

# **KEENE TOWNSHIP**

# **ZONING ORDINANCE**

**Updated July 12, 2016**

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## **Article I - Title, Purpose, Enabling**

The Township of Keene, Ionia County, Michigan  
ordains:

### **Section 1.01 - Title**

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

### **Section 1.02 - Purpose of this Zoning Ordinance and Resolution of Intent**

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

### **Section 1.03 - State Legislation Enabling Authority**

This Ordinance is adopted pursuant to P. A. 110 of 2006, the Michigan Zoning Enabling Act as amended, and, when so far as it is applicable, Public Act 168 of 1959 as amended, of the State of Michigan. Said Public Acts covering Township Planning (Act 168) and Zoning (Act 110) are hereby made a part of this Ordinance as if contained verbatim in their complete textual forms, as amended.

### **Section 1.04 - Enactment Declaration**

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

### **Section 1.06 - Relationship to the Master Land Use Plan**

The zoning map and text - the plans and specifications for the future development and redevelopment of the Township - are based upon the adopted Master Land Use Plan, as amended,

for Keene Township. In particular, the Master Plan components for Land Use and Transportation have been and will continue to be the basis for amending or changing the Zoning Ordinance and Text in the future.

## Article II - Definitions

### Section 2.01 - Rules Applying to Text

All words used in the present tense shall include the future, all words in the singular number include the plural number, and all words in the plural number include the singular number; the word "building" includes the word "structure" and "dwelling" includes "residence"; the word "person" includes "corporation", "co-partnership", and "association" as well as an "individual"; the word "shall" is mandatory and directory. Terms not herein defined shall have the meaning customarily assigned to them. If not otherwise defined, words and phrases used in this section, if defined by Public Act 110, shall have the same meaning as provided in the Act.

### Section 2.02 - Definitions

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

Accessory Building - See "Building, Accessory"

Accessory Use - See "Use, Accessory"

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

Agriculture - Farms and general farming, including horticulture, floriculture, dairying, livestock and poultry raising, farm forestry, and other similar enterprises or uses, including animals that have been raised on the premises for the use and consumption of persons residing on the premises.

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

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

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

Apartments - The term "Apartments" shall mean the dwelling units in a multiple dwelling as defined herein:

Efficiency Unit: is a dwelling unit consisting of not more than one (1) room, in addition to kitchen, dining and necessary sanitary facilities, and for the purpose of computing density shall be considered as a one (1) room unit.

One Bedroom Unit: is a dwelling unit consisting of not more than two (2) rooms, in addition to kitchen, dining and necessary sanitary facilities, and for the purpose of computing density, shall be considered as a two (2) room unit.

Two Bedroom Unit: is a dwelling unit consisting of not more than three (3) rooms, in addition to kitchen, dining and necessary sanitary facilities, and for the purpose of computing density, shall be considered as a three (3) room unit.

Three or More Bedroom Unit: is a dwelling unit wherein for each room in addition to the three (3) rooms permitted in a two (2) bedroom unit, and for the purpose of computing density, said three (3) bedroom unit shall be considered a four (4) room unit, and each increase in a bedroom over three (3) shall be an increase in the room count by one (1) over the four (4).

Appeal - See "Zoning Appeal"

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

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

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

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

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

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

Bed and Breakfast Dwellings - Residential dwellings used for the purpose of housing transient and vacationing persons, limited to serving breakfasts, not including hotels, which meet the requirements of the State Laws governing such facilities.

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

Berm - a lineal mound of earth.

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

Board of Appeals - See "Zoning Board of Appeals"

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

Buffer Area - See "Greenbelt"

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

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

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

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

Building Height - The vertical distance from the established grade to the highest point of the roof surface for flat roofs, to the deckline of mansard roofs; and to the average height between eaves and ridge for gables, hip and gambrel roofs. Where a building is located on sloping terrain, the height may be measured from the average ground level of the grade at the building wall.

Building Inspector - The official appointed to administer and enforce the provisions of the Construction Code Building Ordinance in effect in the Township.

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

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

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

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

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

Building, Temporary - See "Temporary Use of Building"

Campground - The uses and activities which take place on a lot or parcel of land for vacation, resort or recreation purposes in accordance with Public Act 368 of 1978, Part 125, Sections 12501-12516 and the Administrative Rules promulgated under P. A. 368 as administered by the County, District or State Public Health Departments.

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

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

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

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

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

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

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

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

Construction Code - Means the Michigan State Construction Code or any Code established in accordance with its provisions for structural or building construction purposes.

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

County - Means County of Ionia.

District - See "Zoning District"

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

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

Driveway - It is an improved or unimproved path or road extending from a public or private road right-of-way to a building, dwelling, or structure intended to provide ingress and egress to not more than three (3) parcels or lots.

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

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

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

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

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

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

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

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

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

Essential Services - The erection, construction, alteration or maintenance by public utilities or municipal departments of under ground, surface or overhead gas, electrical, steam, fuel or water

transmission or distribution systems, collection, communication, supply or disposal systems, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar equipment in connection herewith, but not including buildings which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general health, safety or welfare.

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

Exception - See "Zoning Exception"

Family - One (1) or two (2) persons with or without their direct lineal descendants and adopted children (and including the domestic employees thereof) and additionally not more than for (4) persons not so related, living together in the whole or part of a dwelling comprising a single housekeeping unit shall be considered a separate family for the purpose of this Ordinance.

Farm - Real property used for agriculture or horticulture comprising at least twenty (20) contiguous acres and which may contain other contiguous or non-contiguous acres, all of which is operated by a single family, family corporation, individual or corporation.

Farming - See "Agriculture"

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

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

Filling Station - See "Automobile Service"

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

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

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

Foster Care Home - A state licensed child or adult care facility which is organized for the purpose of receiving children or adults for care, maintenance, and supervision in buildings supervised by the home for that purpose, and operated throughout the year. Foster Care Homes do not include a hospital licensed under Section 59 and Act No. 269 of the Public Act No. 139 of the Public Acts of 1956, as amended, or a hospital for mentally ill licensed under Act No. 151 of the Public Acts of 1923, as amended, or nursing and convalescent care centers.

Frontage, Street - See "Road Frontage"

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

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

Gas Station - See "Automobile Service"

Grade - The term "Grade" shall mean a ground elevation established for the purpose of regulating the number of stories and the height of the building. The building grade shall be the level of the ground adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the building.

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

Group Housing - See "Dwelling, Group"

Group Residential Homes - See "Foster Care Homes"

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

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

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

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

Home-Based Business - A business operation that is clearly a customary, incidental, and secondary use of the residential property for the purpose of providing financial support to the property's residents. Home-based businesses include, but are not limited to, automobile repair, machine shop, wood shop, outside construction activities, print shop, and vehicle body shops. A home-based business must be approved as a special secondary use permit pursuant to Article XII.

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

Home Occupation - Any use customarily conducted within the dwelling and/or an accessory structure or close proximity to and carried on by the inhabitants thereof, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes, does not change the character thereof, and which does not endanger the health, safety, and welfare of any other persons residing in that area by reasons of noise, noxious odors, unsanitary or unsightly conditions, fire hazards and the like, involved in or resulting from such occupation, profession or hobby. Such occupation shall not require external alterations of construction features and outdoor storage.

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



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

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

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

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

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

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

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

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

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

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

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

Land Use Permit - See "Zoning Permit"

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

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

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

ordinary high water mark of a lake, river or pond which is not totally enclosed within the boundary lines of the lot.

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

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

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

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

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

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

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

Lot Line, Front - In the case of an interior lot, that line separating said lot from the road. In the case of a corner lot, or double frontage lot, "front lot line" shall mean that line separating said lot from that road which is designated as the front road in the plat and in the application for a Zoning Permit

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

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

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

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

Lot Width - The horizontal distance between the side lot lines, measured at the two (2) points where either the building line, or front lot line intersects the side lot lines.

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

Manufactured home - means a structure, transportable in 1 or more sections, which is built on a chassis and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure.

Manufactured home development - means a parcel or tract of land under the control of a person upon which 3 or more mobile 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 building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a mobile home.

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

Master Plan - The plan prepared by the Township Planning Commission in accordance with Public Act 168 of 1959 relative to the agreed upon desirable physical land use pattern for future Township development. The plan consists of a series of maps, plans, charts, and written material, representing in summary form, the soundest planning direction to the Township as to how it should grow in order to realize the very best community living environment and orderly real estate development in the Township.

Mobile home - see Manufactured home.

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

Motor Court - See "Motel"

Non conforming Building or Structure - A non conforming building is a building or portion thereof lawfully existing at the effective date of this Ordinance, or amendments thereto, and which does not conform to the provisions of the Ordinance in the zoning district in which it is located.

Non conforming Use - A non conforming use is a use which lawfully occupied a building or land at the effective date of this Ordinance, or amendments thereto, and that does not conform to the use regulations of the zoning district in which it is located.

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

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

Nursing Home - See "Convalescent Home"

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

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

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

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

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

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

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

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

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

Open Space Preservation Development - A single family development where a minimum portion of the land will be preserved indefinitely in an undeveloped state in accordance with section 506 of the Michigan Zoning Enabling Act P. A. 110 of 2006, as amended, and Section 15.45 of this ordinance.

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

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

Outdoor Advertising Signs - See "Signs, Outdoor Advertising"

Parcel - See "Lot"

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

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

Parking, Off-street, Space - An area of definite length and width; said area shall be exclusive of drives, aisles, or entrances giving access thereto, and shall be fully accessible for the storage or parking of permitted vehicles on lots or parcels, but not within a public highway or public or private road right-of-way.

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

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

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

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

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

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

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

Practical Difficulties - See "Zoning Variance"

Private Road - See "Road, Private"

Public Utility - Any person, firm, corporation, municipal department, board, or commission duly authorized to furnish, and furnishing under federal, state, or municipal regulations to the public; electricity, gas, steam, communications, telegraph, transportation, water, storm-water collection or waste-water collection and treatment.

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

Recreation Vehicle Park (RV Park) - A family recreation oriented facility for the overnight or short-term (not to exceed fourteen (14) days consecutively) parking of travel trailers, recreation vehicles or tents. May also be known as a campground.

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

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

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

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

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

Road Frontage - The legal line which separates a dedicated road right-of-way or easement from abutting land.

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

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

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

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

Road, Private - Any undedicated path, trail, or road that provides or is intended to provide the primary means of ingress and egress to three (3) or more parcels or lots or three (3) or more principal buildings, dwelling units, or structures. Private roads include roads within site condominium projects, planned unit developments, roads serving two family dwelling units and roads within office or industrial complexes, or combination thereof, whether created by a private right-of-way agreement, a joint ownership, a license, a lease, or an easement. Any and all extensions, additions, or branches of or to a private road shall be considered part of the private road that abuts the public road.

Road Right-of-way Line - The line which forms the outer limits of a road right-of-way or easement, and which forms the line from which all setbacks and front yards are measured, unless otherwise specified in the Ordinance.

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

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

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

Septage Waste - any human excrement, wastewater or other material or substance removed from a portable toilet, septic tank, seepage pit, cesspool, sewage lift station, Type III Marine service station, or other enclosure as determined by administrative rules promulgated by the Michigan Department of Environmental Quality or within Part 117: Septage Waste of the Michigan Natural

Resources and Environmental Protection Act, P.A. 451 of 1994, as amended, but does not include liquid industrial waste, hazardous waste, petroleum or its constituents, domestic or restaurant solid waste, or other products or wastes consistent with the Ionia County Health Department Code.

Septage Waste Treatment Facilities - Any piece of, or combination of, equipment, including tank(s), lagoon(s), pipeline(s), filter(s), processor(s), building(s), container(s), or other structure(s) used for actively or passively treating, storing, or settling Septage Waste prior to disposal by Land Application.

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

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

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

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

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

Sign, Outdoor Advertising - (also Billboard) - Any construction or portion thereof upon which a sign or advertisement used as an outdoor display for the purpose of making anything known to the general public is affixed. The definition does not include any bulletin boards used to display official court or public notices.

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

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

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

Story - That part of a building included between the surface of one (1) floor, and the surface of the next floor; or if there is no floor above, then the ceiling next above. A story thus defined shall not be counted as a story when more than fifty (50) percent, by cubic content, is below the height level of the adjoining ground.

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

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

Street - See "Road"

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

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

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

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

Temporary Building - See "Building, Temporary"

Temporary Use - See "Use, Temporary"

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

Township - Means Township of Keene.

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

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

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

Unnecessary Hardship - See "Zoning Variance"

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

Use, Accessory - A use or activity normally and naturally incidental to, subordinate to, and devoted exclusively to the principal use of the land or buildings, including all structures detached from the principal structure above and below ground; such as garages, sheds, barns, television satellite dishes, and designed surface structures and areas.

Use, Agricultural - Any use permitted in the RD, AG and AR Zones in this Ordinance.

Use, Commercial - Any use permitted in the CC Zones and Planned Unit Development (PUD) Commercial Zones in this Ordinance.

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

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

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

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

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

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

Use, Temporary - A use, activity, or building permitted to exist during period of construction of the main building or use, or for special events.

Variance - See "Zoning Variance"

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

Yard, Front - The open space extending the full width of the main building, the depth of which is the minimum front set back.

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

Yard, Rear - The open space extending the full width of the main building, the depth of which is the minimum rear set back.

Yard, Side - The open space between a main building, the width of which is the minimum side set back extending from the front line of the front yard to the rear line of the rear yard.

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

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

Zoning Board of Appeals - As used in the Ordinance, the term "Board of Appeals" means the Township of Keene, Ionia County, Michigan Zoning Board of Appeals.

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

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

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

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

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

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



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

## **Article III - General Provisions**

### **Section 3.01 - Existing Uses of Lands, Buildings and Structures**

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

### **Section 3.02 - Scope of Ordinance**

Except as provided by Sections 14.02 all land and premises shall be used, and all buildings and structures shall be located, erected and used in conformity with the provisions of this Ordinance following the effective date herein.

### **Section 3.03 - Establishment of Zoning Districts**

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

Article IV	RD - Resource Development District
Article V	AG - Agricultural District
Article VI	AR - Agricultural Residential District
Article VII	NR - Natural River District
Article VIII	RR - Rural Residential District
Article IX	LDR - Low Density Residential District
Article X	CC - Convenience Commercial District
Article XI	I - Industrial District
Article XIII	PUD - Planned Unit Development District

### **Section 3.04 - Provisions for Official Zoning Map**

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

### **Section 3.05 - Changes to Official Zoning Map**

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

### **Section 3.06 - Authority of Official Zoning Map**

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

### **Section 3.07 - Interpretation of Zoning Districts**

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

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

#### Section 3.08 - Application and Interpretation of Regulations

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

#### Section 3.09 - Scope of Regulations

- A. Except as may otherwise be provided elsewhere in this Zoning Ordinance every building and structure erected, every use of any lot, building, or structure established, every structural alteration or relocation of any existing building or structure occurring, and every enlargement of, or addition to an existing use, building and structure occurring after the effective date of this Ordinance shall be subject to all regulations of this Ordinance which are applicable in the zoning district in which such use, building, or structure shall be located.
- B. All buildings and structures, unless otherwise specified in this Ordinance, shall meet all the requirements of the Construction Code whenever applicable.
- C. Uses are permitted by right only if specifically listed as principal permitted uses in the various zoning districts or is similar to such listed uses. Accessory uses are permitted as listed in the various zoning districts or if similar to such listed uses, and if such uses are clearly incidental to the permitted principal uses. Special uses are permitted as listed or if similar to the listed special uses and if the required conditions are met.
- D. All uses, buildings, and structures shall conform to the area, placement, and height regulations of the district in which located, unless otherwise provided in this Ordinance.

- E. No part of a yard, or other open space, or off-street parking space or loading space required about or in connections with any use, building or structure, for the purpose of complying with this Ordinance, shall be included as part of a yard, open space, or off-street parking lot or loading space similarly required for any other use, building or structure.
- F. No yard or lot existing at the time of adoption of this Ordinance shall be reduced in dimensions or area less than the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established herein.
- G. No lot, outlot or other parcel of land in a recorded plat shall be further partitioned or divided unless in conformity with the Zoning Ordinance of the Township and the Subdivision Control Act of 1967 as amended.

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

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

#### Section 3.11 - Conflicting Regulations

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

#### Section 3.12 - Zoning - Not a Vested Right

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

#### Section 3.13 - Site Plan Review Procedures

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

#### Section 3.14 - Zoning Permits in Relation to Building Permits

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

#### Section 3.15 - Permitted Zoning District Uses and Other Provision

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

Section 3.16 - Uses Not Specifically Listed in the Permitted or Special Use Sections of the Respective Zoning Districts

It is the intent and purpose of this Zoning Ordinance to limit the permitted and special land uses and activities to those specifically included in the respective Zoning Districts. Any uses not listed shall be added only by the Zoning Amendment procedure as required in Article XXII.

Section 3.17 - Continued Conformance with Regulations

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

Section 3.18 - Wetland Development

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

Section 3.19 - Project Planning and Plan Information from Other Agencies and Officials

All township, county, school districts, state and federal agencies and officials are required to submit to the Planning Commission through the Zoning Administrator their planning programs and project plans relative to all building, structural and land improvements to be made within the Township prior to the final approval of site acquisition or construction plans and specifications by the respective township, county, school district, state and federal agencies and officials in accordance with MCLA 125.330, as amended.

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

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

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

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

## **Article IV - Resource Development District**

### **Section 4.01 - Purpose**

The purpose of this District is to provide for the arrangement of land uses that are compatible with the conservation and preservation of large tracts of land presently having a most desirable natural environment that should not be disturbed, except minimally for natural habitat for wildlife, native flora, natural water features including extensive wetlands and high water table soils, and other extensive land uses which retain the natural character of the area. Single family homes on exceptionally large lots will be provided for if the spacing of such homes is great enough to adequately handle on-site septic tanks and wells. This area will normally remain unserved by public sewer and water systems.

### **Section 4.02 - Permitted Principal Uses**

- A. Existing types of farming and related agricultural operations may continue and the same types of farming may be established in new locations within the District on at least twenty (20) acres of contiguous land and developed in accordance with the relevant provisions of the "AG" District. All agricultural uses in Keene Township will conform to the approved farming practices as outlined in the Right to Farm Act as amended.
- B. Non-farm single family dwellings on at least two and a half (2 1/2) acres of contiguous land which can accommodate on site septic tanks and wells which meet the approval of the County Health Department.
- C. Those uses permitted under the provisions of (1) Public Act 203 of 1979, "The Wetland Protection Act", (2) Public Act 245 of 1929, "The Water Resources Conservation Act" (those Sections specific to Flood Plains), and (3) Public Act 346 of 1972, "The Inland Lakes and Streams Act".
- D. Public and private conservation areas, including necessary structures, to assure the preservation of water, soil, forest, wildlife, minerals, and open space, which are located on an area of at least twenty (20) contiguous acres of land.
- E. Open Space Preservation Development pursuant to Section 15.45.

### **Section 4.03 - Permitted Principal Special Uses with Conditions**

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

#### **A. Permitted Special Uses**

- 1. Public and private areas for nature study, forest preserves, hunting and fishing reservations, game refuges, fishing, boating, and other water related activity sites, non-intensive recreation facilities related to the natural environment, organized camping and campgrounds which are located on an area of at least twenty (20) contiguous acres of land.
- 2. Public and private areas to preserve natural open space, natural vistas, geological features, archeological sites and other significant natural and historical features and sites which are located on an area of at least twenty (20) contiguous acres of land.
- 3. Public cemeteries which are located on an area of at least twenty (20) contiguous acres of land or private family, private church or commercial pet cemeteries on acreages pursuant to State law.
- 4. Public and private areas for golf courses, parks, playgrounds, resorts, recreation vehicle parks and swimming and court game clubs which are located on at least twenty (20) contiguous acres of land, except that golf courses shall be located on at least forty (40) acres of land in accordance with Article XII Special Uses, Section 12.18 and 12.20.

5. Electronic receiving, transmitting and relay facilities in accordance with Article XII Special Uses, Section 12.23.
6. Extraction of sand, gravel, rock and minerals which are located on at least twenty (20) contiguous acres of land planned, operated and maintained in accordance with Article XII "Special Uses" and specifically Section 12.17.
7. Private roads subject to the provisions of Article 26.
8. Home Based Business pursuant to Article XII (12).

#### Section 4.04 - Permitted Accessory Uses

- A. Buildings and structures customarily incidental to the operation of a principal use permitted in this District.
- B. Signs related to the permitted principal uses in this District, provided that all such signs shall conform to the requirements of Article XVIII, "Sign Regulations".
- C. Home occupations normal and appropriate to the skills of the occupants of the principal use located on a lot or parcel in this District as conditioned by Section 15.19.
- D. Private residential swimming pools as conditioned by Section 15.18 located on the same lot or parcel with the principal residential structure.
- E. Farm vehicle and implement repair and maintenance in conjunction with farming or other principal agricultural use located on the same parcel.
- F. Herbicide, insecticide and fertilizer sales and application in conjunction with a farming or other principal agricultural use located on the same parcel.
- G. Grain, feed, cold and other storage of agricultural products in conjunction with farming or other principal agricultural use located on the same parcel.
- H. Sales of seed and other product sales in conjunction with farming or other principal agricultural use located on the same parcel.

#### Section 4.05 - Permitted Accessory Uses with Conditions

- A. Roadside Stands: In the RD District each farm may have one (1) roadside stand for the purpose of selling produce or other products principally raised or produced on that farm in the course of its permitted agricultural activity. The stand shall be located and constructed to meet the following requirements:
  1. The structure shall not be more than one (1) story in height.
  2. The floor area shall not be more than 400 square feet.
  3. The stand shall be located no closer than ten (10) feet from the nearest road right-of-way. In no case, shall the stand occupy any part of the right-of-way.

#### Section 4.06 - Dimensional Requirements

- A. Lot area: A permitted parcel shall have a minimum of two and a half (2 1/2) acres in area, except as otherwise may be provided in this Ordinance.
- B. Lot Width: Minimum of two hundred (200) feet at the required building setback line.
- C. Lot Coverage: Maximum of twenty (20) percent.
- D. First Floor Area: The minimum first floor area of a one (1) story dwelling 950 square feet, and for a two (2) story dwelling 760 square feet on the first floor, and a minimum total of 1100 square feet for both stories.
- E. Yard and Setback Requirements:

1. Front Yard: Minimum of fifty (50) feet from the road right-of-way line or as specified in the Master Plan for Roads and Highways, whichever is the greater.
  2. Side Yards: Minimum of fifteen (15) feet for each side yard, except where a side yard abuts a road right-of-way line, the minimum shall be fifty (50) feet or as specified in the Master Plan for Roads and Highways, whichever is the greater.
  3. Rear Yard: Minimum of fifty (50) feet.
- F. Height Limitations: Maximum of thirty-five (35) feet for all dwellings and a maximum of twenty-five (25) feet for all buildings accessory to dwellings; maximum of forty-five (45) feet for all agricultural buildings, except for grain elevators, silos, and windmills which shall not exceed 120 feet in height.



## **Article V - AG Agricultural District**

### **Section 5.01 - Purpose**

The purpose of this district is to provide for the development of large parcels of land exclusively for agricultural, woodland or open land setting uses, which will remain unserved by public water distribution and waste-water disposal systems in the foreseeable future, but which can accommodate healthful on-site water supply and waste-water disposal for the purposes of this District, but which reserves and conserves that land which is primarily to be used for present and future agricultural, woodland, natural resource and other extensive land uses. All agricultural uses in Keene Township will conform to the approved farming practices as outlined in the Right to Farm Act as amended.

### **Section 5.02 - Permitted Principal Uses**

- A. General farming
- B. Field crop, fruit, vegetable, horticultural, maple sugar production, lumber and worm farming, and similar types of specialized farming
- C. Greenhouses and nurseries for trees, shrubs and plants when not operated primarily as a retail sales
- D. Raising and keeping of cattle, horses, ponies, sheep, goats, swine and similar livestock
- E. Raising and keeping of rabbits, poultry, fowl and similar small animals
- F. On site production and consumption of food for animals
- G. Apiaries
- H. Public utility, facility and service facilities necessary to the uses permitted in this District or which must of necessity pass through this District
- I. Public and private conservation areas and structures for water, soil, forest, wildlife, minerals and open space
- J. Public areas for forest preserves, game refuges and similar uses
- K. Single family dwellings of conventional or manufactured construction with the condition that a lot containing a dwelling unit or building, other than a farm building, must have its required lot width abutting a public road or approved private road as referred to in Section 26.02 (C) (1) and (2).
- L. Open Space Preservation Development pursuant to Section 15.45
- J. Public cemeteries and private church cemeteries

### **Section 5.03 - Permitted Principal Special Uses with Conditions**

The following special uses of land, buildings and structures are permitted, subject to the provisions of Article XII Special Uses.

- A. **Electronic receiving, transmitting and relay facilities**
  - 1. The minimum lot size shall be two and one half (2.5) acres.
  - 2. The lot shall be so located that at least one (1) property line abuts a public or private road and the ingress and egress shall be directly upon said road.
  - 3. The front yard setbacks and side and rear yard setbacks for each tower from adjacent right-of-ways and/or property lines shall be not less than one and one-quarter (1.25) times the height of each tower above the ground with the exception of a tower attached to another structure capable of supporting it.

4. Unless specifically waived by the Planning Commission, an open air fence six (6) feet or more in height shall be constructed to enclose the tower area. An anti-climbing device may be approved as an alternative to the fence requirement above.
5. The tower shall comply with all applicable state construction and electrical codes and local building permit requirements as well as the manufacturer's installation requirements, provided they do not conflict with the state and local requirements.
6. Co-location of additional antennas and service on an existing tower may be approved by the Zoning Administrator.

B. Agribusinesses

1. Permitted Special Uses

- a. Agricultural products, production and processing operations
- b. Agricultural products storage facilities
- c. Bulk feed and fertilizer outlets and distribution centers
- d. Farm machinery: sales, service, rental and repair
- e. Grain elevators for storage, drying and sales
- f. Grain and livestock truck and cartage facilities
- g. Greenhouses and nurseries when operated primarily as a retail sales
- h. Hatcheries
- i. Seed dealership outlets and distribution centers, herbicide, insecticide and fertilizer sales and application
- j. Veterinary hospitals and clinics

2. Conditions: An agribusiness shall be buildings, structures, lots, parcels, or parts thereof, which provide services, goods, storage, transportation or other activities directly related to the production of agricultural commodities in this District. Agribusinesses as listed in 1. above are permitted with the following conditions:

- a. Minimum lot or parcel area shall be five (5) acres and minimum road frontage shall be 330 feet, except as otherwise required for specific uses listed.
- b. All agribusiness uses shall be located at least 250 feet from all RD, AR, NR, RR, and LDR zoning district boundary lines, and existing residential structures located on adjacent properties.
- c. All agribusiness uses shall meet the requirements of the State and County Health Departments for water supply, liquid and solid waste disposal and other applicable health and sanitation requirements.

C. Private roads subject to the provisions of Article 26.

D. Home Based Business pursuant to Article XII (12).

E. Land Application of Septage Waste.

F. Private family or commercial pet cemeteries.

G. Religious institutions.

Section 5.04 - Permitted Accessory Uses

- A. Buildings and structures customarily incidental to the operation of a principal agricultural or other uses permitted in this District, including those for farmhouse dwellings.
- B. Signs related to permitted uses, provided that all such signs shall conform to the requirements of Article XVIII.
- C. Home occupation agricultural commercial enterprises, including, but not limited to, seed and other product sales as conditioned by Section 15.19.
- D. Private residential swimming pools as conditioned by Section 15.18.
- E. Removed 8-12-03
- F. Removed 8-12-03
- G. Greenhouses and nurseries when not operated primarily as a retail sales.
- H. Grain and feed storage facilities.
- I. Cold storage and other storage facilities for agricultural products.
- J. Customary home occupations, as conditioned by Section 15.19.

#### Section 5.05 - Permitted Accessory Uses with Conditions

- A. Farmhouses - In the AG District each farm may have one (1) single family farmhouse dwelling.
- B. Roadside Stands - In the AG District each farm may have one (1) roadside stand for the purpose of selling produce or other products principally raised or produced on that farm in the course of its permitted agricultural activity. The stand shall be located and constructed to meet the following requirements:
  1. The structure shall not be more than one (1) story in height.
  2. The floor area shall not be more than 400 square feet.
  3. The stand shall be located no closer than (10) feet from the nearest road right-of-way line. In no case, shall the stand occupy any part of the right-of-way.

#### Section 5.06 - Dimensional Requirements

- A. Lot Area: A permitted parcel shall have a minimum of two and one half (2 1/2) acres in area, except as otherwise may be provided in this Ordinance.
- B. Lot Width: Minimum of 200 feet at the building required setback line.
- C. Lot Coverage: Maximum of twenty (20) percent.
- D. First Floor Area: The minimum first floor area of a one (1) story dwelling 950 square feet, and for a two (2) story dwelling 760 square feet on the first floor, and a minimum total of 1100 square feet for both stories.
- E. Yard and Setback Requirements:
  1. Front Yard: Minimum of fifty (50) feet from the road right-of-way line, or as specified in the Master Plan for Roads and Highways, whichever is the greater.
  2. Side Yards: Minimum of fifteen (15) feet for each side yard, except where a side yard abuts a road right-of-way line, the minimum shall be fifty (50) feet, or as specified in the Master Plan for Roads and Highways, whichever is the greater.
  3. Rear Yard: Minimum of fifty (50) feet.
- F. Height Limitations: Maximum of thirty-five (35) feet for all dwellings and a maximum of twenty-five (25) feet for all buildings accessory to dwellings; maximum of forty-five (45) feet for all agricultural buildings, except for grain elevators, silos, and windmills which shall not exceed 120 feet in height.

## **Article VI - AR Agricultural Residential District**

### **Section 6.01 - Purpose**

The purpose of this district is to provide for the compatible arrangement and development of parcels of land for residential building purposes in a pastoral, agricultural, woodland or open land setting, which will remain unserved by public water distribution and waste-water disposal systems in the foreseeable future, but which are suitable for large lot residential purposes, which can accommodate healthful on-site water supply and waste-water disposal, but which reserves and conserves that land which is most adaptable for present and future agricultural, woodland, natural resource and other extensive land uses. All agricultural uses in Keene Township will conform to the approved farming practices as outlined in the Right to Farm Act as amended.

### **Section 6.02 - Permitted Principal Uses**

- A. General farming
- B. Field crop, fruit, vegetable, horticultural, maple sugar production, lumber and worm farming, and similar types of specialized farming
- C. Greenhouses and nurseries for trees, shrubs and plants when not operated primarily as a retail sales
- D. Raising and keeping of cattle, horses, ponies, sheep, goats, swine and similar livestock
- E. Raising and keeping of rabbits, poultry, fowl and similar small animals
- F. On-site production and consumption of food for animals
- G. Apiaries
- H. Public and semi-public buildings for the housing of public facilities, utilities and services
- I. Public and private conservation areas and structures for water, soil, forest, wildlife, minerals and open space
- J. Removed 3/3/99
- K. Public areas for forest preserves, game refuges and similar uses
- L. Public cemeteries and private church cemeteries
- M. Conventional and manufactured single family dwellings
- N. Foster care facilities housing six (6) or less persons
- O. Open Space Preservation Development pursuant to Section 15.45

### **Section 6.03 - Permitted Principal Special Uses with Conditions**

The following special uses of land, buildings and structures are permitted, subject to the provisions of Article XII, Special Uses.

- A. **Outdoor Kennels for Dogs**
  - 1. All dog kennels shall be operated in conformance with all applicable county, state and federal regulations; permits being valid no longer than one (1) year.
  - 2. For dog kennels, the minimum lot size shall be one (1) acre for up to six (6) dogs and an additional one-sixth (1/6) acre for each one (1) additional dog.
  - 3. Buildings wherein dogs are kept, dog runs, and/or exercise areas shall not be located nearer than 100 feet to any occupied dwelling or any building on an adjacent parcel used by the public and shall not be located in any required front, rear or side yard setback area.

4. Such facilities shall be under the jurisdiction of the Planning Commission, and subject to other conditions and requirements of said body deemed necessary to insure against the occurrence of any possible nuisance by requiring necessary minimum distances, berms, fencing, soundproofing and sanitary requirements.

B. Electronic receiving, transmitting and relay facilities

1. The minimum lot size shall be two and one half (2.5) acres.
2. The lot shall be so located that at least one (1) property line abuts a public or private road and the ingress and egress shall be directly upon said road.
3. The front yard setbacks and side and rear yard setbacks for each tower from adjacent right-of-ways and/or property lines shall be not less than one and one-quarter (1.25) times the height of each tower above the ground with the exception of a tower attached to another structure capable of supporting it.
4. Unless specifically waived by the Planning Commission, an open air fence six (6) feet or more in height shall be constructed to enclose the tower area. An anti-climbing device may be approved as an alternative to the fence requirement above.
5. The tower shall comply with all applicable state construction and electrical codes and local building permit requirements as well as the manufacturer's installation requirements, provided they do not conflict with the state and local requirements.
6. Co-location of additional antennas and service on an existing tower may be approved by the Zoning Administrator.

C. Agribusiness

1. Permitted Special Uses

- a. Agricultural products, production and processing operations
- b. Agricultural products storage facilities
- c. Auctions for livestock
- d. Bulk feed and fertilizer outlets and distribution centers
- e. Farm machinery: sales, service, rental and repair
- f. Grain elevators for storage, drying and sales
- g. Grain and livestock truck and cartage facilities
- h. Greenhouses and nurseries when operated primarily as a retail sales
- i. Hatcheries
- j. Riding stables are permitted in accordance with Article XII Special Uses Section 12.18
- k. Sawmills
- l. Seed dealership outlets and distribution centers
- m. Veterinary hospitals, clinics and indoor kennels

2. Conditions:

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

- a. Minimum lot or parcel area shall be five (5) acres and minimum road frontage shall be 330 feet, except as otherwise required for specific uses listed.
  - b. All agribusiness uses shall be located at least 250 feet from all RD, NR, RR, LDR, MDR and MFR zoning district boundary lines, and existing residential structures located on adjacent properties.
  - c. All agribusiness uses shall meet the requirements of the State and County Health Departments for water supply, liquid and solid waste disposal and other applicable health and sanitation requirements.
- D. Permitted public and private institutions for human care, religion, education and other human social purposes.
1. The proposed site for any of the uses permitted herein which would attract persons from, or are intended to serve, areas beyond the immediate zoning district area shall have at least one (1) property line abutting a paved impermeable hard surface public road.
  2. Front, side and rear yards shall be set back at least fifty (50) feet, and shall be landscaped in trees, shrubs, and grass. All such landscaping shall be maintained in a healthy condition. There shall be no parking or structures permitted in these yards, except required entrance drives and those walls used to screen the use from abutting residential lots and parcels.
- E. Private roads subject to the provisions of Article 26.
- F. Home Based Business pursuant to Article XII (12).
- G. Private family or commercial pet cemeteries.

#### Section 6.04 - Permitted Accessory Uses

- A. Buildings and structures customarily incidental to the operation of a principal agricultural or other use permitted in the AR District.
- B. Building and structures customarily incidental to single family residential dwellings.
- C. Signs related to permitted uses, provided that all such signs shall conform to the requirements of Article XVIII.
- D. Home occupation agricultural commercial enterprises, including, but not limited to, seed and other product sales and customary home occupations as conditioned by Section 15.19.
- E. Private residential swimming pools as conditioned by Section 15.18.
- F. Farm implement and vehicle repair and maintenance.
- G. Herbicide, insecticide and fertilizer sales and application.
- H. Greenhouses and nurseries when not operated primarily as a retail sales.
- I. Grain and feed storage facilities.
- J. Cold storage and other storage facilities for agricultural products.

#### Section 6.05 - Permitted Accessory Uses with Conditions

- A. Roadside Stands: In the AR District each farm may have one (1) roadside stand for the purpose of selling produce or other products principally raised or produced on that farm in the course of its permitted agricultural activity. The stand shall be located and constructed to meet the following requirements:
1. The structure shall not be more than one (1) story in height.
  2. The floor area shall not be more than 400 square feet.
  3. The stand shall be located no closer than ten (10) feet from the nearest road right-of-way line. In no case, shall the stand occupy any part of the right-of-way.

#### Section 6.06 - Dimensional Requirements

- A. Lot Area: A permitted parcel shall have a minimum of two and a half (2 1/2) acres in area, except as otherwise may be provided in this Ordinance.
- B. Lot Width: Minimum of 200 feet at the building required setback line.
- C. Lot Coverage: Maximum of twenty (20) percent.
- D. First Floor Area: The minimum first floor area of a one (1) story dwelling 950 square feet, and for a two (2) story dwelling 760 square feet on the first floor, and a minimum total of 1100 square feet for both stories.
- E. Yard and Setback Requirements:
1. Front Yard: Minimum of fifty (50) feet from the road right-of-way line.
  2. Side Yards: Minimum of fifteen (15) feet for each side yard, except where a side yard abuts a road right-of-way line, the minimum shall be fifty (50) feet.
  3. Rear Yard: Minimum of fifty (50) feet.
- F. Height Limitations: Maximum thirty-five (35) feet for all dwellings and a maximum of twenty-five (25) feet for all buildings accessory to dwellings; maximum of forty-five (45) feet for all agricultural buildings, except for grain elevators, silos, and windmills which shall not exceed 120 feet in height.

## **Article VII - NR Natural River District**

### **Section 7.01 - Purpose and Affected Area**

Natural river District; described as that land lying within 300 feet from the ordinary high water mark on each side of and paralleling the Flat River and its tributaries. The purpose of this district is to provide for residential and recreational river-front uses free from other uses, except those which are (1) normally accessory and (2) compatible, supportive and convenient to the permitted uses, including the residents living within this district. The size of lots and parcels in this district should be planned to be of such area and width so that they can sustain healthful on-site water supply and liquid waste-water disposal and not pollute the river or other watercourses.

### **Section 7.02 - Permitted Principal Uses**

- A. Single family dwellings of conventional or manufactured construction and including all of their normal accessory uses on a minimum of two and a half (2 1/2) acre parcel(s), if on-site water supply and waste-water disposal systems meet the requirements of the County Health Department.
- B. Existing types of agricultural land, building and structural uses provided they meet the AG District requirements, but limited to those uses permitted in Sections 5.02, and the applicable subsections of Sections 5.04 and 5.05, to those uses permitted in Section 5.02. All agricultural uses in Keene Township will conform to the approved farming practices as outlined in the Right to Farm Act as amended.
- C. State Licensed Residential Foster Care facilities housing six (6) or less persons, providing the spacing between such facilities is at least 1500 feet.
- D. Open Space Preservation Development pursuant to Section 15.45.

### **Section 7.03 - Permitted Principal Special Uses with Conditions**

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

- A. Permitted special uses:
  - 1. Public recreational playgrounds
  - 2. Non-profit recreation areas
  - 3. Religious institutions
  - 4. Health, educational and social institutions
  - 5. Golf courses and country clubs on a parcel of land of at least forty (40) contiguous acres in accordance with Article XII Special Uses Section 12.18.
- B. Above permitted uses subject to the following requirements:
  - 1. The proposed site for any of the uses permitted herein shall have at least one (1) property line abutting a road built to the standards of and maintained by the County Road Commission, and the site shall be so planned as to provide all access directly to said road.
  - 2. Front, side and rear yards shall be set back at least one hundred (100) feet from all roads and at least four hundred (400) feet from all ordinary high water marks on streams, and shall be landscaped in trees, shrubs and grass. All such landscaping shall be maintained in a healthy condition. There shall be no parking or structures permitted in these yards, except required entrance drives and those walls used to obscure the use from abutting residential lots and parcels.



3. All variances from the requirements established in the "Flat River Natural River Plan" shall be made by the Zoning Board of Appeals, but only after recommendations have been requested by the ZBA from the following agencies: Township Board and Planning Commission, County Health Department, U. S. Soil Conservation Service, and State Department of Natural Resources.
  4. Shall meet all other applicable requirements of this Zoning Ordinance, and the requirements of the Flat River "Natural River Plan" as prepared by the Land and Water Management Division of the State Department of Natural Resources.
- C. Private roads subject to the provisions of Article 26.
- D. Home Based Business pursuant to Article XII (12).

#### Section 7.04 - Permitted Accessory Uses

- A. Normal accessory uses to single family farmhouses, single family dwellings and existing agricultural uses.
- B. Normal accessory uses to permitted and approved "Special Uses."
- C. Customary home occupations, as conditioned by Section 15.19.
- D. Private residential swimming pools, as conditioned by Section 15.18.

#### Section 7.05 - Dimensional Requirements

- A. Lot Area: A non-farm single family residential parcel or lot shall have a minimum of two and one-half (2 1/2) acres in area. Agricultural parcels shall have a minimum of twenty (20) contiguous acres.
- B. Lot Width: Minimum of 100 feet at the building setback line and at the river-front.
- C. Lot Coverage: Maximum of thirty (30) percent.
- D. Floor Area: The minimum first floor area of a one (1) story dwelling 950 square feet, and for a two (2) story dwelling 760 square feet on the first floor, and a minimum total of 1100 square feet for both stories.
- E. Yard and Setback Requirements:
  1. Front yard: Minimum of fifty feet from the road right of way, except as otherwise required in Section 7.03 B.2, or as specified in the Master Plan for Roads and Highways, whichever is the greater.
  2. Side Yards: Minimum of twenty (20) feet for each side yard, except where a side yard abuts a road right of way line, the minimum shall be fifty (50) feet or as specified in the Master Plan for Roads and Highways, whichever is the greater.
  3. Rear Yard: Minimum of fifty (50) feet.
  4. River Frontage Yard: Minimum of one hundred (100) feet from the ordinary high water mark.
- F. Height Limitations: Maximum of thirty-five (35) feet for all residential structures; a maximum of twenty-five (25) feet for all residential related accessory structures.
- G. Natural Vegetation Strip: a strip 25 feet wide on each side of and parallel to the Flat River and tributaries shall be maintained in trees, vegetation and shrubs in it's natural state except that dead, diseased, unsafe or felled trees as well as noxious plants may be removed. Removal of trees for commercial timber harvest, access or woodlot improvement or to provide a filtered view of the river shall be allowed only upon specific approval of the local Zoning Administrator.

A filtered view of the river means maintenance or establishment of woody vegetation of sufficient density to screen new developments from the river, provide for stream-bank stabilization and erosion control, serve as an aid to infiltration of surface runoff and provide cover to shade the water. It need not be so dense as to completely block the river view. It means no clear cutting.

- H. Sanitary Facilities Setback: All septic tanks, drain fields and other sanitary facilities shall be set back minimum of 100 feet from the ordinary high water mark or 25 feet from the identified 100 year flood-plain line, whichever results in the greatest distance from the edge of the river. Such facilities shall meet the requirements for the Ionia County Health Department approval, and in addition, the bottom of the absorption field shall not be less than 4 feet above the ordinary high ground water table.

#### Section 7.06 - Excluded Uses

- A. No new commercial, industrial or mining operations will be permitted within the 300 foot Natural River District.

## **Article VIII - RR Rural Residential District**

### **Section 8.01 - Purpose**

The purpose of this district is to provide for single family housing and compatible parcels of land with limited agricultural uses as a transition area from regions of more elevated agricultural uses. Accessory and compatible uses are permitted that are supportive and convenient to the residents living within such a district. The size of lots and parcels in this district should be planned to be of such area and width so that they can sustain healthful on-site water supply and liquid waste-water disposal.

### **Section 8.02 - Permitted Principal Uses**

- A. Single family dwellings of conventional or manufactured construction on a minimum of two and one-half (2 1/2) acre parcel, if on-site water supply and waste-water disposal systems meet the requirements of the County Health Department.
- B. Existing types of agricultural land, building and structural uses provided they meet the AR District requirements. All agricultural uses in Keene Township will conform to the approved farming practices as outlined in the Right to Farm Act as amended.
- C. State Licensed Residential Foster Care facilities housing six (6) or less persons, providing the spacing between such facilities is at least 1500 feet.
- D. Field crop, fruit, vegetable, horticultural, maple sugar production, lumber and worm farming, and similar types of specialized farming
- E. Greenhouses and nurseries for trees, shrubs and plants when not operated primarily as a retail sales
- F. Apiaries
- G. Public and semi-public buildings for the housing of public facilities, utilities and services
- H. Public and private conservation areas and structures for water, soil, forest, wildlife, minerals and open space
- I. Public cemeteries and private church cemeteries
- J. Conventional and manufactured single family dwellings
- K. Home day care housing six (6) or less children
- L. Live animal raising and keeping is subject to the following numbers except as provided for in section 8.02 B.
  - 1. The number of cattle, horses, ponies, sheep, goats, swine and similar livestock are limited to one animal per acre. Shelters or barns for these animals must be set back at least 50 feet from property lines and road right of ways. The area on which the animal(s) are kept shall be completely enclosed by a properly maintained fence or similar barrier to prevent the animals(s) from trespassing on adjoining property.
  - 2. The raising and keeping of rabbits, poultry, fowl and similar small animals must involve the confinement of these animals within the owner's property limits through pens, fencing, or other confining device.
- M. Open Space Preservation Development pursuant to Section 15.45

### **Section 8.03 - Permitted Principal Special Uses with Conditions**

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

- A. **Permitted Special Uses:**

1. Public buildings
2. Public recreational playgrounds
3. Non-profit recreation areas
4. Religious institutions
5. Health, educational and social institutions
6. Golf courses and country clubs on a parcel of land of at least forty (40) contiguous acres in accordance with Article XII Special Uses Section 12.18.
7. Child care centers, (provided they are licensed by the State of Michigan)
8. Riding stables are permitted in accordance with Article XII Special Uses Section 12.18.
9. Veterinary hospitals, clinics and indoor kennels
10. Electronic receiving, transmitting and relay towers and facilities as provided for in section 12.23

B. Above permitted uses subject to the following requirements:

1. The proposed site for any of the uses permitted herein shall have at least one (1) property line abutting a public or private road, and the site shall be so planned as to provide all access directly to said road.
2. Front, side and rear yards shall be set back at least seventy-five (75) feet, and shall be landscaped in trees, shrubs and grass. All such landscaping shall be maintained in a healthy condition. There shall be no parking or structures permitted in these yards, except required entrance drives and those walls or vegetation used to screen the use from abutting residential lots and parcels.
3. Shall meet all other applicable requirements of this Zoning Ordinance.

C. Private roads subject to the provisions of Article 26.

D. Home Based Business pursuant to Article XII (12).

E. Private family or commercial pet cemeteries.

Section 8.04 - Permitted Accessory Uses

- A. Normal existing accessory uses to single family housing and existing agricultural uses.
- B. Normal accessory uses to permitted and approved "Special Uses".
- C. Customary home occupations, as conditioned by Section 15.19.
- D. Private residential swimming pools, as conditioned by Section 15.18.

Section 8.05 - Dimensional Requirements

- A. Lot Area: A non-farm single family residential parcel or lot shall have a minimum of two and one-half (2 1/2) acres in area.
- B. Lot Width: Minimum of 200 feet at the building setback line.
- C. Lot Coverage: Maximum of thirty (30) percent.
- D. Floor Area: The minimum first floor area of a one (1) story dwelling 950 square feet, and for a two (2) story dwelling 760 square feet on the first floor, and a minimum total of 1100 square feet for both stories.
- E. Yard and Setback Requirements:

1. Front yard: Minimum of fifty (50) feet from the road right-of-way, except as otherwise required in Section 8.03 B. 2, or as specified in the Master Plan for Roads and Highways, whichever is the greater.
  2. Side Yards: Minimum of twenty (20) feet for each side yard, except where a side yard abuts a road right-of-way line, the minimum shall be fifty (50) feet or as specified in the Master Plan for Roads and Highways, whichever is the greater.
  3. Rear Yards: Minimum of fifty (50) feet.
- F. Height Limitations: Maximum of thirty-five (35) feet for all residential structures; a maximum of twenty-five (25) feet for all residential or agricultural related accessory structures.

## **Article IX - LDR Low Density Residential District**

### **Section 9.01 - Purpose**

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

### **Section 9.02 - Permitted Principal Uses**

- A. Single family dwellings of conventional or manufactured construction on lots which meet the requirements of Section 9.06 B.
- B. Existing types of agricultural land, building and structural uses, provided they meet the AR District requirements. All agricultural uses in Keene Township will conform to the approved farming practices as outlined in the Right to Farm Act as amended.
- C. State Licensed Residential Foster Care Facilities housing six (6) or less persons, providing the spacing between such facilities is at least 1500 feet.
- D. Manufactured Home Developments subject to the Mobile Home Commission Act 96 of 1987, as amended, and the Mobile Home Code promulgated by the Commission pursuant to section 5 of said act.
- E. Open Space Preservation Development pursuant to Section 15.45.

### **Section 9.03 - Permitted Principal Special Uses with Conditions**

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

- A. Permitted special uses:
  - 1. Public buildings
  - 2. Public recreational playgrounds
  - 3. Non-profit recreation areas
  - 4. Religious institutions
  - 5. Educational and social institutions
  - 6. Golf courses and country clubs on a parcel of land of at least forty (40) contiguous acres in accordance with Article XII Special Uses Section 12.18.
  - 7. Child care centers
- B. Above permitted principal special uses are subject to the following requirements:
  - 1. The proposed site for any of the uses permitted herein shall have at least one (1) property line abutting a public or private road, and the site shall be so planned as to provide all access directly to said road.
  - 2. Front, waterfront, side and rear yards shall be set back at least seventy-five (75) feet, and shall be landscaped in trees, shrubs and grass. All such landscaping shall be maintained in a healthy condition. There shall be no parking or structures permitted in these yards, except required entrance drives and those walls used to screen the use from abutting residential lots and parcels.
  - 3. Shall meet off-street parking and all other applicable requirements of this Zoning Ordinance.

- C. Private roads subject to the provisions of Article 26.
- D. Home Based Business pursuant to Article XII (12).

Section 9.04 - Permitted Accessory Uses

- A. Normal existing accessory uses to single family housing and existing agricultural uses.
- B. Normal accessory uses to permitted and approved "Special Uses".
- C. Customary home occupations, as conditioned by Section 15.19.

Section 9.05 - Permitted Accessory Uses with Conditions

- A. Private swimming pools for use as a part of single family dwellings in conformance with the provisions of Section 15.18.

Section 9.06 - Dimensional Requirements

- A. (removed)
- B. Lot Area: Minimum of two and one half acres, if lot or parcel does not have public or common sewer or water available and on site water supply and waste-water disposal systems are both permitted and approved by the County Health Department.
- C. Lot Width: Minimum of 200 feet for B. above.
- D. Lot Coverage: Maximum of 30%.
- E. Floor Area: The minimum first floor area of a one (1) story dwelling 950 square feet, and for a two (2) story dwelling 760 square feet on the first floor, and a minimum total of 1100 square feet for both stories.
- F. Yard and Setback Requirements:
  - 1. Front Yard: Minimum of fifty (50) feet from the road right-of-way line, and shoreline of any surface water features, except as otherwise required in Section 9.03 B. 2 and unless a greater setback from the waterline is required by the Michigan Department of Natural Resources or other public agency, or as specified in the Master Plan for Roads and Highways, whichever is the greater.
  - 2. Side Yards: Minimum of twenty (20) feet for each side yard, except where a side yard abuts a road right-of-way line, the minimum shall be fifty (50) feet, or as specified in the Master Plan for Roads and Highways, whichever is the greater.
  - 3. Rear Yard: Minimum of fifty (50) feet.
- G. Height Limitations: Maximum of thirty-five (35) feet for residential structures; a maximum of twenty-five (25) feet for all residential related accessory structures.

## **Article X - CC Convenience Commercial district**

### **Section 10.01 - Purpose**

This district has the intent of providing areas wherein retail trade and service outlets can be located in order to satisfy the day to day needs of the residents in the immediate neighborhood.

### **Section 10.02 - Permitted Principal Uses**

The following uses are permitted as long as the use is conducted completely within an enclosed building:

- Antique stores
- Art merchandising studios
- Bakeries
- Barber and beauty shops
- Bicycle stores
- Book and Stationery stores
- Car washes
- Clothing stores
- Commercial garages
- Convenience Store
- Delicatessens
- Drug stores
- Dry cleaning and laundry and dry cleaning stores
- Dry goods and notion stores
- Farm Market
- Funeral homes
- Furniture stores
- Gift shops
- Greenhouses and nurseries conducted indoors
- Grocery store
- Hardware and paint stores
- Household appliance stores
- Interior decorator shops
- Jewelry stores
- Meat Processing
- Medical and Dental offices in complexes which may include:
  - Garment and prosthetic appliance stores
  - Medical, Dental, Optical Laboratories
  - Pharmacies
- Music stores
- Novelty shops
- Office supply stores
- Offices for:
  - Financial institutions
  - Insurance
  - Professionals
  - Real estate
- Pet stores
- Photographic studios
- Professional health care services
- Restaurants
- Self-service laundry and dry cleaning stores
- Shoe shine and repair shops
- Sporting goods store



- Toy stores
- Tailor and dressmaker shops
- Variety stores
- Veterinary hospitals
- Miscellaneous:
  - Business management consultants
  - Business service stores
  - Consumer credit reporting agencies
  - Mailing and stenographic services

Section 10.03 - Permitted Principal Special Uses with Conditions

- A. Vehicle gasoline and service stations in accordance with the provisions of Article XII, "Special Uses" for this use.
- B. Drive-in retail and service establishments in accordance with the provisions of Article XII, "Special Uses" for these uses.
- C. Planned Shopping Centers in accordance with the provisions of Article XII, "Special Uses" for a collective grouping of two (2) or more of the principal uses permitted in this district.
- D. Private roads subject to the provisions of Article 26.

Section 10.04 - Permitted Accessory Uses

- A. Normal accessory uses to all "Permitted Principal Uses".
- B. Normal accessory uses to all "Permitted Principal Special Uses"
- C. Customary home occupations in existing single family homes, as conditioned by Section 15.19.

Section 10.05 - Dimensional Requirements, Except as Otherwise Specified

- A. Lot Area: Minimum of two and one-half (2 1/2) acres per principal use, except where a lot or parcel is served by a public or common water supply system and a public waste-water sewer and treatment system, in which use the lot or parcel may have a minimum area of 10,000 square feet per principal use. Planned Shopping Centers shall meet the requirements of Article XII, "Special Uses" for a collective grouping of two (2) or more of the uses permitted in this district.
- B. Lot Width: Minimum of 200 feet at building setback line, when on-site well water supply and septic tank waste-water disposal systems are used, or a minimum of 80 feet at building setback line, when public or common water supply and waste-water and treatment systems are directly accessible to the lot or parcel.
- C. Lot Coverage: Maximum of 25%.
- D. Yard and Setback Requirements:
  - 1. Front Yard: Minimum of fifty (50) feet from all road or highway right of way lines, or as specified in the Master Plan for Roads and Highways, whichever is the greater.
  - 2. Side Yards: Minimum of ten (10) feet for one (1) side yard, but a minimum total of twenty five (25) feet for both side yards, a minimum of fifty (50) feet if the side yard abuts road or highway right-of-way lines, or as specified in the Master Plan for Roads and Highways, whichever is the greater.
  - 3. Rear Yard: Minimum of fifty (50) feet.
- E. Height Limitations: Maximum of thirty-five (35) feet, except that a detached accessory structure shall not exceed twenty (20) feet.
- F. Location and Site Development Requirements:

1. The site shall have at least one (1) property line abutting a major road or highway arterial upon which it fronts and from which it has its most direct vehicular access by means of a frontage access road(s), except as otherwise provided in Section 15.24.
2. All vehicular ingress and egress shall be from an acceleration and deceleration lane to a frontage access road located parallel and adjacent to the major road or highway arterial upon which it fronts and has its most direct vehicular access.
3. The outdoor storage of goods, materials, trash and garbage is not permitted, except as provided in Section 15.21.

## **Article XI - Industrial District**

### **Section 11.01 - Purpose**

It is the intent of this district to provide for the development of sites for industrial plants in which the manufacture of goods in the form of finished or semi-finished products or the assembly, compounding, or treatment of product parts or ingredients in order to create finished or semi-finished goods for sale to other industrial manufacturers, or to bulk or wholesale commercial purchasers. It is the further intent of this district to permit only those industrial manufacturing uses having use, performance or activity characteristics which emit a minimum amount of discernible noise, vibration, smoke, dust, dirt, glare, toxic materials, offensive odors, gases, electromagnetic radiation or any other physically adverse effect to the extent that they are abnormally discernible beyond the lot lines of the parcel or site upon which the industrial manufacturing activity is located. The lack of public water and sewer may limit the types of uses that will be able to conduct business in the Industrial District until such utilities are available in the future.

### **Section 11.02 - Permitted Principal Uses**

The following uses are permitted as long as they are conducted completely within a building, structure or an area enclosed and screened from external visibility beyond the lot lines of the parcel upon which the use is located, except as otherwise provided in this Ordinance:

- Dry bulk blending plants
- Electrical and electronic equipment manufacturers
- Fabricated metal products
- Food processing plants
- Grain elevators - storage, packaging and retail sales
- Grain processing facilities
- Jobbing and machine shops
- Metal plating and finishing
- Monument and cut stone manufacturers
- Plastic products forming and molding
- Poultry processors
- Printing and publishing
- Processing of machine parts
- Public utility facilities
- Research and development establishments
- Trade and industrial schools
- Contractors, excavators and similar trades equipment storage
- Manufacture, compounding, processing, packaging, treating and assembling from previously prepared materials in the production of:
  1. Food products including meat, dairy, fruit, vegetable, seafood, grain, bakery, confectionery, beverage, juice, cider and wine and kindred foods.
  2. Apparel and other finished products made from fabrics, leather goods, fur, canvas, and similar materials.
  3. Lumber and wood products including millwork, prefabricated structural wood products and containers.
  4. Furniture and fixtures.
  5. Paperboard containers, building paper, building board.
  6. Printing and publishing and bookbinding.
  7. Chemical products such as plastics, perfumes, synthetic fibers.
  8. Jewelry, silverware, toys, athletic, office and tobacco goods, musical instruments, signs and displays, lampshades and similar manufacturing.
- Manufacturing and assembling of wood products such as furniture and flooring. Vehicle body shops provided all vehicles and materials are kept within a building or in an area well screened from the view of nearby properties and roadways.

Bottle plants and dairies.  
Contractor yards.  
Crating and packing service.  
Lumber yards and other building supply establishments.  
Warehouse and storage including self-storage facilities.  
Wholesale establishments.  
Sign fabrication, painting and servicing shops  
Vending machine service and distribution  
Grain storage and milling, feed store, storage and sales of agricultural products and similar uses.

#### Section 11.03 - Permitted Principal Special Uses with Conditions

- A. Planned Industrial Parks in accordance with the provisions of Article XII, "Special Uses" for the collective grouping of two (2) or more of the principal uses permitted in this district.
- B. Private roads subject to the provisions of Article 26.
- C. Recycling stations.
- D. Scrap tire collection.
- E. Salvage yards.
- F. Textile mill products including woven fabric, knit goods, dyeing, and finishing, floor covering, yarn, and thread and other textile goods.

#### Section 11.04 - Permitted Accessory Uses

The following uses are permitted when they are an integral part of the building or structure or are included as a part of the site development upon which the principal use is located:

Banking  
Caretakers quarters  
Customary home occupations in existing single family homes, as conditioned by Section 15.19  
Education, library and training facilities  
Medical and health care facilities  
Normal accessory uses to all Permitted Principal Uses  
Office facilities  
Recreation and physical fitness facilities  
Research and experimentation facilities  
Restaurants  
Sales display facilities and areas  
Truck and equipment service, maintenance, repair and storage facilities  
Warehouse and storage facilities  
Work clothing sales and service facilities

#### Section 11.05 - Requirements for All District Uses

- A. Access Roads: All uses shall only have vehicular access via a hard surface paved road, including the road system which connects it to the state and federal designated highway routes by means of a frontage access road(s), except as otherwise provided in Section 15.24.
- B. Barriers: All development for the permitted uses shall be physically separated from access roads by a curb and a planting strip or other suitable barrier. Such barrier shall effectively prevent unchanneled vehicle ingress or egress, except by approved access ways or driveways.

- C. Screening: When adjacent to or across the road from existing residential developments or zoning districts an industrial use of a lot or parcel shall provide a landscaped greenbelt or wall screen in accordance with Section 15.28.
- D. Sewage Disposal: Permitted industrial uses shall be served by a public sewer service or an approved packaged sanitary treatment facility, approved by the County Health Department. All packaged treatment plant facilities shall provide a minimum of secondary level treatment and shall meet all other applicable federal, state and local standards and regulations. The effluent from same shall be disposed of in a manner and method which conforms to or exceeds the minimum standards of the State of Michigan Water Resources Commission and the County Health Department. The collection system used in conjunction with a packaged treatment facility shall be located and designed to readily connect into a future public sewer service system without the need for reconstruction of any main or lateral sewer links.
- E. Toxic Waste Disposal: All toxic wastes shall be disposed of in accordance with all state or federal laws, rules and regulations governing the disposal of specific toxic substances.
- F. Outdoor storage of materials: Materials and equipment stored outside shall be screened from the view of adjoining properties and roadways as approved by the Planning Commission.
- G. Nuisances: Uses permitted in this zone shall not produce noise, smoke, dust, vibration, or similar nuisance which significantly affects adjoining properties in an adverse manner.
- H. Loading Areas: Location shall be so that trucks and other vehicles do not need to maneuver off site to access the loading area.

#### Section 11.06 - Dimensional Requirements, Except as Otherwise Specified

- A. Lot Area: Minimum of two and one-half (2 1/2) acres per principal use, except where a lot or parcel is served by a public or common water supply system and a public waste-water sewerage and treatment system, in which use the lot or parcel may have a minimum area of 40,000 square feet per principal use.
- B. Lot Width: Minimum of 200 feet at building setback line when on-site well water supply and septic tank waste-water disposal systems are used or a minimum of 120 feet at building setback line when public or common water supply and waste-water sewerage and treatment systems are directly accessible to the lot or parcel.
- C. Lot Coverage: Maximum of 50%.
- D. Yard and Setback Requirements:
  - 1. Front Yard: Minimum of fifty (50) feet from all road or highway right-of-way lines, or as specified in the Master Plan for Roads and Highways, whichever is the greater.
  - 2. Side Yards: Minimum of twenty (20) feet for one (1) side yard, but a minimum total of fifty (50) feet for both side yards, a minimum of fifty (50) feet if the side yard abuts a road or highway right of way or as specified in the Master Plan for Roads and Highways, whichever is the greater.
  - 3. Rear Yard: Minimum of fifty (50) feet.
- E. Height Limitations: Maximum of forty (40) feet, except that a detached accessory structure shall not exceed twenty (20) feet, except as otherwise provided in this Ordinance.
- F. Location and Site Development Requirements:
  - 1. The site shall have at least one (1) property line abutting the hard surfaced paved major road or highway arterial upon which it fronts and from which it has the most direct vehicular access.

2. All vehicular ingress and egress shall be from an acceleration and deceleration lane connected to a frontage access road located parallel and adjacent to the major road or highway arterial upon which the site fronts and from which the site has its most direct vehicular access.
3. The storage of goods, materials, trash or garbage is not permitted outside of the principal or accessory buildings or structures. Dumpsters for trash or garbage shall be within a three sided solid enclosure at least six feet in height.

## **Article XII - Special Uses**

### **Section 12.01 - Purpose**

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

### **Section 12.02 - Authority to Grant Permits**

The Township Board shall have the authority to grant Special Use Permits, subject to the review and recommendation of the Planning Commission, and subject to such conditions of design and operations, safeguards and time limitations as it may determine for all special uses conditionally allowed in the various district provisions of this Ordinance and in accordance with Section 3.15 with the exception of private roads which are granted by the Planning Commission.

### **Section 12.03 - Application and Review Procedures**

- A. An application for permission to establish a Special Land Use shall be submitted in accordance with the following procedures.
1. Applications for a Special Land Use shall be submitted at least (14) days prior to the next Planning Commission meeting through the Zoning Administrator who will review the application for completeness, then transmit it to the Planning Commission.
  2. A valid application for a Special Land use approval shall consist of the following:
    - a. A copy of the Site Plan meeting the requirements of Article XIX.
    - b. A completed application form, as provided by the Township.
    - c. Payment of a fee, in accordance with a fee schedule, as determined by the Township Board from time to time.
    - d. Legal description, including a permanent parcel number, of the entire property, which is subject to the Special Land Use.
    - e. A statement with regard to compliance with the criteria required for approval in section 12.05 and other criteria imposed by this ordinance affecting the Special Land Use under consideration.
    - f. No fee shall be required of any governmental body or agency. No part of any fee shall be returnable to an applicant.
    - g. Other materials as required by the Planning Commission.

### **Section 12.04 - Public Hearing**

Upon receipt of a valid application for a Special Land Use, the Planning Commission shall hold a public hearing for the purpose of receiving comments relative to the Special Land Use application.

- A. The Township Planning Commission shall hold a public hearing, or hearings, upon any application for a Special Use Permit, notice of which shall be given by one (1) publication in a newspaper of general circulation in the Township, to be printed not less than 15 days before the date of such hearing. Sections 12.12 A and B are excepted from this public hearing requirement. Notice shall be mailed or delivered to such owner and occupant of all property and buildings located within three hundred (300) feet of the boundary upon which the Special Use is to be located, regardless of whether the property or occupant is located in the zoning jurisdiction. If the name of the occupant is not known, the term "occupant" may be used in making notification under this subsection. The notice shall do all of the following:
  - 1. Describe the nature of the request.
  - 2. Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used.
  - 3. State when and where the request will be considered.
  - 4. Indicate when and where written comments will be received concerning the request.
- B. The Planning Commission and Township Board shall review the application for a Special Land Use and make a determination on the application in accordance with:
  - 1. The site plan and other materials submitted to relation to the Special Land Use application.
  - 2. The standard for approval stated in Section 12.05.
  - 3. Other standards contained in this Ordinance, which relate to the Special Land Use under consideration.
- C. The Planning Commission shall recommend the Special Land Use application to the Township Board with its approval, approval with conditions, or a denial and shall state in its minutes the findings and conclusions relative to the special land use and provide the applicant with a copy.
- D. If denied, the Township Board, in its minutes, shall state the reasons for such denial and provide the applicant with a copy.

Section 12.05 - Basis of Determination

- A. Prior to approval of a Special Land Use application, the Planning Commission and Township Board shall insure that the standards specified in this Section, as well as applicable standards established elsewhere in this Ordinance, shall be satisfied by the completion and operation of the Special Land Use under consideration.
  - 1. The Planning Commission and Township Board shall review the particular circumstances of the application under consideration in terms of the following standards, and shall approve a Special Land Use only upon finding of compliance with each of the following standards, as well as applicable standards established elsewhere in the Ordinance.
    - a. The Special Land Use shall be designed, constructed, operated and maintained in a manner harmonious with the character of adjacent property and the surrounding area.
    - b. The Special Land Use shall not change the essential character of the surrounding area.



- c. The Special Land Use shall not be hazardous to adjacent property, or involve uses, activities, material or equipment which will be detrimental to the health, safety or welfare of persons or property through the creation of hazardous or potentially hazardous situations or the excessive productions of traffic, noise, smoke, fumes or glare.
- d. The Special Land Use shall not place demands on public services and facilities in excess of current capacity.
- e. The Special Land Use shall be consistent with the Townships Master Plan.

Section 12.06 - Approval Term and Expiration

- A. A Special Land Use approval shall be valid for one (1) year from the date of approval unless revoked as provided in Section 12.07, or the Special Land Use has been initiated, or construction necessary for such use has been initiated and is proceeding meaningfully toward completion in which case the approval shall remain valid indefinitely, unless the use is abandoned or discontinued for twelve (12) consecutive months, which case the approval, shall be deemed expired as of the end of such period of twelve (12) consecutive months and thereupon shall no longer be valid.
- B. If by the end of this one (1) year period, the Special Land Use has not been initiated or construction necessary for such use has not been initiated or, if construction has been initiated but is not proceeding meaningfully toward completion then the Special Land Use shall be deemed expired and no longer valid.
- C. A Special Land Use approval, including conditions imposed, is attached to and shall run with the land for which the approval is granted, and shall be binding upon subsequent owners and all occupants of the subject land.
- D. Reapplication for approval of an expired Special Land Use approval shall be considered in the same manner as the original application.
- E. If a site plan is disapproved by the Township Board, the applicant is required to wait one (1) year before resubmittal of the same or similar site plan for review and approval consideration by the Planning Commission on the same or approximately the same parcel of land. The applicant has the right to request the review of a disapproved site plan on matters of interpretation of the provisions of this Zoning Ordinance, but not of land, building or structural use.

Section 12.07 - Revocation of Special Land Use Approval

- A. If the applicant fails to comply with any of the applicable requirements in Article XIX, any conditions placed on the approval by the Township Board, or any other applicable provisions of this Ordinance, the Township Board shall so notify the applicant of the applicable infractions. If these infractions are not corrected within the stated time, the Township Board may revoke the Special Land Use approval and all rights associated with said use shall cease.
- B. Prior to revoking a Special Land Use approval, the Planning Commission shall conduct a public hearing and give notice of such hearing in accordance with Section 12.04.

- C. Following the public hearing, the Planning Commission shall make a recommendation to the Township Board regarding the Special Land Use. Such recommendation may be that the Special Land Use be modified, shall be revoked or that it shall remain in effect with all the original conditions and requirements. If such recommendation is that the Special Land Use be modified, the Planning Commission shall include in its recommendation the condition, requirements, or other matters as to which modification is recommended. The Township Board shall thereafter determine whether the Special Land Use shall be modified, revoked or remain in effect without change. If the conditions and requirements of the Special Land Use are not modified, and if the applicant is not in compliance then the applicant shall be given a reasonable period of time, as determined by the Township Board, in which to correct any violations so as to cause the Special Land Use to be fully in compliance with all of the established conditions and requirements.
- D. Notwithstanding the provisions of the Section, the Township Board may enforce the correction of any violation of this Ordinance through the provisions of Article XX.

Section 12.08 - Existing Special Exceptions

Use of land and/or development projects granted special exception status by the Township prior to the adoption of this Zoning Ordinance may continue this status, provided the rules, regulation, requirements, and conditions of the special exception are met, except and existing special exception use shall not be expanded, enlarged or altered unless the entire use is approved as a Special Land Use pursuant to this article.

Section 12.09 - Specific Special Land Use Standards

The following Special Land Uses shall be subject to the requirements of the District in which it is located, in addition to all the applicable conditions, standards, and regulations as are cited in this Ordinance. There are other Special Land Uses in each district. The following uses have such conditions, standards, or regulations.

- A. Junk yards/salvage yards/inoperative vehicles.
- B. (removed)
- C. Temporary Mobile Homes Located Outside of a Mobile Home Park, including Trailers, Motor Homes and Recreation Vehicles.
- D. Valid Nonconforming Use of Mobile Homes, Travel Trailers, Motor Homes or Recreation Vehicles.
- E. Temporary Transient Amusement Enterprises.
- F. Vehicle Service Stations, excluding Body Shops.
- G. Sanitary Landfills.
- H. Removal and processing of topsoil, stone, rock, sand, gravel, lime or other soil or mineral resources.
- I. Country Club, Golf Courses, Driving Ranges, Miniature Golf Courses, Riding Stables and Publicly-Owned Athletic Grounds and Parks, Historical Places, Beaches, Public Swimming Pools, Resorts, Nonprofit Recreational Human Services Camps, including related uses, such as Snack Bars, Small Retail Shops selling goods directly related to the primary use, and other similar uses integral to the main use
- J. Commercial Greenhouses and Nurseries, when operated primarily as a retail sales.
- K. Public or Private Campgrounds.
- L. State Licensed Residential Group Care Facilities, Commercial Day Care Homes and Facilities.
- M. Vehicle Body Shops.

- N. Electronic Receiving, Transmitting and Relay Towers and Facilities.
- O. Any other Special Land Uses as described in each district.
- P. Home-Based Business as a secondary use on parcels of at least two and one-half acres (2 ½).

Section 12.10 - Junk Yards/Salvage Yards and Inoperative Vehicles

- A. Requests for a Special Use approval for establishment of a salvage or junk yard shall also require submission of a detailed proposal identifying the predominant type of salvage or junk to be received, the methods of separation and/or recycling and ultimate destination of waste materials. The applicant shall be required to submit written materials outlining measures taken to comply with all necessary state, county and local laws.
- B. The site shall be provided with suitable access to a collector or arterial road to ensure safe, direct transport of salvage to and from the site.
- C. No portion of the storage area shall be located within two hundred (200) feet of any Residential District or use property line.
- D. Any outdoor storage area shall be completely enclosed by a fence or a wall at least six (6) feet in height constructed of a sturdy, durable material and sufficiently opaque to ensure that salvage is not visible from outside the storage area. The fence or wall shall have a minimum of two (2) non-transparent gates not exceeding forty-eight (48) feet in width providing access to the storage area for vehicles but shall not allow direct view of the storage area from adjacent properties or streets. Said fence or wall shall be continuously maintained in good condition and shall contain only approved signs.
- E. The storage area must be hard surface with a minimum of two (2) inches of asphalt or four (4) inches of concrete.
- F. Stored materials shall not be stacked higher than ten (10) feet and shall be stored in a manner so as not to be visible from adjoining properties or rights-of-way. In no case shall salvage or junk be stored at a height exceeding the height of the storage area fence or wall.
- G. The fence or wall enclosing the storage area shall meet the applicable building setback requirements.
- H. A management office shall be provided on site. A residence may be permitted for security personnel or on-site operator.
- I. Conditions within the storage area shall be controlled to minimize the hazards of fire and other threats to health and safety.
- J. All portions of the storage area shall be accessible to emergency vehicles.
- K. Vehicles or vehicle bodies shall be stored in rows with a minimum of twenty (20) feet continuous loop drives separating each row of vehicles.
- L. All batteries shall be removed from any vehicle and all radiators and fuel tanks shall be drained prior to the vehicle being placed in the storage yard. Salvaged batteries, oil and other such substances shall be removed by a licensed disposal company or be stored in a manner which prevents leakage of battery fluid. No fluids removed from vehicles shall be applied as a dust control method.
- M. Vehicle parts shall not be stored, loaded, unloaded, or dismantled outside the fence enclosing the salvage yard.
- N. All fences shall be setback a minimum of fifty (50) feet from any Residential District or use property line
- O. The property shall include at least four (4) acres.

- P. In order to protect surrounding areas, the crushing of vehicles or any part thereof shall be limited to Monday through Friday from 7:30 AM to 5:30 PM.
- Q. The Township Board may impose other conditions, such as greenbelts, landscaping, and other items, which have a reasonable relationship to the health, safety and general welfare of the Township. These conditions can include a provision for an annual inspection by the Zoning Administrator to ensure continuing compliance with the above standards.
- R. Junk yards/Salvage yards/ inoperative vehicles shall be permitted in Industrial Districts Only.

Section 12.11 - (removed)

Section 12.12 - Temporary Mobile Homes Located Outside of a Mobile Home Park, Including Trailers, Motor Homes and Recreation Vehicles

- A. From and after the effective date of this Ordinance, it shall be unlawful for any person to move a mobile home, travel trailer, motor home or recreation vehicle on to any lot, parcel or tract of land in the Township for any purpose, except as provided and permitted hereinafter in this section, or as specifically permitted elsewhere in this Ordinance.
- B. Mobile homes, travel trailers, motor homes, and recreation vehicles shall be permitted when located on a farm having forty (40) acres or more for the occupancy of farm workers. The farm owner or lessee shall first make written application to the Planning Commission, who shall issue the permit for one (1) or more mobile home, travel trailer, motor home or recreation vehicle units if they meet the following conditions:
  - 1. The location of each unit is not to be less than one hundred (100) feet from any public highway and/or boundary of adjoining property.
  - 2. An adequate pure water supply and sanitary facility is conveniently located nearby and available to meet all public health and safety requirements of the occupants of each mobile home, travel trailer, motor home or recreation vehicle.
- C. Mobile homes, travel trailers, motor homes or recreation vehicles shall be permitted for construction contractor purposes when located on a construction site approved by the Planning Commission. The applicant must furnish all pertinent data, including description of land to be used, number of mobile home, travel trailer, motor homes or recreation vehicles units involved, and the expected length of construction time. The Zoning Administrator must verify that (a) the location of units will be not less than 100 feet from any public highway and/or boundary of adjoining property, and (b) adequate fresh water supply and sanitary facilities are available on site. A "Temporary Permit" shall be issued covering the period of the specific construction job, not to exceed one (1) year; subject to an extension approved by the Planning Commission for good cause which shall not exceed one (1) year.
- D. For parking or storage of mobile homes in RD, AG, AR, NR, RR, LDR, CC and I zoning districts refer to Section 15.25.
- E. For Temporary occupancy of visitor-owned mobile homes and recreation vehicles refer to Section 15.29.
- F. Use of mobile homes as accessory use for reasons of health and infirmity as provided in Section 15.36.

Section 12.13 - Valid nonconforming use of Mobile Homes, Travel Trailers, Motor Homes or Recreation Vehicles

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

#### Section 12.14 - Temporary Transient Amusement Enterprises

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

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

#### Section 12.15 - Vehicle Service Stations, excluding Body Shops

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

- A. Frontage and Area: Every gasoline service stations shall have a minimum frontage of two hundred fifty (250) feet and a minimum of a two and one half (2 1/2) acre lot.
- B. Setbacks: Every structure, including gasoline pumps and other equipment, erected or installed for use as a gasoline service station shall have a minimum setback from the road right-of-way as required by the regulations in the zone in which they are to be located, and a minimum setback from all property lines of fifty (50) feet.
- C. Construction Standards: All vehicle service areas shall be constructed to conform to the following standards:
  - 1. Suitable separation shall be made between the pedestrian sidewalk and vehicular parking or moving area with the use of appropriate bumper, wheel guards or traffic islands.
  - 2. The entire area used for vehicle service shall be paved with a hard surface, except for such unpaved area, as is landscaped and protected from vehicle use by a low barrier.
  - 3. Hydraulic hoist, lubricating, greasing, washing, and repair equipment shall be entirely within a building. Tire and battery service and minor automobile repair, excluding automobile body repair and painting, are permitted if conducted entirely within a building.
  - 4. Storage of vehicle components and parts, trash, supplies or equipment outside of a building is prohibited.
  - 5. Canopy roofs shall be considered part of the building and subject to all setback requirements.
  - 6. The maximum widths of all driveways at the public sidewalk crossing or road like shall be no more than twenty five (25) feet.
  - 7. Minimum angle or driveway intersection with the roadway from the curb line to lot line shall be no less than sixty (60) degrees.

8. The minimum distance of any driveway from any property line shall be at least twenty five (25) feet.
9. The minimum distance between roadway curb cuts shall be no less than forty (40) feet.
10. All lighting shall be installed in a manner so that no illumination source is visible beyond all property lines.
11. If retail sales of convenience goods are conducted on the premises, parking for such uses shall be computed and provided separately for the use.
12. Gasoline service stations are only permitted in CC Districts.

Section 12.16 - Sanitary Landfills

A. Sanitary Landfills shall:

1. Only be located in the Industrial District,
2. Only if planned to be located in Ionia County, including Keene Township, in accordance with the County Plan prepared in conformance with Public Act 641 of 1978 "The Solid Waste Management Act" or under the jurisdiction of the Michigan Department of Natural Resources in conformance with Public Act 641 of 1979 "The Hazardous Waste Act"
3. With direct access only permitted from an impervious hard surface paved all-weather year round road or highway.

B. Sanitary Landfills shall be permitted in the Industrial District only.

Section 12.17 - Removal and processing of topsoil, stone, rock, sand, gravel, lime or other soil or mineral resources

A. Permitted Uses: The following special uses will be permitted only in the RD, AG, AR, LDR and RR districts and when applicable, in conformance with P. A. 303 of 1982, "Michigan Surface and Underground Mine Reclamation Act":

1. The excavation or mining of sand and gravel. The incidental excavation of sand and gravel for on- site use only are excluded from the regulations of this Ordinance except for the setback and yard requirements specified in the RD, AG, AR, LDR and RR Districts.
2. The processing, storage, loading, and transportation of sand and gravel, incidental to its marketing.
3. The mining of clay.
4. The extraction of peat or marl.
5. The quarrying of stone.
6. The mining of coal.

B. Permitted Accessory Uses: Any use customarily incidental to the permitted Principal Special Use.

C. Extractive Mining Area, Bulk and Equipment Location Requirements:

1. Limits of Excavation: Sufficient setback shall be provided from all property lines and public highways, to assure adequate, lateral support. Minimum allowable setback shall be fifty (50) feet from any property line and seventy-five (75) feet from any public highway or road.

2. Placement of Processing Plants: The permanent processing plant and its accessory structures shall not be closer than two hundred and fifty (250) feet from any property line or public highway or road and should not occur on site unless expressly approved by the Township Board.
  3. Elevation of Plant Site: Wherever practicable, the permanent processing plant shall be located within the excavation area, at a point lower than the general level of the surrounding terrain, in order to reduce the visual impact of the plant structure.
  4. Management of Storage Piles and Overburden: Storage piles of processed material and overburden stripped from mining areas shall not be located closer than fifty (50) feet from any property line, or one hundred (100) feet from any public highway or road.
  5. Minimum site area for natural resource extraction sites under this Ordinance shall be twenty (20) acres.
- D. General Requirements: Natural resource extraction operations shall be carried out under the conditions of a Mining Permit, issued and maintained under the following requirements:
1. Before commencement of mining operations, the operation company shall file an operational plan and a reclamation plan with the Township Planning Commission, which plan and any necessary subsequent revision shall be approved by the Commission, setting forth the area or areas to be mined, the location of permanent structures, the points of access upon public highways, and the highway routes to be followed in the transportation of finished materials. This plan, and any approved necessary subsequent revisions, shall be filed with the Zoning Administrator by the Planning Commission.
  2. The operational plan and reclamation plan, which shall be submitted to and approved by the Planning Commission, shall include a determination of the net operational areas, i.e., the area stripped of overburden, the area being mined, the area used for structures and storage piles and worked out areas, which have not been reclaimed. An approved reclamation plan is a condition of overall approval. Performance bonds, hereinafter considered in relation to the reclamation of the area, shall be calculated on the basis of the not excavation and operational area as measured in acres.
  3. Upon commencement of mining operations, perimeter controls shall be established for the mining area:
    - a. The mining area shall be enclosed within a five (5) foot high continuous wall or fence or by a screen planting or hedge fence of similar capability.
    - b. The property shall be posted against trespass, with conventional signs placed not more than 100 feet apart.
  4. Sight barriers shall be provided along all boundaries adjacent to roads, which lack natural vegetative or terrain conditions, which provide effective screening of mining operations. Sight barriers shall consist of one (1) or more of the following:
    - a. Earth berms, which shall be constructed to the height of five (5) feet above the mean elevation of the center line of the public highway adjacent to the mining property, or five (5) feet above the general level of terrain along property lines. These berms shall have slopes not in excess of one (1) foot vertical to four (4) feet horizontal, and shall be planted with grass, trees and shrubs.

- b. Screen plantings of coniferous or other suitable species at least five (5) feet in height when planted and no further than 12 (twelve) feet apart, in rows parallel to the boundary of the property, with the spacing of rows and the spacing of trees within rows which shall be sufficient to provide effective screening. All trees shall be maintained and replaced within 3 month of dying or being destroyed.
  - c. Masonry walls or solid fences which shall be constructed to a height of five (5) feet.
5. Noise and vibration shall be minimized in their effect on adjacent properties by the proper use of berms, walls, and screen plantings. In addition, all equipment used for the production of sand and gravel shall be constructed, maintained, and operated in such a manner as to eliminate, as far as is practicable, noises and vibrations which are injurious or substantially annoying to persons living in the vicinity.
6. Air pollution in the form of dust and dirt shall be kept at a minimum. All equipment used for production of sand and gravel shall be operated in such a manner as to minimize, insofar as is practicable, dust conditions, which are injurious, or substantially annoying to persons living in the vicinity. Interior roads serving the mining operation shall be paved, treated, or watered, insofar as is practicable, and to minimize dust conditions.
7. No mining of sand or gravel shall take place within the specified distance from the margin of any stream or waterway as established by the Michigan Water Resources Commission, Department of Natural Resources. The distance from county drains shall be fifty (50) feet, or as amended by the County Drain Commission. The distance from any stream, river, pond or lake shall be three hundred (300) feet or as amended by the DNR.

E. Reclamation of Mined Areas

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



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

F. Administration of Mining Operations

1. The following procedures shall be followed before establishing a mining operation:
  - a. The operating company shall file an operational plan, in accordance with the requirements of Section 12.17.E of this Ordinance. This plan may be in the form of a written statement and maps, and shall carry evidence of review and approval, if required, by any county or State agency of competent jurisdiction, in addition to the required approval of the Township Planning Commission. On the basis of this plan, the operating company shall file a statement of net area to be excavated as measured in acres.
  - b. The operating company shall file a reclamation and rehabilitation plan, subject to the requirements of Section 12.17.F.2. and shall provide a financial guarantee in accordance with the requirements of Section 12.17.H. 4. of this Ordinance.
  - c. The Township Planning Commission shall review the Operations and Reclamation plans and make its recommendation to the Township Board.

- d. The Township Board shall review the recommendation and accept or reject the plan. Upon acceptance of the plan, the Township board will receive the financial guarantee of reclamation in accordance with Section 12.17.E.4. of this Ordinance.
- 2. Before commencement of mining operations, a Mining Permit shall be issued by the Zoning Administrator upon payment of an annual fee in accordance with the established Township "Fee Schedule". This fee shall defray any administrative expense rising out of the mining operation.
- 3. Inspections and Conformance
  - a. Inspections shall be made of the mining site, not less often than twice in each calendar year by the Zoning Administrator in order to insure conformance with the requirements of the approved Special Use Permits.
  - b. Any violations shall be reported in writing to the Township Board. The report shall be forwarded with a request for compliance, to the operating company by the Zoning Administrator.
  - c. Failure on the part of the operating company to correct a reported violation within thirty (30) days after such request is made by the Zoning Administrator shall be reason for revocation of the permit. Additional time for corrections of the cited violation may be allowed upon submission to the Zoning Administrator of proof of good and sufficient cause by the operating company, otherwise the operating company shall be declared to be in violation of the Ordinance and subject to the penalties of both the Ordinance and subject for the natural resource extraction operation.

G. Special Requirements

- 1. Waiver of excavation limits.  
The Township Zoning Board of Appeals may approve a reduction of the setback limits required for the excavation in Section 12.17, C.1, under the following conditions.
  - a. The operating company shall have provided the Zoning Board of Appeals with acceptable proofs that lateral support shall not be endangered.
  - b. Adjacent property owner or owners shall have given written consent to the waiver of limits for excavation.
  - c. All other requirements of this Ordinance have been met and maintained at the time of applying for and receiving approval of any waiver.

Section 12.18 - Country clubs, golf courses, driving ranges, miniature golf courses, riding stables, and publicly-owned athletic grounds and parks, historical places, beaches, public swimming pools, resorts, nonprofit recreational human services camps, including related uses, such as snack bars, small retail shops selling goods directly related to the primary use, and other similar uses integral to the main use

- A. The use shall be located on property with direct access to a public street.
- B. Any outdoor activity areas shall be set back a minimum of fifty (50) feet from any Residential District or use.
- C. Lighting for parking areas or outdoor activity areas shall be shielded to prevent light from spilling onto any lot lines.

- D. Access driveways shall be located no less than fifty (50) feet from the nearest part of the intersection of any street or any other driveway.
- E. Buildings housing animals, storage equipment, or other similar buildings shall be located at least fifty (50) feet from any lot line.
- F. Public and private areas for driving ranges, parks, resorts, recreation parks, court game clubs, and riding stables are required to be on at least twenty (20) contiguous acres of land, except that golf courses shall be located on at least forty (40) acres of contiguous land, in accordance with Article XII.
- G. These uses shall be permitted in Agricultural Residential Districts, Resource Development District, Rural Residential Districts and Low Density Residential.

Section 12.19 - Commercial greenhouses and nurseries, when operated primarily as a retail sales

- A. The lot area used for parking, display, or storage shall be provided with a permanent, durable and dustless surface, and shall be graded and drained so as to dispose of all surface water.
- B. Access driveways shall be located no less than fifty (50) feet from the nearest part of the intersection of any street or driveway.
- C. Lighting for parking and outdoor storage areas shall be shielded to prevent light from spilling onto any lot or property line.
- D. Any display materials or equipment stored or displayed outside of an enclosed building shall not extend into any required yard or occupy any required parking or maneuvering areas for vehicles.
- E. Commercial greenhouses and nurseries shall be permitted in Agricultural and Agricultural Residential Districts only.

Section 12.20 - Public and private campgrounds

- A. Access driveways shall be located no less than Fifty (50) feet from the nearest part of the intersection of any street or any other driveway.
- B. The applicant shall secure all necessary permits for the Township, County and State Authorities.
- C. Minimum acreage required shall be twenty (20) contiguous acres.
- D. Retail commercial uses may be permitted within the campground, provided that the following requirements are met.
  - 1. All commercial uses allowed shall occupy no more than five (5%) of the lot for building and parking areas.
  - 2. No merchandise for display, sale or lease shall be located in any manner outside the main building.
  - 3. Lighting for parking areas or outdoor activity areas shall be shielded to prevent light from spilling onto any property line or use.
- E. Public and private campgrounds shall be permitted in Natural River District and Resource Development District only.

Section 12.21 - State licensed residential group care facilities, commercial day care homes and facilities

- A. A drop off/pick up site area shall be provided for motorists to be off the public street, which permits vehicles to exit the property without backing into the street.
- B. One (1) parking space for each two (2) beds, plus one (1) space for each employee, which shall included nurses, working during maximum employment hours.

- C. Fencing no less than four (4) feet nor more than six (6) feet in height shall be provided around all outdoor areas accessible to children.
- D. There shall be a contiguous open space of a minimum of one thousand two hundred (1,200) square feet provided on the subject parcel. Said open space shall not be located within a required front yard setback area. This requirement may be waived by the Township Board if public open space is available within five hundred (500) feet of the subject parcel, measured from the nearest lot line of the public open space.
- E. The applicant shall secure all necessary permits from the Township Board, County and State authorities.
- F. Group and commercial day care homes and facilities shall be permitted in Agricultural Districts, Agricultural Residential Districts, Rural Residential Districts and Low Density Residential Districts only.
- G. Additional requirements may be applicable in MCL 125.3206 of the Michigan Zoning Enabling Act.

Section 12.22 - Vehicle Body Shops

- A. The principal and accessory building and structures shall not be located within one hundred (100) feet of any Residential District or use property line.
- B. Minimum lot acre shall be two and one half (2 1/2) acres and minimum lot width shall be two hundred (200) feet.
- C. All equipment and activities associated with vehicle repair operations, except those in incidental use, such as air hoses shall be kept within an enclosed building.
- D. Inoperative vehicles left on the site shall, within forty-eight (48) hours, be stored within an enclosed building or in an area screened by an opaque fence not less than six (6) feet in height. Such fence shall be continuously maintained in good condition.
- E. Storage of vehicle components and parts, trash, supplies, or equipment outside of a building is prohibited.
- F. Access driveways shall be located no less than fifty (50) feet from the nearest part of the intersection of any street or driveway.
- G. Where adjoining residentially zoned or used property, a solid wall or fence, six (6) feet in height shall be erected along any common lot line. Such fence or wall shall be continuously maintained in good condition.
- H. Vehicle Body Shops are permitted in the Industrial District only.

Section 12.23 - Electronic receiving, transmitting and relay towers and facilities

- A. Electronic receiving, transmitting and relay towers and facilities shall be located on an area of land which has its minimum area determined by having the minimum distance in all directions from the perimeter of the base of the tower to the nearest property line and adjacent rights of way at least equal to one and one-quarter (1.25) times the height of the tower with the exception of a tower attached to another structure capable of supporting it. The tower shall be enclosed by an open air fence of at least six (6) feet in height, unless waived by the Planning Commission. An anti-climbing device may be approved as an alternative to the fence requirement. The minimum lot size shall be two and one half (2.5) acres.
- B. The lot shall be so located that at least one (1) property line abuts a public or private road and the ingress and egress shall be directly upon said road.
- C. Electronic receiving, transmitting and relay towers and facilities are permitted in all districts.

- D. The tower shall comply with all applicable state construction and electrical codes and local building permit requirements as well as the manufacturer's installation requirements, provided they do not conflict with the state and local requirements.
- E. Co-location of additional antenna and service on an existing tower may be approved by the Zoning Administrator.

Section 12.24 - Private roads subject to the provisions of Article 26

Section 12.25 – Home-Based Businesses

- A. The home-based business area includes the lot area containing the dwelling unit and adjacent and contiguous property to such lot area owned by the applicant. Property may be contiguous even though separated by a road.
- B. No persons other than the property's residents and up to three (3) non-resident employees may work on the home-based business area as part of the operation of the home-based business. This does not preclude the use of additional employees who may be employed by the home-based business who work in other locations off the home-based business area.
- C. The use of the dwelling unit, for purposes related to the home-based business, shall be clearly incidental and subordinate to its use for residential purposes by its occupants. The home-based business shall be operated in its entirety on the home-based business area. The area of the dwelling unit dedicated to the operation of the home-based business, shall not exceed a floor area more than thirty (30) percent of the total gross living area of the dwelling unit. Accessory buildings meeting the requirements of the district in which it is located may be used in conjunction with the operation of a home-based business.
- D. No changes shall be made to the outside appearance of the dwelling unit, accessory building, or home-based business area except for normal maintenance, and there shall be no other visible evidence of the conduct of such home-based business on the home-based business area other than permitted by this section. One non-illuminated sign shall be permitted. This sign shall not exceed nine (9) square feet in size, four (4) feet in height, and must be located outside of any road right-of-way.
- E. A home-based business shall not have a negative impact on street and roads, reduction in property values, change in the character of the area, blight, excessive noise, odors, or electrical interference. In case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any electronic device off the home-based business area, or causes fluctuation in line voltage off the premises.
- F. Parking or storage of vehicles or other equipment related to the home-based business shall be located off the street and not permitted in any required yard setback as specified in the zoning district. The permitted parking area, storage area, and accessory buildings shall not exceed six thousand five hundred (6,500) square feet. Parking areas for more than 6 vehicles and outdoor storage areas shall be screened from adjoining lots and adjacent streets by landscaping consisting of a solid natural barrier or fence.
- G. No merchandise or articles for sale shall be displayed for advertising purposes so as to be viewable from outside the dwelling, and no sign or device relative to the sale of such merchandise shall be displayed on the home-based business area in such a manner as to be visible outside the dwelling.
- H. Before conducting a home-based business, the business owner shall apply for a special use permit on a form provided by the Township and shall pay the required application fee pursuant to Article XII. Those businesses or activities which were in existence prior to the effective date of this Ordinance and which constitute a home-based business as defined by this section, and which were not legal uses in their respective zoning districts before this Ordinance became effective, shall apply for a Special Use Permit pursuant to Article XII within one year from the effective date (9-25-03) of this Ordinance.

## Section 12.26 - Land Application of Septage Waste

Land application of Septage Waste is not permitted if an existing public wastewater treatment or septage treatment facility in Ionia, Montcalm, or Kent County has the capacity to accept said Waste, is located within fifteen miles of Keene Township, provided that the rate charged for disposal of that waste is reasonable and is no greater than the average rate charged for such disposal at other public facilities in this State. To the extent that there is no capacity to dispose of Septage Waste in an appropriate facility, the disposal of Septage Waste by injection is allowed in the Agricultural District subject to obtaining a Special Use Permit as provided in this Section. The land application of Septage Waste is not a permitted use in any other zoning district within the Township.

### A. General Provisions

Disposal of Septage Waste shall not be permitted in Keene Township unless it is done in a manner consistent with the requirements of this Ordinance and pursuant to a Special Use Permit issued under this Article of the Ordinance. The disposal of Septage Waste in Keene Township shall comply with the following:

1. State and federal agency requirements for the storage, treatment, record keeping, transport and disposal of Septage Waste shall be met, which shall include but not be limited to the standards and regulations established by the Environmental Protection Agency and the Michigan Department of Environmental Quality. No application of Septage Waste that may adversely impact groundwater or surface water, including direct and indirect discharges, shall be allowed except in full compliance with the applicable federal, state, or local codes and ordinances.
2. It shall not be permitted to locate, site, construct, operate, or maintain a Septage Waste disposal site, storage facility, or treatment facility, except in those land use districts in which such use is expressly allowed by a Special Use Permit issued in accordance with the provisions of this Article.
3. To protect the welfare and safety of the Township residents, storage, treatment or disposal of human waste in a manner that is not specifically regulated and monitored by the Federal Environmental Protection Agency and/or Michigan Department of Environmental Quality is not an allowable use in any zoning district.

### B. Requirements for Special Use Permit Applications.

An application for a Special Use Permit for the disposal of Septage Waste shall contain the following information and fees:

1. An application fee in accordance with the current Fee Schedule;
2. Applicant's name, address, telephone number, and the name, address, and telephone number of the person or persons who will be responsible for managing the collection, treatment and application of Septage Waste on site;
3. Documentation establishing ownership of the site by the Applicant or documentation that the Applicant has permission from the owner to dispose of septage on the site;
4. Legal description of the property on which the site is located, permanent tax number, total parcel acreage, and total acreage of the proposed site where septage will be applied;
5. A USGS topographical map or equivalent diagram or map of the premises and surrounding area, which shall include the following information:
  - a. A description of natural and improved draining surface and features, including lakes, streams, springs, groundwater tables ( both local and regional ) and other environmentally sensitive areas within 1000 feet of the application site; the location of all occupied dwellings within 1000 feet of the application site; and soil characteristics of the application site;

- b. The proposed access to the application site and how access will be restricted; and proposed buffers or other measures to control drainage from the area where septage will be applied;
- 6. A written statement estimating the amount of septage that will be applied at the site, the origins of the septage to be applied at the site, and the method in which the septage will be applied;
- 7. The depths to groundwater for the entire proposed septage application site indicated by methodology approved by the Planning Commission;
- 8. A written statement indicating compliance with all applicable federal, state and local laws. This statement shall include a waste pretreatment report indicating how all septage will be treated and screened prior to disposal on the site, as well as a cover crop management plan and tillage plan. All state and federal permits shall be obtained prior to the Special Use Permit being granted and copies of all applicable permit approvals must be attached to the application.
- 9. All requirements of Article XIX Site Plan Review Procedures;
- 10. Any other information necessary for the implementation of this Ordinance (which shall include chemical composition of the Septage Waste to be disposed of at the site) as determined by the Planning Commission, the Zoning Administrator or other representative approved by the Township Board.
- 11. No permit shall be considered by the Planning Commission unless it is administratively complete.

C. Special Use Permit Decision and Standards.

The Planning Commission shall review the proposed Septage Disposal Site and accompanying plans or submissions to determine whether the proposed use will meet the following criteria:

- 1. Will meet all conditions imposed by sub-section D of this Section and will promote the intent and purpose of this Ordinance;
- 2. Will be compatible with the adjacent uses of land, the natural environment, and the capacities of public services and facilities affected by the land use;
- 3. Will be consistent with the public health, safety and general welfare of the Township;
- 4. Will meet Article XII Special Uses section 12.05 Basis of Determination;
- 5. The Planning Commission may also consider the need for additional Septage Disposal sites in the Township;
- 6. If the Planning Commission determines that the proposed Septage Disposal meets all the criteria of this Ordinance, it shall grant a Special Use Permit to the applicant, subject to the conditions contained in sub-section D of this Section, and any other conditions it imposes on the Special Use Permit.

D. Special Use Permit Conditions.

The following conditions shall apply to all Special Use Permits granted under this Article:

- 1. In addition to any other requirement of this Ordinance, the application of Septage Waste shall comply with all provisions of Part 117 of NREPA and all pertinent Federal Regulations, including those codified at 40 CFR 503, et seq. The standards contained in these laws and regulations are adopted as part of this Ordinance by reference.
- 2. All septage shall be properly treated to prevent the spread of disease and reduce offensive odors using a method approved by the relevant state and federal standards, and shall be screened prior to disposal to remove any non-organic solids in the waste.

3. No surface application of Septage Waste shall be permitted.
  4. Injected septage disposal:
    - a. Injected disposal shall not be undertaken at sites with less than 4 feet of separation between the deepest depth of septage application and the groundwater table. The site shall meet all required isolation distances contained in state and federal law, but shall not be less than 200 feet from any property line.
    - b. The minimum septage disposal site plan shall be at least a 5 acre portion of a commonly owned parcel of no less than twenty (20) acres.
    - c. No septage shall be disposed of by injection while the ground is frozen.
  5. The nutrient content of septage disposed of on any site shall be controlled so that the application of septage does not overload the nutrient capacity of the site or pose an unacceptable risk of nitrate or phosphorus leaching into the groundwater in excess of state and federal limitations.
  6. Temporary storage for up to one year of septage waste prior to disposal on a Michigan Department of Environmental Quality (MDEQ) authorized land disposal site in covered watertight containers or structures constructed of steel, concrete, plastic, or fiberglass septage waste storage units shall be permitted. Open top septage storage tanks, lagoons, below building pits, and below grade facilities shall not be permitted. Permitted Septage Storage facilities shall meet Michigan Department of Environmental Quality Septage Waste Storage Facility Management Practices.
  7. The site for Temporary Septage Storage shall meet all required isolation distances contained in state and federal law, but shall be no less than 500 feet from any property line.
  8. The Township shall have the right to impose other discretionary criteria in order to effectuate the purpose and intent of this Ordinance: to protect the health, safety, and welfare of the Township residents, and to protect against pollution, impairment or destruction of the Township's natural resources.
  9. The Township shall have the right to limit the duration of a Special Use Permit in order to minimize the risks or adverse impacts to the public health, safety and welfare, or private or public property and the air, water or natural resources of the Township, and reserves the right of review of compliance with the conditions and limitations imposed upon such use. Any use failing to comply with such conditions and limitations may result in the termination of the Special Use Permit by action of the Township Board upon its own initiative or at the Planning Commission's recommendation or upon the application of any aggrieved or other adversely affected party.
- E. Pre-existing Septage Disposal Sites
1. Any existing septage disposal sites in Keene Township that have been used for Land Application of Septage and that were permitted prior to July 1, 2007 by the Department of Environmental Quality and the Ionia County Health Department shall automatically be granted a Special Use Permit under this Section and shall not have to apply for a permit under sub-sections B and C of this Section, provided that the existing septage disposal site complies with sub-sections A and D (1) and (2) of this Section. The remaining requirements of sub-section D shall not apply to the Special Use Permit automatically under this provision, except as provided for in sub-section E (2) of this Section.



2. The Special Use Permit automatically issued pursuant to sub-section E (1) shall expire at the time when the septage disposal permit issued by the Department of Environmental Quality for a particular site also expires. Once a Special Use Permit issued pursuant to sub-section E (1) expires, any person wishing to dispose of septage on the site is required to apply for a new permit under sub-section B and shall be subject to all of the relevant provisions of this Section, including all conditions set forth in sub-section D.

F. Violations

1. The Zoning Administrator shall have the authority to inspect for compliance with any permit granted under Article XII. The Zoning Administrator, or an appointed representative of the Township, shall be provided with copies or access to complete records of the amount of Septage Waste that has been disposed of at the permitted site upon request within three (3) normal business days.
2. Any violation of this section constitutes a Nuisance Per Se, and any person who violates the requirements of this section shall be guilty of a municipal civil infraction as provided in Article XX of this Ordinance.

## **Article XIII - Planned Unit Development District**

### **Section 13.01 - Purpose**

The intent of Planned Unit Developments (PUD) is to permit greater flexibility and consequently more creative design of various types of development than are possible under conventional zoning regulations. It is the intention of this Article to allow flexible land use composition and design without sacrificing the basic principles of sound zoning practice. The basic zoning districts and their permitted uses as established in this Ordinance will form the land use base for designing a combination of uses permitted in each district in the form of clustering principal uses and activities at a higher density than would otherwise be possible under the respective district regulations on a preferred portion of a parcel while maintaining the overall density of development of the parcels consistent with the district regulations. Another option would be to combine the planning of land uses and activities from several districts as one project on the same clustering principle. A proposed PUD development will be a rezoning to the PUD district classification.

### **Section 13.02 - Permitted and Accessory Uses**

In the "PUD" Planned Unit Development Districts, the following provisions, regulations and restrictions shall apply:

#### **A. Principal Permitted Uses**

1. All principal permitted uses allowed in the RR and LDR Residential Districts on parcels of at least 20 acres.
2. All principal permitted uses allowed in the CC Commercial Districts on parcels of at least 5 acres.
3. All principal permitted uses allowed in the I Industrial Districts on parcels of at least 10 acres.

#### **B. Accessory Uses**

1. Accessory buildings and uses customarily incidental to the above-named permitted uses.
2. Signs - See Article XVIII "Sign Regulations" herein.

#### **C. Special Uses**

1. Recreational activity centers
  - a. Golf courses in accordance with Article XII Section 12.18
  - b. Nature preserves
  - c. Swimming pools in accordance with Article XII Section 12.18
  - d. Tennis or racquet clubs in accordance with Article XII Section 12.18
  - e. Utility structures(s) and equipment necessary for the operation thereof (excluding outdoor storage)

### **Section 13.03 - General Provisions**

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

Section 13.04 - Pre-Application Conference

- A. An applicant for a PUD district may request a pre-application conference with Township officials prior to filing an application for developing a PUD District. The request shall be made to the Township Planning Commission Chairman who shall set a date for the conference and shall inform the Township Board and other Planning Commission members of the conference and invite their attendance. The Township Planning Commission Chairman shall also invite other officials who might have an interest in the proposed development, or who might assist the Township in the review process.
- B. The purpose of the conference shall be to inform Township and other officials of the concept of the proposed development and to provide the applicant with information regarding land development policies, procedures, standards, and requirements of the Township and other agencies. The applicant is encouraged to present schematic plans, site data and other information that will explain the proposed development.
- C. Statements made in the conference shall not be legally binding commitments.

Section 13.05 - Site Plan Requirements

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

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

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

#### Section 13.06 - Site Plan, Administrative Review Procedure

- A. An application for a "PUD" district shall be made by the owner(s) of record of the subject parcel. The applicant shall provide evidence of full ownership of all land in a "PUD" or execution of a binding or conditional sales agreement, prior to receiving a recommendation of approval of the application and site plan by the Township Planning Commission.
- B. The application shall be filed with the office of the Township Clerk or Zoning Administrator who shall transmit the application and the site plan to the Township Planning Commission. The application shall be filed at least two (2) weeks prior to the Planning Commission meeting at which it is to be first considered.
- C. The Township Planning Commission shall hold a public hearing on the application and site plan.. The notice shall be published in a newspaper of general circulation in the Township. Notice shall also be sent by mail or personal delivery to the owners of property for which approval is being considered. Notice shall be sent to all persons to whom real property is assessed within 300 feet of the property and to occupants of all structures within 300 feet of the property regardless of whether the property or occupant is located in the zoning jurisdiction.

The notice shall be given not less than 15 days before the date the application will be considered for approval. If the name of the occupant is not known, the term "occupant" may be used in making notification under this subsection. The notice shall do all of the following:

- 1. Describe the nature of the request.
- 2. Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used.
- 3. State when and where the request will be considered.
- 4. Indicate when and where written comments will be received concerning the request.
- 5. The notice shall include the places and times at which the proposed application may be examined.

Notice of the time and place of the public hearing shall be given by mail to each electric, gas, and pipeline public utility company, each telecommunication service provider, each railroad operating within the district or zone affected, and the airport manager of each airport, that registers its name and mailing address with the clerk of the legislative body for the purpose of receiving the notice of public hearing.

If an individual property or 10 or fewer adjacent properties are proposed for rezoning to PUD, the notices shall meet the above requirements. If 11 or more adjacent properties are proposed for rezoning to PUD, then owners and occupants of property within 300 feet of the application property are not required to be notified by mail or in person and that no individual addresses of properties need to be listed.

- D. At the public hearing the applicant shall present evidence regarding adherence to all pertinent standards and requirements. To this end evidence and expert opinion shall be submitted by the applicant in the form of maps, charts, reports, models and other materials, and/or in the form of testimony by experts who can clearly state the full nature and extent of the proposal. Materials shall be submitted by the applicant in the form of maps, charts, reports, models and other materials, and/or in the form of testimony by experts who can clearly state the full nature and extent of the proposal. Materials shall be submitted in sufficient quantity for review by the Planning Commission and other Township officials. Materials submitted shall include the required site plan and any complementary sources of information necessary to satisfy the requirements detailed in Section 13.07.
- E. The Planning Commission shall undertake a study of the application and site plan and shall submit a report thereon to the Township Board. This report shall contain the Planning Commission's analysis of the application and site plan, findings regarding standards, suggested conditions of approval, if applicable, and its recommendations. Materials and information to be considered in this study and review process may include input from such agencies as the County Health Department, Road Commission and Drain Commissioner.
- F. After making its recommendations to the Township Board, the Planning Commission shall transmit the application to the County Zoning Officials.
- G. The Township Board shall review the application and site plan and the Township and County Zoning Officials' reports thereon, and shall approve, approve with conditions, deny, or table for future consideration, the application and site plan. Changes in the application or site plan desired by the Township Board may be referred to the Township Planning Commission for review and recommendation prior to the Township Board action thereon. The Township Board may attach conditions to its approval of a "PUD" proposal.
- H. If the application and site plan are approved by the Township Board, the applicant and all owner(s) of record of all property included within the "PUD" shall sign a statement that the approved application and area plan shall be binding upon the applicant and owner(s) of record or their assigned agent(s) and upon their heirs, successors, and assigns, unless future changes mutually agreed to by any future Township Board and future applicant and owner(s) of record or the assigned agents(s) or their heirs, successors and assigns.

Section 13.07 - Supplementary Development Standards and Regulations

The following requirements expand upon and/or are in addition to the requirements detailed in Article XIX "Site Plan Review". They shall, in all cases, be adhered to by developments in a "PUD" district.

A. District Location and Minimum Size

- 1. All development in this district shall be limited to tracts of land having a area of at least the minimum number of acres required for the respective types of "PUD" Districts.
- 2. All development in this district shall be restricted to sites having access to a hard surfaced roadway and accepted and maintained by the County Road Commission, except for RR and LDR Planned Unit Developments.

B. External and Internal Circulation and Access

- 1. Access points to a "PUD" development shall be located no less than five-hundred forty (540) feet apart when measured parallel to the adjoining roadway, and in no case shall any such point of ingress or egress be closer than two-hundred seventy (270) feet from either side lot line of the parcel.
- 2. Each lot or principal building shall have internal vehicular access from a public street or private street approved by the Township Board.

3. Each lot of principal building shall have pedestrian access from a public or private sidewalk, where deemed necessary by the Township Board, upon recommendation of the Township Planning Commission, as part of the site plan.
4. As property is developed as a "PUD" Planned Unit Development District, a pathway system linking all principal residential, commercial and industrial units both with on-site amenities (e.g., recreation areas, shopping, places of employment) and (unless it is demonstrated to the Planning Commission that such a system would be inappropriate or unnecessary to the development) with adjoining parcels must be provided. The pathway system shall be designed so as to be appropriate to non-motorized transport modes (e. g., bicycling, walking). The pathway shall be no less than four (4) feet in width and it shall be constructed of materials (e.g., crushed limestone) suited to walking and to non-motorized vehicular use.
5. Standards of design and construction for public and private streets may be modified to adequately provide the service required. Right-of-way standards may also be modified, especially where the site plan provides for separation of pedestrian and vehicular traffic and adequate off-street parking facilities. Modifications of proposed public streets shall first be approved by the County Road Commission Engineer.
6. Public streets shall be designed and constructed according to established standards for public streets as established by the County Road Commission except that such standards may be modified as provided in sub-section 13.07 B. 5. Private streets shall be designed and constructed according to Article 26, Private Roads.

If private streets are to be dedicated to a public agency in the future, the applicant(s) shall first agree to bear the full expense of making the streets suitable for public acceptance.

C. Open Space Regulations

1. A land, water or land/water area constituting not less than twenty-five percent of the total (a) land area, or (b) land area, plus no more than 300 feet into or no more than one-half (1/2) the width or distance across, a natural surface water area of the waterfront parcel shall be designed as permanent open space. The required open space must be set aside by the developer in the form of an irrevocable conveyance whereby the open space area must be developed according to the approved site plan and may never be changed to any other use. Further, this conveyance must provide that the open space is for the use and enjoyment of the residents, occupants and users of the district and such open space shall be considered as an integral component of the over-all Planned Unit Development. The developer shall provide for perpetual land mandatory maintenance of the open space through the use of deed restrictions which shall provide for participation in said maintenance cost by each resident (be they residential or commercial) within the Planned Unit Development.
2. Buildings, parking lots, drives and similar improvements may be permitted in open space areas if related and necessary to the functions of the open space. Other building and improvements shall be prohibited therein.
3. Open space areas shall be conveniently located in relation to dwelling units and functions intended.
4. Open space areas shall have minimum dimensions which are usable for the functions intended and which will be maintainable.
5. The Township Board may require upon recommendation of the Planning Commission, that unique natural amenities such as ravines, rock outcrops, wooded areas, tree or shrub specimens, unusual wildlife habitats, ponds, streams, and marshes be preserved as part of the open space system.

D. Landscaping and Parking

1. The parking and loading requirements set forth in Article XVII, "Off-Street Parking" herein, shall apply except that the number of spaces required may be reduced if approved by the Township Board, upon recommendation of the Planning Commission, (pursuant to the requirements detailed in Article XVII) as part of the site plan. Such reduction shall be based upon specific findings.
2. A landscaped strip no less than twenty (20) feet in width shall be required when a free-standing physical structure containing a commercial and/or office use is located adjacent to a residential use. The strip shall be located between the two uses and shall be landscaped with trees and ground cover.

E. Utilities

1. Each principal building shall be connected to public or common water and sanitary sewer lines or to on-site facilities approved by the Township Board.
2. All development will be required to provide adequate fire protection system as determined and approved by the Township Fire Department and Township Board. In all cases where an on-site system is proposed, detailed drawings, plans and/or other background materials as well as written approval from the appropriate county or state agencies must be presented to the Planning Commission before action can or will be taken on any PUD request.

Maintenance of any and all approved common on-site systems shall be ensured by use of deed restrictions which shall provide for participation in maintenance costs by each owner of the Planned Unit Development served by such a system.

3. Each site shall be provided with adequate storm drainage. Open drainage courses and storm water retention ponds may be permitted.
4. Electrical, telephone, and cable television lines shall be placed underground. Surface mounted equipment for underground wires shall be shown the final site plan and shall be screened from view.
5. Standard sidewalks and/or a system of street lights may be required of developments in the "PUD" district. Maintenance of either shall be ensured through implementation of a system of deed restrictions providing for participation in maintenance costs by all owners of the development.

F. Site Design, Layout and Density Criteria

1. All density requirements shall be completed on a total gross area basis, less water area, unless the water area is completely enclosed on the parcel.
2. Existing natural water areas (i.e., streams, ponds, lakes and/or similar water bodies) may be included in density calculations up to 300 feet of their surface width as measured from the shoreline, or where such water areas are proposed for construction by the applicant, fifty (50) percent of the total water area to be constructed may be included in density calculations, but in no case shall the included surface water area exceed 20% of the total land area of the PUD or any single or combination of phases of the PUD.
3. Residential area may contain several different types of dwelling units if it can be demonstrated to the satisfaction of the Planning Commission that the proposed combination by type will not interfere with the reasonable platting of any area to be platted.
4. All principal buildings and all accessory buildings or structures shall be located at least one-hundred (100) feet from any exterior public roadway right-of-way line, private road and/or area to be platted.

5. The outdoor storage of goods and materials shall be prohibited in the "PUD" Planned Unit Development District.

G. Legal Mechanisms to Ensure Facility and Open Space Maintenance

1. Legal instruments setting forth the manner of permanent maintenance of common area and facilities shall be submitted to the Township Attorney for review before the Township Board approves a final site plan or final plat.
2. Where a Home Owners Association (HOA) or an Association of Commercial Establishments (ACE) or Association of Industrial Establishments (AIE) is to be used to maintain common area and facilities, the developer shall file a declaration of covenants and restrictions that will govern the HOA, ACE or AIE with the site plan. The provisions shall include, but shall not be limited to, the following:
  - a. The HOA, ACE or AIE shall be established before any building or structure in the "PUD" are sold or occupied.
  - b. Membership in the HOA, ACE, or AIE shall be mandatory for each building unit buyer and for any successive buyer and shall be so specified in the covenants.
  - c. Restrictions shall be permanent.
  - d. The HOA, ACE, or AIE shall be made responsible for liability.
  - e. Building unit owners shall pay their pro rata share of the costs and this requirement shall be specified in the covenants. Assessments levied by the HOA, ACE, or AIE may become a lien on the individual properties.

H. Project Phasing

1. If the proposed development is to be constructed in phases, a narrative description of that phased process that describes all work to be done in each phase should be submitted to the Planning Commission when the site plan is submitted.
2. A phase shall not be dependent upon subsequent phases for safe and convenient vehicular and pedestrian access, adequate utility services, and open spaces and recreation facilities.

Section 13.08 - Standards For Review

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

- A. The proposed development shall conform to the Township Master Plan or any part thereof, or represents land use policy which, in the Planning Commission's opinion, is a logical and acceptable change in the adopted Township Land Use Plan.
- B. The proposed development shall conform to the intent and all regulations and standards of a "PUD" District.
- C. The proposed development shall be adequately served by public facilities and services such as: highways, streets, sidewalks, street lights, police and fire protection, drainage courses, water and sanitary sewer facilities, refuse disposal; or that the persons or agencies responsible for the proposed development shall be able to properly provide such facilities and services.



- D. Common open space, other common properties and facilities, individual properties, and all other elements of a "PUD" are so planned that they will achieve a unified open space and recreation area system, with open space and all other elements in appropriate locations, suitably related to each other, the site and surrounding lands.
- E. The applicant shall have made provision to ensure that public and common areas will be or have been irrevocably committed for that purpose. Provisions shall have been made to provide for financing of improvements shown on the plan for open space and other common areas and facilities, and that proper maintenance of such improvements is ensured.
- F. Traffic to, from, and within the site will not be hazardous or inconvenient to the project or to the surrounding area. In applying this standard the Planning Commission shall consider, among other things, convenient routes for pedestrian traffic; relationship of the proposed project to main thoroughfares and street intersections; and the general character and intensity of the existing and potential development of the surrounding area.
- G. The mix of housing unit types and densities, and the mix of residential and non-residential uses shall be acceptable in terms of convenience, privacy, compatibility, and similar measures.
- H. The Planning Commission shall determine, where applicable, that noise, odor, light, or other external effects which are connected with the proposed use, will not adversely affect adjacent and surrounding area lands and uses.
- I. The proposed development shall create minimum disturbance to natural features and land forms.
- J. Streets shall follow topography, be properly spaced, and be located and aligned in accordance with the intended function of each street. The property shall have adequate access to public streets. The plans shall provide for logical extensions of public streets and shall provide suitable street connections to adjacent parcels, where applicable.
- K. Pedestrian circulation shall be provided within the site and shall interconnect all use areas where applicable. The pedestrian system shall provide for a logical extension of pedestrian ways outside the site and to the edges of the "PUD" where applicable.

Section 13.09 - Amendments to Site Plans

Preliminary and final site plan may be amended in accordance with the process detailed in Section 19.11 of Article XIX "Site Plan Review".

Section 13.10 - Subdivision Plats

The Township board shall have the authority to deny or table an application for tentative approval of a preliminary plat if, in its opinion and after a report thereon from the Planning Commission, such plat will result in premature development of the area involved, or will result in improper scheduling of various public improvements such as, but not limited to, roads, utilities, and schools.

Section 13.11 - Extension of Time Limits

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

Section 13.12 - Performance Guarantees

Performance guarantees shall be provided in accordance with Section 19.16 of Article XIX "Site Plan Review".

Section 13.13 - Violations

Violations shall be dealt with in the manner detailed in Section 19.17 of Article XIX "Site Plan Review".

## **Article XIV - Nonconforming Land, Building and Structural Uses**

### **Section 14.01 - Purpose**

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

### **Section 14.02 - Continuance of Nonconforming Uses**

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

### **Section 14.03 - Restoration of Damage**

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

### **Section 14.04 - Discontinuance or Abandonment**

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

### **Section 14.05 - Reversion to a Nonconforming Use**

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

### **Section 14.06 - Displacement of a Conforming Use**

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

#### Section 14.07 - Change to Another Lesser Nonconforming Use

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

#### Section 14.08 - Termination of a Nonconforming Use

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

#### Section 14.09 - Illegal Nonconforming Uses

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

#### Section 14.10 - Changes in Zoning District

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

#### Section 14.11 - Elimination of Nonconforming Uses

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

#### Section 14.12 - Nonconforming Lots and Parcels

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

## **Article XV - Supplemental Regulations**

### **Section 15.01 - Purpose**

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

### **Section 15.02 - Area Limitations**

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

### **Section 15.03 - Dwelling Lots or Sites**

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

### **Section 15.04 - Accessory Building Provisions**

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

- A. Where the accessory building is structurally attached to a main building, it shall be subject to, and must conform to, all regulations of this Ordinance applicable to the main building.
- B. No detached accessory building shall be located closer than ten (10) feet to any main building nor shall it be located closer than fifteen (15) feet to any side or rear lot line. In those instances where the rear lot line is in common with an alley right-of-way the accessory building shall not be closer than five (5) feet to such rear lot line. In no instance shall an accessory building be located within a dedicated easement or right-of-way.
- C. Accessory buildings shall be stick-built or the equivalent new building construction, no mobile home, tank, junk object, or salvage materials, semi trailer, vehicle or similar item shall be utilized as an accessory building or storage structure, provided, however, that such requirement shall not be applicable to tool sheds, or similar temporary storage structures utilized pursuant to the construction of a building as long as the period of construction does not exceed one (1) year.

### **Section 15.05 - Use of Yard Space**

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

### **Section 15.06 - Lot-Building Relationship**

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

### **Section 15.07 - Accessory Building as Dwelling**

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

### **Section 15.08 - Basement as Dwelling**

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

#### Section 15.09 - Damaged buildings and Structures

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

#### Section 15.10 - Required Water Supply and Waste-water Disposal Facilities

Shall meet the requirements established by the County Sanitation Code of the Department of Health.

#### Section 15.11 - Access to a Public Road or Highway

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

#### Section 15.12 - Frontage on Public or Private Road or Highway

In any zoning district, every use, building or structure established after the effective date of this Ordinance shall be on a lot or parcel that fronts upon a public road right-of-way that meets all of the requirements for road construction as specified by the County Road Commission or fronts upon a private road right-of-way as specified in Article 26, Private Roads, or fronts upon a deeded access easement not less than sixty-six (66) feet in width.

#### Section 15.13 - Visibility at Intersections

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

#### Section 15.14 - Road Closures

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

#### Section 15.15 - Height Regulations

The height requirements established by this Ordinance shall apply uniformly in each zoning district to every building and structure except that the following structures and appurtenances shall be exempt from the height requirements of this Ordinance: spires, belfries, roof structures not used for human occupancy, chimneys, ventilators, skylights, water tanks, bulkheads, utility poles, powerlines, radio, television and other communication broadcasting and receiving antennae not directly linked to residential structures, silos, wind-driven electricity generators, parapets and other necessary mechanical appurtenances; provided, their location shall conform where applicable to the requirements of the Federal Communications Commission, other public authorities having jurisdiction and any regulations established by authorized state, county and township agencies. Towers 50 feet or less in height for the purpose of containing antennas for receiving, transmitting and relaying electronic signals for radio, television, internet, weather recording, cellular enhancement and other similar communication systems may be erected in any district as long as the height of the tower does not exceed the setback distance from the base of the tower to all lot

lines and from any dwelling. Anti-climbing devices or fencing is required and such towers must be erected as designed by the manufacturer and building permit codes. Towers or antennas, if designed to be attached to other structures such as a silo, utility pole or other building, do not require a setback distance but must be attached as designed and meet building permit codes. These detached or attached towers or antennas must also meet any requirements of FCC, FAA and any other county, state or federal agency. With the exception of agriculture applications, all height requirements applications for the above structures shall be submitted, along with a site plan to the Planning Commission for review to assure that all local township requirements are met, and that the proposed structure doesn't constitute a public nuisance before the Zoning Administrator will issue a permit.

#### Section 15.16 - Fences, Walls and Screens

Within the limits of a side or front yard space of a lot; no fence, wall (other than necessary retaining wall), or other screening structure shall be higher than six (6) feet. No such fence or wall located within a rear yard shall exceed eight (8) feet in height, except as required in Section 15.13.

#### Section 15.17 - Essential Services

- A. This shall include the erection, construction, alteration or maintenance by public utilities, municipal departments, or other governmental agencies of underground or overhead gas, electrical communication, steam, or water transmission or distribution systems or collection, supply or disposal systems; including electric power stations, relay stations, gas regulator stations, pumping stations, poles, wires, mains, drains, sewers, pipes, conduits, cables, towers, fire alarm boxes, policy or other call boxes, traffic signals, hydrants and other similar facilities, equipment and accessories in connection therewith reasonably necessary for furnishing adequate service by such utilities or agencies, or for the public health or safety or general welfare; but not including offices and buildings or yards used for bulk storage, fabrication, or manufacture of materials used by such utilities or municipal departments or other governmental agencies, No such building constructed as a part of an essential service, shall be used for human occupancy.
- B. The surface of land used for pipeline right-of-ways shall be restored and maintained as near as possible to its original conditions prior to the construction of the pipeline.
- C. Essential services may be located in all districts and shall meet the requirements of the Districts in which they are located for all buildings, structures and areas used for offices, power generators, power transformers, storage, fabrication or manufacture of materials necessary to the provision of essential services.

#### Section 15.18 - Swimming Pools, Spas and Hot Tubs

Private swimming pools, spas and hot tubs, collectively called pools, shall be permitted as an accessory use within the rear and side yards only, provided they meet the following requirements:

- A. The pool has a depth of water at any point which exceeds 18 inches.
- B. There shall be a distance of not less than twenty (20) feet between the adjoining property line and outside of the pool wall.
- C. There shall be a distance of not less than five (5) feet between the outside pool wall and any building located on the same lot.
- D. No pool shall be located less than fifty (50) feet from any front lot line.
- E. If electrical service drop conductors or other utility wires cross under or over a proposed pool area, the applicant shall make satisfactory arrangements with the utility involved for the relocation of wires before a permit shall be issued for the construction of a pool.
- F. No pool shall be located in an easement.

- G. For the protection of the public, all yards containing pools shall be completely enclosed by a fence not less than four (4) feet in height. The gate shall be of a self-closing and latching type, with the latch on the inside of the gate not readily available for children to open. Gates shall be capable of being securely locked when the pool is not in use for extended periods. Provided, however, that if the entire premises of the residence is enclosed, then this provision may be waived by the Zoning Administrator upon inspection and approval.

#### Section 15.19 - Home Occupations

Home occupations shall be permitted in all detached single family residential dwellings and include such customary home occupations as: hairdressing, millinery, dressmaking, bookkeeping and accounting service, real estate and insurance sales; professional office, music lessons, craft or fine art and other similar occupations and other home occupations including incidental retail sales not to exceed 25% of the gross sales of the business, legally operating in detached single family homes at the time of adoption of this Zoning Ordinance.

- A. The non-residential use shall be only incidental to the primary residential use.
- B. The occupation shall utilize no more than forty-nine (49) percent of the gross area of the dwelling unit. An accessory building may be used wholly or partially for a home occupation.
- C. Only normal domestic or household equipment and equipment characteristic of small workshops, businesses and professional offices shall be used to accommodate the home occupation.
- D. The home occupation shall involve only members of the immediate family and up to one non-resident employee.
- E. No goods, materials, or vehicles used only in connection with a home occupation shall be parked or stored outside of the dwelling or accessory building used in conjunction with the home occupation.
- F. No alterations, additions, or changes to a principal structure which will change the residential character of the dwelling structure shall be permitted in order to accommodate or facilitate a home occupation.
- G. There shall be no external evidence of such occupations, except a small announcement sign not to exceed nine (9) square feet in size and four (4) feet in height and must be located outside the required road right-of-way.
- H. The permission for home occupations as provided herein is intended to secure flexibility in the application of the requirements of this Ordinance; but such permission is not intended to allow the essential residential character of Residential Districts, in terms of use and appearance, to be changed by the occurrence of home occupations.
- I. Retail sales are permitted as a home occupation provided they meet the requirements of the above, sections A-H and the provisions of Article XII Special Uses.
- J. Before conducting a home occupation, the business owner shall apply for a zoning compliance permit on a form provided by the Township and shall pay the required application fee. When the application is complete, the zoning administrator shall issue the zoning compliance permit. In issuing a zoning compliance permit, the zoning administrator may impose reasonable conditions and requirements consistent with the Township's ordinances. If the application is denied, the zoning administrator shall state in writing the reasons for denial.

#### Section 15.20 - Temporary Buildings and Structures

- A Temporary buildings and structures, including informational, for sale and similar signs, are permitted during the period of construction, and sales involving change of ownership or rental occupancy. Such buildings, structures and signs shall be removed upon completion or abandonment of construction, sale or rental activities and prior to occupancy and use of the building or structure for permitted uses. Prior to the issuance of a permit for temporary buildings and structures the applicant must deposit to the credit of the Township a \$3000 performance bond, cash deposit of \$500 or a letter of credit in the amount of \$500 from an incorporated financial institution or bonding company licensed to do business in the State of Michigan. Temporary signs having an area of less than 24 sq. ft. shall be excluded from this provision.
- B Temporary buildings and structures designed for temporary living, including, but not limited to, mobile homes, travel trailers, campers and motor homes are permitted for temporary living quarters needed because of a sudden and accidental or natural disaster. An application shall include a statement on how temporary water and sewage is provided. A minimum twenty (20) foot setback from all property lines and street right of way is required. A zoning permit approval for disaster housing will expire after one (1) year. A one (1) year extension may be approved if unusual circumstances can be shown that additional time is needed. There shall be no fees for this type of permit.

Section 15.21 - Solid Waste Receptacle Areas

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

Section 15.22 - Exterior Lighting

All sources of lighting for parking areas or for the external illumination of buildings or grounds or for the illumination of signs, shall be directed away from and shall be shielded from adjacent residential districts, and shall also be so arranged as to not affect driver visibility adversely on adjacent public roads and highways. Lighting of parking area is required when the number of parking spaces is more than five (5).

Section 15.23 - Driveway Entrances and Gates

In driveway entrances or gateway structures; including, but not limited to, walls, columns and gates marking driveway entrances to private or public uses may be permitted; and may be located in a required yard, except as provided in Section 15.13 "Visibility at Intersections", provided that such entranceway structures shall comply with all codes and ordinances of the Township and County and shall be approved by the Zoning Administrator.

Section 15.24 - Frontage Access Roads

Ingress and egress from frontage access or service roads for all uses permitted in CC and I districts fronting on major inter community and local arterials as defined and designated in the Township Master Plan for Roads and Highways shall be required in order to promote efficient use of thoroughfares and to decrease hazardous traffic conditions, the following regulations shall apply to the use of all land fronting upon these major thoroughfares, except for existing uses located upon existing lots and parcels. If isolated parcels are to be developed in undeveloped Commercial Districts and there are limited prospects for immediate development of adjacent lots or parcels, the Township Board may upon request from an applicant require the posting of an acceptable financial guarantee from the applicant equal to the amount of the estimated cost of the frontage access road. However, upon the application for development and use of an adjacent lot or parcel having the same or connecting frontage, the applicant will be required to build the frontage access road.

- A. Connecting service roads shall be required between parking areas on adjacent land uses.



- B. Owners of all property shall submit to the Township a properly executed and witnessed license agreement which gives the Township Board the authority to open and close service roads and driveways whenever necessary in order to guarantee to the satisfaction of the Township Board a safe and efficient movement to traffic. The said license shall be recorded in the office of the County Register of Deeds. Acceptance of the said license shall, in no way, obligate the Township to build, repair, maintain or clear the said service roads or parking areas and no public funds may be spent by the Township Board to build, repair, maintain, or close the said service roads and/or parking areas. The intent of this subsection is to allow the Township to enforce its traffic ordinance or promote traffic safety on the said service roads and parking areas, and otherwise facilitate the safe and efficient movement of traffic thereon.
- C. No less than two (2) driveways at least 20 feet in width shall be available to such coordinated parking areas and service road systems; provided that said driveways shall be at least 300 feet apart and have appropriate designated acceleration and deceleration lanes; provided further, this requirement may be waived by the Township Planning Commission where the needs of a particular use do not require it and when traffic hazards will not be increased by such a waiver.
- D. All requirements shall apply only to the full width of the developed portion of a lot or parcel or when developed adjacent to an existing use. The purpose of this subsection is to minimize the length of service roads in relation to the actual developed area of a lot or parcel and the number of parking spaces, and to promote their construction as they are needed.
- E. Parking lots, driveways and service roads shall at least be surfaced with processed road gravel and maintained in a usable dust free condition.
- F. Parking area layout shall follow standards prescribed in this Ordinance.
- G. Service roads and driveways shall be at least paved with processed road gravel and have a width of twenty (20) feet.
- H. At its discretion, the Planning Commission may recommend to the Township Board that, if a lot or parcel is not in need of a Frontage Access Road because it is the only lot or parcel developed or under development in a Zoning District which requires such access roads or the development of the lot or parcel can function in relation to adjoining lots or parcels until such time as two (2) contiguous lots or parcels need to provide such an access road, the owners/developers of such parcels need not construct such access roads, but will be required to reserve in a sufficient setback from all roads an area capable of constructing such an access road at a later date; providing that the owner/developer provides the Township Board with an adequate financial guarantee to cover the total estimated cost of constructing such an access road at a later date, e.g. when the frontage access road in the judgment of the Planning Commission and Township Board the access road is needed.

Section 15.25 - Parking or Storage of Recreation Vehicles, Trucks and Travel Trailers on Residential Lots and Parcels in All Zoning Districts

Storage of not more than two (2) non-residential type recreational vehicles shall be permitted, provided that such units shall be completely within the side and rear yards or completely enclosed within the side and rear yards or completely enclosed within a structure.

Section 15.26 - Temporary Transient Uses

Temporary transient use of an existing land site, building or structure may be permitted in any district upon approval of a Site Plan Review by the Planning Commission, and upon finding that the location of such an activity will not adversely affect public health, safety, and general welfare in the district in which it is to be temporarily located. All temporary transient uses, if approved by the Planning Commission, shall have a reasonable time limit placed upon their use based upon the normal periods of time such uses need to exist for an expressed number of days authorized by the

Planning Commission. Temporary transient uses may be granted a permit on the basis of compliance with the criteria stated in Section XIX, "Site Plan Review". Upon authorization, the Zoning Administrator shall issue a permit which will cause compliance with this Ordinance and any specified conditions required by the Planning Commission.

#### Section 15.27 - Fences

- A. The erection, construction, or alteration of any fence or other type of protective barrier shall be approved through permit by the Zoning Administrator as to their conforming to the requirements of the zoning districts wherein they are required because of land use development.
- B. Fences in a RD, AG and AR District are exempt from the provisions of this Ordinance, except when required for specific principal or accessory uses and special uses.
- C. Any existing fence not in conformance with this Ordinance shall not be altered or modified, except to make it more conforming.
- D. Fences which are not specifically required otherwise under the regulations for the individual zoning districts, shall conform to the following requirements:
  - 1. No fence shall hereafter be erected along the line dividing lots or parcels of land or located within any required side or rear yard in excess of six (6) feet in height above the grade of the surrounding land, except as provided in Section 15.16.
  - 2. Barbed wire, spikes, nails or any other sharp point or instrument of any kind on top or on the sides of any fence, electric current or charge in said fences is prohibited. Barbed wire cradles may be placed on top of fences enclosing public utility buildings or whenever deemed necessary in the interests of public safety.
  - 3. In an "I" Industrial District, no fence shall exceed twelve (12) feet in height.
  - 4. Fences on all lots in RR and LDR Residential Districts and on all residential lots in all Districts which extend toward the front of the lot, past the front line of the main building, shall not exceed four (4) feet in height.
  - 5. No fence or structure shall be erected, established or maintained on any corner lot except as provided in Section 15.13.

#### Section 15.28 - Walls and Protective Screening

In order to provide adequate protective screening for residential areas adjacent to or near nonresidential areas, the following regulations shall apply:

- A. Where a CC and I District abuts directly upon an RR and LDR Residentially zoned district, or residentially used property in any district, a landscaped greenbelt as defined below, shall be provided and maintained along its entire length by the users of the said business, commercial, or industrial zoned property. In addition, the latter mentioned districts shall be screened from such contiguous, residentially zoned district by either a building which houses a permitted use, or else by a solid masonry wall four (4) to six (6) feet in height above grade, between said greenbelt area and the business, commercial or industrial use. Such greenbelt shall be a strip of land not less than twenty (20) feet in width which is planted and maintained with evergreens such as spruce, pines or firs from 5 to 6 feet in height, so as to create a permanent buffer; or a hedge of evergreens not less than four (4) feet in height, so as to create a permanent buffer. These plants shall be planted and shall reach such required height within five (5) years of approval on the site plan or development by the Township. The remainder of the landscaped area which is not planted with the aforementioned stock shall be in well-kept lawn. All landscaping shall be maintained in a healthy growing condition, neat and orderly in appearance. Such walls for shielding off-street parking or storage areas shall not be required when such areas are located more than 200 feet from such abutting residential use or district.

- B. Required walls shall be located on the property line, except as otherwise approved by the Planning Commission. Such walls, may upon approval by the Planning Commission, be located on the opposite side of an alley right-of-way from a nonresidential district which abuts a residential district whenever the affected owners also so agree. When vehicles or open air displays generally exceed a five (5) foot height said wall shall be increased to a height not exceeding ten (10) feet, providing further that all such walls shall be of uniform height around the premises and the design of such wall is first approved by the Zoning Administrator.
- C. Required walls shall have no openings for vehicular traffic or other purposes, except as otherwise approved by the Planning Commission. Masonry walls, however, may be constructed with small dispersed openings which do not collectively exceed twenty (20) percent of the wall surface in area. The arrangements of such openings shall be subject to approval by the Zoning Administrator.

#### Section 15.29 - Use of Mobile Homes as Temporary Dwellings by Visitors

Mobile homes, travel trailers, motor homes and recreation vehicles shall be permitted when parked by visitors in a side or rear yard of a permitting dwelling owner or lessee without charge, upon application by the owner or the issuance of a "Temporary Permit" by the Zoning Administrator. Application shall be made within seven (7) days after the date of arrival. The property owner or lessee shall present a written agreement to furnish the occupants of the mobile home, travel trailer, motor home or recreation vehicle with sanitary facilities approved by the Township. A "Temporary Permit" may only be issued to one (1) mobile home, travel trailer, motor home or recreation vehicle at a time in any one location and shall be valid for a maximum period of thirty (30) days. Extensions of time shall not be permitted and the mobile home, travel trailer, motor home or recreation vehicle shall be removed from the property on or before the 30th day of the permit period.

#### Section 15.30 - Building Grades

The finished surface of the ground areas outside the walls of any building constructed or altered shall be so designed that surface waters shall flow away from the building walls in such a direction and collection that inconvenience or damage to adjacent properties shall not occur.

#### Section 15.31 - Moving Buildings

Buildings may not be relocated within or moved into the Township unless the building design and construction are compatible with the general architectural character of other structures located in the immediate area of the proposed site. Permits shall be required from the Zoning Administrator for such buildings to be moved.

#### Section 15.32 - Television Satellite Receiving Dishes

All television satellite receiving dishes are designated accessory uses to the principal uses permitted on each lot or parcel in each respective zoning district, and are governed by the same requirements as any other accessory use permitted in each zoning district.

#### Section 15.33 - Use of Financial Guarantees to Temporarily Delay Construction Requirements

If in the judgment of the Planning Commission, during the course of Site Plan Review Procedures, it appears prudent to permit the delay of constructing certain provisions as required in this Zoning Ordinance, the Planning Commission may grant such a delay to a specific future date provided that the applicant/owner submits a satisfactory financial guarantee to the Township Board. The financial guarantee shall remain in effect prior to or coincident with the issuance of the zoning permit and shall remain in effect until the requirements so delayed are fully completed and approved by the Zoning Administrator.

#### Section 15.34 - Household Pets

Small domesticated household pets, such as dogs, cats and birds are limited to the maximum number existing in dwelling units in the Township which is generally no more than two (2); however, if more than 2 are desired, as long as all other County, State and Federal laws are complied with, and an additional area of land equal to one-sixth (1/6) acre per animal is provided, additional domesticated household pets will be permitted up to a maximum of four (4).

#### Section 15.35 - Non-commercial Domestic Animals

Large domestic animals which are used essentially for pet, contest, riding, educational or other special purpose as individual animal specimens are permitted at the rate of one (1) on a minimum of two and one half (2 1/2) acres for the first animal and one (1) acre for each additional animal are permitted in RD, AG, AR, NR, RR, and LDR Districts.

#### Section 15.36 - Temporary Mobile Home for the Disabled or Infirm

One (1) mobile home may be permitted on a lot or a parcel upon which a single family dwelling is already located for use as a temporary dwelling for disabled or infirm members of the same family who resides in the principal dwelling if a special use permit is granted by the Planning Commission. No special use permit shall be granted unless all of the following requirements are met:

- A. The lot or parcel already has a lawful farmhouse or principal single-family dwelling located upon it.
- B. The lot or parcel must be a lawful lot of record.
- C. The mobile home shall be located on the same lot occupied by a principal dwelling. No more than one (1) such mobile home shall be allowed per lot or parcel.
- D. Mobile homes used shall have immediate and unlimited access to all facilities located in the principal dwelling on the lot or parcel for the maintenance of proper health and sanitation, including potable water and sanitary disposal facilities for solid and liquid waste.
- E. The mobile home shall meet all building code and County Health Department requirements.
- F. All accessory mobile homes shall meet the required zoning setbacks, except that no accessory mobile home shall be located in the front yard of a principal dwelling.
- G. No mobile home shall be occupied until or unless a certificate of occupancy has been granted.
- H. No special use permit granted shall exceed five (5) years in duration. A special use permit hereunder may be renewed for additional time periods once the original 5 year time period has expired if approved by the Planning Commission as a special use and provided that all conditions are met.
- I. Regardless of any other time limits mentioned, the temporary dwelling shall be completely removed from the lot or parcel within sixty (60) days after the disability or illness no longer exists or the disabled or infirm person leaves the premises.
- J. The Building Inspector or Zoning Administrator shall have the right to inspect the premises upon ten (10) days prior written notice to verify compliance hereunder and shall have the right to request that the Planning Commission revoke the special use permit at any time if the usage of the mobile home violates any of the requirements contained in this Ordinance or any other conditions or requirements placed upon the special use permit by the Planning Commission. If the special use permit is revoked, the mobile home must be vacated and removed from the property within sixty (60) days or its continued presence shall also constitute a violation of this Zoning Ordinance and shall constitute a nuisance per se under state law.

- K. As a condition of receiving a special use permit, the Township can require that the owner or owners of the lot or parcel involved shall execute a document to be recorded with the Ionia County Register of Deeds Records, in a form approved by the Township, specifying the conditions of the special use permit. The document shall also state when and under what conditions the mobile home must be removed from the property.
- L. The Planning Commission may attach additional reasonable conditions to the granting of a special use permit.
- M. Any one of the following:
  1. The disabled or infirm member(s) of the family shall include only those persons meeting the relationship test of the Internal Revenue Service for dependent tax exemptions.
  2. The terms "disabled" or "infirm" shall include only those persons who have obtained a certification signed by a licensed physician stating that the individual is incapable of caring for himself or herself or that there is a need for such housing close to the immediate family during the period of illness or infirmity.
  3. Any other person who is deemed by the Planning Commission to rely on the care and assistance of family members.

Section 15.37 - Removed 11-10-88

Section 15.38 - Single Family Earth Homes

Single family earth homes are permitted in the RD, AG, AR, NR, RR and LDR districts, as long as they meet all of the requirements of the district in which they are located and the bottom edge of the earth berms surrounding the building or structure meet the height and yard setback requirements for all yards.

Section 15.39 - Solar Buildings

Solar buildings are permitted in all districts as long as the glare from exterior reflective solar panels is deflected so as not to cause glare to be transmitted to adjacent properties below the maximum height established for each district.

Section 15.40 - Windmills

Windmills are permitted in all districts as long as the height of the windmill does not exceed the setback distance of the point of the base of the windmill from nearest property line.

Section 15.41 - Housing of the Elderly in Detached Single Family Homes

Housing of the elderly aged 55 or older at two (2) per bedroom, up to a maximum of six (6), per detached single family dwelling is permitted; provided that the bedrooms so used shall be in excess of the bedroom needs of the family occupying the detached single family home. The family needs shall be computed at two (2) family members per bedroom. Further, each two (2) bedrooms designated for the elderly shall be provided with a full bathroom for sanitary and bathing purposes which shall be located within ten (10) feet of the most accessible door of the respective bedroom it is designated to serve.

Section 15.42 - Land Division Ordinance

Section 15.42.01 - Title, Scope, and Purpose

- A. This ordinance shall be known and may be cited as the "Keene Township Land Division Ordinance." It shall apply to all land divisions governed by the provisions of the Land Division Act, Act 288 of the Michigan Public Acts of 1967, as amended. Approval of any land division shall also comply with the Keene Township Zoning Ordinance or any other applicable ordinance or regulation.

- B. This ordinance is not intended to repeal or change any other laws or ordinances; however, where any provision of this ordinance imposes stricter requirements, regulations, restrictions, or limitations on the use of land and buildings, stricter safety and sanitary measures, or requires larger yards or open spaces than are required by any other laws or ordinances, the provisions of this ordinance shall govern.
- C. The purpose of this ordinance is to regulate the division of land within Keene Township; to further the orderly layout and use of land; to require that land be suitable for building sites and public improvements; that provisions are made for adequate drainage, ingress and egress, and to ensure that land divisions are correctly and accurately approved, recorded, and filed.
- D. All lot splits shall be approved by the Zoning Administrator or other official designated by the Keene Township Board prior to their being recorded in the County Register of Deeds Office and before any zoning or building permits shall be issued in order to assure compliance with this Zoning Ordinance and before they can be sold, leased or conveyed to another owner, user or occupant.
- E. All lot splits resulting in two (2) or more lots or parcels, and which would create landlocked lots or parcels shall not be permitted unless a sixty-six (66) foot wide easement is provided to the otherwise potentially landlocked lots or parcels.

Section 15.42.02 - Definitions

The definitions of the Land Division Act of 1967, as amended, are hereby included and made a part of this ordinance.

Accessibility - The parcel has vehicular access through either a driveway or easement to an existing road or street.

Applicant - a natural person, firm, association, partnership, corporation, or combination of any of them that holds an ownership interest in land whether recorded or not.

Attorney - legal counsel for Keene Township.

Board or Township Board - Keene Township Board of Trustees.

Building Lot - a measured portion of a parcel or tract of land, which is described and fixed in a recorded plat.

Building site – a parcel that meets Township Zoning requirements for acreage, set backs, road frontage and all other applicable zoning requirements.

Clerk - means the Keene Township Clerk.

Commission, or Planning Commission - Keene Township Planning Commission.

County - Ionia County.

County Road Commission - Ionia County Road Commission.

Development Site - any parcel or lot that contains existing buildings or where a building development is planned, excepting development exclusively for agricultural or forestry use.

Divided or Division - the partitioning or splitting of a parcel or tract of land by proprietor thereof or by his or her heirs, executors, administrators, representatives, successors or assigns, for the purpose of sale or lease of more than one year, or of building development that results in one or more parcels of less than 40 acres or the equivalent, and that satisfies the requirements of Sections 108 and 109 of the State Land Division Act.

Engineer - a civil engineer who is a professional engineer licensed under Article 20 of the occupational code, Act No. 299 of the Public Acts of 1980.

Exempt Split or Exempt Division - partitioning or splitting of a parcel or tract of land by the legal owners, that does not result in one or more parcels of less than 40 acres or the equivalent; provided

that all resulting parcels are accessible for vehicular travel and utilities from existing public roads through existing adequate roads or easements, or through areas owned by the owner of the parcel that can provide this access.

Forty acres or the equivalent - either 40 acres, a quarter-quarter section containing not less than 30 acres, or a government lot containing not less than 30 acres.

Health Department - a county health department or a district health department, whichever has jurisdiction.

Parcel - a contiguous area of land which can be described as stated in Section 102(g) of the Act.

Parent Parcel - a parcel or tract, respectively, lawfully in existence on March 31, 1997.

Planner - professional consulting planner for Keene Township.

Resulting Parcel - one or more parcels which result from a land division.

Surveyor - professional surveyor licensed under Article 20 of the occupational code, Act No. 299 of the Michigan Public Acts of 1980.

Township - Keene Township.

Tract - two or more parcels that share a common property line and are under the same ownership.

Zoning Administrator - Zoning Administrator for Keene Township.

Zoning Ordinance - Zoning Ordinance of Keene Township.

#### Section 15.42.03 - Prior Approval Requirement for Land Divisions

Land in the Township shall not be divided without the review and approval of the Zoning Administrator or other official designated by the Keene Township Board. However, the following shall be exempted from this requirement:

- A. A parcel proposed for subdivision through a recorded plat pursuant to the township Subdivision Control Ordinance and the State Land Division Act.
- B. A lot in a recorded plat proposed to be divided in accordance with the township's Subdivision Control Ordinance and the State Land Division Act.
- C. An exempt split as defined in this Ordinance, or other partitioning or splitting that results in parcels of 20 acres or more if each is not accessible and the parcel was in existence on March 31, 1997, or resulted from exempt splitting under the State Act.
- D. Property transfer between 2 adjacent parcels.

#### Section 15.42.04 - Application for Land Division Approval

An applicant shall file all of the following with the Zoning Administrator or other official designated by the Keene Township Board for review and approval before making any land division either by deed, land contract, lease for more than one year, and for building development:

- A. A completed application form provided by the township.
- B. A survey map of the land which is to be divided, pursuant to the survey map requirements of 1970 Public Act 132, as amended. This survey map must be provided by a land surveyor licensed by the State of Michigan, and the map shall show the dimensions and legal descriptions of the existing parcel and the parcels that will be created by the division(s), the location of all existing structures or other land improvements, the location of county and private drains, public utilities easements, and the accessibility of parcels to vehicular traffic. The survey requirement may be waived by the Township for good cause shown by applicant or if the applicant can clearly show that the proposed land division meets all state and township requirements absent a survey.

- C. Proof that the proposed parcel has accessibility through a driveway or easement to an existing road or street. For driveways, a driveway permit or County or State Road Commission approval must be presented. For easements, the proposed easement shall be in writing and signed by the owner of the parcel(s) within which the easement is to be located.
- D. The history and specifications of any previous divisions of the parcel that is to be divided so that it can be determined that this parcel was lawfully in existence on March 31, 1997.
- E. If transfer of division rights are proposed in the land transfer, detailed information about the terms and availability of the proposed division rights transfer.
- F. Unless a division creates a parcel which is declared to be "not buildable" under Section 6 of this ordinance, all divisions shall result in "buildable" parcels containing sufficient "buildable" area outside of non-buildable wetlands, flood plains and other areas where buildings are prohibited, and with sufficient area to comply with all required zoning regulations, and on-site sewage disposal and water well locations (where public water and sewer service is not available).
- G. The payment of a land division fee established by the Township Board.
- H. One copy of the completed application with all the required forms including a survey map. The survey map shall be prepared by a registered engineer or land surveyor, or appropriate documentation shall be presented pursuant to 1542.04B.
- I. The application package must be submitted to the Zoning Administrator or designee for review.

Section 15.42.05 - Procedures for Review and Approval of Land Divisions

- A. Land division application packages shall be submitted to the Zoning Administrator or other designated official for review.  

The Zoning Administrator or designee shall review the application and approve or deny the application within 45 days after receipt of the application package. The Zoning Administrator or designee shall promptly notify the applicant of the decision and reasons for any denial. If the application package does not conform to existing laws and ordinances, the Zoning Administrator or other designee shall return the application for completion and refiling.
- B. Approval of a division is not a determination that the resulting parcels comply with other ordinances or regulations.
- C. The Township and its officers and employees shall not be liable for approving a land division if building permits for construction on the parcels are subsequently denied because of inadequate water supply, sewage disposal facilities or otherwise, and any notice of approval shall include a statement to this effect.
- D. A proposed land division shall be approved if the following criteria are met:
  - (1) All parcels to be created by the proposed land division(s) fully comply with the State Land Division Act and the Keene Township Zoning Ordinance.
  - (2) All parcels created and remaining have existing adequate accessibility, or area available therefor, for public utilities and emergency and other vehicles.
  - (3) The ratio of depth to width of any parcel created by the division does not exceed a four to one ratio. For corner lots, the depth of the lot shall be measured along the longest front lot line which is parallel or generally parallel to the public or private street right-of-way or easement. The width of the corner lot shall be the front lot line which is parallel or generally parallel to the public or private street right-of-way or easement and is the shorter of the two front lot lines.



- (4) Where accessibility is to be provided by a proposed new dedicated public road, proof that the County Road Commission or Michigan Department of Transportation has approved the proposed layout and construction design of the road or easement. In addition, evidence showing adequate easements for public utilities must be presented.
- (5) Any intersection between private and public roads shall contain a clear vision triangular area of not less than two feet along each right-of-way line as measured from the intersecting right-of-way lines.
- (6) Evidence of approval from the County Health Department for on-site water supply and sewage disposal for parcels of one acre or less.
- E. Any applicant who takes exception to the decision of the Zoning Administrator or designee may appeal it to the Keene Township Zoning Board of Appeals.
- F. Land division approvals shall be valid for a period of one hundred eighty (180) days from their approval. If such lots or parcels proposed by the land division are not properly recorded and accepted by the County Register of Deeds within this period, the land division approval shall be considered null and void, and a new application must be submitted.
- G. The Zoning Administrator or designee shall maintain an official record of all approved and accomplished land divisions or transfers.
- H. The Zoning Administrator or designee may stipulate additional conditions and safeguards that are deemed necessary to ensure compliance with the requirements of this ordinance and other township ordinances.
- I. The proposed division, together with any previous division(s) of the same parent parcel or parent tract, shall not result in a number of resulting parcels that is greater than is permitted under the Land Division Act (Public Act 591 of 1996, as amended by Public Act 87 of 1997 and as amended).

Section 15.42.06 - Allowance for Approval of Other Land Divisions

A proposed land division which does not fully comply with the applicable lot, yard, accessibility, area, and frontage requirements of the Keene Township Zoning Ordinance may be approved in any of the following circumstances:

- A. Where the applicant executes and records an affidavit or deed restriction with the County Register of Deeds, in a form acceptable to the township, that designates the parcel as "not buildable." This parcel shall be designated as "not buildable" on the township records, and shall not thereafter be eligible for a variance through a request to the Zoning Board of Appeals, and shall not be developed with any building or above ground structure exceeding four feet in height.
- B. Where the greater depth to width ratio is necessitated by conditions of the land that makes compliance impractical. Such conditions may include topography, road access, soil conditions, wetlands, floodplains, water bodies, or other similar conditions.

Section 15.42.07 - Consequences of Noncompliance with Land Division Approval Requirement

Any parcel created in noncompliance with this ordinance shall not be eligible for any building permits, or zoning approvals, such as special land use approval or site plan approval, and shall not be recognized as a separate parcel on the assessment roll. In addition, violation of this ordinance shall subject the violator to the penalties and enforcement actions set forth in Section 8 of this ordinance, and as may otherwise be provided by law.

Section 15.42.08 - Penalties and Enforcement

- A. A violation of any provision of this ordinance is hereby declared to be a nuisance, per se. A violation of this ordinance is a municipal civil infraction.,

- B. For purposes of this section, "subsequent offense" means a violation of the provisions of this ordinance committed by the same person within twelve (12) months of a previous violation of the same provision of this ordinance for which said person admitted responsibility or was adjudicated to be responsible; provided, however, that offenses committed on subsequent days within a period of one (1) week following the issuance of a citation for a first offense shall be considered separate first offenses. Each day during which any violation continues shall be deemed a separate offense.

Section 15.42.09 - Severability

The provisions of this ordinance are hereby declared to be severable and if any clause, sentence, word, section or provision is declared void or unenforceable for any reason by any court of competent jurisdiction, it shall not affect any other portion of this ordinance.

Section 15.42.10 - Repeal

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed, except that this ordinance shall not be construed to repeal any provision in the Township Zoning Ordinance, or Township Subdivision Control Ordinance, or the Township Building Code.

Section 15.42.11 - Effective Date

This ordinance shall take effect 30 days following its publication after adoption.

EFFECTIVE 2/19/1998

AMENDED 1/31/2000 (Effective), 10-8-2002 (Adopted)

### Section 15.43 - Minimum Floor Area Exceptions for Accessory Structures

All accessory structures or buildings located on a lot or parcel, which has a principal structure or building located upon it, which are less than 200 square feet of floor area, and which are not to be used for human habitation, shall not be required to apply for or obtain a zoning permit under the provisions of this Zoning Ordinance, but must be located upon the lot or parcel in accordance with the provisions and setbacks of this Zoning Ordinance.

### Section 15.44 - Manufactured Home Development

- A. *Purpose and Intent.* To provide for manufactured home development, of long-term duration of stay in areas which are developed in a manner which takes into account such special characteristics as locational needs, site layout and design, demand upon community services, and the relationship to and effect upon surrounding uses of land, and conformance to the Master Land Use Plan. All manufactured home developments shall comply with the applicable requirements of Public Act 96 of 1987, as amended. The controlling standards in this Section are not designed to generally exclude mobile homes or persons who engage in any aspect pertaining to the business of mobile homes or mobile home parks.

Definitions pertaining to this section are listed below:

“Act” means Act No. 96 of the Public Acts of 1987, as amended, being R 125.2301 et seq. of the Michigan Compiled Laws Annotated (MCLA).

“Rules” means the Manufactured Housing Commission Rules, being R 125.1101 et seq.

“Commission” means the Michigan Manufactured Housing Commission.

“Department” means the Department of Labor and Economic Growth.

“Developer” means the developer of a new manufactured home development (community), or the owner of an existing development who is expanding the development.

“MDEQ” means the Michigan Department of Environmental Quality.

“MDEQ Standards” means the Michigan Department of Environmental Quality Bureau of Environmental and Occupational Health Standards for manufactured home communities, being R 325.3311 et seq. of the Michigan Administrative Code (MAC).

- B. *Permitted Uses.* Within a manufactured home development, the following uses shall be permitted, subject to the terms of this Section:
1. Manufactured homes
  2. Recreational facilities and open space land for the residents of a manufactured home development
  3. Community Centers
  4. Buildings such as administration office, stores, storage, laundry or other similar buildings
  5. Family day care homes consisting of 6 children or less
  6. Adult foster care family homes consisting of 6 residents or less
- C. *Application Procedures.* Pursuant to Section 11 of Act 96 of the Public Acts of 1987, as amended, and the rules promulgated thereunder, an application for the extension, alteration, or construction of a manufactured home development shall be accompanied by a preliminary plan of the proposed development and all permanent buildings indicating the proposed methods of compliance with these requirements. Said application, fees and preliminary plan shall meet the following requirements:

1. An application form shall be completed and fees paid in accordance with the fee schedule (as amended from time to time by resolution of the Township Board) and 10 copies of the preliminary plan shall be submitted to the Zoning Administrator for distribution to the Planning Commission.
  2. The preliminary plan need not include detailed construction plans, but shall include the following materials:
    - a. The applicant's name, address and telephone number and the property owner's name, address and telephone number, if different than that of the applicant.
    - b. Notation of all federal, state and local permits required.
    - c. The location of the project including the permanent parcel number(s) of the property upon which the project is proposed to be located.
    - d. The general layout of the project including an illustration of the internal roadway system proposed and typical homesite layout.
    - e. The general design of the proposed project including the proposed location and design of signs, trash receptacles, light fixtures and any accessory structures, open lands and recreation areas and accessory uses.
    - f. The general location, spacing, type and size of proposed plant materials.
    - g. A general description of the proposed project including the number of homesites proposed, the anticipated phasing of project development and an indication of the number of homesites to be rented and the number to be sold, if any.
- D. *Review Process.* The Planning Commission shall review the submitted preliminary plan and communicate its' recommendation for approval, approval with conditions or modifications, or denial of the preliminary plan to the Township Board. The Planning Commission shall approve and recommend to the Township Board a preliminary plan upon a finding that the proposed use will not, upon the facts known at the time of the submission of the site plan, cause undue hardship or create unsafe or hazardous health or safety conditions to the general public. Not more than sixty (60) days following the receipt by the Township of a complete application for preliminary plan approval, the Township Board shall approve, approve with conditions or modifications, or deny an application and preliminary plan pursuant to the Mobile Home Commission Act, the rules promulgated thereunder and this section of the ordinance.
- Upon approval of the preliminary plan, the Township Clerk shall sign three (3) copies thereof: one (1) signed copy shall be made a part of the Township's files: one (1) copy shall be forwarded to the Zoning Administrator for issuance of a Zoning Permit; and one (1) copy shall be returned to the applicant. Construction shall commence within five (5) years after the date of issuance of a construction permit by the Michigan Department of Labor and Economic Growth unless an extension has been granted by said Department. Amendments to the approved preliminary plan prior to issuance of a Permit to Construct must be submitted to the Planning Commission for recommendation to the Township Board for review and approval.
- E. *Noncompliance.* Any noncompliance with the approved preliminary plan shall be reported to the Manufactured Housing Division of the Department of Labor and Economic Growth for remedy along with all pertaining evidence.

F *Site Development Requirements.* The following requirements for site development, together with any other applicable requirements of the State of Michigan, Act 96 of 1987, as amended, shall be complied with. If any of the requirements of this subsection are less than those in the State Act, the State requirements shall prevail. No manufactured housing community shall be maintained, operated, or conducted without an annual license from the Michigan Department of Labor and Economic Growth. Inspections may be performed pursuant to 1987 PA 96, as amended (the Mobile Home Commission Act).

1. *Site Size:* A minimum site size shall be fifteen (15) acres.
2. *Site Location:* The proposed site location shall be governed by the requirements of Section 11 of the Mobile Home Commission Act and rule 920(1)(b) of the Manufactured Housing Commission Rules.
3. *Side Yard Dimensions:* All buildings and manufactured houses within the manufactured housing community site shall be no closer than fifty (50) feet from any public street right of way line, and not closer than fifty (50) feet from a rear lot line and not closer than twenty (20) feet from a side lot line of the manufactured housing community site.
4. *Space Requirements:* The manufactured home development shall be developed with sites averaging 5,500 square feet per manufactured home unit. The 5,500 square feet for any one site may be reduced by 20 percent provided that the individual site shall be equal to at least 4,400 square feet. For each square foot of land gained through the reduction of a site below 5,500 square feet, at least an equal amount of land shall be dedicated as open space. This open space shall be in addition to that required under R125.1946, Rule 946 and R125.1941 and R125.1944, Rules 941 and 944 of the Michigan Administrative Code.
5. *Yard Requirements:* The required distances between manufactured home units and other structures and the required distances from property boundary lines shall meet the requirements of Rule 125.1941, and Rule 941 and of the Michigan Administrative Code.
6. *Development Roads:* Two way streets within a manufactured home development shall have a minimum width of 21 feet where no parallel parking is permitted, 31 feet where parallel parking is permitted along one side of the street, and 41 feet where parallel parking is permitted along both sides of the street. The minimum width of a one-way street shall be 13 feet where no parallel parking is permitted, 23 feet where parallel parking is permitted along one side and 33 feet where parallel parking is permitted along both sides.
7. *Paving:* All internal roads and parking facilities shall be provided with a paved surface in compliance with the standards of the AASHTO Specifications referenced in Rule 922 of the Michigan Manufactured Housing Commission Rules. Off-street parking areas shall be drained so as to dispose of all surface water accumulated in the parking area in such a way as to prevent the drainage of water onto adjacent property or toward buildings. No portion of any off-street parking area shall be considered part of the sidewalk system.
8. *Sidewalks:* Sidewalks, which meet the standards established in Rule 928 of the Michigan Manufactured Housing Commission Rules, and AASHTO Standards shall be installed along one (1) side of all internal collector roads within the park and to the public right-of-way and to all service facilities including, but not limited to, central laundry, central parking, and central recreation/park areas. Sidewalks shall also be required along that portion of a site fronting along public thoroughfares.
9. *Utilities:* The installation of utilities within a manufactured housing community shall be in accordance with the following requirements:

- a. All electrical, telephone, and utility service shall be underground and specifically designed in conformance with the standard established in rule 932(a), 934(a), 935(a), 937(2)(a), and 940 of the Manufactured Housing Commission.
  - b. All gas distribution lines shall be located underground. Each manufactured housing lot so served shall have the service line located underground to a connection point. The use of independent bottled gas service for individual manufactured housing units is prohibited. All heating systems shall be designed and installed in accordance with Rules 934 and 940 of the Manufactured Housing Commission.
  - c. Minimum housing standards for the home or installation of the home plumbing, heating, and electrical systems shall be those either set forth by the United States Department of Housing and Urban Development (HUD) Manufactured Home Construction and Safety Standards or by ANSI (American National/Standards Institute) for manufactured housing units predating HUD.
  - d. All manufactured housing sites and all other buildings within the development shall be connected to the water system of the governmental jurisdiction, if it is available to the development, or to another state approved system. The development water system shall conform to parts 2-4 of the Michigan Department of Environmental Quality (MDEQ) Manufactured Housing Community Standards.
  - e. All manufactured housing sites and all other buildings within the development shall be connected to the sanitary sewerage system of the governmental jurisdiction if it is available to the development, or to other state approved systems. The development sanitary sewerage system shall conform to MDEQ Manufactured Housing Community Standards.
  - f. All storm sewers shall be constructed in accordance with parts 2-4 of the MDEQ Manufactured Housing Community Standards by the developer.
10. *Skirting:* Skirting shall be installed around all manufactured housing units. All skirting shall be installed prior to the issuance of a Certificate of Occupancy. In the event that such installation is delayed due to weather, or for other similar reasons, a temporary certificate of occupancy may be issued for a period not to exceed ninety (90) days. All skirting shall meet the specifications established by the Michigan Manufactured Housing Commission Rules.
- Individual manufactured housing units shall be skirted around the perimeter of the manufactured housing unit to conceal the underbody from view. Skirting shall be vented in accordance with the requirements of Rule 604 of the Manufactured Housing Commission Rules. All skirting shall be manufactured of fire-resistant material and certified as such by the manufacturer. Skirting shall be installed in a manner so as to resist damage under normal weather conditions and shall be properly maintained.
11. *Installation:* Each manufactured housing site shall conform with the Manufactured Housing Commission requirements of Rule 602 for installation of manufactured housing units.
12. *Screening, Buffering and Landscaping:* Manufactured housing communities shall provide the following screening, buffering and landscaping:

- a. If a manufactured home development abuts an existing residential or non-residential development, the development shall provide screening along the boundary line abutting the adjacent development, if not in conflict with existing utilities.
  - b. One tree shall be planted on every other manufactured home site.
  - c. A minimum of one (1) deciduous tree shall be planted for every 40 lineal feet of required buffer strip length.
13. Public Health and Safety:
- a. If municipal water is available, fire hydrants shall be installed in all manufactured housing developments and shall be in compliance with the requirements and provisions of the current local fire code, including the requirement that there be no more than five hundred (500) feet between hydrants as measured along adjacent roadways within the manufactured housing community. Such provision may be waived by the Michigan Department of Environmental Quality pursuant to Rule 1105(2) of the MDEQ Administrative Rules.
  - b. For the protection of the public safety, an orderly street name system and numbering system that is not the same or similar to any other street name or numbers in Ionia County shall be proposed by the manufactured housing development owner and a plan of this system of street names and addresses shall be approved by the Ionia County Road Commission. Manufactured housing space numbers shall be located uniformly on each space, manufactured housing unit or identification marker, throughout the manufactured housing park and street names shall be adequately marked. This shall not be a prerequisite for preliminary plan approval.
  - c. Cooking shelters, barbecue pits, outdoor fireplaces, and outdoor wood burning stoves shall be so located, constructed, maintained and used as to minimize fire hazards and smoke nuisance both on the site and on neighborhood property. Open fires shall not be allowed except in facilities approved and all such fires must be attended. No fuel shall be used or items burned which emit dense smoke.
  - d. Every home shall be equipped at all times with fire extinguishing equipment in good working order, or a type, size, and number and so located within the home as to be in compliance with the applicable regulations of Rule 702a of the Manufactured Housing Commission.
  - e. Each manufactured housing unit shall have a safe and unobstructed primary ingress and egress.
  - f. No open fire shall be permitted at any place which may endanger life or property.
  - g. No fire shall be left unattended at any time.
14. *Building Height:* No building or structure shall exceed thirty-five (35) feet in height.
15. *Lighting:* Street lighting shall be provided and paid for by the owner of the community and shall be approved by the Manufactured Housing Commission as to the adequacy of illumination. No lighting shall shine on adjacent properties. Lighting shall be designed to point downward. All other lighting shall be in accordance with the State of Michigan, Act 96 of 1987 as amended.

16. *Storage Areas:* All storage structures within a manufactured home development shall meet the requirements of Rules 941 and 944 of the Manufactured Housing Commission and the state construction code.
17. *Open Space:* A manufactured home community that contains 50 or more home sites shall have not less than two (2) percent of the gross acreage of the total site dedicated to designated open space, but not less than 25,000 square feet.
18. *Telephone, Television, or Other Communication Technologies:* Central television antenna systems, cable television, telephone, or other similar communication services shall have their distribution systems installed underground in compliance with local and state regulations.
19. *Solid Waste and Resource Recovery:* The garbage and rubbish storage and disposal procedures in manufactured housing communities shall comply with Michigan Department of Environmental Quality Rules R325.3351-R325.3354.
20. *Severe Weather Warning and Storm-fallout Shelter:* A manufactured housing developer shall comply with Manufactured Housing Commission Rule 706.
21. *Signs.* Any and all signs provided within the manufactured home community shall not exceed a height of eight (8) feet measured from the average grade and not located within the public road right of way.
  - a. Development entrance: One (1) sign not to exceed an area of twenty-five (25) square feet, shall be permitted at each access entrance of the manufactured housing community in accordance with this Ordinance.
  - b. Identification: One (1) identification sign not to exceed an area of nine (9) square feet shall be permitted for management offices and community buildings.
22. *School Bus Stops:* School bus stops, if provided, shall be located within the manufactured housing community in an area that is acceptable to the school district.
23. *Mailbox Clusters:* The United States Postal Service may require that manufactured home communities be served by clusters of mailboxes serving several homesites rather than individual mailboxes. If mailbox clusters are required, they shall be located at least two hundred (200) feet from any intersection of a manufactured housing community internal road and a public road.
24. *Miscellaneous Provisions:*
  - a. Occupancy: A manufactured housing community development shall be ready for occupancy when it has complied with rule 214k and 214n of the Manufactured Housing Commission.
  - b. Removal of Towing Mechanisms: Towing mechanisms shall be removed from the manufactured housing dwelling at the time of dwelling installations and stored so as not to be visible from the exterior of the manufactured housing community. Towing mechanisms, including axles, may, however, be stored under manufactured homes within a community.
  - c. The grounds of a manufactured housing community shall be graded to drain properly as required in MDEQ drainage rules R325.3341 through R325.3349.



- d. The business of street selling new and/or pre-owned manufactured homes as a commercial operation in connection with the operation of a manufactured housing community shall be prohibited. The phrase, “commercial operation” means street sales and is not intended to preclude the siting and featured display of manufactured homes used as sales offices and model homes. An operator of a manufactured housing community, or designee, who is an authorized licensed manufactured home retailer or broker, is permitted to feature and sell in-community model homes to be located on a variety of sites within the manufactured housing community.
- e. All requirements of Act 96 of the Public Acts of 1987, as amended, shall apply.
- f. The owner or operator of any manufactured housing community shall be responsible for all street construction and street maintenance within the confines of the manufactured housing community. Fences on individual home sites, if provided, shall be so constructed as to provide firefighters and emergency response equipment reasonable access to manufactured housing units and site built structures.

### Section 15.45 – Open Space Preservation Development

#### Section 15.45.01 - Purpose

Public Act No. 110, the Michigan Zoning Enabling Act, requires that townships having a population of 1,800 or more persons and which have a zoning ordinance, must adopt provisions in their zoning ordinances known as “open space preservation” provisions, which permit undeveloped land zoned for residential purposes at a density equivalent to 2 or fewer dwelling units per acre. Under these regulations, the landowner has the option to retain at least 50% of the property as open space and place dwellings on the remaining portion. The number of dwellings cannot be less than the number which would be permitted on the land without the open space preservation regulations. The purpose of this section is to adopt open space preservation provisions consistent with the requirements of Act No. 110.

#### Section 15.45.02 – Definitions

If not otherwise defined by Article II, section 2.02, words and phrases used in this ordinance, if defined by the Act, shall have the same meaning as provided in the Act.

#### Section 15.45.03 - Qualifying Conditions

Land may be developed pursuant to the provisions of this section and Act No. 110 only if all of the following requirements and conditions are met:

- A. The land is located in the RD, AR, RR, NR or LDR zoning districts pursuant to this Zoning Ordinance, however, in the AG district, these developments may be permitted if the proposed land meets the regulations of section 5.02 K and 26.02 C (1) and (2).
- B. The development of land pursuant to 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 or open space option provided for by this section would also depend on such extension and the clustering or open space option provided pursuant to this section shall not have previously been exercised with respect to the same land.
- C. If all of the preceding conditions and requirements listed in this Qualifying Conditions section are satisfied, the landowner may apply for the option of the open space preservation ordinance in accordance with the provisions and requirements of this 15.45 section.

#### Section 15.45.04 - Permitted Uses

Only those residential land uses permitted by the zoning district in which the land is located shall be permitted on land developed or used pursuant to the provisions of this section.

#### Section 15.45.05 - Process

Only land located in the RD, AR, RR, NR, LDR and AG (with restrictions) zoning districts are eligible for the open space preservation option provided for in this section and pursuant to Act No. 110. Should the owner of a property within the above zoning districts desire to take advantage of such option, the landowner must apply for a site plan review approval pursuant to the procedural requirements of Article XIX (19) of this Zoning Ordinance. All of the normal minimum lot size, setback, road frontage, lot width, width-to-depth ratio, and other dimensional, frontage, and area requirements governing the development of land within the zoning district where the land is located shall apply except to the extent that such standards are expressly varied pursuant to the section 15.45.10 or where the Planning Commission and Township Board approve such a variation pursuant to the Open Space Preservation Ordinance approval process.

#### Section 15.45.06 - Application and Review Procedure

The application requirements and review procedures for land proposed to be developed pursuant to the provisions of this section shall be those stated in Article XIX (19) of this Ordinance governing site plans, except as otherwise expressly provided in this Applications and Review Procedure section and the Open Space Preservation Development ordinance. In addition to the application materials required by Article XIX (19) of this Ordinance, an application for the development of land under the provisions of this section shall also include the following:

- A. The Existing Zoning Plan The applicant shall prepare and submit to the Township a site plan for the purpose of demonstrating the number and location of dwelling units that could be developed on the land at issue under its existing zoning if the clustering or open space option provided for by this section were not exercised. The Existing Zoning Plan may be conceptual in nature, but shall include at least the following information:
  1. Date, north arrow and scale, which shall not be more than 1" = 100', and, in all cases, the scale shall be the same as that utilized for the site development plan illustrating the proposed development using the clustering option permitted by this section.
  2. Location of all streets and driveways, existing and proposed.
  3. Location of all lots, illustrating lot area, frontage, and the width of each lot to demonstrate compliance with the minimum requirements of the applicable zoning district.
  4. Location of all utilities that would be necessary to serve a development under the Existing Zoning Plan and which would not be located within any public road right-of-way or private street easement, or on buildable lots. Such utilities include, but are not limited to, storm water retention or detention basins, community sewage treatment systems and community water supply facilities.
  5. If development under the Existing Zoning Plan would require the use of septic tanks and drain fields, the Existing Zoning Plan shall illustrate the proposed location of all septic tanks and drain fields. The applicant shall submit proof that the proposed septic tank and drain field location for each lot would be approved, or has been approved, by the Ionia County Health Department.
  6. The location of all portions of the land that are unbuildable for residential purposes due to the presence of wetlands, severe slopes, flood plains, or other features prohibiting development for residential purposes.

7. If any portion of the land has frontage on a lake, river, or stream, the Existing Zoning Plan shall show each such body of water, as well as the number and location of dwelling units that could be developed with frontage on or access to each such body of water under existing zoning if the open space or clustering option provided for by this ordinance were not exercised.
- B. The Site Development Plan. The applicant shall also submit a site plan for the open space or clustering option permitted by this section, which, in addition to the site plan requirements specified in Article XIX (19) of this Ordinance, shall also include all of the following information:
1. Date, north arrow and scale, which shall not be more than 1" = 100', and, in all cases, the scale shall be the same as that utilized for the Existing Zoning Plan.
  2. The site development plan shall clearly illustrate the portions of the land that are proposed to remain in a perpetually undeveloped state and the portions of the land that will be used for clustered development.
  3. The site development plan shall indicate the total number of acres of land that are proposed to remain in a perpetually undeveloped state, the total number of acres of land that are proposed to be used for cluster development, and the percentage of each, as compared to the total site acreage.
  4. The site development plan shall illustrate the location of all lots and proposed building envelopes (minimum setback distances from lot lines) and shall indicate the lot area, frontage, and width of each lot, and the proposed front, side and rear yard building setbacks. The number of lots on the site development plan shall not exceed the number of lots on the Existing Zoning Plan, as approved by the Planning Commission, and reduced to accommodate non-dwelling structures, if necessary, as described later in this section.
  5. The site development plan shall also illustrate the location and type of all proposed structures or improvements that are not dwellings.
  6. If the proposed clustered development will include septic tanks and drain fields, the site development plan shall illustrate the location of all proposed septic tanks and drain fields. The applicant shall submit proof that the proposed septic tank and drain field location for each lot has been approved by the Ionia County Health Department.
  7. If the development is to be served by public streets, proof that the Ionia County Road Commission has approved the design, layout and construction of the streets.
  8. If any portion of the land has frontage on a lake, river, or stream, the site development plan shall show the proposed location and number of dwelling units with proposed frontage on or access to a body of water.
  9. The location of any proposed private road(s).
  10. The site development plan shall demonstrate that each of the proposed residential lots and proposed building envelopes is "buildable" and fully suited for the construction and use of a single-family residential dwelling.

- C. Developable Area. When reviewing an application submitted under the terms of this section, the Planning Commission shall determine whether the Existing Zoning Plan accurately reflects the number and location of dwelling units that could be developed on the land under its existing zoning if the clustering or open space option provided by this section were not exercised. The Planning Commission shall determine if the number and/or location of dwellings shown on the Existing Zoning Plan exceeds the number of dwellings that could be permitted or developed on the land if it were developed under its existing zoning if the clustering or open space option provided by this section were not exercised (or the locations are not accurate). If so determined, the applicant shall submit a revised Existing Zoning Plan which accurately reflects the number and location of dwellings which could have been developed under existing zoning if the Act No. 110 option were not exercised pursuant to this section. For purposes of determining the number and location of dwellings that would have been permitted or developed on the land under its existing zoning if the clustering or open space option were not exercised, the following shall be deemed land not developable and shall be excluded from the formula of determining otherwise developable land area under existing ordinances:
1. Wetlands as defined by Michigan law.
  2. Land located under a lake, pond, river, or stream.
  3. Land with slopes exceeding 30%.
  4. Land for which an on-site private septic system or private well could not be utilized under Ionia County Health Department regulations.
  5. Land located within a flood plain or which is subject to periodic flooding.
- D. The Restrictions Document. The applicant shall submit a copy of the proposed deed restrictions, restrictive covenants, conservation easement, plat dedication, or other legal document which the applicant proposes to utilize if the proposed open space or cluster development is approved pursuant to this section and which would have the legal effect of preserving in perpetuity the open space required by this section in an undeveloped state. Such document shall be reviewed and approved by the Township and the Township Attorney (as to form and content) prior to recording. At a minimum, the document(s) shall provide for all of the following:
1. Indicate the proposed permitted use(s) of the undeveloped open space.
  2. Require that the open space be maintained forever in an undeveloped condition, without buildings, structures, or other improvements, except such drainage improvements, utilities, riding trails, hiking trails, picnic areas, park or playground equipment, growing of crops, agricultural structures or similar improvements which are approved by the Planning Commission.
  3. Require that the undeveloped open space be maintained by the parties who have an ownership interest in it.
  4. Provide standards for scheduled maintenance of the undeveloped open space, including necessary pruning and harvesting of trees and new plantings.
  5. The approved restrictions document shall be fully executed by all of the owner(s) of the land and shall be recorded with the Ionia County Register of Deeds before any lots are sold and before any building permits are issued.
- E. If the site development plan complies and all aspects of the proposed development satisfy all requirements of this section, the Planning Commission and Township Board shall approve the site development plan for the proposed development.

Section 15.45.07 - Requirements for Open Space

- A. Required Open Space. At least 50%, but no more than 80%, of the land proposed for development under the provisions of this Article shall remain in a perpetually undeveloped state (i.e., "open space") by means of a conservation easement, plat dedication, restrictive covenant, or other legal instrument that runs with the land as approved by the Township Board (upon recommendation by the Planning Commission) and the Township Attorney.
- B. Lands to be Set Aside as Open Space. It shall be the Township Board (upon recommendation from the Planning Commission) that determines which 50% or more of the land shall be set aside for open space, as well as which portion or portions of the land may be developed. At the discretion of the Township Board, (upon recommendation from the Planning Commission), the land to be set aside as permanent open space need not be contiguous. The Township Board (upon recommendation from the Planning Commission) shall also determine what percentage of the total land area (between 50% and 80%) shall be set aside as permanent open space.

The following areas shall not constitute open space and may not be utilized to satisfy the open space requirement:

- 1. Any areas located within or under any public street easement or right-of-way.
- 2. Property located under or within any private street or road easement.
- 3. The area within a platted lot or site condominium unit.
- 4. Off-street parking areas.
- 5. Detention and retention ponds.
- 6. Community drain fields.
- 7. The lands or area located underneath creeks, streams, river, existing ponds or lakes, floodplain areas or other bodies of water.
- 8. The area within a wetland as defined by Michigan law.
- 9. Lands with slopes exceeding 30%.
- 10. The Planning Commission may allow up to 60% of those areas listed in (7.) and (9.) above to be counted as open space if physical amenities which can be utilized by the residents of the open space project are provided, such as a walking trail, a ball field, play structures or similar items.

#### Section 15.45.08 - Standards for Open Space

The following standards shall apply to the open space required pursuant to this section:

- A. The open space shall not include a golf course.
- B. The open space may include a recreational trail, picnic area, children's play area, greenway, park, an agricultural use or other use which, as determined by the Planning Commission, is substantially similar to these uses.
- C. The open space shall be available for all residents of the development, subject to reasonable rules and regulations. The open space may be, but is not required to be, dedicated to the use of the public.
- D. If the land contains a lake, stream or other body of water, the Planning Commission may require that a portion of the open space abut the body of water.
- E. A portion of the open space shall be located along the public street frontage abutting the land. The depth of this area shall be at least 50 feet, not including public right-of-way, and this area shall be left in its natural condition or be landscaped to help to preserve or enhance the existing views.
- F. A portion of the open space shall be reasonably useable by the residents of the land for passive recreational uses such as hiking or picnicking.

- G. Open space shall be located so as to be reasonably accessible to the residents of the development. Safe and convenient pedestrian access points to the open space from the interior of the clustered development shall be provided.
- H. Open space shall be located so as to preserve significant natural resources, natural features, scenic or wooded conditions, bodies of water, wetlands or agricultural land.

Section 15.45.09 - Use of Open Space

All dwelling units and other structures and improvements shall be located outside that portion of the land designated as open space. However, the Township Board (upon recommendation by the Planning Commission), at its discretion, may permit structures or improvements to be located in the open space if the structures and/or improvements would be consistent with the designated purpose of the open space. By way of example only, park or playground equipment could be permitted on open space designated for recreational use, or agricultural structures could be permitted on open space designated for agricultural use.

Section 15.45.10 - Individual Lots, Streets, and Other Improvements; Miscellaneous Provisions

- A. Underlying Zoning District The development of land under this section shall comply with all requirements of this Ordinance applicable to the zoning district in which the land is located, except those setback, area, lot width to depth ratio, and yard size requirements that must be adjusted to allow the clustering option permitted under this ordinance where approved by the Township Board (upon recommendation from the Planning Commission).
- B. Uniform Lot Size Lots for dwellings in the clustered portion of the development shall be as uniform in area as is reasonably practicable, unless otherwise approved by the Township Board (upon recommendation from the Planning Commission).
- C. Building Envelopes The location and area of building envelopes, as proposed by the applicant, shall be subject to the review and approval of the Township Board (upon recommendation from the Planning Commission). The location and area of building envelopes shall be established to achieve the intent and purpose of the zoning district in which the land is located.
- D. Required Street Frontage Each lot shall have a minimum of at least 60 feet of frontage on a lawful street, measured at the street right-of-way line.
- E. Lot Width Each lot shall have a minimum width equal to no less than 1/2 the minimum lot width specified for the zoning district in which the land is located, unless otherwise approved by the Township Board (upon recommendation from the Planning Commission). Notwithstanding the provisions of this subsection, each lot which abuts or has frontage on a lake, river, stream or creek shall have frontage on such body of water equal to or greater than the minimum lot width requirement for the zoning district in which the land is located.
- F. Maximum Number of Lots The clustered portion of the development shall contain no more than the maximum number of lots, as determined from the Existing Zoning Plan approved by the Planning Commission and Township Board, and as reduced to reflect the inclusion of non-dwelling unit structures, if any, as described in subsection (15.45.10 (H)).
- G. Non-dwelling Unit Structures Lots containing non-dwelling structures such as a clubhouse and its related amenities shall be subject to all requirements of this section applicable to lots containing dwellings and shall further be subject to all other requirements of this Ordinance and other Township ordinances applicable to the type of structure proposed. However, the Township Board (upon recommendation by the Planning Commission) may, at its discretion, permit the enlargement of a lot containing a non-dwelling structure so as to reasonably accommodate it.

- H. Reduction in Lots for Non-dwelling Structures If structures other than dwellings, such as a clubhouse, are constructed on a lot in the clustered portion of the land, the number of dwelling lots permitted in the clustered portion of the land shall be reduced as follows:
1. The area of a lot or lots occupied by non-dwelling structures shall be calculated and then divided by the average area of a dwelling lot that could be situated in the clustered development if the non-dwelling structures were not included in the clustered development, as determined from the approved Existing Zoning Plan. If this number is a fraction, it shall be rounded up to the nearest whole number.
  2. The number calculated under subsection (1) shall be subtracted from the number of dwelling lots that could be permitted in the clustered development in the absence of the non-dwelling structures, as determined from the approved Existing Zoning Plan, in order to determine the maximum number of dwelling lots permitted to be included in the clustered portion of the development with the non-dwelling structures included.
- I. Perimeter Lots Notwithstanding any other provision of this section, the Township Board (upon recommendation from the Planning Commission) may require that the clustered development be designed and constructed with lot sizes and setbacks on the perimeter that will be reasonably consistent with the lot sizes and setbacks of adjacent uses (planned or existing).
- J. Sidewalks The Township Board (upon recommendation from the Planning Commission) may require sidewalks.
- K. Grading Grading within the clustered development shall comply with the following requirements:
1. To preserve the natural appearance of the land, all graded areas, cuts and fills shall be kept to a minimum. Specific requirements may be placed by the Township Board (upon recommendation from the Planning Commission) on the area of land to be graded or to be used for building, and on the size, height, and angles of cut-and-fill slopes and the shape thereof. Retaining walls may be required by the Township Board (upon recommendation from the Planning Commission).
  2. All areas indicated as open space on the approved development plan shall be undisturbed by grading, excavating, structures or otherwise, except as permitted by the Township Board (upon recommendation from the Planning Commission). Drainage improvements, utility lines, riding trails, hiking trails, picnic areas, and similar recreational improvements and amenities may be placed in open space areas if approved by the Township Board (upon recommendation from the Planning Commission).
  3. Grading within the clustered development shall be planned and carried out so as to avoid erosion, pollution, flooding or other adverse effects upon the land, and so as to have only such minimal effect upon lakes, streams, wetlands, and the environmental characteristics of the land as may be reasonably feasible.
- L. Private Roads Private roads within a clustered development shall conform to the private road requirements (and approval process) of this Ordinance and the Private Road section (Article XXVI (26)). The Township Board (upon recommendation from the Planning Commission) may, however, modify the requirements for private roads and in doing so, shall consider the following criteria:
1. The number and type of dwelling units served by the private road;
  2. Traffic generation;
  3. Existing topography and vegetation;
  4. Security provisions;

5. Inter-relationship with the public road network;
  6. Future installation of public utilities; and
  7. Likelihood of public dedication of the roadway.
- M. Other Laws The development of land under this ordinance is subject to all other applicable Township ordinances, and state and federal laws, rules and regulations, including, but not limited to, rules relating to suitability of groundwater for on-site water supply for land not served by a public water system, and rules relating to the suitability of soils for on-site sewage disposal for land not served by public sanitary sewers.
- N. Access to or Frontage on Lakes and Streams
1. An approved Open Space Preservation Development or other approved development pursuant to Act No. 110 and this section, shall comply fully with the river access, frontage, and other requirements contained in Section 7.05 of the Natural River District of this Ordinance with regards to rivers and streams if the property at issue has frontage on a river or stream.
  2. No approved Open Space Preservation Development or other development approved pursuant to Act No. 110 and this section shall permit any more lots or dwellings to have access to or frontage upon a river or stream than would be otherwise legally permissible under existing zoning.
- O. County Drain Commissioner Approval Any matters involved with drainage, retention/detention ponds, water runoff, and similar matters associated with any proposed development pursuant to this section shall require the approval of the Ionia County Drain Commissioner and shall be subject to the applicable rules and regulations of the same.

Section 15.45.11 - Amendments to an Approved Open Space Preservation Development

- A. An approved site plan and any conditions imposed upon its approval pursuant to an approved Open Space Preservation Development shall not be changed except upon the mutual consent of the Township Board (after recommendation by the Planning Commission) and the applicant, except as otherwise stated below with respect to minor changes.
- B. A minor change may be approved by the Planning Commission. The following items shall be considered minor changes:
  1. Reduction of the size of any building, building envelope, or sign.
  2. Movement of buildings or signs by no more than ten (10) feet.
  3. Plantings approved in the landscaping plan may be replaced by similar types of plantings.
  4. Changes requested by the Township for safety reasons.
  5. Changes which will preserve natural features of the land without changing the basic site layout.

Section 15.45.12 - Performance Guarantees

The Township Board, at its discretion, may require reasonable performance guarantees. Such guarantees shall be conditioned upon faithful compliance with all of the provisions and requirements of this section and the approved site plan and development. Such performance guarantees shall be in the form of a performance bond, irrevocable letter of credit, or cash deposit in an amount and form deemed by the Township Board to be appropriate.

Section 15.45.13 - Time Limitations for Development

Each development approved and permitted pursuant to this section shall be under substantial construction within one (1) year after the date of approval of the site plan and development by the



Planning Commission and Township Board. If this requirement is not met, the Township Board may, at its discretion, grant an extension not exceeding one (1) year, provided that the applicant submits reasonable evidence showing that unforeseen difficulties or special circumstances have occurred which caused excusable delay in the commencement of the cluster or open space development. If the approved development has not been commenced within the above-stated time period or any authorized extension thereof, any zoning permits and building permits issued for the development or any part thereof shall be of no further effect. The applicant shall then be required to seek a new approval (as if starting over again) from the Planning Commission and Township Board pursuant to the requirements of this section.

#### Section 15.45.14 - Severability Clause

If a court of local jurisdiction determines that zone district(s) in addition to those listed in Section 15.45.03 of this ordinance are considered "lands zoned for residential development," the requirements of this ordinance shall apply to the lands in such additional zone district(s). Sections of this Ordinance shall be deemed to be severable and should any section, paragraph, or provision hereof be declared by the courts to be unconstitutional or invalid, such holdings shall not affect the validity of this ordinance as a whole or any part hereof, other than the part so declared to be unconstitutional or invalid.

## **XVI - Environmental Conservation Provisions**

### **Section 16.01 - Purpose**

The purpose of this Article in all Zoning Districts is to promote the conservation or wise use of important unrennewable natural resources and to protect the desirable qualities of the natural environment which may involve the saving of important vegetation, wildlife cover, watersheds, areas which periodically flood, features controlling wind or water erosion, wetlands, and areas of topographical, archaeological, geological, historical or agricultural significance for present and future generations as determined by Master Plans adopted by the Planning Commission for the purpose of preserving or conserving specific features and areas of these natural resources and environments.

### **Section 16.02 - Natural Environment**

It is the general requirement of this Article to conserve and wisely use in the most careful and well-planned manner possible in accordance with the provisions of Public Act 127 of 1970, "The Michigan Environmental Protection Act" and "State Guidelines: Preparation and Review of Environmental Impact Statements", Michigan Environmental Review Board, Office of Management and Budget. Under this Article where it is the judgment of the Planning Commission and their written reasons, the Planning Commission may require the submittal of and Environmental Impact Statement in accordance with "State Guidelines: Preparation and Review of Environmental Impact Statement", Michigan Environmental Review Board, Office of Management and Budget.

### **Section 16.03 - Natural Resources**

In order to properly conserve and provide future access to such natural resources as sand, gravel, oil, gas, coal, minerals and other economically important unrennewable resources, the Planning Commission may require the applicant desiring to develop such property to prepare a survey or map indicating the type, character, and location of agricultural soil types and elevation and use areas, and the method proposed to preserve future development and use of such soil types and use area. In the making of such plans and surveys an applicant desiring to develop agricultural soil types and use areas shall be encouraged to develop only those portions of a property which are the least adaptable for present and future agricultural purposes.

### **Section 16.04 - Lakes, Ponds, Rivers, Streams, Water Courses and Drainageways**

In order to conserve or wisely use the lakes, ponds, rivers, streams, water courses and drainageways in the Township, no such feature shall be altered, changed, transformed or otherwise be varied from its present existing condition except as follows:

- A. In all Zoning Districts no river, stream, water course or drainageway, whether partly filled with water or dry in certain seasons, shall be obstructed or altered in any way at any time by any person, except when done in conformance with State and Federal laws, regulations and standards. The construction of dams in streams shall meet the requirements of Public Act 184 of 1963, "An Act to Regulate the Construction of Dams in Streams" as administered by the State Department of Natural Resources and Public Act 156 of 1951, "An Act to Regulate Construction on Streams" as administered by regulations adopted by the County Board of Commissioners.
- B. In all Zoning Districts the edge, bank, or shore of any lake, pond, river or stream shall not be altered, changed, transformed or otherwise be varied from its present condition except in conformance with the provisions of (1) Public Act 291 of 1965, "The Inland Lakes and Stream Act", (2) Public Act 245 of 1970, "The Shorelands Protection and Management Act", (3) Public Act 347 of 1976, "Soil Erosion and Sedimentation Control Act".

### **Section 16.05 - Flood Plains**

- A. Notwithstanding any other provisions of this Ordinance, land subject to periodic flooding shall be used only for agriculture and recreation uses, provided no structures, except as otherwise provided in this Ordinance or in accordance with Public Act 167 of 1968, "An Act to Regulate the Alteration of Floodplains and Floodways," and Public Act 231 of 1970, "The Natural River Act", are located within the area subject to flooding.
- B. The location and boundaries of land subject to periodic flooding shall be determined by reference to the Federal Housing Administration, U. S.. Army Corps of Engineers, the U. S. Soil Conservation Service or other official U. S. or Michigan public agency responsible for defining and determining flood plain areas.
- C. No building shall be located within a designated floodway, except as approved by the Michigan Department of Natural Resources. The Township Planning Commission may, upon approval by the Michigan Department of Natural Resources, permit bridges, dams, other public facilities, piers, wharves, or boat houses. Before any such structure is built within the floodway, it shall be shown that such structure will not form a significant obstruction or retard the movement of floodwaters, except as part of a plan for flood control.

Section 16.06 - Wetlands

All areas designated as wetlands by the Michigan Department of Natural Resources are hereby declared to be "Wetlands" in the Township and are subject to the provisions of this Ordinance as follows:

All wetlands in the Township are hereby subject to the provisions of Public Act 203 of 1979, "The Wetlands Protection Act" in order to encourage the proper use and development of the wetlands.

Section 16.07 - Environmentally Sensitive Areas

- A. Areas may be designated by the Township Board upon favorable recommendation of the Planning Commission, as Areas of Environmental Sensitivity including, but not limited to:
  - 1. Rare or valuable ecosystems.
  - 2. Significant undeveloped agricultural, grazing or watershed areas.
  - 3. Forests and related land which require long stability for continuing renewal.
  - 4. Scenic or historical roads/areas, including burial grounds.
  - 5. Such additional areas as may be determined by the Federal Government, the State of Michigan or Ionia County.

B. General Requirements for Environmentally Sensitive Areas

All zoning permit applications in Environmentally Sensitive Areas, regardless of size, and in addition to (or as part of) any other applicable portions of this section shall demonstrate that the proposed development will not adversely affect the environment quality of the property and the surrounding area by means of the following:

- 1. The applicant shall provide written evidence that the proposed development of the property will conform to the provisions of such Soil Erosion and Sedimentation Control Ordinance as may be in effect in the County.
- 2. The applicant shall provide written evidence that a sewage treatment or disposal system has been approved by the Ionia County Health Officer or Wastewater Division of the Michigan Department of Natural Resources and is in conformance with any additional provisions set forth in this Ordinance pertaining to setbacks from water bodies, height above water level, etc.
- 3. The applicant shall provide evidence that the cutting and removing of trees and other native vegetation will be performed according to the following standards:

- a. Clear cutting of woodlands and the removal of shrubbery and undergrowth shall be restricted to removal of dead, diseased or dying trees.
  - b. Selective cutting which removes not more than forty (40) percent of the trees and which leaves a well distributed stand of tree foliage shall be permitted.
  - c. More than forty (40) percent of the tree coverage may be removed only as such action is recommended by a state forester, or a private forester registered by the state and approved by the Planning Commission.
  - d. Cutting shall be done in such a manner as to avoid erosion, to preserve rare species of trees or greenery, to preserve scenic qualities, and to preserve desirable screening.
- C. Have as a portion of the application a site plan for review by the Planning Commission that provides such data concerning the physical development and extent of disruption to the site as may be required by the Planning Commission. The Planning Commission or Zoning Administrator may require any of the following as part of the information of the site plan: maps, description of earth changes, soil borings, soil surveys, well logs, description of vegetation changes, percolation test, description of development, topographic surveys, and other environmental impact information. The review of the site plan will be made in such a manner as to:
- 1. Determine whether the regulations of this Ordinance shall have been observed regarding cutting of trees and other vegetation, sewage disposal, erosion and sedimentation control, etc.
  - 2. Determine whether the true intent of State and Township regulations, including this Ordinance, shall be served by this development in safeguarding against adverse effects on air and water quality, the natural resources of the area, and the natural vegetation of the area. The Planning Commission shall recommend alterations as are required by existing Ordinance or Statute, or such reasonable requirements as it deems necessary to minimize such adverse effects.
- D. In special cases where in the judgment of the Township Planning Commission a development proposal, because of its extensiveness, complexity, exceptional cost of development or significant impact on both the existing development pattern and the natural environment, cannot be properly processed under the limited provisions of this Article, may be required to conform to the provisions of both this Article and those of Article XIX "Site Plan Review".

## **Article XVII - Off-Street Parking, Loading and Unloading Requirements**

### **Section 17.01 - Purpose**

It is the purpose of this Article to improve and maintain the safety of the roads and highways in the Township by requiring off-street parking, loading and unloading spaces for all uses permitted by this Ordinance in order to provide for the proper function and safety in the use of roads and highways as traffic ways which are intended to be limited to moving automotive vehicles.

### **Section 17.02 - Off-Street Parking Requirements**

In all Districts, there shall be provided at the time any building or structure is erected, or uses established, enlarged or increased in capacity, off-street parking spaces for automotive and motorized vehicles with the requirements specified as follows:

- A. Plans and specifications showing required off-street parking spaces shall be submitted to the Zoning Administrator for review at the time of application for a Zoning Permit. Required off-street parking facilities shall be located on the same lot as the principal building or on a lot within 300 feet thereof, except that this distance shall not exceed 150 feet for single family and two-family dwellings.
- B. Outdoor parking of motor vehicles, in all Residential Districts, except in the RD, AG and AR Districts, shall be limited to passenger vehicles, one (1) nonresidential type recreational vehicle per dwelling unit, and not more than one (1) commercial vehicle of the light delivery type, not to exceed one (1) ton single front and single rear axle, shall be permitted per dwelling unit. The outdoor parking of any other type of commercial vehicle, or bus, except for those parked on school or church property, is prohibited in all Residential Districts, except in the RD, AG and AR Districts and existing farms in all other Districts parking space requirements for all types of vehicles may be provided either in garages, covered or outdoor parking areas conforming with the provisions of this Ordinance.
- C. Each off-street parking space for automobiles shall not be less than 200 square feet in area, exclusive of access drives or parking space access aisle, and shall be of usable shape and condition. There shall be provided a minimum access drive of ten (10) feet in width, and where a turning radius is necessary it will be of such an arc as to reasonably allow an unobstructed flow of vehicles. Parking space access aisles for automobiles shall be of sufficient width to allow a minimum turning movement in and out of a parking space. The minimum width of such aisles shall be:
  1. For 90 degree or perpendicular parking the aisle shall not be less than twenty-two (22) feet in width.
  2. For 60 degree parking the aisle shall not be less than eighteen (18) feet in width.
  3. For 45 degree parking the aisle shall not be less than thirteen (13) feet in width.
- D. Required off-street parking facilities for churches located in non-residential districts may be reduced by an equivalent number of off-street parking spaces located within 300 feet, if they are directly accessible and usable, as off-street parking spaces. Off-street parking facilities for trucks at restaurants, service stations and other similar and related uses shall be of sufficient size to adequately serve trucks and not interfere with other vehicles that use the same facilities. Such truck spaces shall not be less than (10) feet in width and eighty (80) feet in length.
- E. Every parcel of land hereafter used as a public or private off-street parking area shall be developed and maintained in accordance with the following requirements:
  1. All off-street parking spaces shall not be closer than ten (10) feet to any property line.

2. All off-street parking areas shall be drained so as to prevent any increase in drainage to abutting properties and shall be constructed of graded aggregate materials which will have a dust-free surface resistant to erosion by wind and water.
  3. Any lighting fixtures used to illuminate any off-street parking area shall be so installed as to divert the light away from any adjoining premises and public roads, and no source of light shall be observable beyond the lot lines of the property upon which it is located.
  4. Any off-street parking area providing space for five (5) or more vehicles shall be located at least twenty (20) feet from and be effectively screened on any side which adjoins or faces property adjoining a residential lot or institution by a wall, fence, or compact evergreen planting not less than four (4) feet in height. Plantings shall be maintained in good condition and not encroach on adjoining property.
  5. All off-street parking areas that make it necessary for vehicles to back out directly onto a public road are prohibited, except for single family and duplex residential driveways.
  6. Combined parking facilities are allowed when two (2) or more uses occur on one property or when a building on one property contains two (2) or more uses, provided that the permanent allocation of the required number of parking spaces shall be the sum of the requirements for all the uses computed in accordance with this Ordinance. Parking facilities for one use shall not be considered as providing the required parking facilities for any other use, except churches.
- F. For the purpose of determining off-street parking requirements, the following units of measurement shall apply:
1. Floor Area: In the case of uses where floor area is the unit for determining the required number of off-street parking spaces, said unit shall mean the total floor area, except that such floor area need not include any area used for incidental service, storage installations of mechanical equipment, penthouses, housing ventilators and heating systems, and similar uses.
  2. Places of Assembly: In stadiums, sport arenas, churches and other places of assembly in which those in attendance occupy benches, pews, or other similar seating facilities; each eighteen (18) inches of such seating facilities shall be counted as one (1) seat. In cases where a place of assembly has open assembly area, requirements shall be on the basis of one (1) seat being equal to three (3) square feet.

#### Section 17.03 - Use of Parking Areas

No commercial repair work, servicing or selling of any kind shall be conducted on any required parking area except that which is specifically permitted by this Ordinance. No items such as plastic animals, streamers, cloth signs, children's play areas, mechanical entertainment devices, or any other similar device shall be permitted in the parking areas.

#### Section 17.04 - Off-Street Parking Space Requirements

##### Use:

##### Parking Space Requirements:

1. Automobile, Equipment or Machinery Sales and Service Garages:  
One (1) space for each 200 square feet of showroom floor area, plus two (2) spaces for each service bay, plus one (1) space for each employee working during maximum employment hours.
2. Banks, Business and Professional Offices:

- Two (2) parking spaces for each 200 square feet of floor area, plus one (1) parking space for each employee during maximum employment hours.
3. Barber Shops and Beauty Parlors:  
Two (2) parking spaces for each chair, plus one (1) space for each employee working during maximum employment hours.
  4. Boarding, Bed and Breakfast and Lodging Houses:  
One (1) parking space for each bed.
  5. Bowling Alleys:  
Five (5) parking spaces for each alley, plus one (1) space for each employee working during maximum employment hours.
  6. Churches, Auditoriums, Stadiums, Sports Arenas, Theaters, Dance Halls, Assembly Hall other than schools:  
One (1) space for each three (3) seats, or for each three (3) permitted in such buildings as determined by the State Fire Marshall
  7. Clinics:  
Four (4) spaces for each doctor, plus one (1) space for each employee working during maximum employment hours.
  8. Convalescent or Nursing Home, Orphanage or State Licensed Foster Care Home:  
One (1) parking space for each two (2) beds, plus one (1) space for each employee, including nurses, working during maximum employment hours.
  9. Drive-in Banks, Cleaners and Similar Businesses:  
Five (5) parking spaces, plus one (1) parking space for each employee working during maximum employment hours.
  10. Drive-in Eating Establishments without inside seating:  
Ten (10) parking spaces, plus one (1) parking space for each 20 square feet of floor area and one (1) parking space for each employee working during maximum employment hours.
  11. Dwellings (Single and Two-Family):  
Two (2) parking spaces for each family dwelling unit.
  12. Dwelling (Multiple Family) and Mobile Home Parks:  
Two (2) parking spaces per dwelling unit, plus one (1) additional space for each four (4) dwelling units and one (1) space for each employee working during maximum employment hours.
  13. Funeral Homes and Mortuaries:  
Four (4) spaces for each slumber room or one (1) space for each 50 square feet of gross floor area, whichever is greater, plus one (1) space for each fleet vehicle and one (1) space for each employee working during maximum employment hours.
  14. Furniture, Appliance Stores, Household Equipment and Furniture Repair Shops:  
One (1) space for each 400 square feet of floor area, plus one (1) parking space for each employee working during maximum employment hours.
  15. Gasoline Filling and Service Stations:  
One (1) parking space for each repair and service stall, plus one (1) space for each employee working during maximum employment hours.
  16. General Office Building:  
One (1) parking space for each 400 square feet of gross floor area, plus one (1) parking space for each employee working during maximum employment hours.
  17. Hospitals:

- One (1) space for each bed, plus one space for each employee working during maximum employment hours.
18. Hotels, Motels, Lodging Houses, Tourist and Boarding Homes:  
One (1) space for each living unit, plus one (1) space for each employee working during maximum employment hours.
  19. Libraries, Museums, Post Offices  
One (1) parking space for each 800 square feet of floor area, plus one (1) parking space for each employee working during maximum employment hours.
  20. Auction Facilities:  
One (1) parking space for each 100 square feet of building, pens, and all enclosed areas on the premises of the auction facility.
  21. Manufacturing, Assembling, Fabricating, Processing and Bottling Plants:  
One (1) space for each employee working during maximum employment hours.
  22. Restaurants, Beer Parlors, Taverns, Cocktail Lounges, Night Clubs and Private Clubs:  
One (1) parking space for each four (4) customer seats, plus one (1) parking space for each employee working during maximum employment hours.
  23. Retail Stores:  
One (1) parking space for each 150 square feet of floor area, plus one (1) space for each employee working during maximum employment hours.
  24. Roadside Stands:  
Five (5) parking spaces, plus one (1) parking space for each 25 square feet of floor area.
  25. Schools; Private or Public Elementary and Junior High Schools:  
One (1) space for each employee working during the maximum employment hours in the building and on the grounds, plus one (1) space for each thirty (30) students of maximum enrollment capacity.
  26. Senior High School and Institutions of Higher Learning, Private or Public:  
One (1) parking space for each employee plus one (1) for each 5 students, plus the parking requirements for an auditorium, a gymnasium and an athletic field if they are included.
  27. Self-Service Laundry or Dry Cleaning Stores:  
One (1) space for each two (2) washing and dry-cleaning machines plus one (1) space for each employee working during maximum employment hours.
  28. Supermarket, Self-Service Food and Discount Stores:  
Two (2) spaces for each 200 square feet of floor area, plus one (1) space for each employee working during maximum employment hours.
  29. Wholesale Establishments and Warehouses:  
One (1) space for each 400 square feet of floor area, plus one (1) space for each employee working during maximum hours.
  30. If a use is not specifically listed, the parking requirements of a similar or related use shall apply as determined by the Zoning Board of Appeals.

#### Section 17.05 - Off-Street Loading and Unloading Requirements

In connection with every use, except single family, two family and multiple family dwelling unit structures, there shall be provided on the same lot with such buildings, off-street loading and unloading spaces for permitted or special uses which customarily receive or distribute material or merchandise or provide services by vehicle as follows:



- A. Plans and specifications showing required loading and unloading spaces, including the means of ingress and egress and interior circulation, shall be submitted to the Zoning Administrator for review at the time of application for a Zoning Permit for the establishment or enlargement of a use of land, building or structure.
- B. Each off-street loading-unloading space shall not be less than ten (10) feet in width, 80 feet in length, and, if a roofed space, be not less than fifteen (15) feet in height.
- C. A loading-unloading space may occupy all or any part of any required side or rear yard; except the side yard adjacent to a public road in the case of a corner lot. No part of a required front yard may be occupied by a loading space.
- D. A loading-unloading space shall not be located closer than 50 feet to any residential lot or parcel unless wholly within a completely enclosed building, or unless enclosed on all sides by a wall, fence, or compact planting not less than six (6) feet in height.
- E. When two (2) or more uses are located on a lot or parcel, the total requirements for off-street loading-unloading facilities shall be the sum of all the uses computed separately.
- F. All off-street loading-unloading facilities that make it necessary to back out directly into a public road shall be prohibited.
- G. Off-street loading space and access drives shall be paved, drained, lighted and shall have appropriate bumper or wheel guards where needed.
- H. All lights used for illumination shall be so arranged as to reflect the light away from the adjoining premises and roads, and no light source shall be visible beyond the property lines of a lot of parcel upon which they are located.
- I. Off-street loading-unloading requirements for motels, hospitals, mortuaries, public assembly, offices, retail, wholesale, industrial or other uses similarly involving the receipt or distribution by trucks, having over 5,000 square feet of gross floor area, shall be provided with at least one (1) off-street loading-unloading space, and for every additional 20,000 square feet of gross floor space or fraction thereof shall provide one (1) additional loading-unloading space.
- J. If a use is not specifically listed, the requirements of a similar or related use shall apply, as determined by the Zoning Board of Appeals.

## **Article XVIII - Sign Regulations**

### **Section 18.01 - Purpose**

The purpose of this Article is to regulate on-site signs and outdoor advertising so as to protect the health, safety and general welfare, to protect property values, and to protect the character of the various neighborhoods in the Township.

The principal features are the restriction of advertising to the use of the premises on which the sign is located and the restrictions of the total sign area permissible per site. Any sign placed on land or on a building for the purpose of identification or for advertising a use conducted on the premises shall be deemed an accessory use. It is intended that the display of signs will be appropriate to the land, building, or use to which they are appurtenant and be adequate, but not excessive, for the intended purpose of identification or advertisement. With respect to signs advertising business uses, it is specifically intended, among other things, to avoid excessive competition and clutter among sign displays. Outdoor advertising signs (billboards), which advertise products or businesses not connected with the site or building on which they are located, are deemed to constitute a principal use of a lot.

### **Section 18.02 - Definitions**

- A. **Abandoned Sign:** A sign which no longer advertises or identifies a business, lessor, owner, or activity conducted upon or product available on the premises where such sign is displayed.
- B. **Billboard:** See "Outdoor Advertising Sign"
- C. **Business district or Shopping Center:** A group of two (2) or more stores, offices, research or manufacturing facilities which collectively have a name different than the name of any of the individual establishments and which have common off-street parking and entrance facilities.
- D. **Canopy or Marquee Sign:** Any sign attached to or constructed within or on a canopy or marquee.
- E. **District:** Zoning District as established by the Township Zoning Ordinance.
- F. **Free Standing Sign:** A sign supported by a structure independent of any other structure.
- G. **Height of Sign:** The vertical distance to the top edge of the copy area or structure, whichever is higher, as measured from the adjacent street grade.
- H. **Identification Sign:** A sign which carries only the name of the firm, the major enterprise, of the principal product or service offered for sale on the premises or a combination of these things only to identify location of said premises and not to advertise. Such signs shall be located only on the premises on which the firm or major enterprise is situated, or on which the principal product is offered for sale.
- I. **Off-Site Sign:** (Off-Premises Sign) - A sign other than an on-site sign.
- J. **On-Site Sign:** (On-Premises Sign) - A sign which advertises or identifies only goods, services, facilities, events, or attractions on the premises where located.
- K. **Outdoor Advertising Sign:** A sign, including billboards, on which the written or pictorial information is intended to advertise a use, product, service, goods, event or facility located on other premises, and which is intended primarily for advertising purposes.

- L. Sign: Any structure or part thereof, or device attached thereto or painted or represented thereon, or any material or thing, illuminated or otherwise, which displays or includes any numeral, letter, word, model, banner, emblem, insignia, device, code mark or other representation used as, or in the nature of, an announcement, advertisement, direction or designation, of any person, firm, organization, place, commodity, service, business, profession, or industry, which is located upon any land or in any building, in such manner as to attract attention from outside the premises except signs not exceeding one (1) square foot in area bearing only property numbers, post box numbers or names of occupants of premises.
- M. Temporary Sign: A sign that is intended to be displayed for a limited period of time.
- N. Wall sign: A sign attached to or erected against the wall of a building with the face in a plane parallel to the plane of the building wall.
- O. Window Sign: A sign installed on or in a window for purposes of viewing from outside the premises. This term does not include merchandise located in a window.
- P. Portable Sign: Any sign not permanently attached to the ground or a building.

### Section 18.03 - General Sign Regulations

The following regulations shall apply to all signs in the Township:

- A. Illuminated Signs:
  - 1. RR, LDR, and CC districts - only indirectly illuminated signs shall be allowed, provided such sign is so shielded as to prevent direct light rays from being visible from the public right-of-way or any adjacent residential property.
  - 2. In I Districts - indirectly or internally illuminated signs are permitted providing such sign is so shielded as to prevent direct light rays from being visible from the public right-of-way or any adjacent residential property.
- B. Measurement of Sign Area: The area of a sign shall be computed as including the entire area within a regular geometric form or combination of such forms comprising all the display area of the sign and including all of the elements of the matter displayed. Frames and structural members not bearing copy or display materials shall not be included in computation of sign area. Where a sign has two (2) or more faces, the area of all faces shall be included in determining the area of the sign, except that where two (2) such faces are placed back-to-back, parallel to one another, and less than twenty-four (24) inches apart, the area of the sign shall be the area of one face.
- C. Height of Signs: No free standing sign shall exceed a height of twenty-five (25) feet.
- D. Setback Requirements for Signs: Except where specified otherwise in this Ordinance, no signs shall be located within the road right-of-way.

### Section 18.04 - Signs Permitted in All Districts

Subject to the other conditions of this Ordinance, the following signs shall be permitted anywhere within the Township:

- A. Off-premise signs which bear names, information and emblems of service clubs, places of worship, civic organizations, and quasi-public uses shall be permitted on private property with permission of the Planning Commission. Each sign shall be no more than nine (9) square feet in area, shall not exceed a height of eight (8) feet, and shall be set behind the road right-of-way.
- B. Signs which direct traffic movement onto or within a property and which do not contain any advertising copy or log, and which do not exceed nine (9) square feet in area for each sign. Horizontal directional signs, on and flush with paved areas may exceed nine (9) square feet. A directional sign shall be located on the lot or parcel behind the road right-of-way line.

- C. One church announcement bulletin shall be permitted on any site which contains a church regardless of the district in which located, provided said bulletin does not exceed twenty-five (25) square feet in area and a height of six (6) feet, and is set back a minimum of ten (10) feet from the road right-of-way line.
- D. A personal sign shall be no more than nine (9) square feet in area, shall not exceed a height of eight (8) feet, and shall be set behind the road right-of-way and it is a sign that is not advertising, commercial, industrial, or recreational.

Section 18.05 - Prohibited Signs

- A. Miscellaneous Signs and Posters: Tacking, pasting, or otherwise affixing of signs or posters visible from a public way except "no trespassing", "no hunting", "beware of animal" warning or danger signs, and other legal postings as required by law, located on the walls of buildings, barns, sheds, on trees, poles, posts, or fences is removed.
- B. Banners: Pennants, banners, searchlights, twirling signs, sandwich board signs, sidewalk or curb signs, balloons, or other gas-filled figures are prohibited except as provided in Section 18.10 G - "Temporary Signs".
- C. Swinging Signs: Signs which swing or otherwise noticeably move as a result of wind pressure because of the manner of suspension or attachment are prohibited.
- D. Moving Signs: Except as otherwise provided in this Article, no sign or any portion thereof which moves or assumes any motion constituting a non-stationary or fixed condition shall be permitted.
- E. Abandoned Signs: Signs that advertise an activity, business, product or service no longer conducted or available on the premises on which the sign is located shall be prohibited.
- F. Unclassified Signs:  
The following signs are prohibited:
  1. Signs which imitate an official traffic sign or signal which contains the words "stop", "go slow", "caution", "danger", "warning", or similar words, except as otherwise provided in this Article.
  2. Signs which are of a size, location, content, coloring, or manner of illumination which may be confused with or construed as a traffic control device or which hide from view any traffic or road sign or signal or which obstructs the view in any direction at a road intersection.
  3. Signs which contain statements, words or pictures of an obscene, pornographic or immoral character.

Section 18.06 - Permitted Signs in RD, AG, and AR Districts

- A. Each sign advertising the type of farm products grown on the farm premises shall not exceed nine (9) square feet in area.
- B. One identification sign shall be permitted for each public road frontage for a vehicle entrance, for a school, church building or other authorized use or lawful non-conforming use, except home occupations. Each sign shall not exceed twenty-five square feet in area and eight (8) feet in height.

Section 18.07 - Permitted Signs in RR, LDR, CC Districts

- A. One identification sign shall be permitted for each public road frontage, for a subdivision, multiple family building development, mobile home park and each CC business. Each sign shall not exceed twenty-five (25) square feet in area. One additional sign advertising "For Rent" or "Vacancy" may be placed on each public road frontage of a rental residential development provided that such sign shall not exceed nine (9) square feet in area and is incorporated into the identification sign. Each sign shall be located behind the right-of-way line of any public road.
- B. One identification sign shall be permitted for each public road frontage for a vehicle entrance for a school, church, public building, or other authorized use or lawful non conforming use, except home occupations. Each sign shall not exceed twenty five (25) square feet in area and eight (8) feet in height.

Section 18.08 - Permitted Signs in I Districts

On-site canopy or marquee signs, wall signs, and free-standing signs are allowed, subject to the following.

- A. Signs permitted for single buildings on developed lots or group of lots developed as one lot, not in a shopping center, not subject to Section 18.08 B, are subject to the following:
  - 1. Each developed lot or parcel shall be permitted at least eighty (80) square feet of sign area for all exterior on-site signs. The area of exterior on-site signs permitted for each lot of parcel shall be determined as two (2) square feet of sign area or each one (1) linear foot of building length which faces on a public road. The maximum area for all exterior on-site signs for each developed lot or parcel shall be 200 square feet. No free-standing identification sign shall exceed 100 square feet in area. No exterior wall sign for businesses without ground floor frontage shall exceed twenty-four (24) square feet in area.
  - 2. Each developed lot or parcel shall be permitted two (2) exterior on-site signs. For every developed lot or parcel which is located at the intersection of two (2) collector or arterial roads or highways as classified in the "Master Plan for Roads and Highways" three (3) exterior on-site signs shall be permitted. Only one (1) free-standing identification sign shall be permitted on any single road. All businesses without ground floor frontage shall be permitted one (1) combined exterior wall sign, in addition to the number of signs allocated to the developed lot or parcel. The total area of all exterior signs shall not exceed the total sign area permitted in Section 18.08 A.1.
  - 3. Each sign shall pertain exclusively to the name and type of business carried on within the building.
- B. Signs permitted for a shopping center or other integrated group of stores; commercial buildings, office buildings or industrial buildings not subject to Section 18.08 A, are subject to the following:
  - 1. Each shopping center or commercial district shall be permitted one (1) free-standing identification sign for each collector or arterial road or highway, as classified in the "Master Plan for Roads and Highways" that it faces. Each sign shall state only the name of the shopping center and major tenants located therein. The sign area shall be determined as one (1) square foot for each one (1) linear foot of building which faces one public road. The maximum area for each free-standing sign shall be (200) square feet. Tenants of shopping center shall not permit individual free-standing identification signs.

2. Each business in a shopping or commercial district with ground floor frontage shall be permitted one exterior wall sign. The area for such an exterior wall sign shall be computed as one (1) square foot for each one (1) linear foot of building frontage occupied by the business. All businesses without ground floor frontage shall be permitted one (1) combined exterior wall sign not more than twenty five (25) square feet in area. Each sign shall pertain exclusively to the name and type of business carried on within the building.
- C. Window signs shall be permitted and shall not be included in total sign area computation if said signs do not occupy more than twenty-five (25) percent of the total window area of the floor level on which displayed or exceeds a total of (200) square feet for any one building. If window signs occupy more than (25) percent of said window area or exceed a total of (200) square feet for any one building. If window signs occupy more than (25) percent of said window area or exceed a total of (200) square feet for any one building, they shall be treated as exterior signs and shall conform to Section 18.08 A.1. and 18.08 B.2.
  - D. A time and temperature sign shall be permitted in addition to the above conditions, provided that ownership identification or advertising copy does not exceed ten (10%) percent of the total sign area and further provided that the total area of the sign does not exceed thirty (30) square feet.
  - E. In addition to the provisions of Sections 18.08 A. and B. above, an automobile service station may have one (1) additional sign for each public road or highway frontage for a vehicle entrance, for the purpose of advertising gasoline prices and other services provided on the premises. Said sign shall be mounted on a free-standing structure or on the structure of another permitted sign, provided that clear view of road traffic by motorists or pedestrians are not obstructed in any way. Said sign shall not exceed eight (8) square feet in area and shall not advertise the brand name of gasoline or other materials sold on the premises.

#### Section 18.09 - Outdoor Advertising Signs (Billboards)

- A. Outdoor advertising signs are permitted only on undeveloped and vacant unimproved lots in I Districts, and shall be considered the principal use of such lots. Signs shall not be placed on a lot where such a sign is located.
- B. Where two (2) or more outdoor advertising signs are located along the frontage of a road or highway, they shall be not less than (1000) feet apart. A double-face (back-to-back) or a V-type structure shall be considered a single sign, provided the interior angle of such signs does not exceed twenty (20) degrees.
- C. The total surface area, facing in the same direction, of any outdoor advertising sign, shall not exceed three hundred (300) square feet. Signs may be single or double-faced and shall contain no more than two (2) faces or panels.
- D. Outdoor advertising signs shall not exceed twenty (20) feet in height from ground level. The permitted height may be increased to forty (40) feet by the Planning Commission, if it can be shown that excessive grades, building interference, bridge obstruction, and similar conditions obstruct views of the sign.
- E. Outdoor advertising signs shall not be erected on the roof of any building, nor have one sign above another.

#### Section 18.10 - Temporary Signs

On-site temporary exterior signs may be erected in accordance with the regulations of this Article.

- A. In all districts, one (1) sign for each public road frontage advertising a recorded subdivision or development shall be permitted. Each sign not to exceed twenty-five (25) square feet in area. Each sign shall be removed within one (1) year after the sale of seventy (70%) percent of all lots or units within said subdivision or development.

- B. One identification sign shall be permitted for all building contractors, one for all professional design firms and one for all lending institutions on sites under construction, each sign not to exceed nine (9) square feet in area, with not more than a total of three (3) such signs permitted on one site. If all building contractors, professional design firms and lending institutions combine together in one identification sign, such sign shall not exceed twenty-five (25) square feet in area with not more than one sign permitted on one site. Signs shall have a maximum height of ten (10) feet and shall be confined to the site of the construction, construction shed or construction trailer and shall be removed within fourteen (14) days after final inspection by the Zoning Administrator.
- C. Temporary real estate direction signs, not exceeding three (3) square feet in area and four (4) in number, showing a directional arrow and placed back of the road right-of-way line, shall be permitted on approach routes to an open house. Signs shall not exceed three (3) feet in height.
- D. Temporary signs announcing any annual or semi-annual public, charitable, educational or religious event or function, located entirely within the premises on which the event or function is to occur, shall be permitted. Maximum sign area shall not exceed twenty-five (25) square feet. Signs shall be allowed no more than twenty-one (21) days prior to the event or function. If building mounted, signs shall be flat wall signs and shall not exceed six (6) feet in height. Signs shall be set back in accordance with Section 18.03 D. of this Ordinance.
- E. In RR, LDR and CC Districts, one (1) temporary real estate "For Sale", "For Rent", or "For Lease" sign, located on the property and not exceeding nine (9) square feet in area shall be permitted. In the I District, one (1) sign of this type shall be permitted, provided it does not exceed twenty-five (25) square feet in area and is set back in accordance with Section 18.03 D of this Ordinance. If the lot or parcel has multiple street frontage, one (1) additional sign not exceeding nine (9) square feet in area in the RR, LDR and CC Districts and twenty-five (25) square feet in area in the I Districts is permitted. Under no circumstances shall more than two (2) such signs be permitted on a lot or parcel. Such signs shall be removed within seven (7) days following the sale, rent or lease. In no case, shall a sign list the sale, rent, or lease of a building which is not located on the property on which the sign is located.
- F. Banners, pennants, searchlights, balloons, or other gas-filled figures are permitted in CC and I Districts for a period not to exceed thirty (30) consecutive days. Such signs and objects shall not obstruct pedestrian or vehicular view.

#### Section 18.11 - Exempted Signs

The following types of signs are exempted from all provisions of this Ordinance, except for construction and safety regulations and the following standards:

- A. Signs of a non-commercial nature and in the public interest, erected by, or on the order of a public officer, in the performance of a public duty, such as directional signs, regulatory signs, warning signs, and informational signs.
- B. Political campaign signs announcing candidates seeking public political office and other data pertinent thereto, except as prohibited in Section 18.05 A, providing that these signs shall be removed within seven (7) days after the date of the election for which they were posted.
- C. Names of brands, manufacturer's labels and logos, date of erection, monument citations, commemorative tablets, and the like, when carved into stone, concrete, metal or similar material or made of other permanent type construction and made an integral part of the structure.

#### Section 18.12 - Non conforming Signs

Non-conforming signs shall not be reestablished after the activity, business, or usage to which it relates has been discontinued for ninety (90) days or longer.

### Section 18.13 - Permits and Fees

- A. Application for a permit to erect or replace a sign shall be made by the owner of the property, or his authorized agent, to the Zoning Administrator, by submitting the required forms, fees, exhibits and information. Fees for sign permits for all signs erected pursuant to Sections 18.04, 18.06, 18.07, 18.08, 18.09 and 18.10 shall be established by resolution of the Township Board.
- B. An application for a sign permit shall contain the following information:
  - 1. The applicant's name and address in full, and a complete description of his relationship to the property owner.
  - 2. If the applicant is other than the property owner, the signature of the property owner concurring in a submittal of said application is required.
  - 3. The address of the property.
  - 4. An accurate scale drawing of the property showing location of all buildings and structures and their uses, and location of the proposed sign.
  - 5. A complete description and scale drawings of the sign, including all dimensions and the area in square feet.
- C. All proposed sign locations or relocations shall be inspected on the site by the Township Zoning Administrator for conformance to this Ordinance prior to placement on the site foundations shall be inspected by the Zoning Administrator on the site prior to pouring of the concrete for the sign support structure.
- D. A sign permit shall become null and void if the work for which the permit was issued has not been completed within a period of six (6) months after the date of the permit. Said sign permit may be extended for a period of thirty (30) days upon request by the applicant and approval of the Planning Commission.
- E. Painting, repainting, cleaning and other normal maintenance and repair of a sign or a sign structure, unless a structural or size change is made, shall not require a sign permit.

### Section 18.14 - Removal of Signs

Signs erected or maintained in violation of this Ordinance shall be removed by the owner and/or occupant.



## **Article XIX - Site Plan Review Procedures**

### **Section 19.01 - Purpose**

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

### **Section 19.02 - Developments Requiring Site Plan Approval**

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

- A. All principal and special uses and their accessory uses in the CC, OSC, and I Districts.
- B. All special uses and their accessory uses in all districts.

### **Section 19.03 - Developments not Requiring Site Plan Approval**

- A. Single family homes and their accessory uses in the RD, AG, AR, NR, RR, and LDR Districts.
- B. General or specialized farming and their accessory uses and roadside stands in the RD, AG, AR, NR, RR and LDR Districts, but not including all other principal and special uses and their accessory uses permitted in the RD, AG, AR, NR, RR, and LDR Districts.

### **Section 19.04 - Role of the Zoning Administrator**

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

### **Section 19.05 - Site Plan Approval Required Prior to Starting Construction or Use of Land**

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

### **Section 19.06 - Preliminary Conference on Proposed Site Plan**

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

### **Section 19.07 - Preliminary Site Plan Requirements**

#### **A. Application:**

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

#### **B. Information Required for Review**

Every preliminary site plan submitted under this Article shall contain information required by Township regulations for site plan review.

C. Planning Commission Action

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

D. Effect of Approval

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

E. Expiration and Extension of Approvals

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

Section 19.08 - Final Site Plan Requirements

A. Application

Following approval of a preliminary site plan, the applicant shall submit ten (10) copies of a final site plan as well as other data and exhibits hereinafter required to the Township Clerk or Zoning Administrator, the review fee, and a completed application form. The Township Clerk or Zoning Administrator, upon receipt of the application, and special meeting fee, shall promptly transmit the final site plan to the Planning Commission.

B. Information Required for Review

Every final site plan submitted for review under this Article shall contain information as required by Township regulations for site plan review.

C. Planning Commission Action

The Planning Commission shall study the final site plan and recommend the approval, approval with conditions or denial of the final site plan to the Township Board. The Commission may suggest and/or require changes in the plan as are needed to comply with the Zoning Ordinance.

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

If the final site plan is disapproved, the Township Board shall notify the Township Clerk or Zoning Administrator, in writing, of such action and reasons.

D. Effect of Approval

Approval of a final site plan authorizes issuance of a Zoning Permit. Approval shall expire and be of no effect after six (6) months following approval by the Township Board, whichever is specified in specific sections of this Ordinance, unless a Zoning Permit is applied for and granted within that time period. Approval shall expire and be of no effect one (1) year following the date of issuance of a zoning permit unless authorized construction has begun on the property in conformance with the approved final site plan.

Section 19.09 - Criteria for Site Plan Review

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

A. Preservation of Natural Environment:

Existing conditions of the natural environment shall be preserved in their natural state, insofar as practicable, by minimizing tree and soil removal, and any grade changes shall be in keeping with the general appearance of adjacent and surrounding uses and development.

B. Relations of Proposed Land Buildings and Structural Uses To Environment:

Proposed uses and structures shall be related harmoniously to the natural environment and to existing uses and structures in the vicinity that have a visual relationship to the proposed development. The achievement of such relationship may include the enclosure of space in conjunction with existing uses and structures or other proposed uses and structures and the creation of special arrangements and focal points with respect to functional areas, avenues of approach, terrain features or other structures.

C. Drives, Parking and Circulation:

Vehicular and pedestrian circulation, including walkways, interior drives and parking, special attention shall be given to location and number of access points, general interior circulation, separation of pedestrian and vehicular traffic, and arrangement of parking areas that are safe and convenient and, insofar as practicable, do not adversely effect the design of proposed land, buildings and structures and adjacent and surrounding development areas.

D. Surface Water Drainage:

Special attention shall be given to proper site surface drainage so that the flow of surface waters will not adversely affect adjacent and surrounding properties or the public storm drainage system. If necessary, storm water shall be removed from all roofs, canopies and paved areas and carried away in an underground piped drainage system. Surface water in all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic, and will not create impounded water on the paved areas.

E. Utility Service:

Electric power and telephone distribution lines shall be underground. Any utility installations remaining above ground shall be located so as to have an harmonious relation to adjacent properties and the site. The proposed method of sanitary sewage disposal from all buildings shall be indicated. All utility installation shall be carried out in accordance with the Standard Rules and Regulations of current adoption of the Michigan Public Service Commission.

F. Advertising Features

The size, location and lighting of all permanent signs and outdoor advertising structures or features, shall be consistent with the requirements of Article XVIII, "Sign Regulations".

G. Special Features

Exposed storage areas, exposed machinery installations, service areas, truck loading areas, utility buildings and structures, and similar accessory areas and structures, shall be subject to such setbacks, screen plantings or other screening methods as shall reasonably be required to prevent their being incongruous with the existing natural and developed environment of adjacent and surrounding properties.

H. Additional Requirements

All other standards and requirements of this Article must be met by site plans presented for review.

Section 19.10 - Modification of Procedure

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

Section 19.11 - Amendment of an Approved Site Plan

A site plan may be amended upon application and in accordance with the procedure provided in Section 19.07 herein, for a preliminary site plan, and Section 19.08 herein, for a final site plan. Minor changes in a preliminary site plan may be incorporated in a final site plan. Minor changes in a preliminary site plan may be incorporated in a final site plan without amendment to the approved preliminary site plan at the discretion of the Township Board. The Township Board shall have the authority to determine if a proposed change requires an amendment to the approved site plan.

Section 19.12 - Modification During Construction

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

Section 19.13 - Phasing of Development

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

Section 19.14 - Inspection

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

Section 19.15 - Fees

Fees for the review of site plans and inspections as required by this Article shall be established, and may be amended, by resolution of the Township Board, upon the recommendation of the Planning Commission.

#### Section 19.16 - Performance Guarantees

Bonds or other acceptable forms of security may be required of the applicant after a final site plan is approved and prior to issuance of a Zoning Permit for certain site improvements such as, but not limited to, roads or drives, parking lots, grading, landscaping, and buffers. A schedule for such security shall be established by the resolution of the Township Board upon the recommendation of the Planning Commission, and shall be administered by the Township Treasurer and Clerk. Such security may be released in proportion to work completed and approved upon inspection as complying with the approved final site plan. In the event that the applicant shall fail to provide improvements according to the approved final site plan, the Township Board shall have the authority to have such work completed, and to reimburse itself for costs of such work by appropriating funds from the deposited security, or may require performance by the bonding company.

#### Section 19.17 - Violations

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

## **Article XX - Administration and Enforcement**

### **Section 20.01 - Purpose**

The purpose of this Article is to provide for the organization of personnel and procedures for the administration of the Ordinance, including the submittal and review of land use and development plans, issuance of land and structural use zoning permits, inspections of properties for compliance with the Zoning Map and regulations, establishment and collection of permit fees, handling of violators and enforcement of the provisions of this Ordinance and any amendments to it.

### **Section 20.02 - Administration**

The provisions of this Ordinance shall be administered by the Township Board, the Township Planning Commission and such personnel as designated by the Township Board in accordance with the Michigan P. A. 168 of 1959, as amended, "Township Planning Act", P. A. 110 of 2006, the Michigan Zoning Enabling Act, as amended, and this Zoning Ordinance.

The Township Board shall employ a Zoning Administrator who shall act as the officer to carry out the enforcement of this Ordinance. The person selected, the terms of employment and the rate of compensation shall be established by the Township Board.

### **Section 20.03 - Duties of Zoning Administrator**

- A. Receive and review all applications for Zoning Permits and approve or disapprove such applications based on compliance with the provisions of this Ordinance and shall approve issuance of the permit, if the use and the requirements of this Ordinance are met.
- B. The Zoning Administrator shall assist the Township Board, the Planning Commission and the Zoning Board of Appeals in the processing and administering of all zoning appeals and variances, special use permits and amendments to the Zoning Ordinance.
- C. The Township Clerk with the assistance of the Zoning Administrator shall be responsible to update the Township Zoning Map and keep it current.
- D. The Zoning Administrator shall prepare and submit to the Township Board and the Planning Commission a written record of all zoning permits issued during each month. The record shall state the owner's name, location of property, intended use and estimate cost of construction for each permit.
- E. Maintain written records of all actions taken by the Zoning Administrator.

### **Section 20.04 - Zoning Permit**

- A. Zoning Permit Requirements: A Zoning Permit is required for and shall be obtained after the effective date of this Ordinance from the office of the Zoning Administrator or his agent by the owner or his agent for the following conditions:
  - 1. The administrative coordination of Zoning Permits issued by the Township and Building Permits by the Building Inspector shall be in accordance with Section 3.12 of this Ordinance.
  - 2. The construction, enlargement, alteration or moving of any dwelling, building or structure or any part thereof, being used or to be used for agricultural, residential, commercial, industrial, public or semi-public purposes.
  - 3. Repairs of a minor nature or minor alterations which do not change the use, occupancy, area, structural strength, fire hazard, fire protection, exits, light, and ventilation of a building shall not require a Zoning Permit.
- B. Application for a Zoning Permit  
Application for a Zoning Permit shall be made in writing upon a form furnished by the Zoning Administrator, including the following information:

1. The location, shape, area and dimensions for the parcel(s), lot(s) or acreage, and all existing improvements on the lot or parcel.
2. The location of the proposed construction, upon the parcel(s), lots(s) or acreage affected.
3. The dimensions, height and bulk of structures.
4. The nature of the proposed construction, alteration, or repair and the intended use.
5. The proposed number of sleeping rooms, dwelling units, occupants, employees, customers, and other uses.
6. The present use of any structure affected by the construction or alteration.
7. The yard, open area and parking space dimensions, if applicable.
8. The proposed plan and specifications of off-street parking spaces, if applicable.
9. The proposed plan and specifications of off-street loading and unloading spaces provided, if applicable.
10. Any other information deemed necessary by the Zoning Administrator to determine and provide for the enforcement of this Ordinance.

If the information included in and with the application is in compliance with these requirements and all other provisions of this Ordinance, the Zoning Administrator shall issue a Zoning Permit upon payment of the required Zoning Permit fee.

- C. Voiding of Permit: Any Zoning Permit granted under this Article shall be null and void unless the development proposed shall have its first inspection within one (1) year from the date of granting the permit. The Zoning Administrator shall notify the holder of the permit at least thirty (30) days prior to the expiration of the one year (1) year period before voidance of the zoning permit is actually declared. The Zoning Administrator may suspend or revoke a Permit issued in error or on a basis of incorrect information supplied by the applicant or his agent or in violation of any of the ordinances or regulations of the Township.
- D. Fees, Charges, and Expenses: The Township Board shall establish a schedule of fees, charges, and expenses, and a collection procedure, for Zoning Permits, appeals and other matters pertaining to this Ordinance. The schedule of fees shall be posted in the Township Office and may be altered or amended only by the Township Board. No permit, certificate, special use approval, or variance shall be issued until such costs, charges, fees or expenses listed in this Ordinance have been paid in full, nor shall any action be taken on proceedings before the Zoning Board of Appeals, until preliminary charges and fees have been paid in full.
- E. Inspection: The construction or usage affected by any Zoning Permit shall be subject to the following inspections:
1. At time of staking out of building foundation or location of structure.
  2. Upon completion of the construction authorized by the permit.
  3. It shall be the duty of the holder of every permit to notify the Zoning Administrator when construction is ready for inspection. Upon receipt of such notification for the first inspection, the Zoning Administrator shall determine whether the location of the proposed building, as indicated by corner stakes, is in accordance with yard setbacks and other requirements of the Ordinance. The Zoning Administrator shall issue his written approval at the time of inspection if the building or proposed construction meets the requirements of this Ordinance.

4. Should the Zoning Administrator determine that the building or structure is not located according to the site and construction plans filed, or is in violation of any provision of this Ordinance, or any other applicable law, he shall so notify, in writing, the holder of the permit or his agent. Further construction shall be stayed until correction of the defects set forth has been accomplished and approved upon notice and request for re-inspection by the applicant and those inspections completed and compliance certified by the Zoning Administrator.
5. Should a Zoning Permit holder fail to comply with the requirements of the Zoning Administrator at any inspection stage, the Zoning Administrator shall cause notice of such permit cancellation to be securely and conspicuously posted upon or affixed to the construction not conforming to the Ordinance requirements, and such posting shall be considered as service upon the notice to the permit holder of cancellation thereof; and no further work upon said construction shall be undertaken or permitted until such time as the requirements of this Ordinance have been met. Failure of the permit holder to make proper notification of the time for inspection shall automatically cancel the permit, requiring issuance of a new permit before construction may proceed.

#### Section 20.05 - Violations

Any building or structure, including mobile homes, which are erected, constructed, reconstructed, altered, converted, maintained or changed in violation of any provision of this ordinance, are hereby declared to be a nuisance per se, a violation of this ordinance and subject to the penalties of it. The Township Board, or any owner or owners of real estate within the district in which such buildings, structures, or land use is situated may institute injunction, mandamus abatement or any other appropriate action, actions, or proceedings to prevent, enjoin, abate, or remove any said unlawful erection, construction, maintenance or use of such land, buildings or structures that are in violation of the Zoning Code. The rights and remedies provided herein are cumulative, and in addition to all other remedies provided by law.

#### Section 20.06 - (removed)

#### Section 20.07 - Penalties

Any person or the agent in charge of such building or lands who violated, disobeys, omits, neglects or refused to comply with, and resists the enforcement of any provision of this ordinance or any amendment thereof, or any permit, license or exception granted hereunder, or any lawful order of the Zoning Administrator, Zoning Board of Appeals, Planning Commission or the Township Board issued in pursuance of this Ordinance is deemed to have committed a municipal civil infraction. Any such violation is hereby declared to be a nuisance, per se. The fine shall be not less than fifty (\$50.00) dollars for the first offense nor less than one hundred (\$100.00) dollars for a first repeat offense. The fine for any offense which is a second repeat offense or any subsequent repeat offense shall not be less than two hundred (\$200.00) dollars plus costs. The costs shall include all attorney fees incurred by the Township in pursuing this matter.

For purposes of this section, "subsequent offense" means a violation of the provisions of this ordinance committed by the same person within twelve (12) months of a previous violation of the same provision of this ordinance for which said person admitted responsibility or was adjudicated to be responsible; provided, however, each day on which any violation of an ordinance continues constitutes a separate offense and shall be subject to penalties or sanctions as a separate offense. In addition to any remedies available at law, the Township may bring an action for an injunction or other process against a person to restrain, prevent or abate any violation of any Township ordinance.



## **Article XXI - Zoning Board of Appeals**

### **Section 21.01 - Establishment of Board of Appeals**

There is hereby established a Zoning Board of Appeals, which shall perform its duties and exercise its powers as provided by P. A. 110 of 2006, the Michigan Zoning Enabling Act, as amended, and as provided in this Ordinance in such a way that the objectives of this Ordinance shall be enforced, the public health and safety secured, and substantial justice done.

### **Section 21.02 - Membership and Terms of Office**

The Zoning Board of appeals shall consist of three (3) members. The first member of such Board of Appeals shall be a member of the Township Planning Commission, to be appointed by the Township board, for the terms of his office; one may be a member of the Township Board, elected by the Township Board for the term of his office; and the other member shall be selected and appointed by the Township Board from among the electors residing in the unincorporated area of the Township for a term of three (3) years. The Chairman of the Zoning Board of Appeals shall be elected from among any of its members each year at the first regular meeting held at the beginning of each calendar year. A Township Board member appointed to the Zoning Board of Appeals shall not serve as Chairman. An employee or contractor of the legislative body may not serve as a member of the Zoning Board of Appeals. A successor shall be appointed not more than one (1) month after the term of the preceding member has expired. Vacancies for unexpired terms shall be filled for the remainder of the term.

### **Section 21.03 - Rules of Procedure, Majority Vote**

The Board shall adopt its own bylaws of rules and procedures as may be necessary to properly conduct its meetings and activities. The concurring vote of a majority of the full membership of the Zoning Board of Appeals shall be necessary to reverse any order, requirement, decision or determination of the Zoning Administrator or to decide in favor of the applicant any matter upon which they are required to pass under this Ordinance or to effect any variation in this Ordinance due to unnecessary hardship or practical difficulties.

### **Section 21.04 - Meetings**

Meetings of the Zoning Board of Appeals shall be held at the call of the Chairman and at such other times as the Board in its bylaws may specify.

### **Section 21.05 - Public Meetings and Minutes**

All meetings of the Zoning Board of Appeals shall be open to the public. Minutes shall be recorded of all proceedings which shall contain evidence and data relevant to every case considered, together with the record of the vote of each member by name of the Board and the final disposition of each case. The grounds of every determination shall be stated, in writing, and recorded as part of the official minutes and record of the Board. Such minutes shall accompany and be attached to the standard forms required of persons appealing as part of the Zoning Board of Appeals' permanent records. Such minutes shall be filed in the office of the Township Clerk and the Planning Commission and shall be sent promptly to the applicant or appellant and to the Zoning Administrator. The Township Clerk shall act as the depository for all official files of the Board.

### **Section 21.06 - Powers and Duties**

The Zoning Board of Appeals shall have powers to interpret the provisions of this Ordinance, to grant variances from the strict application of any provisions of this Ordinance, except as otherwise provided in this Ordinance.

- A. The Zoning Board of Appeals shall hear and decide appeals from, and review any order, requirement, decision or determination made by the Planning Commission or Zoning Administrator in the administration of this Ordinance as hereinafter provided, and shall have power to interpret the provisions of this Ordinance; to grant variances from the strict application of any of the provisions of this Ordinance.
1. To decide any question involving the interpretation of any provision of this Ordinance, including determination of the exact location of any district boundary if there is uncertainty with regard thereto.
  2. To grant variances from any of the regulations or provisions contained in this Ordinance in cases in which there are practical difficulties or unnecessary hardships in the way of such strict application. No variance shall be granted to permit the establishment within a district of any use which is excluded or for which a special use permit is required.
  3. To permit the erection and use of a building, or an addition to an existing building of a public service corporation or for public utility purposes, in any permitted district to a greater height or larger area than the requirements herein established; and permit the location in any district of a public utility building, structure or use, if the Commission shall find use, height, area, building or structure reasonably necessary for the public convenience and service; and provided such building, structure or use is designed, erected and landscaped to conform harmoniously with the general architecture and plan of such district.
  4. Determine the classification of off-street parking and loading requirements in Sections 17.02 and 17.03.

#### Section 21.07 - Variances

A variance from the terms of this Ordinance shall not be granted by the Zoning Board of Appeals unless and until:

- A. A written application for a variance is submitted, demonstrating:
1. That special conditions and circumstances exist which are peculiar to the land, land use, structure or building in the same Zoning District so as to present such a unique situation that a precedent will not be established for other properties in the District to also ask the same or similar change through the Zoning Appeal procedure.
  2. That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same Zoning District under the provisions of this Ordinance.
  3. That granting of the variance requested will not confer on the applicant any special privilege that is denied by the provisions of this Ordinance to other lands, structures, or buildings in the same Zoning District.
  4. That no non-conforming use of other lands, structures, or buildings in the same zoning district, and not permitted use of lands, structures or buildings in other zoning districts shall be considered grounds for the issuance of a variance.
- B. The Zoning Board of Appeals shall make findings that the requirements of this Ordinance have been met in the Zoning District in which it is located by the applicant for the variance requested.
- C. The Zoning Board of Appeals shall further make a finding that the reasons set forth in the application justify the granting of the variance, and the variance is the minimum variance that will make possible the reasonable use of the land, building or structure in the zoning district in which it is located.

- D. The Zoning Board of Appeals shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this Ordinance, and will not be injurious or otherwise detrimental to the public welfare of the zoning district in which it is to be located.
- E. In granting any variance, the Zoning Board of Appeals may prescribe appropriate conditions and safeguards in order for the variance to be in conformance with this Ordinance as much as reasonably possible. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance, and punishable under Section 20.06 of this Ordinance.
- F. Under no circumstances shall the Zoning Board of Appeals grant a variance to allow a use not permissible under the terms of this Ordinance in the zoning district in which the variance is to be located.

Section 21.08 - Voiding of and Reapplication for Variances

- A. Each variance granted under the provisions of this Ordinance shall become null and void unless:  
The use and construction authorized by such variance or permit has been commenced within one year (1) after the granting of such variance.
- B. No application for a variance which has been denied wholly or in part by the Zoning Board of Appeals shall be resubmitted for a period of one (1) year from such denial, except on grounds of new evidence or proof of changed conditions found by the Zoning Board of Appeals to be valid.

Section 21.09 - Procedure for Appealing to the Zoning Board of Appeals

- A. Appeals, How Taken: Appeals from the ruling of the Township Zoning Administrator may be made to the Zoning Board of Appeals in the following manner:
  1. The person, firm or agent thereof making the appeal, shall file in writing to the Township Clerk or Zoning Administrator a letter stating what the specific appeal is and the reasons for said appeal.
  2. The Township Clerk or Zoning Administrator submits the written appeal, along with all papers constituting the record from which the action appealed was taken, to the Zoning Board of Appeals.
- B. Who May Appeal: Appeals to the Zoning Board of Appeals may be taken by any person aggrieved or by an officer, department, board, agency or bureau of the Township, County, State, Federal or other legally constituted form of government.
- C. Fee for Appeal: A fee prescribed by the Township Board shall be submitted to the Township Clerk or Zoning Administrator at the time of filing the letter of appeals. The appeals fee shall immediately be placed in the Township General fund.
- D. Effect of Appeal: An appeal stays all proceedings in furtherance of the action appealed from unless the officer from whom the appeal is taken certifies to the Township Zoning Board of Appeals, after the Notice or Appeal shall have been filed with him, that by reason of facts stated in the certificate, a stay would in his opinion cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Zoning Board of Appeals or by the Circuit Court, on application, on notice to the officer from whom the appeal is taken and on due cause shown.
- E. Hearing by the Zoning Board of Appeals: Request: Notice: Hearing:

When a request for an appeal has been filed in proper form with the Zoning Board of Appeals, the Chairman shall immediately place the request upon the calendar for a hearing. The appeal shall be filed with the officer from whom the appeal is taken and with the Zoning Board of Appeals of a notice of appeal specifying the grounds for the appeal. The body or officer from whom the appeal is taken shall immediately transmit to the Zoning Board of Appeals all of the papers constituting the record upon which the action was appealed from was taken.

Upon receipt of a written request seeking an interpretation of the zoning ordinance or an appeal of an administrative decision, a notice stating the time, date, and place of the public hearing shall be published in a newspaper of general circulation within the Township and shall be sent to the person requesting the interpretation not less than 15 days before the public hearing. In addition, if the request for an interpretation or appeal of an administrative decision involves a specific parcel, written notice stating the nature of the interpretation request and the time, date, and place of the public hearing on the interpretation request shall be sent by first-class mail or personal delivery to all persons to whom real property is assessed within 300 feet of the boundary of the property in question and to the occupants of all structures within 300 feet of the boundary of the property in question. If a tenant's name is not known, the term "occupant" may be used.

Following receipt of a written request for a variance, the ZBA shall, within a reasonable time, set a time and date for the hearing of the request and provide notice.

The notice shall be published in a newspaper of general circulation in the Township. Notice shall also be sent by mail or personal delivery to the owners of property for which approval is being considered. Notice shall be sent to all persons to whom real property is assessed within 300 feet of the property and to occupants of all structures within 300 feet of the property regardless of whether the property or occupant is located in the zoning jurisdiction.

The notice shall be given not less than 15 days before the date the application will be considered for approval. If the name of the occupant is not known, the term "occupant" may be used in making notification under this subsection. The notice shall do all of the following:

1. Describe the nature of the request.
2. Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used.
3. State when and where the request will be considered.
4. Indicate when and where written comments will be received concerning the request.
5. The notice shall include the places and times at which the proposed application may be examined.

F. Representation at Hearing:

During a hearing, any party or parties may appear in person or by agent or by attorney.

- G. The Zoning Board of Appeals shall decide upon all appeals within a reasonable time and reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination appealed from, and shall make such order, requirement, decision or determination as, in its opinion, ought to be made in the premise and to that end shall have all the powers of the Zoning Administrator, Township Board and Planning Commission from whom the appeal is taken. The Zoning Board of Appeals decision of such appeals shall be in the form of a resolution containing a full record of the findings and determination of the Zoning Board of Appeals affixed thereon. A party aggrieved by such resolution shall have the right to appeal to the Circuit Court on questions of law and fact. An appeal to the circuit court for the county in which the property is located shall be filed within 30 days after the ZBA certifies its decision in writing or approves the minutes of its decision. The court shall have jurisdiction to make such further orders as justice may require. An appeal may be had from the decision of any circuit court to the court of appeals.

## **Article XXII - Amending the Zoning Ordinance**

### **Section 22.01 - Changes and Amendments**

Only the Township Board may amend this Ordinance. Proposals for amendments or changes maybe initiated by the Township Board on its own motion, by the Planning Commission, or by petition of one (1) or more owners of property to be affected by the proposed amendment.

### **Section 22.02 - Procedures**

The procedure for making amendments to this Ordinance shall be in accordance with P. A. 110 of 2006, the Michigan Zoning Enabling Act, as amended.

A petition, together with a completed and signed application and fees, shall be filed with the Township Clerk or Zoning Administrator. The Township Clerk or Zoning Administrator shall review the application and when complete, transmit same to the Township Planning Commission for review and report. The Township Clerk or Zoning Administrator shall, at the time of the Planning Commission's request, shall give proper notice of the hearing as provided in P. A. 110 of 2006, the Michigan Zoning Enabling Act, as amended. The Township Clerk or Zoning Administrator shall also, for any proposed amendment to the Zoning Map, transmit the application to the Planning Commission and give notice as provided below in section 22.03 and to the owner of the property in question. Public hearing requirements shall also apply to amendments initiated by the Township Board or the Township Planning Commission.

### **Section 22.03 - Notice of Hearing**

The Township Clerk or Zoning Administrator shall give Notice of Hearing in the following manner:

- A. The notice shall be published in a newspaper of general circulation in the Township. Notice shall also be sent by mail or personal delivery to the owners of property for which approval is being considered. Notice shall be sent to all persons to whom real property is assessed within 300 feet of the property and to occupants of all structures within 300 feet of the property regardless of whether the property or occupant is located in the zoning jurisdiction.
- B. The notice shall be given not less than 15 days before the date the application will be considered for approval. If the name of the occupant is not known, the term "occupant" may be used in making notification under this subsection. The notice shall do all of the following:
  1. Describe the nature of the request.
  2. Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used.
  3. State when and where the request will be considered.
  4. Indicate when and where written comments will be received concerning the request.
  5. The notice shall include the places and times at which the proposed application may be examined.
- C. Notice of the time and place of the public hearing shall be given by mail to each electric, gas, and pipeline public utility company, each telecommunication service provider, each railroad operating within the district or zone affected, and the airport manager of each airport, that registers its name and mailing address with the clerk of the legislative body for the purpose of receiving the notice of public hearing.

- D. If an individual property or 10 or fewer adjacent properties are proposed for rezoning, the notices shall meet the above requirements. If 11 or more adjacent properties are proposed for rezoning, then owners and occupants of property within 300 feet of the application property are not required to be notified by mail or in person and that no individual addresses of properties need to be listed. Section 22.04 - Information Required.

#### Section 22.04 - Information Required

The petitioner shall submit a detailed description of the petition to the Township Clerk or Zoning Administrator. When the petition involves a change in the Zoning Map, the petitioner shall submit the following information:

- A. A legal description of the property.
- B. A scaled map of the property, correlated with the legal description, and clearly showing the property's location.
- C. The name and address of the petitioner.
- D. The petitioner's interest in the property, and if the petitioner is not the owner; the name and address of the owner.
- E. Date of filing with the Township.
- F. Signature(s) of petitioner(s) and owner(s) certifying the accuracy of the required information.
- G. The desired change and reasons for such change.

#### Section 22.05 - Steps in Making a Change

- A. Petitioner submits application and fee.
- B. Township Clerk or Zoning Administrator transmits application to Planning Commission, which sets a hearing date, and publishes notices of hearing.
- C. Planning Commission holds a hearing, makes a decision, transmits a decision to the County Planning Commission and to the Township Board. The County will have waived its right for review and recommendation of an ordinance if the recommendation of the County Planning Commission has not been received by the Township within 30 days from the date the proposed ordinance is received by the County. The Township Board may act on the recommendation after receiving the County's review or after 30 days.
- D. Township Board either enacts or rejects proposed change as an Ordinance amendment or may refer any proposed additional amendments to the Planning Commission for consideration and comment within a time specified by the Board and publishes the text of the change in the newspaper within 15 days after adoption. The full text or a summary of the text amendment may be published. For a map change the geographic area affected shall be shown. The notice shall include the effective date of the amendment and the place and time where a copy of the amendment may be purchased or inspected. The effective date shall be 7 days after publication or at such a later date as may be specified by the Township Board.

#### Section 22.06 - Findings of Facts Required

In reviewing any petition for a zoning amendment, the Planning Commission shall identify and evaluate all factors relevant to the petition, and shall report its findings in full, along with its recommendations for disposition of the petition, to the Township Board.

The facts to be considered by the Planning Commission shall include, but not be limited to, the following:

- A. Whether the requested zoning change is justified by a change in conditions since the original ordinance was adopted or by an error in the original ordinance.

- B. The precedents, and the possible effects of such precedents, which might likely result from approval or denial of the petition.
- C. The compatibility of the Township or other government agencies to provide agencies which provide any services, facilities, and/or programs that might be required if the petition were approved.
- D. Effect of approval of the petition on adopted development, consistent with the Master Plan and policies of the Township and other government units.
- E. All finding of fact shall be made a part of the public records of the meetings of the Planning Commission and Township Board. An amendment shall not be approved, unless these and other identified facts be affirmatively resolved in terms of the general health, safety, welfare, comfort and convenience of the citizens of the Township, or of other civil divisions where applicable.



## **Article XXIII - Severability**

### **Section 23.01 - Severance Clause**

Sections of this Ordinance shall be deemed to be severable and should any section, paragraph, or provision hereof be declared by the courts to be unconstitutional or invalid, such holdings shall not affect the validity of this ordinance as a whole or any part hereof, other than the part so declared to be unconstitutional or invalid.

## **Article XXIV - Effective Date of Ordinance**

### **Section 24.01 - Effective Date of Ordinance**

This Ordinance shall become effective 30 days after its publication when the same is first published in its entirety or in summary form following passage by the Township Board of the Township of Keene.

Made and passed by the Township Board of the Township of Keene, Ionia County, Michigan on this 25 day of January A. D. , 1989.

1. Date of Public Hearing: February 8, 15, 1989
2. Date of Adoption by Township Board: March 8, 1989
3. Date of Publication: February 8, 15, 1989

Attest:

Township supervisor: Les Albert

Township Clerk: Jean Burton

Elector petition for election on Zoning voted in by electors July 13, 1989.

## **Article XXV - Site Condominium Subdivisions**

### **Section 25.01 - Site Condominium Subdivisions**

#### **A. Purpose and Scope**

Site condominium subdivisions are developments utilizing the technique of land division on the basis of condominium ownership. Such developments are not subject to the Subdivision Control Act, Public Act 288 of 1967 as amended and therefore the detailed review and approval procedures that are customarily relied upon to ensure "subdivision" development's compliance to local development standards are not applicable. In the absence of a similarly appropriate mechanism for uniform review and Approval Standards being contained in the Condominium Act, the purpose of these Regulations is to set forth the procedures under which Site Condominium Subdivision developments shall be reviewed in Keene Township.

It is the intent of these regulations to ensure that all applicable zoning and development standards of Keene Township are incorporated into the design and construction of site condominium subdivisions so that the results of this type of development are essentially the same as the results which would be accomplished under the Subdivision Control Act.

#### **B. Definitions**

The following terms are defined both in the context of the Condominium Act and in a manner intended to make comparison possible between the terms of this Zoning Ordinance and other current or future land subdivision and utility extension regulations adopted by Keene Township.

1. "Condominium Act" means Public Act 59 of 1978, as amended.
2. "Condominium Project" means a plan or project consisting of not less than two (2) condominium units if established and approved in conformance with the Condominium Act.
3. "Condominium Structure" or "Building Envelope" shall mean the principal building or structure intended for or constructed upon a lot or building site, together with any attached accessory structures; e.g. in a residential development, the condominium structure or building envelope would refer to the house and any attached garage.
4. "Condominium Unit" means that portion of the condominium project designed and intended for separate ownership and use, as described in the Master Deed, regardless of whether it is intended for residential, office, industrial, business, or recreational use as time-share unit, or any other type of use.
5. "Lot" is defined as:
  - a. A condominium unit consisting of the area under a building envelope and the contiguous area around the building envelope which, by itself, meets the minimum area and yard requirements for lots as set forth for the various districts in this Ordinance.
  - b. The contiguous limited common element under and surrounding a condominium unit that is or shall be assigned to the owner(s) of the condominium unit, for the owner(s) exclusive use, and which, together with the condominium unit, meets the minimum area and yard requirements for lots as set forth for the various districts in this Ordinance.
6. "Mobile Home Condominium Project" means a condominium project in which mobile homes are intended to be located upon separate sites which constitute individual condominium units.

7. "Master Deed" means the legal document prepared and recorded pursuant to Public Act 59 of 1978, as amended, to which is attached as exhibits and incorporated by reference the approved bylaws for the project and the approved condominium subdivision plan for the project.
8. "Site Condominium Subdivision" means a division of land on the basis of condominium ownership which is not subject to the provisions of the Subdivision Control Act, Public Act 288 of 1967, as amended.

#### Section 25.02 - Zoning Compliance

Site condominium projects may be approved in any zoning district. All site condominium subdivision lots and structures shall conform to the size, size height, area, setback, side and rear yards, general and special regulations applicable to the use and zoning district in which they are located. Mobile home condominium projects shall conform to requirements for mobile home parks outlined in Section 12 of the Keene Township Zoning Ordinances.

For the purposes of determining compliance with this Ordinance, each condominium unit and its appurtenant limited common element shall be considered the equivalent of a lot as defined in Section 3.20.

#### Section 25.03 - Preliminary Site Condominium Plans - Required Content

All preliminary site condominium plans submitted to the Planning Commission for approval shall include the following:

- A. Project description which describes the nature and intent of the proposed development.
- B. A complete legal description of all included property.
- C. An ownership disclosure statement which gives the names of all parties which have ownership interests in the development or other written evidence that the applicant has the right to purchase the property from the owners of record. The disclosure statement shall also contain the method of financing and commitments or other proof of ability to obtain financing.
- D. A sample purchase agreement and deed for the condominium units.
- E. A sealed survey plan of the site condominium subdivision showing the location, size, shape, area and identification of each condominium unit, including limited common areas appurtenant to each site condominium unit. The location, size, shape, area and intended use of general common elements within the site condominium development should also be shown.
- F. A site plan as described in Section 19 of the Keene Township Zoning Ordinances. In site condominium subdivisions intended for single family residential use the location, shape, and size of the dwellings and accessory buildings need not be shown but can be submitted with the individual building permit applications.
- G. A utility plan showing all sanitary sewer, water and storm sewer lines along with all easements for the installation, repair, and maintenance of all utilities.
- H. A storm drainage and storm water management plan, including all lines, walls, drain basins, and other facilities.
- I. The use, occupancy restrictions, and maintenance provisions of all general common elements as will be contained in the Master Deed.
- J. A street construction, paving and maintenance plan for all streets within the proposed development.
- K. Estimated cost for all the improvements in the proposed development.

- L. A statement from the Keene Township Treasurer that all applicable site plan review fees have been properly paid.

Section 25.04 - Streets

- A. Private Streets: All private streets in a site condominium development shall be constructed to the standards as given in the Keene Township Zoning Ordinances Article 26, Private Roads and Ionia County Road Commission requirements for road name and entrance permit
- B. Public Streets: All public streets in a site condominium shall be constructed to the standards required by the Ionia County Road Commission for platted streets.

Section 25.05 - Utilities

Extension and provision of utilities and easements shall be provided as may be required by the Planning Commission as conditions of approval. The site condominium plans shall include all the necessary easements granted to Keene Township, Ionia County or others for the purpose of constructing, operating, inspection, maintaining and repairing all utilities.

Keene Township may require the developer to enter into an agreement with the Township for the imposition of a special assessment for the construction of sewer and water lines within the site condominium subdivision.

Section 25.06 - Master Deed - Contents

- A. Prior to Filing. Prior to Filing the Master Deed the Township Attorney must review the restrictions and the Township Engineer must review construction standards.
- B. Filing. All provisions of the site condominium plans which are approved by the Keene Township Planning Commission must be incorporated as approved in the Master Deed for the site condominium subdivision. A copy of the Master Deed as filed with the Ionia County Register of Deeds for recording must be provided to Keene Township within ten (10) days after such filing.

Section 25.07 - Procedures

- A. Validation. In addition to the five copies of the preliminary plan submitted to the Township Clerk or Zoning Administrator 20 days prior to the next meeting of the Planning Commission, the developer shall also submit a written application for approval and the fee established by the Township Board for review of plans. All subdivision plans shall conform to the requirements and standards of the Township Zoning Ordinance.
- B. Planning Commission
  1. The Planning Commission shall review the preliminary plan, and if it meets all requirements and standards, shall provide for an adequate public hearing, giving due notice to all parties in interest, in accordance with the provisions of the act under which the Planning Commission has been established.
  2. If the preliminary plan does not meet all requirements and standards, the Planning Commission shall notify the developer, by letter, giving the earliest date for resubmission of the plan and additional information required.
  3. The Planning Commission shall give its report to the Township Board not more than 65 days after submission of a completed preliminary plan application meeting all requirements and standards of this ordinance. The Township Board shall not review, approve, or reject a preliminary plan until it has received from the Planning Commission its report and recommendations.

4. The 65 day period may be extended if the developer consents. If no action is taken within 65 days, then the preliminary plan shall be deemed to have been approved by the Planning Commission.
  5. Tentative Preliminary Approval: The Planning Commission may tentatively approve or reject the preliminary plan. Tentative approval shall be valid for one year and extended only by approval of the Planning Commission.
  6. Final Preliminary Approval - List of Authorities - Filing: The developer shall file, with the Township Clerk or Zoning Administrator, a list of all authorities to whom validated copies of the preliminary plan have been distributed.
  7. Letters of Conditional Approval or Rejection: When the developer has secured the approvals of the various approving authorities, he/she shall deliver all copies to the Township Clerk or Zoning Administrator, who shall promptly transmit them to the Township Board.
- C. Township Board
1. The Township Board shall consider the preliminary plan at its next regular meeting, providing all information has been received from the Planning Commission.
  2. The Township Board shall, within 40 days, either reject the preliminary plan and give its reasons or set forth, in writing, the conditions for granting approval.

#### Section 25.08 - Final Plans

- A. Purpose: Upon completion of conditions set forth in the preliminary approval, the Township Board, following review, inspection, and recommendation of the Planning Commission, should issue final subdivision plan approval.
- B. Requirements
1. General
    - a. Final plans shall be prepared and submitted as provided for in the Subdivision Control Act.
    - b. A written application for approval and the recording fee shall accompany all final plans.
    - c. The developer shall submit proof of ownership of the land included in the final plan in the form of an abstract of title certified to the date of the developer's certificate or a policy of title insurance currently in force.
    - d. The Township may require such other information as it deems necessary to establish whether the proper parties have signed the plan.
  2. Time of Submittal. Final plans shall be submitted to the Township Clerk or Zoning Administrator at least 20 days before a meeting of the Planning Commission.
- C. Procedures
1. Submittal to Approving Authorities. The developer shall submit the final plan and as-built engineering plans for approval to all agencies as required by the Subdivision Control Act and to the Township Clerk or Zoning Administrator for review and recommendation by the Planning Commission and approval or rejection by the Township Board.
  2. Planning Commission
    - a. The Planning Commission shall examine the plan at its next regular meeting or within 40 days of receipt thereof for conformance to:

- \* The provisions of the Subdivision Control Act.
  - \* The provision of this Ordinance.
  - \* The preliminary plan, as approved.
- b. The time for review and recommendations by the Planning Commission may be extended by agreement with the developer.
  - c. If the Planning Commission recommends disapproval of the plan by the Township Board, it shall state its reasons in its official minutes and forward same to the Township Board and shall recommend that the Township Board disapprove the final plan until the objections causing disapproval have been changed to meet with the approval of the Planning Commission.
  - d. Recommendations for approval of the plan by the Township Board shall be accompanied by a report.
3. Township Board
- a. The Township Board shall review the final plan and the report from the Planning Commission at its next regular meeting, providing that all required information has been received from the Planning Commission.
  - b. The Township Board shall approve the plan or shall disapprove it. If disapproved, the Township Board shall give the developer its reasons in writing.
  - c. The Township Board shall instruct the Clerk to record all proceedings in the minutes of the meeting, which shall be open for inspection and to sign the municipal certificate on the approved plan in behalf of the Township Board.

#### Section 25.09 - Final Plan Review

- A. Upon receipt of preliminary plan approval, the applicant should prepare the appropriate engineering plans and submit them to the Planning Commission for final review and approval. Final plans shall contain all the information required in Section 19.08 and other applicable information required in this Ordinance. Final plans (if applicable) shall be submitted to the Ionia County Health Department, Ionia County Road Commission, Ionia County Drain Commissioner, Michigan Department of Natural Resources and other appropriate agencies having direct approval or permitting authority over all or parts of the plan. Final Planning Commission approval will not be granted until such time as all applicable review agencies have had opportunity to comment on the plans.
- B. Public Hearing on the Final Development Plan. The Planning Commission must hold a public hearing on the final development plan complying with all requirements for a hearing as set forth in the Keene Township Zoning Ordinances and this Ordinance.
- C. Approval of a site condominium project shall serve as conditional authorization to proceed with the division of the land on the basis of condominium ownership and the construction of the required improvements to the land in conformity with the approved plans. This conditional authorization is subject to the approval of the Township Board. Site condominium subdivision approval shall not serve as the authorization of land uses and construction of individual units within the subdivision. Uses and construction on individual units are subject to authorization under applicable provisions in this Ordinance.

#### Section 25.10 - Review Standards

The Planning Commission shall review the Preliminary and Final Site Plans and approve, approve with conditions, or deny the Site Plan based on the purposes, objectives and requirements of this Ordinance, and specifically, the following considerations when applicable:

1. The uses proposed will not harm the public health, safety, or welfare. All elements of the site plan shall be designated to take into account the site's topography, the size and type of plot, the character of adjoining property and the type and size of buildings. The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Ordinance.
2. Safe, convenient, uncongested, and well-defined vehicular and pedestrian circulation within and to the site shall be provided. Drives, streets and other elements shall be designed to promote safe and efficient traffic operations within the site and at its access points.
3. The arrangement of public or common ways for vehicular and pedestrian circulation shall be connected to existing or planned streets in the area.
4. The landscape shall be preserved in its natural state, insofar as practical, by removing only those areas of vegetation or making those alterations to the topography which are reasonably necessary to develop the site in accordance with the requirements of this Ordinance. The Planning Commission may require that landscaping, buffers, and/or greenbelts be preserved and/or provided to ensure that proposed uses will be adequately buffered from one another and from surrounding public and private property.
5. Appropriate measures shall be taken to ensure that removal of surface waters will not adversely affect neighboring properties or nearby bodies of water. Provisions shall be made to accommodate storm water, prevent erosion and the formation of dust. The use of detention/retention ponds may be required. Surface water on all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic or create standing water.
6. All buildings or groups of buildings shall be arranged so as to permit necessary emergency vehicle access as required by the Fire Department and Sheriff's Department.
7. All loading and unloading area and outside storage areas, including refuse storage stations, shall be screened from the view of the street and/or adjacent properties.
8. Exterior lighting shall be arranged so that it is deflected away from adjacent properties and so that it does not impede the vision of traffic along adjacent streets. Flashing or intermittent lights shall not be permitted.
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. The use will not place demands on public services and facilities in excess of current capacity.
11. The use will not change the essential character of the surrounding area.
12. The general purposes and spirit of this Ordinance and the Land Use Plan of the Township.

#### Section 25.11 - Revisions

Any changes to an approved site condominium, including the relocation of the boundaries or the subdivisions of a condominium unit, must be reviewed and approved by the Keene Township



Planning Commission and the Township Board as set forth in Section 19.11 of the Keene Township Zoning Ordinances.

Section 25.12 - Time Limits

No approval of a final site condominium project plan shall be effective for a period of more than one (1) year, unless construction of the project commences within one (1) year.

Section 25.13 - Performance Guarantees

In addition to the requirements given in Section 19.16 of the Keene Township Zoning Ordinances, a deposit in the form of cash, certified check, or irrevocable bank letter of credit shall be made with the Township of Keene to guarantee the installation and completion of any public street, sanitary sewer, water supply, and drainage facilities, with the length of time agreed upon from the date of final approval of the site condominium subdivision plan by the Township. The amount of the deposit shall be not less than the estimated cost of the construction of the streets, utilities, and drainage facilities.

## Article XXVI - Private Roads

### Section 26.01 - Purpose

The township of Keene determines that it is in the best interest of the public health, safety, and welfare to regulate the construction, improvement, maintenance, extension, relocation, and use of private roads to assure the following:

- A That private roads are designed with such width, surface, and grade to assure safe passage and maneuverability of private vehicles and police, fire, ambulance, and other safety vehicles.
- B That said roads are constructed of suitable materials to ensure minimal maintenance and safe passage.
- C That private roads will be constructed so as to protect against or minimize soil erosion and to prevent damage to the lakes, streams, wetlands, and the natural environment of the township.

### Section 26.02 - Special Use Required

- A No private road shall be constructed, extended, or upgraded to serve additional parcels, or relocated after the effective date of this Ordinance unless a special use permit pursuant to Article 12 has been obtained from the Planning Commission. The Planning Commission may waive or revise any requirement of this section where unusual or extraordinary circumstances make compliance with the terms of the ordinance impossible or impractical and where alternative approaches are proposed to accomplish the primary objectives of this ordinance.
- B In reviewing the special use application, the Planning Commission shall consider the requirements contained in Article 12 as well as the impact of the proposed development on adjacent properties; whether the health, safety and general welfare of persons or property using or affected by the private road will be adequately protected; and whether any precedent that may be later claimed because the private road was allowed in the circumstances under consideration will adversely affect the land use plan of Keene Township.
- C If the proposed private road is to be located in the "AG" Agricultural District, the Planning Commission shall also determine that the following conditions are met before granting a special use permit:
  - 1 The area to be served by the private road is poorly suited for agricultural production due to existing soil conditions, slope, or due to the presence of natural vegetation such as woodlots, brushy land, and wetlands. The Planning Commission, in making its determination, may consider factors such as, but not limited to, past and present uses of the parcel, past productivity, and the difficulty in making the parcel suitable for farming and impact on adjacent and nearby farms.
  - 2 There shall be a minimal likelihood of conflicts arising between the uses served by the private road and the surrounding agricultural activities.

### Section 26.03 - Minimum Standards for All Private Roads

- A All private roads shall have a recorded permanent right-of-way easement with a minimum width of at least sixty-six (66) feet which shall widen to a width of one hundred and twenty (120) feet for the cul-de-sac that is located at the dead end of a private road, including sixty-six (66) feet of frontage on a public road or another private road approved pursuant to this section. The right-of-way shall also expressly permit utilities to be installed within the right-of-way.

- B The area in which the private road is to be located shall have a minimum cleared width of twenty-eight (28) feet, which clearing shall always be maintained. The private road shall be at least twenty two (22) feet wide and shall be constructed of a minimum sub base of twelve (12) inches of sand and six (6) inches of finished compacted gravel (MDOT 22A) on the top thereof.
- C Any private road that terminates at a dead-end shall have means for vehicle turnaround, either by use of a cul-de-sac with a minimum radius of forty (40) feet of improved travel area or continuous-loop private road system, both of which must be constructed in accordance with the standards set forth in this section.
- D No private road shall extend for a distance of more than two thousand six hundred forty (2640) feet in length from the nearest public street right-of-way as measured along a straight line perpendicular to the public road or more than three thousand nine hundred sixty (3960) feet in length as measured along the centerline of the private road, without a second direct access thereto being available from the public street.
- E The road surface shall have a minimum crown of two-tenths of one foot (0.2) from the centerline of the private road to the outside edge thereof.
- F A six (6) inch gravel shoulder depth shall be provided on each side of the private road surface with a minimum width of two feet (2), containing a slope of twenty-two hundredths of one foot (0.22) from the outside edge of the road surface to the toe of the slope.
- G The maximum longitudinal road grade shall not exceed eight (8) percent provided that the Planning Commission may allow up to a ten (10) percent grade, provided that the applicant produces written justification satisfactory to the Planning Commission that an increase in the road grade will not adversely affect public safety or the design of the road system(s) and the Planning Commission approves thereof. Grades shall not exceed two percent (2%) for a minimum distance of 60 feet from its intersection with a public right-of-way or another private road.
- H Private roads shall align directly across from, or be offset at least 250 feet from the public street or other private road intersections on the opposite side of the street, measured centerline to centerline.
- I In order to provide adequate access for emergency vehicles, a 15 foot overhead vertical clearance shall be provided within the width of the gravel or paved section of the private road.
- J The minimum horizontal curve of a private road shall be 250 feet in radius. The Planning Commission may reduce this number to not less than 150 feet if the design would accommodate expected vehicle speed and truck/bus traffic, or in cases where significant disruption of natural terrain or removal of mature trees, or when the parcel will not accommodate a wider radii.
- K The layout of all private roads and the intersections of private roads with other public or private roads shall be such that clear vision, safe turning, and travel in all directions at the posted speed limit is assured.
- L The minimum distance between intersections of public and/or private road rights-of-way shall be not less than six hundred (600) feet as measured along the centerlines thereof on the same side of the public street and not to exceed two (2) private road rights-of-way per one-quarter (1/4) mile. The purpose of these regulations is to protect the public health, safety, and welfare and to preserve agricultural land and the rural character of the township.
- M The private road shall be constructed with such storm water runoff, culverts, and drainage contours as is required by the Township Engineer and Ionia County Drain Commissioner to ensure adequate drainage and runoff.

- N The method and construction technique to be used in the crossing of any natural stream, wetland, or drainage course shall satisfy the requirements of the Township Engineer and any other agency having jurisdiction thereof such as the Drain Commissioner and Michigan Dept. of Natural Resources or Dept. of Environmental Quality.
- O The private road shall be given a name, and street signs shall be installed in accordance with the standards and approval of the Ionia County Road Commission. The private road addresses shall be posted in a conspicuous place at the entrance to the private road (at the intersection with the public road) in letters at least three (3) inches high. Private roads shall have a standard stop sign where the private road abuts the public road or any internal intersection. A speed limit sign of no more than 25 miles per hour shall be posted on all private roads located in any residential zoning district. All residential parcels shall have sequential address numbers assigned in accord with the numbering convention for Ionia County and the address numbers shall be clearly posted at the driveway entrance to each dwelling or principal structure.
- P In addition to the standards (A-O above) a private road which is to serve fifteen (15) through fifty (50) residential lots or parcels shall be provided with a paved surface. The road shall widen at any dead end so there is at least a forty (40) foot radius turn-around of paved traveled surface. The private road shall be paved to a minimum width of twenty-two (22) feet, with a minimum of three (3) inches of bituminous aggregate meeting Michigan MDOT specification 1100T, as amended. If the private road is to include a storm sewer system, the minimum width of the private road surface, including valley gutters, shall be twenty-six (26) feet. The Planning Commission may allow a temporary waiver of the pavement requirement set forth in this subparagraph for a proposed private road that would intersect with an unpaved public road. Said temporary waiver shall be removed at such time as the adjoining public road is paved and the maintenance agreement, deed restrictions, master deed and easement agreements shall provide for such future paving and incorporate a feasible mechanism satisfactory to the Township Attorney to assure completion of the required paving. Upon approval of the Planning Commission, a private road which is required to be paved pursuant to this subsection may be paved in two stages. The second stage to be installed when building permits are issued for 75 percent of the lots or parcels served by this road or one year after installation of the base course, whichever ever occurs first.
- Q No private road access shall be permitted to service or provide access to more than 50 parcels, principal buildings, dwelling units, or combinations thereof, except that developments, containing parcels having frontage on both a private road and public street may be allowed to service or provide access for 2 additional parcels, principal buildings, dwelling units, or combinations thereof providing that all driveways are accessed by the private road.

#### Section 26.04 - Indemnity

The applicant for a private road construction permit, all owners of the private road, all those who utilize the private road, and all persons securing a building permit to construct a building served by the private road all agree that, by applying for and securing a permit for erecting a building that utilizes the private road, they shall indemnify and will save and hold the Township (as well as its officers, agents, and employees) harmless from any and all claims, causes of action, costs, or damages for personal injury and/or property damage arising out of the use of the private road or the failure to properly construct, maintain, repair, and/or install a private road or any appurtenances thereto. The owner/applicant shall place a copy of the preceding paragraph on each deed as a deed restriction for any parcels serviced by the private road before each parcel is sold and shall insert the preceding paragraph into the maintenance agreement and shall run with the land and shall bind all purchasers of properties benefited by the private road.

Upon completion of construction of the private road, the applicant(s)/owners(s) shall remove and properly dispose of any and all trees, shrubs, construction debris, and rubbish.

### Section 26.05 - Maintenance Agreement

- A The applicant(s) and/or owners(s) of the proposed private road right-of-way or private road shall provide the Township Zoning Administrator with a recordable private road maintenance or restrictive covenant agreement between the owners(s) of the private road right-of-way and any other parties having any interest therein or other documentation satisfactory to the Township Zoning Administrator that shall provide for and assure that the private road shall be regularly maintained, repaired, and snowplowed so as to assure that the private road is safe for travel at all times and the cost thereof paid for. The applicant(s) agree that, by filing an application for and receiving a permit under this section, they will assure that any building(s) or parcels thereafter created or constructed on the private road shall also be subject to the road maintenance or restrictive covenant agreement and that said agreement shall be recorded and shall run with the land. The private road maintenance or restrictive covenant agreement shall not be recorded until approved by the Township (which may consult with its Township Attorney regarding the same). Furthermore, no private road shall be commenced until such agreement as approved by the Township has been signed by all owners of the property (together with anyone else with a record interest in the property) and the same has been recorded with the Ionia County Register of Deeds Records, with a copy of said recorded agreement furnished to the Township Zoning Administrator.
- B The agreement shall indicate that the owners of all properties benefited by the private road shall be jointly and severally liable and responsible for maintaining the entire length of the private road and any associated common drainage facilities so that it is, at all times, in compliance with this ordinance and all applicable Township standards and requirements. The agreement shall provide that it is enforceable by the Township Board at its option. Additionally, the Township, at its option, can improve and maintain the road so that it meets the requirements of this ordinance; and the Township can charge the owners of all parcels that utilize or are benefited by the private road for the reasonable costs thereof with such costs secured by either placing a lien on the benefited properties or by placing the costs on the tax roll.
- C All future amendments to the maintenance agreement, easement agreement, master deed and/or deed restrictions shall be provided and approved by the Planning Commission and shall be provided to the Township and shall be recorded with the Ionia County Register of Deeds.

### Section 26.06 - Fees

Fees for the permits required hereunder shall be set by the Township Board, from time to time, by resolution. Additionally, the Township Board shall require that the applicants(s) put sufficient funds in escrow to cover the costs of having the Township Attorney and Engineer review the private road plans, specifications, and maintenance agreements and to do the necessary inspections.

### Section 26.07 - Permits for Building on Private Roads

- A No zoning permit shall be issued for any principal building, dwelling, or structure the primary access to which is to be provided by a private road unless a private road construction permit has been issued by the Zoning Administrator and unless the road has either been completed in accordance with the approved permit (and a certificate of compliance has been issued) and this section or the applicants(s) for the zoning permit or owner(s) of the private road right-of-way have provided the township clerk with a performance bond in an amount determined by the Township to be sufficient to ensure construction of the private road in full compliance with the private road permit within one (1) year from the date of issuance of the building permit.

- B Approval by the Road Commission: No private road construction permit shall be issued for a private road until the applicants(s) has/have presented the Zoning Administrator with either an approved private road entrance permit by the Ionia County Road Commission or a letter from the Ionia County Road Commission indicating that no private road entrance permit from the County is required at that location.
- C No sign(s) shall be erected unless a sign permit meeting the requirements of Section 18 are approved and issued.

Section 26.08 - Disclosure

The owner/applicant shall place the following statement on each deed as a deed restriction for any parcels serviced by the private road before each parcel is sold: "This property does not abut or front a public road. If a road or street does abut or service the property, it is a private road and is not required to be maintained by any governmental unit. There may be additional cost involved to the landowners."

Section 26.09 - Maintenance and Repairs

- A Upon completion of the construction, improvement, relocation, or extension of a private road, the applicant(s)/owners(s) shall maintain, repair, and snowplow the private road right-of-way to always comply with the requirements of this ordinance.
- B Private roads shall be maintained in a manner that complies with the provisions of this section.
- C All private roads and drainage facilities shall be continuously maintained in such a way that they will not constitute a danger to the health, safety, and welfare of the inhabitants of the township. All private roads shall be continuously maintained in such a way that they are readily accessible to and usable by emergency vehicles in all types of weather.
- D All costs for the maintenance and repair of the private road and common drainage facilities shall be the responsibility of the property owners or condominium association served by the private road.
- E The owners of the parcels or lots that utilize or are benefited by the private road and common drainage facilities shall be deemed to be jointly and severally liable and responsible for maintaining the entire length of the private road to the standards of this section.

Section 26.10 - Planned Unit Developments

If the private road is proposed as part of a Planned Unit Development (PUD) project, the provisions of this section regarding private road standards may be modified for the PUD project by the Planning Commission at its sole discretion for good cause shown.

Section 26.11 - Performance Guarantee

- A The Township may, as a condition of the private road construction permit application approval process, require the applicants(s) to post a cash bond, a bank letter of credit, or other security in order to ensure compliance with the requirements of this section.
- B The amount of the bond or security to be submitted, if required, shall be equal to the total estimated cost for completing construction of the private road as approved by the Planning Commission.
- C The bond, escrow, or unspent portions thereof, will be returned to the applicants(s) by the Township upon completion of the private road to the standards required by this section.

Section 26.12 - Private Road Application

- A The application shall include a written description of the proposed development to be served by the private road and a site plan that includes the following information. The site plan shall also include adequate topographic information to determine the feasibility of the proposed roadway site.
- B Twelve (12) copies of a site plan prepared and sealed by a registered land surveyor, civil engineer, or landscape architect at a scale of at least 1" = 100 feet showing the design of the private road and any proposed extensions together with a fee established by the Township Board shall be submitted to the Zoning Administrator. The plans shall include the following information:
- 1 Proposed name of development.
  - 2 Parcel identification number and legal description.
  - 3 Names and addresses of applicant, owner, and planner, design engineer, landscape architect or surveyor.
  - 4 Scale of drawing.
  - 5 Date of preparation.
  - 6 North arrow.
  - 7 A location map showing the general relationship of the affected property to the surrounding area within 1/2 mile, in a scale not less than 1" = 2,000 feet.
  - 8 Proposed property lines and dimensions.
  - 9 Zoning classification.
  - 10 Location of existing buildings and structures.
  - 11 Locations, widths, and names of existing or prior easements of record, public and/or private.
  - 12 Location of existing and proposed sanitary sewers, water mains, storm drains, drainage facilities and other utilities within the road right of ways.
  - 13 Existing and proposed topography drawn at contour intervals of ten feet.
  - 14 Location of significant natural features such as lakes, streams, wetlands, and slopes over 20%.
  - 15 Layout and preliminary design of the proposed private road and drainage facilities, indicating easement width and connections to adjoining public or private rights-of-way.
  - 16 Locations of proposed building sites including approximate grades and building setbacks.
- C In addition to the above plans:
- 1 A maintenance agreement, deed restrictions which provide for the perpetual private (non-public) maintenance of the private road and easement to a necessary and reasonable standard to serve the several interests involved shall be provided. These documents shall contain the following provisions:
    - a A method of initiating and financing of such road and/or easements in order to keep the road in a reasonably good and usable condition.
    - b A workable method of apportioning the costs of maintenance and improvements

- c A notice that no public funds of the Township of Keene are to be used to build, repair, or maintain the private road, including road cuts, curbs and gutters that may be required at the entry of the private road onto a public road.
  - d Easements to the public for purposes of public and private utilities, emergency and other public vehicles for whatever public services are necessary.
  - e A provision that the owners of any and all of the property using the road shall refrain from prohibiting, restricting, limiting, or in any manner interfering with normal ingress and egress and use by any of the other owners. Normal ingress and egress and use shall include use by family, guests, invitees, tradesmen, employees, and other bound to or returning from any of the properties having a right to use the road.
  - f The names(s) of the owners(s) and any other parties having any legal interest in the private road and property that abuts the private road.
- D The Township Officials and Township Engineer shall have the right to enter upon the property where the private road is or will be located to conduct such inspections as may be necessary to enforce this section.

Section 26.13 - Preliminary Approval

- A Should the Planning Commission find that all conditions have been satisfactorily met, it may grant preliminary approval of the private road.
- B Upon preliminary approval by the Planning Commission, the Zoning Administrator may issue a private road construction permit. No work on a private road shall commence until and unless there has been both preliminary approval by the Planning Commission and a private road construction permit has been issued by the Zoning Administrator. Preliminary approval expires in one (1) calendar year if the applicant fails to obtain final approval. The one (1) year may be extended if applied for by the applicant and granted by the Planning Commission in writing for good cause shown.
- C If zoning permits are to be issued prior to the completion of the private road, the developer shall deposit a cash bond or other bond assurance of performance, in the amount to be determined by the Planning Commission, to guarantee that the completed private road will conform with the approved plans.
- D All private roads shall be inspected by the Zoning Administrator and Township Engineer during the construction of the road. Reasonable (4 to 5 working days) notification shall be given to the Township Zoning Administrator before commencing construction of the road. The owner and/or contractor shall hold liability insurance for the road construction. Prior to granting final approval, the developer's engineer shall first certify that the road has been constructed in accordance with as-built plans which shall be submitted at the completion of the job (he should also submit test results for materials, compaction, etc.).
- E Any significant changes from the approved plans shall be noted in the cover letter, along with the reasons for the changes.

Section 26.14 - Final Approval



- A Upon receipt of acceptable as-built plans and verification of proper certification of construction, the township engineer may submit his recommendation to the Township to accept the road as completed. If there is any deviation from the plans, the township engineer shall report the deviation and reason for same to the Zoning Administrator. The township engineer has the right to reject the work and request stop work orders if the contractor or contractor's equipment creates any unnecessary disturbance beyond the limits of construction as shown on the approved plans and marked by the developer's engineer.
- B In order to request placement on the Planning Commission agenda for final approval, the applicant shall obtain and/or complete the following:
  - 1 Final inspection and approval of private road by the Township's Engineer.
  - 2 Installation of street sign and traffic control devices.
  - 3 Installation of underground utilities if applicable.
- C The following information shall be submitted to the Zoning Administrator at least Seven (7) days prior to the Planning Commission meeting.
  - 1 Two (2) copies of recorded land survey and legal descriptions showing easements for underground electrical and communication service lines, drainage, sanitary sewer, private road and dedication of any public road right-of-way.
  - 2 Two (2) copies of recorded road maintenance agreement.
  - 3 Two (2) copies of recorded deed restrictions and easements.

Section 26.15 - Time Limits

Each private road shall be under substantial construction within one year after the date the private road is approved as a special use. If this requirement is not satisfied, the Planning Commission may grant an extension of such period of time, provided however, that reasonable evidence is submitted, so as to document the fact that the construction or other development of the private road has encountered unforeseen difficulties but is then ready to proceed to completion. Should these requirements not be satisfied within a period of one (1) year after the special land use for the private road has been approved, the private road permit and the special land use for the private road shall be deemed null and void.

Section 26.16 - Conflict with Other Ordinances

To the extent that any other ordinances regulate the subject matter regulated by this section, the ordinances shall be construed to together, if possible, and the remedies of the ordinances shall be cumulative. Where the provisions of any other conflict with the provisions of this section, this section shall prevail and its terms shall control. If any part of this section conflicts with any other part, it shall be administratively appealed to the Township Zoning Board of Appeals for a final determination of intent. The remainder of this section shall remain in full force and effect.

Section 26.17 - Effect

This section shall apply to all private roads constructed from and after the effective date of this ordinance. In addition, if an existing private road is extended after the date of this section by an increase in its length for the purpose of providing access to one (1) or more additional principal buildings, dwellings, parcels, or structures, the provisions of this section shall thereupon apply to the entire length of such private road; that is, to both the part of such private road existing on the effective date of this section and the part of such road laid out or constructed after such effective date.

Section 26.18 - Existing Private Roads

- A The Township recognizes there exist private roads, service roads and access easements which were lawful prior to the adoption of this section that do not fully conform with the standards herein. Such roads are declared by this section to be legal nonconforming roads or easements. The intent of this section is to permit legal nonconforming roads and easements to continue and undergo routine maintenance for safety purposes, as determined by the Zoning Administrator. This section is also intended to allow new construction to occur on existing lots which front along such a road on the effective date of this section (1-31-2000), or lots created from lots that front along such a road, if the roads are reasonably capable of providing sufficient access for the uses permitted in the zoning district and for provision of emergency service vehicles as determined by the Township. It shall be the responsibility of the landowner(s) to maintain this access.
- B Any reconstruction, widening or extension of a non-conforming private road or access easement shall be in conformity with this Section. A private road may not be located or extended where such location or extension would result in the creation of a non-conforming lot dimension, setback or yard area of any adjoining parcel. All extensions of existing private roads shall conform to the requirements of this Ordinance.
- C For purposes of determining whether a lot along a private road or access easement qualifies as an "existing lot" as used in this section, at least one of the following conditions must have existed at the time this section was adopted.
1. The lot consists of a "condominium unit" for which a master deed had been recorded with the Ionia County Register of Deeds in accordance with the requirements of the Michigan Condominium Act and other applicable laws and ordinances.
  2. The lot consists of a parcel or division of parcel that was described by metes and bounds as recorded by a deed or as a land contract, and registered with the Ionia County Register of Deeds.
  3. The lot had been assigned a unique parcel number by the Ionia County Register of Deeds and was individually assessed and taxed on that basis.

*Repeated From Definitions Section:*

Road, Private - Any undedicated path, trail, or road that provides or is intended to provide the primary means of ingress and egress to three (3) or more parcels or lots or three (3) or more principal buildings, dwelling units, or structures. Private roads include roads within site condominium projects, planned unit developments, roads serving two family dwelling units and roads within office or industrial complexes, or combination thereof, whether created by a private right-of-way agreement, a joint ownership, a license, a lease, or an easement. Any and all extensions, additions, or branches of or to a private road shall be considered part of the private road that abuts the public road.