each LWET shall be set back from the nearest Occupied Building that is located on the same parcel as the LWET a minimum of two (2) times its Total Height, or one thousand (1,000) feet, as measured from the base of the Tower, whichever is greater.
  - ii. **Property Line Setbacks** - With the exception of the locations of public roads (see below), drain rights-of-way and parcels with Occupied Buildings (see above), the internal property line setbacks shall be a minimum of one and one-half (1.5) times the Total Height, as measured from the base of the Tower. This setback may be reduced to a distance agreed upon as part of the special use permit if the applicant provides a registered engineer's certification that the WET is designed to collapse, fall curl, or bend within a distance or zone shorter than the height of the WET.
  - iii. **Wind Energy Overlay District Setbacks** - Along the border of the Wind Energy Overlay District, there shall be a setback distance equal to two (2) times the Total Height as measured from the base of the Tower.
  - iv. **Public Road Setbacks** - Each LWET shall be set back from the nearest public road a minimum distance no less than four hundred (400) feet or one and one-half (1.5) times its Total Height, whichever is greater, determined at the nearest boundary of the underlying right-of-way for such public road.
  - v. **Communication and Electrical Lines** - Each LWET shall be set back from the nearest above-ground public electric power line or telephone line a distance no less than four hundred (400) feet or one and one-half (1.5) times its Total Height, whichever is greater, determined from the existing power line or telephone line.
  - vi. **Tower Separation** - Turbine/tower separation shall be based on industry standards and manufacturer recommendation.
  - vii. **Access Driveway** - Each LWET shall require the construction of a private street to offer an adequate means by which the Township may readily access the site in the event of an emergency. All private streets shall be constructed to the Crockery

Township Design and Construction Standards for private streets.

**E. Safety Requirements -**

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

**F. Signal Interference -** The MWET or LWET shall not interfere with communication systems such as, but not limited to, radio, telephone, television, satellite, or emergency communication systems.

**G. Decommissioning -**

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



- ii. Decommissioning shall include the removal of each MWET or LWET, buildings, electrical components, and roads to a depth of sixty (60) inches, as well as any other associated facilities. Any foundation shall be removed to a minimum depth of sixty (60) inches below grade, or to the level of the bedrock if less than sixty (60) inches below grade. Following removal, the location of any remaining wind turbine foundation shall be identified on a map as such and recorded with the deed to the property with the County Register of Deeds.
- iii. All access roads to the MWET or LWET shall be removed, cleared, and graded by the MWET or LWET Owner(s), unless the property owner(s) requests, in writing, a desire to maintain the access road. The Township will not be assumed to take ownership of any access road unless through official action of the Township board.
- iv. The site and any disturbed earth shall be stabilized, graded, and cleared of any debris by the owner(s) of the MWET or LWET or its assigns. If the site is not to be used for agricultural practices following removal, the site shall be seeded to prevent soil erosion, unless the property owner(s) requests in writing that the land surface areas not be restored.
- v. In addition to the Decommissioning Requirements listed previously, the MWET shall also be subject to the following: If the MWET Owner(s) or Operator(s) fails to complete decommissioning within the period prescribed above, the Township may designate a contractor to complete decommissioning with the expense thereof to be charged to the violator and/or to become a lien against the premises. If the MWET is not owned by the property owner(s), a bond must be provided to the Township for the cost of decommissioning each MWET.
- vi. In addition to the Decommissioning Requirements previously listed, the LWET shall also be subject to the following: An independent and certified professional engineer shall be retained to estimate the total cost of decommissioning ("**Decommissioning Costs**") with no regard to salvage value of the equipment, and the cost of decommissioning net salvage value of the equipment ("**Net Decommissioning Costs**"). When determining this amount, the Township may also require an annual escalator or increase based on the Federal Consumer Price Index (or equivalent or its successor). Said estimates shall be submitted to the Township Zoning Administrator after the first year of operation and every fifth year thereafter.
- vii. The LWET Owner(s) or Operator(s) shall post and maintain Decommissioning Funds in an amount equal to Net Decommissioning Costs; provided that at no point shall Decommissioning Funds be less than one hundred percent (100%) of Decommissioning Costs. The Decommissioning Funds shall be posted and maintained with a bonding company or Federal or state chartered lending institution chosen by the Owner(s) or Operator(s) and participating landowner(s) posting the financial security. The bonding company or lending institution is authorized to conduct such business and is approved by the Township.
- viii. Decommissioning Funds shall be in the form of a performance bond made out to the Township.
- ix. A condition of the bond shall be notification by the bond company to the Township Zoning Administrator when the bond is about to expire or be terminated.



- x. Failure to keep the bond in effect while an LWET is in place will be a violation of the special land use permit. If a lapse in the bond occurs, Township may take action up to and including requiring ceasing operation of the WET until the bond is reposted.
- xi. The escrow agent shall release the Decommissioning Funds when the Owner(s) has demonstrated and the Township concurs that decommissioning has been satisfactorily completed, or upon written approval of the Township in order to implement the decommissioning plan.
- xii. If neither the Owner(s) or Operator(s), nor the landowner(s) complete decommissioning within the periods addressed previously (Decommissioning Requirements 1 and 2), then the Township may take such measures as necessary to complete decommissioning. The entry into and submission of evidence of a Participating Landowner agreement to the Township shall constitute agreement and consent of the parties to the agreement, their respective heirs, successors and assigns that the Township may take such action as necessary to implement the decommissioning plan.

#### H. Site Plan Requirements -

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

- c. Identification and location of the properties on which the proposed MWET or LWET will be located.
- d. In the case of a Condominium Development, a copy of the Condominium Development's Master Deed and Bylaws addressing the legal arrangement for the MWET or LWET.
- e. The proposed number, representative types and height of each MWET or LWET to be constructed; including their manufacturer and model, product specifications including maximum noise output (measured in decibels), total rated capacity, rotor diameter, and a description of ancillary facilities.
- f. Documents shall be submitted by the developer/manufacturer confirming specifications for MWET or LWET tower separation.
- g. Documented compliance with the noise, and shadow flicker requirements set forth in this Ordinance.
- h. Engineering data concerning construction of the MWET or LWET and its base or foundation, which may include, but not be limited to soil boring data.
- i. A certified registered engineer shall certify that the MWET or LWET meets or exceeds the manufacturer's construction and installation standards.
- j. Anticipated construction schedule.
- k. A copy of the maintenance and operation plan, including anticipated regular and unscheduled maintenance. Additionally, a description of the procedures that will be used for lowering or removing the MWET or LWET to conduct maintenance, if applicable.
- l. Documented compliance with applicable local, state, and national regulations including, but not limited to, all applicable safety, construction, environmental, electrical, and communications. The MWET or LWET shall comply with Federal Aviation Administration (FAA) requirements, Michigan Airport Zoning Act, Michigan Tall Structures Act, and any applicable airport overlay zone regulations.
- m. Proof of applicant's liability insurance.
- n. Evidence that the utility company has been informed of the customer's intent to install an interconnected, customer-owned generator and that such connection has been approved. Off-grid systems shall be exempt from this requirement.
- o. Other relevant information as may be requested by Township to ensure compliance with the requirements of this Ordinance.
- p. Following the completion of construction, the applicant shall certify that all construction is completed pursuant to the Special Use Permit.
- q. A written description of the anticipated life of each MWET or LWET; the estimated cost of decommissioning; the method of ensuring that funds will be available for decommissioning and site restoration; and removal and

restoration procedures and schedules that will be employed if the MWET(s) or LWET(s) become inoperative or non-functional.

- r. The applicant shall submit a decommissioning plan that will be carried out at the end of the MWET's or LWET's useful life, and shall describe any agreement with the landowner(s) regarding equipment removal upon termination of the lease.
- s. The Township reserves the right to review all maintenance plans and bonds under this Ordinance to ensure that all conditions of the permit are being followed.
- t. Signature of the Applicant.
- u. In addition to the Site Plan Requirements listed previously, the LWET shall be subject to the following:
  - A site grading, erosion control and storm water drainage plan will be submitted to the Zoning Administrator prior to issuing a special use permit for an LWET. At the Township's discretion, these plans may be reviewed by the Township's engineering firm. The cost of this review will be the responsibility of the applicant.
  - A description of the routes to be used by construction and delivery vehicles and of any road improvements that will be necessary to accommodate construction vehicles, equipment or other deliveries, and an agreement or bond which guarantees the repair of damage to public roads and other areas caused by construction of the LWET.
  - A statement indicating what hazardous materials will be used and stored on the site.
  - A study assessing any potential impacts on the natural environment (including, but not limited to, assessing the potential impact on endangered species, eagles, birds and/or other wildlife, wetlands and fragile ecosystems. The study shall conform to state and federal wildlife agency recommendations based on local conditions.

**I. Certification & Compliance -**

- i. The Township must be notified of a change in ownership of a MWET or LWET or a change in ownership of the property on which the MWET or LWET is located.
- ii. The Township reserves the right to inspect any MWET, and all LWETs, in order to ensure compliance with the Ordinance. Any cost associated with the inspections shall be paid by the owner/operator of the WET.
- iii. In addition to the Certification & Compliance requirements listed previously, the LWET shall also be subject to the following:
  - a. A sound pressure level analysis shall be conducted from a reasonable number of sampled locations at the perimeter and in the interior of the property containing any LWETs to demonstrate compliance with the requirements of

this Ordinance. Proof of compliance with the noise standards is required within ninety (90) days of the date the LWET becomes operational. Sound shall be measured by a third party, qualified professional.

- b. The LWET Owner(s) or Operator(s) shall provide the Township Zoning Administrator with a copy of the yearly maintenance inspection.

J. **Public Inquiries & Complaints** - Should an aggrieved property owner allege that the MWET or LWET is not in compliance with the noise and shadow flicker requirements of this Ordinance, the procedure shall be as follows:

i. **Noise Complaint** -

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

ii. **Shadow Flicker Complaint** -

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

**58. Winter (November through March) outdoor storage of boats, yachts, cruisers, inboards, outboards and sailboats –**

Standards and regulations to be provided at a later date.

**59. Wireless Communications Towers and Antennas** -The following provisions shall govern the issuance of Special Land Use permits for towers or antennas by the Planning Commission:

- A. If the tower or antenna is not a permitted use under the provisions this Ordinance, then a Special Land Use permit shall be required for the construction of a tower or the placement of an antenna in any zoning district.
- B. In granting a Special Land Use permit, the Planning Commission may impose such conditions that the Planning Commission concludes are necessary to minimize any adverse effect of the proposed tower or antenna on adjoining properties.
- C. Any information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical, shall be certified by a licensed professional engineer. Such an engineer shall certify that the tower or antenna will be structurally sound and will comply with all applicable building and other construction code requirements.
- D. Processing Special Land Use Applications - Applicants for a Special Land Use permit for a tower or an antenna shall submit the following information, in addition to any other information required by this Ordinance:
  - i. A scaled site plan showing the location, type and height of the proposed tower or antenna; on-site land uses and zoning; adjacent land uses and zoning (even if adjacent to another municipality); Comprehensive Plan classification of the site and all properties within the applicable separation distances set forth in this Ordinance; adjacent roadways; proposed means of access; setbacks from property lines; elevation drawings of the proposed tower or antenna and any other structures; topography; parking; and other information deemed necessary by the Zoning Administrator or Planning Commission to assess compliance with this Ordinance.
  - ii. Legal description of the lot and the leased portion of the lot (if applicable), together with a copy of the deed or lease pertaining to that lot.
  - iii. The setback distance between the proposed tower or antenna and the nearest dwelling, platted residentially zoned properties, and unplatted residentially zoned properties.
  - iv. The separation distance from other towers or antennas described in the inventory of existing sites submitted pursuant to this chapter, the type of construction of those existing towers or antennas, and the owners/operators of those existing towers and antennas, if known.
  - v. A landscape plan showing specific landscape materials.
  - vi. Method of fencing, finished color and, if applicable, the method of camouflage and illumination.
  - vii. A description of compliance with the requirements of this chapter, and of all applicable federal, state, county or Township laws, rules, regulations and ordinances.

- viii. A notarized statement by the applicant for a tower, indicating if the tower will accommodate collocation of additional antennas for future users.
- ix. A description of the services to be provided by the proposed new tower or antenna, and any alternative ways to provide those services without the proposed new tower or antenna.
- x. A description of the feasible location(s) of future towers or antennas within the Township based upon existing physical, engineering, technological, or geographical limitations in the event the proposed tower or antenna is erected.

**E. Factors Considered in Granting Special Land Use Permits for Towers or Antennas** - In addition to any other standards specified in this Ordinance for considering Special Land Use permits applications, the Planning Commission shall consider the following factors in determining whether to issue a Special Land Use permit under this chapter:

- i. Height of the proposed tower or antenna.
- ii. Proximity of the proposed tower or antenna to residential structures residential district boundaries, and airports.
- iii. Nature of uses on adjacent and nearby properties.
- iv. Surrounding topography.
- v. Surrounding tree coverage and foliage.
- vi. Design of the proposed tower or antenna, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness.
- vii. Proposed ingress and egress to the proposed tower or antenna.
- viii. Availability of suitable existing towers or antennas, alternative tower structures, other structures, or alternative technologies not requiring the use of towers or antennas or other structures, as discussed below in this section.
- ix. The effect of the proposed tower or antenna on the conforming properties and the surrounding neighborhood.
- x. Whether or not the proposed tower or antenna is located in zoning districts or on structures where the Township intends at least most towers and antennas in the Township to be located, as subsequently described in this section.

**F. Background** -The Township has received or expects to receive requests to site wireless communications towers and antennas within its boundaries. The Township finds that it is in the public interest to permit the siting of wireless communications towers and antennas within its boundaries. It is the Township's intent to permit the siting of wireless communications towers and antennas within its boundaries. It is the Township's intent to protect and promote the public health, safety, and welfare by regulating the siting of wireless communications towers and antennas within its boundaries.

G. **Purpose and Goals** -This chapter's purpose is to establish general guidelines for siting wireless communications towers and antennas. This chapter's goals are to:

- i. Protect residential areas and land uses from potential adverse impacts of towers and antennas.
- ii. Encourage the location of towers and antennas in non-residential areas.
- iii. Minimize the total number of towers and antennas throughout the Township.
- iv. Promote the joint use of existing tower sites rather than construction of additional towers.
- v. Promote the location of towers and antennas in areas where the adverse impact on the Township is minimal.
- vi. Promote the configuration of towers and antennas to minimize their adverse visual impact through careful design, siting, landscape screening, and innovative camouflaging techniques; and promote collocation of towers and/or multiple antennas on common towers.
- vii. Promote telecommunications services to the Township that are quick, effective, and efficient.
- viii. Protect the public health and safety of the Township and its residents.
- ix. Avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures.
- x. To further these goals, the Township shall consider its Comprehensive Plan; zoning map, existing land uses, and environmentally sensitive areas in approving sites for the location of towers and antennas.

H. **General Requirement** -

- i. **Principal or Accessory Use** - Antennas and towers may be considered either principal or accessory uses. A different existing use of or on the same lot shall not preclude the installation of an antenna or tower on the lot.
- ii. **Lot Size** - Even though antennas or towers may be located on leased portions of a lot, the dimensions of the entire lot shall be used to determine if the installation of a tower or antenna complies with the regulations of the applicable zoning district, including but not limited to setback requirements, lot coverage requirements, and other such requirements.
- iii. **Inventory of Existing Sites** - Each applicant for an antenna and/or tower shall provide to the Zoning Administrator an inventory of its existing towers, antennas, or sites approved for towers or antennas, that are within the jurisdiction of the Township or within one mile of the Township border, including specific information about the location, height, and design of each tower or antenna.



- iv. **Tower Finish** - Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness.
- v. **Tower Site** - At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend them into the natural setting and surrounding buildings.
- vi. **Antenna Color** - An antenna and its supporting electrical and mechanical equipment must be or a neutral color that is identical to, or closely compatible with, the color of the supporting structure to make the antenna and related equipment as visually unobtrusive as possible.
- vii. **Lighting** - Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding views.
- viii. **State or Federal Requirements** - All towers and antennas must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the state or federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this Ordinance shall bring such towers and antennas into compliance with such revised and applicable standards and regulations within six (6) months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to comply with such revised and applicable standards and regulations shall constitute grounds for the Township to seek a court order, authorizing the Township or its designee to remove the tower or antenna at the owner's expense.
- ix. **Building Codes, Safety Standards** - The owner of a tower or antenna shall ensure its structural integrity by maintaining it in compliance with standards contained in applicable state or local building codes and applicable standards published by the Electronic Industries Association or any similar successor organization, as amended from time to time. If the Township suspects that a tower or antenna does not comply with such codes and standards and constitutes a danger to persons or property, then the Township may proceed under applicable State of Michigan law (i.e. Michigan Public Act 144 of 1992, as amended, or any successor statute) or common law to bring the tower or antenna at the owner's expense.
- x. **Measurement** - Tower setbacks and separation distances shall be measured and applied to facilities located in the Township without regard to municipal and county jurisdictional boundaries.
- xi. **Not Essential Services** - Towers and antennas shall be regulated and, permitted pursuant to this chapter. They shall not be regulated or permitted as essential services, public utilities, or private utilities.
- xii. **Franchises** - Owners and/or operators of towers or antennas shall certify that all franchises required by law for the construction and/or operation of a wireless communication system in the Township have been obtained, they shall file a copy of all required franchises with the Zoning Administrator.



- xiii. **Signs** - No signs or advertising shall be allowed on an antenna or tower. However, the tower owner may post a sign designating a person to contact in an emergency, together with the person's telephone number and address.
- xiv. **Metal Towers** - Metal towers shall be constructed with a corrosion-resistant material.
- xv. **No Interference** - Towers shall not interfere with television or radio reception on surrounding properties.
- xvi. **Roads** - All access roads shall be constructed and maintained to Crockery Township standards for a private street with forty (40) feet right-of-way (easement) width.
- xvii. **Permitted Uses** - The uses listed in this section are deemed to be permitted uses by right in any zoning district and shall not require a Special Land Use permit.
- xviii. **Township Owned Property** - Antennas or towers located on property owned, leased, or otherwise controlled by the Township are permitted uses, provided a license or lease authorizing such antenna or tower has been approved by the Township. This provision shall not be interpreted to require the Township to approve a license or lease.
- xix. **Existing Lattice Towers** - Antennas located upon legally existing lattice electric transmission towers and do not exceed the height limitation of the zoning district in which they are located.
- xx. **Information Required** - Applicants for a Special Land Use permit for a tower or an antenna shall submit the following information, in addition to any other information required by this Ordinance.
- xxi. **Township Intentions Concerning the Location of Most if Not All Towers and Antennas** - The Township intends that most if not all towers and antennas will be located as described below.
- xxii. **Non-Residential Zoning Districts** - The Township encourages the location of towers and antennas, including the placement of additional buildings or other supporting equipment used in connection with them, in non-residential zoning districts.
- xxiii. **Existing Structures or Towers** - The Township encourages the location/co-location of antennas on existing structures or towers consistent with the terms below:
- a. The Township encourages antennas on existing structures which are not towers, as an accessory use to any commercial, industrial, professional, institutional, or multi-family structure of eight (8) or more dwelling units, provided the antenna does not extend more than thirty (30) feet above the highest point of the structure.
  - b. No new tower or antenna shall be permitted unless the applicant demonstrates to the Planning Commission that no existing tower, antenna, alternative tower

structure, or alternative technology can provide the services sought by the applicant unless the applicant could demonstrate the following:

- That no existing towers, antennas, alternative tower structures, alternative technology, or other structures are available within the geographical area that meets the applicants' engineering requirements.
- That existing towers, antennas, alternative tower structures, or other structures are not of sufficient height to meet the applicant's engineering requirements, and that their height cannot be increased to meet such requirements.
- That existing towers, alternate tower structures, or other structures do not have sufficient structural strength to support the applicant's proposed antenna and related equipment, and that their strength cannot practically be increased to provide that support.
- That the proposed antenna would cause electromagnetic interference with existing towers or antennas, or that existing towers or antennas would cause interference with the applicant's proposed antenna.
- That an alternative technology that does not require the use of towers or antennas is cost-prohibitive or unsuitable.
- That there is other limiting factors that render existing towers, antennas, alternative tower structures, and other structures unsuitable.

xxiv. **Setbacks** - The following setback requirements shall apply to all towers for which a Special Land Use permit is required:

- a. Towers must be set back a distance equal to at least one hundred percent (100%) of the height of the tower from any adjoining lot line. The setback is measured from the perimeter or outside edge of the base of the tower.]
- b. Guy wires and accessory buildings must satisfy the minimum setback requirements for the applicable zoning district.

xxv. **Separation** - The following separation requirements shall apply to all towers for which a Special Land Use permit is required:

- a. A separation of towers from off-site uses/designated areas.
- b. Tower separation shall be measured from the perimeter or outside edge of the base of the tower to the lot line of the off-site uses and/or designated areas as specified in Table 5, except as otherwise provided in Table 5. The separation distance shall be measured by drawing or following a straight line between the base of the proposed tower and the off-site uses or designated areas, pursuant to a site plan of the proposed tower.
- c. Separation requirements for towers shall comply with the minimum standards (listed in linear feet) established in Table 5.

<b>TABLE 5</b>	
<b>Off-Site Use/Designated Area</b>	<b>Separation Distance</b>
Single-family or two-family units:	200 feet or three times the height of the tower, whichever is greater.
Unimproved R-1 and R-2 and land which is platted, has preliminary subdivision plan approved which is not expired:	200 feet or three times the height of the tower, whichever is greater.
Other unimproved residentially zoned lands:	100 feet or the height of the tower, whichever is greater.
Existing multi-family dwelling units:	100 feet or the height of the tower, whichever is greater.
Non-residentially zoned lands or non-residential uses, if not covered by any of the above categories:	None, only setbacks established by this Ordinance apply.
<p>1 Includes modular homes and manufactured homes used for living purposes.  2 Separation measured from base of tower to closest building setback line.  3 Includes any not platted residentially zoned properties without a preliminary subdivision plan or development approval.</p>	

xxvi. **Security Fencing** - Towers for which a Special Land Use permit is required shall be enclosed by security fencing not less than six feet in height. When the tower is guyed, the base of the guy wires shall also be enclosed by a fence not less than six feet in height. The towers shall also be equipped with appropriate anti-climbing devices.

xxvii. **Landscaping** - The following requirements shall govern the landscaping surrounding towers for which a Special Land Use permit is required. The required landscaping shall be maintained for the duration of the Special Land Use permit:

- a. Tower facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the tower compound from property then used for dwellings, one-family, two-family, or multi-family, or included in a residential zoning district. The standard buffer shall consist of a landscaped strip at least four feet wide outside the perimeter of the compound. Existing mature tree growth and natural landforms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large wooded lots, the Planning Commission may conclude that natural growth around the property perimeter may be a sufficient buffer.

xxviii. **Accessory Utility Buildings** - All utility buildings and structures accessory to a tower or an antenna shall be architectural designed to blend in with the surrounding environment and shall meet the minimum setback requirements of the zoning district where the tower or antenna is located.

Ground mounted equipment shall be screened from view by suitable vegetation, except where a non-vegetative screening better reflects and complements the architectural character of the surrounding neighborhood.

xxix. **Removal of Abandoned Antennas and Towers** - Notwithstanding anything to the contrary elsewhere in this Ordinance, any antenna or tower that is not operated for a continuous period of twelve months shall be considered abandoned, and the owner of such antenna or tower shall remove the same within ninety (90) days of receipt of notice from the Township notifying the owner of such abandonment. Failure to remove an abandoned antenna or tower within the ninety (90) days shall be grounds for the Township to proceed under applicable State of Michigan law to remove the tower or antenna at the owner's expense. If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the tower.

xxx. **Expansion of Nonconforming Use** - Notwithstanding any other provisions of this Ordinance to the contrary, towers that are constructed and antennas that are installed in accordance with this chapter shall not be deemed the expansion of a nonconforming use or structure.

## ARTICLE 20

### PARKING AND LOADING

#### 20.01 GENERAL

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

##### Minimum Number of Parking Spaces Required -

1. For uses not specifically listed in Table 6, the parking requirements shall be those of the most similar use as determined by the Zoning Administrator. When the application of these parking requirements results in a fractional space requirement, the fractional space requirement shall be determined using standard mathematical rounding.
2. Where more than one use occupies a given structure or parcel of land or where a given business occupies a combination of uses, the minimum required number of parking spaces shall be the sum of the requirements for each use times 0.75, or complies with the requirements of this section for joint or shared parking.
3. Where a building may be used for more than one purpose and the applicant does not limit the permitted uses in the building, parking spaces shall be provided based on the possible use(s) that require the most parking spaces.
4. Where a building or use has a frontage on a public street that has legal on-street parking, such parking along the site's frontage may be counted toward meeting the minimum parking required by this chapter.
5. Special Land Uses or those not specifically listed shall provide an adequate number of parking spaces as determined by the planning commission or Zoning Administrator.
6. For additions, expansions or changes of use the minimum number of required parking spaces shall be based solely on the number of additional spaces required and not on any existing deficiencies in available off-street parking.

<b>Table 6 - Minimum Vehicular Parking Requirements</b>	
<b>Use</b>	<b>Minimum Number of Vehicular Spaces Required</b>
<b>Residential</b>	
1. One family	2 spaces/dwelling unit
2. Two-family	2 spaces/dwelling unit
3. Three or more families	1.5 spaces/dwelling unit
4. Multi-family/ Apartments	1 for each sleeping room

<b>Commercial</b>	
1. Auto parts store	1 space/250 square feet of gross floor area
2. Auto Repair/Body shop	1 space/300 square feet of gross floor area
3. Banks/Credit Unions/Mortgage Lenders	1 space/250 square feet of gross floor area
4. Bed or breakfast inn	1 space/guest room plus 2 spaces for the permanent residence
5. Beauty Parlor/Salon/Barbershop/Nail Salon	2 spaces/each chair or 1 space/200 square feet of gross floor area, whichever is greater
6. Billiard hall/Amusement arcade	1 space/200 square feet of gross floor area
7. Bowling alley	3 spaces/each lane plus 1 space for each employee
8. Car wash/Oil change/Tire sales	1 space for each employee plus 2 spaces for each service bay
9. Commercial recreation facilities, enclosed	1 space/400 square feet of gross floor area
10. Commercial recreation facilities, unenclosed	1 space/300 square feet of usable recreational area square footage
11. Dance hall/Instructional studio	1 space/200 square feet of gross floor area
12. Day care centers, preschools, kindergartens	2 spaces/teacher or employee
13. Equipment rental	1 space/1,000 square feet of site area
14. Funeral home/Mortuary	1 space/75 square feet of gross floor area plus 1 space for each employee on the largest shift
15. Furniture or large appliance sales/Home decorating showrooms	1 space/750 square feet of gross floor area
16. Garden nursery/Landscape supplies and other unenclosed retail businesses	1 space/each 400 square feet of open sales/display area
17. Gasoline service station without convenience or food store	1 space/2 pumps
18. Gasoline service station with convenience or food store	1 space/2 pumps plus 1 space/200 square feet of gross floor area
19. Golf Course	4 spaces/hole plus 1 for each employee
20. Health club/Fitness center/Spa	1 space/200 square feet of gross floor area
21. Hotel with convention center	1 space/bedroom plus 1 space per 400 square feet of gross floor area for the convention center
22. Laundromats, self-service dry cleaners	1 space/each 2 washer dryer combination
23. Medical/Dental office	1 space/150 square feet of gross floor area
24. Miniature golf course	2 spaces/hole

25. Motel/Hotel without convention center	1 space/bedroom plus 1 space for each 2 employees on the largest shift
26. New and used automobile, truck, trailer, boat, sales, large machinery/equipment, recreational vehicles, motorcycles, manufactured homes, or other bulky merchandise and auto rental	1 space/1,000 square feet of gross floor area plus 1 space/2,000 square feet of outside display/sales lot area
27. Office (except medical and dental)	1 space/300 square feet of gross floor area
28. Retail sales	1 space/200 square feet of gross floor area
29. Restaurants with drive through	1 space/200 square feet of gross floor area up to 2,000 square feet, plus 1 space/300 square feet over 2,000 square feet, plus 1 space for each employee
30. Restaurants/Taverns/Bars without drive through	1 space/50 square feet of gross floor area
31. Service or repair shops	1 space/600 square foot of gross floor area
32. Shopping centers having a gross leasable area (GLA) of 25,000 to 400,000 square feet	1 space/250 square feet of gross leasable area
33. Shopping centers having a gross leasable area (GLA) of over 400,000 square feet	1 spaces/200 square feet of gross leasable area
34. Skating rink	1 space/300 square feet of gross floor area
35. Supermarket/Convenience/Liquor/Grocery stores, 7,500 square feet or less	1 space/300 square feet of gross floor area
36. Supermarket/ Convenience/Liquor/Grocery stores, more than 7,500 square feet	1 space/200 square feet of gross floor area
37. Tennis, racquetball clubs	1 space/1,000 square feet of gross floor area
38. Theater, cinema	1 space/3 seats
39. Veterinarian, animal hospital	4 spaces/doctor, plus 1 space for each employee
40. Wholesale garden nursery	1 space/1,500 square feet of building and outside display
41. Wholesale merchandise	1 space/each 2,000 square feet of gross floor area
<b>Industrial</b>	
1. Building Contractors/Construction	1 space/1,000 square feet of gross floor area plus 2 spaces for each 3 employees, plus 1 space for every vehicle stored on the property
2. Laboratories, research and development facilities	1 spaces/400 square feet of gross floor area
3. Manufacturing, processing, packing, assembly and fabrication establishment	1 space/800 square feet of gross floor area
4. Self storage facility	1 space/each 20 stalls plus 1 space for each employee



5. Salvage/ junk yard	15 spaces for sites up to 10 acres and 25 spaces for sites over 10 acres
6. Warehouse, freight movement and distribution and storage	1 space/2,000 square feet gross floor area
<b>Institutional and Places of Assembly</b>	
2. Art gallery	1 space/500 square feet of gross floor area
10. Assisted living facility, Convalescent facility, nursing home, congregate care facility	1 space for each 5 beds plus 1 space for each 2 employees on largest shift
7. Auditoriums/Arena/Clubs/Lodges/Community centers and other conference centers	1 space/3 seats or 12 feet of bench length
5. Child care facility, kindergarten/pre-schools	1 space/teacher or employee plus 1 space per 12 persons served
6. Churches/temples/synagogues	1 space/4 seats or 12 feet of bench length
8. College	1 space/3 classroom seats
9. Commercial school for adults	1 space/3 classroom seats
26. Correctional/rehab/detention institution or facility	1 space per 6 beds based on maximum capacity plus 1 space/each employee on largest shift
11. Elementary school, Middle school	1 space for each teacher and administrator plus requirements for auditorium
14. Hospitals/Medical centers	1 spaces for each 2 beds plus 1 space for each employee on largest shift
13. Library/ Museum	1 space/400 square feet of gross floor area plus 1 space for each employee on largest shift
20. Private utility operation	1 space/each employee on largest shift
21. Residential care facility	1 space/7 residents served under the age of 12 1 space/5 residents served ages 12—17 1 space/4 residents served ages 18 years or older
22. Retirement home facilities	1 space/each 3 units
12. Senior High school/College/Technical school	1 space/employee plus 1 space/each 5 students plus requirements for auditorium
24. Stadium/Theater	1 space/3 seats or 8 feet of bench length

## **20.02 JOINT USE OF PARKING FACILITIES**

Provisions of common parking facilities for several uses in the same vicinity are encouraged. Where multiple principal uses utilizing common parking facilities exist on the same property in the same vicinity, the total space requirement is the sum of the minimum individual requirements for each use.

Where a principal use and an accessory use exist on the same property, the total space requirement is the sum of the minimum individual requirements for the principal and accessory uses unless the Planning Commission authorizes as a Special Land Use a smaller number of parking spaces. In granting such authorization, the Planning Commission shall consider the following standards:

1. Whether the proposed number of parking spaces is sufficient to meet the need for parking facilities of both the principal and accessory uses. The number of parking spaces authorized by the Planning Commission shall not be less than the minimum number required for the principal use.
2. The reason for the request that a smaller number of parking spaces than that required by authorized.
3. The effect on adjoining property and the surrounding neighborhood.

## **20.03 LOCATION OF PARKING FACILITIES**

Off-street parking facilities required shall be located contiguous to the principal building or use. Parking spaces shall not be located in a required front yard except for single-family or duplex residential uses.

For all residential buildings and for all non-residential buildings and uses in residential zoning districts, required parking shall be provided on the lot with the building or use it is required to serve.

However, for commercial and all non-residential buildings and uses in commercial zoning districts, as much as twenty-five percent (25%) of the required number of parking spaces may be located within three hundred (300) feet of the principal building or use, provided proof of ownership or lease for exclusive use of such premises is provided. Such distance shall be measured between the nearest point of the parking facility and the nearest point of the principal building or use. If this option of utilizing nearby parking is exercised, then the parking area may not be discontinued or otherwise converted to another use unless the building or use otherwise meets the minimum required number of off-street parking spaces.

## **20.04 REQUIREMENTS FOR PARKING AREAS**

Every parcel of land hereafter established as an off-street public or private parking area for more than five vehicles, including a municipal parking lot, commercial parking lot, automotive sales and/or service lot, and accessory parking areas for multiple dwellings, businesses, public assembly, and institutions; shall be developed and maintained in accordance with the "Crockery Township Design and Construction Standards".

## 20.05 PARKING AREAS, FRONT YARD - REQUIRED LANDSCAPING

Landscaping shall be provided for in areas internal to parking lots to provide visual and climatic relief from broad expanses of pavement. Landscape features installed in fulfillment of this requirement should be designed and situated to protect lighting fixtures and fire hydrants and to define access and circulation ways.

1. **Parking Area Landscaping Requirements** - In order to reduce the visual impacts of parking lots and to enhance their appearance to surrounding land uses, the Township requires parking lots to be internally landscaped. The following schedule shows the amount of land area that must be set aside for landscaping in parking lots containing:
  - A. More than twenty-five (25) but less than fifty (50) parking spaces – fifteen (15) square feet of land area per parking space.
  - B. Between fifty (50) and ninety-nine (99) parking spaces – twelve and one-half (12.5) square feet of land area per parking space.
  - C. One hundred (100) parking spaces or more – ten (10) square feet of land area per parking space.
2. **Minimum Size** - The minimum size of any internal landscaped area shall be sixty (60) square feet, with a minimum width of six (6) feet.
3. **Protection of Landscaping** - Internal landscape areas shall be protected by the installation of curb stops, a raised concrete curb, or anchored landscape timbers around their border. The curb is intended to prevent motor vehicle infringement upon landscaped areas and to insure that the landscaping materials remain within a defined area.
4. **Required Plantings** - For each one hundred (100) square feet of required landscaped area one canopy tree.
5. **Minimum Plant Size** - All new plants required for landscaped areas internal to parking lots shall meet the minimum size requirements set forth in the landscape and greenbelt provisions of this ordinance.

## 20.06 OFF-STREET LOADING SPACES

Off-street loading shall be provided 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 in vehicles of materials or merchandise. The following shall be provided and maintained on the same lot with such building or addition:

1. An area or means adequate for maneuvering and ingress and egress for delivery vehicles, and
2. Off-street loading spaces in relation to floor areas as follows:
  - A. Up to twenty thousand (20,000) square feet - one (1) space.
  - B. Twenty thousand (20,000) or more, but less than fifty thousand (50,000) square feet - two (2) spaces.

- C. One (1) additional space for each additional fifty thousand (50,000) square feet, or a fraction thereof.

Loading areas must comply with the Crockery Township Design and Construction Standards.

## ARTICLE 21

### SIGNS

#### 21.01 INTENT AND PURPOSE

The purpose of these requirements is to provide a framework within which the identification and informational needs of all land uses can be harmonized with the desires and aesthetic standards of the general public and to manage signs intended to be visible from the public right-of-way, to avoid sign clutter, and to minimize visual distractions to motorists along the Township's roadways.

It is intended through the provisions contained herein to give recognition to the legitimate needs of business, industry, and other activities, in attaining their identification and informational objectives. However, unrestricted signage does not benefit either private enterprise or the community at large. Signs should not, because of their size, location, construction, or manner of display, endanger life and limb, confuse or mislead traffic, obstruct vision, impede traffic safety, cause annoyance or disturbance to residents or adversely impair property values. All signs erected or structurally altered shall conform to this ordinance.

Except as otherwise specifically authorized, no sign shall be located, installed, moved, reconstructed, extended, enlarged or structurally altered within Crockery Township until a permit has been issued by the Township Building Inspector. No permit shall be issued for a sign not in conformity with the size type, number, and location and use regulations affecting each zoning district.

#### 21.02 DEFINITIONS

The following words and phrases in this Article are defined as follows:

1. **Sign Types** –

- A. **Billboard** – Any off-premises sign subject to the “Highway Advertising Act of 1972” (Act 106 of 1972, as amended), for the purpose of advertising a product, event, person, or subject not related to the premises on which the sign is located, including the wall of any building or any structure on which lettered, figured, or pictorial matter is displayed.
- B. **Business Sign** – Any structure, including the wall of any building, on which lettered, figured, or pictorial matter is displayed for advertising a business, service, or entertainment conducted on the land where the structure is located, or products primarily sold, manufactured, processed, or fabricated on such land.

2. **Temporary Sign** – A sign intended to be displayed for a limited period of time, including decorative displays for the holidays, special events, political signs, real estate signs or signs for civic or public events, occasions or observances.

3. **Portable Sign** – A sign or sign board which is not permanently anchored or secured to a building, structure or the ground and which by its nature may be or is intended to be moved from one location to another, such as an A-frame sign or a sign on a movable trailer or other mechanism to facilitate the convenient moving of the sign.

### **21.03 SIGN PERMIT REQUIRED**

No person shall construct, install, reinstall, move, alter, enlarge, or illuminate, erect, relocate, or cause to be erected or relocated any sign or billboard without first obtaining a sign permit except signs exempt from such permits as stated in this Section. Any sign that makes use of electricity shall, in addition to a sign permit, require an electrical permit, regardless of size.

### **21.04 PROCEDURE TO OBTAIN A PERMIT**

Application for a sign permit shall be submitted on forms provided by the Zoning Administrator or his/her designee, and shall contain at least the following:

1. Name, address, and telephone number of the applicant and that of the owner of the premises upon which the sign or billboard is to be erected and the name of the person, firm, corporation erecting the sign.
2. Location of the building, structure, or lot to which or upon which the sign or billboard is to be installed, attached or erected.
3. Position of the sign in relation to nearby buildings, structures, and other signs or billboards.
4. A scaled drawing of the plans and specifications and the method of construction and attachments shall be submitted.
5. For signs in excess of twelve (12) square feet, a copy of stress sheets and calculations showing that the structure is designed for dead load and wind pressure in any direction of not less than thirty five (35) pounds per square foot and shall be constructed to receive loads as provided in the Building Code.
6. The written consent of the owner of the structure or land upon which the sign or billboard is to be erected.
7. Position of the sign on the building, structure, or lot on which the sign is to be attached or installed.
8. Position of the sign in relation to nearby buildings, structures, signs, property lines, and rights-of-way, existing or proposed.
9. Zoning district in which the sign is to be located.
10. Such other information as the Township may require showing full compliance with this and all other applicable laws of the Township, Ottawa County, and the State of Michigan.
11. Two (2) copies of the sign plans and specifications for method of construction and attachment to the building or in the ground. The sign plans shall include all pertinent data including highest point, low point clearance, face outline, and total face area with method of calculation. For signs exceeding forty (40) square feet or when public safety so requires, the specifications shall include the certificate or seal of a registered structural or civil engineer as a condition to the issuance of a permit.

If the sign is to be illuminated, the application for a sign permit shall be submitted to the electrical

inspector. The electrical inspector shall examine the plans and specifications respecting all wiring and connections to determine whether the same complies with the building code and the customary safe practices followed by the electrical profession.

The Zoning Administrator shall, upon the filing of an application for a sign permit, examine the plans, specifications, other data, and the premises upon which it is proposed to erect such sign or billboard. If the proposed structure complies with the requirements of this Ordinance, the provisions of any building code and state law, he shall then issue a sign permit.

Each applicant shall pay permit fees as established by resolution of the Township Board.

### **21.05 SIGN MAINTENANCE OR CHANGE OF MESSAGE**

No permit shall be required for ordinary servicing, repainting of existing sign message, or cleaning of a sign. No permit is required for change of message of a sign designed for periodic message change without change of structure, including a bulletin board or billboard.

### **21.06 SIGN INSTALLATION REQUIREMENTS**

Permits for the installation of signs shall only be issued to the owner of the building or property where the sign is to be installed or have a written authorization of the owner of said building or property. The owner shall be responsible to have persons qualified to install signs carry on such work under the provisions of this chapter.

### **21.07 PROHIBITED SIGNS**

The following types of signs are prohibited in all Districts:

- 1. Light Strings, Flashing or Blinking Lights, etc.** Signs that revolve or are animated or that utilize movement to attract attention such as pennants, balloons, light strings, flashing or blinking lights and similar lights used to attract the attention of the public (other than a banner, pennant or balloon used as a permitted sign under provisions of this Article) are prohibited. However, this provision shall not prohibit the display of governmental or civic organization flag in the manner prescribed by law for such display.
- 2. Electronic Signs** - No sign shall have blinking, flashing, or fluttering lights or other illuminated devices such as a changing light intensity, brightness, or color. Electronic message boards or changing electrical signs are prohibited if the rate of change between two static messages or images is more frequent than one change per six (6) seconds. All lights in a display shall activate simultaneously and deactivate in one (1) second or less. Electronic message board signs shall be fitted with ambient light monitors which continuously monitor and automatically adjust the brightness level of the display based on ambient light conditions such that maximum brightness levels shall not exceed 0.3 (three tenths) foot-candles over ambient light levels measured within 150 feet of the sign. Certification must be provided to the Township demonstrating that the sign has been preset to automatically adjust the brightness to these levels or lower. Re-inspection and recalibration may be periodically required by the Township at the permittee's expense to ensure that the specified brightness levels are maintained at all times.
- 3. Flashing Signs** - Signs that are illuminated by or which incorporate lights that flash, twinkle, move, or give the appearance of movement. Flashing type signs of any kind, including beacon lights and searchlights are prohibited.



4. **Unsafe Signs** - Any sign which is structurally or electrically unsafe.
5. **Utility Poles and Landscaping** - Any sign installed on a utility pole, directional signpost, or landscaping including trees, but not including street signs installed by the Township, county, state, or federal government, or a public transit agency.
6. **Non-anchored Signs** - Freestanding signs not permanently anchored or secured to either a building or the ground, except real estate "open house" signs.
7. **Signs on Vehicles and Apparatus** - Any sign painted on attached to or displayed on any vehicle or trailer, storage container, farm or industrial machinery, airplane, railroad locomotive, car, or similar vehicle or apparatus, whether or not operable when the subject vehicle or trailer is parked in such a manner that the obvious intent is to attract attention to a business, service, or commodity on the premises. This provision shall not prohibit lettering or advertising on operable, licensed, and insured commercial vehicles, which are not permanently fixed to the ground.
8. **Sign Structure Without Sign** - Any sign structure or frame no longer supporting or containing a sign. The owner of the property where the sign is located shall, within 180 days of the removal of the message portion of the sign, either replace the entire message portion of the sign or remove the remaining components of the sign structure or frame. This subsection shall not be construed to prevent the changing of the message of a sign.
9. **Roof Mounted Signs.** Roof-mounted signs that project above the highest point of the building are prohibited.

#### **21.08 SIGN INSTALLATION PERMIT EXPIRATION**

A sign permit shall become invalid if the work for which the permit was issued is not completed one hundred eighty (180) days of the date of issue.

#### **21.09 MEASURING SIGN AREA**

For the purposes of this Ordinance, the total area of a sign shall be expressed in square feet. The area of a sign is the entire area within a single continuous perimeter composed of geometric shapes and polygons, which encloses the extreme limits of the advertising message, announcement, declaration, demonstration, display, illustration, insignia, surface, or space of a similar nature. The area of signs shall be computed as follows:

1. **Single Sided Signs** - The total area of a single face sign shall be computed as the number of square feet encompassing the extreme limits of an individual letter(s), word(s), message(s), representation, emblem or any similar figure, including open space(s), together with any frame or other material forming an integral part of display used to differentiate such sign from the background against which it is placed.
2. **Double Sided Signs** - For double-sided signs having two sides of equal size arranged and/or positioned back to back, parallel to each other, with no more than a two-foot space between the two sides; the area of the sign shall be computed as one-half (1/2) the total area of the two (2) sides. Otherwise, the area of both sides shall be included in determining the area of the sign.
3. **Multiple Sided signs** - Where a sign has three (3) or four (4) faces the area of the sign shall be calculated as fifty percent (50%) of the total area of all faces, provided the interior

angle between adjacent faces is ninety (90) degrees or less. Otherwise, the area of all sides shall be included in determining the area of the sign.

4. **Three Dimensional Signs** - For signs which are designed as a three dimensional geometric form such as a sphere, cone, cylinder, or cube, the area shall be computed as one-half (1/2) the total surface of the geometric form that is visible and used for signage purposes. Where statuary, is used as a sign, the area of said sign shall be the three (3) vertical sides of the smallest geometric shape enclosing the figure that are most visible from the public right-of-way.
5. At the discretion of the Zoning Administrator, the following embellishments may or may not constitute sign area:
  - A. Structural or decorative elements of a sign incorporating representations of the significant architectural features of the associated building or development.
  - B. The necessary supports or uprights such as the frame or other material, color, or condition that forms an integral part of the display used to differentiate such sign from the wall or background on or against which such sign is placed that are not directly adjacent to the sign message itself.

#### **21.10 REGULATIONS FOR ALL SIGNS**

Every sign hereafter erected or located within the Township shall conform to all the applicable provisions of the Zoning Ordinance. All signs are either permanent (affixed to the ground or an existing structure) or temporary (not affixed to the ground or an existing structure).

1. **Height** - No sign shall extend above or exceed the highest roofline of the principal structure nor be more than twenty (20) feet above the average grade level measured from the base of the sign.
2. **Building Access** - No sign shall be erected or located so as to prevent free ingress to or egress from any window, door or fire escape of or upon any building, nor shall any sign be attached to any fire escape.
3. **Message** - No lewd, vulgar, indecent, or obscene advertising matter shall be displayed upon any sign.
4. **Installation** - Signs shall be placed, constructed and installed in accordance with good construction practices and shall be maintained in good condition and repair. All signs must be constructed of sign industry accepted materials that are long lasting, durable, and weather resistant and shall be maintained in good condition and repair.
5. **Permit Required** - No signs, except those exempt from the provisions of this chapter, shall be placed, constructed, or installed unless a permit therefore has been issued by the Zoning Administrator.
6. **Traffic Interference and Clear Vision Areas** - No sign or sign structure shall be installed at any location where it may interfere with, obstruct the view of, or be confused with an official authorized traffic sign, traffic marking, signal, or device. No sign shall use the words "stop", "look", "danger" or any word, phrase, symbol or character in such manner so as to interfere with, mislead or confuse traffic. No rotating beam, beacon, or flashing illumination resembling an emergency light shall be used in connection with any sign. No

sign shall be placed in such a position that it could be dangerous to traffic on a street or in such a position that traffic will be obscured from view.

Signs within the clear vision corner of an intersection must be ground signs less than thirty (30) inches in height or freestanding signs with a minimum of eight (8) feet to the bottom of the sign. Sign supports within clear vision corners must be as narrow as possible while providing sufficient load bearing support.

7. **Location** - Signs shall not be placed within street rights-of-way. Signs, banners or other displays for specific community purposes or events may be allowed within the right-of-way provided such displays receive a permit from the Zoning Administrator and are placed for no longer than the length of the event or fourteen (14) days, whichever shall be less. Signs shall not be placed or installed in any manner such as to create or tend to create a traffic hazard or public nuisance.
8. **Illumination** - All signs may be illuminated if the source of light is not visible. Illuminating arrangements for signs shall be such that the external light is concentrated upon such sign and that there is no glare cast upon the street, the sidewalk or adjacent property. Illuminated signs shall be constructed and operated in compliance with the electrical code adopted by the Township as administered by the electrical inspector. No sign, whether externally or internally illuminated, shall be illuminated by other than approved devices. It is the intent of this section to ensure that illuminated signs do not create glare or unduly illuminate the surrounding area. All illuminated signs shall be so constructed, arranged and shielded so as not to interfere with the vision of persons traveling on adjacent streets. Every electrical device and all electric wiring installed for any purpose upon any sign or placed within such sign or constructed on the outside of such sign shall conform to the requirements of the electrical Code and be ULI listed materials. Electrical lighting effects using LED displays or digital programming are allowed.

A. Externally Illuminated Signs -

- i. Lighting fixtures shall be carefully located, aimed, and shielded so that light is directed only onto the sign face and shall not be aimed at adjacent streets, roads, or properties.
- ii. Light fixtures shall be of a type such that the light source (bulb) is not directly visible from adjacent streets, roads, or properties.
- iii. External lighting shall be limited to light fixtures that do not blink, fluctuate, or move.
- iv. All lighting fixtures shall be night-sky friendly.
- v. To the extent possible, fixtures shall be mounted and directed downward (i.e. below the horizontal).

B. Internally Illuminated Signs -

- i. Internal lights shall be limited to internal light contained within translucent letters and internally illuminated sign boxes, provided the background or field on which the copy and/or logos are placed is opaque. The area illuminated is restricted to sign face only.

- ii. The light source (bulb) of internal illumination shall be sufficiently shielded or obscured that the light source does not shine directly onto adjacent streets or other lands, and shall not be of such intensity as to illuminate any adjacent residential property.
- iii. No sign, whether externally or internally illuminated, shall be illuminated by other than approved devices. No open spark or flame shall be used for display purposes.
- iv. No sign or any pole or support structure of any type shall be located in, project into, or overhang a public right-of-way or dedicated public easement, unless otherwise authorized in this Ordinance.
- v. No advertising device shall be installed or maintained which simulates or imitates in size, color, lettering, or design any traffic sign or signal or other word, phrase, symbol, or character in such manner as to interfere with, mislead, confuse or create a visual impediment or safety hazard to pedestrian or vehicular traffic.

### **21.11 REGULATIONS FOR WALL SIGNS**

- 1. Wall signs shall be placed flat against and parallel to the building to which they are attached and may not project further than eighteen (18) inches beyond or overhang the wall or any permanent architectural feature and shall not project above or beyond the roof or parapet.
- 2. No permanent business sign or other type of permanent sign shall be constructed, installed, or attached to a building prior to the issuance of a permit by the Zoning Administrator.
- 3. All signs may be illuminated if the source of light is not visible. Flashing type signs of any kind are prohibited.
- 4. Billboards shall be permitted only in accordance with State law and the applicable provisions of this Article.
- 5. The area surrounding ground signs shall be appropriately landscaped and maintained.

### **21.12 PERMANENT SIGNS EXEMPT FROM PERMIT**

The following signs are exempt from the provisions of this Ordinance with respect to permits, heights, area, and location, unless otherwise specified herein. No sign permit is required for signs listed below. Such exemptions, however, shall not be construed to relieve the owner for its proper location, installation, and maintenance:

- 1. **Government Signs** - Signs installed by, on behalf of, or pursuant to the authorization of a government body, including legal notices, public safety signs, law enforcement, traffic management, informational signs, directional, or regulatory signs, including:
  - A. Highway signs erected by the State of Michigan, County of Ottawa, or the Township.
  - B. Governmental use signs erected by governmental agencies to designate hours of activity or conditions of use for public parking lots, recreational area, other public space, or for governmental buildings.

2. **Flags** - Flags, pennants, or insignia of any governmental or nonprofit organization when not displayed in connection with a commercial promotion or as a mean of advertising.
3. **Address Signs** - Signs, not exceeding two (2) square feet in area, and bearing only property numbers, post box numbers, names of occupants of premises, or other identification of premises not having commercial connotations.
4. **Street Signs** - Signs installed or required by county, state, or federal governments for street names, traffic control, or directions.
5. **Private Traffic Signs** – Up to two (2) directional signs installed in conjunction with private off-street parking areas, directing and guiding traffic on private property, provided that any such signs do not exceed two (2) square feet each, contain no advertising matter, and are limited to traffic control functions only.
6. **Handicapped Signs** - Not exceeding two (2) square feet each and bearing no advertising matter.
7. **Architectural Features/Artwork** - Integral decorative or architectural features of buildings or works of art, so long as such features or works do not contain letters, trademarks, copyrighted material, products or services offered for sale on the premises, moving parts, or lights.
8. **Small Accessory Signs** - Up to two accessory signs may be installed in non-residential zoning districts. The total area of each small accessory sign on one premise shall not exceed two (2) square feet.
9. **Farm Signs** - Signs that only identify the name of a farm or farm owner or crops or livestock on a farm.
10. **Historic Markers** - Signs identifying buildings or sites designated as historic landmarks or centennial farms by state or federal agencies such as historic signs designating sites recognized by the State Historical Commission as Centennial Farms and Historic Landmarks.
11. **No Trespassing** - Signs or Placards posted to control or prohibit hunting and trespassing within the Township.
12. **Essential Services** - Essential service signs denoting utility lines, railroad lines, hazards, and precautions.
13. **Memorial signs or tablets** - Which are either (1) cut into the face of a masonry surface; or (2) constructed of bronze or other incombustible material when located flat on the face of a building.
14. **Time and temperature** - Not exceeding six (6) square feet.
15. **Residential Signs** – Residential signs not used to advertise a business, in the AG-1, AG-2, and R-1 zoning districts up to 8 square feet for the name of the owner or the name of the homestead attached to a building, or freestanding providing the sign is setback 150 feet from the front property line.

### 21.13 TEMPORARY SIGNS

Temporary signs are exempt from permit requirements, but are subject to the provisions of this Section.

1. No temporary sign or devices shall be located in the public right-of-way, attached to any utility pole, or located within five feet from any public sidewalk or street right-of way, except that signs, banners or other sidplays for specific community purposes or events may be located within a public sidewalk or street right-of-way if in compliance with Section 21.09.7.
2. Temporary signs shall not be displayed for more than five (5) days and must be removed within seven days of the conclusion of the event, activity, election, sale, etc., for which the temporary sign is displayed.
3. The total area and height of temporary signage shall not exceed the following standards:
  - A. In residential districts, temporary signage shall be limited to six (6) square feet in area and a height of six (6) feet.
  - B. In all other zoning districts, temporary signage shall be limited to thirty-two (32) square feet in area and a height of eight (8) feet.
4. One (1) subdivision sign to advertise a new plat or named residential development, not exceeding thirty-two (32) square feet in area may be installed. However, such sign must be removed when fifty percent (50%) or more of the lots in such a subdivision are sold, or after five (5) years, whichever shall first occur.
5. One (1) construction sign per project that identifies the name of the building, the property owner, and denotes architects, engineers, or contractors and other individuals involved with the work under construction (other than one- and two-family dwellings), but not including any advertisement of any product or service during the period of construction, are allowed in all zoning districts. Construction signs shall have a maximum surface area of thirty-two (32) square feet, shall be confined to the site of construction, and shall be removed within fourteen (14) days following occupancy for the intended use of the project.
6. Essential service signs denoting utility lines, road construction, railroad lines, hazards, precautions, and the like are allowed for the period required.
7. Attention-getters such as flags, banners, pennants, streamers, spinners, balloons, air filled displays, animated characters, or similar devices are allowed in all non-residential zoning districts in accordance with the following standards:
  - A. Must be setback at least thirty (30) feet from the front right-of-way line.
  - B. Shall not emit noise of any kind.
  - C. Not more than fourteen (14) days.
8. Special decorative displays or signs used for holidays, public events, or promotion of civic or charitable events or observances, but any such displays or signs shall be removed within five (5) days after the event, occasion or observance.



9. Political signs may be temporarily installed and maintained in all zoning districts on private property only. Such signs shall not be illuminated and shall be placed no closer than ten (10) feet from a right-of-way line. They shall not be attached to any utility pole, other sign or sign parts or landscaping, including trees. Political signs shall be removed within five (5) days following the election or proposal to which they refer. No political sign shall be placed or maintained so as to interfere with the visibility of vehicle drivers or otherwise present any hazardous condition.
10. Portable signs on a parcel of land in a residential zoning district shall be permitted for a period not to exceed seven (7) days in any calendar year. A portable sign shall be located on private property only, and shall not encroach onto any public or private street right-of-way.
11. Temporary real estate signs are permitted in all zoning districts. The total area of a temporary real estate sign or signs advertising one lot shall not exceed twelve (12) square feet in area. The total area of a temporary real estate sign or signs advertising more than one lot shall not exceed twenty-four (24) square feet in area.
12. Human beings used to hold signs walking, sitting, or parading.

#### **21.14 OFF-PREMISES SIGNS (NOT INCLUDING BILLBOARDS)**

Off-premises signs (not including billboards, which are regulated under Section 21.13A) are permitted in all zoning districts provided that:

1. The off-premises sign contains only directional information and does not exceed twelve (12) square feet in area or six (6) feet in height;
2. The off-premises signs are permanently installed on private property;
3. Only one (1) off-premises sign is permitted on a parcel.
4. Off-premises signs will be included in calculations to determine the number of signs and the allowable sign area on the parcel upon which the sign is located.
5. Off-premises signs regulated by the "Highway Advertising Act" (Act 106 of 1972, as amended), shall comply with State law along interstate highways, freeways or primary highways (such as M-104 and I-96), as defined in said Act shall comply with all applicable provisions of said Act.

#### **21.15 BILLBOARDS**

Billboards are permitted only in accordance with this Section.

1. Not more than three billboards may be located per linear mile of street or highway regardless of the fact that such billboards may be located on different sides of the subject street or highway. The linear mile measurement shall not be limited to the boundaries of the Crockery Township where the particular street or highway extends beyond such boundaries (i.e., structures having back-to-back billboard faces) and V-type billboard structures having only one face visible to traffic proceeding from any given direction on a street or highway shall be considered as one billboard. Otherwise, billboard structures having more than one billboard face shall be considered as two billboards and shall be

prohibited in accordance with the minimum spacing requirement set forth in subsection 2 below.

2. No billboard shall be located within one thousand (1,000) feet of another billboard, whether or not the billboards abut the same street or highway.
3. No billboard shall be located within two hundred (200) feet of a residential zone and/or existing residence. If the billboard is illuminated, this required distance shall instead be five hundred (500) feet.
4. No billboard or any part thereof shall be located closer than seventy-five (75) feet from a property line adjoining a public right-of-way or ten (10) feet from any side or rear property line of the premises on which the billboard is located.
5. The surface display area of any side of a billboard may not exceed four hundred fifty (450) square feet. In the case of a billboard structure with more than one billboard face, facing one direction, the combined surface display area of all faces may not exceed four hundred fifty (450) feet.
6. The height of a billboard shall not exceed thirty (30) feet above: (a) the grade of the ground on which the billboard sits, or (b) the grade of the abutting roadway, whichever is higher.
7. A billboard must be constructed in such a fashion that it will withstand all wind and vibration forces which can normally be expected to occur in the vicinity. A billboard must be maintained so as to assure proper alignment of structure, continued structural soundness, and continued readability of message. Otherwise, such structure shall be removed.
8. Billboards subject to the Michigan Highway Advertising Act shall comply with the Act, and the billboard provisions of this Article.

## 21.16 PROHIBITED SIGNS

The following signs are prohibited throughout the Township, notwithstanding anything to the contrary in this chapter, except as stated in this section:

1. **Moving Signs** - Signs that revolve or are animated or that utilize movement to attract attention such as banners, streamers, flags, spinners pendants, balloons, light strings flashing or blinking lights and other similar devices used to attract the attention of the public (other than a banner or pennant used as a permitted sign under provisions of this chapter) are prohibited. However, this provision shall not prohibit the display of a governmental or organizational flag in the manner prescribed by law for such display.
2. **Electronic Signs** - No sign shall have blinking, flashing, or fluttering lights or other illuminated devices such as a changing light intensity, brightness, or color. Electronic message boards or changing electrical signs are prohibited if the rate of change between two static messages or images is more frequent than one change per six (6) seconds. All lights in a display shall activate simultaneously and deactivate in one (1) second or less. Electronic message board signs shall be fitted with ambient light monitors which continuously monitor and automatically adjust the brightness level of the display based on ambient light conditions such that maximum brightness levels shall not exceed 0.3 (three tenths) foot-candles over ambient light levels measured within 150 feet of the sign.



Certification must be provided to the Township demonstrating that the sign has been preset to automatically adjust the brightness to these levels or lower. Re-inspection and recalibration may be periodically required by the Township at the permittee's expense to ensure that the specified brightness levels are maintained at all times.

3. **Flashing Signs** - Signs that are illuminated by or which incorporate lights that flash, twinkle, move, or give the appearance of movement. Flashing type signs of any kind, including beacon lights and searchlights are prohibited.
4. **Unsafe Signs** - Any sign which is structurally or electrically unsafe.
5. **Utility Poles and Landscaping** - Any sign installed on a utility pole, directional signpost, or landscaping including trees, but not including street signs installed by the Township, county, state, or federal government, or a public transit agency.
6. **Non-anchored Signs** - Freestanding signs not permanently anchored or secured to either a building or the ground, except real estate "open house" signs.
7. **Signs on Vehicles and Apparatus** - Any sign painted on attached to or displayed on any vehicle or trailer, storage container, farm or industrial machinery, airplane, railroad locomotive, car, or similar vehicle or apparatus, whether or not operable when the subject vehicle or trailer is parked in such a manner that the obvious intent is to attract attention to a business, service, or commodity on the premises. This provision shall not prohibit lettering or advertising on operable, licensed, and insured commercial vehicles, which are not permanently fixed to the ground.
8. **Sign Structure Without Sign** - Any sign structure or frame no longer supporting or containing a sign. The owner of the property where the sign is located shall, within 180 days of the removal of the message portion of the sign, either replace the entire message portion of the sign or remove the remaining components of the sign structure or frame. This subsection shall not be construed to prevent the changing of the message of a sign.
9. **Roof Mounted Signs** - Roof-mounted signs that project above the highest point of the building are prohibited.
10. **Obstructing Signs** - No sign or sign structure shall be installed at any location where it may interfere with, obstruct the view of, or be confused with an authorized traffic sign, signal, or device. No rotating beam, beacon, or flashing illumination resembling an emergency light shall be used in connection with any sign.
11. **Other Signs Prohibited** - Other signs not expressly permitted by or that do not conform to the provisions of this chapter shall be prohibited.

## 21.17 SIGNS IN PARTICULAR DISTRICTS

1. **Agricultural Districts** - One (1) business sign per parcel is permitted for non-residential uses in the AG-1 and AG-2 Zoning districts provided the sign is directly related to an agricultural business use on that parcel of land except as otherwise provided in this ordinance. The area of the sign shall not exceed thirty-two (32) square feet.

2. **Residential Districts** - The following shall apply to signs installed at the entrances of multi-family residential developments, subdivisions, condominium projects, Planned Unit Developments, manufactured housing communities and other residential developments:

- A. One (1) ground sign identifying a residential community is allowed at each entrance street to the development, except not more than two (2) such identification signs shall be allowed per development and they shall be at least three hundred (300) feet apart.
- B. The sign shall not exceed thirty-two (32) square feet in area and six (6) feet in height.

3. **Commercial Districts** -

- A. In the C-1 District, one freestanding sign is permitted where only one business is located on a driveway access. The sign shall not be larger than thirty-two (32) square feet. If two (2) or more businesses share common signage, the maximum allowable sign size shall be one (1) square foot in surface area for each linear foot of building or business front foot not to exceed one-hundred fifty (150) square feet.
- B. Each individual business entity shall be allowed wall signs not to exceed one (1) square foot in surface area for each linear foot of building or business front foot. Buildings on corner lots may use both sides of the building facing a street.
- C. No sign in a commercial district may exceed thirty (30) feet in height, nor extend above the building to which it is attached. No freestanding business sign shall extend closer than five feet to the street right-of-way or extend into the Ottawa County Road Commission's "Recommended Driveway and Intersection Sight Distance." If a sign is attached to a building or structure, no part of the sign shall extend further than eighteen (18) inches from the face of the building or structure.
- D. Gasoline stations may display the following signs, in addition to allowable wall signs:
  - i. One (1) freestanding or pylon sign advertising the name of the station or garage and/or the principal product sold on the premises, including any special company or brand name, insignia or emblem; provided, however, that such sign shall not exceed thirty-two (32) square feet in area on a side and shall not be closer than five feet to the street right-of-way and not less than ten, or more than thirty (30) feet, in height.
  - ii. Not more than two (2) temporary signs located inside the property line and specifically advertising gasoline prices, provided however, that no such sign shall exceed nine (9) square feet in area.
  - iii. Directional signs or lettering displayed over doors, bays, or canopies, shall not exceed six (6) square feet in area.
  - iv. Customary lettering on or other insignia which are a structural part of a gasoline pump, consisting only of the brand name of gasoline sold, lead warning sign, a price indicator, and any other sign required by law, and not exceeding a total of three (3) square feet on each pump. If illuminated, such signs shall be non-flashing and shall not constitute a traffic hazard in any manner with respect to adjacent streets or intersections.
  - v. Non-illuminated credit card signs not exceeding two (2) square feet in area.

#### 4. Industrial Districts -

- A. In the Industrial Zoning District, signs may not exceed fifteen percent (15%) of the area of the wall. One hundred fifty (150) square feet shall be the maximum sign area on any building.
- B. One freestanding sign is permitted not exceeding thirty-two (32) square feet in area and six (6) feet in height.

#### 21.18 NONCONFORMING SIGNS

- 1. **Routine Maintenance.** Sign maintenance, sign repair, and changing of permanent sign faces is allowed so long as structural alterations are not made and the sign is not increased in size.
- 2. **Moving of Signs.** Permanent signs and sign structures that are moved, replaced, or structurally altered must be brought into conformance with the sign regulations, including signs required to be moved as a result of the widening of a street right-of-way.
- 3. **Temporary Signs.** Nonconforming temporary signs are unlawful and must be removed.
- 4. **Ownership.** The status of a nonconforming sign is not affected by changes in ownership.
- 5. **Change to a Conforming Sign.** A nonconforming sign may be altered to become or be replaced with a conforming sign by right. Once a sign is altered to conform or is replaced with a conforming sign, the nonconforming sign may not be re-established.
- 6. **Discontinuance.** If there is no sign in place on a nonconforming sign structure or building wall for ninety (90) days, the nonconforming rights are lost and a nonconforming sign may not be re-established.

## ARTICLE 22

### LANDSCAPE AND GREENBELT PROVISIONS

#### 22.01 INTENT AND PURPOSE

The intent of this chapter is to assist development proposals in meeting desired landscaping objectives and to set forth minimum yet flexible standards for required landscape areas.

The objectives and primary functions of landscaping are both utilitarian and aesthetic. The utilitarian aspects and effects of good landscaping design include:

1. The screening of lighted areas and unattractive features
2. The prevention of glare from buildings, cars and other sources
3. The control of air pollution by the absorption of noxious gases and the release of oxygen
4. The reduction of noise and the stabilization of soils
5. Decreased wind velocity and increased surface water retention
6. The definition of access and circulation

The aesthetic functional aspects and effects of good landscape design include:

1. The enhancement or the focusing of attention toward a feature (building, main entrance, sign, etc.)
2. The provision of visual relief from monotonous features such as building walls, large parking lots and streets
3. The adding of natural color and the attraction of wildlife

#### 22.02 LANDSCAPING – GENERAL

Unless specifically waived by the Planning Commission all multiple family residential use, Special Land Uses and uses permitted in the Commercial and Industrial zoning districts shall be landscaped in accordance with a plan and specifications approved by the Planning Commission as part of Site Plan Approval required in this ordinance. The entire site not devoted to floor area, parking, access ways or pedestrian use shall be appropriately landscaped with grass, canopy and coniferous trees, shrubs and ground cover. Expansion areas shall be placed in grass and kept weed free. Any areas which become disturbed for any reason shall be restored in accordance with the original landscape plan unless approved otherwise in writing by the zoning official.

1. Landscaping shall be installed within one hundred eighty (180) days of completion of the building or structure.
2. All landscaping shall be hardy plant materials and maintained thereafter in a neat and orderly manner. Withered and/or dead plant materials shall be replaced within a reasonable period but no longer than one growing season.

3. Adequate watering systems shall be provided on private property to service landscaped areas and such areas shall be neatly maintained, including mowing, fertilizing and pruning.
4. Parking and loading areas shall be landscaped and/or fenced in such a manner as to interrupt or screen the areas from view.
5. For the purpose of this chapter, a comer lot is considered as having two front yards and the appropriate landscaping shall be provided for both.
6. The extensive use of cobblestone, crushed stones or other non-living material as a ground cover is discouraged.
7. Where appropriate, plantings should be grouped or clustered to provide the maximum visual effect.
8. The Planning Commission may require a readily available water supply with at least one outlet located within one hundred fifty (150) feet of all plant material to be maintained.

### **22.03 BUFFER YARD REQUIREMENTS**

1. For purposes of this Section, a buffer yard is a required landscaped strip of land located between different types of land uses, in different zone districts (or in the same zone district), for the purpose of avoiding or moderating the effects or impact of a more intensive land use on or with respect to an adjacent land use of less intensity in another zone district (or in some instances, in the same district).
2. The buffer yard requirements of this Section shall apply to all new construction, and all expansions, renovations, or alterations that increase the size of an existing structure or building by at least 20% of its gross floor area or other relevant area of a structure that is not a building.
3. Buffer yards may be located within a minimum required building setback.
4. The buffer yard requirements of this Section are the minimum requirements for buffer yards located between land parcels (even if vacant) and buildings or structures located in different zone districts as follows:

#### **A. Width of Required Buffer Yard.**

- i. No buffer yard is required for a permitted use on a parcel of land in the AG-1, AG-2 or R-1 District that is adjacent to a parcel of land in the AG-1, AG-2, R-1 or R-2 District.
- ii. For a permitted use on a parcel of land in the C-1 District, there shall be a buffer yard at least ten (10) feet wide if the parcel is adjacent to a parcel in the AG-1, AG-2, R-1 or R-2 District.
- iii. For a permitted use on a parcel of land in the I-1 District, there shall be a buffer yard at least twenty (20) feet wide if the parcel is adjacent to a parcel in the AG-1, AG-2, R-1 or R-2 District, and at least ten (10) feet wide if the parcel is adjacent to a parcel in the C-1 District. If the permitted use is on a parcel of land adjacent to a major arterial street or a county primary road,

as classified by the Ottawa County Road Commission, there shall be a buffer yard at least twenty-five (25) feet wide.

- iv. For a special land use in any district, the Planning Commission shall determine in its approval of the use whether a buffer yard is required, and the width, the extent and type of required landscaping and other features thereof.

**B. Minimum Size of Required Plant Materials.**

- i. For a buffer yard on a parcel of land in the C-1 District that is adjacent to a parcel in the AG-1, AG-2, R-1 or R-2 District, the buffer yard shall include at least two deciduous canopy trees, two deciduous ornamental trees, four shrubs or five conifer trees or any combination thereof for each one hundred (100) linear feet of buffer yard.
- ii. For a buffer yard on a parcel of land in the I-1 District that is adjacent to a parcel in the AG-1, AG-2, R-1, R-2 or C-1 District, there shall be at least two deciduous canopy trees, two deciduous ornamental trees, six shrubs or two conifer trees or any combination thereof for each one hundred (100) linear feet of the buffer yard. If the buffer yard on a parcel in the I-1 District is adjacent to a major arterial street or a county primary road, as classified by the Ottawa County Road Commission, the buffer yard shall include three deciduous canopy trees, four deciduous ornamental trees, nine shrubs or eight conifer trees or any combination thereof for each one hundred (100) linear feet of the buffer yard.
- iii. The plant materials that shall be planted and maintained in a buffer yard that is adjacent to a vacant parcel as to which a buffer yard is required shall be of at least the following size or height when planted:
  - a. Deciduous canopy tree – one and one-half caliper.
  - b. Deciduous ornamental tree – four feet in height.
  - c. Upright shrub – fifteen (15) inches in height.
  - d. Spreading shrub – twelve (12) inches wide (average spread).
  - e. Conifer tree – four feet in height.
- iv. The plant materials that shall be planted and maintained in a buffer yard that is adjacent to an improved or developed parcel as to which a buffer yard is required shall be of at least the following size and height when planted:
  - a. Deciduous canopy tree – two and one-half caliper.
  - b. Deciduous ornamental – one and one-half caliper.
  - c. Upright shrub – twenty-four (24) inches in height.

- d. Spreading shrub – eighteen (18) inches wide (average spread).
- e. Conifer tree – five feet in height.

#### 22.04 BUFFER YARD DESIGN REQUIREMENTS

1. **Minimum Plant Size** - New plant materials shall meet the minimum plant size requirements contained in the previous section.
2. **Berms** - Undulating earthen berms not exceeding six feet in height, as measured from average grade, and 3:1 slope are encouraged and may be required within a required buffer yard. A credit of up to twenty-five percent (25%) of the required buffer yard plantings may be granted by using berms three (3) feet in height or greater.
3. **Use** - A buffer yard may be used for passive recreation; it may contain pedestrian or bicycle pathways, provided:
  - A. Required plant material is maintained or replaced.
  - B. The total buffer yard (width and length) is maintained.
  - C. All other requirements of this Ordinance are met.
4. **Storm Water Retention/Detention Facilities in Buffer yards** - The zoning official shall be authorized to allow storm water retention/detention facilities to encroach into buffer yards, where it can be demonstrated that all planting requirements are met, the desired effects provided by the buffer yard will be fully achieved, and ponding will not jeopardize the survival of the plant materials.
5. **Location** - All required plantings for a buffer yard shall be planted within the required buffer yard.
6. **Existing Plant Materials** - Existing plant materials that satisfy the minimum size requirements set forth above, and all other requirements or specifications of this Article shall be credited toward satisfying the buffer yard requirements of the proposed use.
7. **Maintenance of Plant Materials** - All plant materials in buffer yards shall be maintained in a good condition to present a healthy, neat, and orderly appearance. The owner, tenant, or their agent shall insure that:
  - A. All plant growth in landscaped areas is controlled by pruning, trimming, or other suitable methods so that plant materials do not interfere with public utilities, restrict pedestrian or vehicular access, or otherwise constitute a traffic hazard.
  - B. All planted areas are maintained in a relatively weed-free condition and clear of undergrowth.
  - C. All plantings be fertilized and irrigated at such intervals as are necessary to promote optimum growth.
  - D. Any dead or diseased plants shall be replaced with the same or similar credited species of similar size in a timely manner.



## **22.05 REQUIRED BUFFER YARDS – ADDITIONAL PLANTING REQUIREMENTS**

For reasons of conflicting uses, unfavorable topography, or other unique or extenuating physical circumstances, the Planning Commission may increase required landscape plantings in any required buffer yard, if in its discretion an increase is found to be necessary to achieve reasonable utilitarian and aesthetic objectives.

## **22.06 REQUIRED BUFFER YARDS – REDUCTIONS AND SUBSTITUTIONS OF PLANTINGS**

If a physical hardship exists or existing topography and vegetation are determined by the Planning Commission to provide equal or better landscape and buffering effect, the Planning Commission may approve modifications to the planting requirements of this ordinance. The Planning Commission may require such alternate plantings and visual screens as hedges, fences, walls, and/or combination thereof that it deems necessary to ensure compliance with stated utilitarian and aesthetic objectives.

## **22.07 GREEN SPACE WITHIN THE PUBLIC RIGHT-OF-WAY AND PRIVATE EASEMENTS**

For the land lying between the required buffer yard in the front yard of properties and the edge of pavement of a public or private street the following standards shall apply.

As a minimum grass or other living ground cover shall be neatly maintained and kept weed free by the owners of the property abutting the public right-of-way or private easement.

Trees within a public right-of-way shall not be planted without the written consent of the Ottawa County Road Commission or the Michigan Department of Transportation.

## ARTICLE 23

### NONCONFORMING USES, BUILDINGS OR STRUCTURES

#### 23.01 CONTINUANCE OF NONCONFORMING USES, BUILDINGS OR STRUCTURES

Except where specifically provided to the contrary, and subject to the provisions of this chapter, the lawful use of a building or structure, and 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 such use does not conform with the provisions of this Ordinance or any amendment thereto.

#### 23.02 EXPANSION OF NONCONFORMING BUILDINGS OR USES

1. Structures, buildings, or uses, nonconforming due to height, area, setbacks, and/or parking loading space provisions only, may be extended, enlarged, altered, remodeled, or modernized provided the expanded portion complies with all other requirements of this ordinance.
2. Any use of a building or structure which is nonconforming by reason of parking and loading provisions and which is thereafter made conforming or less nonconforming by the addition of parking and/or loading space, shall not thereafter be permitted to use such additionally acquired parking and/or loading space to meet requirements for any extension, enlargement, or change of use which requires greater areas for parking and/or loading space.
3. Other than the above, no nonconforming use shall be extended beyond the building or structure within which it is located.

#### 23.03 CHANGE OF USE

A nonconforming use may be changed to another nonconforming use, or there may be a change of tenancy, ownership, or management of existing nonconforming uses of land, structures, and premises, provided the ZBA finds that the proposed use would:

1. Markedly decrease the degree of nonconformance such that the proposed use would be equally appropriate or more appropriate to the particular district than the existing nonconforming use
2. Be more suitable to the zoning district in which it is located than the nonconforming use that is being replaced.
3. Enhance the desirability of adjacent conforming uses.

Whenever a nonconforming use has been changed to a more nearly conforming use, such use shall not revert or be changed back to the previously nonconforming use.

#### 23.04 RESTORATION AND REPAIR

1. All repairs and maintenance work required keeping a nonconforming building or structure in sound condition may be made, but the nonconforming building or structure shall not be structurally altered to permit the use of such building or structure beyond its natural life.

2. If a nonconforming structure becomes physically unsafe or unlawful or poses a threat to the public health, safety, and welfare due to a lack of repairs or maintenance, the structure shall be declared by the building official to be unsafe or unlawful due to physical condition. Such structure shall not thereafter be restored, repaired, or rebuilt except in a manner that will bring the structure into conformity with the provisions of the zoning district in which it is located.

### **23.05 RESIDENTIAL BUILDINGS DESTROYED**

Should any nonconforming dwelling or nonconforming residential accessory building be destroyed by any natural or accidental casualty, whether in whole or in part, such nonconforming dwelling or nonconforming residential accessory building may nevertheless be restored, rebuilt or otherwise re-established if the resulting dwelling or the resulting residential accessory building is no more nonconforming than before. However, any such restoration, rebuilding or re-establishing of the nonconforming dwelling or nonconforming residential accessory building must be substantially completed within eighteen (18) months of the date of the destruction or partial destruction of the dwelling or the accessory building. In the event that such restoration, rebuilding or re-establishing of the dwelling or the accessory building is not substantially completed within such time, then such dwelling or accessory building shall be considered not in compliance with this Ordinance and must be removed. However, if the building is demolished by the owner or by casualty that is not of natural or accidental occurrence, the requirements of the zoning ordinance must be met.

### **23.06 DISCONTINUANCE**

The nonconforming use of a building or structure or of any land or premises shall not be re-established after discontinuance, abandonment, vacancy, and lack of operation or otherwise for a period of six (6) months. Any of the following actions or inactions shall constitute abandonment of a nonconforming use:

1. Disconnection of utilities
2. Removal of building fixtures necessary to the nonconforming use
3. Allowing the property to fall into disrepair
4. Discontinuing postal service
5. Removal of signs
6. Demolition of buildings or structures

No nonconforming use may be re-established after it has been changed to a conforming use.

### **23.07 NON-CONFORMITY CREATED BY EMINENT DOMAIN**

1. **Purpose** - The purpose of this Section is to make provision for buildings, lots or structures which become non-conforming, or are made more non-conforming with respect to lot area, frontage, access, setback, or similar dimensional requirements, as a result of the exercise of eminent domain, or threat of exercise of eminent domain.

The Township recognizes that the acquisition of property by eminent domain is in the public interest, and is beyond the control of the property owner whose property is taken.

This section regulates the continued use of properties affected by the exercise of eminent domain, in order to promote fairness to property owners, and to minimize the damages required to be paid by the acquiring authority.

2. **Application** - This section applies to a lot, buildings, or structures which are made non-compliant or more non-compliant with the Zoning Ordinance as a result of the exercise of eminent domain, and which meet all of the following conditions:

A. Part of the lot was acquired by a governmental agency or private entity possessing the power of eminent domain, either in fee simple, or by the imposition of an easement which affects the application of the Zoning Ordinance to the property.

B. Acquisition occurred either through a court action for condemnation, or was conveyed voluntarily following receipt of a good faith offer pursuant to the Michigan Uniform Condemnation Act, or was otherwise acquired under circumstances found to be clearly in preparation for formal condemnation proceedings. (An acquisition of property meeting the requirements of this subsection is referred to as an "involuntary acquisition." in this section.)

C. The involuntary acquisition either: (1) occurred subsequent to the effective date of the Ordinance which added this Section; or (2) if it occurred prior to such time, the ownership of the lot has not been divided from other contiguous lands subsequent to the involuntary acquisition.

D. The lot, and the buildings or structures on it, were (1) in conformance with the Zoning Ordinance prior to the involuntary acquisition, or (2) were lawful non-conforming lots, buildings or structures prior to the involuntary acquisition.

3. **Existing Buildings** - Existing buildings and structures located on a lot to which this section applies may continue to be used for purposes permitted in the zoning district or for a lawful non-conforming use if all of the following requirements are satisfied:

A. The buildings and structures have a legal means of access by deed, easement or otherwise to a public road or private street, which route of access meets or exceeds the minimum standards required by the Zoning Ordinance for private residential driveways serving a single building, dwelling or structure.

B. The lot has sufficient area for the location of an adequate water supply and sewage disposal system, in compliance with State, County and local regulations and laws.

C. The setbacks for a principal or accessory building, if reduced by the involuntary acquisition, are at least 80% of the minimum required front yard building setbacks, at least 50% of each of the required side yard building setbacks and at least 50% of the required rear yard building setbacks.

D. Not more than 50% of the lot area remaining after the involuntary acquisition shall be covered by buildings, structures or other impervious surfaces.

4. **New Construction** - Existing buildings or structures located on lots to which this section applies may be altered or expanded, or a new structure built on such lots if all of the following requirements are satisfied:

- A. The buildings and structures have a legal means of access by deed, easement or otherwise to a public road or private street, which route of access meets or exceeds the minimum standards required by the Zoning Ordinance for private residential driveways serving a single building, dwelling or structure.
  - B. The lot has sufficient area for the location of an adequate water supply and sewage disposal system, in compliance with State, County and local regulations and laws.
  - C. Not more than 50% of the lot area remaining after the involuntary acquisition shall be covered by buildings, structures or other impervious surfaces.
  - D. In case of a new building or structure, the building or structure shall comply with the minimum required building setbacks for the district in which the property is located.
  - E. A building or structure existing at the time of the involuntary acquisition may be expanded or altered, if such expansion or alteration does not increase the degree of non-conformity with any required building setback or lot coverage regulation. Extension of a building or structure along a building line which does not comply with building setback requirements shall be considered as increasing that non-conformity.
  - F. If used for a single-family dwelling, the lot shall have a minimum lot area of 6,500 square feet. If used for commercial, industrial or other purposes, the lot shall have a minimum area of 12,000 square feet.
5. **Special Land Use** - On a lot to which this section applies an existing structure may be expanded or enlarged, or a new structure built, which does not comply with subsections 3 or 4 above, if approved as a special land use by the Planning Commission in accordance with the general standards provided in the Zoning Ordinance. The property owner or condemning authority may apply for special land use approval. In approving the special land use, the Planning Commission shall also find all of the following:
- A. There is no practical possibility of obtaining more land so as to more fully accommodate the expansion, enlargement, construction, or alteration of the structure.
  - B. The construction, expansion, enlargement or alteration cannot reasonably be located on the lot such that further nonconformity would be avoided.
  - C. The proposed construction, expansion, enlargement or alteration would not adversely affect adjacent properties or the character of the neighborhood.
  - D. The non-conforming structure that is proposed to be constructed, expanded, enlarged or altered is used for a conforming use, and the portion thereof that is to be expanded, enlarged or altered would be used for a conforming use as well.
6. **Combination of Lots** - If a lot to which this section applies is adjacent to and in common ownership with other lots, such lots shall be combined for zoning purposes so that the lands comply, or more nearly comply, with the provisions of this Ordinance. All contiguous lands under common ownership shall be considered one lot for purposes of application of this section; this section shall not be applied separately to contiguous lots under common ownership.

7. **Division** - A lot made non-conforming by involuntary acquisition shall not be divided, unless all resulting parcels, and the buildings and structures thereon, fully comply with the provisions of this Ordinance.
8. **Variance** - A condemning authority may apply for a variance in accordance with Section 4 of the Michigan Uniform Condemnation Procedures Act. In considering such a request, the Zoning Board of Appeals shall take account of the relief afforded by this section, in addition to all other relevant factors.

### **23.08 DAMAGE OR DESTRUCTION OF LAWFULLY NONCONFORMING BUILDING OR STRUCTURE**

If a lawfully nonconforming building or structure is damaged by wind, fire or other casualty, to such extent that the cost of reconstruction or restoration is not more than 60% of the value of the building or structure prior to the occurrence of the casualty, as determined by the most recent Township assessment of the value of the building or structure, then such reconstruction or restoration shall be permitted, provided that a building permit for the same is issued not later than one year after the occurrence of the casualty, and if the reconstruction or restoration then proceeds diligently to completion; but if the cost of such reconstruction or restoration exceeds 60% of the value of such building or structure as described above, then such reconstruction or restoration shall be permitted only if the result thereof shall be to cause the nonconforming building or structure to be fully conforming with the terms of this Ordinance.

### **23.09 DAMAGE OR DESTRUCTION OF CONFORMING BUILDING OR STRUCTURE USED FOR A NONCONFORMING USE**

If a building or structure which conforms with the provisions of this Ordinance, but which is used for or occupied by a nonconforming use, is damaged by fire, wind or other casualty to the extent that the cost of reconstruction or restoration exceeds 60% of the value of the building or structure prior to the occurrence of the casualty, as determined by the most recent Township assessment of the value of the building or structure, then such building or structure may be reconstructed or restored only if the use thereof fully complies with the provisions of this Ordinance; but if the cost of reconstruction or restoration of such building or structure is 60% or less of the value of the building or structure as described above, then such building or structure may be reconstructed or restored upon issuance of a building permit not later than one year after the occurrence of the casualty, and if the reconstruction or restoration then proceeds diligently to completion, in which event the existing nonconforming use may continue in accordance with the provisions of this Ordinance.

## ARTICLE 24

### ADMINISTRATION, ENFORCEMENT AND PENALTIES

#### 24.01 ZONING ADMINISTRATION

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

1. Generally informed of the provisions of this Ordinance.
2. Have a general knowledge of the building arts and trades.
3. Be in good health and physically capable of fulfilling the duties of the Zoning Administrator.

#### 24.02 PERMITS

1. **Permit Required** - No building or structure shall be erected, moved, placed, reconstructed, extended, enlarged, or altered unless a zoning permit has been issued by the Zoning Administrator. An application for a permit shall be in writing and upon forms furnished by the Township. A permit issued by the Zoning Administrator is nontransferable and must be obtained before any work, excavations, erection, alteration or movement is commenced. Satisfactory evidence of ownership of the lot or premises may be required by the Zoning Administrator and shall be furnished upon request. If the application is approved, the Zoning Administrator shall so mark both copies of the application over his signature and file one copy with the Building Official or Township Clerk and return the other copy to the applicant. Zoning Permits shall not be required for any of the following:
  - A. Sidewalks, patios, driveways, etc., that are not more than thirty (30) inches above adjacent grade
  - B. Annual and perennial plants, shrubs, trees, etc.
  - C. Vegetable and flower gardens
  - D. Mailboxes
  - E. Yard lights
  - F. Exterior building renovations such as windows, doors, siding, roofing, etc., that do not change the existing footprint or the use or function of the building
  - G. Interior renovations that do not change the use or function of the building
  - H. Fences, subject to compliance with Section 3.15
  - I. Other similar activities as determined by the Zoning Administrator.



2. **Contents of Application** - Each application shall include such reasonable information as may be requested by the Zoning Administrator in order to determine compliance with the terms and provisions of this Ordinance and shall include, as a minimum, the following information:
  - A. The location and actual dimensions of the lot or premises to which the permit is to apply
  - B. The kind of building or structures to which the permit is to apply
  - C. The width of all abutting streets
  - D. The area, size and location of all buildings or structures to which the permit is to apply
  - E. The type of use to be made of the building or structure to which the permit is to apply
  - F. The use of buildings or structures on adjoining lands
  - G. The estimated cost of the building or structure

The Zoning Administrator, in his sole discretion, may waive the inclusion of any of the foregoing information in an application if he determines that such information is not reasonably necessary for him to determine compliance with the terms and provisions of this Ordinance.

3. **Accessory Buildings or Structures** - Accessory buildings or structures, when erected, moved, placed, reconstructed, extended, enlarged, or altered, at the same time as the principal building on the same lot or premises and when shown on the application for the zoning permit for the principal building, shall not require the issuance of a separate zoning permit. A separate zoning permit shall be required if any accessory building or structure is erected, moved, placed, reconstructed, extended, enlarged or altered separately or at a different time than the principal building on the same lot or premises.
4. **Issuance of Zoning Permits** - After the receipt of any application, the Zoning Administrator shall either (1) issue a zoning permit if the proposed work is in conformance with the terms and provisions of this Ordinance, or (2) deny issuance of a zoning permit and state the reason(s) or cause(s) for such denial in writing. In each case, the zoning permit or the written reason(s) or cause(s) for such denial shall be transmitted to the owner or his agent.
5. **Expiration of Zoning Permits** - A zoning permit for which a building permit has not been issued within six (6) months, or for which all other construction work not requiring a building permit has not been completed within eighteen (18) months from the date of issuance, shall expire automatically. A zoning permit expiring automatically pursuant to this subsection shall be renewable once for an additional term of six (6) months upon reapplication and payment of an additional fee equal to the original permit fee.
6. **Cancellation of Permits** - The Zoning Administrator or Building Official shall have the power to revoke and cancel any permit in the event of failure or neglect to comply with any of the terms and provisions of this Ordinance or in the event of any false statements or misrepresentations in the application for the permit. Notice of such cancellation and revocation shall be securely posted on the construction site. Such posting shall be

considered service upon and notice to the permit holder of the cancellation and revocation of the permit.

7. **Building Permits** - Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, erect, install, enlarge, repair, convert or replace any electrical, gas, mechanical or plumbing system, (the installation of which is regulated by the State of Michigan Building, Plumbing, Electrical and Mechanical Codes) or to cause any work to be done, shall first make application to the Township and obtain the required permits. Exemption from any permits shall be regulated by the State of Michigan Building, Plumbing, Electrical, and Mechanical Codes in effect at the time of application.
8. **Fees** - For each permit issued, the base permit fee established from time to time by Township Board resolution shall be paid to the Township. The payment of such fee is a condition precedent to the validity of the permit. The amount of the permit fee shall be determined in accordance with Township Board resolution. Special fees shall be paid to the Township as established from time to time by Township Board resolution.
9. **Penalty Fees** - If work is commenced to erect, move, place, reconstruct, extend, enlarge or alter a building or structure without first having attained a permit as is required by this section, then the permit fee specified above shall be adjusted as follows:
  - A. If it is the first time that this owner has commenced the erection, moving, placing, reconstructing, extending, enlarging or altering of a building or structure without first having obtained a permit, the permit fee shall be One Hundred and no/100 Dollars (\$100.00) or twice the amount of the permit fee as would normally be required, whichever is greater.
  - B. If it is the second time that this owner has commenced the erection, moving, placing, reconstruction, extending, enlarging or altering of a building or structure without first having obtained a permit, the permit fee shall be Two Hundred Fifty and no/100 Dollars (\$250.00), or triple the amount of the permit fee, as would normally be required, whichever is greater.
  - C. Regarding the imposition of extraordinary fees pursuant to this subsection, the Township shall consider prior occurrences with respect to the owner and prior occurrences with respect to the building contractor or other agent for an owner.
10. **Fees in Escrow for Professional Reviews** - Any application for rezoning, site plan approval, a Special Land Use permit, Planned Unit Development, variance, or other use activity requiring a permit under this Ordinance, may require the deposit of fees to be held in escrow in the name of the applicant. An escrow fee is required for any project which:
  - A. Requires a traffic impact study
  - B. Has more than twenty (20) dwelling units
  - C. Has more than twenty thousand (20,000) square feet of enclosed space
  - D. Requires more than twenty (20) parking spaces
  - E. Proposes any use requiring site plan review in the M-104 (Cleveland St.) corridor between 144th Ave., and 112th Avenue

- F. In the discretion of the Planning Commission or the ZBA, create an identifiable and potentially negative impact on the public roads, other infrastructure or services, or on adjacent properties and because of which, professional input is desired before a decision to approve, deny, or approve with conditions is made

The escrow shall be used to pay professional review expenses of engineers, community planners, and any other professionals whose expertise Crockery Township engages to review the proposed application and/or site plan of an applicant. Professional review will result in a report to Crockery Township indicating the extent of conformance or nonconformance with this Ordinance, and to identify any problems that may create a threat to public health, safety or the general welfare. Mitigation measures or alterations to a proposed design may be identified impacts. The applicant will receive a copy of any professional review hired by Crockery Township and a copy of any non-privileged documents generated from the professional review hired by Crockery Township and a copy of the statement of expenses for the professional services rendered if requested by the applicant and provided to the Township by the entity providing the professional service.

No application for which escrow fee is required will be processed until the escrow fee is deposited with the Crockery Township Treasurer. The amount of the escrow fee shall be established based on an estimate of the cost of the services to be rendered by the professionals contacted by the Zoning Administrator. The applicant is entitled to a refund of any unused escrow fees at the time a permit is either issued or denied in response to the applicant's request.

If actual professional review costs exceed the amount of an escrow, the applicant shall pay the balance due prior to receipt of any land use or other permit issued by Crockery Township in response to the applicant's request. Any unused fee collected in escrow shall be promptly returned to the applicant once a final determination on an application has been made or the applicant withdraws the request and expenses have not yet been incurred.

The provisions of this subsection shall not be construed to prohibit the Township from prosecuting any failure to obtain a permit as required by this Article.

### **24.03 INSPECTION OF BUILDINGS AND STRUCTURES**

As work progresses under a permit, the holder thereof or his authorized agent shall cause the building official to be notified for inspections at such times as shall be required by the Building Codes in effect at that time.

Should the permit holder fail to comply with any of the terms and provisions of this Ordinance at any stage of construction, the Building Official or Zoning Administrator is authorized to revoke and cancel the permit and cause notice of such cancellation and revocation to be securely posted on the construction site, such posting to be considered as service upon and notice to the permit holder of the cancellation and revocation of the permit. No further work shall be undertaken or permitted upon such construction site until a new permit is issued for such work.

### **24.04 CERTIFICATION OF COMPLIANCE**

No building or structure which is erected, moved, placed, reconstructed, extended, enlarged, or altered shall be used in whole or in part until the owner thereof shall have been issued a certificate by the building official or Zoning Administrator affirming that such building or structure conforms in all respects to the provisions of this Ordinance. Such certificate shall be issued after the work is complete and final inspection has been made.

## **24.05 PENALTIES**

1. Any land use commenced or conducted, or 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, or in violation of any permit or approval granted there under, is hereby declared to be a nuisance per se. A violation of this Ordinance is a municipal civil infraction, as provided in the Township Municipal Ordinance Violations Bureau Ordinance, for which the fine shall be as follows:
  - A. One Hundred Fifty and no/100 Dollars (\$150.00) for the first violation.
  - B. Three Hundred and no/100 Dollars (\$300) for a second violation within a three (3) year period.
  - C. Five Hundred and no/100 Dollars (\$500) for a third and subsequent violation within a three-year period.
2. Each day during which any violation continues shall be deemed a separate offense.
3. If a violator is issued a municipal ordinance violation notice, costs of Twenty-five and no/100 Dollars (\$25.00) shall be assessed by the Bureau if the fine is paid within ten (10) days of the date of service of the violation notice. If the fine is paid beyond ten (10) days, costs of Fifty and no/100 Dollars (\$50.00) shall be assessed by the Bureau. These costs are in addition to the above-stated fines.
4. In addition to paying the above-stated fines, if a violator is issued a municipal civil infraction citation, the violator shall be responsible for all costs, damages; expenses, attorneys' fees incurred by the Township, and shall be subject to all other remedies provided to the Township by law.
5. The issuance of a municipal civil infraction citation and/or violation notice and the imposition of penalties against the violator shall not prohibit the Township from also seeking injunctive relief against the violator, in order to abate the violation or to seek such other relief provided by law. In a proceeding for injunctive relief, the violator shall be responsible for all costs, damages; expenses, attorneys' fees incurred by the Township, and shall be subject to all other remedies provided to the Township by law.

## **24.06 PROCEDURES**

The Township Ordinance Enforcement Officer is authorized to issue violation notices and citations for any violation of this Ordinance, which is designated to be a municipal civil infraction, if the Supervisor or Zoning Administrator has reasonable cause to believe an infraction has occurred, based upon either personal observation or the report of a person who has allegedly witnessed the infraction.

An action seeking injunctive relief to abate a violation of this Ordinance may be commenced in the circuit court by the Township attorney upon authorization by the Township Board.

## ARTICLE 25

### ZONING BOARD OF APPEALS

#### 25.01 BOARD ESTABLISHED

A Zoning Board of Appeals is hereby established in accordance with Act 110 of the Public Acts of 2006, as amended.

#### 25.02 MEMBERSHIP AND TERMS

1. The Zoning Board of Appeals shall consist of five (5) members appointed by majority vote of the members of the Township Board. One (1) member shall be a member of the Township Planning Commission and one (1) member of the Zoning Board of Appeals shall be a member of the Township Board. Such a member shall not serve as chairperson of the Zoning Board of Appeals. An employee or contractor of the Township may not serve as a member of the Zoning Board of Appeals. The remaining members shall be selected from the electors of the Township residing in the unincorporated area of the Township. The members selected shall be representative of the population distribution and of the various interests present in the Township.
2. The Township Board may appoint to the Zoning Board of Appeals not more than two (2) alternate members for the same term as regular members. An alternate member may be called as specified in the zoning ordinance to serve as a member of the Zoning Board of Appeals in the absence of a regular member if the regular member will be unable to attend one or more meetings. An alternate member may also be called to serve as a member to reach a decision on a case in which the member has abstained for reasons of conflict of interest. The alternate member appointed shall serve in the case until a final decision is made. An alternate member serving on the Zoning Board of Appeals has the same voting rights as a regular member.
3. The term of office of each member shall be for three years, except for members serving because of their membership on the Planning Commission or Township Board, whose terms shall be limited to the time they are members of the Planning Commission or Township Board, respectively, and the period stated in the resolution appointing them. A successor shall be appointed not more than one month after the term of the preceding member has expired. All vacancies for unexpired terms shall be filled for the remainder of the term.
4. A member shall abstain from voting on any question on which he/she has a conflict of interest. Failure of a member to abstain in such cases shall constitute misconduct of office.
5. A member of the Zoning Board of Appeals who is also a member of the Planning Commission or the Township Board shall not participate in a public hearing on or vote on the same matter that the member voted on as a member of the Planning Commission, or the Township Board. However, the member may consider and vote on other unrelated matters involving the same property.

### **25.03 GENERAL REGULATIONS FOR THE ZONING BOARD OF APPEALS**

1. **Rules** - The Zoning Board of Appeals shall adopt rules and regulations to govern its procedures. The Zoning Board of Appeals shall elect a Chair, Vice-Chair, and Secretary from its membership.
2. **Votes** - A concurring vote of a majority of the members of the Zoning Board of Appeals shall be necessary for any decision; provided, however, that a use variance shall not be granted unless approved by at least a two-thirds (2/3) vote of the members of the Zoning Board of Appeals. The Board of Appeals shall not conduct business unless a majority of its members is present.
3. **Representation** - Any person(s) may appear on his/her behalf at a hearing or may be represented by an agent or attorney.
4. **Time Limit** - The Zoning Board of Appeals shall decide upon all matters within a reasonable time. The decision of the Zoning Board of Appeals shall be in the form of a motion containing a full record of its findings and determinations in each case.
5. **Meetings** - Meetings of the Zoning Board of Appeals shall be held at the call of the chairperson and at such times as the Board in its rules and regulations might specify. Minutes shall be kept of each meeting and the Board shall record into the minutes all findings, conditions of approval, facts, and other relevant factors, and all of its official actions. The vote of each member upon a question, or absence or abstention, shall be recorded into the minutes of the meeting. All meetings and records shall be open to the public. All minutes shall be filed in the office of the Township Clerk.

### **25.04 POWERS AND DUTIES OF ZONING BOARD OF APPEALS**

The Board of Appeals shall perform its duties and exercise its powers as provided in Act 110 of the Public Acts of 2006 as amended so that the objectives of this Ordinance shall be attained; the public health, safety, and welfare shall be secured; and substantial justice done. The Zoning Board of Appeals shall hear and decide, as provided herein, any appeal of any administrative decision of any official or body on any requirement of this Ordinance, any request for a variance that would relax or waive any provision of this Ordinance, or any request for an interpretation of the intent or meaning of this Ordinance. The Zoning Board of Appeals shall not change the zoning district classification of any property, or make any change in the terms of this Ordinance, and shall not take any action that would have, as a result, the making of legislative changes in this Ordinance.

### **25.05 FEES**

A schedule of fees of the Zoning Board of Appeals shall be established by resolution of the Crockery Township Board.

### **25.06 HEARINGS**

The Zoning Board of Appeals shall hold a public hearing on each question submitted to it for decision. The Zoning Board of Appeals shall also give notice of the hearing in accordance with Act 110 of the Public Acts of 2006, as amended.



## **25.07 APPEALS – GENERAL RULES**

All questions concerning administrative decisions under this Ordinance shall first be presented to the applicable Township official or agency. Such questions shall be presented to the Zoning Board of Appeals only on appeal from the decisions of the applicable Township official or agency. Recourse from decisions of the Zoning Board of Appeals shall be to the courts as provided by law. The Zoning Board of Appeals shall also have jurisdiction concerning decisions on Special Land Uses and the zoning of land.

## **25.08 APPEALS – PROCEDURES**

1. Appeals shall be filed within sixty (60) days of the decision in question. The appellant shall submit a clear description of the order, requirement, decision, or determination for which the appeal is made and the grounds of the appeal. The appellant may be required by the Zoning Board of Appeals to submit additional information to clarify the appeal. The Zoning Administrator shall transmit to the Zoning Board of Appeals copies of all papers constituting the record upon which the action appealed from was taken.
2. Appeals may be taken by the person aggrieved or by any officer, department, board, agency, or bureau of Crockery Township or the State of Michigan.
3. The fee shall be paid to the Township Treasurer at the time of filing the appeal and shall be deposited in the Township's general fund. The Township Board shall establish the amount of the fee by resolution.
4. An appeal stays all proceedings in the furtherance of the action appealed from unless the Zoning Administrator certifies to the Zoning Board of Appeals after the notice is filed that, due to facts stated in the certificate, a stay would cause imminent peril to life or property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by the Zoning Board of Appeals or by a court of record on application, on notice to the Zoning Administrator from whom the appeal is taken, and on due cause shown.
5. The Zoning Board of Appeals may, so long as such action is in conformity with the terms of this Ordinance, reverse or affirm, wholly or partly, or may modify the order, requirements, decision, or determination as ought to be made. To that end, the Zoning Board of Appeals shall have the powers of the public official from whom the appeal is taken.

## **25.09 VARIANCES – GENERAL RULES**

The Zoning Board of Appeals shall have the power and duty to waive or relax the provisions of this Ordinance in specific cases. To this end, the Zoning Board of Appeals may grant variances, which will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Ordinance would result in unnecessary hardship or practical difficulty.

## **25.10 VARIANCES – PROCEDURES**

1. **Filing** - An application for a variance shall be filed with the Township Clerk by the record owner of the property in question or by a person(s) authorized to act on the record owner's behalf. The application shall consist of a completed application form, fee, and the information required. The clerk shall transmit the application and information to each



member of the Zoning Board of Appeals and to the Zoning Inspector within three (3) days of the filing date.

2. **Information Required** - An application for a variance shall contain the following information:

- A. Legal description, address, and tax parcel number of the subject property.
- B. An accurate, scaled drawing of the property, showing all property line dimensions, and bearings or angles correlated with the legal description; all existing and proposed structures and uses on the property; dimensions of structures and their dimensioned locations; lot area calculations necessary to show compliance with the regulations of this Ordinance Name and address of the applicant, property owner(s), and the interest of the applicant in the property.

3. **Fee** - The fee shall be paid to the Township at the time of the filing of the appeal and shall be deposited in the Township's general fund.

4. **Standards of Variance** - The Zoning Board of Appeals shall consider and evaluate applications for variances according to the following standards:

A. **Dimensional (or non-use) variance** -

If an applicant seeks a variance from the provisions or requirements of this ordinance because of dimensional characteristics of the lot or parcel of property, or because of exceptional topographic or other conditions of the land, buildings or structures, the applicant must demonstrate, and the ZBA must make findings based upon competent, material and substantial evidence on the whole record that all of the following exist:

- i. That there are exceptional or extraordinary circumstances or conditions applying to the property that do not apply generally to other properties in the same zoning classification. Exceptional or extraordinary circumstances or conditions include:
  - a. Exceptional narrowness, shallowness or shape of a specific property on the effective date of this ordinance, or amendment thereto
  - b. Exceptional topographic conditions
  - c. Any other physical situation on the land, building or structure deemed by the Zoning Board of Appeals to be extraordinary
  - d. Due to the use or development of the property immediately adjoining the property in question
- ii. 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 zoning district and in the vicinity, provided that possible increased financial return shall not of itself, be deemed sufficient to warrant a variance.
- iii. That authorization of such variance will not be of substantial detriment to adjacent property, and will not materially impair the intent and purpose of this Ordinance or the public health, safety and general welfare of the community.

- iv. That the condition or situation of the specific piece of property or the intended use of said property for which the variance is sought, is not of so general or recurrent a nature as to make reasonably practical the formulation of a general regulation for such condition or situation, a part of this Ordinance.

No nonconforming use of nearby lands, structures, or buildings shall in itself be considered grounds for the issuance of a variance.

**B. Use Variance** - If an applicant seeks a variance from the provisions or requirements of this Ordinance because of the actual or proposed use of the property requested by the applicant, the applicant must demonstrate, and the Zoning Board of Appeals must make findings based upon competent, material and substantial evidence in the official record of the hearing and that all of the following conditions are met:

- i. The building, structure, or land cannot yield a reasonable return if required to be used for a use allowed in the zoning district in which it is located.
- ii. There are unnecessary hardships in the way of carrying out the strict letter of these regulations which are caused by exceptional or extraordinary circumstances or conditions applying to the property involved, or to the intended use of the property, that do not generally apply to other property or uses in the vicinity in the same zoning district. Exceptional or extraordinary circumstances or conditions include:
  - a. exceptional narrowness, shallowness or shape of a specific property on the effective date of the applicable provision(s) of this Ordinance
  - b. exceptional topographic conditions
  - c. any other physical situation on the land, building or structure deemed by the Board of Appeals to be extraordinary
  - d. the use or development of the property immediately adjoining the property in question
- iii. The proposed use will not alter the essential character of the neighborhood.
- iv. The variance is not necessitated because of any action or inaction of the applicant.

No nonconforming use of nearby lands, structures, or buildings, shall be in itself considered grounds for the issuance of a variance.

**C. Variances – Reapplication** - An application for a variance, which has been denied wholly or in part by the Zoning Board of Appeals, shall not be resubmitted for a period of three hundred sixty-five (365) days from the date of denial, except on grounds of new evidence of changed conditions found by the Zoning Board of Appeals to be valid.

## 25.11 APPEALS TO COURTS

Any decision of the Zoning Board of Appeals may be appealed through the courts, as provided in Act 110, PA 2006, as amended.

## **25.12 CONDITIONS OF APPROVAL**

The Zoning Board of Appeals may attach conditions to any affirmative decision, provided such conditions are in accordance with the requirements of this Ordinance and Act 110, PA 2006, as amended. Violation of any condition imposed shall be deemed a violation and punishable as provided this Ordinance.

## ARTICLE 26

### ORDINANCE AMENDMENT

#### 26.01 INITIATION OF AMENDMENTS

Amendments to this Ordinance may be initiated by the Township Board by motion or by any interested person or persons by petition to the Township Board or Planning Commission.

#### 26.02 AMENDMENT PETITION PROCEDURE

1. All petitions for amendment to this Ordinance shall be in writing, signed and filed in triplicate with the Township Clerk for presentation to the Planning Commission. Such petitions shall include the following:
  - A. The petitioner's name, address, and interest in the petition as well as the name, address, and interest of every person having a legal or equitable interest in any land that is to be rezoned.
  - B. The nature and effect of the proposed amendment.
2. If the proposed amendment would require a change in the zoning map, a fully dimensioned map showing the land which would be affected by the proposed amendment, a legal description of such land, the present zoning district of the land, the zoning district of all abutting lands, and all public and private right-of-way and easements bounding and intersecting the land to be rezoned.
3. The alleged error in the Ordinance, which would be corrected by the proposed amendment, with a detailed explanation of such alleged error, and detailed reasons why the proposed amendment will correct the same.
4. The changed or changing conditions in the area or in the Township that make the proposed amendment reasonably necessary to the promotion of the public health, safety, and general welfare.
5. All other circumstances, factors, and reasons the petitioner offers in support of the proposed amendment.

#### 26.03 AMENDMENT PROCEDURE

After initiation, amendments to this Ordinance shall be considered as provided in the Michigan Zoning Enabling Act, Public Act 110 of 2006.

## ARTICLE 27

### MISCELLANEOUS PROVISIONS

#### 27.01 ADMINISTRATIVE LIABILITY

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

#### 27.02 SEVERABILITY

This Ordinance and the various parts, sections, subsections, paragraphs, sentences, phrases, and clauses thereof are hereby declared severable. If any part, section, subsection, paragraph, sentence, phrase, or clause is adjudged unconstitutional or invalid, it is hereby provided, that the remainder of this Ordinance shall not be affected thereby.

#### 27.03 REPEAL

This Ordinance shall be deemed to supersede and replace in its entirety the existing Crockery Township Zoning Ordinance that was effective June 7, 2002, as amended. In addition, all other ordinances and parts thereof which are in conflict in whole or in part with any of the provisions of this Ordinance are repealed as of the effective date of this Ordinance.

#### 27.04 SAVINGS CLAUSE

Any prosecutions currently pending on the effective date of the adoption of this amendatory ordinance may continue subject to the penalties presently prescribed in the Crockery Township Zoning Ordinance, effective June 7, 2002, as amended.

#### 27.05 EFFECTIVE DATE

This Ordinance was approved by the Township Board on February 8, 2010, and is ordered to take effect seven (7) days following its publication or publication of a notice of adoption.

Publication Date: February 18, 2010

Effective Date: February 25, 2010