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# **BELVIDERE TOWNSHIP ZONING ORDINANCE**

**Ordinance No. 18**

**Adopted  
June 10, 2010**

**Belvidere Township  
Montcalm County, Michigan**

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**Belvidere Township  
County of Montcalm, State of Michigan**

**ORDINANCE NO. 18  
ZONING ORDINANCE**

**An Ordinance enacted by Belvidere Township under Public Act 110 of 2006, the Michigan Zoning Enabling Act, to regulate the use and development of land and provide for the establishment of districts within which specified land use and development may occur including restrictions and requirements for structures, buildings, yards, and development densities, and to establish a permitting system to ensure reasonable review and authorization of land uses and development including the issuance of permits, appeals of decisions, and penalties for violations.**

**THE BELVIDERE TOWNSHIP BOARD ORDAINS:**

**Article 1  
TITLE and PURPOSE**

**Section 1.1 Title**

This Ordinance shall be known and cited as the Belvidere Township Zoning Ordinance.

**Section 1.2 Purpose**

It is the purpose of this Zoning Ordinance to regulate the use of land and structures to meet the needs of the state's citizens for food, fiber, energy, and other natural resources, places of residence, recreation, industry, trade, service, and other uses of land in accordance with the land's character and adaptability, to ensure that the use of land is situated in appropriate locations and relationships, to limit the inappropriate overcrowding of land and congestion of population, transportation systems, and other public facilities, to facilitate adequate and efficient provision for transportation systems, sewage disposal, water, energy, education, recreation, and other public service and facility requirements, to promote public health, safety, and welfare including the conservation of property values and natural resources including farmland, woodlands, wetlands, and water resources, to implement the goals, objectives and policies of the Belvidere Township Master Plan adopted pursuant to the Township Planning Act, Public Act 168 of 1959, and as may be amended pursuant to the Michigan Planning Enabling Act, Public Act 33 of 2008, and to advance all other purposes as authorized by the Michigan Zoning Enabling Act.

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**End of Article 1**

## Article 2 GENERAL ADMINISTRATION, ENFORCEMENT, and PENALTIES

### **Section 2.1 Purpose**

It is the purpose of this Article to provide for the administration and enforcement of this Ordinance, including the creation of a review and permit process. The primary permit process shall require the issuance of a Zoning Permit which shall indicate that the uses and plans for which the permit is requested comply with this Ordinance. Upon the issuance of a Zoning Permit, the applicant may establish the use for which the permit has been issued, including the erection of a building or structure, provided a Building Permit has been obtained from the Building Inspector demonstrating conformance to the requirements of the Construction Code.

### **Section 2.2 Zoning Permit Required**

**A. Permit Required/Conformance to Ordinance:** Except as provided in subsection (B) below, no grading or excavation shall be initiated, no fence, wall, structure or building shall be erected, altered, or moved, and no land or building shall be used or undergo a change in use as delineated in the Permitted Uses tables of Article 3, including the conversion of an abandoned building to an active use, until the Zoning Administrator has issued a Zoning Permit that shall signify the proposed activity conforms to the requirements of this Ordinance and, where required by state law, the Building Inspector certifies proposed structures and buildings comply with the Construction Code through the issuance of a Building Permit. A Zoning Permit shall be on a form established for such purpose and the completed form shall identify the specific use authorized, the drawings that graphically portray the proposed alterations and improvements to the property, and any conditions made part of such permit. No Zoning Permit or Building Permit shall be issued for any structure, building or use of land where the use, construction, addition, or alteration would be in violation of this Ordinance. See Section 2.4 regarding application review procedures.

**B. Zoning Permit Exemption:** A Zoning Permit shall not be required for the following:

1. The alteration of any building wall provided no change is made to the location of an exterior wall and such alterations are in compliance with all requirements and standards of this Ordinance. A Building Permit may be necessary for such an alteration pursuant to the Construction Code.
2. Fences for single family and two family dwellings, and agricultural uses.

### **Section 2.3 Responsibility for Administration**

**A. General Administration:** The administration and enforcement of this Ordinance shall be the responsibility of the Township Board, the Planning Commission, the Zoning Board of Appeals, and such personnel as designated by the Township Board in accordance with P.A. 110 of 2006, as amended, and this Ordinance. The Township Board shall appoint a Zoning Administrator who shall act as an officer in the administration and enforcement of this Ordinance. The Zoning Administrator may simultaneously serve as the Building Inspector.

**B. Duties of the Zoning Administrator:** Under no circumstances is the Zoning Administrator permitted to make changes in this Ordinance, nor to vary the terms of this Ordinance while carrying out the duties prescribed herein. The Zoning Administrator shall perform the duties specified in this Ordinance including, at a minimum:

1. **Review Applications:** Undertake and/or assist in the review of Zoning Permit applications and other applications made under this Ordinance, including applications for plot plans, site plans, special land use approvals, and variances.
2. **Issue Zoning Permits:** Issue Zoning Permits and other approvals when all provisions of this Ordinance have been met and the necessary approval has been granted by the proper body or official.
3. **File of Applications:** Maintain files of all applications submitted under this Ordinance, action on such applications, and any performance guarantees associated with permits.
4. **Inspections and Violations:** Assist in the investigation and resolution of violations of this Ordinance including inspections to investigate, monitor and ensure conformance with this Ordinance.
5. **Record of Complaints:** The Zoning Administrator shall keep a record of any complaint of a violation of this Ordinance and of the action taken consequent to each complaint.
6. **Reports:** The Zoning Administrator shall report to and attend meetings of the Planning Commission, Zoning Board of Appeals, and Township Board, to report on activities pertaining to the issuance of permits, complaints of violation, actions taken on such complaints, and other Ordinance administrative and enforcement matters as may arise.

**Section 2.4 Zoning Permit Application and Review Procedures**

**A. General Application and Review Procedures:** An application for a Zoning Permit shall be available from the Zoning Administrator. Upon approval of the application, which is to include, at a minimum, the application form and all required supporting data and documents including a plot plan or site plan, a Zoning Permit shall be issued. Whenever the Zoning Administrator determines an application for a single-family or two-family dwelling and accessory uses and structures thereto is in conformity with the provisions of this Ordinance, the Zoning Administrator shall issue the Zoning Permit. Zoning Permit applications for uses, buildings and structures not associated with a single-family or two-family dwelling shall be issued by the Zoning Administrator only after the designated approving body, typically consisting of the Planning Commission or Township Board as specifically delineated elsewhere in this Ordinance (See Sec. 14.2), directs the Zoning Administrator to do so.

1. Plot Plan / Site Plan: An application for a Zoning Permit shall include the submittal of a plot plan or site plan. An application for a single family or two-family dwelling and accessory structures thereto, shall include the submittal of a plot plan according to subsection (B) below. A site plan shall be required for all other uses, structures and buildings and shall be prepared according to Article 14 (Site Plan Review) unless expressly provided otherwise by this Ordinance.
2. Special Land Uses: In addition to meeting the site plan requirements of Article 14, a Zoning Permit application for a use classified as a "special land use" according to Permitted Uses tables of Article 3 shall be processed according to the provisions of Article 15 (Special Land Uses), which requires Township Board action after receipt of a Planning Commission recommendation.
3. Variances: Where the approval of a variance by the Zoning Board of Appeals pursuant to Article 16 is necessary for the approval of a proposed plot plan or site plan, no such plot plan or site plan shall be approved nor shall such project be issued a Zoning Permit until action on such variance request has first been taken by the Zoning Board of Appeals.
4. Incomplete Applications: If Zoning Permit application materials are not administratively complete when received by the body that is to take action on the application, the body may deny such application or otherwise delay action on the application until it is made complete in a readily comprehensible manner.
5. Performance Guarantees: A performance guarantee may be required as a condition to the issuance of a permit in order to ensure conformance with the requirements of this Ordinance (see Section 2.6).
6. Permit Refusal in Writing: In any case where a Zoning Permit or other approval requested under this Ordinance is refused, the reasons shall be provided to the applicant in writing. Such notification may include a copy of the meeting minutes and motion containing such reasons.

**B. Single Family and Two-Family Dwellings/Plot Plan Approval**

1. Application Required: Application for a Zoning Permit for a single family or two-family dwelling, including alterations and accessory structures and buildings thereto, shall be submitted to the Zoning Administrator on a form for that purpose. See Section 2.2(B) for exceptions. Three (3) copies of all application materials shall be submitted and shall consist of:
  - a. The completed application form, and all permit applications, approvals and supporting documents associated with required state or federal permits.
  - b. An accurate, readable, drawing of scale not less than 1" = 100', constituting a plot plan, identifying the following:
    - 1) Name, address and telephone number of the applicant (and owner if different).
    - 2) A scaled property line survey showing property dimensions, bearings, lot area, legal description, and an arrow pointing north. The Zoning Administrator may require a property line survey prepared by a Michigan-licensed surveyor, and the delineation of existing structures on the property as part of such survey, in the case where a more detailed or official delineation of property lines and structures is necessary to ensure compliance with this Ordinance.
    - 3) The location and footprint of existing and proposed structures and heights of such structures, and the number of sleeping rooms therein. See definition for "building height" in Article 21.
    - 4) Distances of buildings and structures from lot lines.
    - 5) A description of proposed use(s) of the building(s), land and structures.
    - 6) Configuration of the driveway and parking areas, including dimensions.
    - 7) Existing public and private right-of-ways and easements.
    - 8) Existing and/or proposed location of septic drain field and potable water well, and other existing and proposed utility locations.
    - 9) In the case of a corner lot, the designated side and rear yard.
    - 10) Any other information deemed necessary by the Zoning Administrator to determine Ordinance compliance and provide for the enforcement of this Ordinance.

2. Application Review: The Zoning Administrator shall review the Zoning Permit application and plot plan and determine their conformity with the provisions of this Ordinance including requirements pertaining to lot area, lot width, setbacks, building height, and permitted uses.
3. Action on Application: After conducting a review, the Zoning Administrator shall deny, approve, or conditionally approve the application as it pertains to requirements and standards contained in this Ordinance. The applicant shall be notified in writing of the Zoning Administrator's action on the application including any conditions associated with an approval. The decision by the Zoning Administrator shall be made within fifteen (15) days of the receipt of a complete plot plan application including copies of all required county, state and federal applications and permits. See Section 2.4(C)(1) below regarding withholding of approval. A plot plan shall be approved if it contains the information required by, and is in compliance with this Ordinance.
4. Approved Plot Plans: At least two (2) copies of an approved plot plan, with any conditions contained within, shall be maintained as part of the Township records for future review and enforcement. A third copy shall be returned to the applicant. For identification of the approved plans, each copy shall be signed and dated with the date of approval by the Zoning Administrator. If any variances from the Zoning Ordinance have been obtained from the Zoning Board of Appeals, the minutes concerning the variances, duly signed, shall also be filed with the Township records as a part of the plot plan and delivered to the applicant.
5. Plot Plan Changes: The Zoning Administrator shall review and act on proposed changes to an approved plot plan in the same manner as described by this subsection (B).

**C. Permit Withholding, Expiration, and Revocation.**

1. Withholding Permit: Where this Ordinance grants approval authority to a specific body, as in the case of plot plan approval by the Zoning Administrator and variance approval by the Zoning Board of Appeals, the designated approving body may withhold approval of an application pending verification that an applicant has received required county, state or federal permits including but not limited to sewage disposal and potable water permits, soil erosion and sedimentation control permits, flood plain permits, and MDEQ permits for alteration of wetlands. Similarly, such body may condition its approval of the requested application on the receipt of any of the above mentioned county, state or federal approvals or withhold the issuance of a Zoning Permit until said permits from other agencies have been obtained.
2. Expiration of Permit: A Zoning Permit shall become null and void after one (1) year from the date of its issuance unless the development or activity authorized has passed its first building inspection by the Building Inspector, provided however, that the body which approved such permit may waive or extend the period of time in which the permit is to expire for a single period of no greater than 180 days if it is satisfied that the owner is maintaining a good faith intention to proceed with construction. Upon expiration, the permit shall be renewable only upon reapplication, subject to the provisions of all ordinances in effect at the time of renewal.
3. Revocation: A body which grants approval of a permit or application under this Ordinance, such as in the case of a Zoning Administrator's approval of a plot plan and the Township Board's approval of a Special Land Use application, may revoke or cancel such approval in the case of failure or neglect to comply with this Ordinance, or in the case of any false statement or misrepresentation made in the application. The Zoning Administrator may issue a stop work order to halt all construction activities and/or use of the premises pending a decision on the revocation.

**Section 2.5 Building Permit / Permit of Occupancy Required**

**A. Building Permit:** No driveway or any other grading, excavation, or construction shall be initiated prior to the issuance of a Zoning Permit and, where required by state law, the Building Inspector certifies proposed structures and buildings comply with the Construction Code through the issuance of a Building Permit.

**B. Occupancy Permit:** No structure or use shall be occupied, in whole or in part, without first receiving a permit for occupancy from the Building Inspector pursuant to the Construction Code.

## **Section 2.6 Performance Guarantee**

- A. Purpose:** In authorizing any Zoning Permit or granting other approvals under this Ordinance other than a single-family or two-family dwelling and accessory structures and uses thereto, the approving body for such permit or approval may require that a performance guarantee be furnished to ensure compliance with the requirements, specifications and conditions imposed with the granting of such permit or approval.
- B. Requirements of Guarantee:** The performance guarantee shall meet the following requirements:
1. **Improvements Covered:** Improvements that shall be covered by the performance guarantee include those features of a project that are considered necessary by the body or official granting approval to protect the natural resources or the health, safety and welfare of residents of the Township and future users or inhabitants of the proposed project area including roadways, lighting, utilities, sidewalks, screening and drainage. In no case shall any portion of a performance guarantee be required for improvements intended to serve the public at large versus users of the development site.
  2. **Form:** The performance guarantee shall be in the form of cash, certified check, irrevocable bank letter of credit, or surety bond, acceptable to the Township Treasurer, which names the property owner as the obligor and the Township as the obligee. If appropriate, based on the type of performance guarantee submitted, the Township shall deposit the funds in an account in a financial institution with which the Township regularly conducts business.
  3. **Amount and Time Required:** The amount of the performance guarantee shall be equal to the estimated cost of improvements for which the performance guarantee is to cover, according to a detailed cost estimate submitted by the applicant and found satisfactory by the Township Board. After approval of the cost estimate, the performance guarantee shall be submitted at the time of issuance of the permit authorizing the approved use or construction. No performance guarantee shall be required prior to the date on which the Township is prepared to issue the Zoning Permit.
- C. Return of Performance Guarantee:** The following procedure shall be followed in the return of performance guarantees:
1. **Request for Payment:** As required improvements are completed, or when all of the required improvements have been completed, the obligor shall send written notice to the Zoning Administrator of completion of said improvements. The Zoning Administrator shall inspect said improvements and shall transmit a recommendation to the Township Board indicating either approval, partial approval, or rejection of the improvements with a statement of the reasons for any rejection.
  2. **Approval of Payment:** The Township Board shall either approve, partially approve or reject the return of the performance guarantee for the improvements or conditions, after consideration of the recommendation of the Zoning Administrator's written statement, and shall notify the obligor in writing of the action of the Township Board within forty-five (45) days after receipt of the notice from the obligor of the completion of improvements. Where approval or partial approval is granted, the Township Clerk shall release the approved payment to the applicant. The portion of the performance guarantee to be returned shall be proportional to the work completed and shall be based on the itemized cost estimate for the applicable improvement.
  3. **Lack of Full Completion:** Should installation of improvements fail to meet full completion based on the approved site plan, or if the project area is reduced in size and improvements are only partially completed or conditions only partially met, the Township may complete the necessary improvements or conditions itself or by contract to an independent contractor, and assess all costs of completing the improvements or conditions against the performance guarantee. Any balance remaining shall be returned to the applicant.
- D. Performance Guarantee for Razing of Building:** The Zoning Administrator may require a bond prior to the razing or demolition of principal structures and accessory structures having more than one hundred forty-four (144) square feet of floor area. The amount of the performance guarantee shall be as determined from time to time by resolution of the Township Board. A guarantee shall be conditioned on the applicant completing the razing within such reasonable period as shall be prescribed in the permit and complying with such regulations as to health and safety as the Zoning Administrator, Fire Chief, Building Inspector, or the Township Board may from time to time prescribe, including filling of excavations and proper termination of utility connections.
- E. Record of Performance Guarantees:** A record of performance guarantees shall be maintained by the Zoning Administrator.

## **Section 2.7 Timely Action on Applications**

**A. General Intent:** All approvals applied for under this Ordinance shall be acted upon in a timely manner. However, in no case shall the matter of a timely decision undermine the intent of this Ordinance that all requested approvals undergo the necessary and adequate review to ensure all requirements and standards have been met and the public health, safety and welfare is preserved.

**B. Specific Guidelines:** The following time provisions shall apply unless specifically provided otherwise by this Ordinance or special circumstances arise such as delays associated with the acquisition of county, state or federal permits, the submittal of an incomplete application, the need to submit additional application materials following initial deliberations, or unforeseeable practical delays in distributing applications to the necessary review bodies. The prescribed review periods below require that an application must be received by the Zoning Administrator at least fifteen (15) days prior to the meeting when the Planning Commission would normally begin deliberation on such application and, if submitted within a lesser time, the Planning Commission may delay initiating deliberations until its next regularly scheduled meeting or special meeting called for the purpose of deliberating said application.

1. Applications Requiring Zoning Administrator Action: A complete application for a Zoning Permit for a single-family or two-family dwelling or an accessory structure or use thereto shall be acted upon by the Zoning Administrator within fifteen (15) days of the submittal of the complete application.
2. Applications Requiring Planning Commission Action: Action on an application by the Planning Commission, as in the case of making a recommendation to the Township Board regarding an application for special land use approval or an amendment petition, shall occur within ninety (90) days of receipt of a complete application. Where a public hearing is required to be held, this time frame shall be extended by thirty (30) days.
3. Applications Requiring Township Board Action: Where this Ordinance requires the Township Board to act on an application, as in the case of a site plan, the Township Board shall take action on the application within ninety (90) days of the receipt of a complete application. Where the Township Board must delay action until receipt of a recommendation from the Planning Commission, as in the case of a special land use application or rezoning petition, the Township Board shall take action on the application within ninety (90) days of the receipt of such recommendation.
4. Applications Requiring Zoning Board of Appeals Action: Where the Zoning Board of Appeals is required by this Ordinance to act upon a request for a variance, ordinance interpretation, administrative appeal, or other request as provided by this Ordinance, the Zoning Board of Appeals shall take action on the request within ninety (90) days of the receipt of a complete application.
5. Public Hearing Notices: See Section 2.12.

## **Section 2.8 Application Fees**

**A. Application Fees Required:** Fees for the administration and review of development proposals, rezoning requests, actions before the Zoning Board of Appeals, inspections and the issuance of permits required under this Ordinance shall be deposited with the Township Clerk in advance of processing any application. The amount of such fees shall be established by the Township Board by resolution and may be revised from time to time. Such fees shall be limited to covering actual costs incurred by the Township and may include but are not limited to costs associated with conducting meetings and inspections, public notices, postage, photocopying, staff time, mileage, and any costs associated with assistance provided by qualified professionals including planners, engineers, and/or attorneys.

**B. Professional Review and Fee:** For any application for a Zoning Permit, variance, or other approval under this Ordinance, the Township Board or the reviewing body may require the payment of a professional review fee when professional input is desired before a decision is made, due to the character or complexity of the proposal or concern over the potential impacts of the project. The applicant is entitled to a refund of any unused professional review fee. If actual professional review costs exceed the amount of the fee, the applicant shall pay the balance due prior to final action on such application. A professional review shall result in a report to the Township indicating the extent of conformance or nonconformance with this Ordinance and matters which may create a threat to public health, safety or the general welfare, and may include a recommended course of action. Mitigation measures or alterations to a proposed design may be suggested where they would serve to lessen or eliminate identified impacts. The applicant shall receive a copy of any professional review contracted for by the Township and a copy of the statement of expenses for the professional services rendered.

## **Section 2.9 Site Inspections**

The Zoning Administrator shall have the authority to make inspections of premises for the purposes of verifying information on an application, monitoring conformance with the regulations and standards of this Ordinance, and for any other purpose associated with responsibilities of the Zoning Administrator granted by this Ordinance. The owner or his agent or representative, and the occupant or lessee of every building, or other person having the care and management thereof, shall give the Zoning Administrator free access thereto upon request at all reasonable times. No person shall interfere with the Zoning Administrator in the discharge of his/her duties.

## **Section 2.10 Violation Procedures**

Violations of any provisions of this Ordinance are declared to be nuisances per se. Enforcement actions may be initiated by a complaint, or by the Zoning Administrator independently anytime he or she identifies a violation. The procedure for the notification of and correction of violations shall be as follows:

**A. Notice of Violation:** The Zoning Administrator shall inspect each alleged or apparent violation. Whenever the Zoning Administrator determines that a violation of this Ordinance exists, the Zoning Administrator shall issue a Notice of Violation or an appearance ticket, in writing, which specifies all circumstances found to be in violation. Such notice shall be directed to each owner of, or a party in interest, in whose name the property appears on the last local tax assessment records. All notices shall be served upon the person to whom they are directed personally, or in lieu of personal service, may be mailed by certified mail, return receipt requested, addressed to such owner or party in interest at the address shown on the tax records.

**B. Violation Correction Period:** All violations shall be corrected within a period of fifteen (15) days after the violation notice is issued except where the Zoning Administrator permits a longer correction period due to seasonal or other conditions that make a fifteen (15) day correction period impractical or unfeasible. In no case shall the authorized correction period exceed 180 days.

**C. Hearing Before Township Board:** Should a violation not be corrected within this time period the Zoning Administrator shall notify the owner, or party of interest in writing, of the time and place of a hearing to be held before the Township Board on the conditions causing the notice of violation. At said hearing the person to whom the notice is addressed shall have the opportunity to show cause why said violation should not be ordered to be corrected or why said action would cause an undue hardship. The Township Board shall take testimony of the Zoning Administrator, the owner of the property, and any other interested party or witness. Following the hearing, the Township Board shall make written findings as to the nature and extent of the violation, if any, and extenuating circumstances, if any. The Township Board may extend the time by which the violation(s) must be corrected for a single period not to exceed six (6) months.

**D. Legal Action:** If the owner or party in interest fails to appear at the hearing, or neglects to correct the violation within the time period specified by the Township Board, the Township Board shall transfer a report of their findings to the Township Attorney recommending that the appropriate action be taken. The Township Attorney may then initiate prosecution proceedings. If the threat to public health and or safety necessitates immediate action, this procedure may be circumscribed and the Township Board may initiate injunctive action in Circuit Court or any such other remedy provided by Law. See Section 2.11.

## **Section 2.11 Penalties and Remedies**

**A. Violations as Misdemeanors:** Violations of the provisions of this Ordinance or failure to comply with any of its requirements, including violations or conditions and safeguards established in connection with variances, approved site plans, zoning permits, or other authorizations under this Ordinance, shall constitute a misdemeanor. Any person who violates this Ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than five hundred dollars (\$500) or imprisoned for not more than thirty (30) days, or both, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense.

1. The owner of record or tenant of any building, structure, premises, or part thereof, and any architect, building contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.

**B. Remedies:** The Township Board may institute injunction, mandamus, abatement or other appropriate proceedings to prevent, enjoin, abate or remove any violations of this Ordinance. The imposition of any fine, or jail sentence or both shall not exempt the violator from compliance with the provisions of this Ordinance.

**Section 2.12 Public Hearing Notices**

**A. Hearing Notice Content:** Unless otherwise required by the Michigan Zoning Enabling Act or this Ordinance where applicable, all mail, personal and newspaper notices for public hearings shall do all of the following:

1. Describe the nature of the request including whether the request is for a text amendment, zoning map amendment (rezoning), special land use, variance, appeal, ordinance interpretation or other purpose.
2. Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the subject 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 such as a tax parcel identification number. No street addresses must be listed when eleven (11) or more adjacent properties are proposed for rezoning, or when the request is for an ordinance interpretation not involving a specific property.
3. Indicate the date, time and place of the hearing(s).
4. Indicate when and where written comments will be received concerning the request.

**B. Recipients and Means of Notice:** Unless otherwise required by the Michigan Zoning Enabling Act or this Ordinance where applicable, the following shall receive notice of the hearing, which notice shall include the information specified in (A) above.

1. General public, by publication of the hearing notice in a newspaper of general circulation in the Township.
2. To the owners of property for which approval is being considered, and the applicant if the applicant is different than the property owner, by mail or personal delivery.
3. To all persons to whom real property is assessed within 300 feet of the boundary of the project subject to the request, and to the occupants of all structures within 300 feet of the property, regardless of whether the property or occupant is located in Belvidere Township, by mail or personal delivery. If the name of the occupant is not known, the term "occupant" may be used in making notification.
  - a. Subsection (3) above shall not apply in the case of rezoning requests involving eleven (11) or more adjacent properties, or an ordinance interpretation request or an appeal of an administrative decision that does not involve a specific property.
  - b. If a single structure contains more than four (4) dwelling units or other distinct spatial areas owned or leased by different persons, a single notice may be given to the manager or owner of the structure, who shall be requested to post the notice at the primary entrance to the structure.
4. 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 Township Clerk for the purpose of receiving the notice of public hearing, by mail, in the case of a text amendment or zoning map amendment.

**C. Timing of Notice and Determination of Notice Given:** Unless otherwise required by the Michigan Zoning Enabling Act or this Ordinance where applicable, all mail, personal and newspaper notices for public hearings shall be made not less than fifteen (15) days before the date the request will be considered, including applications for zoning map amendments (rezonings), text amendments, special land uses, variances, appeals and ordinance interpretations. The notice under subsection (B) shall be considered to be given when personally delivered or when deposited during normal business hours for delivery with the United States postal service or other public or private delivery service.

**D. Confirmation of Notices Made by Mail or Personal Delivery:** The Township Clerk shall prepare a list of property owners and registrants to whom notice was mailed, as well as anyone to whom personal notice was delivered.

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**End of Article 2**

## Article 3 ZONING DISTRICTS, REGULATIONS, and MAP

### **Section 3.1 Establishment of Districts**

For the purpose of this Ordinance, the Township is hereby divided into the following zoning districts, which shall be known by the following respective symbols and names, and shall have boundaries as delineated on the Official Zoning Map.

#### Agricultural Districts

AR      Agricultural –Residential District

#### Residential Districts

R-1      Residential District  
R-2      Residential District  
R-3      Residential District  
R-4      Residential District  
R-MF    Multiple Family Residential District  
R-MHC   Manufactured Housing Community District

#### Commercial Districts

C-1      Mixed Use Village Commercial District  
C-2      General Commercial District

#### Industrial Districts

I-1      Light Industrial District

#### Other Districts

PUD     Planned Unit Development District

### **Section 3.2 Compliance with District Regulations**

**A. Compliance Required:** Except as may otherwise be provided in this Ordinance, every building and structure erected, every use of any lot, building, or structure established, every structural alteration or relocation of an 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 that are applicable in the Zoning District in which such use, building, or structure shall be located.

1. Filling of Land: Whenever any fill is placed in any lake or stream, the land thus created shall automatically and without further governmental action thenceforth acquire and be subject to the same District regulations as are applicable for lands to which the fill is attached or otherwise adjacent.

### **Section 3.3 Zoning District Map**

**A. Official Zoning Map:** The boundaries of the respective Districts enumerated in Section 3.1 are defined and established as depicted on the Official Zoning Map entitled BELVIDERE TOWNSHIP ZONING MAP, which is an integral part of this Ordinance. This map, with all notations and explanatory matter thereon, shall be published as part of this Ordinance as if fully described herein. The Official Zoning Map shall be located at the official offices of Belvidere Township and shall be the final authority with regard to the current zoning status of all land in the Township, along with supporting minutes of Township Board meetings regarding District changes, regardless of the existence of copies of the Official Zoning Map which may be made and published from time to time.

**B. Map Identification and Changes:** This Official Zoning Map shall be identified by the signature of the Township Supervisor, attested by the Township Clerk, and bearing the following: *This is to certify that this is the Official Zoning Map of the Belvidere Township Zoning Ordinance adopted on the \_\_\_th day of \_\_\_, 2010.* If, in accordance with the provisions of this Ordinance, changes are made in District boundaries or other matter portrayed on the Official Zoning Map, such changes shall be made on the Official Zoning Map.

**C. Boundary Interpretations:** Where, due to the scale, lack of details, or illegibility of the Official Zoning Map, there is an uncertainty, contradiction, or conflict as to the intended location of any zoning district boundaries shown thereon, interpretation concerning the exact location of district boundary lines shall be determined, upon written application, to the Zoning Board of Appeals. The Zoning Board of Appeals, in arriving at a decision on such matters, shall apply the following standards:

1. Boundaries indicated as approximately following roads or highway shall be construed as following the center lines of said roads or highways.
2. Boundaries indicated as approximately following section lines, quarter section lines, quarter-quarter section lines, or lot lines shall be construed as following such lines.
3. Boundaries indicated as approximately following Township boundary lines shall be construed as following such boundary lines.
4. Boundaries indicated as approximately following railroad lines shall be construed to be midway between the main tracks.
5. Boundaries indicated as approximately parallel to the center lines of streets or highways shall be construed as being parallel thereto and at such distance there from as indicated on the Official Zoning Map. If no distance is given, such dimension shall be determined by the use of the scale shown on the Official Zoning Map.
6. Boundaries following the shoreline of a stream, lake, or other body of water shall be construed to follow such shorelines, and in the event of change in the shorelines, shall be construed as moving with the actual shorelines. Boundaries indicated as approximately following the centerlines of streams, canals, or other bodies of water shall be construed to follow such centerlines.
7. Where the application of the aforesaid rules leaves a reasonable doubt as to the boundaries between two (2) Districts, the land in question shall be considered to be zoned according to the District that applies greater limitations on the overall intensity of development based on such features as minimum lot sizes, density controls, setbacks, and scope of authorized uses.

### **Section 3.4 Purposes of Zoning Districts**

See Table 3-1.

### **Section 3.5 Permitted Uses in Zoning Districts**

**A. Uses Permitted in Each Zoning District:** The Permitted Principal Uses tables of this Article identify the principal land uses permitted in each of the Districts enumerated in Section 3.1. No land use shall be established except in conformance with the Permitted Principal Uses tables unless expressly provided otherwise in this Ordinance. In order to ensure all possible benefits and protection for the Districts in this Ordinance, the Tables delineate whether a land use permitted in a particular District is a "Use Permitted by Right" or a "Special Land Use".

1. Uses Permitted by Right: Uses permitted by right are the primary uses and structures specified for which the District has been established, and are subject to plot plan approval (Sec. 2.4(B)) or site plan approval (Article 14).
2. Special Land Uses: Special land uses are uses and structures which have been generally accepted as reasonably compatible with the primary uses and structures permitted in the District, but could present potential injurious effects upon the primary uses or are otherwise unique in character, and therefore require special consideration in relation to the welfare of adjacent properties and to the Township as a whole. All such uses shall be subject to a public hearing and site plan approval. See Article 15, Special Land Uses.

**B. Accessory Uses:** Unless otherwise specified in this Ordinance, accessory uses which are clearly incidental to and customarily associated with the principal use of the property, are permitted in all Districts and shall conform to all applicable standards of this Ordinance, including Section 20.10 (Accessory Uses, Buildings, and Structures).

**C. Prohibited Uses:** Any use of land not specifically permitted is prohibited, including any use of land not specifically identified in the Permitted Principal Uses Tables. The Planning Commission may be petitioned to initiate an amendment to the Ordinance to authorize an otherwise prohibited use and standards that will apply for that use. If the Township Board approves such an amendment, then an application can be submitted to establish that use. Nothing in this subsection (C) shall be interpreted to infer that approval of such an amendment will result in approval of a subsequent application for the use in question.

### **Section 3.6 Site Development Requirements of Zoning Districts**

- A.** All land uses shall comply with the site development requirements of the District in which they are located, as delineated in the Site Development Requirements Table of this Article, in addition to all other applicable site development provisions of this Ordinance including, but not limited to:
1. Article 5, Signs.
  2. Article 6, Access Management and Private Roads.
  3. Article 7, Off-Street Parking and Loading.
  4. Article 8, Landscaping and Screening.
  5. Article 9, Environmental Protection.
  6. Article 10, Standards and Regulations for Specific Land Uses.
  7. Article 20, Supplemental Provisions.
- B.** No part of a setback area, yard, or other open space required about or in connection with any use, building or structure, for the purpose of complying with this Ordinance, shall be included as part of a setback area, yard, or other open space similarly required for any other use, building or structure.
- C.** No setback area or lot existing at the time of adoption of this Ordinance shall be reduced in dimensions or area below 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, including lot size and lot width.
- D.** No portion of one lot, once established and/or improved with a building or structure, shall be used in the creation of another lot unless each lot resulting from each such reduction, division, or sale, shall conform to all of the requirements established herein.
- E.** Wherever any provision of this Ordinance imposes more stringent requirements, regulations, restrictions or limitations than are imposed or required by the provisions of any other law or ordinance, the provisions of this Ordinance shall govern. Whenever the provisions of any other law or ordinance impose more stringent requirements than are imposed or required by this Ordinance, the provisions of such law or ordinance shall govern.

### **Section 3.7 Special District Provisions**

- A. Manufactured Housing Community District (R-MHC)**
1. Pursuant to Section 11 of Public Act 96 of 1987, as amended, the Michigan Mobile Home Commission Act, a preliminary plan shall be submitted for review by the Township Board. The preliminary plan shall include the location, layout, general design, and general description of the project. The preliminary plan need not include detailed construction plans. In preparing the preliminary plan and when reviewing the plan, the developer and Township Board shall generally follow the procedures and requirements in Article 14 of this Ordinance, where applicable, except where said procedures and requirements are superseded by the requirements in P.A. 96 of 1987, as amended, or the Mobile Home Commission Rules. Pursuant to Section 11 of Public Act 96 of 1987, as amended, the Township Board shall take action of the preliminary plan within sixty (60) days after the Township receives the preliminary plan.
  2. All manufactured housing communities shall be constructed and maintained in accordance with P.A. 96 of 1987, as amended, and the rules and regulations promulgated by the Mobile Home Commission pursuant to the authority vested in the Mobile Home Commission by such Act. The construction of a manufactured housing community shall not be initiated, nor shall a manufactured housing community be inhabited or operated until all necessary permits have been acquired from the Michigan Department of Consumer Services, Michigan Department of Commerce, and all other agencies pursuant to the Mobile Home Commission Act.
  3. In addition to complying with P.A. 96 of 1987, as amended, and the rules and regulations promulgated by the Mobile Home Commission, the following standards and provisions shall apply:
    - a. Minimum Parcel Size: Ten (10) acres.
    - b. Minimum Site Size: The mobile home park shall be developed with sites averaging at least 5,500 square feet per mobile home unit. This 5,500 square foot standard may be reduced to no less than 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.

**Table 3-1  
PURPOSES of ZONING DISTRICTS**

Table 3-1 identifies the principal purposes of the Districts of this Ordinance. Tables 3-2 and 3-3 identify the specific uses permitted in each District, and may identify uses permitted in each District in addition to those referenced in the following purpose statements where considered compatible with and/or supportive of the principal purposes of the District.

DISTRICTS	PURPOSE
<b><u>ALL DISTRICTS</u></b>	
<p style="text-align: center;"><b>All Districts</b></p>	<p>It is the purpose of all Districts to protect important environmental resources to the greatest extent practical; that all Districts be located in coordination with the Belvidere Township Master Plan; that uses minimize negative impacts on surrounding land uses; that all non-residential uses complement the community’s rural character through appropriate architectural design and building scale, building materials, setbacks, signage, landscaping, buffering, open spaces and lighting; that development ensure safe and efficient vehicular travel and access and minimizes congestion, turning conflicts, and pedestrian hazards; that all residential uses provide for adequate open spaces and a healthy living environment; and that each use be adequately served by facilities and services including sewage disposal, potable water, fire protection, and roads. Additional and more specific purposes of each District follow.</p>
<b><u>AGRICULTURAL DISTRICTS</u></b>	
<p style="text-align: center;"><b>A-1</b></p>	<p>It is the purpose of the <b>AR Agricultural - Residential District</b> to encourage and provide opportunities for agriculture and retention of land areas in Belvidere Township that are well suited for production of plants and animals useful to humans due to soil, topographic and other conditions, while also providing opportunities for comparatively low density rural residential lifestyles and development patterns that encourage the preservation of farmland, open spaces, natural resources, and the Township’s rural character. Persons considering residing in this District should be aware that noise, dust, odors, crop protection product applications and other generally accepted agricultural management practices may continue on a long term basis. See also the “All Districts” purpose statement above.</p>
<b><u>RESIDENTIAL DISTRICTS</u></b>	
<p style="text-align: center;"><b>R-1 R-2 R-3 R-4</b></p>	<p>It is the principal purpose of the <b>R-1, R-2, R-3 and R-4 Residential Districts</b> to provide opportunities for single and two-family residential development patterns of incrementally decreasing lot sizes and increasing density, to accommodate varying suburban and urban residential lifestyles and meet the varied housing needs of current and future residents. In recognition of the comparatively small lot sizes authorized in the R-3 and R-4 Districts, it is intended that such Districts be established only where a sanitary sewer system is utilized except to recognize the presence of existing neighborhoods, established prior to the effective date of this Ordinance and which reflect typical lot sizes that are most compatible with the size standards of such Districts. See also the “All Districts” purpose statement above.</p>
<p style="text-align: center;"><b>R-MF</b></p>	<p>It is the purpose of the <b>R-MF Multiple Family Residential District</b> to provide alternative housing opportunities of a greater density than those of the other Residential Districts, in the form of multiple family development such as apartments and townhouses, to meet the varied housing needs of current and future residents. It is intended that this District be established only where sanitary sewer is provided. See also the “All Districts” purpose statement above.</p>
<p style="text-align: center;"><b>R-MHC</b></p>	<p>It is the purpose of the <b>R-MHC Manufactured Housing Community District</b> to provide opportunities for healthy residential development and lifestyles associated with manufactured housing communities as regulated by the Michigan Mobile Home Commission Act. It is the intent of this District that, in light of the comparative speed at which a manufactured housing community can be constructed and the resulting rapid increased demands on public infrastructure and community services, this District be established only where development of such acreage will not outpace the Township’s ability to effectively manage and accommodate demands upon public infrastructure and community services. See also the “All Districts” purpose statement above.</p>

*Table 3-1 Continued on Next Page*

Table 3-1 Continued (Purposes of Zoning Districts)

<b><u>BUSINESS DISTRICTS</u></b>	
<b>C-1</b>	The C-1 Mixed Use Village Commercial District is intended to provide opportunities for mixed-use development frequently associated with small village settlements, characterized predominantly by commercial development addressing the consumer and services needs of the township’s residents and visitors. The District provides opportunities for uses of a noncommercial character but which support the desirability and vitality of the village including certain residential, public, and civic uses. The District recognizes the mixed-use nature of the village and provides for the continuation of this character with provisions to ensure the village retains its “small-town” identity. The C-1 District is intended to be limited to the unincorporated Six Lakes village area in coordination with the Belvidere Township Master Plan. Development in this District is intended to minimize negative impacts on nearby properties and complement the village’s character. See also the “All Districts” purpose statement.
<b>C-2</b>	The C-2 General Commercial District is intended to provide opportunities for business establishments that address both the day-to-day convenience and service needs of Township residents and visitors as well as the consumer needs of the more regional population, including uses that require or uniquely benefit from the close proximity and/or the heightened access afforded by M-46 and M-66. Business establishments that address a more regional market frequently require larger land areas and buildings than more locally oriented uses, and encourage higher levels of vehicular traffic. Accordingly, this District is intended to be limited to locations along M-46 and M-66 in coordination with the Belvidere Township Master Plan. Development in this District is intended to minimize negative impacts on nearby properties and complement the Township’s overall rural character. See also the “All Districts” purpose statement.
<b><u>INDUSTRIAL DISTRICTS</u></b>	
<b>I-1</b>	It is the purpose of the <b>I-1 Light Industrial District</b> to provide for a variety of manufacturing and other industrial uses that can be generally characterized as being of low intensity, including comparatively small building sizes and the absence of objectionable external affects beyond the District. It is the intent of this District to permit the manufacturing, compounding, processing, packaging, assembly or treatment of finished or semi-finished products from previously prepared material, but prohibit the processing or raw materials. See also the “All Districts” purpose statement above.
<b><u>OTHER DISTRICTS</u></b>	
<b>PUD</b>	See Section 4.1, Planned Unit Development (PUD) District.

End of Table 3-1

**Table 3-2  
Permitted Principal Uses in Agricultural and Residential Districts**

	PRINCIPAL USES	ZONING DISTRICTS				
		AR	R-1 R-2	R-3 R-4	R-MF	R-MHC
		BR = Use Permitted by Right, S = Special Land Use - = Prohibited Use				
	<b>Uses of a Primarily Agricultural, Outdoor Recreation, or Natural Resource Based Character</b>					
1	Agriculture.	BR	-	-	-	-
2	Agricultural service establishments.	S	-	-	-	-
3	Commercial campgrounds and retreat centers. (Sec. 10.4)	S	S <sup>3</sup>	-	-	-
4	Commercial stables. (Sec. 10.6)	S	-	-	-	-
5	Composting center. (Sec. 10.7)	S	-	-	-	-
6	Corn mazes and similar outdoor recreation located on a farm and intrinsically related to farm operations.	S	-	-	-	-
7	Extraction operations. (Sec. 10.10)	S	-	-	-	-
8	Golf courses and country clubs. (Sec. 10.13)	S	S	S	-	-
9	Natural resource conservation areas, wildlife management areas, nature preserves, and game refuges.	BR	-	-	-	-
10	Recreational vehicle parks.	S	-	-	-	-
11	Sales of agricultural products such as vegetables, fruits, trees, shrubs, and nursery stock provided a minimum of 90% of such sales, by volume, are of products grown or made on the farm where the sales occur.	BR <sup>4</sup>	-	-	-	-
12	Shooting ranges. (Sec. 10.24)	S	-	-	-	-
	<b>Uses of a Primarily Residential Character</b>					
1	Single family dwellings. (Sec. 20.9)	BR	BR	BR	-	BR <sup>1</sup>
2	Two family dwellings.	BR	BR	BR	-	-
3	Convalescent and nursing homes.	-	S	S	S	-
4	Day care, family home.	BR	BR	BR	BR	-
5	Day care, group home. (Sec. 10.9)	S	S	S	S	-
6	Foster care facility, family home.	BR	BR	BR	BR	-
7	Foster care facility, group home. (Sec. 10.11)	S	S	S	S	-
8	Multiple family dwellings. (Sec. 10.17)	-	-	-	BR	-
9	Manufactured housing communities. (Sec. 3.7)	-	-	-	-	BR
10	Open space preservation community/OSPC. (Sec. 10.21)	S	S	-	-	-
	<b>Uses of a Primarily Commercial, Industrial or Business Character</b>					
1	Bed and breakfast establishments. (Sec. 10.2)	S	-	-	-	-
2	Day care center. (Sec. 10.8)	-	S	S	S	S
3	Hospitals and medical clinics.	-	S	S	-	-
4	Landscape supply sales including trees, shrubs, and nursery stock that may not be grown on the same lot as where the sales occur, and may include accessory landscape sales such as soil, mulch, landscape stones and pavers, gardening tools, and seed.	S	-	-	-	-
5	Recycling Center.	-	-	-	-	-
6	Veterinarian clinics and kennels. (Sec. 10.27)	S	-	-	-	-
7	Wind energy conversion facility, commercial (WECF). (Sec. 10.28)	S	-	-	-	-
8	Wireless communication towers. (Sec. 10.30)	S <sup>2</sup>	-	-	-	-

Table 3-3 Continued Next Page. See End of Table for Footnotes

(Table 3-2 continued)

PRINCIPAL USES		ZONING DISTRICTS				
		BR = Use Permitted by Right, S = Special Land Use - = Prohibited Use				
		AR	R-1 R-2	R-3 R-4	R-MF	R-MHC
Uses of a Public, Semi-Public, or Other Character						
1	Public facilities owned by Belvidere Township including, but not limited to, township hall, storage buildings, and parks.	BR	BR	BR	BR	BR
2	Public facilities owned by other than Belvidere Township.	S	S	S	S	S
3	Churches and other religious institutions, and other public or semi-public places of assembly not otherwise specified above. (Sec. 10.5)	S	S	S	S	S
4	Oil and gas storage facilities.	S	-	-	-	-
5	Private landing strips. (Sec. 10.22)	S	-	-	-	-
6	Clubs, lodges, and similar social, recreational and community centered facilities when not operated for profit.	S	-	-	-	-

**Footnotes for Table 3-2:**

1. Single family dwellings permitted by right in MHC District only when located in a manufactured housing community.
2. See Section 10.30 for conditions pertaining to communication towers authorized by right (BR).
3. Commercial campgrounds and retreat centers are prohibited in the R-2 District.
4. Irrespective of the particular labeling of this cell, any sales of agricultural products that incorporates the use of more than 2,000 sq. ft. of building floor area shall be classified as a Special Land Use.

End of Table 3-2

**Table 3-3  
Permitted Principal Uses in Commercial and Industrial Districts**

PRINCIPAL USES		ZONING DISTRICTS <sup>1</sup>		
		BR = Use Permitted by Right S= Special Land Use <sup>1</sup> - = Prohibited Use		
		C-1	C-2	I-1
Uses of a Primarily Agricultural, Outdoor or Natural Resource Based Character				
1	Agricultural service establishments.	S	S	S
2	Composting center. (Sec. 10.7)	-	-	S
Uses of a Primarily Residential Character				
1	Single family dwellings (Sec. 20.9) including above a commercial storefront.	BR	-	-
2	Two- family dwellings.	BR	-	-
3	Multiple family dwellings (Sec. 10.17)	S	-	-
Uses of a Primarily Commercial or Business Character <sup>1</sup>				
1	Any generally recognized retail business which supplies commodities on the premises within a completely enclosed building including, but not limited to, groceries, foods, drugs, liquor, furniture, clothing, dry goods, notions, books, flowers, jewelry and hardware.	BR	BR	-
2	Banks and other financial institutions, excluding drive-through services.	BR	BR	-
3	Day care center. (Sec. 10.8)	S	S	-
4	Drive-in, drive-through, take-out, pick-up, and other forms of in-vehicle retail or service establishments including non-standard restaurants and financial institutions.	S	S	-

Table 3-3 Continued Next Page. See End of Table for Footnotes

**Table 3-3 (continued)  
Permitted Principal Uses in Commercial and Industrial Districts**

PRINCIPAL USES		ZONING DISTRICTS <sup>1</sup>		
		C-1	C-2	I-1
<b>Uses of a Primarily Commercial or Business Character<sup>1</sup> (continued)</b>				
5	Funeral homes and mortuaries, including a dwelling occupied by the owner. (Sec. 10.12)	S	S	-
6	Health clubs.	S	BR	-
7	Hospitals and medical clinics.	S	S	-
8	Indoor commercial recreation such as theaters, bowling alleys, skating rinks, indoor shooting ranges, and similar uses.	S	S	-
9	Kennels.	-	S	-
10	Lumber yards and incidental mill work.	-	S	S
11	Mini-storage facilities. (Sec. 10.17)	-	S	-
12	Motels and hotels, including conference centers. (Sec. 10.18)	S	S	-
13	Offices which perform services on the premises including but not limited to financial institutions, insurance offices, real estate offices, and artist galleries.	BR	BR	-
14	Offices of an executive, administrative, clerical and similar character, in which the principal function of the office does not entail on-site visits by customers.	BR	BR	-
15	Offices for accountants, doctors, lawyers, insurers, financial and other consultants, architects, and similar professional office uses.	BR	BR	-
16	Offices and showrooms of plumbers, electricians, decorators, and similar trades in connection with not more than 25% of the floor area of the building or part of the building occupied by said establishment is used for making, remodeling, repairing, altering, finishing or refinishing its products or merchandise.	S	S	-
17	Personal service establishments which perform services on the premises within a completely enclosed building, such as, by example, shoe repair, barber and beauty shops, photographic studios, appliance repair, and dry cleaners.	BR	BR	-
18	Sale of new or used cars, recreational vehicles, boats, farm machinery, and other vehicles and equipment, including indoor and outdoor sales and display, and the service and repair of such vehicles and equipment. (Sec. 10.20)	-	S	-
19	Sale of outdoor home and garden supplies such as plant materials and garden equipment and tools, lawn furniture, and play equipment, including indoor and outdoor sales and display. (Sec. 10.20)	-	S	-
20	Sexually oriented business. (Sec. 10.23)	-	S	-
21	Standard restaurants and other establishments that provide food or drink for consumption on the premises, but excluding the serving of alcohol.	BR	BR	-
22	Standard restaurants and other establishments that provide food or drink for consumption on the premises, and may include the serving of alcohol.	S	S	-
23	Taxidermy	-	BR	BR
24	Vehicle service stations. (Sec. 10.26)	S	S	-
25	Vehicle repair shops. (Sec. 10.26)	S	S	S
26	Vehicle / car wash facility. (Sec. 10.25)	-	S	-
27	Veterinarian clinics. (10.27)	S	S	-
28	Wireless communication towers <sup>3</sup> . (Sec. 10.30)	-	S <sup>2</sup>	S <sup>2</sup>
<b>Uses of a Primarily Industrial Character<sup>1</sup></b>				
1	Assembly of electrical appliances, electronic instruments and devices, including the manufacture of small parts such as computer parts.	-	-	BR
2	Building material storage and sales yard, including lumber yards and incidental millwork, and storage facilities for building materials including sand, gravel, stone, lumber, and contractor's equipment.	-	S	BR
3	Centralized dry cleaning.	-	S	S
4	Junkyards. (Sec. 10.14)	-	-	S
5	Lumber processing.	-	-	S

Table 3-3 Continued Next Page. See End of Table for Footnotes

**Table 3-3 (continued)  
Permitted Principal Uses in Commercial and Industrial Districts**

PRINCIPAL USES		ZONING DISTRICTS <sup>1</sup>		
		C-1	C-2	I-1
		<b>BR=</b> Use Permitted by Right	<b>S</b> = Special Land Use,	– = Prohibited Use
		<b>C-1</b>	<b>C-2</b>	<b>I-1</b>
<b>Uses of a Primarily Industrial Character<sup>1</sup> (continued)</b>				
6	Manufacturing, compounding, assembling or treatment of articles or merchandise from the following previously prepared materials: bone, cellophane, fur, glass, canvas, cork, felt, hair, horn, leather, paper, plastics, precious or semi-precious metals or stones, shell, textiles, tobacco, wood, sheet metal, wax, and wire, and the packaging thereof. "Previously prepared materials" are materials processed, manufactured or created at another location and transported to the parcel in this District for assembly into new products.	–	–	<b>BR</b>
7	The manufacturing, compounding, processing, treatment, fabrication or packaging of such products as: drugs, perfumes, pharmaceuticals, toiletries, bakery goods, candy, ceramics, clothing, jewelry, instruments, optical goods, food products (except fish, sauerkraut, vinegar, yeast, rendering or refining of fats and oils, and similar food products involving the creation of odors or other offensive impacts), hardware and cutlery.	–	–	<b>S</b>
8	Manufacturing of concrete and concrete products, and monument and art stone production.	–	–	<b>BR</b>
9	Plastic molding and extrusion.	–	–	<b>BR</b>
10	Production, processing or testing for the development or prototyping of a product.	–	–	<b>S</b>
11	Printing and publishing.	–	–	<b>BR</b>
12	Oil and gas storage facilities.	–	–	<b>BR</b>
13	Recycling center.	–	–	<b>S</b>
14	Tool and die manufacturing establishments.	–	–	<b>BR</b>
15	Trade schools.	–	–	<b>S</b>
16	Utility service yards, electrical transformer facilities, utility substations, and similar utility facilities.	–	–	<b>BR</b>
17	Warehousing, storage and transfer establishments, and truck terminals.	–	<b>S</b>	<b>S</b>
<b>Other Uses Not Listed Above<sup>1</sup></b>				
1	Public facilities owned by Belvidere Township including, but not limited to, township hall, meeting rooms, offices of officials and staff, vehicle and equipment storage buildings, and parks.	<b>BR</b>	<b>BR</b>	<b>BR</b>
2	Public facilities owned by other than Belvidere Township.	<b>S</b>	<b>S</b>	–
3	Churches and other religious institutions, and other public or semi-public places of assembly not otherwise specified above. (Sec. 10.5)	<b>S</b>	–	–
4	Clubs, lodges, and similar social, recreational and community centered facilities when not operated for profit.	<b>S</b>	<b>S</b>	–

**Footnotes for Table 3-3**

<sup>1</sup> Irrespective of the particular labeling of a cell in this table, any use that exceeds 10,000 sq. ft. in gross floor area in a C-1 District, or 20,000 sq. ft. in gross floor area in a C-2 or I-1 District, whether such floor area is in a single building or part of multiple buildings, is classified as a special land use, except that any use that exceeds 20,000 sq. ft. in area in a C-1 District, whether such floor area is in a single building or part of multiple buildings, is classified as a prohibited use. See Section 3.5.

<sup>2</sup> See Sec. 10.30 for conditions pertaining to Class One communication towers authorized by right (BR).

End of Table 3-3

**Table 3-4  
Site Development Requirements<sup>1</sup>**

All land uses shall comply with the site development requirements of the District in which it is located, as delineated in Table 3.4 unless otherwise specified by this Ordinance including Article 10, Standards and Regulations for Specific Land Uses. See also Section 20.10, Accessory Uses, Buildings, and Structures.

Zoning District	Minimum Lot Area <sup>2</sup>	Minimum Lot Width & Frontage <sup>2</sup>	Maximum Building & Structure Height		Minimum Yard Setback (Feet)			Maximum Lot Coverage (%)
			Stories	Feet	Front	Side	Rear	
<b>AR: Agricultural Residential</b>	SFD: 2 acres <sup>2,9</sup> TFD: 4 acres <sup>2</sup>	SFD: 200 <sup>2</sup> TFD: 240 <sup>2</sup>	2 1/2	35 <sup>4</sup>	75 <sup>5</sup>	10 <sup>6</sup>	20	35
<b>R-1: Residential</b>	SFD: 36,000 sq. ft. <sup>2</sup> TFD: 72,000 sq. ft. <sup>2</sup>	SFD: 120 <sup>2</sup> TFD: 160 <sup>2</sup>	2 1/2	35 <sup>4</sup>	75 <sup>5</sup>	10 <sup>6</sup>	20	35
<b>R-2: Residential</b>	SFD: 20,000 sq. ft. <sup>2</sup> TFD: 30,000 sq. ft. <sup>2</sup>	SFD: 80 ft. <sup>2</sup> TFD: 90 ft. <sup>2</sup>	2 1/2	35 <sup>4</sup>	70 <sup>5</sup>	10 <sup>6</sup>	20	35
<b>R-3: Residential</b>	SFD: 10,000 sq. ft. <sup>2,3</sup> TFD: 15,000 sq. ft. <sup>2,3</sup>	SFD: 70 <sup>2,3</sup> TFD: 80 <sup>2,3</sup>	2 1/2	35 <sup>4</sup>	60 <sup>5</sup>	10 <sup>6,7</sup>	20	35
<b>R-4: Residential</b>	SFD: 5,000 sq. ft. <sup>2,3</sup> TFD: 10,000 sq. ft. <sup>2,3</sup>	SFD: 50 <sup>2,3</sup> TFD: 70 <sup>2,3</sup>	2 1/2	35 <sup>4</sup>	60 <sup>5</sup>	10 <sup>6,7</sup>	20	35
<b>R-MHC: Manufactured Housing Comm.</b>	See Section 3.7							
<b>R-MF: Multiple Family Residential</b>	20,000 sq. ft. <sup>2</sup>	100 ft. <sup>2</sup>	2 1/2	35 <sup>4</sup>	70 <sup>5</sup>	50 <sup>6</sup>	50	35
<b>C-1: Mixed-Use Commercial Village</b>	5,000 sq. ft. <sup>2</sup>	50 ft. <sup>2,3</sup>	3	35 <sup>4</sup>	40 <sup>5</sup>	5	20	75
<b>C-2: General Commercial</b>	60,000 sq. ft. <sup>2</sup>	200 ft. <sup>2</sup>	2 1/2	35 <sup>4</sup>	85 <sup>5</sup>	30 <sup>6,8</sup>	40 <sup>8</sup>	50
<b>I-1: Light Industrial</b>	2 acres <sup>2</sup>	200 ft. <sup>2</sup>	No Limit	35 <sup>4</sup>	85 <sup>5</sup>	30 <sup>6,8</sup>	40 <sup>8</sup>	50

See following page for Footnotes for Table 3-4.

**Footnotes for Table 3-4**  
**SITE DEVELOPMENT REQUIREMENTS**

1. Uses shall comply with the standards of Table 3-4, unless specified otherwise by this Ordinance including Article 5, Signs; Article 6, Access and Private Roads; Article 7, Off-Street Parking and Loading; Article 8, Landscaping and Screening; Article 9, Environmental Standards; Article 10, Standards and Regulations for Specific Land Uses, Article 20, Supplemental Provisions; and other Articles as may apply.
2. All lots shall conform to the following configuration requirements:
  - a. The depth of a lot shall not exceed four (4) times its width.
  - b. The minimum frontage/lot width standard of Table 3-4 shall extend from the front lot line to the required front yard setback line and over at least seventy percent (70%) of the lot area. In addition, in the case of a waterfront lot, the minimum frontage/lot width standard shall apply to both the front and rear lot lines.
  - c. Lesser frontage and width standards than those of Table 3-4 may be approved where the front lot line abuts a curvilinear road segment, such as a cul-de-sac, where without such reduction, such lots would be unnecessarily excessive in overall width or area, or otherwise result in irregular or impractical configurations. However, such reduction shall not exceed forty percent (40%), and the minimum front yard setback shall be increased to the line at which there is compliance with the lot width standard of Table 3-4.
3. Minimum lot area, width and frontage in the R-3 and R-4 Districts, and the C-1 District, for lots recorded with the County Register of Deeds after the effective date of this Ordinance, where sanitary sewer is not provided, shall be 20,000 sq. ft. and eighty (80) feet respectively.
4. The following height exceptions shall apply except where otherwise regulated by this Ordinance:
  - a. Agricultural buildings and structures, such as barns, silos, and elevators, provided they shall not exceed one-hundred (100) feet in height.
  - b. Church and religious buildings associated with congregational gatherings provided the building is set back an additional one (1) foot for each one (1) foot of height in excess of the district limitation.
  - c. The following height exemptions apply provided no portion of the building or structure exceeding the height limitation may be used for human occupancy and the site plan approving body (See Sec. 14.2) finds the exemption shall not undermine the character, use and enjoyment of nearby properties:
    - 1) Those features that are purely ornamental in purpose such as church spires, belfries, cupolas, domes, ornamental towers, flagpoles and monuments, and similar features, provided such features do not exceed seventy-five (75) feet in height from the ground surface and occupy no more than ten percent (10%) of the structure's gross roof area.
    - 2) Those necessary appurtenances to mechanical or structural functions, such as chimneys and smokestacks, water tanks, elevator and stairwell structures, ventilators, and transmission structures, but not to exceed one hundred (100) feet in height above the ground surface below.
    - 3) Public utility structures.
5. Front yard setbacks shall be measured from the center of the road. The site plan approving body (Sec. 14.2) may, upon application to such body, waive or modify the C-1 District front yard setback requirement where such body finds that such action will result in a more advantageous overall form or pattern of development, taking into consideration such factors as the encouragement of continuous storefronts, residential facades, beneficial pedestrian spaces, pedestrian and vehicular safety, visibility, and orderly development.
6. For a corner lot, the minimum required front yard setback shall also apply to the side yard abutting a road right-of-way except that this side yard setback may be reduced the minimum amount necessary to ensure a thirty (30) foot buildable lot width. However, in no case shall such setback be less than five (5) feet. "Buildable lot width" for Footnote 6 shall be defined as the dimensional width of the lot less both required side yard setback dimensions.
7. Each side yard setback for a dwelling in an R-3 or R-4 District, on a lot existing prior to April 23, 1998 and which does not conform to the lot width standard of Table 3-4, may be reduced to equal no less than fifteen percent (15%) of the lot width measured between the side lot lines along the front façade of the dwelling, but in no case shall such setback be less than five (5) feet along any portion of a side lot line.
8. Minimum side and rear yard setbacks in the C-2 and I-1 Districts shall be increased to 50 feet in the case where such yard abuts an Agricultural or Residential District.
9. A parcel of no less than 36,000 sq. ft. may be created for single family residential purposes for each 30 acres contained in the parcel to be divided, as of the effective date of this Ordinance, provided the total number of such parcels shall not exceed five (5). The minimum width of such parcels shall be one hundred twenty (120) feet.

**End of Article 3**

## **Article 4**

# **PLANNED UNIT DEVELOPMENT (PUD) DISTRICT**

### **Section 4.1 Purpose**

The provisions of this Article provide enabling authority and standards for the submission, review and approval of applications for planned unit developments (PUD), pursuant to the Michigan Zoning Enabling Act. It is the intent of the Article to authorize the use of PUD regulations to permit flexibility in the regulation of land development to encourage beneficial innovation in land use and variety in design, layout, and type of structures constructed, achieve economy and efficiency in the use of land, natural resources, energy, and the provision of public services and utilities, encourage useful open space, and provide better housing, employment, and shopping opportunities. The provisions of this Article are not intended as a device for ignoring this Ordinance or the planning upon which it is based. To that end, the provisions of this Article are intended to result in land use development substantially consistent with the planned development pattern for the Township as described in the Belvidere Township Master Plan, with modifications from generally applicable Ordinance requirements made in accordance with standards provided in this Article to ensure appropriate, fair, and consistent decision making.

### **Section 4.2 PUD Is A Separate District**

A PUD is permitted as a separate District only, when determined to be in compliance with the regulations of this Article. The approval of a PUD shall require an amendment of the Zoning Map constituting a part of this Ordinance so as to designate the property "PUD" and the PUD shall be subject to the approved PUD application.

### **Section 4.3 Minimum Eligibility Criteria**

- A.** The following minimum eligibility criteria shall be met in order for PUD approval:
1. **Recognizable and Substantial Benefit:** The PUD shall result in a recognizable and substantial benefit to the ultimate users of the project and to the community as a whole. Such benefit must otherwise be unfeasible or unlikely under the regulations of other Districts.
  2. **Availability and Capacity of Public Services:** The proposed type and intensity of use shall not result in an unreasonable burden on the availability and use of existing public services, facilities, and utilities.
  3. **Compatibility with the Master Plan:** The proposed development shall be in accordance with the goals and policies of the Belvidere Township Master Plan.
  4. **Compatibility with the PUD Intent:** The proposed development shall be consistent with the intent and spirit of these regulations, as stated in Section 4.1.
  5. **Economic Impact:** The proposed development shall not impede the continued use or development of surrounding properties for uses permitted on such properties.
  6. **Unified Control of Property:** The proposed development shall be under single ownership or control such that there is a single person or entity having responsibility for completing the project in conformity with this Ordinance and the specifications of the PUD approval.

### **Section 4.4 Use and Design Standards**

**A. Permitted Uses and Mix of Uses:** Any use authorized in this Ordinance is permitted in a PUD as a principal or accessory use provided that public health, safety, and welfare are not impaired and the essential character of the proposed PUD meets the general intent of the Master Plan. Where the Master Plan provides for residential development patterns, commercial and other nonresidential uses may be permitted as part of a PUD that also contains a residential component, provided that the residential component shall be dominant. The determination of the predominance of the residential component shall take into account such considerations as the extent to which the non-residential use serves residents in the PUD compared to others who will travel to the site, the amount of traffic generated by the non-residential use compared to the residential component, the operational hours of the non-residential use, the proportional land area allocated to the non-residential use, and building floor area allocated to the non-residential use.

**B. Design Standards and Waivers:** The site development standards for all proposed individual land uses and facilities in a PUD shall conform to this Ordinance, including such standards pertaining to lot area and dimensions, density, lot coverage, setbacks, parking, loading, landscaping and screening, and similar requirements, except that the Township Board may waive such standards where such modifications will result in a higher quality of development than would be possible without the modifications.

1. Unless a waiver is granted, standards pertaining to lot area and dimensions, density, lot coverage, and setbacks shall comply with those standards of the District which most closely characterizes the dominant character of the PUD development.
2. Unless a waiver is granted, mixed uses shall comply with the regulations applicable for each individual use, including the standards of Table 3-4 (Article 3) and Article 10, Standards for Specific Land Uses. If regulations are inconsistent with each other, the regulations applicable to the most dominant use shall apply.
3. The waiving of development standards may be authorized only upon a finding by the Township Board that there are adequate features or planning mechanisms designed into the project to achieve the objectives intended to be accomplished with respect to each of the standards from which a departure is sought.

#### **Section 4.5 Approval Standards**

**A.** Each application and site plan for a PUD shall conform to all applicable provisions of this Article and the following:

1. Site Plan Approval Standards, Section 14.4.
2. General Approval Standards for Special Land Uses, Section 15.6.

#### **Section 4.6 Procedure for Review and Approval**

**A. Optional Preapplication Conference:** Prior to the submission of a preliminary site plan for PUD approval, the applicant may request a meeting with the Planning Commission Chairperson and the Township Supervisor, together with such consultants and local officials and staff as either the Township or the applicant deem appropriate. The purpose of the meeting is to inform township officials of the general theme for the proposed development and to provide the potential applicant with information regarding land development policies, procedures, standards and requirements. Statements made in the course of a preapplication conference shall not be legally binding commitments. At the preapplication conference (or conferences), the applicant may present a general sketch plan of the proposed PUD which provides an overview of the proposed project.

**B. Preliminary Plan: Application, Public Hearing, and Action:**

1. The applicant shall submit to the Township Clerk twenty (20) copies of a preliminary plan and an application form supplied by the Zoning Administrator. The Zoning Administrator shall forward copies to the Planning Commission. The Preliminary Plan shall comply with the requirements of Section 14.3(A) and include a detailed text description of the proposed development and all Ordinance standards that the applicant is seeking a waiver for.
2. The Planning Commission shall review the preliminary plan and shall be entitled to make reasonable inquiries of and receive answers from the applicant. Following review of the preliminary plan submittal, the Planning Commission shall act on the preliminary plan as if it were an application for rezoning, and in doing so, shall follow the provisions of Article 17 including the holding of a public hearing.
3. Following the public hearing and any fact finding and additional studies, the Planning Commission shall prepare written findings regarding the preliminary plan's conformance with the applicable requirements of this Article and Ordinance, including the approval standards of Sections 14.4 and 15.6. The Planning Commission shall recommend to the Township Board to approve, deny, or approve with conditions the application including the preliminary plan. The Planning Commission shall prepare and transmit a report to the Township Board stating its conclusions and recommendation, the basis for its decision, and any recommended conditions relating to an affirmative recommendation.
4. The Township Board shall take final action to approve, deny, or approve with conditions the application and preliminary plan. In reviewing the preliminary plan, the Township Board shall consider the applicable requirements of this Article and Ordinance, including Sections 14.4 and 15.6. The Township Board shall prepare and transmit a report to the applicant stating its conclusions and decision, the basis for its decision, and any conditions relating to an affirmative decision. The effect of Township Board approval of the preliminary plan shall be:
  - a. to authorize the fundamental PUD character and layout embodied in the preliminary plan, including any conditions applied to the approval, for inclusion in a final site plan.
  - b. to authorize a change on the Zoning Map to classify the subject property as "PUD".

**C. Final Plan and Permit Issuance**

1. Within eighteen (18) months following receipt of preliminary plan approval, the applicant shall submit to the Zoning Administrator twenty (20) copies of a final plan, or phase one of a final plan, including a final site plan conforming with Section 14.3(B) and including a detailed text description of the proposed development and all Ordinance standards that the applicant is seeking a waiver for. If the final plan has not been submitted within such period, the preliminary plan approval shall become null and void unless the Township Board extends the time for submission of the final plan upon a showing by the applicant that no material change of circumstances has occurred having bearing on the original action of the Township Board, found upon inspection by the Township Board to be valid.
2. The Zoning Administrator shall record the date of the receipt of the final site plan and transmit copies to the Planning Commission and other agencies or individuals selected to review such plans including but not necessarily limited to Township departments and staff, consultants, Montcalm County Drain Commissioner, and Montcalm County Road Commission.
3. The Planning Commission shall review the final plan and shall be entitled to make reasonable inquiries of and receive answers from the applicant. The Planning Commission shall prepare and transmit a report to the Township Board stating its conclusions and recommendation, the basis for its recommendation, and any conditions relating to an affirmative decision. The Planning Commission shall recommend to the Township Board to approve, deny, or approve with conditions the final plan. The Township Board shall take final action to approve, deny, or approve with conditions the final plan. In reviewing the final plan, the Township Board shall consider the applicable requirements of this Article and Ordinance, including Sections 14.4 and 15.6. The Township Board shall prepare and transmit a report to the applicant stating its conclusions and decision, the basis for its decision, and any conditions relating to an affirmative decision.
4. If and when the final site plan is approved, all improvements and use of the property shall be in conformity with the final site plan and any conditions imposed. The applicant shall record an affidavit with the Register of Deeds containing the legal description of the entire project, specifying the date of approval, and declaring that all future improvements will be carried out in accordance with the approved PUD unless a site plan revision is approved by the Township Board upon request or approval of the applicant or applicant's transferee and/or assignees. Upon receipt of the recorded documents, the Zoning Administrator shall issue a permit for that portion of the PUD project receiving final site plan approval.

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**End of Article 4**

## Article 5 SIGNS

### **Section 5.1 Purpose**

The purpose of this Article is to provide a framework within which the identification and informational needs of all land uses can be harmonized with the desires and aesthetic standards of the general public. It is intended through the provisions contained herein to give recognition to the legitimate needs of business, industry and other activities, in attaining their identification and informational objectives. It is a basic tenet of this Article that unrestricted signage does not support the existing character of the Township and does not benefit either private enterprise or the community-at-large as it creates traffic safety hazards, visual clutter, confusion for vehicle drivers and visual blight. It is similarly the intent of this Article to protect the character of residential neighborhoods by discouraging the encroachment of signage which undermines the intended character of such areas.

### **Section 5.2 Definitions**

- A. Business Center:** A grouping of two or more business establishments on one (1) or more parcels of property which may share parking and access and are linked architecturally or otherwise developed as a unified grouping of businesses.
- B. Business Sign:** A sign advertising the name, services, goods or any other aspect or feature of a commercial or industrial business.
- C. Freestanding Sign:** A sign which is not attached to a principal or an accessory structure, including center pole signs, posts and panels, or monument signs, but excluding off-premises signs.
- D. Non-Commercial Sign:** A sign that contains non-commercial messages such as designation of public telephones, restrooms, restrictions on smoking, or political or religious philosophies.
- E. Off-Premises Sign:** A sign which identifies goods, services, facilities, events, or attractions which are available or provided at a location other than the lot or parcel upon which such sign is located.
- F. Portable Sign:** Any sign designed to be moved easily and not permanently affixed to the ground or to a structure or building, including but not limited to "A-frame", "T-frame", or inverted "T-shaped" structures, including those signs mounted on wheeled trailers, hot-air and gas filled balloons, sandwich boards, banners, pennants, streamers, festoons, ribbons, tinsel, pinwheels, non-governmental flags and searchlights, but excluding political signs, construction signs, signs pertaining to the sale, lease or rent of real estate, permanent changeable message signs, and regulatory/governmental signs.
- G. Real Estate Sign:** A temporary sign advertising a property or structure's availability for sale, lease, or rent.
- H. Roof Sign:** A sign mounted on the roof of a building or structure, lying either flat against the roof or upright at an angle to the roof pitch.
- I. Sign:** Any words, lettering, parts of letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names or marks, or other representation, or combination thereof, by which anything is made known, such as the designation of an individual, a firm, an association, a profession, a business, a commodity or product, which is located upon any land or on or in any building, in such manner as to attract attention from outside the premises.
- J. Wall Sign:** A sign which is attached directly to a building wall, or nonrigid fabric marquee or awning-type structure attached to a building, with the horizontal sign surface generally parallel to the building wall, including signs painted on any building wall, or extending from the wall in the case of a canopy or awning-type structure.

### **Section 5.3 General Standards**

**A. Sign Area:** The area of a sign shall be computed by calculating the square footage of a sign face as measured by enclosing the most protruding points or edges of all sign faces of the sign within a single parallelogram or rectangle, including any framing. 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 (2) such similarly shaped faces are placed back-to-back, parallel to one another and less than one (1) foot apart from one another, the area of the sign shall be the area of one (1) face.

**B. Sign Setbacks:** All permanent signs shall be setback a minimum distance of ten (10) feet from any public right-of-way line except residential identification signs allowed by this Article, which are not required to be set back from a public right-of-way. Signs shall be setback from all side yard and rear yard property lines the same setback distance required for a principal building. All setbacks shall be measured from the nearest edge of the sign, measured at a vertical line perpendicular to the ground, to the right-of-way or property line.

**C. Sign Height:** The height of a freestanding sign shall be measured from the highest point of the sign, including all frame and structural members of the sign, to the ground elevation directly below the sign. Berms or other artificial means intended to increase the height of a sign by increasing the ground elevation below the sign is prohibited.

**D. Traffic Hazards:** No sign shall be erected at the intersection of any street in such a manner as to obstruct free and clear vision; or at any location where by reason of the position, shape or color, it may interfere with, obstruct the view of or be confused with any authorized traffic sign, signal or device; or which makes use of the words "stop", "look", "danger" or any word, phrase, symbol or character in such manner as to interfere with, mislead or confuse traffic. Signs may be illuminated, but no neon, flashing, blinking or moving illumination shall be permitted. The source of illumination shall be shielded from traffic and adjacent properties and shall not be visible beyond the property line of the parcel on which the sign is located.

**E. Sign Materials and Maintenance:** Signs shall be designed to be compatible with the character of building materials and landscaping to promote an overall unified and aesthetic effect in accordance with the standards set forth herein. Signs shall not be constructed from materials that are remnants or manufactured for a different purpose. Every sign shall be constructed and maintained in a manner consistent with building code provisions and maintained in good structural and aesthetic condition at all times. All signs shall be kept neatly painted, stained, sealed or preserved including all metal parts and supports.

### **Section 5.4 SIGNS PERMITTED IN ALL DISTRICTS**

- A. The following signs are permitted in any zoning district provided all standards of this Article and Ordinance are met and a zoning permit for such sign is issued where required so (see Section 5.5):
1. Decorative flags or flags with the insignia of a nation, state, community organization, college, university, or corporation.
  2. Miscellaneous signs affixed to vending machines, gas pumps, and ice containers indicating the contents or announcing on-premises sales. provided each sign does not exceed two (2) square feet in area.
  3. Political advertising signs related to a candidate running for office or a proposition up for public vote, provided each sign shall not exceed sixteen (16) square feet in area and shall be removed within ten (10) days of an election.
  4. Warning signs such as no trespassing and warning of electrical current or animals, provided that such signs do not exceed six (6) square feet, or if more than one sign is posted, each sign shall not exceed two (2) square feet and shall be spaced no closer than necessary to alert the public.
  5. Regulatory, direction, and street signs erected by a public agency in compliance with the Michigan Manual of Uniform Traffic Control Devices.
  6. Signs which assist motorists in determining or confirming a correct route, driveway, or parking area location, provided that such signs shall not exceed four (4) square feet in area or three (3) feet in height, and provided that any property identification or logo on such signs shall be included in the calculation of total permitted wall or freestanding sign area.
  7. Residential identification signs for single family dwellings, two family dwellings, and home occupations, and residences with family home day care facilities, provided only one (1) sign shall be permitted per lot and shall not exceed two (2) square feet in sign area. Sign text shall be limited to the property address, the name of the resident, and the name of the home occupation and day care facility.
  8. Residential development consisting of a platted subdivision, condominium subdivision, multiple family development, mobile home park, or other unified residential development consisting of at least five (5) dwelling units is permitted one sign per vehicle entrance, no closer than fifteen (15) feet to the right-of-way of a street, and having a sign area not exceeding forty-eight (48) square feet and a height not

- exceeding six (6) feet.
9. Real estate signs advertising a single lot or residence not exceeding an area of six (6) square feet provided such signs are no closer than fifteen (15) feet to the right-of-way of a street. A platted subdivision, condominium subdivision, multiple family development, mobile home park, or other unified residential or non-residential development consisting of at least five (5) dwelling units, or three (3) acres of land in the case of a non-residential development, is permitted one real estate sign no closer than fifteen (15) feet to the right-of-way of a street, and having a sign area not exceeding twenty-five (25) square feet and a height not exceeding five (5) feet. One (1) additional open house sign shall be permitted for a period of two (2) days provided such sign does not exceed sixteen (16) square feet in area or five (5) feet and is no closer than fifteen (15) feet to the right-of-way of a street.
  10. Construction signs are permitted in any district with a maximum height of six (6) feet and not exceeding thirty-two (32) square feet in area for all districts, and provided only one (1) such sign per lot. Such sign shall be setback a minimum of ten (10) feet from any property line or street right-of-way and shall be erected only during the construction period and removed within fourteen (14) days of the issuance of an occupancy permit.
  11. Signs directing the public to a model home or unit, or the rental office in a multiple family development, provided no more than two (2) signs shall be placed upon a single lot or parcel and each sign does not exceed six (6) square feet.
  12. Signs carved into stone, concrete, or similar material, or made of bronze, aluminum, or other noncombustible material, which identify the name of a building, a building's date of erection, or monumental citations, provided such signs do not exceed twenty-five (25) square feet in area and are an integral part of the structure.
  13. Historical markers, plaques, or signs describing state or national designation as an historic site or structure and/or containing narrative, not exceeding sixteen (16) square feet in area.
  14. Non-commercial signs, provided such signs do not exceed two (2) square feet in area unless permitted otherwise by this Section or Ordinance.
  15. Garage sale and estate sale signs provided such signs shall not exceed six (6) square feet in area, are not erected more than seven (7) days prior to the sale, and are removed within one (1) business day of such sale.
  16. One bulletin board sign is permitted on a site in any district which is used for a church or other religious institution, school, museum, library, or other nonprofit institution. Such sign shall have a maximum height of six (6) feet and shall not exceed twenty-four (24) square feet. Such sign shall be setback a minimum of ten (10) feet from any property line or street right-of-way.
  17. Agri-business or recreational use sign identifying a permitted agri-business such as a greenhouse, dog kennel, or orchard, or a recreational use such as a golf course or riding stable, is permitted provided such sign does not exceed forty-eight (48) square feet in sign area and six (6) feet in height and only one (1) such sign is permitted per lot. In the case of an agri-business or recreational use located within a Commercial or Industrial district, the above provisions shall not apply and the use's signage shall be regulated pursuant to Section 5.7.

### **Section 5.5 Signs Requiring Permits**

All off-premises signs and signs larger in area than ten (10) square feet, including wall signs, shall require a zoning permit prior to construction and/or placement. If site plan review is required for a proposed project which a proposed sign shall be part of, the signage shall be reviewed as part of the site plan review procedure for the entire project. If the proposed sign is to be part of an existing development for which site plan approval has already been granted or was not necessary, the Zoning Administrator shall review the application to assure all applicable ordinance standards have been met prior to issuing a sign permit. The Zoning Administrator may defer action on proposed signage to the Planning Commission.

### **Section 5.6 Off - Premises Signs**

- A.** Off-premises signs are permitted provided such signs comply with all provisions of the Highway Advertising Act, P.A. 106 of 1972, as amended, and all rules promulgated pursuant to the Act, and the following restrictions:
1. Off-premises signs shall be permitted only on parcels abutting M-46 and M-66 in the C-1 and C-2 Districts.
  2. Except where otherwise required by this Section, outdoor advertising signs shall be setback a minimum of one hundred (100) feet from all lot lines and a minimum of two hundred (200) feet from an existing dwelling.
  3. There shall be a minimum of two thousand (2,000) feet between any two off-premise signs along the same side of M-46 or M-66. A double-face or V-type sign shall be construed as a single sign.

4. An outdoor advertising sign's total surface area facing any single direction shall not exceed three hundred (300) square feet.
5. No outdoor advertising sign shall be erected on or over the roof of any building, nor have a sign above another sign.

**Section 5.7 District Signs and Restrictions**

**A. Commercial and Industrial Districts:** In addition to the signs permitted pursuant to Section 5.4, the following signs shall be permitted in Commercial and Industrial districts subject to the restrictions of Table 5.7-1. Nothing in this table shall be construed to authorize a sign area or height that is otherwise prohibited by Section 5.4.

**Table 5.7-1**

<b>Type</b>	Signs shall be wall signs and/or freestanding signs and shall pertain exclusively to the use located on the lot on which the sign is located except as specifically authorized otherwise pursuant to Section 5.6.
<b>Number</b>	<u>Freestanding Signs:</u> No more than one (1) freestanding sign on a lot. <u>Wall Signs:</u> There is no limitation on the number of wall signs placed on a building provided all maximum sign area requirements are met. See subsection (1) and (2) below for number provisions applicable to business centers.
<b>Area</b>	<u>Freestanding Signs:</u> Maximum sign area shall be thirty-two (32) square feet. <u>Wall Signs:</u> Total sign area of all wall signs shall not exceed ten (10) percent of the vertical surface area of the facade forming the principal business frontage generally oriented to the road frontage, but not to exceed one-hundred (100) square feet. In the case of a corner lot, the total sign area of all wall signs affixed to any one of the frontage facades shall not exceed ten (10) percent of the vertical surface area of that frontage facade. See subsections (1) and (2) below for area provisions applicable to business centers.
<b>Height</b>	<u>Freestanding Signs:</u> Shall not exceed a height of eight (8) feet except in the case where such signs are oriented toward state highways M-46 or M-66 and are clearly visible from M-46 or M-66, in which case such signs shall not exceed fifteen (15) feet in height. <u>Wall Signs:</u> Wall signs shall not project above the roof line or cornice.
<b>Location</b>	<u>Freestanding Signs:</u> See Sec. 5.3(B). <u>Wall Signs:</u> Wall signs shall be placed flat against the building, or more or less parallel to the building on a canopy, and may face only an abutting public street or parking area. A wall sign may be less than eight (8) feet from the ground provided it does not extend more than six (6) inches from the wall or is not subject to pedestrian or vehicular circulation below.

1. Business Center Free-standing Signs: A business center, as defined in this Article, shall be permitted one (1) freestanding sign for the purpose of identifying the business center and which may include information on individual businesses or tenants located within. Such sign shall not to exceed thirty-two (32) square feet except that in the case of a business center that exceeds three hundred (300) feet in road frontage along a single road, the maximum sign area shall be sixty-four (64) square feet. In the case where such business center is comprised of multiple buildings and served by an internal road network, one (1) additional freestanding sign shall be permitted for each building provided such sign is located in the immediate proximity of the building to which it pertains and does not exceed five (5) feet in height and twenty (20) square feet in area.
2. Business Center Wall Signs A business center, as defined in this Article, shall be permitted one (1) wall sign for the purpose of identifying the business center and which may include information on individual businesses or tenants located within. In addition, the business center shall be permitted one (1) wall sign for each business or tenant space having frontage along a public road or parking area, and such sign shall be attached to the façade of such business or tenant space. However, all of the area of all wall signs, including in the case of a corner lot and irrespective of whether used to identify the business center and/or individual businesses or tenants located within, shall not exceed ten (10) percent of the vertical surface area of the facade forming the building frontage generally oriented to the road frontage or parking area.

**B. Agricultural, Residential, and other Non-Commercial and Non-Industrial Districts:** In addition to the signs permitted pursuant to Section 5.4, the following signs shall be permitted in Agricultural, Residential, and other non-commercial and non-industrial districts, such as in the case of religious institutions, public institutions, and special land uses that may be authorized in such districts, subject to the restrictions of Table 5.7-2. Nothing in this table shall be construed to authorize a sign area or height that is otherwise prohibited by Section 5.4.

**Table 5.7-2**

<b>Type</b>	Signs shall be wall signs and/or freestanding signs and shall pertain exclusively to the use located on the lot on which the sign is located.
<b>Number</b>	<u>Freestanding Signs</u> : No more than one (1) freestanding sign on a lot. <u>Wall Signs</u> : One (1).
<b>Area</b>	<u>Freestanding Signs</u> : Twenty-four (24) square feet. <u>Wall Signs</u> : Total sign area of all wall signs shall not exceed five (5) percent of the vertical surface area of the facade forming the building frontage generally oriented to the road frontage, but not to exceed forty-eight (48) square feet.
<b>Height</b>	<u>Freestanding Signs</u> : Five (5) feet. <u>Wall Signs</u> : Wall signs shall not project above the roof line or cornice but in no case shall any portion of a wall extend more than ten (10) feet above the surrounding ground elevation.
<b>Location</b>	<u>Freestanding Signs</u> : See Sec. 5.3(B). <u>Wall Signs</u> : Wall signs shall be placed flat against the building, or more or less parallel to the building on a canopy, and may face only an abutting public street or parking area. A wall sign may be less than eight (8) feet from the ground provided it does not extend more than six (6) inches from the wall or is not subject to pedestrian or vehicular circulation below.

**Section 5.8 Nonconforming Signs**

It is the intent of this Section to permit the continuance of a lawful use of any sign or outdoor advertising structure existing at the effective date of adoption of this Section, although such sign or outdoor advertising structure may not conform to the provisions of this Section. It is also the intent that nonconforming signs and outdoor advertising structures shall not be enlarged upon, expanded or extended. Further, it is the intent that nonconforming signs and outdoor advertising structures shall be gradually eliminated and terminated upon their natural deterioration or accidental destruction. The continuance of all nonconforming signs and outdoor advertising structures within the Township shall be subject to the conditions and requirements set forth herein.

**A. Structural Changes:** The faces, supports, or other parts of any nonconforming sign or outdoor advertising structure shall not be structurally changed, altered, substituted, or enlarged unless the resultant changed, altered, substituted, or enlarged sign or outdoor advertising structure conforms to the provision of this Article for the use it is intended, except as otherwise provided for.

**B. Damages:** Should such structure be destroyed by any means to an extent of more than fifty (50) percent of its appraised replacement cost, exclusive of foundations, it shall not be reconstructed except in conformity with the provisions of this Ordinance

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**End of Article 5**

## **Article 6**

# **ACCESS MANAGEMENT and PRIVATE ROADS**

### **Section 6.1 Purpose**

The intent of this Article is to provide standards which will facilitate safe and efficient traffic movement and vehicular access in the Township. The standards contained herein are intended to protect the public health, safety, and welfare, including minimizing congestion and the potential for crash or collision or other vehicular or pedestrian accidents, and better assuring accessibility to property under emergency conditions. The regulations and standards of this Article apply to all properties in the Township.

### **Section 6.2 Curb Cuts and Driveways:**

**A.** All plans for structures to be erected, altered, moved or reconstructed, and use of premises within the Township shall contain a plan for the proposed driveway access to the premises which shall be part of the plot plan or site plan. Said plan shall be approved prior to the issuance of a building permit. No such plan shall be approved unless such driveway access is onto a dedicated public street or an approved private road. Driveways shall, at a minimum, meet the following standards:

1. Curb cuts and driveways shall be located only upon the approval of the County Road Commission and appropriate state authorities as required by law.
2. Drives shall generally enter perpendicular to the existing public street or private road.
3. No driveway shall serve more than one (1) single family dwelling or more than one (1) dwelling unit in a two family dwelling unless specifically approved for shared use.
4. Residential driveways shall be a minimum of fifty (50) feet from the nearest right-of-way line of an intersecting road or street, and shall not be located within five (5) feet of a side yard property line (see Figure 6-1).
5. Non-residential driveway ingress and egress points shall not be closer than one-hundred (100) feet to the intersection of any two (2) public streets, or closer than eighty (80) feet to an adjacent driveway within a Commercial or Industrial district.
6. Residential driveways shall be a minimum of ten (10) feet wide, the surface of which shall be designed and maintained to permit emergency access.
7. The location of new driveways shall conform to road improvement plans or corridor plans that have been adopted by a public body.
8. No driveways providing access to nonresidential uses or structures shall cross residentially-zoned property.

**B.** The Zoning Administrator shall inspect the driveway as developed for compliance to the above standards and shall so notify the Montcalm County Building Inspector of the outcome prior to the Building Inspector's issuance of an occupancy permit.

### **Section 6.3 Lots To Have Access:**

All parcels or lots hereinafter created in the Township shall have frontage on a public road, or an approved private road, and take their access from such frontage so as to provide safe, convenient access for fire protection, other emergency vehicles, and any required off-street parking.

### **Section 6.4 Clear Vision Zone:**

No fence, wall, hedge, screen, sign, structure, vegetation or other obstruction shall be higher than three (3) feet above road grade on any corner lot or parcel within the triangular area formed by the intersection of any road right-of-way lines and a diagonal line connecting them at points thirty (30) feet from their intersection (See Figure 6-1). No fence, wall, hedge, screen, sign, structure, vegetation or other obstruction shall be higher than three (3) feet above road grade on any lot or parcel within the triangular area formed by the intersecting lines of a driveway edge and road right-of-way line and a diagonal line connecting them at points twenty (20) feet from their intersection (See Figure 6-2).

## **Section 6.5 Private Roads:**

**A. Private Roads Permitted:** Private roads are permitted provided they conform to the requirements of this Ordinance.

**B. Construction and Design Standards:** Private roads shall meet the following standards:

1. **Right-of-Way:** All private roads shall have a minimum right-of-way easement of at least sixty-six (66) feet or the current Montcalm County Road Commission's designated right-of-way width for local residential roads, whichever is greater. While not required to be dedicated to the public, no structure or development activity shall be established within approved rights-of-ways or easements.
2. **Cross Section:** All private roads shall meet or exceed the Montcalm County Road Commission's cross sectional construction standards for roads of similar traffic levels, including road and intersection grades, except that the following exceptions may be made:
  - a. private roads providing access to fifteen (15) or less lots need not be paved.
  - b. private roads providing access to fifteen (15) or less lots shall have a gravel or paved width of a minimum of sixteen (16) feet, provided that such width shall be expanded to twenty-two (22) feet for a minimum distance of eighty (80) linear feet, at intervals no less than one (1) expanded road width segment per five hundred (500) linear feet of private road length.
  - c. private roads providing access to fifteen (15) or less lots which terminate at a dead-end shall terminate in such a manner as to permit emergency vehicles to safely and effectively turn around.
  - d. private roads providing access to sixteen (16) or more lots, including lots which may not front upon such private road, shall have a minimum paved width of twenty-two (22) feet.
3. **Connection to Other Roads:** Construction authorization from the Montcalm County Road Commission is required for connection to a public road. Private roads shall meet perpendicular to a public street right-of-way or private road.
4. **Curves:** Centerline radius of a private road shall not be less than fifty (50) feet.
5. **Cul-de-sacs:** All cul-de-sacs shall be constructed according to radius standards of the Montcalm County Road Commission.

**C. Maximum Number of Lots Served:** No more than twenty-five (25) lots may gain access to a single private road if only one point of intersection is provided between a private road and a public road.

**D. Posting of Private Roads:** All private roads shall be designated as such and shall be clearly posted with a clearly readable name which can be easily seen in an emergency. The sign shall be paid for, posted, and thereafter maintained by the property owner's association or developer. The Township Zoning Administrator shall check with the County to avoid a duplication of names and give approval of same.

**E. Road Construction Approval Procedure:** No private road intending to serve sixteen (16) or more lots, or subsequently extended to serve sixteen (16) or more lots, shall be constructed, extended, improved, or relocated after the effective date of this Ordinance unless an application for a private road construction permit has been completed and filed with the Zoning Administrator, and subsequently approved by the Township Board.

1. **Application:** The applicant shall submit a private road application consisting of the following:
  - a. Eight (8) sets of a general property development plot plan complying with the requirements of Section 2.4(B)(1)(b) unless the development requires a site plan pursuant to the requirements of Section 14.2 of this Ordinance. All plans as submitted for approval must show the private road easement including a legal description, and must include the existing and proposed grades for these roads.
  - b. Road maintenance agreement signed by applicant/owner(s) to be recorded with the Township Clerk and Montcalm County Register of Deeds providing for:
    - 1) A method of initiating and financing of such road in order to keep the road up to properly engineered specifications and free of snow or debris.
    - 2) A workable method of apportioning the costs of maintenance and improvements to current and future users.
    - 3) A notice that if repairs and maintenance are not made, the Township Board may bring the road up to established Montcalm County Road Commission standards for public roads and assess owners of parcels on the private road for the improvements, plus an administrative fee in the amount of twenty-five (25) percent of total costs.
    - 4) A notice that no public funds of the Township of Belvidere are to be used to build, repair, or maintain the private road.
    - 5) The procedure specifying how the costs for paving the road initially, or at a future date due to the increased number of lots utilizing the road for access, will be paid for. If the maintenance agreement fails to so specify, the Township Board may apportion the paving costs via a special

assessment to all benefiting property owners or decide that all the costs should be borne by the creator of the tenth lot, whichever under the circumstances, seems fair following a hearing at which each of the affected property owners is notified by mail at least 10 days before the hearing.

- c. Road easement agreement signed by the applicant/owner(s) to be recorded with the Township Clerk and Montcalm County Register of Deeds providing for:
  - 1) Easements to the public for purposes of emergency and other public vehicles for whatever public services are necessary.
  - 2) 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, invitee, vendors, tradesman, delivery persons, and others bound to or returning from any of the properties having a need to use the road.
2. Application Review and Approval or Rejection:
  - a. The Zoning Administrator shall review the private road application for completeness and, if complete, send the application to the Planning Commission, Montcalm County Road Commission, and Township Engineer for review and comment. The proposed road maintenance agreement and road easement agreement shall be sent to the Township Attorney for review and comment.
  - b. The recommendations of the Montcalm County Road Commission, Township Engineer, Township Attorney, and Planning Commission shall be forwarded to the Township Board.
  - c. After reviewing all materials and recommendations submitted, the Township Board shall approve, deny, or approve with conditions the application for a private road construction. When approval is granted, a zoning permit authorizing construction will be issued by the Zoning Administrator.
    - 1) If the application is rejected, the reasons for the rejection and any requirements for approval shall be given in writing to the applicant.
    - 2) At the discretion of the Township Board, a proposed private road may be disapproved unless it connects to a second private road or a public road when necessary to provide safe traffic flow and emergency vehicle access .
  - d. The Zoning Administrator will arrange for inspections by the Township Engineer during construction of, and upon completion of the private road.
  - e. The Township Board shall grant final approval of a private road upon inspection and finding that the road is constructed according to the approved zoning permit.

**F. Failure to Perform:** Failure by the applicant to begin construction of the private road according to approved plans on file with the Township within one (1) year from the date of approval shall void the approval and a new plan shall be required by the Township subject to any changes made herein or subject to any changes made by the Montcalm County Road Commission, Michigan Department of Transportation, or the Township in its standards and specifications for road construction and development.

**G. Issuance of Building Permit for Structures on Private Roads:** No zoning permit shall be issued for a building or structure on any private road until such private road construction is completed and is given final approval by the Township Board.

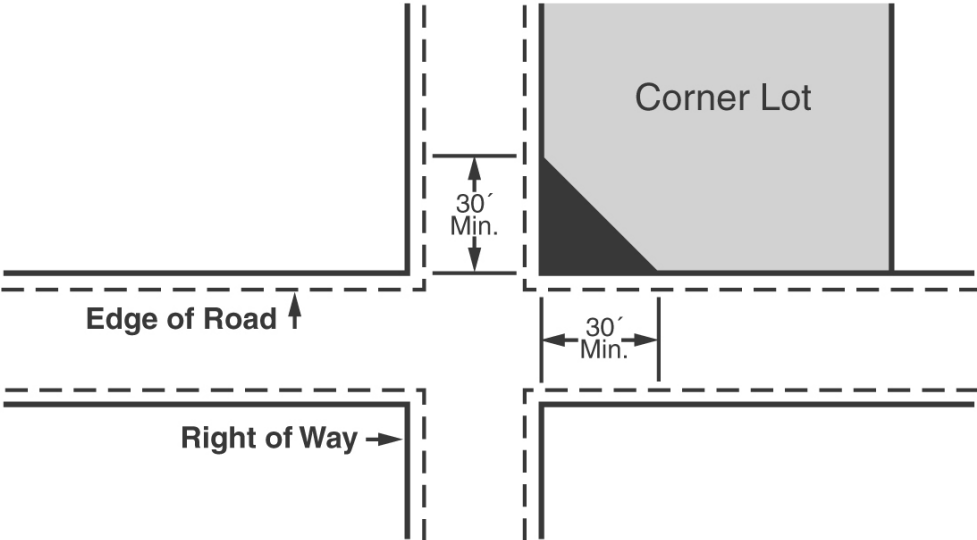
**H. Private Roads Serving More Than One Residential Unit:** When a private road serves only one residential unit, compliance with Section 6.5 is not required. However, in the event any divisions of land are thereafter made, or the private road serves an additional principal structure and lot, such private road shall comply with all other provisions of this Section.

**I. Notice of Easements:** All purchasers of property where a private road provides access to the premises shall, prior to closing of the sale, receive from the seller a notice of easement, in recordable form, substantially conforming to the following:

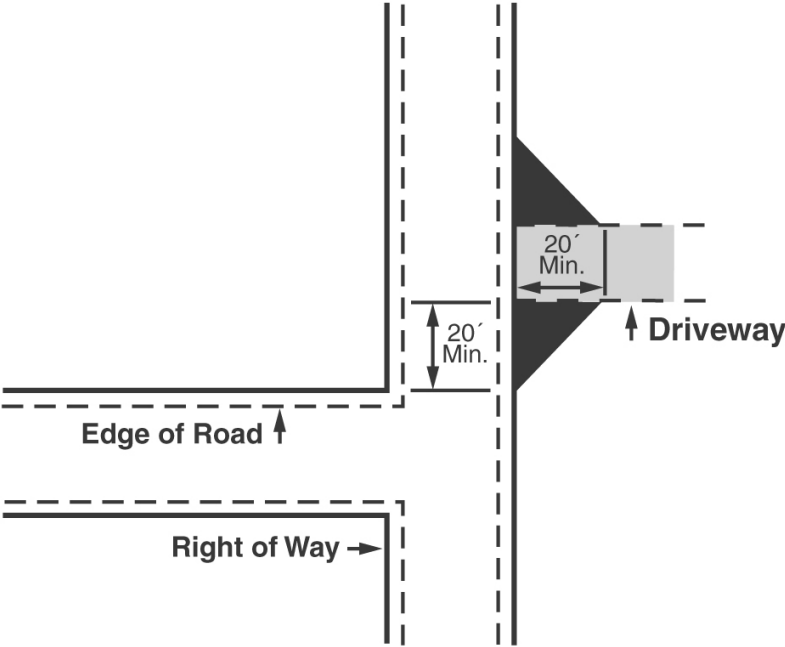
"This parcel of land has private road access across a permanent sixty six (66) foot easement which is a matter of record and a part of the deed. This notice is to make Purchaser aware that this parcel of land has egress and ingress over this easement only. Neither the County nor Township has any responsibility for maintenance or upkeep of any improvement across this easement. This is the responsibility of the owners of record. The United States mail service and the local school district are not required to traverse this private improvement and may provide service only to the closest public access."

**J. Fees:** Application fee for a private road is to be established by the Township Board. Before granting final approval of a constructed private road by the Township Board, the cost of review of plans and inspection by the Township Engineer shall be paid for by the applicant/developer.

**Figure 6-1**  
**Clear Vision Area Along Road Intersections**



**Figure 6-2**  
**Clear Vision Area for Driveways**



**End of Article 6**

## Article 7 OFF-STREET PARKING and LOADING

### **Section 7.1 Purpose**

It is the purpose of this Article to establish standards and requirements to ensure that parking spaces shall be adequately provided and maintained by each property owner in every District for the off-street parking of motor vehicles as may be necessary, including in association with employees and patrons and the receiving and distribution of goods by motor vehicle, to prevent hazards and undue interferences among and between vehicles and pedestrians and protect the public health, safety and welfare.

### **Section 7.2 General Requirements**

**A. Fractional Space:** When units of measurement determining the number of required parking spaces result in a fractional space, any fraction to and including one-half (1/2) shall be disregarded and fractions over one-half (1/2) shall require one (1) parking space.

**B. Requirements for a Use Not Mentioned:** In the case of a use not specifically mentioned, the requirements of off-street parking for a use which is mentioned and which is most similar to the use not listed shall apply. This determination shall be made during site plan review proceedings and a record of the rationale applied shall be documented for the record.

**C. Use of Off-Street Parking Areas:** Off-street parking areas shall be reserved for the parking of vehicles used to service the establishment to which it is accessory and by its patrons. No commercial repair work, storage, selling or any other activity shall be conducted in an off-street parking area except as may be expressly authorized through the issuance of a temporary zoning permit or as part of an approved site plan.

**D. Building Additions or Other Increases in Floor Area:** Whenever a use requiring off-street parking is increased in area, or when interior building modifications result in an increase in capacity for any premise use, additional parking shall be provided and maintained in the proper ratio to the increased floor area or capacity.

**E. Location and Joint Use of Parking Areas:** All off-street parking areas shall be located on the same lot, or on the adjacent premises in the same District as the use they are intended to serve. The joint use of parking facilities by two or more uses may be granted during site plan review proceedings whenever such joint use is practical and satisfactory to each of the uses intended to be served, and when all requirements of this Article are met.

1. **Computing Capacities:** In computing capacities of any joint use, the total space requirement shall be the sum of the individual requirements that will occur at the same time. If space requirements for individual uses occur at distinctly different times, the total of such off-street parking facilities required for joint or collective use may be reduced below the sum total of the individual space requirements.
2. **Record of Agreement:** A copy of a proposed agreement between joint users shall be filed with the application for a Zoning Permit and a copy shall be recorded with the County Register of Deeds upon approval of the application. The agreement shall include a guarantee for continued use of the parking facility by each party and a provision requiring written approval by all joint users and the site plan approving body (See Sec. 14.2) for termination of such agreement.

**F. Vehicles Waiting to Park/Exit:** There shall be a minimum of fifty (50) linear feet of on-site storage to accommodate vehicles waiting to park or exit the site without using any portion of a public road right-of-way or in any other way interfering with road traffic and parking circulation. The site plan approving body may increase this length where it determines additional distance is necessary to adequately address public safety issues due to anticipated traffic volumes, patterns and/or types of vehicles.

**G. Decrease in Parking Areas:** No off-street parking area that exists on the date of adoption of this Ordinance, or which is provided subsequent thereto, for the purpose of complying with this Ordinance, shall thereafter be relinquished or reduced in any manner below the requirements established by this Ordinance unless additional parking area or space is provided sufficient to meet the requirements of this Article and Section 14.6.

**H. Barrier-Free Parking Spaces:** Barrier-free parking spaces shall be provided in accordance with the most current standards and rules of the Michigan Department of Labor, Construction Code Commission, Barrier Free Design Division. Such spaces shall be placed in the most convenient locations to facilitate access into a building. Such spaces shall be clearly identified by both adequate paint striping and wall or post signs.

**I. Permitted Vehicles in Residential Areas:**

1. No more than one (1) commercial vehicle may be stored outdoors on a lot in a Agricultural or Residential district where the principal use of such lot is not commercial, and such commercial vehicle shall not have a length in excess of twenty-five (25) feet, a height in excess of seven (7) feet, and a weight in excess of five thousand (5,000) pounds. Under no conditions are tow-trucks, semi-tractors or trailers, sand and gravel hauling trucks, bulldozers, and graders permitted to be stored in a Residential District unless upon a lot or parcel currently under construction and such construction requires the use of such vehicles, or such vehicles are otherwise part of an approved home occupation pursuant to Section 20.19. This subsection (1) shall not prohibit the parking or storing of agricultural vehicles and machinery on a lot or parcel devoted to agriculture for which the vehicles and/or machinery is used, nor shall this provision prohibit the storing of buses for school or church use on lots or parcels upon which the school or church is located.
2. No more than two vehicles prohibited under subsection (I)(1) above may be stored on a lot or parcel in a Residential District provided such storage is within a completely enclosed building located on the parcel or lot of the registered owner of such vehicles(s), and such vehicle(s) is not for sale or hire, or such vehicle(s) is otherwise part of an approved home occupation pursuant to Section 20.19.

**Section 7.3 Site Development Requirements for Off-Street Parking**

All off-street parking areas, except for single family and two family dwellings, shall be designed, constructed and maintained in accordance with the following standards and requirements.

**A. Marking and Designation:** Parking areas shall be so designed and marked as to provide for orderly and safe movement and parking of vehicles.

**B. Driveways:** Adequate ingress and egress to the parking area by means of clearly limited and defined drives shall be provided. Two-way drives for ingress and egress to a parking area shall be not less than twenty-five (25) feet wide and all turning radii shall comfortably accommodate vehicle turning patterns. Each entrance to and exit from an off-street parking area shall be at least twenty-five (25) feet from any adjacent lot in a Residential District, and a minimum of ten (10) feet from all other lot lines.

**C. Surface and Drainage:** All off-street parking areas shall provide adequate surface drainage to collect and properly dispose of storm water runoff. All required off-street parking areas, including aisles and driveways, intended to accommodate ten (10) or more spaces, shall be paved with concrete, bituminous asphalt or similar material approved by the site plan approval body, and spaces shall be marked with striping. The necessity for paving shall not apply to Agricultural and Residential Districts except in the case where the approving body determines such paving is necessary due to the level of traffic anticipated, the potential for nuisances to surrounding properties due to dust or noise, and/or necessary assurances for adequate storm water management.

**D. Setback:** Unless otherwise provided within this Ordinance, no off-street parking area shall be located within a required front, side, or rear yard setback, except for a driveway which may cross such setback area in a generally perpendicular manner, nor within five (5) feet of a building (including bumper overhang).

**E. Lighting:** See Section 9.4.

**F. Parking Spaces and Maneuvering Lanes:** Each parking space within an off-street parking area shall be provided with adequate access by means of maneuvering lanes. Backing directly onto a public road right-of-way shall be prohibited. The layout of off-street parking areas shall comply with the following minimum standards:

Parking Pattern	Maneuvering Lane Width		Parking Space Width	Parking Space Length
	One-Way	Two-Way		
0° (Parallel)	12 ft.	20 ft.	9 ft.	25 ft.
30° to 53°	12 ft.	21 ft.	8.5 ft.	20 ft.
54° to 74°	12 ft.	22 ft.	8.5 ft.	20 ft.
75° to 90°	15 ft.	24 ft.	9 ft.	18 ft.

**G. Service Drives, Connections to Adjacent Parking Areas, and Acceleration and Deceleration Lanes:**

To minimize traffic hazards and congestion and protect the public health, safety and welfare through appropriate access management, the site plan approving body (See Sec. 14.2) may require the development of a parcel to include one or more of the following improvements, where practical and feasible, in association with a proposed site plan:

1. Off-street parking areas shall provide for direct vehicular access to existing or potential off-street parking areas on adjacent parcels to minimize the necessity for additional curb cuts onto roads and vehicles unnecessarily entering onto public roads to gain access to nearby parcels or businesses.
2. Off-street parking areas shall include a service drive across the front or rear of the respective parcel to collect traffic from parking areas and funnel the traffic to one or more curb cuts along a road, so as to reduce the number of curb cuts that would otherwise be required if each parking area accessed the public road. Such service drives shall be designed to afford connections to existing or potential service drives on adjacent parcels.
3. The approving body may require deceleration and/or acceleration lanes or tapers for access to a parcel and associated off-street parking where a professional engineering assessment determines necessary to ensure public safety. Such lanes shall be constructed according to the most current standards of the Montcalm County Road Commission or Michigan Department of Transportation, as applicable to the specific road segment.

**H. Number of Spaces:** See Section 7.4.

**I. Landscaping and Screening**

1. Peripheral Tree Plantings: While such plantings need not be evenly spaced, there shall be provided a minimum of one (1) tree for every fifty (50) linear feet of parking lot edge. Such trees shall be located within ten (10) feet of the edge of the parking lot. A minimum distance of three (3) feet shall be maintained between proposed tree plantings and the edge of curbing and pavement. Deciduous trees shall have a minimum two and a half (2 1/2) inch caliper and coniferous trees shall be a minimum of eight (8) feet in height.
2. Parking Island Plantings: Where a parking lot includes greater than twenty (20) parking spaces located within the interior of the parking lot such that the spaces are not directly adjacent to the edge of the parking lot, landscaped islands shall be provided among such interior spaces at a rate of one island for every fifteen (15) interior spaces. Such landscape islands shall be of a minimum six (6) feet in width and eighteen (18) feet in length, and include a minimum of one (1) deciduous tree of at least two and a half (2 1/2) inch caliper. No evergreen trees shall be located within the landscape islands.
3. Screening: Where a parking lot contains four (4) or more parking spaces and is within one hundred fifty (150) feet of an Agricultural or Residential District, or public road, a berm, fence, wall and/or vegetative screen shall be installed to screen views to the parking area. All berm, fence, wall and/or vegetative screens, either individually or in combination, shall be of such height and spacing to effectively screen the parking lot border to a minimum height of four (4) feet at the time of installation. Shrub materials shall be of an evergreen or otherwise densely-branched screening character.

**Section 7.4 Parking Space Requirements**

**A. Compliance with Required Number of Parking Spaces:**

1. Required Spaces: This Section identifies the number of required off-street parking spaces in all Districts, by land use type. Such parking spaces shall be located on the lot or parcel upon which the land use is located unless joint use of parking areas is permitted according to Section 7.2(E).
2. Waiver: In recognition that certain commercial uses generate significantly heightened demands for parking spaces during seasonal or holiday shopping periods, the site plan approving body (see Sec. 14.2) may, upon request by the applicant, waive up to twenty-five percent (25%) of the required number of parking spaces as a reserved parking area for possible future use. However, the site plan approving body may subsequently require the applicant to construct such parking spaces upon a determination by the site plan approving body that the reduced number of parking spaces is not adequate to meet the parking needs of the use and public safety and welfare is at risk. Upon such a determination, the applicant shall convert the reserve parking area into available parking spaces, meeting all requirements of this Article, within six (6) months of such determination. The approved site plan shall clearly identify the location of this reserve parking area including parking spaces and aisles, and no buildings, structures, or similar improvements shall be established in the reserve parking area. This subsection shall apply only to commercial uses that are required to provide more than thirty (30) parking spaces.

**B. Residential Uses:**

1. One and Two Family Dwellings: Two (2) spaces for each single family dwelling unit.
2. Multiple Dwellings: Two spaces for each dwelling unit plus one space per five units for guest parking, and one additional parking space shall be provided for each employee of the largest work shift.
3. Manufactured Housing Community: Two (2) spaces for each mobile home site plus one (1) space per three (3) units for guest parking.
4. Group Homes (adult foster care): One (1) space for every three (3) residents of the home, and one (1) additional parking space shall be provided for each employee of the largest work shift.

**C. Commercial Uses:** In addition to the parking spaces required below, an additional one (1) parking space shall be provided for each employee of the largest work shift and for each vehicle that is to be located on the lot due to ownership or lease by the business, company or use occupying said lot.

1. Housing, Lodging, and Care Facilities:

- a. **Hospital, Nursing Facility, Convalescent Home, Home for the Aged:** One (1) space for each three (3) beds.
- b. **Motels and Hotels:** One (1) space for each sleeping unit, plus spaces required by this Section for accompanying bars, restaurants, banquet rooms, and other associated facilities.
- c. **Bed and Breakfasts:** One (1) space for each sleeping unit.
- d. **Medical Clinics:** Two (2) spaces for each examination or treatment room.
- e. **Day Care Centers, Nursery School, School of Special Education:** One (1) parking space for each 350 square feet of usable floor space or one (1) space for each seven children, whichever is greater.

2. Recreation:

- a. **Par 3 Golf Courses:** Three (3) spaces for each hole.
- b. **Par 4 or Greater Golf Courses:** Four (4) spaces for each hole.
- c. **Miniature Golf Courses:** Two (2) spaces for each hole.
- d. **Batting Cages:** Two (2) spaces per cage.
- e. **Roller Skating Rinks and Pool and Billiard Rooms:** One (1) space for every three (3) persons allowed based on the maximum capacity of the facility as determined by the State Fire Marshall.
- f. **Bowling Alleys:** Three (3) spaces for each alley.
- g. **Swimming Pools:** One (1) space for every three (3) persons allowed based on the maximum capacity of the facility as determined by the State Fire Marshall.
- h. **Racquetball/tennis:** Three (3) spaces per court plus one (1) space for each two hundred (200) square feet of net floor area.
- i. **Athletic Clubs, Physical Exercise Establishments, Health Studios, Self-Defense Clubs:** One (1) parking space per two hundred (200) square feet of net floor area plus, in the case of a gymnasium, one (1) space per four (4) persons based on the occupancy load established by the State Fire Marshall.

3. Retail Sales:

- a. **Automobile or Machinery Sales:** One (1) space for each 200 square feet of showroom floor area. Spaces used for storage of vehicles for sale shall not be used to meet parking requirements.
- b. **Clothing, Furniture, Appliance, Hardware, Automobile, and Machinery Sales.** One (1) space per four hundred (400) feet of gross floor area.
- c. **Service Stations:** Two (2) spaces for each repair and service stall (a service stall is not considered a parking space).
- d. **Standard Restaurants, Taverns, Bars:** One (1) space for every one-hundred (100) square feet of usable floor area.
- e. **Restaurant, Drive-Through (with indoor eating facilities):** One (1) space for every three (3) seats and fifteen (15) square feet of floor area devoted to placing orders, plus sufficient area for eight (8) stacking spaces for drive-through windows.
- f. **Restaurant, Drive Through (no indoor eating facilities):** One (1) space for every 15 square feet of usable floor area.
- g. **Restaurant, Carry-Out (no indoor eating facilities):** One (1) space for every fifteen (15) square feet of usable floor area, provided a minimum of five (5) spaces are provided.
- h. **Supermarket, Self-Service Food Store:** One (1) space for every two-hundred (200) square feet of gross floor area, excluding walk-in refrigeration units.
- i. **Retail Stores and Facilities not otherwise specified above:** One (1) space for every two hundred (200) square feet of gross floor area.

4. Services:

- a. **Banks and Financial Institutions:** One (1) parking space for every 200 square feet of usable floor area plus sufficient area for five (5) stacking spaces for the first drive-through window and two (2) spaces for each additional window.
- b. **Barber Shops and Beauty Parlors:** Two (2) spaces for each beauty/barber chair, pedicure and manicure chair, and similar chairs where clients receive services.
- c. **Vehicle Service/Repair:** Two (2) spaces for each service bay, provided at least six (6) spaces are provided.
- d. **Car Wash, Automatic:** For those systems which do not operate as a continuous conveyor system accommodating multiple vehicles at a single time, reserve parking or storage for eighty (80) percent of the manufacture's hourly rated capacity for the system in use shall be required.
- e. **Car Wash, Self-Service:** Reserve parking required to accommodate up to five (5) times the maximum number of vehicles able to be undergoing some phase of washing at the same time, determined by dividing the awaiting wash line(s) by twenty (20) feet.
- f. **Funeral Homes and Mortuaries:** One (1) space for every fifty (50) square feet of floor area of chapels and assembly rooms.
- g. **Kennels:** One (1) space for each five (5) animals of the facility's capacity.
- h. **Laundromat:** One (1) space for every three (3) washing or drying machines.
- i. **Mini-Storage facilities:** One (1) space for each twenty (20) storage units.
- j. **Offices and Professional:** One (1) space for every two hundred (200) square feet of gross floor area.
- k. **Personal Service Establishments (not otherwise specified above):** One (1) space per four hundred (400) feet of gross floor area.

**D. Industrial Uses:**

1. Manufacturing, Testing, Research Establishments: The greater of one (1) space for every four hundred (400) square feet of floor area, one (1) space for each employee in the case of one work shift, or one (1) space for every two (2) employees in the case of multiple shifts.
2. Warehouses, Wholesale Stores: One (1) space for every eight hundred (800) square feet of floor area.

**E. Other Uses:** In addition to the parking spaces required below, an additional one (1) parking space shall be provided for each employee of the largest work shift and for each vehicle that is to be located on the lot due to ownership or lease by the business, company or use occupying said lot.

1. **Religious Institutions:** One (1) space for each three (3) seats or five (5) linear feet of pew or bench seating in the main unit of worship.
2. **Non-School Auditorium, Theater, Assembly Hall:** One (1) space for each four (4) seats or five (5) linear feet of bench seating, or one (1) space for each three (3) persons based on the occupancy load as established by the State Fire Marshall, which ever is greater.
3. **Private Civic, Fraternal Club or Lodge, Community Centers:** One (1) space for each two (2) members, based upon the load capacity as determined by the State Fire Marshall.
4. **Elementary and Middle Schools:** One (1) space for every four (4) seats where the school contains an auditorium and/or stadium or gym, otherwise, one (1) space per two (2) classrooms.
5. **High Schools:** One (1) space for each ten (10) students (based on the capacity of the facility as determined by the Fire Marshall), plus one (1) space for every four (4) seats where the school contains an auditorium and/or stadium or gym.
6. **Libraries, Museums, Post Offices:** One (1) space for every eight hundred (800) square feet of floor area.
7. **Outdoor Theaters and Other Outdoor Entertainment Facilities:** One (1) space for every four fixed seats and one (1) additional space for every five hundred (500) square feet available to accommodate additional attendees not otherwise restricted to a fixed seating area.

**Section 7.5 Loading and Unloading Site Development and Space Requirements**

**A. Additional Space:** Loading space required under this Section shall be provided as area additional to off-street parking space required under Section 7.4.

**B. Access:** Access to a truck standing, loading, and unloading space shall be provided directly from a public road or alley and such space shall be so arranged to provide sufficient off-street maneuvering as well as adequate ingress and egress to and from the road or alley.

**C. Screening:** All loading and unloading areas that are adjacent to a different District or residential property, or face or are visible from residential properties roads, shall be screened.

**D. Location:**

1. A loading-unloading area shall not be located in any front yard.
2. A loading-unloading area shall not be located in a required side or rear yard setback except where such yard adjoins a Business or Industrial District, but in no case shall such loading-unloading area be located within ten (10) feet of the lot line.
3. In no case shall a loading-unloading area be located closer than fifty (50) feet to a residential lot line.

**E. Space Requirements:** There shall be provided an adequate space for standing, loading, and unloading services. Each space shall be a minimum of twelve (12) feet in width and twenty-five (25) feet in length, and fifteen (15) feet in height, open or enclosed. The site plan approval body may require a greater space length where necessitated by the anticipated type of truck traffic. The number of spaces shall be provided according to Table 7.5-1.

**Table 7.5-1  
Loading and Unloading Space Requirements**

Use	Gross Floor Area	Minimum Spaces Required
Commercial uses such as retail, personal services, and automotive services.	First 2,000 square feet:	None.
	Each additional 20,000 square feet or fraction thereof:	One (1) space.
Hotels and offices.	First 2,000 square feet:	2 spaces, plus 1 space per each 100,000 square feet of gross floor area, or fraction thereof, in excess of the first 100,000 square feet.
	Next additional 50,000 square feet or fraction thereof:	One (1) space.
	Each additional 100,000 square feet:	One (1) space.
Wholesale and storage.	First 20,000 square feet:	One (1) space.
	Each additional 20,000 square feet or fraction thereof:	One (1) space.
Manufacturing.	First 20,000 square feet:	One (1) space.
	Each additional 20,000 square feet or fraction thereof:	One (1) space.
	Up to 2,000 square feet:	2 spaces, plus 1 space per each 100,000 square feet of gross floor area, or fraction thereof, in excess of the first 100,000 square feet.
Hospitals.	First 10,000 square feet:	None.
	Next additional 100,000 square feet or fraction thereof:	One (1) space.
	Each additional 200,000 square feet:	One (1) space.
Schools, religious institutions, and other public assembly buildings.	For each building greater than 10,000 square feet:	One (1) space.

**End of Article 7**

## Article 8 LANDSCAPING and SCREENING

### **Section 8.1 Purpose**

It is the purpose of this Article is to establish standards and requirements to assure adequate landscaping and screening so that land uses minimize noise, air, and visual pollution; improve the appearance of off-street parking and other vehicular use areas; assure adequate buffering between differing uses; support the desired community character along property adjoining public rights-of-way; prevent soil erosion and soil depletion; and protect and preserve the appearance, character, and value of the community as a whole.

### **Section 8.2 Uses Subject to This Article**

The requirements of this Article shall apply to those uses for which site plan approval is required under Article 14, Site Plan Review, and any other use so specified in this Ordinance. This Article shall not apply to single family and two-family dwellings.

### **Section 8.3 Landscape Plan Required**

**A.** A detailed landscape plan is required to be submitted as part of a site plan (see Article 14). The plan shall be prepared at a minimum scale of 1" = 100' and shall identify all buffer areas (see Sections 8.4 and 8.5). The landscape plan shall include, but not necessarily be limited to, the clear delineation of the following:

1. Proposed plant location, spacing, size, common and botanical name, and growth habit of each plant type proposed.
2. Identification of grass and other proposed ground cover, including common and botanical name.
3. Existing and proposed contours.
4. Planting and staking details in either text or drawing form to ensure proper installation of proposed plant materials, including significant construction details to resolve specific site conditions such as tree wells to preserve existing trees.
5. Identification of existing trees and vegetative cover to be preserved and those trees of ten (10) inches or larger in diameter, measured five (5) feet from ground surface, to be removed.

### **Section 8.4 Buffer Areas**

**A. Side and Rear Yard Buffer Areas:** A buffer area shall be established along all side and rear lot lines. The buffer area shall not be used for storage or used in any other manner except for the purposes of landscaping.

1. The buffer area shall extend fifteen (15) feet from the respective lot line. The buffer area shall be planted and maintained with evergreens such as spruce, pines, or firs, and deciduous trees. While such plantings need not be evenly spaced, the trees shall be provided at an overall rate of at least one (1) evergreen tree for each fifty (50) linear feet of such lot line and one (1) deciduous tree for each fifty (50) linear feet of such lot line. At the time of their planting, evergreen trees shall be a minimum of six (6) feet in height and deciduous trees shall have a caliper of at least two and a half (2 1/2) inches, measured five (5) feet above the ground surface. The remainder of the buffer area shall be landscaped in grass, shrubs, trees and/or other ground cover.
2. In the case where the buffer yard abuts a parcel in an Agricultural or Residential District, or where the buffer yard is in an Industrial District and abuts a Commercial District, the site plan approving body (see Sec. 14.2) may require that the buffer yard include a berm, wall or fence to adequately mitigate negative impacts of the particular use on such parcels. Such berm, wall or fence, either individually or in combination, shall be at least five (5) feet in height. This height standard may be increased by the site plan approving body if determined necessary to adequately mitigate negative impacts.

**B. Front Yard Buffer Areas:** A buffer area shall be established along all front lot lines. The buffer area shall not be used for storage or used in any other manner except for the purposes of landscaping. The buffer area shall extend from the respective lot line a distance equal to the required minimum front yard setback. The front yard buffer area shall be landscaped with a minimum of one (1) tree meeting the minimum size requirements specified in Section 8.4(A) above for each thirty (30) lineal feet, or portion thereof, of frontage adjoining the road right-of-way. The remainder of the front yard buffer area shall be landscaped in grass, shrubs, trees and/or other ground cover. Access ways from public rights-of-way through required buffer area shall be permitted, but such access ways shall not be subtracted from the lineal dimension used to determine the minimum number of required trees.

**Section 8.5 Parking Lot Landscaping and Screening**

See Section 7.3(l).

**Section 8.6 Minimum Standards of Landscape Elements**

**A. Quality and Composition:** Plant material shall be free of insects and diseases, and hardy to the climate. Plant species which are generally considered undesirable due to limited disease tolerance, low wood strength and/or high wood-splitting tendencies, such as boxelder, mulberry, and willows, are prohibited unless specifically authorized by the site plan approving body (see Sec. 14.2) based on the manner in which the plant material is to be used or located. A mixture of plant material shall be required to protect against insect and disease infestation.

**B. Existing Trees:** If existing plant material is labeled "To Remain" on site plans by the applicant or required by the site plan approval body, protective techniques such as fencing, placed at the dripline around the perimeter of the plant material, shall be indicated on the site plan. No vehicle or other construction equipment shall be parked or stored within the dripline of any plant material intended to be saved. In the event that existing healthy trees which are used to meet the minimum requirements of this Ordinance, or those labeled to remain are cut down, destroyed, damaged, or excavated at the dripline, as determined by the site plan approving body, the applicant shall replace them with trees that meet Ordinance requirements. Such replacement trees shall be a minimum two inches (2") in caliper and planted at a rate of two (2) trees per two inches (2") of tree caliper of the tree cut down, damaged, or otherwise destroyed.

**Section 8.7 Installation, Maintenance and Completion**

All landscaping required by this Ordinance shall be planted prior to obtaining a Certificate of Occupancy or, where the applicant can demonstrate to the Zoning Administrator that seasonal conditions prohibit the installation of the plant material prior to desired occupancy, the plant material shall be installed within six months of receipt of such Certificate. All landscaping and landscape elements shall be planted, and earth moving or grading performed, in a sound workmanlike manner and according to accepted good planting and grading procedures. All plant material shall be maintained in a healthy condition, and free of refuse and debris. All unhealthy and dead material shall be replaced within one (1) year of damage or death or the next appropriate planting period, whichever comes first.

**Section 8.8 Fencing and Walls Construction**

All required fencing and walls shall be constructed and maintained in a sound manner to assure long-term structural integrity and visual character. Site plans shall include all necessary construction details to illustrate compliance with this requirement. The finished side of fencing shall face abutting properties.

**Section 8.9 Waivers and Modifications**

Any of the requirements of this Article may be modified through site plan review proceedings, provided the approving body makes a finding that identifies characteristics of the site or site vicinity that would make required buffer areas, fencing, or screening unnecessary, inappropriate, or ineffective, or where it would impair vision at a driveway or street intersection.

**End of Article 8**

## Article 9 ENVIRONMENTAL PROTECTION

### **Section 9.1 Purpose**

The purpose of this Article is to promote a healthy environment as it relates to the Township's natural resources; and sensitive ecosystems; the quality of the Township's visual environment, including the management of outdoor lighting and its impact upon traffic safety, adjacent land uses and the night sky; and the provision of adequate sewage disposal and potable water. All provisions of this Article apply to all structures, buildings and uses unless otherwise specified.

### **Section 9.2 Natural Resources**

**A. Compliance with Local, County, State, and Federal Regulations:** All land uses and construction activities shall conform to the provisions of this Ordinance and all local, county, state and federal regulations including, but not limited to:

1. Applicable fire safety and emergency vehicle access requirements of the State Construction Code and State Fire Marshall.
2. Requirements of the Michigan Department of Consumer and Industry Services and the Montcalm County Health Department.
3. Requirements of the Michigan Department of Environmental Quality including those applying to air and water quality protection, wetlands, stream crossings, fills in or near water bodies or in flood plains, and waste disposal, and the requirements of the Montcalm County Drain Commissioner regarding storm water management.
4. Regulations related to loading/unloading, transport, storage, use and/or disposal of hazardous substances including fuels and other flammable liquids.
5. Requirements of the Federal Communications Commission.

**B. Discharges and Flammable/Hazardous Materials**

1. No use shall discharge, or otherwise result in, obnoxious, toxic or corrosive fumes or gases deleterious to the public health, safety or welfare, or otherwise be of a nuisance, including radioactive emissions.
2. No use shall discharge, or otherwise result in, dust, particulate matter, smoke, odorous gases, or other odorous matter in such quantities as to be offensive to the public health, safety and general welfare at or beyond the property line. This subsection shall not apply to farm operations in compliance with most current published Generally Accepted Agricultural Management Practices of the Michigan Commission of Agriculture.
3. Any atmospheric discharge requiring a permit from the Michigan Department of Environmental Quality or federal government shall have said permit(s) as a condition of approval for such use.
4. No use shall discharge, or otherwise result in, any materials of such nature or temperature as can contaminate any surface waters, land or aquifers, or otherwise cause the emission of dangerous or objectionable elements.

**C. Sensitive Lands:**

1. Where a portion of a parcel is characterized by sensitive or fragile environmental features, including wetlands, hydric soils, or flood plains, new development on the parcel shall only occur on those portions of the parcel void of such features where reasonably feasible.
2. Except where required to do so by state or federal law, the Township shall not approve any land use which requires a county, state, or federal permit until such permit has been obtained and satisfactory evidence has been submitted verifying the acquisition of the necessary permits, or satisfactory evidence has been submitted to the approving body verifying the acquisition of such permit is not necessary.
3. The Township may require mitigation measures be taken to replace those resources disturbed or destroyed by a land use, or to otherwise lessen the impact of a new land use upon natural resources and sensitive areas.

**D. Removal of Topsoil:** Stripping and removal of topsoil from a site is prohibited prior to the completion of all approved site improvements and the seeding, sodding, and landscaping of all disturbed areas except where expressly authorized as part of an approved site plan. "Disturbed areas" shall be interpreted to mean any area of a lot which is altered by grading or other construction activities and which area is not proposed to be paved or otherwise built upon.

### **Section 9.3 Potable Water and Sewage Disposal**

Any building intended for human occupancy and used for dwelling, businesses, industrial, recreational, or institutional purposes shall not be erected, altered, used or moved upon any premises unless said building shall be provided with a safe, sanitary and potable water supply and a safe and effective means of collection, treatment, and disposal of generated wastes including human excreta and domestic, commercial, and industrial wastes. All sewage disposal and potable water facilities shall be constructed and maintained in accordance with the requirements and standards of the Montcalm County Health Department as well as those of other applicable local, county, state, or federal agencies.

### **Section 9.4 Lighting**

- A. No lighting shall in any way impair the safe movement of traffic.
- B. Lighting associated with a commercial, industrial, or other non-residential uses shall comply with the following:
  - 1. A wall, fence, or berm, at least five (5) feet in height, shall be erected to prevent headlight glare from shining onto adjacent residential property. Such wall/fence shall not impair safe vertical or horizontal sight distances for vehicles entering or exiting the property or travelling near the property.
  - 2. Exterior lighting shall be designed and installed so that the surface of the source of light shall be hooded or louvered to the greatest extent practical to ensure that:
    - a. all emitted light is directed downward and confined to the lot or parcel upon which the light source is located.
    - b. light sources shall not be visible from beyond the lot lines and shall be so arranged to reflect light away from adjacent properties.
    - c. no more than one-half (0.5) foot candle power of light shall cross a lot line five (5) feet above the ground.
  - 3. No light source shall exceed the height of the tallest structure on the lot or parcel, and in no case shall a light source exceed a height of twenty-five feet, measured from the ground or pavement closest to the light source.
- C. Outdoor lighting which need not comply with the standards of Section 9.4(B) above shall be limited to:
  - 1. Lawn, dock, and architectural and decorative lighting provided the light source is less than six (6) feet in height from the closest ground, pavement, or water body.
  - 2. Seasonal lighting associated with religious holidays, such as Christmas.
  - 3. Outdoor recreation and amusement areas provided the luminaries are mounted at a sufficient height, designed with baffling and glare guards to assure that no more than one foot candle power of light shall cross a lot line five (5) feet above the ground in a residential district, and are turned off during hours the facility is closed to the public.
  - 4. Neon lighting.

### **Section 9.5 Vibration**

The operation of any land use including equipment and devices associated therewith, that creates vibrations that are typically discernible by human senses at or beyond the lot line of the source, is prohibited. For the purposes of this Section, "typically discernible by human senses" means vibrational motion of such character to cause a normal person to be aware of the vibration by such direct means as, but not limited to, sensation by touch or observation of moving objects.

### **Section 9.6 Glare and Heat**

Any operation which produces glare or heat shall be conducted within an enclosed building or other enclosure so as to be completely imperceptible from any point at or beyond the lot lines of the lot upon which the source of glare or heat is located.

## **Section 9.7 Storm Water Management**

- A. Applicability:** Uses subject to this Section shall be limited to those uses subject to site plan approval according to Article 14 of this Ordinance unless expressly provided otherwise by this Ordinance.
- B. General Standards:** All uses shall be designed, constructed, and maintained to prevent flooding, protect water quality, reduce soil erosion, maintain and improve wildlife habitat, and contribute to the aesthetic values of the project. In meeting these requirements, the following standards shall apply to the greatest extent practical and feasible:
1. All storm water drainage and erosion control plans shall meet the rules and regulations of the Montcalm County Drain Commissioner and any additional regulations as this or other ordinance may provide, including standards pertaining to discharge volumes and the design of retention and detention areas. Compliance with such standards shall, to the maximum extent feasible, utilize nonstructural control techniques including, but not limited to: limitation of land disturbance and grading; maintenance of vegetated buffers and natural vegetation; minimization of impervious surfaces; use of terraces, contoured landscapes, runoff spreaders, and grass or rock-lined swales; and use of infiltration devices.
  2. The particular facilities and measures required on-site shall reflect and incorporate existing grade, natural features, wetlands, and watercourses on the site.
  3. Storm water management systems shall be designed to prevent flooding and the degradation of water quality related to storm water runoff and soil erosion from proposed development for adjacent and downstream property owners.
  4. Site development and storm water management systems shall maintain natural drainage patterns and watercourses.
  5. The conveyance of storm water shall rely on swales and vegetated buffer strips to the greatest extent feasible and practical.
  6. Drainage systems shall be designed to be visually attractive including the integration of storm water conveyance systems and retention and detention ponds into the overall landscape concept. Ponds shall be designed to be naturally contoured, rather than a square or rectangular design.
  7. It shall be prohibited to increase the rate or quantity of runoff upon adjacent properties or public roads, to cause erosion or filling of a roadside ditch, stream or other water body, to block a public watercourse, or create standing water over a sewage disposal drainage field.
  8. Whenever a landowner is required to provide on-site storm water retention and/or surface drainage to wetlands, or whenever other protective environmental measures including monitoring devices are required, such measures or facilities shall be provided and maintained at the landowner's expense. The landowner shall provide satisfactory assurance to the Township whether by written agreement or otherwise, that the landowner will bear the responsibility for providing and maintaining such methods or facilities.
- C. Minimizing Storm Water Runoff**
1. Roads constructed as part of a subdivision or similar unified development shall be designed to minimize storm waste runoff such as limiting road paving to the minimum necessary width, including cul-de-sacs, while adequately addressing anticipated traffic levels, on-street parking, and emergency vehicle needs.
  2. Roof-top runoff shall be directed to pervious areas such as yards, open channels, or other vegetated areas.
  3. Clearing and grading shall be limited to only those locations approved for such landscape alterations as delineated on the approved site plan.
- D. Use Of Wetlands:** Wetlands may be used for storm water management if all the following conditions are met:
1. All runoff from the development will be pre-treated to remove sediment and other pollutants prior to discharge to a wetland. Such treatment facilities shall be constructed before property grading begins. Storm water runoff discharged to wetlands must be diffused to non-erosive velocities before it reaches the wetland. Direct discharge of untreated storm water to a natural wetland is prohibited.
  2. Wildlife, fish, or other beneficial aquatic organisms and their habitat within the wetland shall not be impaired.
  3. The wetland has sufficient holding capacity for storm water, based upon calculations prepared by the applicant and reviewed and approved by the township after consultation with an engineer of applicable expertise.
  4. Adequate on-site erosion control is provided to protect the natural functioning of the wetland.

5. Adequate private restrictions are established, such as a conservation easement over the wetlands, to insure that the wetland is not disturbed or impaired in the future relative to the needed storage capacity.
6. Applicable permits from the Michigan Department of Environmental Quality and any other agency of jurisdiction are obtained.”

## **Section 9.8 Natural Features Setbacks and Buffers**

**A. Definitions:** For the purpose of this Section, the following words and phrases shall have the following meanings:

1. **Impervious Cover:** Any manmade paved, hardened or structural surface regardless of material including but not limited to rooftops, buildings, streets, roads, decks, patios including those of a brick or stone material, swimming pools, and any concrete or asphalt.
2. **Natural Feature:** A wetland or watercourse.
3. **Natural Feature Edge:** The ordinary high water mark as defined below, except that in the case where there exists a bank along the natural feature such as a stream bank, where the bank exceeds a slope of ten percent (10%), the natural feature edge shall be considered the top of the bank or a line thirty (30) feet from the ordinary high water mark, whichever ever is less.
4. **Ordinary High Water Mark:** The line between upland and bottomland which persists through successive changes in water levels below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil.
5. **Watercourse:** Any waterway including a river, stream, creek, lake, vernal pool, pond, or any body of surface water having definite banks, a bed and visible evidence of a continued flow or continued occurrence of water.
6. **Wetlands:** Land characterized by the presence of water at a frequency and duration sufficient to support and that under normal circumstances does support, wetland vegetation or aquatic life, and is commonly referred to as a bog, swamp, or marsh.

### **B. Natural Feature Setback Required:**

1. Unless otherwise specified in this Ordinance, a natural features setback of sixty (60) feet shall be maintained from the natural feature edge for all buildings, and any structures in excess of three (3) feet in height above the ground below, except that where there exists one (1) or more dwellings located along such natural feature and where such one or more dwelling is within one hundred fifty (150) feet of a side lot line of the lot on which construction of a dwelling is proposed, the required setback shall be the average setback of such existing dwellings measured from the natural feature edge. However, in no case shall such natural feature setback be less than twenty-five (25) feet nor shall such setback be required to be greater than sixty (60) feet.
2. Unless otherwise specified in this Ordinance, a natural features setback of twenty-five (25) feet shall be maintained from the natural feature edge for all decks, patios, and any structures of three (3) feet or less in height above the ground below.

**C. Use Restrictions within a Natural Feature Setback:** Within a natural feature setback, unless and only to the extent determined to be in the public interest by the designated approving body for the development under consideration, there shall be no clearing, grubbing or stripping; removal of vegetation; application of fertilizers or pesticides; dredging, grading, excavation, removal or addition of soil or transporting and filling of land; erection or addition of structures, buildings or any other construction including concrete or asphalt paving; or the installation of any impervious cover. In addition, no vegetation cutting or removal within the natural features setback shall occur prior to all approvals from the designated approving body(s) have been obtained.

1. **Determination of Public Interest:** In determining whether proposed construction or operations in a natural resources setback are in the public interest, the benefit which would reasonably be expected to result from the proposal shall be balanced against the reasonably foreseeable detriments of the construction or other operation, taking into consideration the local, state and national concern for the protection and preservation of the natural feature in question. If, as a result of such a balancing, there remains a debatable question whether the proposed project and/or operation is clearly in the public interest, authorization for the construction and/or operation within the natural feature setback shall not be granted. The following general criteria shall be applied in undertaking this balancing test:
  - a. The relative extent of the public and private need for the proposed activity;
  - b. The availability of feasible and prudent alternative locations and methods to accomplish the expected benefits from the activity;

- c. The extent and permanence of the beneficial or detrimental effects which the proposed activity may have on the public and private use to which the area is suited, including the benefits the natural feature and/or natural feature setback provides;
- d. The probable impact of the proposed construction and/or operation in relation to the cumulative effect created by other existing and anticipated activities on the natural feature to be protected;
- e. The probable impact on recognized historic, cultural, scenic, ecological, or recreational values, and on fish, wildlife and the public health;
- f. The degree of proposed encroachment into the natural features setback, and the proximity of the proposed construction and/or operation in relation to the general natural feature, taking into consideration the degree of slope, general topography in the area, soil type and the nature of the natural feature to be protected ;

**D. Exemptions:** If and to the extent Belvidere Township is prohibited by its ordinances and/or law from regulating the proposed activity in or on the respective natural feature, regulation under this Section shall be exempted. In addition, the following activities shall be exempted from regulation under this Section provided it is not the intent of this provision to exempt regulation by other ordinance provisions relative to the natural feature itself:

1. Installation of a fence;
2. Maintenance of previously established lawn areas;
3. Grading and filling necessary in order to conform to express requirements imposed by the Township;
4. Installation of docks for watercourse use provided the portion of such dock or access way extending through or across a wetland does not exceed seventy-five (75) feet.
5. Planting of non-invasive trees and other vegetation, but not the use of fertilizers.
6. Work consisting of the repair or maintenance of any lawful use of land approved for such use.
7. Existing agriculture, silvaculture, landscaping, gardening and lawn maintenance, including the removal of dead and diseased trees.
8. The clearing of up to thirty percent (30%) of the vegetation in the natural features setback to afford views and/or access to the natural feature, provided adequate measures are taken to prohibit the exposure of bare soil and soil erosion, such as the establishment of grasses or other vegetative ground cover.
9. Any lawful activity that is under construction, fully approved for development prior to the effective date of this Ordinance.

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**End of Article 9**

## Article 10 STANDARDS and REGULATIONS for SPECIFIC LAND USES

### **Section 10.1 Purpose and Applicability**

The purpose of this Article is to establish standards and regulations in association with certain land uses to ensure the establishment of such uses minimizes negative impacts upon adjacent land uses and the Township as a whole, and encourages orderly development in coordination with surrounding conditions and within the development site itself. Where deemed beneficial to provide greater clarification of the purpose or character of use regulations addressed by this Article, such Sections are accompanied by a further defined “purpose” statement. Unless otherwise specified, each use listed in this Article shall be subject to all setback, lot area and other standards of the District in which the use is located. Where this Article establishes a standard more stringent than that required elsewhere in this Ordinance, including Table 3-4 of Article 3, the standard of this Article shall apply. Any requirements of this Article regarding application submittal data, plans, and drawings shall be in addition to the data requirements of Article 14, Site Plan Review. Compliance with the standards in this Article does not relieve the owner or operator of a permitted use from complying with additional standards in other applicable Township ordinances.

### **Section 10.2 Bed and Breakfast**

**A. Compliance with Table 3-4:** See Table 3-4 for standards pertaining to minimum lot area, width, frontage, and yard setbacks, and maximum building height and lot coverage.

**B Additional Standards:**

1. No bed and breakfast use shall be permitted within a subdivision plat or site condominium, or on any property where there exists another bed and breakfast use within one thousand (1,000) feet, measured as a straight line distance between the structures.
2. The exterior appearance of the structure shall not be altered from its single family dwelling character.
3. Retail sales shall be limited to overnight patrons only.
4. Meals may be served to overnight guests only and shall be limited to breakfast. No separate or additional kitchen facilities shall be provided for the guests.
5. The number of bedrooms available for use by guests shall not exceed six (6) and all rooms utilized for sleeping shall be part of the primary residential structure.
6. No receptions, private parties or activities, for which a fee is paid, shall be permitted except as may be expressly authorized in association with the special land use approval of a bed and breakfast.
7. Lavatories and bathing facilities shall be available to all persons using the premises.
8. No transient occupant shall reside on the premises for more than fourteen (14) consecutive days and not more than thirty (30) days in any one (1) year.
9. All parking for guests shall be in the rear yard except where the approving body finds adequate measures have been provided to minimize impacts on neighboring properties. In no case shall parking areas be located within fifty (50) feet of a lot line.
10. See also Article 5, Signs; Article 6, Access Management and Private Roads; Article 7, Off-Street Parking and Loading; Article 8, Landscaping and Screening; Article 9, Environmental Standards; Article 20, Supplemental Provisions, and other Articles as applicable.

### **Section 10.3 Cemeteries**

**A. Compliance with Table 3-4:** See Table 3-4 for standards pertaining to minimum lot area, width, frontage, and yard setbacks, and maximum building height and lot coverage, except as follows:

1. No more than five percent (5%) of the parcel may be occupied by buildings.
2. All burial plots and all structures shall be set back no less than thirty (30) feet from any lot line or street right-of-way

**B Additional Standards:**

1. Parking shall be provided on the site, at least fifty (50) feet from any lot line. No cemetery parking shall be permitted on any road outside of the cemetery property.
2. See also Article 5, Signs; Article 6, Access Management and Private Roads; Article 7, Off-Street Parking and Loading; Article 8, Landscaping and Screening; Article 9, Environmental Standards; Article 20, Supplemental Provisions, and other Articles as applicable.

## **Section 10.4 Commercial Campgrounds**

**A. Compliance with Table 3-4:** See Table 3-4 for standards pertaining to minimum lot area, width, frontage, and yard setbacks, and maximum building height and lot coverage, except as follows:

1. All campsites, common use and recreation areas, restrooms, and principal and accessory buildings shall be setback a minimum distance of seventy (70) feet from all lot lines.

### **B Additional Standards:**

1. A common use area shall be provided at a rate of five hundred (500) square feet per campsite, except that a minimum of ten thousand (10,000) square feet shall be provided.
2. A convenience store may be permitted to operate within a campground as an accessory and subordinate use to the campground where the campground exceeds more than 40 campsites, the approving body determines such store is to be located to significantly discourage use of the store by non-campers, and such enterprise is expressly authorized as part of an approved campground application.
3. There shall be no permanent storage of tents, campers, travel trailers or mobile home units in the development unless specifically permitted.
4. Each campsite shall have a picnic table and designated place for fires.
5. No more than one (1) permanent dwelling shall be allowed in a campground, which shall only be occupied by the owner, manager or an employee.
6. All campgrounds shall be licensed by the State of Michigan.
7. See also Article 5, Signs; Article 6, Access Management and Private Roads; Article 7, Off-Street Parking and Loading; Article 8, Landscaping and Screening; Article 9, Environmental Standards; Article 20, Supplemental Provisions, and other Articles as applicable.

## **Section 10.5 Churches and Religious Institutions**

**A. Compliance with Table 3-4:** See Table 3-4 for standards pertaining to minimum lot area, width, frontage, and yard setbacks, and maximum building height and lot coverage, except as follows:

1. The site shall be at least two (2) acres in size.
2. No more than twenty-five (25) percent of the parcel shall be covered by buildings. No more than sixty percent (60%) of the parcel shall be covered by impervious surface when located in an Agricultural or Residential District.
3. No building shall be closer than fifty (50) feet from any lot line or right-of-way.

### **B Additional Standards:**

1. All ingress and egress for the site shall be from a paved road.
2. Use of the structure shall not result in accrual of distributable profits, realization of private gain resulting from payment or compensation in excess of a reasonable and customary allowance for salary or other compensation for services rendered, or realization of any other form of private gain.
3. No day care center, private school, or other use requiring a Special Approval shall be allowed without a separately approved zoning permit for each use.
4. See also Article 5, Signs; Article 6, Access Management and Private Roads; Article 7, Off-Street Parking and Loading; Article 8, Landscaping and Screening; Article 9, Environmental Standards; Article 20, Supplemental Provisions, and other Articles as applicable.

## **Section 10.6 Commercial Stables**

**A. Compliance with Table 3-4:** See Table 3-4 for standards pertaining to minimum lot area, width, frontage, and yard setbacks, and maximum building height and lot coverage, except as follows:

1. A commercial stable shall not be established on any lot less than fifteen (15) acres in area, and a minimum of five (5) acres of confinement area shall be provided.
2. Stables, buildings housing horses, and off-street parking areas shall be set back a minimum of one-hundred (100) feet from all lot lines. No public viewing areas, such as bleachers or designated assembly and viewing areas in association with special events such as shows, exhibitions, and contests, shall be permitted within one hundred (100) feet of all lot lines.

### **B Additional Standards:**

1. Commercial stables shall not be located in platted subdivisions or site condominiums.
2. A vegetative strip of at least fifty (50) feet wide shall be maintained around all surface waters. In areas with slopes of over five percent (5%), the site plan approving body (see Sec. 14.2) may increase setbacks in order to minimize runoff, prevent erosion, and promote quick nutrient absorption.

3. The facility shall be constructed and maintained so that manure, dust, and drainage shall not create a nuisance or hazard to adjoining property or uses. Manure shall be stored, removed, and/or applied in accordance with the Generally Accepted Agricultural Management Practices as published by the Michigan Agriculture Commission.
4. Animals shall be confined in a suitably fenced area or paddock to prevent their approaching nearer than fifty (50) feet to any dwelling on adjacent premises.
5. See also Article 5, Signs; Article 6, Access Management and Private Roads; Article 7, Off-Street Parking and Loading; Article 8, Landscaping and Screening; Article 9, Environmental Standards; Article 20, Supplemental Provisions, and other Articles as applicable.

### **Section 10.7 Composting Center**

**A. Compliance with Table 3-4:** See Table 3-4 for standards pertaining to minimum lot area, width, frontage, and yard setbacks, and maximum building height and lot coverage, except as follows:

1. Minimum lot size shall be twenty (20) acres.
2. Minimum lot width shall be five hundred (500) feet.
3. All buildings and composting activities shall be at least one hundred (100) feet from a road right of way or adjoining lot line. Composting activities shall be at least two hundred (200) feet from the boundary of any lake, stream, drain, wetland, or other surface water body.

**B. Additional Standards:**

1. The applicant shall document that the soils are not characterized by a high water table.
2. The applicant shall describe procedures for managing storm water runoff and preventing pollution of surface water bodies or groundwater.
3. The site plan shall clearly illustrate the layout of the composting operation, including: buildings, staging area, parking, on-site truck maneuvering, curbing area, landscaped buffers, sales area and fencing.
4. See also Article 5, Signs; Article 6, Access Management and Private Roads; Article 7, Off-Street Parking and Loading; Article 8, Landscaping and Screening; Article 9, Environmental Standards; Article 20, Supplemental Provisions, and other Articles as applicable.

### **Section 10.8 Day Care Centers**

**A. Compliance with Table 3-4:** See Table 3-4 for standards pertaining to minimum lot area, width, frontage, and yard setbacks, and maximum building height and lot coverage.

**B Additional Standards:**

1. All outdoor play areas shall be set back a minimum distance of fifty (50) feet from all lot lines.
2. All outdoor play areas shall be enclosed with fencing, a minimum of four (4) feet high.
3. Day care center buildings authorized in Agricultural or Residential Districts shall be of an overall residential character including exterior construction materials and general architecture. The property, including landscape and structural elements, shall be maintained in a manner that is consistent with the character of the area.
4. No approval shall be granted prior to the applicant's receipt of a license from the Michigan Office of Child and Adult Licensing.
5. See also Article 5, Signs; Article 6, Access Management and Private Roads; Article 7, Off-Street Parking and Loading; Article 8, Landscaping and Screening; Article 9, Environmental Standards; Article 20, Supplemental Provisions, and other Articles as applicable.

### **Section 10.9 Day Care Facility, Group Home**

**A. Compliance with Table 3-4:** See Table 3-4 for standards pertaining to minimum lot area, width, frontage, and yard setbacks, and maximum building height and lot coverage.

**B Additional Standards:**

1. A group home day care facility shall not be located closer than fifteen-hundred (1,500) feet to any of the following facilities as measured along a road, street, or place maintained by this state or a local unit of government and generally open to the public as a matter of right for the purpose of vehicular traffic, not including an alley:
  - a. Another group home day care facility licensed by the State of Michigan.
  - b. An adult foster care group home licensed by the State of Michigan.
  - c. A facility offering substance abuse treatment and rehabilitation services to seven (7) or more people which is licensed by the State of Michigan.

- d. A community correction center, resident home, halfway house or other similar facility which houses an inmate population under the jurisdiction of the Department of Corrections.
2. All outdoor play areas shall be enclosed with fencing, a minimum of four (4) feet high and shall comply with all administrative rules of PA 116 of 1973, as amended.
3. The property, including landscape and structural elements, shall be maintained in a manner that is consistent with the character of the surrounding area. No play equipment shall be located in the front yard.
4. At least one (1) off-street parking space shall be provided for each non-family employee of the group day care home in addition to the parking normally required for the residence. A driveway may be used for this purpose. An off-street drop-off area is to be provided with the capability to accommodate at least two (2) automobiles in addition to the parking required for non-family employees of the dwelling and the parking normally required for the residence.
5. Hours of operation shall not exceed sixteen (16) hours in a twenty-four (24) hour period.
6. No approval shall be granted prior to the applicant's receipt of a license from the Michigan Office of Child and Adult Licensing.
7. See also Article 5, Signs; Article 6, Access Management and Private Roads; Article 7, Off-Street Parking and Loading; Article 8, Landscaping and Screening; Article 9, Environmental Standards; Article 20, Supplemental Provisions, and other Articles as applicable.

### **Section 10.10 Extraction Operations**

**A. Compliance with Table 3-4:** See Table 3-4 for standards pertaining to minimum lot area, width, frontage, and yard setbacks, and maximum building height and lot coverage, except as follows.

1. Minimum lot area shall be five (5) acres.
2. All permitted buildings, structures and stationary equipment associated with extraction activities shall be located a minimum of 150 feet from all lot lines.

**B. Additional Standards:**

1. Notwithstanding any other minimum yard sizes required by this Ordinance, extraction activities shall be set back the following minimum distance:
  - a. 100 feet from the right-of-way of any public street, private road, or highway.
  - b. 200 feet from abutting residentially zoned property.
  - c. 75 feet from commercial or industrial zoned abutting property.
2. A perimeter landscape buffer zone (which may consist of naturally occurring vegetation) shall be provided, at a minimum, of fifty (50) feet in width.
3. No operation shall be conducted in a manner so as to raise or lower the water table on surrounding properties except as may be authorized by a Department of Environmental Quality permit.
4. All areas subject to active extraction operations, or which otherwise exceed a slope of 3:1 (horizontal:vertical) and have yet to be reclaimed, or which are characterized by ponding water, shall be enclosed by a chain link or similar fence. The owner or operator shall place appropriate "Keep Out-Danger" signs around such areas not more than one hundred fifty (150) feet apart.
5. All extractions shall use measures to substantially reduce the potential for erosion and limit the amount of sediment reaching surface waters.
6. The extraction shall be graded in a fashion which will not cause water to accumulate in stagnant pools.
7. Air pollution, noise and vibrations shall be minimized from any effect upon adjacent properties by adequate soundproofed equipment and buildings designed to accomplish such minimization and by the proper use of berms, walls, and natural planting screens.
8. Truck or heavy vehicle traffic related to extraction operations shall use major thoroughfares for access to the greatest extent feasible.
9. Public streets within 1,000 feet of the exit of the extractive use site shall be kept reasonably clear of mud, dirt and debris from vehicles exiting the site. Rumble strips of a minimum sixty (60) feet in length shall be provided at exit points to encourage the deposition of dirt within the limits of the extraction parcel.
10. All reclamation activities shall be initiated at the earliest possible date. Reclamation of the site concurrent with extraction activities shall be undertaken to the extent that the reclamation activities will not interfere with the extraction activity or if the extraction activity will damage the reclaimed areas. No extraction work can extend more than five (5) acres in area until reclamation of the previously extracted five (5) acre area is satisfactorily completed or underway. The reclamation plan shall comply with and specify the following:
  - a. Vegetation shall be restored by the appropriate seeding of grasses, or the planting of trees and shrubs, to establish a permanent vegetative cover on the land surface to minimize erosion.

- b. When extraction operations are completed, extraction areas shall be graded so that no gradients in disturbed earth are steeper than a slope of 3:1 (horizontal:vertical).
  - c. A minimum four inch (4") layer of arable topsoil shall be spread over the excavated area, except exposed rock surfaces or areas lying below natural water level in accordance with the approved reclamation plan.
  - d. Extraction which has created or extended lakes, ponds or other bodies of water shall meet standards and specifications promulgated by the U.S. Department of Agriculture, Natural Resources Conservation Service, and shall be approved by that agency.
  - e. Backfill and grading materials shall not be noxious, flammable or toxic.
  - f. Fill and soils shall not be overly compacted and of sufficient quality to be well drained, non-swelling. If the reuse plan involves development of dwellings or other buildings, fill and soils shall be of proper bearing capacity to support foundations and septic systems.
  - g. All temporary structures shall be removed from the premises upon completion of the extraction activity unless said structures are of sound construction and are compatible with the reclamation goals. Said structures shall be accurately depicted upon the approved reclamation plan.
  - h. If the reclamation plan involves a recreational or wildlife facility, reclamation plans shall be reviewed by recreation, fisheries and wildlife specialists in the Michigan Department of Natural Resources.
  - i. The reclamation plan shall specify the phasing for the reclamation of the extraction areas and the following information for each phase:
    - 1) Physical descriptions of the location of each phase, number of acres included in each phase, and anticipated length of time to complete each phase.
    - 2) Depiction of finished, stabilized, side slopes, including methods and plant materials proposed for use.
    - 3) A reuse plan for the site once extraction is complete.
11. See also Article 5, Signs; Article 6, Access Management and Private Roads; Article 7, Off-Street Parking and Loading; Article 8, Landscaping and Screening; Article 9, Environmental Standards; Article 20, Supplemental Provisions, and other Articles as applicable.

**C. Time Limitation on Permit:** A permit for an extraction operation shall be valid for three (3) years. No less than every three (3) years from the issuance of such permit, the applicant shall submit project status documents delineating the status of extraction operations to date including the current limits of extraction, reclamation efforts undertaken and completed to date, updated phasing plans for the remainder of the approved extraction area, and the status of any alleged violations and corrective actions. The Township Board shall consider such documents and upon finding such documents are satisfactory, the Township Board shall renew the permit for an additional three (3) years. The Township Board shall not deny the renewal of such permit if the extraction operation is in compliance with the Zoning Ordinance and all conditions made part of the original permit.

**D. Abandonment/Termination of Use:**

1. An operator shall submit written notice to the Township Board of the abandonment of an extraction operation within six (6) months of such abandonment.
2. When extraction operations have ceased for more than 365 consecutive days or when, by examination of the premises or other means, the Township determines that the extraction operation, or portion thereof, has been abandoned, the Township Board shall give the owner written notice of the Township Board's intention to declare the extraction operation abandoned. Within thirty (30) days following receipt of such notice, the owner shall have an opportunity to submit evidence that the use of the extraction operation, or portion thereof, is continuing. The Township Board shall then render a decision as to the extent to which extraction operations may continue or the operation shall be declared as abandoned. Upon a declaration of abandonment, the owner shall complete all provisions of the approved reclamation plan not otherwise completed to date, within six (6) months of such declaration, except upon a finding by the Township Board that there exists special or unique conditions that support a different time frame for completion.
3. Where an extraction operation has been declared abandoned, a new application and permit shall be necessary before additional extraction activities may occur.

**E. Existing Extraction Areas:** All extraction operations existing on the effective date of this Ordinance shall be subject to the regulations above with regard to future operations. For the purposes of this Section, future operations shall be interpreted to mean any extraction activities which are not permitted according to the originally issued permit for the extraction operation, including expansion into areas of the site not covered by a Township issued permit validly in place at the effective date of this Ordinance, and shall require special approval.

**F. Additional Materials to be Submitted:** In addition to the site plan submittal requirements of Article 14, each application shall be accompanied by plans, drawings, and information prepared by appropriate registered professionals depicting, at a minimum:

1. Location, size and legal description of the total site area to be extracted including a legend showing a north point, scale and date.
2. Location, width and grade of all easements or rights-of-way on or abutting the area subject to extraction.
3. A statement from the applicant identifying all federal, state and local permits required, if any.
4. Provisions for buffer zone, landscaping and screening.
5. A description of the proposed method of extraction, including:
  - a. The area and amount of material to be excavated in cubic yards.
  - b. Proposed side slopes and depths for all portions of the excavated area.
  - c. Proposed drainage system, settling ponds and retention ponds, as appropriate.
  - d. The time, duration, phasing and proposed work schedule of the total project.
  - e. The proposed location of any buildings, storage areas, stockpiling areas, and sorting or crushing equipment as appropriate.
  - f. Area from which extraction will take place in the first year of operation and likewise for each successive year to completion.
6. The proposed location of access points to the site and proposed haul routes for disposal of excavated material.
7. Proposed plans for fencing, and signs.
8. A detailed reclamation plan that shall address, at a minimum, the reclamation requirements of subsection (B).

### **Section 10.11 Foster Care Facility, Group Home**

**A. Compliance with Table 3-4:** See Table 3-4 for standards pertaining to minimum lot area, width, frontage, and yard setbacks, and maximum building height and lot coverage.

**B Additional Standards:**

1. An off-street drop-off area is to be provided with the capability to accommodate at least two (2) automobiles in addition to the parking required for employees.
2. The facility shall provide a loading/unloading area of adequate dimensions near a barrier-free entrance to the facility.
3. The property, including landscape and structural elements, shall be developed and maintained in a manner that is consistent with the general character of residential properties within the general area.
4. No approval shall be granted prior to the applicant's receipt of a license from the Michigan Office of Child and Adult Licensing.
5. See also Article 5, Signs; Article 6, Access Management and Private Roads; Article 7, Off-Street Parking and Loading; Article 8, Landscaping and Screening; Article 9, Environmental Standards; Article 20, Supplemental Provisions, and other Articles as applicable.

### **Section 10.12 Funeral Homes**

**A. Compliance with Table 3-4:** See Table 3-4 for standards pertaining to minimum lot area, width, frontage, and yard setbacks, and maximum building height and lot coverage.

**B Additional Standards:**

1. The lot shall have frontage on at least one (1) paved road classified by the Montcalm County Road Commission as a paved primary or secondary road according to PA 51 of 1951, and take its access from such road.
2. The site plan shall include the plan for accommodating the parking of vehicles and the facilitation of processions that will minimize traffic congestion and hazards along the abutting roads. No waiting line shall extend into a public road right-of-way.
3. See also Article 5, Signs; Article 6, Access Management and Private Roads; Article 7, Off-Street Parking and Loading; Article 8, Landscaping and Screening; Article 9, Environmental Standards; Article 20, Supplemental Provisions, and other Articles as applicable.

## **Section 10.13 Golf Courses, Country Clubs, and Driving Ranges**

**A. Compliance with Table 3-4:** See Table 3-4 for standards pertaining to minimum lot area, width, frontage, and yard setbacks, and maximum building height and lot coverage, except as follows:

1. Regulation length 18-hole golf courses shall have a minimum lot size of one-hundred twenty (120) acres. Eighteen-hole par-3 courses, and nine-hole courses with regulation length fairways, shall have a minimum lot size of eighty (80) acres.
2. All principal and accessory buildings, and parking areas, shall be not less than one hundred (100) feet from all lot lines.
3. Total lot area covered by principal and accessory buildings shall not exceed fifteen percent (15%).

**B Additional Standards:**

1. No temporary sanitary facility or trash receptacle shall be located within two hundred (200) feet of a lot line.
2. A golf driving range accessory to the principal use of the golf course is permitted provided the area devoted to this use shall maintain a seventy-five (75) foot front yard and a one hundred (100) foot side and rear yard setback. The area shall be buffered by natural vegetation and fencing to minimize the impact upon adjoining properties. In the consideration of golf driving ranges additional buffering conditions necessary to minimize possible safety threats may be imposed by the designated approving body.
3. Fairways and driving ranges shall have sufficient width and shall be oriented in such a manner and set back a sufficient distance to prevent golf balls from being hit outside the perimeter of the golf course. The minimum width for fairways shall be one hundred (100) feet, unless the golf course designer can demonstrate that, because of the location of trees, sand traps, berms, or other features, a narrower fairway will not compromise safety.
4. Accessory uses may include managerial facilities, maintenance sheds, restrooms, lockers, restaurants and drinking establishments, racket sports, swimming facilities, clubhouses, and other uses having a customary accessory relationship with a country club, provided all standards of this Ordinance are met and the approving body determines that such uses are clearly accessory and subordinate in character to the principal use of the parcel as an outdoor recreational facility.
5. Outdoor swimming pools and surrounding deck areas shall be located a minimum of one hundred (100) feet from all lot lines. Pool areas shall be enclosed by a six (6) foot fence that shall include controlled access gates for all means of entry.
6. A minimum fifty (50) foot buffer zone between turf areas and natural water bodies, watercourses or wetlands shall be maintained. The buffer zone may be selectively pruned or thinned, and weeds and dead plant material may be removed. However, the buffer shall consist of natural vegetation and shall not be chemically treated.
7. A hydrogeological study shall be completed and submitted to document the anticipated impact of the golf course on groundwater supply. This study shall inventory and analyze well logs from surrounding properties, giving consideration to the depth of the wells and quality of water. The study shall further estimate the quantity of water that will be used on a daily basis during the peak watering periods and shall evaluate the impact of watering operations on surrounding wells. The study shall be performed by an engineer or hydrologist licensed in the State of Michigan.
8. Detailed plans for hazardous materials storage shall be provided. Buildings in which hazardous materials are stored shall be designed to contain spills, shall not have floor drains that discharge into a septic system or other pathway to the groundwater, shall be lockable, and shall be kept locked. An inventory manifest of stored hazardous materials must be posted at the entrance of the storage building and filed with the Township. Plans for emergency containment and clean-up shall also be provided.
9. Water quality protective measures are required as follows:
  - a. Maintenance of erosion control barriers during construction.
  - b. To the extent practicable, runoff must be directed to on-site holding/sedimentation ponds with a water quality control structure installed at the outlet prior to water discharge.
  - c. At any time widespread or non-spot application of herbicide, insecticide, fungicide or rodenticide is to occur, notification signs must be posted at lot lines. The signs are to state the type and name of the chemical, date and time of application, and other appropriate information. All chemical applications must be by a Michigan Department of Agriculture Licensed Applicator.
  - d. Chemicals shall meet the requirements of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), the Environmental Protection Agency (EPA), and all appropriate state statutes and administrative directives.

10. See also Article 5, Signs; Article 6, Access Management and Private Roads; Article 7, Off-Street Parking and Loading; Article 8, Landscaping and Screening; Article 9, Environmental Standards; Article 20, Supplemental Provisions, and other Articles as applicable.

### **Section 10.14 Junkyards**

**A. Compliance with Table 3-4:** See Table 3-4 for standards pertaining to minimum lot area, width, frontage, and yard setbacks, and maximum building height and lot coverage, except as follows:

1. The minimum lot size shall be ten (10) acres.

**B Additional Standards:**

1. A solid fence or wall enclosure at least eight (8) feet in height, but no greater than ten (10) feet in height, shall be provided around all sides of the area used to store, dismantle, or otherwise work on junk. Such fence or wall shall be of sound construction, painted or otherwise finished neatly and inconspicuously. The enclosed area shall be set back at least fifty (50) feet from all lot lines, except that this setback shall be increased to two-hundred (200) feet where the yard abuts an Agricultural or Residential District.
2. No junkyard enclosure shall be erected within one thousand (1000) feet of a church, school, day care facility, hospital and other care facilities, public building, park, cemetery, dwelling, or Residential District.
3. All activities shall be confined to the enclosed area including storage or stockpiling of materials; disassembly of materials, parts, and vehicles; and the storage or parking of all equipment and operative and inoperative vehicles. There shall be no stocking of material above the height of the enclosure.
4. No open burning shall be permitted. All processes involving the use of equipment for cutting, compressing, or packaging shall be conducted within a completely enclosed building.
5. All roads, driveways, parking lots, and loading and unloading areas within any junk yard shall be paved, watered, or chemically treated so as to limit the nuisance caused by wind-borne dust.
6. The operation shall be licensed by the Michigan Secretary of State.
7. Any materials listed on the Michigan Critical Materials Register (gasoline and solvents) require secondary containment and a Pollution Incident Protection Plan filed with the Michigan Department of Environmental Quality.
8. No inoperable vehicle shall be maintained on the site for more than three (3) days except where all fluids and other hazardous materials in such vehicle, including but not limited to batteries, fuels, oils, and coolants, are fully drained. Such fluids shall be disposed of in accordance with all local, county, state and federal regulations. The leaking of such materials onto the ground is prohibited.
9. No junk yard shall be used for the dumping or disposal of household, commercial, or industrial garbage and trash.
10. All junk material shall be fully removed from the site prior to the termination of said use.
11. See also Article 5, Signs; Article 6, Access Management and Private Roads; Article 7, Off-Street Parking and Loading; Article 8, Landscaping and Screening; Article 9, Environmental Standards; Article 20, Supplemental Provisions, and other Articles as applicable.

### **Section 10.15 Kennels**

**A. Compliance with Table 3-4:** See Table 3-4 for standards pertaining to minimum lot area, width, frontage, and yard setbacks, and maximum building height and lot coverage, except as follows:

1. The lot shall be at least five (5) acres in size.
2. Buildings where animals are kept, runs, and exercise areas shall not be located nearer than one hundred feet (100) to any lot line in a Residential District or any adjacent building used by the general public. Runs and/or exercise areas, and buildings where the animals are maintained, shall be located in the rear yard only.

**B Additional Standards:**

1. The premises shall be kept in a clean and sanitary manner to prevent the accumulation of flies, the spread of disease or offensive odor. Dust and drainage from the kennel enclosure shall not create a nuisance or hazard to adjoining property or uses. The site plan application materials shall document the manner in which animal stalls are to be constructed and animal waste is to be disposed, and measures to be taken to protect against odors, fleas, and the spread of disease.
2. All animals must be licensed and maintained in a healthful and careful manner.
3. The kennel building used to house the animals shall be insulated in such a manner that animal noises are minimized.
4. Habitual barking or unusual noise from the kennel which results in a nuisance to neighboring land owners or residents is prohibited.

5. Outdoor runs, pens or exercise yards shall not be used between the hours of 10:00 p.m. and 7:00 a.m.
6. Animals shall be kept confined and not allowed to run at large on the property except as part of supervised training. The outside perimeter of the run and/or exercise area shall be enclosed by fencing of sufficient height to prohibit the escape of animals.
7. Kennels shall not be located in a subdivision plat or condominium subdivision.
8. See also Article 5, Signs; Article 6, Access Management and Private Roads; Article 7, Off-Street Parking and Loading; Article 8, Landscaping and Screening; Article 9, Environmental Standards; Article 20, Supplemental Provisions, and other Articles as applicable.

### **Section 10.16 Landscape Services**

**A. Compliance with Table 3-4:** See Table 3-4 for standards pertaining to minimum lot area, width, frontage, and yard setbacks, and maximum building height and lot coverage.

**B Additional Standards:**

1. The outdoor storage of landscape supplies shall not be located in a front yard nor encroach within one hundred (100) feet of a lot line. Such outdoor storage areas shall be fully screened by berms, fencing, and/or walls.
2. The handling and storage of road salt, fertilizers, pesticides, and other hazardous materials shall comply with all local, county and state rules and regulations.
3. No composting shall be undertaken except where expressly authorized as part of the zoning permit approval. Such composting area shall be clearly indicated on a site plan and shall be managed to prohibit odors beyond the lot lines.
4. The storage or burning of grass clippings, leaves, brush, or other organic material brought onto the lot from off-site locations is prohibited.
5. See also Article 5, Signs; Article 6, Access Management and Private Roads; Article 7, Off-Street Parking and Loading; Article 8, Landscaping and Screening; Article 9, Environmental Standards; Article 20, Supplemental Provisions, and other Articles as applicable.

### **Section 10.17 Mini Storage Facilities**

**A. Compliance with Table 3-4:** See Table 3-4 for standards pertaining to minimum lot area, width, frontage, and yard setbacks, and maximum building height and lot coverage, except as follows:

1. The minimum lot area shall be three (3) acres.

**B Additional Standards:**

1. The facility shall gain access from a paved road.
2. One (1) parking space shall be provided for each twenty (20) rental units within the buildings, and one (1) parking space shall be provided for each employee.
3. There shall be a minimum of thirty-five (35) feet (forty-five (45) feet if the driveway is two-way) between warehouses for driveway, parking, and fire lane purposes. Where no parking is provided within the building separation areas, said building separation need only be twenty five (25) feet. Traffic direction and parking shall be designated by signaling or painting.
4. No retail, wholesale, fabrication, manufacturing, or service activities may be conducted from the storage units.
5. Storage spaces shall not contain more than 400 square feet each.
6. All storage areas shall be enclosed with a minimum six (6) foot high fence.
7. All storage shall be within the enclosed building area unless specifically provided for otherwise as part of an approved site plan, as in the case of the storage of recreational vehicles. No outdoor storage shall occur within a front yard and within fifty (50) feet from a side and rear lot line.
8. No storage of hazardous, toxic, or explosive materials shall be permitted at the facility. Signs shall be posted at the facility describing such limitations.
9. The exterior of buildings shall be of finished quality and maintained so as not to be offensive to adjacent property or abutting streets.
10. See also Article 5, Signs; Article 6, Access Management and Private Roads; Article 7, Off-Street Parking and Loading; Article 8, Landscaping and Screening; Article 9, Environmental Standards; Article 20, Supplemental Provisions, and other Articles as applicable.

### **Section 10.18 Motels and Hotels**

**A. Compliance with Table 3-4:** See Table 3-4 for standards pertaining to minimum lot area, width, frontage, and yard setbacks, and maximum building height and lot coverage, except as follows:

1. The front yard setback in the C-2 District shall be seventy-five (75) feet.
2. Side and rear yard setbacks in the C-2 District shall be increased to seventy-five (75) feet where the yard abuts an Agricultural or Residential District.

**B Additional Standards:**

1. Each unit shall contain at least a furnished bedroom and bath and a minimum gross floor area of three hundred (300) square feet.
2. Motels and hotels shall provide customary motel services, such as maid service, linen service, and telephone and/or desk service.
3. A hotel or motel may include accessory services including meeting rooms and restaurants provided such uses are contained within the motel building, comply with the provisions of this Ordinance including adequate off-street parking in addition to the motel itself, and such uses are made part of the zoning permit application for which approval is granted.
4. See also Article 5, Signs; Article 6, Access Management and Private Roads; Article 7, Off-Street Parking and Loading; Article 8, Landscaping and Screening; Article 9, Environmental Standards; Article 20, Supplemental Provisions, and other Articles as applicable.

### **Section 10.19 Multiple Family Developments**

**A. Compliance with Table 3-4:** See Table 3-4 for standards pertaining to minimum lot area, width, frontage, and yard setbacks, and maximum building height and lot coverage, except as follows:

1. The minimum lot area shall be one (1) acre, and the minimum lot frontage and width shall be one hundred fifty (150) feet.
2. Maximum lot coverage shall not exceed thirty-five percent (35%).
3. Maximum building heights shall not exceed thirty-five (35) feet, except that any portion of a building in excess of one hundred (100) feet in length and within one hundred (100) feet of an A-1, R-1, or R-2 District shall not exceed twenty-five (25) feet in height.
4. Buildings shall comply with the following minimum setbacks:
  - a. Sixty (60) feet from an exterior property line along a road right-of-way.
  - b. Forty (40) feet from an exterior property line not otherwise comprising a road right-of-way line.
  - c. Twenty-five (25) from an interior road right-of-way.
  - d. Twenty-five (25) from the edge of a parking lot or access drive not otherwise comprising a road right-of-way.

**B Additional Standards:**

1. The minimum distance between any two buildings on the lot shall be equal to fifty (50) feet plus an additional five (5) feet for each story over one (1), except that the minimum distance between any two buildings on the lot that are generally arranged end-to-end shall be the height of the taller building but no less than twenty (20) feet.
2. There shall be provided easily accessible and usable open space in the development in an amount of ten percent (10%) or more of the site area or one hundred (100) square feet per dwelling unit, whichever is greater, but in no case shall less than ten thousand (10,000) square feet be provided. No single designated open space shall be less than 1,200 square feet in area and no open space area shall be fully enclosed by a building. Such open space shall be available for recreation and leisure.
3. All access drives shall have a minimum pavement width of thirteen (13) feet for one-way streets and twenty-four (24) feet for two-way streets.
4. In no case shall a residential building be more than one hundred fifty (150) feet from the parking lot from which it is served.
5. Accessory buildings, structures, and uses that are clearly customary and incidental to the functioning of the development are permitted, including business and administrative offices, laundry facilities and auxiliary storage for tenants, and community buildings.
6. The minimum floor area for multiple family dwelling units shall be as follows:
  - a. Efficiencies: 400 sq. ft. of heated living area.
  - b. One bedroom units: 750 sq. ft. of heated living area.
  - c. Two bedroom units: 850 sq. ft. of heated living area.
  - d. Three bedroom units: 950 sq. ft. of heated living area.
  - e. Four or more bedroom units: 1,050 sq. ft. of heated living area, plus 100 sq. ft. of heated living area for each additional bedroom in excess of the fourth bedroom.

7. See also Article 5, Signs; Article 6, Access Management and Private Roads; Article 7, Off-Street Parking and Loading; Article 8, Landscaping and Screening; Article 9, Environmental Standards; Article 20, Supplemental Provisions, and other Articles as applicable.

### **Section 10.20 Open Air Businesses (Sales of Vehicles, Landscape Supplies, Outdoor Furniture, and Similar Outdoor Sales)**

**A. Compliance with Table 3-4:** See Table 3-4 for standards pertaining to minimum lot area, width, frontage, and yard setbacks, and maximum building height and lot coverage.

**B Additional Standards:**

1. All outdoor sales, storage or display areas shall include a building of a minimum two hundred (200) square feet in area, which functions in association with the business.
2. All outdoor sales, storage and display areas shall comply with the minimum setback standards for the building on the premises, and shall be screened on all sides except the side facing the principal road from which access to the property is gained. The bulk storage of lumber, bagged material such as sand and mulch, shall not occur within a front yard.
4. The outdoor storage or display of any soil, fertilizer, sand, or similar exposed or packaged materials shall be sufficiently contained to prevent any adverse affect on water bodies, wetlands, drainage ways and adjacent properties.
5. Outdoor broadcasting of voice or music shall be prohibited.
6. In the case of vehicle sales, the following additional provisions shall apply:
  - a. All repair, assembly, disassembly or maintenance of vehicles shall occur within a closed building except minor maintenance including tire, oil and wiper replacement.
  - b. All vehicle display and storage areas shall be asphalt or concrete paved except where the approving body determines such paving is not necessary in specific locations due to the prohibition of public access to such areas, the limited use of such areas on a day-to-day basis, or other reasons the approving body finds applicable.
  - c. No vehicles which are unlicensed shall be stored on the premises except those available for sale. No vehicles that are inoperative shall be on the premises except those under active repair.
  - d. Any lot devoted to the sale of vehicles shall have frontage on at least one (1) paved road classified by the Montcalm County Road Commission as a primary road according to PA 51 of 1951.
7. See also Article 5, Signs; Article 6, Access Management and Private Roads; Article 7, Off-Street Parking and Loading; Article 8, Landscaping and Screening; Article 9, Environmental Standards; Article 20, Supplemental Provisions, and other Articles as applicable.

### **Section 10.21 Open Space Preservation Communities**

**A. Additional Application Materials:** In addition to the information requirements of Article 14, each application for an OSPD shall include the following:

1. **Unified Control:** The applicant shall provide sufficient documentation of ownership or control in the form of agreements, contracts, covenants, and/or deed restrictions, that indicate there is a single person or entity having proprietary responsibility for the full completion of the project and that the development will be completed in its entirety as proposed.
2. **Conventional Plan:** Prior to or at the time the applicant submits a preliminary site plan for an OSPD, the applicant shall submit a conventional plan which shall illustrate a practical and reasonable manner for developing the project parcel according to the typical lot area and lot width standards of the District in which it is located. This plan shall identify the total number of lots and dwellings reasonably attainable. The number of lots and dwellings determined by the Township Board to be reasonably attainable by conventional design shall be the maximum number of lots and dwellings permitted for the OSPD.
  - a. The conventional plan need not be an engineered set of construction drawings, but shall be of such detail and clarity to demonstrate conformity with all state, county and Township regulations including, but not limited to, potable water and sewage disposal, storm water management including necessary detention and retention ponds, and road design. The conventional plan shall demonstrate the feasibility of the proposed plan both in regard to its construction and its impact upon sensitive environmental resources including wetlands and drainage courses and, in doing so, shall include the following: natural features such as wetlands, woodlands, flood plains, streams, rivers, county drains, lakes, ponds, and topography (at two-foot intervals), and man-made features such as existing roads, structures, utilities, easements, and adjacent land use conditions. A conventional plan shall not be considered if it does not provide the necessary level of detail or information to assess such conventional plan for the purposes of this subsection.

3. Open Space Protection Restrictions: At the time the applicant submits a preliminary site plan for an OSPD, the applicant shall also submit draft conservation easement or deed restrictions that ensure the permanent protection of designated open space according to subsection (B)(4) below.

**B. Compliance with Table 3-4:** See Table 3-4 for standards pertaining to minimum lot area, width, frontage, and yard setbacks, and maximum building height and lot coverage, except as follows:

1. Minimum Lot Area: The minimum lot area shall be the minimum necessary to comply with all applicable standards and permit requirements of the Montcalm County Public Health Department, but in no case shall the minimum lot area be less than thirty percent (30%) of the district's normally minimum required lot area and less than that necessary to comply with setback requirements.
2. Minimum Lot Width: The minimum lot width shall be equal to one-quarter (1/4) of the depth of the lot, except that in no case shall a lot be less than sixty-six (66) feet in width nor have less than sixty-six (66) feet of frontage. In addition, in no case shall a lot along an existing public road, versus a newly constructed road to serve the OSPD, have a width less than that which is normally required by the District in which it is to be located.
3. Setbacks: The minimum front yard setback for lots that gain access from an internal road within the OSPC may be reduced to twenty-five (25) feet.

**C. Additional Standards**

1. Number of Lots and Dwelling Units: An application shall be permitted the same number of lots and dwelling units as approved on the Conventional Plan according to (A) above provided all other standards of this Ordinance are met.
2. Open Space:
  - a. A minimum of fifty percent (50%) of the parcel shall remain perpetually in an undeveloped state by means of a conservation easement, plat dedication, restrictive covenant, or other legal means that runs with the land. For the purposes of this Section, the following terms and phrases shall have the following meanings:
    - 1) "Conservation easement" means that term as defined in section 2140 of The Natural Resources and Environmental Protection Act, 1994 PA 451, as amended.
    - 2) "Undeveloped state" means a natural state preserving natural resources, natural features, or scenic or wooded conditions; agricultural use; open space; or a similar use or condition. Land in an undeveloped state does not include a golf course but may include a recreational trail, picnic area, children's play area, greenway, or linear park. Land in an undeveloped state may be, but is not required to be, dedicated to the use of the public.
    - 3) "Greenway" means a contiguous or linear open space, including habitats, wildlife corridors, and trails, that link parks, nature reserves, cultural features, or historic sites with each other, for recreation and conservation purposes.
  - b. The dedicated open space shall forever remain open space, subject only to uses designated on the approved site plan and in compliance with the above definition for "undeveloped state". Further subdivision of open space land or its use for other than preservation in an undeveloped state shall be prohibited. The applicant shall guarantee to the satisfaction of the Township Board that all open space portions of the development will be maintained in perpetuity and in the manner approved. The open space conveyance shall require that there shall be no clearing, grading or construction in such open space except as may be specifically delineated on the Township-approved site plan. The conveyance shall bind all successors and future owners in fee title to commitments made as a part of the proposal.
  - c. Dedicated open space may include flood plain areas, but dedicated open space established to meet minimum open space requirements shall not include required yard setback areas, roads and road rights-of-way, public rights-of-way, and year round submerged lands including year round submerged wetlands (as defined by the Michigan Department of Environmental Quality).
3. Utilities: The Project shall provide for underground installation of all utilities where feasible, and public water and sanitary sewer service shall be provided to the project if such service is available.
4. Access and Circulation:
  - a. Access: The nearest edge of any entrance or exit drive for the project shall be located no closer than two hundred (200) feet from any existing street or road intersection (as measured from the nearest intersection right-of-way line).
  - b. Pedestrian Circulation: A pedestrian circulation system may be required along one side of, or all of, any internal roads of the development where deemed necessary for public safety and welfare.

5. **Natural Features:** The development shall be designed to the greatest extent reasonably practical to promote the preservation of natural features such as mature woodlands, steep slopes, wetlands, floodplains, stream corridors, and special plant and animal habitats.
6. **Timing of Phases:** Each phase of the project shall be commenced within twelve (12) months of the schedule set forth on the approved final site plan. If construction of any phase is not commenced within the approved time period, an extension may be granted following review of a formal request for extension by the owner and approval of same by the Township Board. Such approval may be withheld only where harm to adjacent lands or uses would occur, there have been significant changed conditions in the area that would not support continued approval, or in the case of fraud or violation of the terms of the original approval.
7. See also Article 5, Signs; Article 6, Access Management and Private Roads; Article 7, Off-Street Parking and Loading; Article 8, Landscaping and Screening; Article 9, Environmental Standards; Article 20, Supplemental Provisions, and other Articles as applicable.

**D. Permit Issuance:** Upon final approval of an application for a OSPD by the Township Board after receiving a recommendation from the Planning Commission, the Zoning Administrator shall withhold the issuance of a Zoning Permit until the applicant has recorded an affidavit with the County Register of Deeds containing the full legal description of the project site, specifying the date of final Township approval, and declaring that all improvements shall be carried out in accordance with the approval unless a change is approved by the Township pursuant to the Belvidere Township Zoning Ordinance, and shall file with the Register of Deeds all approved deed restrictions and easements including those associated with the protection of the project's designated open space areas. Copies of recorded documents shall be presented to the Township Clerk. Upon receipt of the recorded documents and a determination that such documents are satisfactory, the Township Clerk shall direct the Zoning Administrator to issue a Zoning Permit for the OSPD project.

1. Approval of an OSPD and issuance of a Zoning Permit for the same shall not be interpreted as serving as simultaneous approval of dwellings or other structures in the development. Each lot within an OSPD shall be subject to a Zoning Permit for improvements to such lot, including the submittal of a plot plan according to Section 2.4.

## **Section 10.22 Private Landing Strips**

**A. Compliance with Table 3-4:** See Table 3-4 for standards pertaining to minimum lot area, width, frontage, and yard setbacks, and maximum building height and lot coverage, except as follows:

1. Minimum lot area shall be ten (10) acres.
2. Hangers and maintenance buildings shall be located a minimum of seventy-five (75) feet from lot lines.

### **B Additional Standards:**

1. Runways shall be a minimum of one thousand two hundred (1,200) feet in length, shall be free of obstructions for a distance of fifty (50) to both sides of the runway as measured from the centerline of the runway, and shall have a clear approach in each direction of 10:1 (horizontal to vertical) for a distance of 10,000 feet except where the applicant can demonstrate that the intended type of aircraft to be used has standard operational characteristics that make such standards excessive such as in the case of "ultra light" aircraft.
2. Runways shall be located a minimum of one-hundred (100) feet from lot lines.
3. Approval of landing strips shall not be made prior to the receipt of the Federal Aviation Authority's review of the proposed landing strip.
4. See also Article 5, Signs; Article 6, Access Management and Private Roads; Article 7, Off-Street Parking and Loading; Article 8, Landscaping and Screening; Article 9, Environmental Standards; Article 20, Supplemental Provisions, and other Articles as applicable.

**Section 10.23 Sexually Oriented Businesses**

**A. Definitions:** For the purposes of this Section, the following terms, phrases and definitions shall apply:

1. **Adult Bookstore:** A commercial establishment that, as a principal business purpose, offers for sale or rental or for any form of consideration any one or more of the items set forth in subsection (a) or (b):
  - a. Books, magazines, periodicals or other printed matter or photographs, films, motion picture video or other video reproductions, slides, or other visual representations or media, that depict or describe specified anatomical areas or specified sexual activity.
  - b. Instruments, devices, or paraphernalia that are designed for use in connection with specified sexual activities.

The sale of such materials shall be deemed to constitute a “principal business purpose” of an establishment if it comprises fifteen percent (15%) or more of sales volume or occupies fifteen percent (15%) or more of the display area, or visible inventory, within the establishment.
2. **Adult Live Entertainment Center:** A nightclub, bar, restaurant, or similar commercial establishment that features one (1) or more of the following:
  - a. Persons who appear in the state of nudity.
  - b. Live performances that are characterized by the exposure of specified anatomical areas or by specified sexual activities.
  - c. Films, motion pictures, video reproductions, slides, and other photographic reproductions or visual media that are characterized by the depiction or description of specified sexual activities or specified anatomical areas.
3. **Adult Motel:** A hotel or motel or similar commercial establishment that provides or permits one (1) or more of the following:
  - a. Accommodations to the public for any form of consideration and provides patrons with closed-circuit television (as distinguished from commercial cable services) transmissions, films, motion pictures, videos, slides, or other photographic reproductions or visual media that are characterized by the depiction or description of specified sexual activities or specified anatomical areas.
  - b. Sleeping rooms for rent for a period of time that is less than twelve (12) hours.
  - c. The sub-renting of a sleeping room for a period of time that is less than twelve (12) hours by the tenant or occupant of the room.
4. **Adult Motion Picture Theater:** A commercial establishment that shows films, motion pictures, videos, slides, or other photographic reproductions or visual media, that depicts or describes specified anatomical areas or specified sexual activities, including commercial establishments that offer individual viewing booths. This phrase shall not apply to a motel or hotel, as defined in this Ordinance, which offers for a fee the viewing of movies within a customer’s room including movies that depict specified anatomical areas or specified sexual activity.
5. **Adult Smoking or Sexual Paraphernalia Store:** An establishment having, as part of its stock in trade, paraphernalia designed or usable for sexual stimulation or arousal or for smoking, ingesting, or inhaling marijuana, narcotics, or other stimulating or hallucinogenic drug-related substances.
6. **Adult Theater:** A theater, concert hall auditorium, or similar commercial establishment that features a person or persons who appear in a state of nudity or live performances that are characterized by exposure of specified anatomical areas or specified sexual activities.
7. **Escort:** A person who, for any form of consideration and regardless of who pays that consideration, agrees to act or offers to act as a companion or date for another person, or who agrees or offers to privately model lingerie or to privately perform a strip tease for another person.
8. **Escort Agency:** A person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip or other consideration.
9. **Manager’s Station:** Designated area from which a premises is managed or supervised.
10. **Massage Parlor:** Any establishment having a fixed place of business where massages are administered for a fee or other consideration including but not limited to massage parlors, sauna baths, and steam baths. This definition shall not be construed to include a hospital, nursing homes, medical clinic, or the office of a physician, surgeon, chiropractor, osteopath, or physical therapist duly licensed by the State of Michigan, nor barber shops or beauty salons in which massages are administered only to the scalp, face, neck, or shoulders. This definition shall not be construed to include a nonprofit organization operating a community center, swimming pool, tennis court, or other educational, cultural, recreational, and athletic facilities for the welfare of the residents of the area, nor practices of massage therapists who meet two (2) or more of the following criteria:
  - a. Proof of graduation from a school of massage licensed by the State of Michigan.

- b. Official transcripts verifying completion of at least three hundred (300) hours of massage training from an American community college or university; plus three (3) references from professional massage therapists who are members of a massage association referred to in this section.
  - c. Certificate of professional membership in the American Massage Therapy Association, International Myomassethics Federation, or other recognized massage association with equivalent professional membership standards.
  - d. A current occupational license from another state.
11. Nude Model Studio: Any place where a person who displays specified anatomical areas is provided to be observed, sketched, drawn, painted, sculpted, photographed, or similarly depicted by other persons who pay money or any form of consideration, but does not include the following:
- a. An educational institution funded, chartered, or recognized by the State of Michigan.
  - b. Any modeling session for a local, nonprofit organization that is not open to the public or to any persons other than members of the organization, that is for the purpose of instruction in the artistic depiction in two (2) dimensional or three (3) dimensional media of the human form, during which no specified sexual activities occur and during which the model remains in a fixed pose.
12. Open Dance Hall: An establishment where open dancing by patrons is available during at least four (4) days per week with or without partners furnished by the establishment.
13. Public Nudity or State of Nudity: Knowingly or intentionally displaying in a public place, or in any other place for payment or promise of payment by any person, including, but not limited to payment or promise of payment of an admission fee, any individual's genitals or anus with less than a fully opaque covering, or a female individual's breast with less than a fully opaque covering of the nipple and areola. Public nudity does not include any of the following:
- a. A woman's breast feeding of an infant irrespective of whether the nipple is covered during or incidental to the feeding.
  - b. Any display of any part of the anatomy occurring as part of the regular curriculum of an educational institution that is funded, chartered, or recognized by the State of Michigan.
14. Sexual Encounter Center: A business or commercial enterprise, except that which is part of the practice of and under the supervision and control of a physician, psychologist or psychiatrist licensed to practice in Michigan, that, as one of its principal business purposes, offers for any form of consideration one (1) or more of the following:
- a. Physical contact in the form of wrestling or tumbling between persons of the opposite sex.
  - b. Activities between male and female and/or persons of the same sex when one (1) or more of the persons is in a state of nudity.
15. Sexually Oriented Business: A business or commercial enterprise engaging in or consisting of an adult bookstore, adult live entertainment center, adult motel, adult motion picture theater, adult smoking or sexual paraphernalia store, adult theater, escort, escort agency, massage parlor, nude model studio, open dance hall, or sexual encounter center.
16. Specified Anatomical Areas: Any of the following:
- a. Less than completely and opaquely covered human genitals, pubic region, buttocks, anus, or female breast at or below the top of the areola.
  - b. Human male genitals in a discernibly turgid state even if completely and opaquely covered.
17. Specified Sexual Activities: Any of the following:
- a. The fondling or any other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts.
  - b. Sex acts, actual or simulated, including intercourse, oral copulation or sodomy;
  - c. Masturbation, actual or simulated.
  - d. Human genitals in a state of sexual stimulation or arousal.
  - e. Excretory functions as part of or in connection with any of the activities set forth in (a), (b), (c) or (d) above.

**B. Compliance with Table 3-4:** See Table 3-4 for standards pertaining to minimum lot area, width, frontage, and yard setbacks, and maximum building height and lot coverage.

**C. Additional Standards:**

1. No exterior portion of the sexually oriented business, including signage, shall have any words, lettering, photographs, silhouettes, drawings, or pictorial representations of specified anatomical areas or specified sexual activities.
2. Separation Requirements
  - a. No sexually oriented business shall be located within seven hundred fifty (750) feet of any of the following:
    - 1) A church, synagogue or regular place of worship.
    - 2) A public or private elementary or secondary school.
    - 3) A Residential District.
    - 4) Any dwelling irrespective of the District.
    - 5) A public park.
    - 6) A licensed day-care center or preschool.
    - 7) Another sexually oriented business.
  - b. For the purposes of subsection (2)(a) above, measurement shall be made as a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as part of the premises where a sexually oriented business is conducted to the nearest property line of the premises of a public park, church, synagogue, regular place of worship, public or private elementary or secondary school or preschool, or licensed day care center, or to the nearest boundary of a Residential District or dwelling. However, the distance between any two (2) sexually oriented business uses shall be made from the closest exterior wall of the structure in which each business is located and in no case shall a sexually oriented business be located in the same building, structure, or portion thereof, containing another sexually oriented business.
  - c. A sexually oriented business lawfully operating as a conforming use shall not be rendered a non-conforming use by the subsequent location of a use within the separation requirements of subsection (2)(a) and (b) above.
3. Signs of a minimum 24" by 36" size shall be posted on both the exterior and interior walls of the entrances of the business, in a location that is clearly visible to those entering and exiting the business. In addition, such signs shall be posted in at least two (2) conspicuous places, easily viewed by persons occupying the premises. Such signs shall have lettering that is at least two (2) inches in height, with the following printed statements:
  - a. Persons under the age of eighteen (18) years are not permitted to enter the premises.
  - b. No alcoholic beverages of any type are permitted within the premises unless specifically allowed pursuant to a license duly issued by the Michigan Liquor Control Commission.
4. No merchandise or activities of the establishment shall be visible from any point outside the establishment.
5. The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access, at an illumination of not less than one (1) foot candle measured at floor level.
6. The interior of the premises shall be configured in such a manner that there is an unobstructed view from the manager's stations of every area of the premises to which any patron is permitted access for any purpose excluding rest rooms. Said unobstructed view from manager's stations shall remain unobstructed by any doors, walls, merchandise or display racks, or other materials at all times. No patron shall be permitted to access any area of the premises which has been designated on the approved site plan as an area in which patrons shall not be permitted.
7. At least one (1) employee shall be on duty and situated in a manager's station at all times that any patron is present inside the premises.
8. Rest rooms shall not contain any video reproduction equipment.
9. Operational hours shall not exceed 9:00 a.m. – 1:00 p.m.
10. A sexually oriented business that offers live entertainment shall provide all of the following:
  - a. A dressing room for performers with direct access between said dressing area and the performance area or stage, so that the performer may enter the performance area without entering the area from which patrons view the performance. The dressing area for performers shall be separate and not freely accessible from areas of the business accessible to patrons, and such dressing area shall contain hot and cold running water and toilet facilities.
  - b. All performances shall occur on a stage elevated at least eighteen inches (18") above the immediate floor level and removed at least six feet (6') from the nearest employee or patron.

11. See also Article 5, Signs; Article 6, Access Management and Private Roads; Article 7, Off-Street Parking and Loading; Article 8, Landscaping and Screening; Article 9, Environmental Standards; Article 20, Supplemental Provisions, and other Articles as applicable.

**D. Additional Application Requirements:** In addition to complying with the submittal requirements of Article 14, Site Plan Review, and Article 15, Special Land Uses, application for a sexually oriented business shall include the following additional information:

1. A diagram of the premises specifying the location of manager's stations. A manager's station shall not exceed thirty-six (36) square feet of floor area.
2. The location of all overhead lighting fixtures and illumination levels (in foot candles) at floor level throughout the premises.
3. Any portion of the premises in which patrons are not permitted.

**E. Clarification of Purpose:** There is convincing documented evidence that sexually oriented businesses, because of their very nature, can facilitate and support undesirable and detrimental patterns of activity in their vicinity. These impacts are incompatible with activities and uses in residential areas, near educational, recreational, and religious facilities, and among local businesses and their immediate neighborhood. Such impacts can be exacerbated when such businesses locate in close proximity to each other or near establishments serving alcoholic beverages. Impacts contribute to blight and downgrading the quality of life in the adjacent area. The Township desires to prevent adverse affects and thereby protect the health, safety, and welfare of the citizenry, preserve the property values and character of surrounding neighborhoods and deter the spread of blight. It is not the intent of this Ordinance, including this Section, to suppress any activity protected by the First Amendment of the United States Constitution or the Michigan Constitution, but to enact content neutral provisions that address the adverse effects of sexually oriented businesses. It is the purpose of this Section to regulate sexually oriented businesses and related activities to promote the health, safety, and general welfare of the Township. It is not the intent of this Section to condone or legitimize the distribution of sexually oriented materials.

#### **Section 10.24 Shooting Ranges**

**A. Compliance with Table 3-4:** See Table 3-4 for standards pertaining to minimum lot area, width, frontage, and yard setbacks, and maximum building height and lot coverage, except as follows:

1. Minimum lot area shall be forty (40) acres for outdoor firearm shooting activities and shall be ten (10) acres for outdoor archery-only shooting activities.

**B Additional Standards:**

1. Minimum front, side and rear yard setbacks for outdoor shooting stations shall be two hundred fifty (250) feet.
2. An outdoor shooting range shall be fenced around its boundaries with a fence at least five (5) feet high, to clearly identify the boundaries of the shooting range. The range shall be clearly posted with warning signs around its perimeter. All vehicular access shall be controlled by locked gates.
3. A site plan for the range, whether indoor or outdoor, shall be submitted clearly indicating all safety provisions to prohibit any projectile discharged within the confines of a shooting range from exiting the range.
4. The Township may submit a copy of the site plan to law enforcement agencies for review and comment.
5. All indoor and outdoor activities, including the shooting of projectiles and storage of projectiles, shall comply with the most current published standards and guidelines of nationally recognized associations such as the National Rifle Association and National Field Archery Association.
6. Hours of outdoor operation shall be between sunrise and sundown, according to such times as published by the National Weather Service, unless expressly authorized otherwise by the approving body.
7. See also Article 5, Signs; Article 6, Access Management and Private Roads; Article 7, Off-Street Parking and Loading; Article 8, Landscaping and Screening; Article 9, Environmental Standards; Article 20, Supplemental Provisions, and other Articles as applicable.

### **Section 10.25 Vehicle / Car Wash Establishment**

**A. Compliance with Table 3-4:** See Table 3-4 for standards pertaining to minimum lot area, width, frontage, and yard setbacks, and maximum building height and lot coverage.

**B Additional Standards:**

1. The facility shall have frontage on and gain direct access to a paved road.
2. All washing activities shall be carried on within an enclosed building or under a covered structure with side walls separating individual washing bays.
3. Vacuuming activities shall be set back a minimum of one hundred (100) feet from property used for residential purposes.
4. Maneuvering lanes and stacking lanes shall be located on the site and shall provide sufficient room to avoid waiting cars encroaching into a road right-of-way.
5. Each bay shall be graded and drained to collect run-off originating in the bay.
6. Trash containers shall be provided and emptied as necessary to prohibit litter.
7. See also Article 5, Signs; Article 6, Access Management and Private Roads; Article 7, Off-Street Parking and Loading; Article 8, Landscaping and Screening; Article 9, Environmental Standards; Article 20, Supplemental Provisions, and other Articles as applicable.

### **Section 10.26 Vehicle Repair Shops, Service Stations, and Towing Services**

**A. Compliance with Table 3-4:** See Table 3-4 for standards pertaining to minimum lot area, width, frontage, and yard setbacks, and maximum building height and lot coverage, except as follows:

1. In the case of a service station, the lot shall be a minimum of three hundred (300) feet from any residential well, eight hundred (800) feet from a non-community public water well and two thousand (2,000) feet from any public water well.
2. In the case of a service station or vehicle repair shop, all buildings and accessory structures, including fuel pumps, shall be located not less than fifty (50) feet from any lot line or within seventy-five (75) feet from the road right-of-way.

**B Additional Standards:**

1. The lot shall have frontage on at least one (1) paved road classified by the Montcalm County Road Commission as a primary or secondary road according to PA 51 of 1951, and take its access from such road.
2. Fuel pumps and pump canopies shall comply with the minimum setback requirements for the principal building according to Table 3-4.
3. Hydraulic hoists, service pits, lubricating, greasing, washing, and repair equipment and operations shall be located within a completely enclosed structure.
4. Vehicles rendered inoperative for any reason, and vehicles without current license plates and registration, shall not be maintained on the property for more than thirty (30) days. Such vehicles shall be parked or stored in a side or rear yard only, shall be screened, and shall be setback the minimum distance required for principal buildings in the District.
5. Vehicle renting or leasing is permitted only as an accessory use to the principal repair activities, and only upon approval of a site plan delineating such rental/lease area and the type and maximum number of vehicles to be stored on the site for such purpose.
6. All lighting mounted to the underside of a pump canopy shall be fully recessed.
7. The entire area used for vehicle service shall be hard-surfaced and adequately drained.
8. The application materials shall identify the extent, quantities, and types of explosive, flammable, or otherwise hazardous materials that may be used, and the measures to be used for proper handling, storage, and disposal of such materials.
9. See also Article 5, Signs; Article 6, Access Management and Private Roads; Article 7, Off-Street Parking and Loading; Article 8, Landscaping and Screening; Article 9, Environmental Standards; Article 20, Supplemental Provisions, and other Articles as applicable.

### **Section 10.27 Veterinary Clinics**

**A. Compliance with Table 3-4:** See Table 3-4 for standards pertaining to minimum lot area, width, frontage, and yard setbacks, and maximum building height and lot coverage, except as follows:

1. Buildings where animals are kept, dogruns, paddocks, and/or exercise areas shall not be located nearer than one hundred feet (100) to any adjacent lot line in a Residential District, or to any adjacent building used by the general public.

**B. Additional Standards:**

1. There boarding of animals shall be limited to only those receiving care that requires overnight boarding unless otherwise approved as part of an application for a kennel.
2. No dogs shall be permitted in open run areas between the hours of 10:00 p.m. and 7:00 a.m.
3. An adequate, enclosed method of refuse storage and disposal shall be maintained so that no public nuisance shall be created at any time.
4. See also Article 5, Signs; Article 6, Access Management and Private Roads; Article 7, Off-Street Parking and Loading; Article 8, Landscaping and Screening; Article 9, Environmental Standards; Article 20, Supplemental Provisions, and other Articles as applicable.

### **Section 10.28 Wind Energy Conversion Facility, Commercial**

**A. Compliance with Table 3-4:** See Table 3-4 for standards pertaining to minimum lot area, width, frontage, and yard setbacks, and maximum building height and lot coverage, except as follows:

1. The minimum lot area shall be as necessary to meet required setbacks and any other standards of this Ordinance, but in no case shall the lot be less than ten (10) acres.
2. The permitted maximum total wind turbine height shall be 350 feet. The permitted maximum total test tower height shall be 300 feet. All heights shall comply with the requirements of the Federal Aviation Authority and county, state and federal regulations including the Michigan Tall Structures Act and Airport Zoning Act. As a condition of approval of a commercial WECF, the Township may require a lesser height for a wind turbine if reasonably necessary to comply with the general special land use approval standards of Section 5.6.
3. No part of a commercial WECF or test tower (including guy wire anchors associated with a test tower) shall be located within or above any required front, side or rear yard setback according to Table 3-4. In addition, such turbine shall be set back a minimum distance from all property lines and above-ground public electrical and communication lines a distance equal to the wind turbine height, but in no case shall a wind turbine be located within five-hundred (500) feet of an existing residence. No wind turbine shall be located closer to another wind turbine than the minimum separation distance recommended by the manufacturer or the wind energy industry as may be published from time to time.

**B. Additional Standards:**

1. No rotor/blade shall approach closer than twenty (20) feet to the ground surface below and seventy-five (75) feet to any structure or tree on the same parcel.
2. Safety Measures:
  - a. All access doors to turbine towers and electrical equipment shall be lockable, and no climbing device shall be made part of a wind turbine except within the interior of the tower from such lockable door or where not located within twelve (12) feet of the ground when placed on the exterior of the tower.
  - b. A tower capable of being climbed shall be enclosed by a locked, protective fence at least ten (10) feet high with barbed wire fence.
  - c. All electrical equipment shall include applicable warning signs.
  - d. All electrical wiring shall comply with all applicable safety and stray voltage standards including any connections to an off-site electrical network.
  - e. All electrical distribution lines from the WECF to an off-site electrical network shall be located and maintained underground on the property where the WECF will be located.
  - f. A WECF shall include a system to prevent uncontrolled rotation at excess wind speeds unless the manufacturer certifies that such a system is not necessary.
3. A test tower shall be temporary and removed within twenty-four months of erection.
4. A WECF shall be sited in such a manner to minimize shadow flicker from the blades on any road or on any building on an adjacent property existing at the time the application is considered. The approving body may require the applicant to submit a shadow report illustrating or otherwise delineating the projected shadow pattern of the WECF on June 21 and December 21, specific to the Belvidere Township area, including the source and basis for such projections.

5. All WECFs and test towers shall comply with the electrical and building codes of the Township and all other regulations and requirements of county, state and federal agencies including those of the Federal Aviation Authority, the Michigan Public Service Commission, National Electric Safety Code, and any other agency of the state or federal government with the authority to regulate wind turbine generators or other tall structures in effect at the time the permit is approved. A WECF shall meet the manufacturer's specifications for erection and anchoring the wind turbine including foundation specifications, and shall exceed such specifications where local, state or federal regulations require so.
6. No WECF shall produce noise levels that exceed fifty-five (55) decibels on the dB(A) scale, measured along the property lines of the parcel on which the WECF is located. This sound pressure level shall not be exceeded for more than three (3) minutes in any hour of the day. If the ambient sound pressure level exceeds 55 d(B)(A), the standard shall be the ambient dB(A) plus 5 dB(A). Within sixty (60) days of the operation of a commercial WECF, the applicant shall submit sound pressure level measurements recorded by a third party who is a qualified professional, according to the procedures in the most current version of American National Standardization Institute S12.18. All sound pressure levels shall be measured with a sound meter that meets or exceeds the most current version of American National Standardization Institute S1.4 specifications for a Type II sound meter.
7. Appearance:
  - a. Wind turbines shall be mounted on tubular towers and shall be of such color and finish to minimize visual intrusion and improve compatibility with surrounding conditions, subject to any applicable standards of the Federal Aviation Authority. Any additional buildings or structures shall, to the extent reasonably practical, use materials, colors, textures, screening and landscaping to enhance the compatibility of the facility with surrounding conditions.
  - b. No WECFs shall be artificially lighted, except to the extent required by the Federal Aviation Authority or other applicable authority, or otherwise necessary for the reasonable safety and security thereof. Strobe lights, as may be required by the Federal Aviation Authority, shall be shielded from the ground.
  - c. No wind turbines shall be used for displaying any advertising except that each wind turbine shall have one (1) or more signs of no greater than four (4) square feet each that shall provide operational information including, but not necessarily limited to, a warning of high voltage and a specification of the manufacturer's name, company/utility operator, and emergency number(s).
8. No commercial WECF shall be installed in any location where its proximity to existing fixed broadcast, retransmission, or reception antennae for radio, television, or wireless phone or other personal communication systems would produce electromagnetic interference with signal transmission or reception unless the applicant provides a replacement signal to the affected party that will restore reception to at least the level present before operation of the WECF. No commercial WECF shall be installed in any location within the line of sight of an existing microwave communications link where operation of the WECF is likely to produce electromagnetic interference in the link's operation unless the interference is insignificant.
9. Under no circumstances shall any WECF or test tower produce vibrations or wind currents humanly perceptible beyond the property boundaries of the parcel on which the WECF or test tower is located.
10. Any WECF or test tower that is not used for one (1) year or longer shall be deemed to be abandoned and shall be promptly dismantled and removed from the property. All above and below ground materials shall be removed. The ground shall be restored to its original condition within ninety (90) days of abandonment.
11. See also Article 5, Signs; Article 6, Access Management and Private Roads; Article 7, Off-Street Parking and Loading; Article 8, Landscaping and Screening; Article 9, Environmental Standards; Article 20, Supplemental Provisions, and other Articles as applicable.

**C. Special Authorization and Approval Procedures for Commercial WECF:** An application for a commercial WECF shall be accompanied by all information normally required for a special land use including a site plan according to Article 4, and including the identification of the proposed location of wind turbines, underground and overhead wiring including wiring depths, substations and accessory structures; the location and height of all proposed buildings, structures, electrical lines, towers, guy wires, guy wire anchors, security fencing, and other above-ground features associated with the WECF; and engineering data concerning construction of the turbine towers and bases. In addition to the submittal requirements of Article 4, the following supplemental information shall be provided. Where the application is for a wind energy conversion test facility only, the designated approving body may waive any of the submittal requirements where it determines such information is not necessary in evaluating the application solely for testing purposes based on the character of the site, surrounding conditions, and the nature of the test tower.

1. Locations and height of all adjacent buildings, structures, and above-ground utilities located within 300

- feet of the exterior boundaries of the parcel where the proposed commercial WECF and/or test tower will be located. Specific distances to other on-site buildings, structures, and utilities shall also be provided. The location of all existing and proposed overhead and underground electrical transmission or distribution lines shall be shown, whether to be utilized or not with the commercial WECF or test tower, located on the parcel involved, as well as within 1,000 feet of the boundaries of such parcel.
2. A lighting plan describing all lighting that will be utilized, including any lighting that may be required by the Federal Aviation Authority. Such plan shall include but shall not be limited to the planned number and location of lights, light color and whether any lights will be flashing.
  3. Location of access drives and their dimensions and construction profiles.
  4. Planned security measures to prevent unauthorized trespass and access.
  5. Narrative description of facility operations including anticipated regular and unscheduled maintenance, and the manner in which the site will be returned to its original condition upon termination of its use as a commercial WECF.
  6. Proof that the proposed WECF site has a minimum wind rating of 3 according to the U.S. Department of Energy, National Renewable Energy Laboratory.
  7. A description of the routes to be used by construction and delivery vehicles and of any road improvements that will be necessary in the county to accommodate construction vehicles, equipment or other deliveries.
  8. The applicant shall conduct an analysis of the alternating changes in light intensity caused by the moving blades of a WECF casting shadows on the ground and stationary objects, commonly referred to as "shadow flicker." The analysis shall identify the locations of shadow flicker that may be caused by the WECF and the expected durations of the flicker at these locations where located on adjacent properties, from sunrise to sunset over the course of the year. The analysis shall identify areas where shadow flicker may affect such properties including persons in structures or on roads, measures that shall be taken to eliminate or mitigate flicker in such circumstances, and the source and basis for such flicker projections.
  9. Where the Planning Commission determines that a proposed WECF site is part of an area characterized by a comparatively high concentration of birds, bat hibernacula, sites that are frequented by federally and/or state listed endangered species of birds and bats, significant bird migration pathways, and/or areas that have landscape features known to attract large numbers of raptors, the applicant shall fund an environmental study assessing the potential impact on such wildlife. At a minimum, the analysis shall include a thorough review of existing information regarding species and potential habitats in the vicinity, the potential effects on species listed under the federal Endangered Species Act and Michigan's Endangered Species Protection Law, and the extent to which the WECF conforms to the "Interim Guidance on Avoiding and Minimizing Wildlife Impacts from Wind Turbines" as prepared by the U.S. Fish and Wildlife Service.
  10. The applicant shall submit modeling and analysis that will confirm that the WECF will not exceed the maximum permitted sound pressure levels specified in subsection (B)(1). Modeling and analysis shall conform to International Electrotechnical Commission 61400 and International Organization for Standardization 9613.
  11. A copy of the manufacturer's installation instructions and blueprints shall be provided to the Township. Included as part of or as an attachment to the installation instructions shall be standard drawings of the structural components of the WECF and support structures, including base and footings provided along with engineering data and calculations to demonstrate compliance with the structural design provisions of the Building Code as adopted by the Township. Drawings and engineering calculations shall be certified by a registered engineer licensed in the State of Michigan.

### **Section 10.29 Wind Energy Conversion Facility, Private**

**A. Compliance with Table 3-4:** See Table 3-4 for standards pertaining to minimum lot area, width, frontage, and yard setbacks, and maximum building height and lot coverage, except as follows:

1. The minimum lot area for a private WECF, or test facility, shall be as necessary to meet required setbacks and any other standards of this Ordinance, but in no case shall the lot be less than the minimum lot area required for the principal use.
2. The permitted maximum total private wind turbine or test tower height shall be ninety (90) feet. All heights shall comply with the requirements of the Federal Aviation Authority and county, state and federal regulations including the Michigan Tall Structures Act and Airport Zoning Act.
3. No part of a private WECF or test tower (including guy wire anchors associated with a test tower) shall be located within or above any required front, side or rear yard setback according to Table 3-4. In addition, in the case of a wind turbine serving a private WECF, such turbine and test tower shall be set

back a minimum distance from all property lines a distance equal to two (2) times the wind turbine height. No setback shall be required in the case where the WECF is mounted on a roof or similar support structure and does not increase the height of such structure by more than ten (10) feet provided such structure complies with all required setbacks. In addition, for a private WECF of less than sixty (60) feet in height, the approving body may decrease the required setback to no less than one (1) times the height of the wind turbine upon finding that existing site and surrounding conditions warrant a more flexible setback requirement, such as due to the proximity of nearby dwellings or the screening effects of site conditions.

**B. Additional Standards:**

1. The lowest point of the arc created by rotating wind vanes or blades shall be no less than twenty (20) feet from the ground below except where the turbine is attached to a roof or other structure that prohibits vehicular and pedestrian movement below such blades.
2. Safety Measures:
  - a. No exterior climbing device shall be made part of a wind turbine within twelve (12) feet of the ground. A tower capable of being climbed shall be enclosed by a locked, protective fence at least ten (10) feet high with barbed wire fence.
  - b. All electrical equipment shall include applicable warning signs.
  - c. All electrical wiring shall comply with all applicable safety and stray voltage standards including any connections to an off-site electrical network.
  - d. All electrical distribution lines from the WECF to an off-site electrical network shall be located and maintained underground on the property where the WECF will be located.
  - e. A WECF shall include a system to prevent uncontrolled rotation at excess wind speeds unless the manufacturer certifies that such a system is not necessary.
3. A test tower shall be temporary and removed within twenty-four months of erection.
4. A WECF shall be sited in such a manner to minimize shadow flicker from the blades on any road or on any building on an adjacent property existing at the time the application is considered. The approving body may require the applicant to submit a shadow report illustrating or otherwise delineating the projected shadow pattern of the WECF on June 21 and December 21, specific to the Belvidere Township area, including the source and basis for such projections.
5. All WECFs and test towers shall comply with the electrical and building codes of the Township and all other regulations and requirements of county, state and federal agencies including those of the Federal Aviation Authority, the Michigan Public Service Commission, National Electric Safety Code, and any other agency of the state or federal government with the authority to regulate wind turbine generators or other tall structures in effect at the time the permit is approved. A WECF shall meet the manufacturer's specifications for erection and anchoring the wind turbine including foundation specifications, and shall exceed such specifications where local, state or federal regulations require so.
6. No WECF shall produce noise levels that exceed fifty-five (55) decibels on the dB(A) scale, measured along the property lines of the parcel on which the WECF is located. This sound pressure level shall not be exceeded for more than three (3) minutes in any hour of the day. If the ambient sound pressure level exceeds 55 d(B)(A), the standard shall be the ambient dB(A) plus 5 dB(A). Within sixty (60) days of the operation of a commercial WECF, the applicant shall submit sound pressure level measurements recorded by a third party who is a qualified professional, according to the procedures in the most current version of American National Standardization Institute S12.18. All sound pressure levels shall be measured with a sound meter that meets or exceeds the most current version of American National Standardization Institute S1.4 specifications for a Type II sound meter.
7. Appearance:
  - a. Wind turbines shall be mounted on tubular towers and shall be of such color and finish to minimize visual intrusion and improve compatibility with surrounding conditions, subject to any applicable standards of the Federal Aviation Authority. Any additional buildings or structures shall, to the extent reasonably practical, use materials, colors, textures, screening and landscaping to enhance the compatibility of the facility with surrounding conditions.
    - 1) A private WECF tower, or test tower, may be of lattice construction provided the wind turbine or test tower height is no greater than sixty (60) feet.
  - b. No WECFs shall be artificially lighted, except to the extent required by the Federal Aviation Authority or other applicable authority, or otherwise necessary for the reasonable safety and security thereof. Strobe lights, as may be required by the Federal Aviation Authority, shall be shielded from the ground.
  - c. No wind turbines shall be used for displaying any advertising except that each wind turbine shall have one (1) or more signs of no greater than four (4) square feet each that shall provide

operational information including, but not necessarily limited to, a warning of high voltage and a specification of the manufacturer's name, company/utility operator, and emergency number(s).

8. Under no circumstances shall any WECF or test tower produce vibrations or wind currents humanly perceptible beyond the property boundaries of the parcel on which the WECF or test tower is located.
9. See also Article 5, Signs; Article 6, Access Management and Private Roads; Article 7, Off-Street Parking and Loading; Article 8, Landscaping and Screening; Article 9, Environmental Standards; Article 20, Supplemental Provisions, and other Articles as applicable.

**C. Special Authorization and Approval Procedures for Private WECF:**

1. Private WECFs shall be construed as accessory structures, as defined in this Ordinance, and are permissible in all districts.
2. Approval Procedures:
  - a. A private WECF that has a wind turbine height of no greater than sixty (60) feet, is subject to Zoning Administrator approval according to Section 2.4(B). The applicant shall submit a plot plan containing the information required by Section 2.4(B)) and any additional information necessary to demonstrate conformance with the standards of this Section. The Zoning Administrator shall approve such application upon finding that the WECF application complies with the standards and regulations of this Section and Ordinance.
  - b. A private WECF that has a wind turbine height greater than sixty (60) feet, is subject to Planning Commission approval. The applicant shall submit a plot plan containing the information required by Section 2.4(B) and any additional information necessary to demonstrate conformance with the standards of this Section. The Planning Commission shall approve such application upon finding that the WECF application complies with the standards and regulations of this Section and Ordinance, and that the WECF is sited to maximize compatibility with surrounding conditions to the greatest extent practical.

**Section 10.30 Wireless Communication Towers**

**A. Definitions:** For the purposes of this Section, the following phrases shall have the following meanings:

1. Class One Communication Tower/Antenna: Any wireless communication tower, as defined in Article 21, which consists of either of the following:
  - a. Any antenna that is not attached to a tower provided the antenna does not extend more than fifteen (15) feet above the highest point of the structure to which it is attached.
  - b. Any antenna erected on an existing tower provided the total tower height is not increased by more than fifteen (15) feet, irrespective of the tower's compliance with this Section's setback standards.
  - c. The rebuilding of an existing tower within fifty (50) feet of the existing tower, irrespective of the new tower's compliance with the setback standards of this Section, provided the existing tower is removed upon the completion of the new tower.
2. Class Two Communication Tower/Antenna: Any wireless communication tower, as defined in Article 21, other than those classified as Class One Communication Towers/Antennas as defined above.

**B. Application, Review and Approval**

1. Class One Communication Tower/Antenna: A Class One Communication Tower/Antenna constitutes a use permitted by right in any district. The Zoning Administrator shall forward all applications for Class One Communication Towers to the Township Board for review and approval. The Township Board shall evaluate the application to determine compliance with this Ordinance and approve such application upon determining compliance. The Township Board may waive any of the regulations and standards of this Section upon a finding that such a waiver is justified due to specific site conditions including natural screens and topography, specific surrounding conditions including land uses and distances to structures, or other conditions that justify increased flexibility to accommodate such tower.
2. Class Two Communication Tower
  - a. A Class Two Communication Tower constitutes a special land use and shall be subject to this Ordinance's provisions addressing the same including compliance with Article 15, Special Land Uses, and Article 14, Site Plan Review. The Township Board may waive any of the standards of this Section upon a finding that such a waiver is justified due to specific site conditions including natural screens and topography, specific surrounding conditions including land uses and distances to structures, or other conditions that justify increased flexibility to accommodate such tower.
  - b. Special consideration shall be given to the following conditions in determining the extent to which the application complies with the site plan approval standards of Section 14.4 and the special land use approval standards of Section 15.6:
    - 1) The height of the tower.

- 2) The proximity of the tower to residential structures and Residential districts.
- 3) The character of surrounding land uses.
- 4) The topographic features of the site and surrounding areas.
- 5) On-site and surrounding tree coverage.
- 6) The overall design of the tower and tower facility to minimize visual impacts.
- 7) The availability of suitable existing towers, other structures, or alternative technologies.

**C. Standards:**

1. The lot on which a tower is located shall comply with the minimum lot area requirement of Table 3-4. A smaller portion of said lot may be leased for tower purposes and such leased area need not comply with the area requirements of Table 3-4.
2. Equipment buildings shall not exceed three hundred sixty (360) square feet in floor area and nine (9) feet in height.
3. The base of a tower shall occupy no greater than five hundred (500) square feet of area and shall be fenced with a minimum six (6) foot high fence with anti-climbing measures. In the case where guy wires or a similar support system is used, fencing shall surround all locations where such supports are anchored to the ground.
4. Class Two towers and antennas shall be set back from lot lines a minimum distance equal to seventy-five percent (75%) of the tower's height. Setbacks for guy wires and accessory buildings shall comply with the setback standards of the district according to Table 3-4.
5. The following separation distances shall apply to Class Two towers. Separation distances shall be measured from the base of the tower to the lot line of the off-site use except where otherwise noted, and measurements shall not extend beyond Township boundaries.

Off-Site Use or Designated Area	Separation Distance
Single-family and two-family dwellings.	200 feet or 300% of the tower's height, whichever is greater.
Vacant land zoned for single-family or two-family dwellings, and vacant land that is platted or has received preliminary plat approval.	200 feet or 300% of the tower's height, whichever is greater.
Vacant residentially zoned land not otherwise addressed above.	100 feet or 100% of the tower's height, whichever is greater.
Multiple-family dwellings.	100 feet or 100% of the tower's height, whichever is greater.
Land not zoned for residential use, vacant or otherwise.	The setback standards of Table 3-4 or seventy-five percent (75%) of the tower's height, whichever is greater.
Another communication tower.	2 miles, measured by a straight line between the base of the existing and proposed tower.

6. Towers shall be of monopole construction in a Residential District or within one thousand (1,000) feet of such a district.
7. Towers shall be of a white, light gray, silver or other similar color that blends with the background sky, and shall be constructed of or treated with corrosive resistant material.
8. Towers and antenna shall not be artificially lighted unless required by the Federal Aviation Administration or Federal Communications Commission. If lighting is required, the lighting plan shall cause the least disturbance to surrounding uses.
9. Signage shall be limited to emergency information only.
10. The landscape plan required by Article 14, Site Plan Review, shall provide for a planting program that effectively screens the view of the tower facility from nearby residential properties to a minimum height of eight (8) feet, and shall provide for coniferous plantings spaced at no greater than fifteen (15) feet apart.
11. All towers and antennas including all support systems, antenna mounts, structural and electrical components, and wind load resistance, shall comply with the most current standards and regulations of the Federal Aviation Authority, Federal Communications Commission, State Construction code, and all other codes and agencies having jurisdiction, and shall be maintained in compliance. If such standards and regulations are changed including regulations concerning non-ionizing electromagnetic radiation, the owners of the towers and antennas shall bring such towers and antennas into compliance with the revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless such standards and regulations mandate a different schedule.

12. All towers and antenna shall comply with the height restrictions of any airport management plan filed with and approved by the Michigan Aeronautics Commission.
13. No persons shall be located on a communication tower site except for the occasional presence of personnel associated with periodic maintenance or emergency conditions.
14. The design of buildings and structures shall, to the greatest extent practical, use materials, colors and textures that will encourage their compatibility with surrounding buildings. Where an antenna is installed on a structure other than a tower, the antenna and supporting equipment shall be of a color to make the antenna and equipment as visually unobtrusive as reasonably practical.
15. Collocation
  - a. Statement of Policy: It is the policy of the Township to minimize the overall number of newly established locations for communication towers within the community, and encourage the use of existing structures or towers while promoting the public health, safety, and welfare and minimizing negative impacts of such sites. If a provider fails or refuses to permit collocation on a facility owned or otherwise controlled by it, where collocation is feasible, the result will be that a new and unnecessary additional structure will be compelled, contrary to the Township's policy for collocation. The provisions of this subsection are designed to carry out and encourage conformity with the policy of the Township.
  - b. Feasibility of Collocation: Collocation shall be deemed to be "feasible" for purposes of this subsection (3) where all of the following are met:
    - 1) The communication provider entity under consideration for collocation will undertake to pay market rent or other market compensation for collocation.
    - 2) The tower on which collocation is being considered has the structural integrity to provide structural support.
    - 3) The collocation being considered is technologically reasonable in that the collocation will not result in unreasonable transmission interference, given appropriate physical and other adjustment in relation to the structure, antennas, and the like.
    - 4) The height of the structure necessary for collocation will not be increased beyond a point deemed to be permissible by the approving body, taking into consideration the standards contained in this Section.
  - c. Requirements for Collocation:
    - 1) A permit for the construction and use of a communication tower shall not be granted unless and until the applicant demonstrates that a feasible collocation is not available for the coverage area and capacity needs.
    - 2) All new communication towers shall be designed and constructed so as to accommodate collocation of a minimum of three (3) wireless communication facilities.
16. Removal
  - a. Any tower that is not operated for a continuous period of 365 days shall be considered abandoned, and the owner of such tower shall remove the same and the site shall be restored to the condition it existed prior to the placement of the tower within ninety (90) days of receipt of notice from the Zoning Administrator for such removal. In the case where there are multiple users of a single tower, removal of the tower shall be not required until all users cease use of the tower for a continuous period of 365 days.
  - b. If the required removal of a facility has not been completed within ninety (90) days of the condition specified in subsection (a) above, the Township may remove or secure the removal of the facility with reliance on the security posted at the time application was made for establishing the facility.
17. See also Article 5, Signs; Article 6, Access Management and Private Roads; Article 7, Off-Street Parking and Loading; Article 8, Landscaping and Screening; Article 9, Environmental Standards; Article 20, Supplemental Provisions, and other Articles as applicable.

**E. Nonconforming Towers/Antenna:** Nonconforming towers and antennas shall be subject to the provisions of Article 11, Nonconforming Lots, Uses, and Structures, except that a nonconforming tower or antenna that is damaged or destroyed may be rebuilt provided the new tower is of the same type, height, and location of the original tower, and the tower facility is of no greater intensity than the original facility. This provision shall apply provided the all building permits for the new tower are acquired within 180 days of the damage date. If such permits are not acquired within this time frame or said permits expire, the tower or antenna shall be deemed abandoned and subject to the removal provisions of subsection (D)(4).

**F. Additional Application Requirements:** In addition to submitting the information required for all special land use applications, including a site plan pursuant to Article 14, each applicant for a communication tower shall provide the following additional information. Any information of an engineering nature that the applicant submits, whether civil, mechanical, electrical, or structural, shall be certified by a licensed professional engineer of applicable expertise registered in the State of Michigan.

1. An inventory of its existing towers, antennas, or sites approved for towers or antennas, that are within the Township and one (1) mile of the border thereof, including specific information about the location, height, and design of each tower, the distance from the proposed tower, the owner(s)/operator(s) of the existing tower(s), and any additional information that is relevant in terms of potential collocation or in demonstrating the need for the proposed facility.
2. Elevation drawings of the proposed tower and any other structures.
3. The distance between the proposed tower to dwellings within a one-half (1/2) mile radius, and the distance to Residential districts and platted and similar neighborhood developments.
4. Method of fencing and finished color and, if applicable, the method of camouflage and illumination.
5. A notarized, sworn statement by the applicant as to whether construction of the tower will accommodate collocation of additional antennae for future users.
6. For wireless communication systems, identification of the entities providing the backhaul network (i.e., the lines that connect a provider's towers/cell sites to one or more cellular telephone switching offices, and/or long distance providers, and/or the public switched telephone network) for the tower(s) described in the application and other cellular sites owned or operated by the applicant in the Township.
7. A description of the suitability of the use of existing towers, other structures, or alternative technology not requiring the use of towers or structures, to provide the services of the proposed new tower.
8. A certification by a professional engineer of applicable expertise licensed in Michigan that all construction features of the tower comply with the requirements of all agencies having jurisdiction and the State Construction Code.
9. Certification that all franchises required by law for the construction or operation of a wireless communication system have been obtained, along with a copy of such franchise documents.

**End of Article 10**

## **Article 11**

# **NONCONFORMING LOTS, USES and STRUCTURES**

### **Section 11.1 Purpose**

It is recognized that there exists lots, structures and uses of land and structures within the districts established by this Ordinance and subsequent amendments, which were lawful before this Ordinance was passed or amended, and which would be prohibited, regulated or restricted under the terms of this Ordinance or subsequent amendment. It is the purpose of this Article to permit legal nonconforming lots, structures and uses to continue until they are removed or discontinued, and to provide for their maintenance and repair but not their expansion, enlargement, extension or other alteration which in any way increases its nonconformity, except as otherwise provided by this Article.

### **Section 11.2 Nonconforming Lots**

**A.** Notwithstanding limitations imposed by other provisions of this Ordinance, any use and customary accessory structures may be erected on any single lot of record in existence at or before the effective date of adoption or amendment of this Ordinance, where such use is an authorized use by right in said District according to Article 3, even though such lot fails to meet the requirements for area, width, and/or frontage that are generally applicable in the district. However, all yard dimensions, setbacks and other requirements not involving area, width, and/or frontage, shall conform to the regulations for the district in which such lot is located unless a variance is obtained through approval of the Zoning Board of Appeals.

1. If two or more lots or combinations of lots and portions of lots share one or more common boundaries and continuous frontage, and are in single ownership 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 established for area, width, and/or frontage, the lands involved shall be considered to be an undivided parcel for the purposes of this Ordinance and no portion of said parcel shall be used or divided in a manner that diminishes compliance with the lot area, lot width and lot frontage requirements established by this Ordinance.

### **Section 11.3 Nonconforming Uses**

**A.** Where, at the effective date of adoption or amendment of this Ordinance, a lawful use of land exists that is made no longer permissible under the terms of this Ordinance as enacted or amended, such use may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No nonconforming use shall be enlarged or increased in area or bulk, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance. However, a nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use, and which existed at the time of adoption or amendment of this Ordinance, but no such use shall be extended to occupy any land outside such building.
2. No nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this Ordinance.
3. A change of tenancy or ownership of a nonconforming use is allowed provided there is no increase in the degree of nonconformance of the nonconforming use.
4. Irrespective of other requirements of this Article, if no structural alterations are made, any nonconforming use of a structure and lot may be changed to another nonconforming use of less nonconformance, provided that the Zoning Board of Appeals, either by general rule or by making findings in the specific case, shall find that the proposed use is more appropriate to the District than the existing nonconforming use. In permitting such change, the Zoning Board of Appeals may require appropriate conditions and safeguards in accord with the purpose of this Article. Where a nonconforming use, structure, or use and structure in combination is hereafter changed to a less nonconforming character, it shall not thereafter be changed to a greater nonconforming character.
5. Any nonconforming use of land or structure, or combination thereof, which is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such use is located, and the nonconforming use may not thereafter be resumed.
6. If a nonconforming use is terminated for a period of more than 180 consecutive days, as determined by the termination of utility services or similar action or lack of action signifying the intent to terminate, the subsequent use of such lot shall thereafter conform to the regulations and provisions of this Ordinance for the district in which such lot is located.

## **Section 11.4 Nonconforming Structures**

**A. Existing Structure:** Where a lawful structure exists at the effective date of adoption or amendment of this Ordinance that could not be built under the terms of this Ordinance or subsequent amendment by reason of restrictions on area, lot coverage, height, setbacks or other characteristics of the structure or location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No nonconforming structure may be enlarged or altered in any way which increases its nonconformity.
2. Should such structure be destroyed by any means to an extent of more than fifty percent (50%) of its replacement value, exclusive of foundations, it shall not be reconstructed except in conformity with the provisions of this Ordinance, including the respective site development standards for the District in which it is located. In identifying the extent of destruction and the cost to replace the damaged structure, the Zoning Administrator may seek a written opinion from a qualified building appraiser and the opinion shall include the basis for the appraiser's conclusion.
  - a. The limitations of this subsection (2) shall not apply in the case of the replacement of a nonconforming structure where the existing foundation is determined to be structurally sound according to the State Construction Code over a minimum of seventy-five percent (75%) of its perimeter length, the replacement structure is to be on the same foundation as the previous structure, the replacement structure is completed to an extent equal to fifty percent (50%) of its construction cost within eighteen (18) months of the previous structure's destruction, and the replacement structure is no more nonconforming than the previous destroyed structure.
3. Should such structure be moved for any reason for any distance, it shall thereafter conform to the regulations for the district in which it is located after it is moved.
4. Where nonconforming status applies to a structure and use in combination, removal or destruction of the structure to an extent of more than fifty percent (50%) of its appraised value, exclusive of foundations, shall eliminate the nonconforming status of the land, and all subsequent uses and structures on the land shall conform to the applicable district regulations.

**B. Structure Under Construction:** Where a structure is under construction pursuant to a valid zoning permit issued prior to the effective date of this Ordinance or amendment thereto, nothing in this Article shall prohibit the completion of such structure even though it may not conform to the terms of this Ordinance or subsequent amendment provided that construction is commenced within thirty (30) days after the issuance date of the permit and all foundation work, framing, walls and roofing is completed within 270 days of such issuance date.

## **Section 11.5 Repairs and Maintenance**

**A. Nonconforming Structure Housing a Conforming Use:** Nothing in this Article shall be deemed to prohibit repairs, maintenance, and structural alterations to a nonconforming structure in which a conforming use exists provided such work does not result in an increase in the structure's nonconformity including an increase in the cubic content of the portion of the structure that is nonconforming .

**B. Conforming Structure Housing a Nonconforming Use:** On any conforming structure devoted in whole or in part to a nonconforming use, work may be done in any one (1) calendar year period on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring or plumbing, to an extent not exceeding ten (10) percent of the then building's replacement cost prior to the initiation of repairs, exclusive of foundations, provided that the cubic content of the structure shall not be increased.

**C. Nonconforming Structure Housing a Nonconforming Use:** In the case of a nonconforming structure devoted in whole or in part to a nonconforming use, repairs and maintenance to either shall comply with the limitations of subsections (A) and (B) above as applicable.

**D. Unsafe Building:** Nothing in this Section shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by the Building Inspector.

## **Section 11.6 District Changes**

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

**Section 11.7 Illegal Nonconformities**

Nonconforming lots, uses and structures existing at the effective date of this Ordinance or amendment thereto, that were established without approval of zoning compliance or without a valid building permit, or those nonconforming lots, uses and structures that cannot be proved conclusively as existing prior to the effective date of this Ordinance or amendment thereto, shall be declared illegal nonconforming uses, shall be removed within ninety (90) days following such effective date, and shall not be entitled to the status and rights accorded legally established nonconformities by this Article.

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**End of Article 11**

**Article 12**  
**(RESERVED for FUTURE USE)**

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**End of Article 12**

**Article 13**  
**(RESERVED for FUTURE USE)**

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**End of Article 13**

## Article 14 SITE PLAN REVIEW

### **Section 14.1 Purpose**

It is the purpose of this Article to specify standards, application and data requirements, and the review process that shall be followed in the preparation of site plans as required by this Ordinance. These requirements are incorporated into the Zoning Permit application process to ensure that the appropriate bodies are afforded an opportunity to review and evaluate proposed uses and development of sites with regard to such considerations as parking, vehicular and pedestrian circulation, drainage, landscaping and screening, signage, lighting, environmental and community character protection, and conformance with all applicable provisions and standards of this Ordinance. This Article establishes a review process that requires the application materials to be subject to Planning Commission approval except where Township Board approval is expressly required according to Section 14.2. In the case of a Special Land Use, the application materials shall be subject to final action by the Township Board after receiving a recommendation from the Planning Commission.

### **Section 14.2 Site Plan Approval Required**

**A. Uses Requiring Site Plan Approval:** Except as provided by subsection (1) below or elsewhere in this Ordinance, site plan approval is required prior to the Zoning Administrator's issuance of a Zoning Permit for all authorized uses including, but not limited to, multiple family developments, commercial and industrial uses, institutions, special land uses, site condominiums, and platted subdivisions.

1. **Exceptions:** Site plan approval shall not be required for farm buildings and single family and two-family dwellings and accessory uses and structures thereto, including temporary dwellings. See Sec. 2.4(B) regarding plot plan approval for single family and two-family dwellings and accessory uses and structures thereto, which requires plot plan approval by the Zoning Administrator.

**B. Township Board Approval for Site Plans:** Site plan approval is required by the Township Board, prior to the issuance of a Zoning Permit, for the following uses:

1. All special land uses.
2. Platted subdivisions.
3. Site Condominiums.
4. Any other use so specified in this Ordinance.

**C. Planning Commission Approval for Site Plans:** Uses that are subject to site plan approval, but which are not subject to Township Board approval as specified in subsection (B) above, shall be subject to Planning Commission approval prior to the issuance of a Zoning Permit.

### **Section 14.3 Review Procedures**

**A. Preliminary Site Plan Required:** Prior to preparing a detailed final site plan and seeking approval of such final site plan, the applicant shall seek approval of a preliminary site plan for the purpose of receiving approval of the general design and layout of the project. A preliminary site plan shall be reviewed and acted upon in the same manner as a final site plan, as delineated in subsections (B) – (E) below.

1. **Level of Detail:** The preliminary site plan shall be prepared according to the manner and information required for a final site plan pursuant to Section 14.3(B), except that detailed construction drawings to address specific site improvements are not necessary. However, the detail of the preliminary information shall adequately portray the arrangement and feasibility of critical components of the project such as, but not limited to, preliminary storm water management including flow direction and preliminary location of detention/retention basins; preliminary grading including approximate limits of clearing and proposed contours at minimum two (2) foot intervals; vehicular circulation including road alignments, parking spaces and parking circulation; lot areas and lot lines; signage; and landscaping.
  - a. A preliminary site plan shall be evaluated according to the level of information required at the preliminary plan level. A preliminary plan shall be approved if it contains the information required by, and is in compliance with this Ordinance, the conditions imposed pursuant to this Ordinance, other Township planning documents, other applicable ordinances, and state and federal statutes.
2. **Approval Period:** Approval of the preliminary site plan is valid for a period of one (1) year. If a complete final site plan has not been submitted during this period, the approval of the preliminary site plan shall be null and void. This time limit may be extended by the designated approving body (see Sec. 14.2) upon its finding that no substantial changes have occurred to ordinance regulations, abutting properties,

or other conditions that suggest revisions to the layout and/or design of the development. In the case of an expired preliminary site plan that is not granted an extension of time, such plan shall not undergo review or action except upon the submission of a wholly new application according to this Section.

3. Sketch Plan Option: Prior to the submission of a preliminary site plan, an applicant may submit a sketch plan of the proposed development which identifies basic development features such as property location and lot lines and the general location of proposed buildings, roads, and parking areas. The purpose of such submittal is to for the applicant to receive initial feedback from the designated approving body (see Sec. 14.2) regarding the appropriateness of the proposal prior to moving forward with the preparation of a more detailed preliminary site plan. Given that critical development information is not required for a sketch plan such as storm water management, grading, road design, and the limits of grading and clearing, comments offered in the course of reviewing a sketch plan shall not be legally binding nor be interpreted as assuring a specific action on any subsequent preliminary application submitted.
4. Simultaneous Preliminary/Final Site Plan Approval: An applicant may voluntarily submit a site plan that is intended to meet both the preliminary site plan and final site plan provisions of this Article, the effect being to avoid the formal and separate preliminary approval phase and seek immediate final site plan approval. An applicant choosing to exercise this option bears the risk of expending the additional time and money that may be required for preparation of final site plan application materials without the benefit of any formal action by the designated approving body (see Sec. 14.2) to review and act favorably on a preliminary site plan application. This option is made available under this Article in recognition that certain uses subject to site plan approval may be of such character that the normally required two-phased preliminary and final site plan approval process is not necessary. Uses that may be more appropriate for simultaneous preliminary and final site plan approval may be uses that include the erection of no new buildings, uses that do not require alterations to existing topographic conditions, uses that require no new off-street parking areas, and/or uses that do not rely on new underground storm or sanitary sewer infrastructure. However, nothing in this subsection (4) shall be construed to require the designated approving body to approve simultaneous preliminary/final site plan approval even if such conditions are part of a proposed site plan.
  - a. In the case of such a simultaneous preliminary/final application and where the designated approving body denies final site plan approval, the designated approving body shall specify in its motion whether the denial applies to the site plan as both a final and preliminary plan or whether the alleged final site plan is approved as a preliminary site plan only, along with any conditions that may be made part of such preliminary approval.
  - b. In the case of such a simultaneous preliminary/final application, the applicant shall specify in writing the applicant's intent to seek simultaneous preliminary and final site plan approval.

**B. Final Site Plan Application Submittal, Distribution and Data:** A minimum of fifteen (15) copies of a final site plan application shall be submitted to the Township Clerk along with any application fees. The application shall consist of a form available from the Zoning Administrator, and the final site plan itself. Upon receipt of the application materials, the Township Clerk shall record the date of their receipt and transmit copies to the designated approving body (see Sec. 14.2), and other agencies or individuals selected to review such plans including but not necessarily limited to Township departments and staff, engineering and planning consultants, and the County Road Commission and Drain Commissioner. The Township Clerk shall request all reviewing agencies to respond within twenty (20) days of receipt of the materials. The Township Board need not delay taking action on the application if such response has not been received within such period.

1. The site plan shall be provided on a professional quality drawing of a scale not less than 1" = 100' and with a north arrow on each sheet, and shall clearly present the required information. All information depicted shall be designed by a professional engineer, land surveyor, or landscape architect licensed in Michigan and shall bear the seal and signature of the licensed individual. The site plan shall present all necessary information in a clear and comprehensible fashion and be of such clarity and detail to permit determination of its conformance to this Ordinance and the satisfactory construction of the project, if approved, to ensure public health, safety and welfare.
  - a. The site plan approving body may waive the requirement that the site plan shall be provided on a professional quality drawing prepared by a professional engineer, land surveyor, or landscape architect, where it determines, following a written request by the applicant, that the character of the proposed alterations to the lot are of a minimal and non-complex nature such as, by example, where no building and/or paved off-street parking is proposed.

2. A final site plan shall include, at a minimum, the following except where the designated approving body determines, upon a request by the applicant, that the waiving of specific submittal items identified below, due to the particular character of proposed development or site or surrounding conditions, shall not undermine the designated approving body's ability to effectively evaluate the extent to which the site plan complies with the standards of this Ordinance and protects the public health, safety and welfare:
  - a. The applicant's full name, address and phone number, and the name and address of the person and firm who prepared the plan and the date on which each drawing contained within was prepared or last revised.
  - b. A vicinity sketch showing the location of the site in relation to the surrounding road system for a minimum distance of one-thousand (1,000) feet in all directions. The vicinity sketch, or other component of the site plan materials, shall also identify the existing zoning classification and current use of all properties within three hundred (300) feet in every direction of the proposed use, including land uses on the opposite side of any road, and the location of all structures and buildings within one-hundred (100) feet of the property.
  - c. A property line survey, correlated with a legal description, showing property line dimensions and bearings, lot area and graphic scale.
  - d. Existing uses, buildings, structures, roads, easements and all other existing site improvements, with a designation as to which are to be retained, removed, or otherwise altered, and the delineation of any driveways or other curb cuts within one-hundred (100) feet of the property.
  - e. Existing natural features on and within one-hundred fifty (150) feet of the site including woodland areas; wetlands; drainage courses, water bodies, and 100-year flood plain areas; topography at no greater than two-foot contour intervals; and soils by type and drainage features according to the County Soil Survey or well/boring logs. The location of all trees of ten inches (10") or greater in diameter not otherwise part of a woodland area, measured at five feet (5') above ground surface, shall be identified by size and type.
  - f. Required front, side and rear yard setbacks for principal buildings in the district.
  - g. Proposed uses, buildings, structures, and lots, including a project narrative that addresses the intended use of the property and each building proposed; the acreage devoted to each use if multiple uses are proposed; the total number of dwelling units and density for each housing type and for the project as a whole; total and usable floor area of each building; carports or garages; amount of recreational and open space and type of recreation facilities to be provided; computations associated with the number of parking spaces required and provided; and related information as pertinent or otherwise required by this Ordinance.
  - h. Proposed public right-of-ways, private easements, and deed restrictions.
  - i. Proposed roads, drives, and alleys including widths, cross-sections and profiles; acceleration, deceleration and turn lanes; driveways, parking spaces, and parking aisles, with an indication of the total number of spaces and typical space and aisle/driveway dimensions, the direction of travel, and the inside radii of all curves including driveway curb returns; and sidewalks and other non-motorized travel ways. Proposed traffic control measures (including signs) shall also be indicated.
  - j. Proposed source and location of all public and private utilities including potable water, sewage disposal, and electrical and communication lines, and the necessary easements that exist or are to be established for installation, repair and maintenance of such utilities.
  - k. Proposed location, dimensions, and use of accessory buildings and structures including trash receptacles, signs, and lighting.
  - l. A graphic illustration of the location and extent to which natural features on the site shall be disturbed or otherwise cleared including those under subsection (e) above.
  - m. Proposed landscaping/screening plan in compliance with the requirements of Article 23.
  - n. Proposed grading, storm drainage and storm water management plan, including soil erosion and sedimentation control measures and spot elevations to adequately portray drainage patterns and final elevations and grades. Such plan shall include the location of drainage easements, exterior drains, dry wells, catch basins, retention and/or detention areas, sumps and other facilities designed to collect, store or transport storm water. The point of discharge for all drains and pipes shall be specified on the site plan as well as invert and related elevations, and pipe lengths and slope, to construct the same. Such plans shall document the extent of clearing of vegetation and the extent of other clearing, cuts, fills, or other grading, and the finished floor elevations of all buildings.
  - o. Proposed location and specifications for any existing or proposed above or below ground storage facilities for any toxic or hazardous substances, as well as any containment structures or clear zones required by government authorities; a complete inventory of toxic or hazardous substances to be stored or used on the site, including the quantity of substances, substance names and

characteristics; the proximity of such materials to ground water aquifers, wetlands, surface waters, existing and proposed wells, storm sewers, storm drains, and sanitary sewers; and a proposed storage and disposal plan for such materials including their transfer and/or transport.

- p. Proposed elevation drawings of all buildings and floor plans for all buildings to be occupied.
- q. A statement identifying all federal, state and local permits required, if any.
- r. Proposed project completion schedule.
- s. Other information as is necessary to enable a designated reviewing and/or approving body to determine whether the proposed site plan shall conform to the provisions of this Ordinance including, but not necessarily limited to, aerial photographs and environmental and traffic impact and mitigation reports.

**C. Review for Completeness:** Upon receipt of the application materials, the designated approving body (see Sec. 14.2) shall review the materials and determine their completeness. If determined to be insufficient in adequately portraying the required information, the designated approving body shall delay further consideration of the application until such time that the application materials have been made satisfactory, and shall notify the applicant in writing of the deficiencies.

**D. Action on Final Site Plan:** Upon receipt of a complete application, the designated approving body (see Sec. 14.2) shall review the final site plan application materials and determine their conformity with the applicable provisions of this Ordinance including the standards of Section 14.4. After conducting a review, the designated approving body shall deny, approve, or conditionally approve the final site plan as it pertains to requirements and standards contained in this Ordinance, including the standards of Section 14.4. A site plan shall be approved if it contains the information required by, and is in compliance with this Ordinance, the conditions imposed pursuant to the Ordinance, other Township planning documents, other applicable ordinances, and state and federal statutes. Any conditions required by the designated approving body for approval shall be stated in writing, together with the reasons, and delivered to the applicant (See Sec. 20.2 regarding conditional approvals). The designated approving body may require the submittal of a fully revised final site plan upon its determination that the conditions necessary for the approval of such plan are of an extent or character that a fully revised set of documents is necessary to clearly portray the plan as anticipated to be approved.

1. Issuance of Zoning Permit: Upon approval or conditional approval of the site plan by the designated approving body, and upon all other approvals as may be required by this Ordinance, such as in the case of a Special Land Use, the Zoning Administrator shall issue a Zoning Permit authorizing the use and construction subject to the approved application.
2. Building Permit Required: Upon issuance of a Zoning Permit, no construction shall be initiated prior to the acquisition of all necessary Building Permits from the Building Inspector unless expressly authorized by the Township Board.

**E. Planning Commission Recommendation on Final Site Plan for Special Land Use and Final Action by the Township Board:** In the case of a Special Land Use application or any other use specified for Township Board approval by this Ordinance, and upon receipt of a complete application, the Planning Commission shall review the site plan application materials and determine their conformity with the applicable provisions of this Ordinance including the standards of Section 14.4. After conducting a review, the Planning Commission shall recommend to the Township Board to deny, approve, or conditionally approve the site plan as it pertains to requirements and standards contained in this Ordinance, including the standards of Section 14.4. The Planning Commission may recommend conditions in association with an approval (See Sec. 25.14 regarding conditional approvals). The Township Board shall then carry out final review and approval proceedings as described in (D) above. See Article 5, Special Land Uses.

**F. Approved Site Plans:** Three (3) copies of an approved site plan, with any conditions contained within, shall be maintained as part of the Township records for future review and enforcement. A fourth copy shall be returned to the applicant. Each of the four (4) approved copies shall be signed and dated with the date of approval specified. For identification of the approved plans, each copy shall be signed and dated with the date of approval by the Chairperson and Secretary of the Planning Commission in the case of a use identified in Section 14.2(C), or by the Township Supervisor and Township Clerk in the case of a use listed in Section 14.2(B). If any variances from the Zoning Ordinance have been obtained from the Zoning Board of Appeals, the approved minutes concerning the variances shall also be filed with the Township records as a part of the site plan and delivered to the applicant for information and direction.

**G. As-Built Drawings:** The applicant shall submit three (3) copies of as-built drawings upon completion of construction activities, but no later than sixty (60) days from the issuance of a permit of occupancy by the Building Inspector. Such drawings shall identify all improvements made upon the site including utility services.

## **Section 14.4 SITE PLAN APPROVAL STANDARDS**

**A. Specific Site Development Standards:** Each preliminary and final site plan shall conform with the specific site development standards of this Ordinance including, but not limited to, requirements pertaining to lot area, lot width, setbacks, heights, permitted uses, nonconformities, lighting, potable water, sewage disposal, and the provisions of:

1. Article 5, Signs.
2. Article 6, Access Management and Private Roads.
3. Article 7, Off-Street Parking and Loading.
4. Article 8, Landscaping and Screening.
5. Article 9, Environmental Protection.
6. Article 10, Standards and Regulations for Specific Land Uses.
7. Article 20, Supplemental Provisions.

**B. General Site Plan Approval Standards:** In addition to compliance with the standards of subsection (A) above, all site plans shall comply with the following general site plan approval standards:

1. All elements of the Plan shall be harmoniously and efficiently organized in relation to the size and character of the lot, the manner in which buildings and support facilities on the lot relate to one another, and the character of the proposal as viewed from nearby properties and roads.
2. The site plan shall be of a character that supports the purpose of the District in which the development is to be located.
3. The site plan shall not impede the normal and orderly development, improvement, or enjoyment of surrounding property for uses permitted in the District, including matters pertaining to visual impacts from lighting, signage, outdoor storage, and off-street parking.
4. The site plan shall preserve the environmental character of the site insofar as practical by minimizing the removal or disturbances to on-site natural features such as trees, woodlands, soils, topography, water courses and wetlands.
5. The site plan shall provide for the removal of storm water so as to minimize on-site flood conditions and assure the well being of the users of the property, while not adversely affecting adjacent properties and public and natural drainage systems due to flooding, erosion, sedimentation, increased rates or quantities of runoff, or other negative impacts. Storm water management plans shall rely on existing drainage patterns to the greatest extent practical and minimize topographic alterations, and incorporate the necessary measures to discourage soil erosion and sedimentation and the discharge of impurities into the groundwater and nearby water courses.
6. The site plan shall provide vehicular and non-motorized circulation and parking in a manner that ensures visually clear, safe, convenient and efficient travel in the site and at ingress and egress points, including minimizing congestion and conflicting turning patterns, minimizing negative impacts upon abutting properties and roads, coordinating access with the existing and planned public circulation system and improvements thereto, avoiding unnecessary curb cuts and encouraging the use of shared drives where practical, and ensuring that all buildings shall be so arranged as to permit emergency access by some practical means to all sides.
7. The site plan shall provide for the appropriate location of all necessary and proposed utilities. Underground facilities shall be provided to the greatest extent practical.
8. Where a project is proposed for construction in phases, the project shall be so designed that each phase, when completed, shall be capable of standing on its own in terms of the presence of services, facilities, and open space, and shall contain the necessary components to ensure protection of natural resources and public health, safety and welfare. In developments that are intended to be of a mixed-use character, the approving body may require a phasing plan to ensure that the intended dominant character of the development is preserved, such as the specification of a number or percentage of the proposed residential units in a predominantly residential development be constructed prior to or concurrently with nonresidential components.
9. Site plans shall conform to all applicable Township planning documents including the Belvidere Township Master Plan, other applicable ordinances, and state and federal statutes.

## **Section 14.5 Conformity To Approved Site Plans**

Property which is the subject of site plan approval shall be developed in compliance with the approved site plan and any approved changes thereto. If construction or use of the property does not conform to such approved plans, the approved Zoning Permit shall be subject to revocation pursuant to Section 2.4(C).

**Section 14.6 Changes to Approved Site Plan**

- A. Site Plan Changes:** No changes shall be made to an approved site plan prior to, during, or after construction except according to the following procedures:
1. **Major Changes:** Major changes to an approved site plan shall be reviewed and acted upon according to Section 14.3. A “major change” shall include the following:
    - a. a change in excess of five (5) feet in the location of vehicular circulation ways, parking areas, or exterior building walls.
    - b. a change in the number of accesses to a street or alley or any other change impacting the basic circulation pattern and/or traffic flow.
    - c. a reduction or increase of more than four (4) parking spaces or one-hundred (100) square feet of floor area.
    - d. an increase in the number of dwelling units or the realignment of lot lines where such realignment exceeds five (5) feet at any single point.
    - e. an increase of more than three (3) feet in building height.
  2. **Minor Changes:** Minor changes shall be subject to Zoning Administrator approval. Approved changes shall be clearly specified in writing and signed by the Zoning Administrator. The Zoning Administrator shall keep accurate records of approved changes. The Zoning Administrator may defer action on a minor change to the Planning Commission.
    - a. Minor changes to an approved site plan shall include changes not otherwise identified as a major change in (A)(1) above including changes to required landscaping and screening where the change will not alter the overall appearance and effectiveness of the required landscaping and screening, and changes to the location, elevation or grade of storm sewer, sanitary sewer, or other utilities where the Township Engineer has approved such changes.

**Section 14.7 Pre-Existing Site Plans Under Review**

All development subject to site plan approval shall comply with the regulations and standards of this Ordinance except in the case where a development plan has received preliminary site plan approval prior to the effective date of this Ordinance or amendment thereto, in which case the final site plan shall be reviewed using the procedures and substantive standards under the ordinance in effect at the time of the preliminary plan approval, provided the final site plan is filed with the Zoning Administrator within one year of the effective date of this Ordinance or amendment thereto and contains all information required and accompanied by all required fees.

**End of Article 14**

## Article 15 SPECIAL LAND USES

### **Section 15.1 Purpose**

It is the purpose of this Article to provide a set of procedures and standards for the review and approval of applications for uses and structures classified under this Ordinance as “special land uses” according to Tables 3-2 and 3-3 of Article 3 and elsewhere in this Ordinance. The provisions of this Article are intended to afford practical latitude for the landowner, investor or developer while, at the same time, promote the purpose of this Zoning Ordinance and ensure that the special land use authorized shall be compatible with adjacent uses of land, the natural environment, and the capacities of public services and facilities affected by the land uses.

### **Section 15.2 Review Procedure**

- A. Application:** An application for a Zoning Permit for a Special Land Use shall consist of the following:
1. An application form available from the Zoning Administrator, signed by the property owner(s) and applicant(s).
  2. A preliminary site plan prepared according to Sec. 14.3(A).
  3. A detailed description of the proposed project, in narrative form.
- B. Preliminary Approval/Public Hearing:**
1. Application for a Zoning Permit for a Special Land Use shall require preliminary action prior to the submittal of a final application. A preliminary application for a Zoning Permit for a Special Land Use shall follow the same general procedures as delineated for site plan review according to Section 14.3(A) except that upon finding that the application materials are complete, and prior to the Planning Commission forwarding a recommendation to the Township Board for preliminary approval, the Planning Commission shall hold a public hearing on such application. Notice of the hearing shall comply with Section 2.12. Following receipt of the Planning Commission’s recommendation, the Township Board shall deny, approve, or approve with conditions the preliminary application for special land use/site plan approval.
  2. An application for a Zoning Permit for a Special Land Use shall be an application to determine the appropriateness of both the proposed use on the subject property, and the manner in which the proposed use is to be arranged and function on the site as delineated in the required site plan. The use and site plan shall be viewed as inseparable and shall be acted upon through a single motion.
  3. Action on the preliminary application by the Planning Commission and Township Board shall be incorporated in a statement of findings and conclusions relative to the special land use which specifies the basis for the decision and any conditions recommended. The Planning Commission and Township Board shall refer to the approval standards set forth in Sec. 15.6 in addition to those specified for site plan approval (Sec. 14.4) prior to taking preliminary action.
- C. Final Approval:** Following approval of a Special Land Use preliminary application, final application approval shall follow the same general procedures as delineated for final site plan review according to Section 14.3(B). A public hearing on the final application, including final site plan, shall not be required provided such final application is substantively similar to the approved preliminary application including both the character and features of the use and site plan.
1. Following receipt of the Planning Commission’s recommendation, the Township Board shall deny, approve, or approve with conditions the final application for special land use/site plan. The use and site plan shall be viewed as inseparable and shall be acted upon through a single motion.
  2. Action on the final application by the Planning Commission and Township Board shall be incorporated in a statement of findings and conclusions relative to the special land use which specifies the basis for the decision and any conditions recommended. The Planning Commission and Township Board shall refer to the approval standards set forth in Sec. 15.6 in addition to those specified for site plan approval (Sec. 14.4) prior to taking final action.
- D. Simultaneous Preliminary/Final Approval:** An applicant may voluntarily submit a special land use application that is intended to meet both the preliminary and final application provisions of this Article, including preliminary and final site plan approval, the effect being to avoid the formal and separate preliminary approval phase and seek immediate final approval. An applicant choosing to exercise this option bears the risk of expending the additional time and money that may be required for preparation of final application materials without the benefit of any formal action by the Township Board to review and act favorably on a preliminary application. This option is made available under this Article in recognition that certain special land uses may be of such character that the normally required two-phased preliminary and final approval process is not necessary.

Uses that may be more appropriate for simultaneous preliminary and final approval may be uses that include the erection of no new buildings, uses that do not require alterations to existing topographic conditions, uses that require no new off-street parking areas, and/or uses that do not rely on new underground storm or sanitary sewer infrastructure. However, nothing in this subsection (D) shall be construed to require the Township Board to approve simultaneous preliminary/final approval even if such conditions are part of an application.

1. In the case of such a simultaneous application and where the Township Board denies final approval, the Township Board shall specify in its motion whether the denial applies to both the final and preliminary application or whether the alleged final application is approved as a preliminary application only, along with any conditions that may be made part of such preliminary approval.
2. In the case of such a simultaneous preliminary/final application, the applicant shall specify in writing the applicant's intent to seek simultaneous preliminary and final approval.

### **Section 15.3 Appeals**

A person aggrieved in association with a special land use decision may appeal the special land use application decision to the circuit court only.

### **Section 15.4 Reapplication**

No application for a Zoning Permit for a Special Land Use which has been denied wholly or in part by the Township Board shall be resubmitted until the expiration of one (1) year from the date of such denial, except on the grounds of newly-discovered evidence or proof of changed conditions having bearing on the basis for the original action, as determined by the Township Board. A reapplication shall require a new fee and the process shall follow all provisions of Section 15.2.

### **Section 15.5 Changes**

**A. Site Plan:** Changes to an approved site plan shall comply with the application and review procedures of Section 14.6. In the case where a proposed site plan change constitutes a major change according to Section 14.6, the Planning Commission shall hold a public hearing on such site plan change according to the notice requirements of Section 2.12. If the Township Board determines that such major change would alter the essential character of the site plan, the proposed change shall not occur until such change is applied for and approved according to the application and review procedures of Section 15.2.

**B. Use or Activity:** A change in the character of the use or activity from what the originally approved Zoning Permit authorized shall not occur until such change is applied for and approved according to the application and review procedures of Section 15.2. Examples requiring a new application and review procedure include the establishment of another special land use, an expansion or increase in intensity of use including but not necessarily limited to the erection of additional buildings, the extension of authorized hours of operation, or the addition of two-hundred (200) square feet or more of floor area.

### **Section 15.6 Approval Standards**

**A. General Standards:** No Special Land Use application shall be approved except where the application complies with the following standards:

1. Be consistent with the general policies and objectives of the Belvidere Township Master Plan.
2. Be designed, constructed, operated and maintained so as to be compatible with the existing and planned character of the general vicinity, taking into consideration such features as the bulk, placement, and materials of proposed structures, open space areas, lighting, and landscaping and screening.
3. Will not be hazardous, disturbing, or detrimental to the use, peaceful enjoyment, economic value or development of neighboring property, or the vicinity in general, taking into consideration such features as the location of driveways and traffic flow patterns including turning patterns, vehicular and pedestrian safety, the intensity and character of traffic and parking conditions, hours of operation, and the production of noise, glare, vibration, odors, or other external impacts.
4. Not involve uses, activities, processes, materials and equipment or conditions of operation that will be detrimental to the natural environment including air, soil, surface water, and ground water resources.
5. Be served adequately by essential public facilities and services such as roads, police, fire protection, drainage structures, refuse disposal, water and sewage facilities, and schools; and minimize the impact of traffic generated by the proposed development on adjacent properties.
6. Will not create excessive additional requirements at public cost for public facilities and services.
7. Comply with the site plan approval standards of Section 14.4.

**B. Specific Standards:** In addition to compliance with the above standards in subsection (A), special land uses shall comply with the standards and regulations applicable to each specific land use as may be identified in Article 10.

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**End of Article 15**

## Article 16 ZONING BOARD of APPEALS (ZBA)

### **Section 16.1 Purpose**

The purpose of this Article is to establish a Zoning Board of Appeals (ZBA) pursuant to Public Act 110 of 2006, including its responsibilities, procedures, and standards of review, to ensure that the objectives of this Ordinance are fully and equitably achieved.

### **Section 16.2 Creation and Membership**

**A. Establishment and Appointment of Members:** The ZBA first established by the Belvidere Township Zoning Ordinance adopted on April 23, 1998, as amended, is hereby retained in accordance with Public Act 110 of 2006. The ZBA shall consist of three (3) members, appointed by the Township Board by majority vote. One (1) of the members shall be a member of the Planning Commission. One (1) regular or alternate member of a ZBA may be a member of the Township Board but shall not serve as the chairperson. The remaining regular members, and any alternate members, shall be selected from the electors of the Township residing within. The members selected shall be representative of the population distribution and of the various interests present in the Township. An employee or contractor of the Township Board may not serve as a member of the ZBA.

**B. Alternate Members:** The Township Board may appoint not more than two (2) alternate members to the ZBA, each appointed for a term of three (3) years. The alternate members shall be called on a rotating basis to sit as regular members of the ZBA in the absence of a regular member if the regular member will be unable to attend one (1) or more meetings of the ZBA. An alternate member may also be called to serve in the place of a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest. An alternate member shall serve on a case until a final decision is made. The alternate member shall have the same voting rights as a regular member of the ZBA.

**C. Terms of Appointment:** Members shall be appointed for three (3) year terms except in the case of a Planning Commission and/or Township Board member serving on the ZBA, whose terms on the ZBA shall be limited to the time they are members of the Planning Commission or Township Board. 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 in the same manner as the original appointment. Members may be reappointed.

**D. Removal from Office / Conflict of Interest:** A member of the Zoning Board of Appeals may be removed by the Township Board for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing. A member shall disqualify himself or herself from deliberations and a vote in which the member has a conflict of interest. Failure of a member to disqualify himself or herself from deliberations and a vote in which the member has a conflict of interest constitutes malfeasance in office.

### **Section 16.3 Organization**

**A. Rules of Procedure and Officers:** The ZBA may adopt rules of procedure for the conduct of its meetings and the implementation of its duties. The ZBA shall annually elect from its members a chairperson, vice-chairperson, and secretary.

**B. Meetings and Quorum:** Meetings of the ZBA shall be held at the call of the chairperson and at such other times as the ZBA in its rules of procedure may specify. A majority of the total regular membership of the ZBA shall comprise a quorum. The ZBA shall not conduct official business unless a quorum is present. All meetings shall be open to the public and conducted pursuant to the requirements of the Open Meetings Act.

**C. Oaths and Witnesses:** The chairperson may administer oaths and compel the attendance of witnesses.

**D. Records:** The ZBA shall maintain a record of its proceedings which shall be filed in the office of the Township Clerk, and shall be a public record according to the Freedom of Information Act. All minutes shall state the grounds for each determination, including findings of fact and conclusions.

## **Section 16.4 Jurisdiction**

The ZBA shall act upon questions as they arise in the administration of this Ordinance and take other actions as specified in this Ordinance. The ZBA shall perform its duties and exercise its powers as provided in Public Act 110 of 2006. The ZBA shall not have the power to alter or change the zoning district classification of any property, nor make any change in the terms or intent of this Ordinance, but shall have the power to act on those matters so specified in this Ordinance including Ordinance interpretations, variances, and the review of an order, requirement, decision, or determination made by an administrative official or body charged with the enforcement of this Ordinance.

## **Section 16.5 Appeals for Administrative Reviews**

**A. Authority:** The ZBA shall hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, permit, or decision by the Zoning Administrator or by any other body or official in administering or enforcing the provisions of this Ordinance. Within this capacity the ZBA may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination of such body or official. The ZBA shall have all the powers of the body or official from whom the appeal is taken. However, in no case shall the ZBA hear an appeal of a Special Land Use or Planned Unit Development decision. Such appeals shall be subject to circuit court appeal only.

**B. Standards:** The ZBA shall reverse or otherwise modify the decision of such body or official from whom the appeal is taken only if it finds that the action or decision appealed:

1. was arbitrary or capricious, or
2. was based upon an erroneous finding of a material fact, or
3. constituted an abuse of discretion, or
4. was based upon erroneous interpretation of the Zoning Ordinance or zoning law, or
5. did not follow required procedures.

**C. Procedures:**

1. **Application Requirements:** A written application for an appeal for administrative review shall be completed and filed with the Township Clerk on forms established for that purpose, within twenty-one (21) days after the date of the meeting during which the meeting minutes addressing the decision being appealed was approved. Application for an administrative review shall specify, at a minimum, the name, address, and phone number of the applicant; the decision being appealed; and the basis for the appeal. A minimum of seven (7) copies of the application shall be submitted along with any application fees.
2. **Stay:** An appeal for an administrative review filed under this Section stays all proceedings in furtherance of the action appealed unless the officer or body from whom the appeal is taken certifies to the ZBA, after the notice of appeal is filed, that by reason of facts stated in the certificate, a stay would in the opinion of the officer or body would cause imminent peril to life or property. If such a certification is filed, the proceedings shall only be stayed by a restraining order. A restraining order may be granted by the ZBA or by the circuit court, on application, on notice to the officer or body from whom the appeal is taken and on due cause shown.
3. **Record of Facts / Transmission of Record:** Upon receipt of an application for an administrative review, the officer or body from whom the appeal is taken shall transmit to the ZBA all papers constituting the record upon which the action appealed from was taken. In hearing and deciding appeals under this Section, the ZBA's review shall be based upon the record of the administrative decision being appealed, and the ZBA shall not consider new information which had not been presented to the administrative official or body from whom the appeal is taken.
4. **Hearing:** Upon receipt of an application, the chairperson of the ZBA shall fix a reasonable time and date for a hearing, taking into account adequate time for members of the ZBA to review the application prior to such hearing. Notice of the hearing shall comply with Section 2.12. See Sec. 2.7 regarding timely action. Upon the hearing, any party may appear in person or by agent or attorney. See subsection (5) regarding participation at the hearing by a member of the ZBA who is also a member of the Planning Commission or the Township Board.
5. **Decision:** The ZBA shall render a decision in the form of a motion or resolution containing a full record of the findings and determination of the ZBA, and basis for such determination. The concurring vote of a majority of the members of the ZBA shall be necessary to reverse or otherwise modify the action subject to the appeal. A member of the ZBA who is also a member of the Planning Commission or the Township Board shall not participate in a public hearing, deliberation, or vote, on the same matter that the member voted on as a member of the Planning Commission or the Township Board. However, the member may consider and vote on other unrelated matters involving the same property.

## **Section 16.6 Interpretations**

**A. Authority:** The ZBA shall hear and decide upon requests to interpret the provisions of this Ordinance when it is alleged that certain provisions are not clear or that they could have more than one meaning, including the determination of the precise location of the boundary lines between zoning districts (see Article 3).

**B. Procedures:**

1. **Application Requirements:** A written application for an interpretation shall be completed and filed with the Township Clerk on forms established for that purpose. Application for an interpretation shall specify, at a minimum, the name, address, and phone number of the applicant; the standard, regulation or provision requiring an interpretation; and a plot plan, site plan, or similar drawing illustrating the application or relevance of such interpretation. A minimum of ten (10) copies of the completed application shall be submitted along with any application fees.
2. **Hearing:** Upon receipt of an application, the chairperson of the ZBA shall fix a reasonable time and date for a hearing, taking into account adequate time for members of the ZBA to review the application prior to such hearing. Notice of the hearing shall comply with Section 2.12. See Sec. 2.7 regarding timely action. Upon the hearing, any party may appear in person or by agent or attorney.
3. **Decision:** The ZBA shall render a decision in the form of a motion or resolution containing a full record of the findings and determination of the ZBA, and basis for such determination. The concurring vote of a majority of the members of the ZBA shall be necessary to make an interpretation. In deciding on an interpretation, the ZBA shall ensure that its interpretation is consistent with the intent and purpose of the Ordinance, the Article in which the language in question is contained, and all other relevant provisions in the Ordinance.
  - a. Prior to deciding a request for an interpretation, the ZBA may confer with Township staff and consultants to gain insight into the provision subject to interpretation and any consequences which may result from differing decisions.
  - b. A decision providing an interpretation may be accompanied by a recommendation to the Planning Commission for consideration of an amendment of the Ordinance.

## **Section 16.7 Variances**

**A. Authority:** The ZBA shall have the power to authorize specific variances from specific site development standards contained in this Ordinance, such as lot area and width requirements, building height and setback requirements, yard width and depth requirements, lot depth to width ratio requirements, off-street parking and loading space requirements, and sign requirements. The ZBA shall not have the power to authorize variances from requirements of this Ordinance pertaining to permitted uses of land in a District.

**B. Standards:** The ZBA shall have the power to authorize variances from specific site development requirements provided that all of the standards listed below are met and the record of proceedings of the ZBA contains evidence supporting each conclusion.

1. That there are practical difficulties that prevent carrying out the strict letter of this Ordinance due to unique circumstances, such as narrowness, shallowness, shape, or topography of the property involved, or to the intended use of the property in relation to such conditions, that do not generally apply to other property or uses in the same district, and shall not be recurrent in nature. These difficulties shall not be deemed economic, but shall be evaluated in terms of the use of a particular parcel of land.
2. That the practical difficulty or special condition or circumstance is not a result of the actions of the applicant.
3. That the variance will relate only to property described in the variance application.
4. That the variance will be in harmony with the purpose of this Ordinance and the intent of the District, including the protection of public health, safety and welfare in general and vehicular and pedestrian circulation specifically.
5. That the variance will not cause a substantial adverse effect upon surrounding property including property values and the development, use and enjoyment of property in the neighborhood or District.
6. That strict compliance with the site development requirement in question would unreasonably prevent the owner from using the property for a permitted purpose, or would render conformity unnecessarily burdensome.
7. That the variance requested is the minimum amount necessary to overcome the inequality inherent in the particular property or mitigate the practical difficulty.

**C. Procedures**

1. **Application Requirements:** Application for a variance shall specify, at a minimum, the name, address, and phone number of the applicant; the legal description for the lot subject to the variance; a specification of the Ordinance's standards for which a variance is sought and the specific variance being requested; and a plot plan, site plan, or similar drawing that adequately illustrates the proposed improvements to the lot for which the variance is requested. In all variance proceedings, it shall be the responsibility of the applicant to provide information, plans, testimony and/or evidence from which the ZBA may make the required findings, including any information the applicant may choose to submit to demonstrate conformance with the standards of subsection (B) above. A minimum of seven (7) copies of the completed application shall be submitted along with any application fees.
2. **Hearing:** Upon receipt of an application, the chairperson of the ZBA shall fix a reasonable time and date for a hearing, taking into account adequate time for members of the ZBA to review the application prior to such hearing. Notice of the hearing shall comply with Section 2.12. See Sec. 2.7 regarding timely action. Upon the hearing, any party may appear in person or by agent or attorney.
3. **Decision:** The ZBA shall render a decision in the form of a motion or resolution containing a full record of the findings and determination of the ZBA, and basis for such determination. The concurring vote of a majority of the members of the ZBA shall be necessary to grant a variance.
  - a. In granting a variance, the ZBA may prescribe appropriate conditions and safeguards in conformity with this Ordinance. 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. See Article 20 (Supplemental Provisions) regarding conditional approvals.
  - b. A variance shall become null and void unless the construction authorized by such variance has been commenced within six (6) months after the granting of the variance; and the occupancy or use of the land, structure, and/or building for which the variance was granted has taken place within one (1) year after the granting of the variance. The ZBA may extend this time limit upon its finding that no substantial changes have occurred to ordinance regulations, abutting properties, or other conditions that undermine the basis for the original issuance of the variance.
  - c. No application for a variance which has been acted upon shall be resubmitted for a period of one (1) year from the date of the last denial, except on the grounds of newly-discovered evidence or proof of changed conditions having bearing on the basis for the original action, in the discretion of the ZBA.

**Section 16.8 Review by Circuit Court**

**A. Circuit Court Review:** The decision of the ZBA shall be final. However, any party aggrieved by an order, determination or decision of the ZBA may obtain a review thereof in the Circuit Court provided that application is made to the Court within thirty (30) days after the ZBA issues its decision in writing signed by the chairperson, or within twenty-one (21) days after the ZBA approves the minutes of its decision. The Circuit Court shall review the record and decision of the ZBA to insure that the decision:

1. Complies with the constitution and laws of the State.
2. Is based upon proper procedure.
3. Is supported by competent, material, and substantial evidence on the record.
4. Represents the reasonable exercise of discretion granted by law to the ZBA.

**End of Article 16**

## Article 17 ZONING MAP and TEXT AMENDMENTS

### **Section 17.1 Purpose**

This Article establishes procedures for the review and action on amendment requests. Requested amendments to this Ordinance shall be processed according to Public Act 110 of 2006, as amended, and in doing so, the procedures of this Article shall be followed. It is not intended that this Ordinance be amended except to correct an error, to address changed or changing conditions including in a particular area in the Township and in strategies to ensure the public health, safety and welfare, to conform with the Comprehensive Plan and/or other ordinances of the Township, and to meet a public need for new or additional land uses in appropriate locations.

### **Section 17.2 Initiation of Amendments**

Petitions for amendments may be initiated by the Township Board or Planning Commission, by its own motion, or by petition of one (1) or more owners of property to be affected by the proposed amendment. Only the Township Board may amend this Ordinance.

### **Section 17.3 Procedures**

**A. Application, Distribution and Data:** A petitioner shall submit twenty (20) copies of a completed application to the Township Clerk on a form established for that purpose, which shall include a detailed description of the proposed amendment including the name, address and phone number of the applicant and the desired change(s) and reason(s) for such change(s), along with any application fees. The Township Clerk shall record the date of their receipt and transmit copies to the Planning Commission, Township Board, and other agencies or individuals selected to review such plans including but not necessarily limited to Township departments and staff, consultants, and the Montcalm County Road Commission.

1. When the petition involves a change in the Zoning Map, an application shall be submitted for each parcel of land which is not contiguous to any adjacent parcel of land being proposed for the same amendment, and the applicant shall also submit the following information:
  - a. A legal description of the property, and a scaled map of the property correlated with the legal description and clearly showing the property's location.
  - b. The applicant's name, address and phone number and interest in the property, and if the applicant is not the owner, the name, address and phone number of the owner.
  - c. The desired change and reasons for such change.
  - d. Signature(s) of petitioner(s) and owner(s) certifying the accuracy of the required information.

#### **B. Planning Commission Action**

1. **Public Hearing:** The Planning Commission shall review the application materials. Upon finding that the application materials are satisfactorily complete and the Planning Commission has a clear understanding of the requested amendment, the Planning Commission shall establish a date for at least one (1) public hearing on the application and hold such hearing. Notice of the public hearing shall comply with Section 2.12. Any application not properly filed or complete may be returned to the applicant with a written notice of deficiencies.
2. **Planning Commission Review / Recommendation:** In reviewing any amendment application, the Planning Commission shall identify and evaluate all factors relevant to the application.
  - a. If the petition involves an amendment to the official zoning map, matters to be considered by the Planning Commission shall include, but shall not be limited to, the following:
    - 1) What, if any, identifiable conditions related to the petition have changed which justify the proposed amendment?
    - 2) What is the impact of the amendment on the ability of the Township and other governmental agencies to provide adequate public services and facilities, and/or programs that might reasonably be required in the future if the proposed amendment is adopted?
    - 3) Will the petitioned district change adversely affect the value of the surrounding property?
    - 4) Is the site's environmental features compatible with the host of uses permitted in the proposed district, and will development under the petitioned district change be likely to adversely affect environmental conditions?
    - 5) Can the subject parcel comply with all requirements of the proposed zoning classification?
    - 6) Is the subject property able to be put to a reasonable economic use in the zoning district in which it is presently located?

- 7) Is the proposed rezoning consistent with the zoning classification of surrounding land?
  - 8) Does the petitioned district change generally comply with the Comprehensive Plan?
  - 9) What are the precedents and the possible effects of such precedent which might result from the approval or denial of the petition?
- b. If the petition involves an amendment to the text of the Ordinance, matters to be considered by the Planning Commission shall include, but shall not be limited to, the following:
- 1) Is the proposed amendment supported by documentation, such as from the Zoning Board of Appeals, that the proposed amendment would minimize problems or conflicts with specific sections of the Ordinance?
  - 2) Is the proposed amendment supported by reference materials, planning and zoning publications, information gained at seminars or experiences of other communities to more effectively deal with certain zoning issues?
  - 3) Is the proposed amendment supported by significant case law?
3. Planning Commission Recommendation: The Planning Commission shall transmit its findings of fact and a summary of comments received at the public hearing to the Township Board, along with its recommended action on the amendment request. The Planning Commission shall also forward the same to the Montcalm County Planning Commission.

### **C. Township Board Action**

1. After receiving the findings and recommendations of the Planning Commission, the Township Board at any regular meeting or at any special meeting called for that purpose, shall consider said findings and recommendations. The Township Board may refer any proposed amendment back to the Planning Commission for further consideration and comment within a time specified by the Township Board. The Township Board may adopt the amendment, with or without changes. Such action shall be by Ordinance, requiring a majority vote of the Township Board.
  - a. If the Township Board has not received County Planning Commission comments within thirty (30) days of the submittal of the Township Planning Commission's recommendation and summary of public hearing comments, the Township Board need not delay taking action on the amendments.
  - b. The Township Board may hold additional public hearings if the Township Board considers it necessary. The Township Board shall grant a hearing on the proposed amendment to any interested property owner who has filed a written request to be heard. Such written request shall take the form of a certified mail letter from the property owner to the Township Clerk. A hearing under this subsection (a) is not subject to the requirements of Section 2.12, except that notice of the hearing shall be given to the interested property owner according to Section 2.12(A) and (C). The Township Board may require the property owner to justify the property owner's interest on which the additional hearing request is based.

**D. Publication of Notice of Ordinance Amendments:** Following adoption of amendments by the Township Board, the amendments shall be filed with the Township Clerk and one (1) notice of adoption shall be published in a newspaper of general circulation in the Township within fifteen (15) days after adoption. Promptly following adoption of an amendment by the Township Board, a copy of the notice of adoption shall also be mailed to the airport manager of each airport that registers its name and mailing address with the Township Clerk for the purpose of receiving the notice. The adoption notice shall provide either a summary of the regulatory effect of the amendment including the geographic area affected, or the text of the amendment, and the effective date of the amended Ordinance and the place and time where a copy of the amendment ordinance may be purchased or inspected.

1. Effective Date: The effective date of an amendment shall occur no less than the expiration of 7 days after publication of the notice of adoption as provided in (D) above.

### **Section 17.4 Resubmittal**

No application for an amendment which has been denied by the Township Board shall be resubmitted for a period of one (1) year from the date of the last denial, except on grounds of newly-discovered evidence or proof of changed conditions, found upon inspection by the Planning Commission to be valid.

### **Section 17.5 Review of Zoning Ordinance**

The Planning Commission shall, from time to time, review this Ordinance and the location of zoning district boundary lines and submit a report to the Township Board recommending changes and amendments, if any, which are deemed to be desirable in the interest of public health, safety and general welfare.

### **End of Article 17**

**Article 18**  
**(RESERVED for FUTURE USE)**

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**End of Article 18**

**Article 19**  
**(RESERVED for FUTURE USE)**

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**End of Article 19**

## **Article 20 SUPPLEMENTAL PROVISIONS**

### **Section 20.1 Purpose**

The purpose 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 regulations contained elsewhere in this Ordinance, and to establish such exceptions, regulations, and standards. The following supplemental provisions apply to all zoning districts unless otherwise indicated.

### **Section 20.2 Conditional Approvals**

**A. Conditions on Discretionary Decisions:** The Planning Commission, Zoning Board of Appeals, and Township Board may attach conditions to the approval of a site plan, special land use, variance or other discretionary approval. Such conditions shall be based upon standards in this Ordinance and may be imposed to:

1. Insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity.
2. Protect the natural environment and conserve natural resources and energy.
3. Insure compatibility with adjacent uses of land.
4. Promote the use of land in a socially and economically desirable manner.

**B. Requirements for Valid Conditions:** Conditions imposed shall meet all of the following requirements:

1. Be designed to protect natural resources, the health, safety, and welfare and the social and economic well being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
2. Be related to the valid exercise of the police power, and purposes which are affected by the proposed use or activity.
3. Be necessary to meet the intent and purpose of the Zoning Ordinance, be related to the standards established in the Ordinance for the land use or activity under consideration, and be necessary to insure compliance with those standards.

**C. Record of Conditions and Changes:** Any conditions imposed shall be recorded in the record of the approval action. These conditions shall not be changed except upon the mutual consent of the approving authority and the property owner.

**D. Performance Guarantees:** Performance guarantees may be required to ensure compliance with conditions on discretionary decisions pursuant to the requirements of Section 2.6.

### **Section 20.3 One Dwelling Unit Per Lot**

No more than one (1) dwelling unit shall be permanently established on any lot zoned for residential purposes unless specifically provided for elsewhere in this Ordinance, such as in the case of the authorization of two-family dwellings and multiple family developments.

### **Section 20.4 Moving Buildings**

No existing building or structure within or outside of the Township shall be relocated upon any lot within the Township unless the building or structure meets all provisions of this Ordinance and the State Construction Code.

### **Section 20.5 Essential Services**

Essential services as defined in this Ordinance shall be permitted as authorized and regulated by law and other ordinances of the Township, it being the intention hereof to exempt such essential services from the application of this Ordinance. This exception shall not apply to administrative buildings, communication towers, public utility storage yards, and similar above-ground structures and uses associated with such essential services.

## **Section 20.6 Earth Sheltered Dwellings**

The bottom edge of an earth berm in excess of five (5) feet in height, abutting a wall or roof of a dwelling, shall meet the height and setback requirements for the District in which it is located.

## **Section 20.7 Permitted Yard Encroachments**

- A.** Certain architectural features such as cornices, eaves, gutters, chimneys, pilasters and similar features may project three (3) feet into the required front setback areas, five (5) feet into required rear yard setback areas, and two (2) feet into the required side yard setback areas.
- B.** An unenclosed porch, deck, balcony or awning may project from a principal building into the required rear yard setback area for a distance not to exceed fifteen (15) feet; into a required front yard setback area for a distance not to exceed eight (8) feet; and into a required side setback area for a distance not to exceed three (3) feet, but in no case shall a balcony, porch, or awning be placed closer than five (5) feet to any lot line. Physical structures relating to barrier free access, such as ramps, shall not be required to comply with setback requirements.
- C.** Fire escapes and outside stairways, if of open construction, may project into a required yard a maximum of five (5) feet.

## **Section 20.8 Keeping Of Animals as Accessory Residential Use**

- A. Vicious Animals:** No vicious animal shall be kept permanently or temporarily in any district in the Township. "Vicious animal" shall be defined as any animal that attacks, bites, or injures human beings or domesticated animals without adequate provocation, or which because of temperament, conditioning, or training, has a known propensity to attack, bite, or injure human beings or domesticated animals.
- B. Livestock:** The raising and keeping of livestock or other animals generally not regarded as household pets, and which do not meet this Ordinance's definition for "vicious animal," may be conducted as accessory to the principal residential use of a lot of one and a half (1 1/2) acres or larger in the AR or R-1 Districts except in platted subdivisions or condominium subdivisions. All such raising and keeping or killing and dressing of poultry and animals processed upon the premises shall be for the use or consumption by the occupants of the premises in the District and the following additional conditions shall be met:
1. Animals shall be owned and managed by the occupants of the premises.
  2. The occupants of the premises shall keep the odor, sounds and movement of the animals from becoming a nuisance to adjacent properties.
  3. Manure piles shall be stored, removed, and/or applied to the soil in accordance with the generally accepted agricultural and management practices of the Michigan Agriculture Commission for manure management and utilization, and with Michigan Department of Agriculture and County Health Department regulations.
  4. Animal density shall not exceed 1.4 animal units per confined acre.

This subsection (B) shall not apply to private stables. See subsection (C) below.

**C. Private Stables:** All private stables shall conform to the following standards:

1. A private stable shall not be established on any lot less than ten (10) acres in area.
2. A minimum of five (5) acres of confinement area shall be provided for the first horse, and an additional one-half (1/2) acre must be provided for each additional horse.
3. Foals born on parcels where horses are kept may be kept on said parcel for two (2) years even though such additional horses may increase the number of horses on such parcel beyond the acreage limitation in (C)(1) above, but in no case shall there be more than one (1) horse and one (1) foal per two (2) acres.
4. Private stables shall house no more than two (2) horses not owned by the occupant of the dwelling unit.
5. The facility shall be constructed and maintained so that dust and drainage from the stable will not create a nuisance or hazard to adjoining property or uses.
6. Manure piles shall be stored, removed, and/or applied to the soil in accordance with the generally accepted agricultural and management practices for manure management and utilization of the Michigan Agriculture Commission, and with Michigan Department of Agriculture and County Health Department regulations.
7. A shelter shall be provided for all horses, including a separate stall for each horse.
8. No living quarters shall be located in any stable.

**D. Household pets:** The keeping of household pets, including dogs, cats, fish, birds, hamsters and other animals generally regarded as household pets is permitted as an accessory use in any District provided such activities do not constitute a kennel that was not expressly approved as such.

### **Section 20.9 Single Family Dwelling Standards**

All single family dwellings shall comply with the following standards, provided that the foregoing standards shall not apply to temporary dwellings, or mobile homes located in a licensed mobile home park, except to the extent required by State and Federal law.

**A.** Single family dwellings shall have a minimum ground floor area of eight hundred forty (840) square feet, exclusive of porches and attached garages. Single family dwellings shall have a minimal elevation width of fourteen (14) feet, a main roof pitch of a minimum vertical rise of one (1) foot for each four (4) feet of horizontal run, and permanent steps or porch areas where there exists an elevation difference of more than one (1) foot between a door and the surrounding grade. Single family dwellings shall comply in all respects with the State Construction Code, including minimum heights for habitable rooms. Where a dwelling is required by law to comply with a federal or state standards or regulations for construction (as in the case of mobile homes) and where such standards or regulations for construction are different than those imposed by the State Construction Code, then and in that event such federal or state standard or regulation shall apply.

**B.** All dwellings shall be firmly attached to a permanent foundation constructed on the site in accordance with the State Construction Code and shall have a wall of the same perimeter dimensions of the dwelling and constructed of such materials and type as required in the applicable building code for such dwellings. In the event that the dwelling is a mobile home, as defined herein, such dwelling shall be installed pursuant to the manufacturer's setup instructions and shall be secured to the premises by an anchoring system or device, and shall be set on a concrete footing with a masonry wall extending from the perimeter wall of the dwelling to ground, or on a concrete footing with fireproof supports and shall have a continuous skirt extending from perimeter to ground, made of commercial quality or equivalent, and comply with the rules and regulations of the Michigan Mobile Home Commission, the Public Health Department, and HUD Regulations 24 CFR 3280, being the "Mobile Home Construction and Safety Standards".

**C.** In the event that a dwelling is a mobile home as defined herein, each mobile home shall be installed with the wheels removed. Additionally, no dwelling shall have any exposed towing mechanism, undercarriage or chassis.

**D.** All dwellings shall be connected to a public sewer and water supply or to such private facilities approved by the Montcalm County Health Department.

**E.** All dwellings shall contain storage capability area in a basement located under the dwelling, in an attic area, in closet areas, or in a separate structure similar to or of better quality than the principal dwelling, which storage area shall be a minimum of ten percent (10%) of the dwelling's floor area.

**F.** All dwellings shall be aesthetically compatible in design and appearance with other residences in the vicinity. The compatibility of design and appearance shall be determined by the Zoning Administrator upon review of the plans submitted for a particular dwelling. Any determination of compatibility shall be based upon the standards set forth in this Section as well as the character, design and appearance of one or more residential dwellings located in the Township within two thousand (2,000) feet of the subject dwelling where such area is developed with dwellings; or, where said area is not so developed, by the general character, design and appearance of residential dwellings located in the Township similarly meeting the standards of this Section. The foregoing shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, unique land contour, or relief from the common or standard designed home.

1. The exterior siding of a single family dwelling shall consist of materials that are generally acceptable for site-built housing in the vicinity, provided that the reflection from such exterior surface shall be no greater than from white semi-gloss exterior enamel, and provided further that any such exterior is comparable in composition, appearance, and durability to the exterior siding commonly used in standard residential construction.

**G.** All subsequent additions to a dwelling shall be of similar or better quality workmanship as the original structure, including construction of a foundation as required herein.

**H.** All construction required herein shall be commenced only after a building permit has been obtained in accordance with the applicable Michigan Construction Code provisions and requirements.

## **Section 20.10 Accessory Uses, Buildings, and Structures**

Accessory buildings, structures and uses, except as otherwise permitted in this Ordinance, shall be subject to the following regulations.

**A. Attached:** An accessory building, including carports which are attached to the principal building, shall comply in all respects with the requirements of this Ordinance applicable to the principal building. Breezeways, as an attachment between the garage or carport and the main building, shall be considered a part of the main building, but shall not be considered habitable floor area.

**B. Separation Distance:** An accessory building or structure unless attached and made structurally a part of the principal building, shall not be closer than ten (10) feet to any other structure on the lot.

**C. Placement:** Except for fences and as provided below in (1), accessory buildings and structures are subject to all side yard setback requirements of the District in which it is located, shall be no closer than ten (10) feet to any rear lot line, and shall not be located in any front yard.

1. Boathouses and other structures constructed solely for the purpose of storing or mooring vehicles intended for use upon the water which the front yard abuts may be located within the front yard and need not comply with the front yard setback requirement of the District. Accessory buildings and structures on lakefront lots shall be set back a minimum of fifteen (15) feet from the rear lot line abutting a public or private road.

**D. Lot Coverage:** An accessory building or structure shall not occupy more than thirty (30) percent of the area of any rear yard and in no instance shall the accessory building or structure exceed fifty (50) percent of the ground floor area of the principal building, except that an accessory building or structure may occupy up to fifty (50) percent of the area of any rear yard if it is a nonconforming lot of record, and side and rear yard setbacks are still met.

**E. Height:** No detached residential accessory building or structure shall exceed one (1) story or seventeen (17) feet in height. Detached accessory buildings for other uses may be constructed to equal the permitted maximum height of structures in said districts, subject to site plan approval if the building exceeds one (1) story or seventeen (17) feet in height. This restriction shall not apply to agricultural use structures on parcels greater than twenty (20) acres in size, or accessory structures allowed by special land use approval. Walls and fences on residential lots shall not exceed a height of five (5) feet, except that a wall or fence placed within a required front yard area shall not exceed a height of three (3) feet.

### **F. Prior to a Principal Structure:**

1. A single accessory building or structure may be erected on a lot or parcel prior to the establishment of a principal structure provided all of the following conditions are met:
  - a. The landowner submits a plot plan to the Zoning Administrator pursuant to Section 2.4(B) and the Zoning Administrator finds that such building or structure will not hinder the future erection of a principal building in conformance with all setback and other site development requirements of this Ordinance. In the case of a non-residential accessory building or structure, the Zoning Administrator may defer the application to the Planning Commission.
  - b. The structure or building shall not exceed one (1) story or seventeen (17) feet in height.
  - c. The structure or building shall not exceed area dimensions of twelve (12) feet by sixteen (16) feet.
  - d. The structure or building shall be of such design and construction to be architecturally consistent with other structures on adjoining properties or within the general vicinity.
  - e. The structure or building shall be landscaped or otherwise screened to assure its harmonious appearance with adjoining properties and the general vicinity. Such landscaping shall be identified on the plot plan.
2. The provisions of subsection (F)(1) shall equally apply in the case where two (2) or more abutting lots are held under one ownership and the owner of such lots desires to erect an accessory building or structure on one (1) of the lots which is to serve the owner's principal building located on of the abutting lots.

**G. Habitation of Accessory Structures:** No accessory building or structure shall be used or occupied as a dwelling.

### **Section 20.11 Temporary Dwellings**

**A. Authorization/Application:** Temporary dwellings are prohibited except as approved by the Zoning Administrator according to this Section. Application for and authorization of such a temporary dwelling shall require the submittal of an application available from the Zoning Administrator including a plot plan prepared according to Section 2.4(B).

**B. Mobile Homes:** A mobile home may be authorized as a temporary dwelling and placed on a lot only in the case where the permanent dwelling on the same lot is under repair for which a zoning permit and building permit has been issued, where such repair is due to destruction by fire, collapse, explosion, Acts of God, or acts of a public enemy, to the extent that it is no longer safe for human occupancy. A temporary dwelling authorized pursuant to this subsection (A) shall consist of a mobile home only unless expressly authorized otherwise, such as in the case of a recreation vehicle. The provisions of subsection (C), regarding the temporary occupancy of recreational vehicles, shall not apply where such vehicle is authorized pursuant to this subsection (B).

**C. Recreational Vehicle:** A recreational vehicle may be used as a temporary dwelling in an Agricultural or Residential District and outside of a licensed mobile home or recreational vehicle park provided the following conditions are met.

1. The applicant shall submit a completed application to the Zoning Administrator in the case where the recreational vehicle is intended to be occupied for more than thirty (30) days within any twelve month period, other than for the purposes of housing farm labor to be used exclusively on the farm property where such vehicle is to be parked. The Zoning Administrator shall issue a temporary zoning permit pursuant to subsection (D) below. Such permit shall not exceed six (6) weeks and may be renewed a single time. The application shall specify, at a minimum:
  - a. The name of the vehicle owner.
  - b. The make and length of the vehicle, the vehicle number, and the license number.
  - c. The location of the proposed parking site, by property address or legal description where no address is available.
  - d. Names of all persons, and their respective ages, to be occupying the vehicle and their relationship to the property owner.
  - e. Written approval of all owners of all dwellings within three hundred (300) feet of the lot lines of the property where the vehicle will be occupied.
2. The recreational vehicle shall meet all applicable setback requirements for principal structures, and shall not be parked in a front yard.
3. The lot shall have a potable water and sewage disposal system approved by the County Health Department, and shall be maintained in a clean and sanitary condition at all times.

**D.** A temporary zoning permit for a mobile home or recreational vehicle shall not be granted, for any reason, unless the Zoning Administrator finds:

1. Evidence that the proposed location of the temporary dwelling will not be detrimental to property within three-hundred (300) feet of the parcel intended to be the location of the temporary dwelling.
2. Proposed water supply and sanitary facilities have been approved by the County Health Department where necessary.

### **Section 20.12 Shoreline Retaining Walls**

No wall intended to retain shoreline areas or minimize erosion, or which otherwise alters the character of the location where lake or river waters abut shoreline areas, shall be constructed without the issuance of a zoning permit and no such permit will be issued except upon a showing that all federal and state approvals have been secured. All such structures shall be designed and placed so as to minimize any adverse visual and hydrological effects upon adjacent properties.

### **Section 20.13 Roadside Stands**

**A.** A roadside stand shall be considered an accessory use and shall be limited to the sale of farm produce, specialty crops such as tree fruits, nuts, berries, and the like, and foodstuff made from such produce, provided such produce, specialty crops, and food stuff is grown or produced on the property on which the roadside stand is locate and conformance with the following:

1. One roadside stand per lot, and no roadside stand shall be operated for more than twenty-six (26) weeks in any calendar year.
2. At least four off-street parking spaces shall be provided outside of the road right-of-way.
3. One driveway shall be established with a width at least twenty-five (25) but not more than thirty-five (35)

feet or another means of ingress and egress is established satisfactory to the Zoning Administrator which allows cars to turn around on the lot before exiting.

4. No structure larger than two hundred twenty-five square feet (225) feet shall be erected for use as the roadside stand.
5. No roadside stand shall be located closer than twenty-five (25) feet from the right-of-way and shall conform to side yard setbacks.
6. No roadside stand shall be located on a lot without a dwelling unit, nor run by anyone other than an occupant of the dwelling.
7. Hours of operation shall not exceed 7:00 a.m. – 7:00 p.m.
8. No more than one sign, not over twelve (12) square feet in area with a maximum height of six (6) feet, may be displayed during the seasonal occupancy of the roadside stand.

### **Section 20.14 Fences and Walls**

**A. Residential:** Fences and walls used for residential purposes shall comply with the following standards:

1. No fence or wall exceeding six feet (6') in height shall be erected in a any yard except that a fence in a front yard shall not exceed a height of three feet six inches (3'6") where located within one hundred (100) feet of a road right-of-way. In addition, in the case of a fence or wall in the front yard of a waterfront lot in a Residential District, the front yard being the yard adjacent to the water, such fence shall not extend from the dwelling toward the water, either in front of the dwelling or to the side of the dwelling such as near a side lot line, a distance greater twenty (20) feet unless the height of the portion of the fence that exceeds this distance shall not exceed three feet six inches (3'6").
  - a. Subsection (1) above shall not prohibit the erection of a fence or wall on a waterfront lot of up to six (6) feet in height, along any lot line that also serves as a public road right-of-way line, where such road right-of-way terminates at the water's edge. Such a fence shall not extend beyond the ordinary high water mark.
2. In the case where a proposed fence or wall is within sixty (60) feet of a dwelling on an abutting lot, the finished side of the fence or wall shall face the abutting lot.
3. Fences and walls with barbs, spikes, nails, or other sharp or electrified devices shall be prohibited.
4. Fences and walls shall not be subject to setback requirements.
5. See Section 6.4 regarding clear vision zones.

**B. Agricultural/Animals:** Fences and walls used for agricultural purposes, or for confining farm animals not otherwise on a farm, shall comply with the following standards:

1. No fence or wall shall exceed six feet (6') in height except where such height will not adequately contain the particular species such as in the case of cervidae.
2. All fences in excess of five feet (5') in height shall be at least fifty percent (50%) open to a height of five feet (5'), and ninety percent (90%) open for the remainder of its height.
3. Fences and walls shall not be subject to setback requirements.
4. See Section 6.4 regarding clear vision zones.

**C. Commercial, Industrial, Public, and Institutional:** The location, height and character of all fences and walls proposed as part of the commercial, industrial, public and/or institutional use of a lot, or any other use of a lot requiring site plan approval pursuant to Article 14, shall be reviewed according to the site plan review provisions of Article 14.

### **Section 20.15 Outdoor Swimming Pools**

**A. Permit/Application:** No outdoor swimming pool shall be erected prior to the issuance of a zoning permit from the Zoning Administrator, and the necessary building permits from the Building Inspector. Application for a zoning permit shall be made to the Zoning Administrator on a form for such purpose, and shall be accompanied by a plot plan that identifies the location of the lot lines, pool, pool decks, adjacent buildings, fencing, and gates.

**B. Location and Setbacks**

1. No pool or pool fencing shall be located in a front yard or in an easement.
2. No pool shall be located under a service drop conductor or other utility wires.
3. Pools shall comply with the minimum side and rear yard setbacks for the principal building, as measured from the interior wall surface.
4. There shall be not less than four (4) feet between the wall of the pool and any building.

**C. Fencing:** All swimming pools shall be completely enclosed by wood, chain link, 2" by 4" welded wire, or masonry fence, of not less than five (5) feet in height, and located not less than four (4) feet from the outside perimeter of any pool wall. Such fencing may be omitted where building walls abut the pool area, provided that the entire remaining perimeter of the pool area is fenced. All openings in any such fence shall be equipped with a self-closing, self-latching gate.

1. Where all parts of all sides of an above-ground pool exceed four (4) feet above grade, a fence shall not be required if a ladder or stairs, which lifts or retracts either manually or automatically and is in good operating condition, is attached to the pool.

**D. Lighting:** No lights shall be erected, operated or maintained in connection with a swimming pool in such a manner as to be a nuisance to surrounding properties.

**E. Building and Health Codes:** All swimming pools shall be designed, constructed and maintained in compliance with all building codes and the rules and regulations of county and state health departments.

## **Section 20.16 Outdoor Display, Sales and Storage**

**A. Definition of Materials and Products:** For the purpose of this Section, "materials and products" shall include lumber piles, crates, boxes, building materials, discarded materials, trash, junk, and similar items; finished or partially finished items intended for subsequent use or sale including pipes, logs, fire wood, and figurines; and motor vehicles, items intended for tow, landscape supply materials, and other items customarily requiring outdoor storage.

**B. Commercial Display and Sales:** Outdoor display or sales of materials and products in association with a commercial or industrial uses is prohibited except where expressly authorized pursuant to an approved site plan. Such display or sales area shall not extend into a required setback for the principal building according to Table 3-4 of Article 3. The maximum permitted outdoor display or sales area shall be twenty-five percent (25%) of the use's indoor retail sales floor area except a minimum of two hundred (200) square feet area shall be permitted but such area shall not exceed eight hundred (800) square feet. Such area limitations shall not apply to the display and sales of motor vehicles, boats, items intended for tow, and landscape supply materials such as mulch, gravel, sand, soil, and plant material.

**C. Commercial and Industrial Storage:** The outdoor storage of materials and products in association with a commercial or industrial use, not otherwise comprising outdoor display and sales as determined by the site plan approving body, is prohibited except where the site plan approving body finds that proposed screening or partial enclosures of such storage areas adequately minimizes negative impacts upon existing and planned surrounding land uses. Such enclosure or screen shall be subject to site plan approval.

## **Section 20.17 Site Condominiums**

**A. Intent:** The intent of this Section is to provide regulatory standards for site condominium project similar to those required for projects developed under other forms of ownership. This section is not intended to prohibit or treat proposed or existing condominium projects different than projects developed under another form of ownership.

**B. Applicability of District Regulations:** A site condominium project, including single family detached units, shall comply with all applicable site development standards of the district within which it is located including use, setback, height, coverage and area requirements, and all other provisions of this Ordinance. A condominium unit in a site condominium is that portion of the project intended to function generally similar to a platted subdivision lot and shall comply with the minimum lot area, width and yard setbacks of the District within which it is located.

**C. Review and Approval Procedures:**

1. **Zoning Permit Required:** No grading or any other form of construction shall be initiated for a site condominium prior to the approval of a final site plan and issuance of a zoning permit. The future erection of any dwelling or other structure or building in the site condominium, not expressly approved as part of the final site plan, shall require an additional zoning permit prior to erection.
2. **Site Plan Approval Required:** The issuance of a zoning permit shall require the submittal and approval of a preliminary and final site plan pursuant to Article 14, Site Plan Review, and master deed and bylaw documents.
  - a. In addition to the preliminary and final site plan information required by Article 14, the applicant shall also submit information constituting a condominium subdivision plan, including the size, location, area, width, and boundaries of each condominium unit; building locations; the nature, location, and approximate size of common elements; and other information required by Section 66 of Michigan Public Act 59 of 1978, as amended.

3. **Master Deed/Bylaws Approval Required:** The applicant shall include as part of the Zoning Permit application a copy of the proposed master deed and bylaws. These shall be reviewed for compliance with Township ordinances and to ensure that an assessment mechanism has been included to guarantee adequate funding for maintenance of all common elements. The common area funding responsibility of the association shall include any necessary drainage-ways and the cost to periodically clean out such drainage ways to keep them functioning as intended in the approved plans. The master deed shall clearly state the responsibility of the owner and co-owners and shall state that all amendments to the master deed must conform to Township, County, and state laws and regulations. The Master Deed shall also include any variances granted by Township, County, or State authorities and include a hold harmless clause from these variances. All provisions of the condominium subdivision plan which are approved by the Township Board shall be incorporated, as approved, in the master deed for the condominium subdivision.
4. **Issuance of Zoning Permit:** Upon approval of the final site plan, by-laws and master deed, the applicant shall furnish the Planning Commission a copy of the final bylaws and master deed, and a copy of the approved site plan on a mylar sheet of at least twenty-four inches by thirty-six inches (24" x 36"). Upon the satisfactory submittal of these documents, the Planning Commission shall direct the Zoning Administrator to issue a zoning permit.
5. **Changes:** Any changes to an approved site condominium including changes in the by-laws, master deed, or site plan, including changes in lot line or road configuration and the addition or relocation of buildings, shall require approval by the Planning Commission prior to such change.

**D. Building Permit:** No building shall be erected prior to the issuance of a zoning permit by the Zoning Administrator, and a building permit by the Building Inspector.

**E. Utilities:** The site condominium shall provide for dedication of easements to the appropriate public agencies for the purposes of construction, operation, maintenance, inspection, repair, alteration, replacement and/or removal of pipelines, conduits, mains and other installations of a similar character for the purpose of providing public utility services, including conveyance of sewage, potable water and storm water runoff across, through and under the property subject to said easement, and excavation and refilling of ditches and trenches necessary for the location of such installations.

**F. Roads:** All roads within a site condominium shall be designed and constructed in conformance with the standards of the Montcalm County Road Commission.

**G. As-Built Plan and Occupancy:** Submission of as-built plans of a condominium subdivision is required. The Township Board may allow occupancy of the project before all required improvements are installed provided that a financial performance guarantee is posted pursuant to Section 2.6.

**H. Monuments:** All condominium units which are building sites shall be marked with monuments as if such units were lots within a platted subdivision, and such monuments shall comply with the requirements of the P.A. 591 of 1996, the Land Division Act, as amended.

### **Section 20.18 Temporary Non-Residential Buildings and Uses**

**A. Authorization:** Temporary non-residential uses and buildings are prohibited except as authorized by this Section. Such temporary buildings and uses may include, but shall not be limited to, field offices and tool sheds associated with new construction projects; temporary buildings associated with school and religious facilities; temporary real estate offices part of a multi-unit residential development; garage sales, and outdoor circuses, carnivals, theatrical exhibitions, and musical festivals.

**B. Application:** An applicant shall submit a completed application for a temporary non-residential building or use to the Zoning Administrator on a form established for that purpose. The application shall include a detailed description of the proposed temporary building and use, and a scaled drawing delineating the proposed location of all temporary buildings and uses, their locational relationship to existing and proposed permanent buildings and uses and required principal building setbacks, and measures to be employed to ensure the public health, safety and welfare including potable water, sewage disposal, and traffic circulation. This requirement shall not be interpreted to require the submittal of a full site plan for the temporary condition, meeting the requirements of Article 14, unless the approving body finds such submittal information to be necessary.

1. **Field Offices/Sheds:** An application to establish a temporary field office and/or equipment shed on a lot, to support the construction of a project approved for such lot, shall not be required provided the approved application for such project included provisions for the temporary offices and sheds.

**C. Review and Action:** The Zoning Administrator shall be responsible for the review and approval of temporary non-residential buildings and uses. The Zoning Administrator shall refer the application to the Township Board for action in the case where, in the reasonable judgment of the Zoning Administrator, the application presents complexities or public health, safety and welfare issues that can most adequately be reviewed and acted upon by the Township Board. The Township Board may require the submittal of additional information to adequately evaluate the merits of the request.

**D. Approval Standards:** No temporary building or use application shall be approved, or be permitted to continue, which does not comply with the site plan approval standards of Article 14, except where the approving body finds that specific standards need not apply due to the temporary nature of the use and provided the approving body determines the waiving of such standards shall not undermine the public health, safety and welfare. The approving body may impose conditions with the issuance of the permit which are designed to insure compliance with the requirements of this Ordinance. The Zoning Administrator may revoke a permit at any time for nonconformance with the requirements of this section and a permit issued there under.

**E. Permit Duration and Removal:** No permit issued under this Section shall be authorized for a period exceeding thirty (30) days except in the case where the applicant demonstrates to the satisfaction of the Zoning Administrator that the nature of the temporary building or use requires a longer duration, such as in the case of a field office and/or equipment shed on a lot undergoing construction or a model home in a subdivision serving as a real estate office for the sale of homes or lots in the subdivision. However, in no case shall such initial authorization exceed a twelve (12) month period and in no case shall each subsequent authorization period exceed six (6) months. The temporary condition shall be removed from the lot no later than the termination date of the permit or upon the temporary condition becoming no longer necessary, whichever comes first.

**F. Exemptions:** The following temporary uses and buildings are permitted without a temporary zoning permit provided there is conformance with all specified requirements:

1. **Auctions:** The public sale of property to the highest bidder shall be permitted on a parcel or lot for not more than five (5) days and no sales activity shall occur within thirty (30) feet of any street or road right-of-way.
2. **Garage Sales:** Garage sales, rummage sales, yard sales, moving sales, and similar activities shall be considered temporary accessory uses within any Agricultural or Residential district subject to the following conditions:
  - a. Any single garage sale, rummage sale or similar activity shall be allowed without a temporary zoning permit for a period not to exceed four (4) days.
  - b. In no instance shall more than six (6) garage sales, rummage sales or similar activity be held in any one location within any twelve (12) month period.
  - c. All such sales shall be conducted a minimum of thirty (30) feet from the front lot line and fifteen (15) feet from a side lot line.
  - d. No garage sale or similar activity shall be conducted before 8:00 a.m. or continue later than 9:00 p.m.
  - e. Items purchased specifically for the sale are prohibited.
  - f. All signs advertising a garage sale shall be removed within twelve(12) hours of the conclusion of said garage sale or similar activity.
3. **Christmas Tree Sales:** The seasonal display and sale of Christmas trees in an Agricultural District or Commercial District, or at a church, except that a temporary zoning permit shall be required for the display and sale on an open lot and shall be valid for a period not to exceed thirty-five (35) days. All unsold trees shall be removed from the property by December 31 of each calendar year.

## **Section 20.19 Home Occupations**

**A. Definitions:** For the purpose of this Section and Ordinance, the following phrases and definitions shall apply:

1. **Home Occupation:** An occupation or profession conducted on the same lot as a dwelling, accessory to and incidental to the principal residential use of the premises, and complies with the standards of this Section 20.19.
  - a. **Class 1 Home Occupation:** A home occupation that is conducted entirely within a dwelling, including an attached garage, and complies with the regulations of this Section..
  - b. **Class 2 Home Occupation:** A home occupation that is conducted wholly or in part outdoors or in an accessory building and complies with the regulations of this Section. Examples of a Class 2 home occupation, if in conformance with the regulations of this Section, may include but are not limited to, occupations involving a building accessory to a residence which is used as an office of a contractor or landscaping service, or used to store earth moving or other excavation or construction vehicles used in association with such business and driven or transported to the work site by employees arriving at the home occupation accessory building, or used for providing appliance or other equipment repairs, or used to provide educational services such as in the area of hand crafts, musical instruments, and self-defense.

**B. Authorization:** The operating or conducting of a home occupation is permitted according to the regulations and standards of this Section.

1. **Class 1 Home Occupation:** A Class 1 Home Occupation is permitted as an accessory use to the principal residential use of a lot. A zoning permit for such an occupation is not required, but such occupation shall comply with the standards of subsection (C) below.
2. **Class 2 Home Occupation:** A Class 2 Home Occupation is classified as a special land use and shall be subject to the provisions of Article 15, and the standards of subsection (C) below.

**C. Standards:** Home occupations shall comply with the following standards. Two (2) or more home occupations may exist in association with the same dwelling but in no case shall multiple home occupations, in their totality, exceed such standards.

1. The occupation shall be clearly secondary and incidental to the use of the dwelling as a place of residence, and shall not result in a change to the essential residential character of the premises including both the dwelling and yard areas. There shall be no change in the exterior appearance of the dwelling, nor shall there be any evidence of the conduct of such home occupation other than a sign according to Section 5.4.
2. The occupation, including associated equipment, shall not produce any noise, odors, vibration, fumes or smoke detectable to normal sensory perception beyond the lot lines. No equipment or process shall be used which creates electrical interference in any radio, television, or communication receivers off the premises, or cause fluctuations in line voltage off the premises.
3. A resident of the dwelling on the lot shall be actively and personally engaged in and responsible for all home occupation operations.
4. The occupation shall comply with all applicable federal, state and local laws including, but not limited to, laws regarding licensing, occupational health and safety, and the environment.
5. The home occupation shall not involve the use or storage of explosive, flammable, or otherwise hazardous materials and waste not otherwise of a customary household nature. Refuse generated by the occupation shall be safely and properly disposed of.
6. Limited retail sales may be permitted on the premises only as an incidental rather than a principal part of a home occupation. All display and sales shall occur indoors.
7. The home occupation shall not occupy an area greater than one-quarter (1/4) of the gross floor area of the dwelling including the basement, except that a Class 2 home occupation shall not occupy an area of an accessory building greater than the gross first floor area of the dwelling.
8. No more than one (1) employee shall be present on the premises during any single day, excluding employees residing in the home. In the case of a Class 2 home occupation, there shall be no more than two (2) persons on the premises during the ordinary course of business excluding the resident owner and employees residing in the home.
9. Visitors, customers and deliveries to the home occupation shall not exceed a total of six (6) during a single day. The Township Board may increase this standard only upon a finding that the requested increase shall not unreasonably interfere with the use and enjoyment of nearby properties, taking into consideration such matters as the size of the parcel and the location of the driveway in relation to the parcel and property lines, proximity or location of nearby dwellings, and available off-street parking. Visitors, customers and deliveries to the home occupation shall be limited to the hours of 8:00 a.m. to 8:00 p.m.

10. Traffic associated with the home occupation shall be limited to passenger vehicles and other vehicles not exceeding twenty (20) feet in length inclusive of any towed portion of such vehicles. The Township Board may waive this requirement in the case of a Class 2 home occupation upon a finding that the allowance of truck traffic will not undermine the public safety and welfare based on such factors as the size of the lot, the location of the driveway in relation to nearby properties, the proximity and location of nearby residences, and road and dust conditions, nor unreasonably interfere with the use and enjoyment of nearby properties and/or undermine the intended character of the area.
11. No portion of a Class 1 home occupation shall be located outdoors including the storage of vehicles, equipments, materials, and refuse. No portion of a Class 2 home occupation shall be located outdoors except according to the following:
  - a. No portion of a Class 2 home occupation shall be located outdoors except as expressly authorized by the Township Board as part of an approved site plan.
  - b. Any portions of a Class 2 home occupation that may be located outdoors shall be located to the rear of the dwelling or accessory building so as to minimize its presence as viewed from nearby roads.
  - c. Any portion of a Class 2 home occupation that may be located outdoors shall be used only for the parking or locating of contractor's equipment and vehicles and the storage of materials, goods, supplies, refuse and waste materials, and products. Such outdoor area shall be fully screened by a fence or wall of a minimum of six (6) feet in height and nothing shall be located within such enclosed area that exceeds the height of the fence or wall excluding vehicles. Any such fence or wall located within seventy-five (75) feet of a lot line shall also include tree and shrub plantings along a minimum of fifty percent (50%) of the wall or fence exterior.
  - d. Any portions of a Class 2 home occupation that may be located outdoors shall not occupy a total outdoor area greater than the gross first floor area of the dwelling.

**D. Special Application and Approval Requirements for Class 2 Home Occupations**

1. An application for a Class 2 Home Occupation shall include a site plan. The site plan shall be to scale and need only illustrate property lines with dimensions and bearings and accompanying legal description; existing and proposed structure and building locations and footprints; driveways and off-street parking areas; and any proposed screening. The Township Board may require additional information if it determines the character of the project, site or surrounding conditions necessitates additional information to make a sound decision on the application.
2. In addition to the information required by Article 15 and the site plan described in (1) above, the applicant shall submit a detailed description of the nature of the occupation which shall clearly specify the following minimum features:
  - a. A detailed description of the character of the home occupation including but not limited to the service or product offered, the typical daily schedule of activities of such business, and the number of full-time and part-time employees of the business and the frequency at which such employees will be present at the site.
  - b. The type and frequency of vehicular traffic to be generated by the home occupation, the location of all parking, delivery and storage areas, and the maximum number, by location, of vehicles to be parked or otherwise located outdoors including vehicles owned or used by residents of the dwelling and employees of the home occupation.
  - c. Proposed landscaping/screening in association with any outdoor area, including parking and storage areas, to minimize negative impacts on nearby properties.
  - d. The location(s) and square footages to be occupied by the home occupation, including within both the dwelling and any accessory building.
  - e. The location, character, and dimensions of any new structure to accommodate the home occupation and any structural additions or modifications to an existing dwelling or accessory building to accommodate the home occupation.
3. Any approval of a Class 2 Home Occupation, and any permit issued for such occupation, shall clearly delineate any conditions upon which such approval is granted including any conditions pertaining to the number of employees, outdoor parking of vehicles, and related operational features.

**Section 20.20 Common Use Waterfront Lots (CUWL)**

**A. Definitions:** For the purposes of this Section, the following terms and phrases shall have the following meanings:

1. Boat: Any type of water craft or vessel used and or operated upon a lake. This definition shall also include amphibious craft capable of moving on land or in the air and floating in water.
2. Boat Launching: The placement of a boat in a lake by any means.
3. Common Use Waterfront Lot (CUWL): A lot, parcel, or condominium unit, with water frontage on a lake, which allows, has been created to allow, and/or is proposed to allow, the use thereof by any one or more of the following:
  - a. Non-owners of the lot, parcel, or condominium unit.
  - b. Multiple owners of the lot, parcel, or condominium unit.
  - c. Non-riparian land owners, the public, members of an association, multiple family dwellings, or occupants of a campground.

The phrase "common use waterfront lot" shall apply to such lot, parcel or condominium unit irrespective of its creation or recordation date, or the date when such common use was initiated or permitted to be initiated, and irrespective of whether said use of the CUWL is gained by easement, common fee ownership, single fee ownership, lease, license, gift, business invitation or any other form of dedication or conveyance. The phrase "common use waterfront lot" shall not apply to public parks or public access sites owned, provided and maintained by any unit of state, county or township government.

4. Dock, Docked or Docking:
  - a) The mooring of a boat directly to a pier or structure, including but not limited to a platform, hoist, or other permanent or seasonal fixture or structure extending from the shore or place in the water off the shore, and directly accessible to water frontage; and
  - b) The regular anchoring of a boat adjacent to a water frontage; and
  - c) The placement or storage of a boat, temporarily or permanently, upon the shoreline or at the water frontage.
5. Lake: A body of water that exceeds twenty (20) acres in area with a water depth of 24" or more over a minimum area of ten (10) acres or more, whether a natural body of water or artificially made.
6. Water Frontage: That portion of a lot, parcel, or condominium unit, which abuts or intersects with the ordinary high water mark of a lake, irrespective of the nature or character of the ownership of such lot, parcel or condominium unit.

**B. Authorization:** A CUWL is classified as a special land use. A CUWL shall not be established except according to the application and approval provisions of Article 15, Special Land Uses, including the submittal and approval of a site plan. Such special land use application shall include the information required by Article 15 in addition to the informational requirements of this Section 20.20. In addition to compliance with the special land use approval standards of Article 15, a CUWL shall also comply with the following. The applicant shall submit evidence documenting the extent to which the application complies with these standards.

1. The proposed CUWL shall not unreasonably interfere with the rights of usage and enjoyment of the lake by owners of property abutting the lake.
2. The proposed CUWL shall not unreasonably interfere with the enjoyment of owner's of property in the general vicinity of the CUWL.
3. The proposed CUWL shall not result in the overcrowding of the common use lot so as to undermine the public health, safety and welfare.

**C. The following site and developmental requirements shall apply:**

1. District Regulations: A CUWL shall comply with the regulations of the District in which it is located except as otherwise provided in this subsection (C).
2. Minimum Area: The minimum area of a CUWL shall be five thousand (5,000) square feet for each dwelling unit served by the CUWL but in no case shall the area be less than fifteen thousand (15,000) square feet. In the case where the CUWL shall not be used for the docking or launching of motorized boats, the above referenced five thousand (5,000) square foot frontage standard shall be replaced by a standard of two thousand (2,000) square feet. However, in the case of a campground, the minimum area of a CUWL shall be fifteen thousand (15,000) irrespective of the number of campsites in the campground provided no more than ten percent (10%) of the campsites shall be permitted the parking and/or storage of a boat. For each additional campsite that shall be permitted the parking and/or storage of a boat, the minimum lot area shall be increased by five thousand (5,000) square feet. No more than twenty percent (20%) of the minimum required CUWL area shall consist of a swamp, marsh, wetland or bog as shown on the most recent U.S. Geological Survey Maps, Michigan Department of Natural Resources MIRIS maps, or National Wetland Inventory Maps, or have otherwise been determined to be

a wetland by the Michigan Department of Environmental Quality.

3. **Minimum Water Frontage:** The minimum water frontage of a CUWL, measured by a straight line which intersects each side lot line of the CUWL at the water's edge, shall be twenty-five (25) feet of frontage for each dwelling unit served by the CUWL but in no case shall the frontage be less than one-hundred (100) feet. In the case where the CUWL shall not be used for the docking or launching of motorized boats, the above referenced twenty-five (25) foot frontage standard shall be replaced by a standard of ten (10) feet. However, in the case of a campground, the minimum water frontage of a CUWL shall be one hundred (100) feet irrespective of the number of campsites in the campground provided no more than ten percent (10%) of the campsites shall be permitted the parking and/or storage of a boat. For each additional campsite that shall be permitted the parking and/or storage of a boat, the minimum water frontage shall be increased by twenty-five (25) feet. Alterations to the shoreline shall not be a basis for increasing the calculated water frontage including dredging, the addition of earth or fill material, or by the drainage of water.
4. **Minimum Depth:** The minimum depth of a CUWL shall be eighty (80) feet across a minimum of seventy percent (70%) of the CUWL's width and in no case shall the depth be less than forty (40) feet.
5. **Vehicular Parking:** There shall be no vehicular parking on a CUWL except where expressly authorized according to an approved site plan that delineates the specific location and dimensions of such spaces, permissible hours of such parking, and screening measures to minimize the negative impacts of such parking areas on adjacent properties.
6. **Boat Docking:** The following regulations shall apply to CUWLs that permit boat docking.
  - b. The development of and the operation of a boat dock shall comply with all applicable local, county, state and federal rules and regulations, including but not limited to the rules and regulations of the Natural Resources and Environmental Protection Act, the Act 451 of 1994, as amended, the Michigan Department of Natural Resources, and the Michigan Department of Environmental Quality.
  - c. Boat docks and boat launching are not permitted from any manmade channel or canal.
  - d. Boat docks may be used only by individuals residing on or in the lot, parcel, condominium unit or dwelling unit identified as required in subsection (C)(7).
  - e. Boat docks, boat slips, boat launching, lake access, docking privileges, or storage of boats, in association with the CUWL, shall not be leased, rented, conveyed, granted, gifted, or in any way used for compensation, except in conjunction with the lease or rental of the dwelling unit entitled to use the CUWL as provided by subsection (C)(7).
  - f. No pier or dock shall be closer than fifty (50) feet to another pier or dock, nor longer than 120% of the average of the four (4) adjacent piers or docks on either side of the CUWL.
7. Application for a CUWL shall require the submittal and approval of a deed, plat, covenant, restriction, easement, or other instrument conveying, granting and/or reserving the right to common use of the CUWL, specifically identifying the parcels, lots, properties, dwelling units or persons that are entitled to use of the CUWL. Such instrument shall include a restrictive covenant prohibiting the use of the CUWL for dwellings, boat liveries, public or commercial beaches, marinas, public boat launching sites, public access, or for any recreational use, except where such uses and activities are the subject of the application for the CUWL and approved accordingly. Said instrument shall further provide that the uses of the CUWL shall be limited to and enjoyed exclusively by the owners, occupants and designated users of the property included in said instrument, and that the right of use may not be further assigned, gifted, leased or rented.

**D. Exemption for Existing CUWLs:** CUWLs existing prior to the effective date of these regulations, that have been providing common use access to a lake through an association, subdivision, condominium deed, grant, reservation, covenant, or other recorded instrument, or by campground arrangement, are exempt from the regulations of this Section except under the following conditions:

1. where it is proposed to expand the geographical area of the CUWL or the number of lots or units that are provided access to the lake through said CUWL; or
2. where improvements on such CUWL, including repairs, shall result in the expansion, enlargement, or increase in intensity of use of such CUWL.

**Section 20.21 Flag Lots**

The creation of a flag lot is prohibited except where there is no other way to gain access to undeveloped land due to limited road frontage, provided that the flag lot has at least twenty (20) feet of frontage on a road, that the access strip serves only one lot, and that there is at least a distance equivalent to the lot width of a conforming lot between such access strips. The minimum front, side and rear yard requirements of the district in which a flag lot is located must be met on the portion of the lot excluding the access strip. (See Figure 21-3).

**Section 20.22 Outdoor Furnaces**

Any outdoor accessory structure or appliance intended not to be located within a building occupied by humans or domestic animals, which is designed for heating spaces or liquids within such occupied buildings through the burning of fuel, shall comply with all applicable rules and regulations of the State Construction Code and Building Inspector.

**End of Article 20**

## Article 21 DEFINITIONS

### **Section 21.1 Construction of Language**

For the purpose of this Ordinance, certain rules of construction apply to the text as follows:

- A.** Words used in the present tense include the future tense; and the singular includes the plural, unless the context clearly indicates the contrary.
- B.** The word "person" includes a corporation, association, partnership, trust, firm, or similar activity as well as an individual.
- C.** The word "building" includes the word "structure" and both include any part thereof.
- D.** The word "lot" includes the word "plot", "tract", or "parcel".
- E.** The term "shall" is always mandatory and not discretionary; the word "may" is permissive.
- F.** The word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended to be used or occupied," "arranged to be used or occupied," "maintained to be used or occupied," or "designed to be used or occupied."
- G.** The words "this Ordinance" means the text of this Ordinance as well as all maps, tables, graphics, and schedules, as included or attached as enacted or subsequently amended.
- H.** Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and," "or," "either...or," the conjunction shall be interpreted as follows:
  - 1. "And" indicates that all the connected items, conditions, provisions, or events shall apply.
  - 2. "Or" indicates the connected items, conditions, provisions or events may apply singly or in any combination.
  - 3. "Either/or" indicates that the connected items, conditions, provisions, or events shall apply singly, but not in combination.
- I.** The "Township" is the Township of Belvidere in the County of Montcalm, State of Michigan. The "Township Board", "Zoning Board of Appeals" and "Planning Commission" are, respectively, the Board of Trustees, Zoning Board of Appeals, and Planning Commission of the Township.
- J.** Any word or term not interpreted or defined by this Ordinance shall be used with a meaning of common or standard utilization. A dictionary may be consulted.
- K.** Where a specific agency, department, law, or rule is referred to in this Ordinance, such reference shall include any successor agency, department, law or rule.

### **Section 21.2 Definitions**

**Accessory Building or Structure:** A building or structure customarily incidental and subordinate to the principal structure and located on the same lot as the principal building.

**Accessory Use:** A use customarily incidental and subordinate to the principal use of the land or building and located on the same lot as the principal use.

**Adult Foster Care Facility:** An establishment licensed under Public Act 218 of 1979, as amended, that provides to adults, for compensation, supervision, personal care, and protection in addition to room and board, for 24 hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks, including facilities for adults who are aged, mentally ill, developmentally disabled, or physically disabled who require supervision on an ongoing basis but who do not require continuous nursing care. A foster care facility does not include a home for the aged licensed under Article 17 of Public Act 368 of 1978, as amended, nor a nursing home licensed under Public Act 139 of 1956, as amended.

a. **Family Home:** An adult foster care facility consisting of a private residence with the approved capacity to receive six (6) or fewer adults, the licensee for which shall be a member of the household and an occupant of the residence.

b. **Group Home:** An adult foster care facility with the approved capacity to receive seven (7) but no more than twenty (20) adults.

- Agricultural Service Establishments:** Establishments which engage in performing agricultural, animal husbandry or horticultural services on a fee or contractual basis, including but not limited to centralized bulk collection, refinement, storage and distribution of farm products to wholesale and retail markets (such as grain cleaning and shelling; sorting, grading, and packing of fruits and vegetables for the grower; and agricultural produce milling and processing); the storage and sale of seed, feed, fertilizer and other products essential to agricultural production; hay baling and threshing; crop dusting; fruit picking; harvesting and tilling; veterinary services; slaughter houses, and facilities used in the research and testing of farm products and techniques.
- Agriculture:** The commercial production of plants and animals useful to humans, including forages and sod crops; grains, feed crops, and field crops; dairy and dairy products; poultry and poultry products; livestock, including breeding and grazing of cattle, swine, captive cervidae, and similar animals; berries; herbs; flowers; seeds; grasses; nursery stock; fruits; vegetables; Christmas trees; and other similar uses and activities. "Agriculture" includes buildings and machinery used in such commercial production. "Agriculture" does not include kennels or the management and harvesting of a woodlot.
- Alley:** Any dedicated public way, other than a street, which provides only a secondary means of access to abutting property and is not intended for general traffic use.
- Animal Unit:** A unit of measure used to compare differences in the production of animal waste produced on a regular basis, as follows: 1) a slaughter steer/heifer, 1.00 animal unit (all cattle); 2) a horse, 2.00 animal units; 3) a mature dairy cow, 1.40 animal units; 4) a swine, 0.40 animal units; 5) a sheep, 0.10 animal units; and 6) a fowl, 0.05 animal units.
- Arcade:** Any business where more than fifty percent (50%) of the floor area is devoted to the use of machines which may be operated or used as a game, contest or for amusement of any description, not including devices used solely for playing music or establishments otherwise defined as a sexually oriented business.
- Basement:** That portion of a building which is partly or wholly below finished grade. A basement shall not be considered as a story except as included in the definition of "story."
- Bed and Breakfast:** A structure that was constructed for single family residential purposes but which may be used for the purpose of renting bedrooms on a nightly basis to tourists, including the provision of bathing and lavatory facilities and a breakfast meal for overnight guests only.
- Berm:** A mound of earth graded and shaped in such a fashion as to be used for visual and/or audible screening purposes.
- Building:** Any structure, either temporary or permanent, having a roof supported by columns, walls, or any other supports, which is used for the purpose of housing, sheltering, storing, or enclosing persons, animals, or personal property, or carrying on business activities. This definition includes but is not limited to garages, greenhouses, tents, sheds, and dwellings including mobile homes.
- Building Height:** The vertical distance from the average of the highest and lowest finished grade along the perimeter wall of the building to the highest point of the roof surface.
- Building Inspector:** An individual hired by the Township or Montcalm County to administer the Michigan Construction Code.
- Cemetery:** Property, including crematories, mausoleums, and/or columbariums, used or intended to be used solely for the perpetual interment of deceased human beings or customary household pets.
- Certificate of Occupancy:** A document signed by the Building Inspector as a condition precedent to the commencement of a use or the occupation of a structure or building which acknowledges that such use, structure or building complies with the provisions of this Ordinance and the Michigan Construction Code.
- Church:** A building wherein persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, together with all accessory buildings and uses customarily associated with such primary purpose.
- Club:** An organization of persons for special purposes or for the promulgation of sports, arts, science, literature, politics, agriculture or similar activities, but not operated for profit nor open to the general public, and does not provide merchandise, vending, or commercial activities except incidentally for the membership and purpose of such club.
- Commercial Campground:** A parcel on which sites are offered for the establishment of temporary living quarters, and which is not owned and operated by an agency or department of a township, county or state government. Temporary living quarters means a tent, recreational vehicle, or any portable temporary housing designed to be carried or towed by a vehicle and placed for temporary living quarters.
- Communication Tower:** A relay structure, including both antenna and structural supports, attached directly to the ground or to another structure, used for the transmission or reception of radio, television, telephone, microwave, or any other form of telecommunications signals. Not included within this definition are: citizen band radio facilities; short wave receiving facilities; federally licensed amateur (ham) radio facilities; satellite dishes; and governmental facilities which are subject to state or federal law or regulations that preempt

municipal regulatory authority.

**Composting Center:** An establishment principally involved in the biological decomposition of organic matter under controlled conditions that are primarily characterized by aerobic, elongated piles that generate heat, and where organic matter is collected and delivered from off-site, thereby allowing for large scale composting.

**Condominium:** A project consisting of two (2) or more condominium units established and approved in conformance with the Condominium Act (Public Act 59 of 1978, as amended).

**Condominium Master Deed:** The condominium document recording the condominium project to which are attached as exhibits and incorporated by reference the bylaws for the project and the condominium subdivision plan for the project.

**Condominium, Site:** A condominium project designed to function in a similar manner, or as an alternative to a platted subdivision, wherein in the condominium units function largely as lots within a platted subdivision.

**Condominium Subdivision Plan:** The drawings attached to the master deed for a condominium subdivision which describe the size, location, area, boundaries and volume of each condominium unit contained in the condominium subdivision, as well as the nature, location and size of common elements.

**Condominium Unit:** That portion of a 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, recreational, use as a time-share unit, or any other type of use. A condominium unit may consist of either vacant land as in the case of a site condominium, or space which either encloses or is enclosed by a building. A condominium unit in a site condominium shall be equivalent to the term "lot" for the purposes of determining compliance of the site condominium with the provisions of this ordinance pertaining to minimum lot size, minimum lot width, setbacks, maximum lot coverage, and similar standards pertaining to lots.

**Convalescent Home:** A facility that houses disabled persons who receive a wide range of health and support services including the provision of meals and nursing care for a fee (also referred to as a nursing home).

**Day Care Center:** A facility, other than a private residence, receiving 1 or more preschool or school age children for care for periods of less than 24 hours a day, and where the parents or guardians are not immediately available to the child. Day care center includes a facility which provides care for not less than 2 consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, or drop-in center. Day care center does not include a Sunday school, a vacation bible school, or a religious instructional class that is conducted by a religious organization or a facility operated by a religious organization where children are cared for comparatively short periods of time while persons responsible for the children are attending religious services.

**Day Care, Family Home:** A private home in which the operator permanently resides as a member of the household in which one (1) but less than seven (7) minor children are received for care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Family day care home includes a home that gives care to an unrelated minor child for more than 4 weeks during a calendar year.

**Day Care, Group Home:** A private home in which the operator permanently resides as a member of the household in which more than six (6) but not more than twelve (12) minor children are given care and supervision for periods of less than twenty-four (24) hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Group day care home includes a home that gives care to more than six unrelated minor children for more than 4 weeks during a calendar year.

**District:** An area of land for which there are uniform regulations governing the use of buildings and premises, density of development, yard requirements and height regulations. A "district" is also known as a "zone" or "zoning district".

**Drive-In / Drive-Through Establishment:** A business establishment which by design, physical facilities, service, or by packaging procedures encourages or permits customers to receive services or obtain goods while remaining in their motor vehicles.

**Driveway:** A means of access for vehicles from a road or approved alley across a lot or parcel to a parking or loading area, garage, dwelling or other structure or area on the same lot, that is located and constructed in accordance with the requirements of this Ordinance and any requirements of the Montcalm County Road Commission and Michigan Department of Transportation.

**Dwelling, Multiple Family:** A building containing three (3) or more dwelling units designed for residential use for three or more families living independently of each other.

**Dwelling, Single Family:** A detached building or portion thereof designed and used exclusively by one family for living, cooking and sleeping purposes.

**Dwelling, Two Family (Duplex):** A building containing not more than two separate dwelling units.

**Dwelling Unit:** One or more rooms with bathroom and principal kitchen facilities designed as a self contained unit for occupancy by one family for living, cooking and sleeping purposes.

**Erected:** Anything built, constructed, reconstructed, moved upon, or any physical activity upon a premises or lot required for the structure. Excavations, fill, drainage, and the like, shall be considered a part of "erection" when done in conjunction with a structure.

**Essential Services:** The erection, construction, alteration, or maintenance by public utilities or municipal departments of underground, surface or overhead gas, communication, telephone, electrical, steam, fuel or water transmission or distribution systems, collections, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar accessories in connection therewith which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general public health, safety, convenience, or welfare, but not including towers, buildings, substations, the storage of or shelters for service equipment, maintenance depots, and similar above ground facilities. Communication towers shall not be interpreted as essential services.

**Excavation:** Any breaking of ground, except common household gardening, farming and ground care.

**Extraction Operation:** The removal, extraction, or mining of sand, gravel or similar material for commercial gain. Extraction operations shall not include the removal of sand, gravel or similar material in association with the construction of a building or swimming pool provided such construction has received all necessary approvals under this Ordinance including plot plan or site plan approval, soil erosion and sedimentation control permits, and the issuance of a zoning permit and building permit.

**Family:**

- a. An individual or group of two or more persons related by blood, marriage, or adoption, including foster children and servants, together with not more than two additional persons not related by blood, marriage, or adoption, living together as a single housekeeping unit in a dwelling unit; or
- b. A collective number of individuals domiciled together in one dwelling unit whose relationship is of a continuing non-transient domestic character and who are cooking and living as a single nonprofit housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization, or group of students or other individuals whose domestic relationship is of a transitory or seasonal nature or for an anticipated limited duration of a school term or terms or other similar determinable period. This definition shall not apply in instances of group care centers, or state licensed residential facilities as established under P.A. 395 of 1976, as amended.

**Farm:** Land and associated buildings and machinery dedicated to agriculture and comprised of at least twenty (20) contiguous acres, and which may contain other non-contiguous acreage, all of which is operated by a sole proprietorship, partnership, or corporation. See definition for agriculture.

**Farm Structure:** Any building or structure, other than a dwelling unit, which is customarily used on a farm in the pursuit of agriculture. See definition for agriculture.

**Fence:** An accessory structure artificially constructed to serve as an obscuring screen, physical barrier, and/or decorative landscape element.

**Filling:** The depositing or dumping of any matter into or onto the ground.

**Floor Area, Gross:** The sum of all gross horizontal areas of all floors of a building or buildings, measured from the outside dimensions of the outside face of the outside wall. Unenclosed and uncovered porches, unenclosed and covered porches, court yards, or patios shall not be considered as part of the gross area except where they are utilized for commercial purposes such as the outdoor sale of merchandise.

**Floor Area, Usable:** For the purposes of computing parking requirements, usable floor area shall be considered as that area to be used for the sale of merchandise or services, or for use to serve patrons, clients, or customers. Such floor area which is used or intended to be used principally for the storage or processing of merchandise, hallways, stairways, and elevator shafts, or for restrooms and janitorial service rooms, shall be excluded from the computation of usable floor area. Usable floor area shall be measured from the interior faces of the exterior walls and includes the sum of the usable floor area for all floors unless expressly specified otherwise.

**Frontage:** The total continuous length of the front lot line. In the case of waterfront lots, the term frontage shall also apply to the total continuous length of the rear lot line.

**Garage:** An accessory building or an accessory portion of a principal building designed or used primarily for the storage of non-commercial motor vehicles, boats, motor homes, snowmobiles, and similar vehicles owned and used by the occupants of the building to which it is accessory.

**Golf Course/Country Club:** A golf course, public or private, where the game of golf is played, including accessory uses and buildings customary thereto, but excluding golf driving ranges as a principal use.

**Grade, Finished:** The elevation of the ground surface upon the completion, or intended completion, of construction and improvements.

**Home Occupation:** See Section 20.19.

**Horse:** Mule, burro, pony, jack, hinny, and all other quadrupeds of the genus equus.

**Hospital:** An institution which is licensed by the Michigan Department of Public Health to provide in-patient and out-patient medical and surgical services for the sick and injured, and which may include such related facilities as laboratories, medical testing services, staff offices, pharmaceutical services, and other support facilities and services.

**Hotel:** See "motel."

**Junkyard:** Any land or building used: 1) for the abandonment, storage, keeping, collecting, or baling of junk including paper, rags, scrap metals, or other scrap or discarded materials; or 2) for the abandonment, demolition, dismantling, storage or salvaging of machinery, automobiles or other vehicles not in normal operating condition, or parts thereof. A junkyard may also be referred to as a salvage yard.

**kennel:** A lot or premises on which three (3) or more dogs, or three (3) or more cats, or a total of six (6) domesticated animals, six (6) months of age or older, are kept either permanently or temporarily for the purposes of breeding, boarding, training, sale, or transfer.

**Landscaping Services:** A lot used for offices purposes, along with the storage of supplies and equipment, in association with the provision of landscape services to off-site locations. Landscape services may include lawn mowing and maintenance, snow removal, landscape design and installation, and the sale and delivery of landscape materials such as mulch, plants, seed, fertilizer, gravel, soil, pavers, and similar landscape supplies.

**Livestock:** Cattle, horses, sheep, goats, swine, poultry, and other similar domestic animals or fowl normally kept or raised on a farm.

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

**Lot:** A tract of land occupied, or intended to be occupied, by one or more buildings or uses, together with such yards and open spaces as are required under the provisions of this Ordinance. A lot may or may not be specifically designated as such on public records. A lot may include a platted lot or portion thereof, a parcel of land described by metes and bounds or a portion of such parcel described by metes and bounds. Within a site condominium, a condominium unit shall be synonymous with a lot for the purposes of compliance with this Ordinance (see *Figure 21-1 at end of this Article*).

**Lot Area:** The area of the horizontal plane within the lot lines of a lot, exclusive of any public or private road right-of-way or easement abutting any side of the lot.

**Lot, Corner:** Any lot having at least two (2) contiguous sides abutting upon one or more streets, provided that the interior angle at the intersection of such two sides is less than one hundred thirty-five (135) degrees. A lot abutting a curved street(s) shall be a corner lot if the arc has a radius less than one hundred and fifty (150) feet. (see *Figure 21-1 at end of this Article*).

**Lot Coverage:** The amount of a lot, stated in terms of percentage, which is covered by all buildings, and/or structures located thereon. This shall be deemed to include all buildings, roofed porches, breezeways, patio roofs, whether open box types and/or lathe roofs, or fully roofed. Lot coverage shall be measured from the drip line of the roof or from the wall or foundation if there is no projecting portion of the roof.

**Lot Depth:** The distance from the front lot line of the lot to its opposite rear line, measured midway between the side lot lines.

**Lot Lines:** The lines bounding a lot or parcel (see Figure 21-3 at end of this Section).

- a. **Lot Line, Front:**
  - 1) A lot not located on a corner: the line separating said lot from the public or private right-of-way.
  - 2) Corner lot or through lot: the line that separates said lot from the right-of-way for the road which is designated as the front on the plat, or on the plot plan or site plan review application, subject to approval.
  - 3) Flag lot: the interior lot line most parallel to and nearest the road from which access is obtained.
  - 4) Waterfront lot: the ordinary high water mark.
- b. **Lot Line, Rear:** The lot line opposite and most distant from the front lot line. In the case of a triangular or otherwise irregularly shaped lot or parcel, an imaginary line at least ten feet in length entirely within the lot or parcel, parallel to and at a maximum distance from the front lot line.
- c. **Lot Line, Side:** Any lot line other than a front or rear lot line.

**Lot, Through:** A lot having frontage on two (2) roads other than a corner lot (see Figure 21-1).

**Lot Width:** The straight line horizontal distance between the side lot lines, measured at the two (2) points where the minimum required front setback line intersects the side lot lines (see Figure 21-2 at end of this Section).

**Lumber Processing:** A facility of a permanent nature where harvested trees are cut, split, shaved, stripped, chipped or otherwise processed to produce wood products including the processing of harvested trees that may be transported to the processing facility, but excluding a temporary sawmill and the harvesting of trees for use on the same lot by the owner or resident of that lot. For the purposes of this definition, a "temporary sawmill" shall be construed to mean a facility of a temporary nature, authorized pursuant to Section 20.18, where trees or logs are harvested on the same parcel as where they are grown, including the cutting, splitting, shaving, stripping, chipping or other processing to produce wood products, where no timber or other items or products are transported to such parcel for processing.

**Manufactured Housing.** A dwelling unit which is designed for long term residential use and is wholly or substantially constructed at an off-site location. Manufactured housing includes mobile homes and modular housing units.

**Manufactured Housing Community:** 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.

**Marina:** A water body or portion thereof used for the principal purpose of docking watercraft in water for which a fee is paid for such docking, and where additional accessory services may be offered including watercraft repair, fueling and servicing, and dry storage.

**Master Deed:** The document recorded as part of a condominium subdivision to which are attached as exhibits and incorporated by reference the approved bylaws for the condominium subdivision and the condominium subdivision plan.

**Master Plan:** The statement of policy by the Planning Commission relative to the agreed upon and officially adopted guidelines for a desirable physical pattern for future community development, land use, and preservation. The plan, developed pursuant to Public Act 168 of 1959, as amended, the Township Planning Act, and as may be subsequently amended pursuant to Public Act 33 of 2008, the Planning Enabling Act, consists of maps, charts and written material representing in summary form the soundest concept for addressing community growth and preservation.

**Medical Clinic:** An establishment where human patients, not lodged overnight, are admitted for examination and treatment by a group of physicians, dentists, or similar professionals. A medical clinic may incorporate customary laboratories and pharmacies incidental to or necessary for its operation or to the service of its patients, but may not include facilities for overnight patient care or major surgery.

**Mini Storage:** A building or group of buildings that contains individual compartmentalized and controlled access stalls or lockers for the storage of customer's goods or wares which are generally not used on a daily basis.

**Mobile Home:** A structure, transportable in one or more sections, which is built on a chassis and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. The term mobile home shall not include pick-up campers, travel trailers, motor homes, modular homes, recreational vehicles, converted buses, tent trailers, or other transportable structures designed for temporary use.

**Motel:** A building or group of buildings, whether detached or in connecting units, used as individual sleeping or dwelling units designed primarily for transient automobile travelers. The term "motel" shall include buildings designated as hotels, auto courts, tourist courts, motor courts, motor hotel, and similar appellations which are designed as integrated units of individual rooms under common ownership. A motel shall not be construed as a multiple family dwelling. A motel may include support services, including recreation facilities and the serving of meals, where approved for such.

**Motor Home:** A self-propelled, licensed vehicle prefabricated on its own chassis, intended for recreational activities and temporary occupancy.

**Nonconforming Building or Structure:** A building or structure (or portion thereof) lawfully existing at the time of adoption of this Ordinance or an affecting amendment thereto, that does not conform to the provisions of this Ordinance relative to height, bulk, area, placement, yards or similar features for the District in which it is located.

**Nonconforming Lot:** A lot lawfully existing at the effective date of this Ordinance, or affecting amendment, and which fails to meet the area and/or dimensional requirements of the District in which it is located.

**Nonconforming Use:** A use of a building or structure, or of a parcel or tract of land, lawfully existing at the time of adoption of this Ordinance or an affecting amendment thereto, that does not conform to the regulations of the District in which it is located.

**Nuisance:** Any offensive, annoying, unpleasant, or obnoxious thing or practice or a cause or source of annoyance, which prevents the free use of one's property, or which renders its ordinary use or physical occupation uncomfortable. Nuisance commonly involves continuous or recurrent acts which give offense to the senses, violate the laws of decency, obstruct reasonable and comfortable use of property, or endangers life and health.

**Ordinary High Water Mark:** The line between upland and bottomland which persists through successive changes in water levels below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil.

**Open Space:** An area open to the sky that is generally free of buildings and structures and which is of a predominantly vegetated state including lawns, gardens, and natural areas.

**Open Space Preservation Community (OSPC):** A means of developing land residentially, such as in the case of a platted subdivision or site condominium, under more flexible standards available to OSPCs according to this Ordinance and Section 506 of the Michigan Zoning Enabling Act, that more effectively encourages the preservation of the Township's natural resources, sensitive environmental areas, and rural character. This heightened preservation goal is achieved by, in part, the grouping or clustering of new homes on smaller lots than typically required by the District within which the OSPC is proposed to be located so that the remainder of the site can be preserved as open space.

**Owner:** The owner of the premises or lesser estate in the premises, a mortgagee or vendee in possession, an assignee of rents, receiver, executor, trustee, leasee, or any other person, sole proprietorship, partnership, association, or corporation directly or indirectly in control of a building, structure, or real property, or his or her duly authorized agent.

**Parcel:** A lot described by metes and bounds or described in a recorded plat.

**Park:** A parcel of land, building or structure used for recreational purposes including but not limited to playgrounds, sport fields, game courts, beaches, trails, picnicking areas, and leisure time activities.

**Parking, Off-Street:** A land surface or facility providing vehicular parking spaces off of a road right-of-way along with drives and aisles for maneuvering so as to provide access for entrance and exit for the parking of three (3) or more vehicles.

**Parking Space:** An area of definite length and width as designated in this Ordinance for parking an automobile or other vehicle, and which is fully accessible for such purposes.

**Plat:** A map of a subdivision of land recorded with the Register of Deeds pursuant to the Land Division Act of 1996, as amended, or a prior statute.

**Plot Plan:** A plan showing all salient features of a proposed development, so that it may be evaluated in order to determine whether it meets the provisions of this Ordinance. A plot plan generally contains less comprehensive and detailed information about improvements proposed on the site than does a site plan, and is required for such uses as single family dwellings and two family dwellings. Plot plan approval is generally delegated to the Zoning Administrator.

**Principal Building:** The main building on a lot in which the principal use exists or is served by.

**Principal Use:** The main use to which the premises are devoted and the main purpose for which the premises exist.

**Private Landing Strip:** A cleared and level area used by the owner or lessee of the premises for the operation and maintenance of personal aircraft only.

**Prohibited Use:** A use of land which is not permitted within a particular zoning district.

**Public Facility:** Land and associated structures and buildings used to carry out a governmental function(s) or provide a governmental service(s), such as a use or service owned or managed by a city, village, township, county, state, or public school board, and including commissions or other arms of such entities. Examples of such facilities include, but are not necessarily limited to, municipal parks and cemeteries, museums, police and fire protection facilities, courts of justice, and government offices.

**Public Utility:** Any person, firm, or corporation, municipal department, board or commission duly authorized to furnish and furnishing under federal, state, or municipal regulations to the public; gas, steam, electricity, sewage disposal, communication, telephone, telegraph, transportation or water.

**Recreational Vehicle:** A vehicle primarily designed and used as temporary living quarters for recreational, camping, or travel purposes, including a vehicle having its own motor power or a vehicle mounted on or drawn by another vehicle.

**Recreational Vehicle Park:** All lands and structures which are owned and operated by private individuals, a business or corporation which are predominantly intended to accommodate housing by way of recreational vehicles and provide for outdoor recreational activities.

**Recycling Center:** A facility where material is separated and processed prior to shipment for use in the manufacturing of new products. A recycling center is distinct from a junkyard or a salvage yard.

**Restaurant, Non-Standard:** An establishment whose principal business is the sale of food and/or beverages to customers in a ready-to-consume state and which does not meet the definitional requirements of a "standard restaurant," including establishments in which all or a substantial portion of the business consists of serving foods and beverages in a ready-to-consume state: 1) from a drive-through window to patrons in motor vehicles; 2) for delivery by the restaurant to the customer in the customer's vehicle other than by a drive-through window, for consumption in the vehicle on the restaurant property; 3) from a counter for consumption by the customer off-site; 4) for delivery by the restaurant to the customer at another location; and 5) for consumption in an outdoor area on the restaurant property. Such non-standard restaurant may be commonly referred to as a carry-out, delivery service, drive-in, and drive-through facility.

**Restaurant, Standard:** An establishment whose principal business is the sale of food and/or beverages to customers in a ready-to-consume state for consumption in the restaurant building, and in which the prepared food is delivered to the customer seated at a table or the prepared food is acquired by the customer for consumption at such table.

**Restoration:** The reconstruction or replication of an existing building's original architectural features.

**Retreat Center:** A facility used for professional, educational, or religious conclaves, meetings, conferences, or seminars and which may provide meals, housing and recreation for participants during the period of the retreat or program only, with kitchen facilities limited to communal eating areas and not within individual sleeping quarters. This term shall not apply to facilities utilized by the general public for meals or overnight accommodations.

**Right-of-Way:** A public or private road, alley, or other thoroughfare or easement permanently established for passage of persons, vehicles, or the location of utilities. The right-of-way is delineated by legally established lines or boundaries.

**Right-of-Way Line:** The legal line of demarcation between a right-of-way and abutting land.

**Road:** A thoroughfare that affords the principal means of access to abutting property. The term "road" also includes the term "street."

1. **Private Road:** A private way or means of approach which meets the requirements of this Ordinance to provide access to two (2) or more lots, and which is constructed and maintained by the owner or owners and is not dedicated for general public use.
2. **Public Road:** Any public thoroughfare dedicated and maintained for the use and operation of vehicular traffic by the Montcalm County Road Commission or the State of Michigan.

**Roadside stand:** A structure which is used seasonally for display and sale of agricultural produce and products grown and prepared on the lot or parcel upon which the roadside stand is located. The seasonal operation of a roadside stand shall not be considered a commercial use.

**Service Station:** A place used primarily for the retail sale and dispensing of fuel or lubricants together with the fixed equipment from which the fuel is dispensed directly into motor vehicles, the retail sales of oil, grease, batteries, tires and other operational fluids and accessories for automobiles and the installation of such items, and where minor automobile repairs may occur such as engine tune-ups, wheel alignment or balancing, oil change or lubrication, and the servicing of brakes, air conditioning, exhaust systems; or similar minor servicing and repairs. Such "minor servicing and repairs" shall not be construed to include refinishing, body work or painting, or the storage or dismantling of vehicles for the purpose of reuse or resale of parts. A service station may also include floor area devoted to the sale of convenience items such as beverages, food products, and magazines, and similar convenience items.

**Setback:** The minimum distance by which any building, structure, or use must be separated from a lot line, except where a different point of measurement may be specified by this Ordinance.

**Sexually Oriented Business:** Refer to Section 10.24 for definitions pertaining to sexually oriented businesses.

**Shooting Range:** An outdoor facility designed for and devoted to the shooting of firearms or archery equipment, including what are commonly referred to as a gun club, hunt club, sportsman club, rifle range, pistol range, trap/skeet range, sporting clay range, and archery range. The private use of a lot by its owner for the shooting of firearms or archery equipment shall not be construed to be a shooting range.

**Sign:** Refer to Section 5.2 for definitions pertaining to signs.

**Site Plan:** A plan showing all salient features of a proposed development, so that it may be evaluated in order to determine whether it meets the provisions of this Ordinance. A site plan contains more comprehensive and detailed information about improvements proposed on the site than does a plot plan because of the more complex nature of land uses required to receive site plan approval, such as business, industrial, and multiple family developments.

**Special Land Use:** Uses and structures which are generally accepted as reasonably compatible with the primary uses and structures permitted in a District, but could present potential injurious effects upon the primary uses and structures within the District or are otherwise unique in character, and therefore require special consideration in relation to the welfare of adjacent properties and to the Township as a whole. All such uses are subject to a public hearing.

**Stable, Commercial:** A structure and/or land use where horses are bred, reared, trained and/or boarded for remuneration.

**Stable, Private:** An accessory structure and/or land use where horses are kept for private use by the occupants of the parcel and are not for hire, remuneration or sale.

**Stop Work Order:** An administrative order which is either posted on the property or mailed to the property owner which directs a person not to continue, or not to allow the continuation of an activity which is in violation of this Ordinance.

**Story:** That portion of a building that is included between the surface of any floor and the surface of the floor immediately above it or, if there is no floor immediately above it, the space between the floor and ceiling immediately above it. A basement, as defined in this Ordinance, shall not be considered a story.

**Story, Half:** The uppermost story lying under a pitched roof, the usable floor area of which does not exceed one-half (1/2) of the floor area of the uppermost full story. The usable floor area of a half story shall be at least 160 square feet with a minimum clear height of seven (7) feet, six (6) inches. A half story containing independent apartments or living quarters shall be counted as a full story.

**Street:** See "Road."

**Structural Alterations:** Any change in the supporting members of a building such as the bearing walls, columns, beams or girders, or any change in the dimensions or configuration of the roof, exterior walls or foundation.

**Structure:** Anything constructed or erected, the use of which requires permanent location on the ground or attachment to something having such location on the ground including but not limited to all buildings, independently supported decks, satellite dishes and free-standing signs; excepting anything lawfully in a public right-of-way including but not limited to utility poles, sewage pumping stations, utility manholes, fire hydrants, electric transformers, telephone boxes, and related public facilities and utilities defined as essential public services. Fences shall not be considered as "structures," but must comply with all applicable standards of this Ordinance.

**Swimming Pool:** Any permanent, non-portable structure located either above or below grade designed to hold water to a depth of greater than twenty-four (24) inches, intended for swimming or bathing. A swimming pool shall be classified as an accessory structure.

- Towing Service:** A service principally characterized by the towing of vehicles from one location to another, including possibly to the lot from which the towing service is operated, and may include the temporary storage of towed vehicles on such lot. A towing service may be the principal use of a lot or may be an accessory use such as in the case of a vehicle repair shop.
- Township Engineer:** The licensed staff engineer of the Township or a licensed engineer the Township may hire from time to time as needed.
- Truck Terminal:** A building or area in which freight brought by truck is assembled or stored for further routing or reshipment, or in which trailers are parked or stored during the interim between hauling runs, or transfer to other transportation modes, and may include accessory repair and maintenance services and other support facilities and services such as restroom and shower facilities.
- Use:** The purpose for which land or a building is arranged, designed or intended, or for which land or a building may be occupied.
- Variance:** A variance is a modification of the literal provisions of the Zoning Ordinance where such variance will not be contrary to the public interest and will mitigate an otherwise practical difficulty, and the issuance of which is based upon standards in this Ordinance (See Article 16).
- Vehicle/Car Wash:** A building, or portion thereof, designed and used for the washing of two (2) or more vehicles irrespective of whether the washing process is automated or performed manually.
- Vehicle Repair Shop:** Buildings and premises for the purpose of rebuilding or reconditioning of motor vehicles, collision service such as body, frame and fender repair, and painting.
- Veterinary Clinic:** An establishment which is licensed by the State of Michigan to provide for the care, diagnosis, and treatment of sick or injured animals, including those in need of medical or surgical attention, and may include support facilities such as laboratories, offices, and fully enclosed pens or cages for the overnight boarding of animals receiving medical treatment, and accessory retail sales.
- Waterfront lot:** Any lot or parcel which abuts a lake or pond in excess of twenty (20) acres in surface area.
- Wind energy conversion facility, Commercial (Commercial WECF):** An electricity generating facility consisting of one or more wind turbines under common ownership or operation control, and may include substations, cables, wires and other structures and buildings accessory to such facility, whose main purpose is to supply electricity to off-site customers. A commercial WECF may be a principal or accessory use of the parcel on which it is located.
- Wind energy conversion facility, Private (Private WECF):** An electricity generating facility consisting of one or more wind turbines, and may include cables, wires and other structures and buildings accessory to such facility, that is used to serve only the parcel on which the private WECF is located, and which facility generates no greater than thirty (30) kilowatts total peak capacity. A private WECF shall be construed as an accessory structure to the principle use of the parcel. This definition shall not be construed to prohibit a private WECF from transmitting or otherwise selling back to a public utility any excess generated electricity.
- Wind energy conversion testing facility:** A structure and accessory equipment used to determine the potential for the placement of a private or commercial WECF by measuring and recording the speed of the wind. A wind energy conversion testing facility may also be referred to as a "test tower."
- Wind turbine:** A wind energy system that converts wind energy into electricity through the use of a wind turbine generator, and includes the turbine, blade, tower, and base, and may include a transformer.
- Wind turbine height/test tower height:** The height of a wind turbine or test tower shall be the distance from the ground elevation at the structure's base to the highest point of the wind turbine or test tower including to a blade tip in its highest position (vertical, horizontal, and/or diagonal) if such tip is the highest point.
- Wireless communication tower:** A relay structure, including both antenna and structural supports, attached directly to the ground or to another structure, used for the transmission or reception of radio, television, telephone, microwave, or any other form of telecommunications signals. Not included within this definition are: citizen band radio facilities; short wave receiving facilities; federally licensed amateur (ham) radio facilities; satellite dishes; and governmental facilities which are subject to state or federal law or regulations that preempt municipal regulatory authority.

**Yard:** An open space, on the same lot with a principal building, unoccupied and unobstructed from the ground upward by a building or structure, except as otherwise permitted in this Ordinance and as further defined herein (see *Figure 21-3 at end of this Article*):

- a. **Front Yard:** An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest point of the principal building or use. There shall be maintained a front yard on each road side of a corner lot.
- b. **Rear Yard:** An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the principal building or use. In the case of corner lots, there shall only be one rear yard which shall be determined by the owner at the time of plot plan approval.
- c. **Side Yard:** An open space between the principal building or use and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point of the side lot line to the nearest point of the principal building or use.

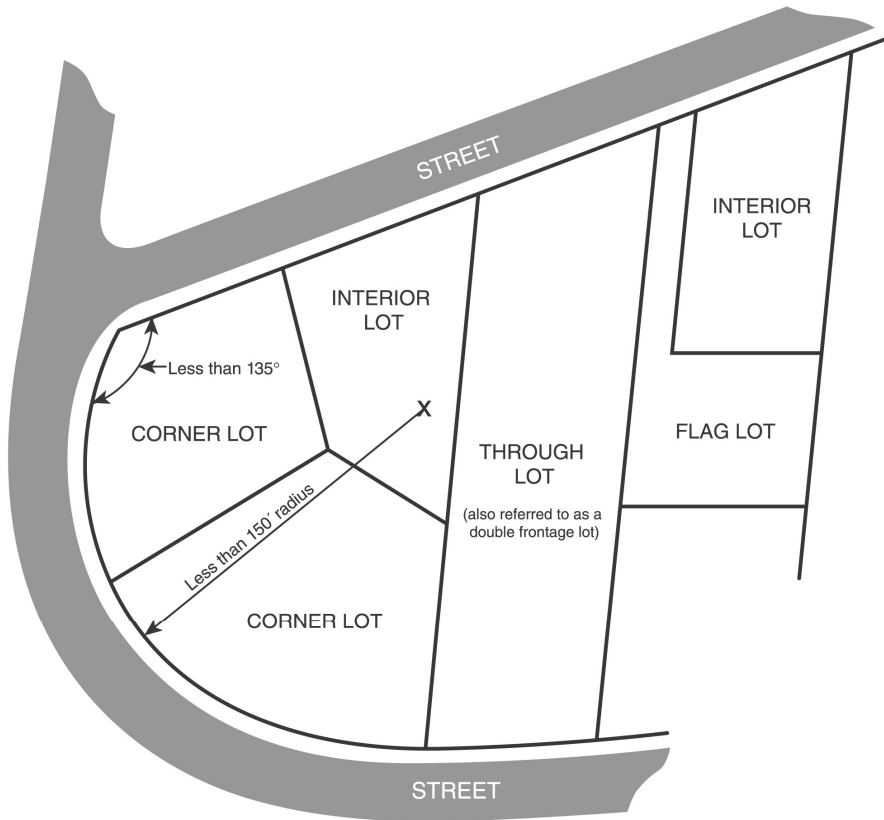
**Zoning Administrator:** The authorized individual charged with the responsibility of administering this Ordinance and appointed by the Township Board of Trustees.

**Zoning District:** See "District".

**Zoning Permit:** A permit signifying compliance with the provisions of this Ordinance and issued by the Zoning Administrator upon approval of the proposed land use or development plan by the designated approving body.

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**Figure 21-1  
LOT TYPES**



**Figure 21-2  
LOT DEPTH**

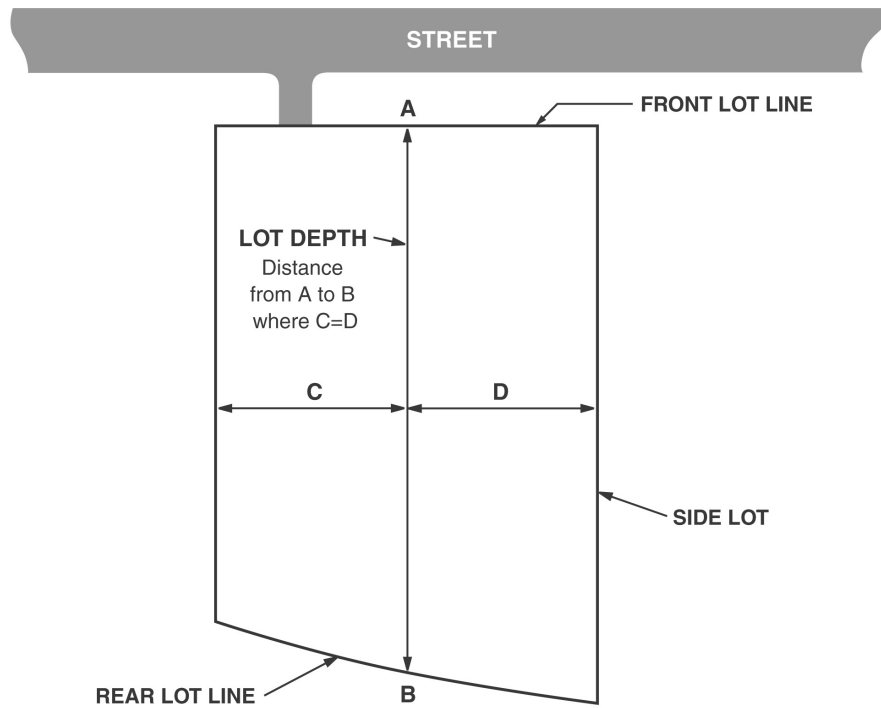
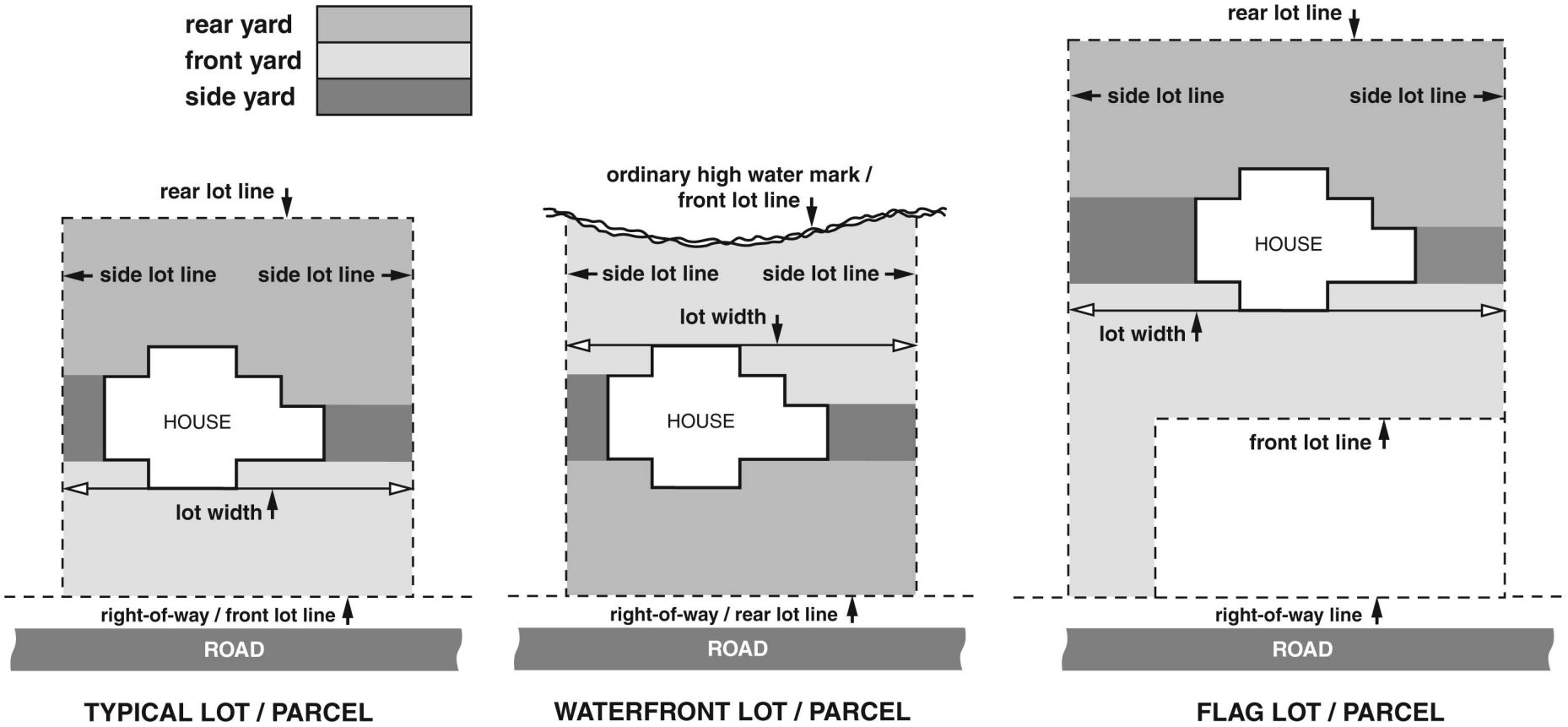


Figure 21-3  
LOT LINES and YARDS



**End of Article 21**

**Article 22**  
**INTERPRETATION, SEVERABILITY, VESTED RIGHT, REPEAL,**  
**and EFFECTIVE DATE**

**Section 22.1 Interpretation**

In interpreting and applying the provisions of this Ordinance, they shall be held to the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience, prosperity and general welfare. Unless specifically provided for, it is not intended by this Ordinance to repeal, abrogate, annul or in any way to impair or interfere with the existing and unrepealed provision of law or ordinance or any rules, regulations or permits previously adopted or issued pursuant to law relating to the use of building or land, provided, however, that where this Ordinance imposes a greater restriction upon the use of buildings or structures or land or upon the courtyards or other open spaces than are imposed or required by such existing provisions of law or ordinance or by such rules, regulations or permits, the provisions of this Ordinance shall control.

**Section 22.2 Severance Clause**

Sections of this Ordinance and amendments thereto shall be deemed to be severable and should any section, paragraph, or provision thereof 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 other part thereof, other than the part so declared to be unconstitutional or invalid by court decree. Further, if any court shall declare invalid the application of any provision of this Ordinance to a particular parcel, lot use, building or structure, such ruling shall not affect the application of said provision to any other parcel, lot, use, building or structure not specifically included in said ruling.

**Section 22.3 Vested Right**

Nothing in this Ordinance should 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 therein; and, they are hereby declared to be subject to subsequent amendment, change or modification as may be necessary to the preservation or protection of public health, safety, and welfare, except as provided in Article 11 (Nonconforming Uses, Lots and Structures).

**Section 22.4 Repeal**

The Belvidere Township Zoning Ordinance adopted on April 23, 1998 and amendments thereto, is hereby repealed as of the effective date of this Ordinance. The repeal of such ordinance and its amendments does not affect or impair any act done, offense committed or right accrued or acquired, or liability, penalty, forfeiture or punishment incurred prior to the time it was enforced, prosecuted or inflicted.

**Section 22.5 Effective Date**

This Ordinance shall take effect eight (8) days following adoption and upon publication of a notice of adoption in accordance with the provisions and procedures of the Michigan Zoning Enabling Act, PA 110 of 2006, as amended. Made and passed by the Township Board of the Township of Belvidere, Montcalm County, Michigan on June 10, 2010.

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**End of Article 22**