

# ***BRIDGETON TOWNSHIP***

## ***ZONING ORDINANCE***



**LSL Planning, Inc.**  
Community Planning Consultants

# TABLE OF CONTENTS

<b>CHAPTER 1 TITLE, PURPOSE, SCOPE AND LEGAL BASIS.....</b>	<b>1</b>
SECTION 1.01 TITLE .....	1
SECTION 1.02 PURPOSE .....	1
SECTION 1.03 SCOPE .....	1
SECTION 1.04 LEGAL BASIS .....	2
SECTION 1.05 REPEAL .....	2
SECTION 1.06 SEVERABILITY .....	2
<b>CHAPTER 2 DEFINITIONS .....</b>	<b>1</b>
SECTION 2.01 RULES APPLYING TO TEXT .....	1
SECTION 2.02 DEFINITIONS – A .....	2
SECTION 2.03 DEFINITIONS – B .....	5
SECTION 2.04 DEFINITIONS – C .....	6
SECTION 2.05 DEFINITIONS – D .....	8
SECTION 2.06 DEFINITIONS – E .....	10
SECTION 2.07 DEFINITIONS – F.....	11
SECTION 2.08 DEFINITIONS – G .....	13
SECTION 2.09 DEFINITIONS – H .....	14
SECTION 2.10 DEFINITIONS – I .....	15
SECTION 2.11 DEFINITIONS – J .....	15
SECTION 2.12 DEFINITIONS – K .....	15
SECTION 2.13 DEFINITIONS – L .....	16
SECTION 2.14 DEFINITIONS – M .....	18
SECTION 2.15 DEFINITIONS – N .....	19
SECTION 2.16 DEFINITIONS – O .....	21
SECTION 2.17 DEFINITIONS – P .....	22
SECTION 2.18 DEFINITIONS – R .....	23
SECTION 2.19 DEFINITIONS – S .....	23
SECTION 2.20 DEFINITIONS – T.....	32
SECTION 2.21 DEFINITIONS – U .....	32
SECTION 2.22 DEFINITIONS – V .....	33
SECTION 2.23 DEFINITIONS – W .....	33
SECTION 2.24 DEFINITIONS – Y .....	35
SECTION 2.25 DEFINITIONS – Z.....	35
<b>CHAPTER 3 GENERAL PROVISIONS .....</b>	<b>1</b>
SECTION 3.01 APPLICATION OF REGULATIONS .....	1
SECTION 3.02 CLEARING OF LAND .....	1
SECTION 3.03 EXCAVATIONS .....	1
SECTION 3.04 MAIN BUILDING OR PRINCIPAL USE .....	2
SECTION 3.05 REGULATIONS APPLICABLE TO ALL SINGLE-FAMILY DWELLINGS .....	2
SECTION 3.06 STREET ACCESS.....	3

SECTION 3.07	WIDTH TO DEPTH RATIO .....	3
SECTION 3.08	HOME OCCUPATIONS .....	4
SECTION 3.09	ACCESSORY BUILDINGS AND STRUCTURES .....	
SECTION 3.10	FENCES .....	5
SECTION 3.11	SWIMMING POOLS .....	6
SECTION 3.12	OUTDOOR WOOD FURNACES .....	6
SECTION 3.13	LAND DIVISIONS .....	7
SECTION 3.14	ROADSIDE STANDS .....	7
SECTION 3.15	TEMPORARY USES OR BUILDINGS .....	7
SECTION 3.16	CLEAR VISION .....	9
SECTION 3.17	SETBACK MEASUREMENTS .....	9
SECTION 3.18	HEIGHT EXCEPTIONS .....	10
SECTION 3.19	HEALTH DEPARTMENT APPROVAL .....	10
SECTION 3.20	ILLEGAL DWELLINGS .....	10
SECTION 3.21	SITE CONDOMINIUMS .....	10
SECTION 3.22	OUTDOOR STORAGE IN RESIDENTIAL DISTRICTS .....	11
SECTION 3.23	KEEPING OF ANIMALS .....	11
SECTION 3.24	PRIVATE ROADS .....	12
<b>CHAPTER 4</b>	<b>DISTRICTS .....</b>	<b>1</b>
SECTION 4.01	DISTRICTS ESTABLISHED .....	1
SECTION 4.02	OFFICIAL ZONING MAP .....	1
SECTION 4.03	RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES .....	2
SECTION 4.04	ZONING OF VACATED AREAS.....	2
<b>CHAPTER 5</b>	<b>RESIDENTIAL DISTRICTS .....</b>	<b>1</b>
SECTION 5.01	INTENT AND PURPOSE .....	1
SECTION 5.02	TABLE OF USES .....	1
SECTION 5.03	DEVELOPMENT REQUIREMENTS .....	3
<b>CHAPTER 6</b>	<b>MANUFACTURED HOME COMMUNITY DISTRICT .....</b>	<b>1</b>
SECTION 6.01	INTENT AND PURPOSE .....	1
SECTION 6.02	TABLE OF USES .....	1
SECTION 6.03	DEVELOPMENT REQUIREMENTS .....	2
<b>CHAPTER 7</b>	<b>BUSINESS DISTRICT .....</b>	<b>1</b>
SECTION 7.01	INTENT AND PURPOSE .....	1
SECTION 7.02	TABLE OF USES .....	1
SECTION 7.03	DEVELOPMENT REQUIREMENTS .....	2
<b>CHAPTER 8</b>	<b>WATER OVERLAYS .....</b>	<b>1</b>
SECTION 8.01	STATEMENT OF PURPOSE .....	1
SECTION 8.02	DELINEATION OF THE FLOOD WAY AND WATERFRONT OVERLAY DISTRICTS .....	1
SECTION 8.03	SCOPE.....	2
SECTION 8.04	STANDARDS WATERFRONT OVERLAY .....	2

SECTION 8.05 PERMITTED PRINCIPAL USES IN THE FLOODPLAIN OVERLAY ....  
3

SECTION 8.06 SPECIAL LAND USES ..... 3

SECTION 8.07 ACCESSORY USES IN THE WATER OVERLAY ..... 4

SECTION 8.08 OFF-STREET PARKING AND LOADING ..... 4

SECTION 8.09 SIGNS ..... 4

SECTION 8.10 ALTERATION OF WATERCOURSES .....4

SECTION 8.11 DISCLAIMER OF LIABILITY ..... 4

**CHAPTER 9 PLANNED UNIT DEVELOPMENT DISTRICT ..... 1**

SECTION 9.01 DESCRIPTION AND INTENT ..... 1

SECTION 9.02 ELIGIBILITY CRITERIA ..... 2

SECTION 9.03 TYPES OF PUDS ..... 2

SECTION 9.04 RESIDENTIAL PUD (RPUD) STANDARDS ..... 3

SECTION 9.05 MIXED USE PUD (MPUD) ..... 5

SECTION 9.06 OPEN SPACE STANDARDS ..... 6

SECTION 9.07 PUD APPROVAL PROCESS ..... 9

SECTION 9.08 FINAL APPROVAL ..... 12

SECTION 9.09 EXTENSIONS ..... 13

SECTION 9.10 REVISIONS TO APPROVED PUD PLANS ..... 13

SECTION 9.11 DEVELOPMENT AGREEMENT ..... 15

SECTION 9.12 PERFORMANCE GUARANTEES ..... 16

SECTION 9.13 APPEALS ..... 16

**CHAPTER 10 I-1 INDUSTRIAL ..... 1**

SECTION 10.01 INTENT AND PURPOSE ..... 1

SECTION 10.02 TABLE OF USES ..... 1

SECTION 10.03 DEVELOPMENT REQUIREMENTS .....  
2

**CHAPTER 11 SITE PLAN REVIEW ..... 3**

SECTION 11.01 PURPOSE ..... 3

SECTION 11.02 SITE PLANS REVIEWED ..... 3

SECTION 11.03 SITE PLAN REVIEW REQUIREMENTS ..... 4

SECTION 11.04 APPLICATION AND REVIEW ..... 6

SECTION 11.05 CHANGES IN THE APPROVED SITE PLAN ..... 7

SECTION 11.06 REVIEW STANDARDS ..... 9

SECTION 11.07 SITE PLAN APPROVALS ..... 12

SECTION 11.09 PERFORMANCE GUARANTEES ..... 13

SECTION 11.10 APPEAL ..... 13

**CHAPTER 12 SITE DEVELOPMENT REQUIREMENTS .....  
1**

SECTION 12.01 GENERAL PARKING REQUIREMENTS ..... 1

SECTION 12.02 LOADING REQUIREMENTS ..... 5

SECTION 12.03 SIGNS ..... 5

SECTION 12.04 LIGHTING ..... 7

SECTION 12.05 LANDSCAPING REQUIREMENTS ..... 7

SECTION 12.06 CHANGE OF LAND USE ..... 14

**CHAPTER 13 SPECIAL LAND USES ..... 1**

SECTION 13.01 PURPOSE ..... 1

SECTION 13.02 APPLICATION AND REVIEW PROCEDURES ..... 1

SECTION 13.03 BASIS OF DETERMINATION ..... 3

SECTION 13.04 APPROVAL TERM AND EXPIRATION ..... 4

SECTION 13.05 REVOCATION OF SPECIAL LAND USE .....4

SECTION 13.06 SPECIFIC SPECIAL LAND USE STANDARDS .....5

**CHAPTER 14 NONCONFORMITIES ..... 1**

SECTION 14.01 NONCONFORMING USES, STRUCTURES, AND LOTS ..... 1

**CHAPTER 15 ZONING BOARD OF APPEALS ..... 1**

SECTION 15.01 MEMBERSHIP AND PROCEDURES ..... 1

SECTION 15.02 INTERPRETATIONS ..... 2

SECTION 15.03 APPEALS ..... 2

SECTION 15.04 VARIANCES ..... 3

SECTION 15.05 APPLICATIONS AND HEARINGS ..... 4

SECTION 15.06 DECISIONS OF THE ZBA ..... 5

SECTION 15.07 RE-SUBMISSION ..... 6

**CHAPTER 16 ADMINISTRATION AND ENFORCEMENT ..... 1**

SECTION 16.01 ADMINISTRATION AND ENFORCEMENT ..... 1

SECTION 16.02 ZONING ADMINISTRATOR DUTIES ..... 1

SECTION 16.03 SCHEDULE OF FEES, ESCROW CHARGES AND EXPENSES  
ESTABLISHED BY THE TOWNSHIP BOARD ..... 3

SECTION 16.04 PERFORMANCE GUARANTEE ..... 3

SECTION 16.05 ZONING ORDINANCE AMENDMENTS ..... 4

SECTION 16.06 ENFORCEMENT ..... 8

SECTION 16.07 ZONING COMPLIANCE PERMIT ..... 9

SECTION 16.08 STOP WORK ORDER ..... 10

SECTION 16.09 SEVERABILITY CLAUSE ..... 10

SECTION 16.10 REPEAL OF PRIOR ORDINANCE ..... 10

SECTION 16.11 EFFECTIVE DATE ..... 11

**CHAPTER 1**  
**TITLE, PURPOSE, SCOPE AND LEGAL BASIS**

**SECTION 1.01 TITLE**

This Ordinance shall be known and may be cited as the "Bridgeton Township Zoning Ordinance", "this Ordinance", "the Ordinance", or phrased in similar fashion. In all cases, such terms and phrases shall refer to the Bridgeton Township Zoning Ordinance.

## **SECTION 1.02    PURPOSE**

- A.    This Ordinance is based upon the Bridgeton Township Master Plan and provides for the establishment of zoning districts and district uses, standards, and regulations designed to promote the public health, safety and general welfare; to encourage the use of land in accordance with its character and adaptability and limit the improper use of land; to conserve natural resources and energy, to meet the needs of the State's citizens for food, fiber and other natural resources, places of residence, recreation, agriculture, industry, trade, service and other uses of land; to insure that uses of land shall be situated in appropriate locations and relationships; to avoid the overcrowding of population; to provide adequate light and air; to lessen congestion on the public roads and streets; to reduce hazards to life and property; to facilitate the adequate provision of a system of transportation, sewage disposal, safe and adequate water supply, education, recreation and other public requirements; and to conserve the expenditure of funds for public improvements and services so as to obtain the most advantageous uses of land, resources and properties.
  
- B.    This Ordinance is adopted with reasonable consideration, among other things, of the character of each district, its peculiar suitability for particular uses, the conservation of property values and natural resources, and the general and appropriate trend and character of land, building and population development.

## **SECTION 1.03    SCOPE**

- A.    Zoning affects all structures and land uses within the township.
  
- B.    This Ordinance shall not repeal, abrogate, annul or in any way impair or interfere with existing provisions of other laws, ordinances or regulations, except those repealed herein by specific reference, or with private restrictions placed upon property by covenant, deed or other private agreement, or with restrictive covenants running with the land to which the Township is a party.
  
- C.    Where this Ordinance imposes greater restrictions, limitations, or requirements upon the use of buildings, structures, or land; the height of buildings or structures; lot coverage; lot areas; yards or other open spaces; or any other use or utilization of land than are imposed or required by such existing laws, ordinances, regulations, private restrictions, or restrictive covenants, the provisions of this Ordinance shall control.

**SECTION 1.04 LEGAL BASIS**

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

**SECTION 1.05 REPEAL**

- A. The Township of Bridgeton Zoning Ordinance, adopted November 11, 2016, 2015 1995, 1985, as amended, and any prior zoning ordinances of Bridgeton Township are hereby repealed effective coincident with the effective date of this Ordinance. The repeal of these ordinances shall not have the effect of releasing or relinquishing any penalty, forfeiture or liability incurred under that ordinance, or any part thereof, and that ordinance shall be treated as still remaining in force for the purpose of instituting or sustaining any proper action for the enforcement of any penalty, forfeiture or liability.
- B. Conditions which have been attached to land, buildings, structures, and uses resulting from actions under a prior ordinance shall remain in effect unless specifically waived by this Ordinance, or through proper amendment, subject to the requirements of this Ordinance.

**SECTION 1.06 SEVERABILITY**

If any court of competent jurisdiction shall declare any part of this Ordinance to be invalid, that ruling shall not affect any other provisions of this Ordinance not specifically included in the ruling. Further, if any court of competent jurisdiction shall declare invalid the application of any provision of this Ordinance to a particular parcel, lot, use, building or structure, that ruling shall not affect the application of that provision to any other parcel, lot, use, building or structure not specifically included in the ruling.

## CHAPTER 2 DEFINITIONS

### SECTION 2.01 RULES APPLYING TO TEXT

- A. The particular shall control the general.
- B. The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
- C. Words used in the present tense shall include the future; and words used in the singular number shall include the plural; and the plural the singular, unless the context clearly indicates the contrary.
- D. A "building" or "structure" includes any part thereof.
- E. The word "person" includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity. Gender related words, such as "he" and "him" include "she" and "her," or other similar uses of gender.
- F. All words and phrases shall be construed and understood according to the common preferred use of the language; but technical words and phrases as may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to their peculiar and appropriate meaning.
- G. If the meaning of this Ordinance is unclear in a particular circumstance, then the body charged with interpreting or applying the Ordinance shall construe the provision to carry out the intent of the Ordinance, if the intent can be discerned from other provisions of the Ordinance or law.
- H. Unless the context clearly indicates the contrary, the conjunctions noted below shall be interpreted as follows.
  - 1. "And" indicates that all connected items, conditions, provisions, or events shall apply.
  - 2. "Or," indicates that the connected items, conditions, provisions or events may apply singularly or in any combination.
  - 3. "Either...or" indicates that the connected items, conditions, provisions or events shall apply singularly but not in combination.
- I. In computing the number of days, the first day is excluded and the last day is included. If the last day of any period during which an application, filing, or request is required to be made to the Township or other governmental agency is

a Saturday, Sunday, or legal holiday, the period is extended to include the next day which is not a Saturday, Sunday, or legal holiday observed by the Township.

- J. With the exception of this Chapter, the headings which title a Chapter, Section or subsection are for convenience only and are not to be considered in any construction or interpretation of this Ordinance or as enlarging or restricting the terms and provisions of this Ordinance in any respect.
- K. The following listed terms and words are defined for the purpose of their use in this Ordinance. These definitions shall apply in the interpretation and enforcement of this Ordinance unless otherwise specifically stated.
- L. Terms herein not defined shall have the meaning customarily assigned to them.

## **SECTION 2.02 DEFINITIONS – A**

### **ACCESSORY BUILDING**

A building or portion of a building supplementary and subordinate to a main building on the same lot occupied by or devoted exclusively to an accessory use.

### **ACCESSORY USE**

A use naturally and normally incidental and subordinate to, and devoted exclusively to, the main use of the land or building.

### **ADULT FOSTER CARE FACILITY**

A facility defined by the Adult Foster Care Facility Licensing Act, Public Act 218 of 1979, as an establishment that provides foster care to adults for 24 hours a day, 5 or more days a week, and for 2 or more consecutive weeks for compensation. An adult foster care facility includes facilities and foster care family homes 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. Adult foster care facilities include:

#### **A. ADULT FOSTER CARE FAMILY HOME**

A private residence in which the licensee is a member of the household and an occupant, with the approved capacity to receive six (6) or fewer adults.

#### **B. ADULT FOSTER CARE SMALL GROUP HOME**

An adult foster care facility with the approved capacity to receive twelve (12) or fewer adults to be provided with foster care.

## C. ADULT FOSTER CARE LARGE GROUP HOME

An adult foster care facility with the approved capacity to receive at least thirteen (13) but not more than twenty (20) adults to be provided with foster care.

## AGRICULTURE

The use of land for tilling the soil, Christmas trees or field crops, or animal husbandry as a primary source of income or any other use as defined by the Michigan Right to Farm Act.

## AGRICULTURAL SERVICE ESTABLISHMENTS

Establishments primarily engaged in supplying soil preparation services, crop services, landscaping, horticultural services, and farm labor and management services.

## ALTERATIONS

Any change, addition or modification in construction or type of use or occupancy; any change in the supporting structural members of a building, such as walls, partitions, columns, beams, girders; or any change which may be referred to herein as "altered" or "reconstructed."

## ANIMAL HOLDING AREA

An outdoor area for the confinement of animals including but not limited to a corral, paddock or arena.

## ANIMAL UNIT

A measurement used in the design of animal waste management systems. A onethousand (1,000) pound steer is the standard; the equivalent number of any other type of livestock is considered one animal unit. The Table below shows the number of livestock that would constitute one-thousand (1,000) animal units and three hundred (300) animal units. The number of animal units for an operation that has more than one kind of animal is computed by multiplying the animal unit factor for each kind of animal times the number of animals and then summing the animal units for all the animals.

**ANIMAL UNITS**

<b>Animal Type</b>	<b>Number of Animal Units Per Animal</b>	<b>Equivalent to 1000 Animal Units</b>	<b>Equivalent to 300 Animal Units</b>
Slaughter and feeder cattle	1.0	1,000	300
Mature dairy cattle	1.4	715	215
Swine weighing over 55 pounds	0.4	2,500	750
Swine weighing under 55 pounds	0.2	5,000	1,500
Sheep or lambs	0.1	10,000	3,000
Horses	2.0	500	150
Laying hens or broilers with continuous over flow watering	0.01	100,000	30,000
Laying hens or broilers with liquid manure handling systems	0.0333	30,000	9,000
Turkeys	0.0182	55,000	16,500
Ducks	0.02	50,000	15,000
All other animals based on 1,000 pounds live weight	1.0	1,000	300

**ANIMALS, WILD AND EXOTIC**

Any living member of the animal kingdom, including those born or raised in captivity, except the following:

- A. Domestic dogs (excluding hybrids with wolves, coyotes, or jackals)
- B. Domestic cats (excluding hybrids with ocelots or margays)
- C. Ferrets
- D. Rodents
- E. Caged, nonvenomous snakes
- F. Captive-bred species of common cage birds.

**ARCHITECTURAL FEATURES**

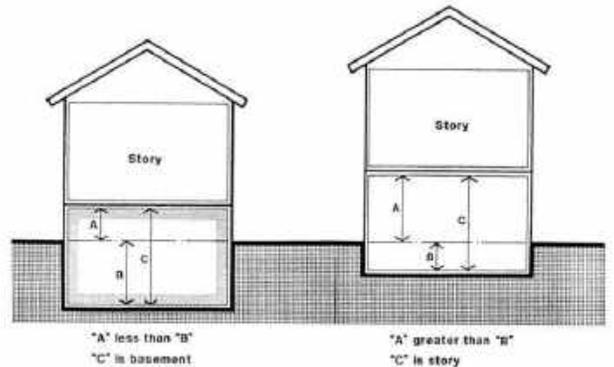
Architectural features of a building shall include cornices, eaves, gutters, belt courses, sills, lintels, bay windows, chimneys and decorative ornaments, such as recesses, projections, wall insets, arcades, window display areas, awnings, balconies, window

projections, landscape structures or other features that complement the design intent of the structure.

## SECTION 2.03 DEFINITIONS – B

### BASEMENT OR CELLAR

A portion of a building, partly below grade but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling.



### BED AND BREAKFAST ESTABLISHMENT

A use within a detached single-family dwelling in which transient guests are provided a sleeping room, breakfast and access to bathing and lavatory facilities in return for payment.

### BERM

A mound of soil graded, shaped and improved with landscaping in such a fashion as to be utilized for screening purposes.

### BILLBOARDS – See SIGNS

### BOARD, TOWNSHIP – See TOWNSHIP BOARD

### BREEZEWAY

Any structure connecting the principal dwelling unit with a freestanding accessory building.

### BUFFER ZONE

A strip of land reserved for plant material, berms, walls, or fencing to serve as a visual and/or sound barrier between properties, often between abutting properties and properties in different zoning districts. Landscaping, berms, fencing or open space can also be used to buffer noise, light and related impacts from abutting properties.

### BUILDABLE AREA

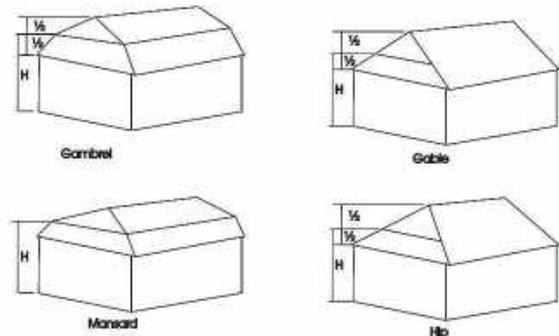
The space above the base flood elevation remaining within a lot after the minimum setback and open space requirements of this Ordinance have been met.

## BUILDING

An independent structure, temporary or permanent, having a roof supported by columns, walls, or any other support used for the enclosure of persons, animals, or belongings, or carrying on business activities or other uses. When any building portion is completely separated from every other part by division of walls from the ground up, and without openings, each portion of such building shall be deemed a separate building.

## BUILDING HEIGHT

The vertical distance measured from the average grade to the highest point of the roof surface if a flat roof; to the deck of mansard roofs; and to the mean height level between eaves and ridge of gable, hip and gambrel roofs.

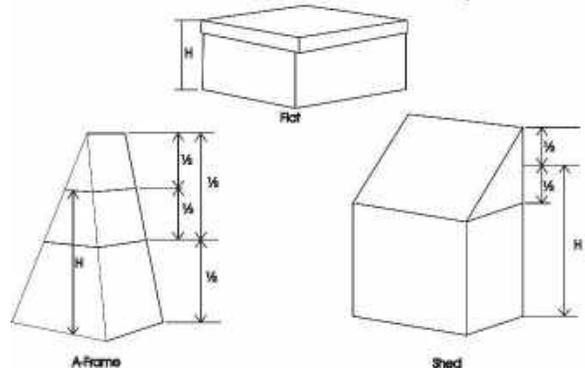


## BUILDING, MAIN

A building in which is conducted the principal use of the lot on which it is situated.

## BUSINESS CENTER

Any two (2) or more businesses which meet one (1) of the following:



- A. Are located on a single parcel of property.
- B. Are connected by common walls, partitions, canopies, or other structural members to form a continuous building or group of buildings.
- C. Are under one (1) common ownership or management and have a common arrangement for the maintenance of the grounds.
- D. Share a common parking area.
- E. Otherwise present the appearance of a single, contiguous business area.

## SECTION 2.04 DEFINITIONS – C

### CAMPGROUND

A facility for camping or staying overnight with sites for tents, trailers, and/or camping recreational vehicles, which is either

open to the general public for either free or with a charge or a fee, operated and utilized by private members or is operated by a bona fide nonprofit organization, church, or similar organization and includes all facilities as defined by MCLA 333.12501 et seq, as amended.

#### CLEARING OF LAND

The removal of vegetation from any site, parcel or lot except when land is cleared and cultivated for bona fide, forestry, agricultural or garden use in a district permitting such use. Mowing, trimming, pruning or removal of vegetation to maintain it in a healthy, viable condition is not considered clearing.

#### CLINIC

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

#### CLUB

An organization of persons for special purposes or for the promulgation of sports, arts, sciences, literature, hobbies, politics, or the like, but not operated for profit.

#### COMMISSION, PLANNING

As used in this Ordinance, this term means the Bridgeton Township Planning Commission.

#### COMMON AREA

That part of a condominium development in which all members have an ownership interest, including but not limited to streets, alleys, walkways and open space.

#### CONDOMINIUM ACT

Public Act 59 of the Michigan Public Acts of 1978, as amended.

#### CONDOMINIUM UNIT

That portion of the condominium project designed and intended for separate ownership and use, as described in the Master Deed of the condominium project.

#### CONSERVATION EASEMENT

A nonpossessory interest in real property imposing limitations or affirmative obligations, the purposes of which include retaining or protecting natural, scenic or open space values of real property; assuring its availability for agricultural, forest, recreational or open space use; protecting natural resources; or maintaining air or water quality.

## **SECTION 2.05     DEFINITIONS – D**

### **DAY CARE FACILITY**

A facility licensed under the Child Care Organizations Act, Public Act 116 of 1973. Day Care Facilities include:

#### **A.     DAY CARE CENTER**

Any facility, other than a private residence, in which one (1) or more preschool or school age children are given care and supervision for periods of less than twenty four (24) hours per day, and where the parents or guardians are not immediately available to the child. Day care center includes a facility that 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 nursery, nursery school, parent cooperative preschool, play group, before or after school program, or drop-in center.

#### **B.     FAMILY DAY CARE HOME**

A private home in which one (1) but fewer than seven (7) minor children are received for care and supervision for periods of less than twenty four (24) hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage or adoption. Family day care homes shall include a home in which care is given to an unrelated minor child for more than four (4) weeks during a calendar year.

#### **C.     GROUP DAY CARE HOME**

A private home in which more than six (6) but not more than twelve (12) minor children are given care and supervision for periods of less than twenty four (24) hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage or adoption. A group day care home includes a home in which care is given to an unrelated minor child for more than four weeks during a calendar year.

#### **D.     FOSTER FAMILY HOME**

A private home in which one (1) but not more than four (4) minor children, who are not related to an adult member of the household by blood or marriage,

or who are not placed in the household under the Michigan Adoption Code, Chapter X of the Probate Code of 1939, Public Act 288 of 1939, are given care and supervision for twenty four (24) hours a day, for four (4) or more days a week, for two (2) or more consecutive weeks, unattended by a parent or legal guardian.

#### E. FOSTER FAMILY GROUP HOME

A private home in which more than four (4) but fewer than seven (7) minor children, who are not related to an adult member of the household by blood or marriage, or who are not placed in the household under the Michigan Adoption Code, Chapter X of the Probate Code of 1939, Public Act 288 of 1939, are provided care for twenty four (24) hours a day, for four (4) or more days a week, for (2) or more consecutive weeks, unattended by a parent or legal guardian.

#### DEED RESTRICTION

A restriction on the use of a lot or parcel of land that is set forth in the property deed and recorded with the County Register of Deeds. It is binding on subsequent owners and is sometimes also known as a restrictive covenant. Unless the Township has an ownership interest in the property, a deed restriction is enforced by the parties to the agreement, not by the Township.

#### DECK

An unroofed structure used for outdoor living purposes which may or may not be attached to a building and which protrudes more than four (4) inches above the finished grade.

#### DENSITY

As applied in this Ordinance the number of dwelling units situated on or to be developed on a gross acre of land.

#### DISTRICT, ZONING

A portion of the Township within which certain uses of land or buildings are permitted and within which certain regulations and requirements apply under the provisions of this Ordinance.

#### DRIVE THROUGH ESTABLISHMENT

A commercial establishment whose retail/service character is significantly dependent on providing a driveway approach and service windows or facilities for vehicles in order to serve patrons while in or momentarily stepped away from the vehicle. Examples include banks, cleaners, and restaurants, but not including vehicle service stations.

**DRIVEWAY, PRIVATE**

An improved or unimproved path extending from a public right-of-way to a single building, dwelling, or structure, intended to provide ingress and egress primarily for occupants thereof.

**DWELLING, OR DWELLING UNIT**

Any building or portion thereof having cooking and housekeeping facilities, which is occupied wholly as the home, residence or sleeping place of one (1) family, either permanently or temporarily, but in no case shall a motor home, trailer coach, garage, automobile chassis, tent, or portable building be considered a dwelling. In case of mixed occupancy, where a building is occupied in part as a dwelling unit, the part so occupied shall be deemed a dwelling unit and shall comply with the applicable provisions of this Ordinance.

- A. Dwelling, Multiple Family. A building or portion thereof, used or designed for use as a residence for three (3) or more families living independently of each other and each doing their own cooking and housekeeping.
- B. Dwelling, Two-Family. A detached building used or designed for use exclusively by two (2) families living independently of each other and each doing their own cooking and housekeeping. It may also be termed a duplex.

**SECTION 2.06 DEFINITIONS – E****EASEMENT**

A right, distinct from the ownership of the land, to cross property with facilities such as, but not limited to, driveways, roads, utility corridors, sewer lines, water lines, and transmission lines, or the right, distinct from the ownership of the land, to reserve and hold an area for open space, recreation, drainage or access purposes.

**ERECTED**

The word “erected” includes built, constructed, reconstructed, moved upon, or any physical operations on the premises required for the building. Excavations, fill, drainage, and the like, shall be considered a part of the term “erect” or “erected.”

**ESSENTIAL SERVICES**

- A. The erection, construction, alteration, or maintenance by public utilities, municipal departments or commissions, or any governmental agencies, of underground, surface, or overhead gas, electrical, steam, or water transmission or distribution systems, collection, communication supply or disposal systems, including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers, electric

substations, poles, and other similar equipment, and accessories in connection therewith reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions or for the public health or general welfare.

- B. Essential services does not include buildings other than such buildings that are primarily enclosures or shelters of the above essential service equipment, and shall not include power generating facilities.
- C. The term shall not include wireless communication towers, unless located on public property and used as part of a governmental emergency communications network.

## EXCAVATION

Any breaking of the ground to hollow out by cutting, digging, or removing any soil or rock matter.

## **SECTION 2.07    DEFINITIONS – F**

### FAMILY

- A. An individual or group of two (2) or more persons related by blood, marriage, or adoption, together with servants of the principal occupants who are domiciled together as a single housekeeping unit in a dwelling unit; or
- B. A collective number of individuals domiciled together in one (1) dwelling unit whose relationship is of a continuing, non-transient domestic character and who are cooking and living as a single nonprofit housekeeping unit.
- C. This definition shall not include any society, club, fraternity, sorority, association, halfway house, lodge, coterie, organization, group of students, or other individual whose domestic relationship is of a transitory or seasonal nature, is for an anticipated limited duration of a school term or during a period of rehabilitation or treatment, or is otherwise not intended to be of a permanent nature.

### FARM MARKET

A commercial establishment selling produce and other farm products, primarily produced in the agricultural operation, at retail to customers.

### FENCE

Any permanent or seasonal partition, wall, structure erected for the purpose of separating, screening, enclosing or protecting property.

## FILLING

The depositing or dumping of any matter onto or into the ground, except common household gardening and general farm care.

### **Definitions related to Flooding**

## FLOOD, BASE

The flood having a one (1) percent chance of being equaled or exceeded in any given year.

## FLOOD, BASE ELEVATION (BFE)

The elevation for which there is a 1 percent chance in any given year that flood levels will equal or exceed it. BFE is determined by statistical analysis of stream flow records for the watershed and rainfall and runoff characteristics in the general region of the watershed and is typically established by the National Flood Insurance Program.

## FLOOD OR FLOODING

A general and temporary complete inundation of normally dry land area from:

- A. The overflow of inland or tidal waters.
- B. The unusual and rapid accumulation or runoff of surface waters from any source.

## FLOOD HAZARD AREA

That area subject to flooding, on the average of at least once in every one hundred (100) years as established by the Federal Emergency Management Agency.

## FLOOD HAZARD BOUNDARY MAP (FHBM):

An official map of the community, issued by the Federal Insurance Administration, where the boundaries of the areas of special flood hazards have been designated as Zone A.

## FLOOD INSURANCE RATE MAP (FIRM):

An official map of the community on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

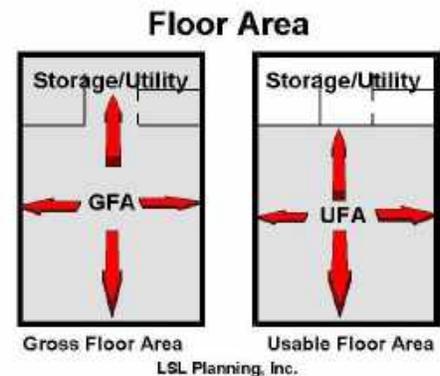
## FLOOD INSURANCE STUDY

The official report provided by the Federal Insurance Administration. The report contains flood profiles, as well as the flood hazard boundary-floodway map and the water surface elevation of the base flood.

#### FLOOR AREA, GROSS (GFA)

A. The sum of the gross horizontal area of the several floors of the building measured from the exterior faces of the exterior walls or from the center line of walls separating two (2) buildings. The GFA of a building shall include the basement floor area only if more than one-half (1/2) of the basement height is above average finished lot grade. (See also Basement)

B. GFA shall not include attic space having headroom of seven-and-one-half (7-1/2) feet or less, or interior balconies or mezzanines. Any space devoted to off-street parking or loading shall not be included in floor area. Areas of basements (except as provided above), breezeways, porches, or attached garages are not included.



#### FLOOR AREA, USABLE (UFA)

A. That area used for or intended to be used for the sale of merchandise or services, or for use to serve patrons, clients, or customers; or area used in a dwelling unit for living purposes. Floor area which is used or intended to be used principally for the storage or processing of merchandise, for hallways, or for utilities shall be excluded from the computation of usable floor area.

B. Measurement of usable floor area shall be the sum of the horizontal areas of the several floors of the building measured from the interior faces of the exterior walls.

#### FRONTAGE, STREET

The horizontal distance between the side lot lines measured at the street right-of-way or easement line.

#### FRONTAGE, WATERFRONT

The horizontal distance along and adjacent to a body of water.

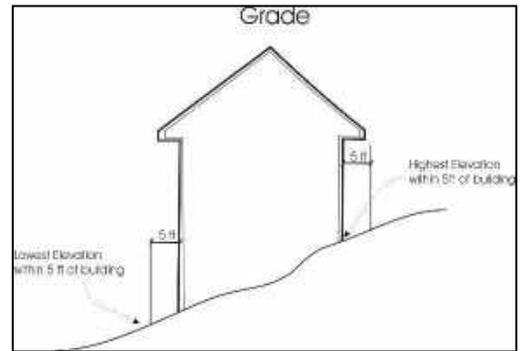
### SECTION 2.08    DEFINITIONS – G

#### GARAGE

A building used primarily for the storage of self-propelled vehicles for the use of the occupants of a lot on which the building is located.

## GRADE

The ground elevation established for the purpose of regulating the height of the building. The building grade shall be the level of the ground adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the building.



## SECTION 2.09 DEFINITIONS – H

### HOME

A UFA space within its walls.

### HOME OCCUPATION

An occupation customarily conducted in a dwelling unit that is clearly an incidental and secondary use of the dwelling. Without limiting the foregoing, a single-family residence used by an occupant of that residence to give instruction in a craft or fine arts within the residence shall be considered a home occupation.

### HOME BASED BUSINESS

A business operation based on the same premises as a single-family dwelling which is clearly an incidental and secondary use of the dwelling, but conducted primarily in other locations off the premises. Examples of potential home-based businesses include construction contractors, well drilling, independent trucking, small-scale heavy equipment operator, or landscaping services.

### HOTEL

See Motel.

### HOUSEHOLD PETS

Any domesticated dog, cat or other animal kept for protection, companionship or hunting purposes; provided they are not kept, bred or maintained for commercial purposes.

## **SECTION 2.10    DEFINITIONS – I**

### **INOPERATIVE MOTOR VEHICLE**

A motor vehicle which is unregistered, unlicensed, uninsured and/or incapable of being operated under its own power.

### **INTENSIVE ANIMAL FEEDING OPERATION**

(ILO or CAFO, a Confined or Concentrated Animal Feeding Operation) See page 3-12 section 3.23. As defined under the current Generally Accepted Agricultural and Management Practices (GAAMPS).

## **SECTION 2.11    DEFINITIONS – J**

### **JUNK**

For the purpose of this Ordinance, this term shall mean any inoperable motor vehicles, machinery, appliances, products, or merchandise with parts missing; or scrap metals or materials that are damaged or deteriorated; or vehicles or machines in a condition which precludes their use for the purpose for which they were manufactured.

### **JUNK YARD**

The term "junk yard" includes automobile wrecking yards and salvage areas and includes any area of more than two hundred (200) square feet for the storage, sale, processing, keeping or abandonment of junk, including scrap metals, other scrap materials, or for the dismantling, demolition, or abandonment of automobiles or other vehicles or machinery or parts thereof for profit, but does not include uses established entirely within enclosed buildings.

## **SECTION 2.12    DEFINITIONS – K**

### **KENNEL**

Any lot or premises on which four (4) or more dogs, six (6) months of age or older are kept temporarily or permanently for the purpose of breeding, boarding or sale.

## **SECTION 2.13    DEFINITIONS – L**

### **LAND DIVISION ACT**

Public Act 288 of the Michigan Public Acts of 1967, as amended.

### **LANDMARK TREE(S)**

A tree(s) commonly recognized as an established and familiar feature of the Township or as a significant part of the Township's heritage. Landmark trees tend to be larger in girth than other trees of the same species in the area. The trees are a prominent part of the landscape.

## LIVESTOCK

Those species of animals used for human food and fiber or those species of animals used for service to humans. Livestock includes, but is not limited to, cattle, sheep, new world camelids, goats, alpacas, bison, captive cervidae, ratites, swine, equine, poultry, aquaculture, and rabbits. Livestock does not include dogs or cats.

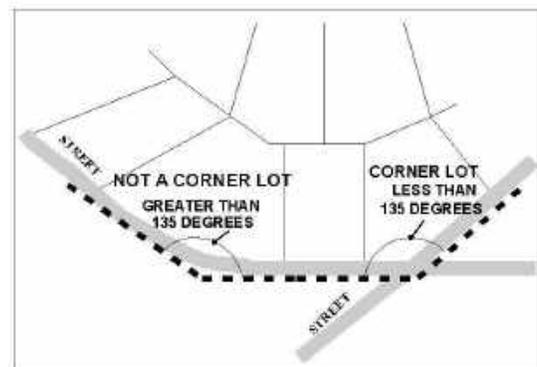
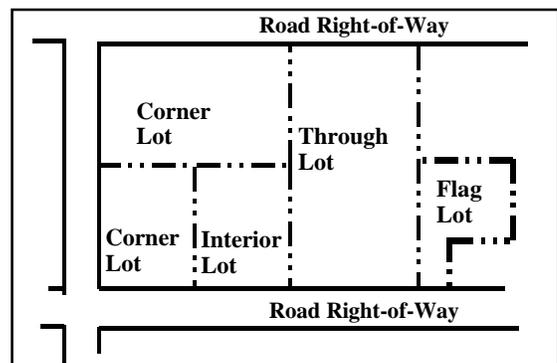
## LOADING SPACE

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

## LOT

A parcel of land occupied or intended for occupancy by a use permitted in this Ordinance, including one (1) main building with its accessory buildings, and providing the open spaces, parking spaces, and loading spaces required by this Ordinance. The word "lot" shall include plot or parcel. A lot need not be a "lot of record." A lot may also mean a portion of a condominium project, as regulated by Public Act 59 of 1978, as amended, designed and intended for separate or limited ownership or use.

- A. Lot Area. The total area encompassed within the lines of a parcel or piece of property, excluding street or road rights-of-way or road easements.
- B. Lot, Corner: A lot which has at least two contiguous sides abutting upon a road for their full length, provided that the interior angle at the intersection of such two sides is less than 135 degrees.
- C. Lot, Depth. The distance between the front and rear lot lines, measured along the median between the side lot lines, or the two (2) front lines of a double frontage lot.



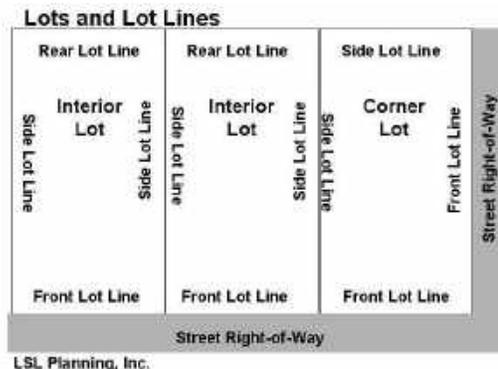
- D. Lot, Double Frontage (Through). Any lot, excluding a corner lot, which fronts on two (2) streets which do not intersect.
- E. Lot, Flag. An interior lot possessing less than the required road frontage.
- F. Lot, Interior. A lot other than a corner lot with only one (1) lot line fronting on a street.
- G. Lot, waterfront. A lot having frontage directly upon a lake, river, or other significantly sized impoundment of water.

**LOT COVERAGE**

The part or percent of the lot occupied by buildings or structures, including accessory buildings or structures and parking lots.

**LOT LINES**

The property lines or other described lines bounding the lot.



- A. Front Lot Line. In the case of an interior lot, the front lot line shall mean the line separating such lot from such street rightof-way or easement.
  - 1. In the case of a waterfront lot, the portion adjacent to the water is considered the front lot line and the opposite side, abutting the street, is the rear yard lot line.
  - 2. In the case of a corner or through lot, each lot line separating the lot from a right of way shall be considered a front lot line.
- B. Rear Lot Line. Ordinarily, that lot line which is opposite and most distant from the front lot line of the lot.
  - 1. In the case of an irregular or triangular-shaped lot, a line at least ten (10) feet in length entirely within the lot, parallel to, and at the maximum distance from the front lot line of the lot shall be considered to be the rear lot line for the purpose of determining depth of rear yard.
  - 2. In cases where none of these definitions are applicable, the Zoning Administrator shall designate the rear lot line.

- C. Side Lot Line. Any lot line that is not a front lot line or a rear lot line. A side lot line separating a lot from another lot, or lots is an interior side lot line.

#### LOT OF RECORD

A legally established lot which exists in a subdivision plat as shown on the records of the County Register of Deeds, or a lot or parcel described by metes and bounds, which has been so recorded as required by law.

#### LOT WIDTH

The shortest continuous distance between the side lot lines, measured at the setback line.

### **SECTION 2.14 DEFINITIONS – M**

#### MAIN BUILDING

A building in which is conducted the principal use of the lot upon which it is situated.

#### MANUFACTURED HOME

A detached residential dwelling unit designed for transportation after fabrication on streets or highways on its own wheels or on a flat bed or other trailer, and further designed to be occupied as a dwelling without the necessity of further substantial construction or alteration except for incidental assembly, unpacking, foundation work or construction, utility connections, skirting construction, site preparation and other minor work, construction or installation.

#### MANUFACTURED HOUSING COMMUNITY

A parcel or tract of land under the control of a person upon which two (2) or more manufactured homes are located on a continual, non-recreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefore, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a manufactured home.

#### MANUFACTURED HOME SPACE

A plot of ground within a manufactured housing community designed for the placement of one (1) manufactured home.

#### MARINA

A facility located adjacent to a body of water and operated as a commercial enterprise for the sale, storage, or servicing of boats or other watercraft; or a dock or mooring located within a body of water and intended to be used by four (4) or more boats.

#### MASTER PLAN

The Master Plan currently adopted by Bridgeton Township, including graphic and written materials and includes any unit or part of such plan and any amendment to such plan.

#### MEZZANINE

An intermediate or fractional story between the floor and ceiling of a main story occupying not more than one-third (1/3) of the floor area of such main story.

#### MINI PARK

A park, as defined by the Michigan Department of Natural Resources, which is between two thousand five hundred (2,500) square feet and one (1) acre in size which addresses limited or isolated recreational needs.

#### MINI STORAGE

A building or group of buildings in a controlled access or fenced area that contains varying sizes of individual compartmentalized and controlled access stalls or lockers for the storage of customer's goods or wares which are not used on a daily basis.

#### MOTEL

A series of attached, semi-attached, or detached rental units providing overnight lodging for transients, open to the traveling public for compensation.

### **SECTION 2.15    DEFINITIONS – N**

#### NATURAL FEATURES

Natural features shall include, but not be limited to: soils, wetlands, woodlots, floodplains, landmark trees, overgrown fence rows, water bodies, topography, vegetative cover, steep slopes, or other significant features identified by the Planning Commission, Township Board or State of Michigan Natural Features Inventory.

#### NATURAL VEGETATIVE COVER

Significant natural vegetation, including bushes, shrubs, groundcover, and trees, on a lot or parcel. A groomed lawn shall not qualify as natural vegetative cover.

#### NONCONFORMING BUILDING OR STRUCTURE

A building, structure or portion thereof lawfully existing at the effective date of this Ordinance, or amendments thereto, which does not conform to the provisions of the Ordinance in the Zoning District in which it is located.

#### **NONCONFORMING LOT**

A lot that conformed with all Township zoning requirements at the time of its creation which no longer conforms to the requirements for lot area or lot width, and which has not been subdivided or reduced in size.

#### **NONCONFORMING USE**

A use which lawfully occupied a building or land at the effective date of this Ordinance or amendments thereof, and that does not conform to the use regulations of the Zoning District in which it is located.

#### **NUISANCE**

An offensive, annoying, unpleasant, or obnoxious thing or practice being a cause or source of annoyance.

#### **NURSING HOME**

A home for the care of the aged or infirm, or a place of rest for those suffering bodily disorders, where care is provided for compensation. The home shall conform to, and be licensed under applicable State law.

#### **NURSERY, PLANT**

A space, building or structure, or combination thereof, for the storage of live trees, shrubs, or plants. The definition of nursery within the meaning of this Ordinance does not include any temporary space, building or structure used for the sale of fruits, vegetables or harvest and cut Christmas trees.

### **SECTION 2.16 DEFINITIONS – O**

#### **OPEN AIR BUSINESS**

Uses operated substantially in the open air, including, but not limited to:

- A. Bicycle, utility truck or trailer, motor vehicle, boats, or home equipment sale, repair, rental, or storage services.

- B. Outdoor display and sale of garages, motor homes, manufactured homes, snowmobiles, farm implements, swimming pools, and similar activities.
- C. Retail sale of trees, fruits, vegetables, shrubbery, plants, seeds, topsoil, humus, fertilizer, trellises, lawn furniture, playground equipment, and other home garden supplies and equipment.
- D. Flea Markets.

## OPEN SPACE DEVELOPMENT

A development in which the lot sizes are reduced below those normally required in the zoning district in which the development is located in return for the provision of permanent open space on-site.

### OPEN SPACE

Undeveloped land not part of any required yard which is set aside in a natural state or for an agricultural use.

### OPEN SPACE, COMMON

Open space which is held for the collective use and enjoyment of the owners, tenants, or occupants of a single development.

### OPEN SPACE, DEDICATED

Common open space dedicated as a permanent recorded easement.

### OPEN SPACE, USABLE

That portion of the common open space which due to its slope, drainage characteristics and soil conditions can be used for active recreation or agriculture.

## ORDINARY HIGH WATER MARK

Ordinary High Water Mark (Shoreline) – 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 itself, the configuration of the surface of the soil and the vegetation.

## OUTDOOR RECREATION

Uses which provide continuous, intermittent or seasonal recreation and/or entertainment-oriented activities largely in an outdoor setting, including but not limited to; amusement and water parks, theme parks, fairgrounds, zoos, golf driving ranges, miniature golf facilities, animal racing, go-cart, automobile or motorcycle tracks, amphitheaters, air gun or survival games, batting cages, ski slope, and skate board parks.

## **SECTION 2.17    DEFINITIONS – P**

### **PARKING LOT**

A facility (not including parking for single and two-family units) providing vehicular parking spaces, along with adequate drives, aisles, and maneuvering space to allow unrestricted ingress and egress to at least two vehicles.

### **PARKING SPACE**

An off-street space exclusive of necessary driveways, aisles, or maneuvering areas suitable to accommodate one (1) motor vehicle and having direct unobstructed access to a street or alley.

### **POND**

A body of water with a natural bottom which holds water for an extended period of time.

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

A development approval under the provisions of this Ordinance that permits certain flexibility in use, lot dimensions, and other development requirements for certain purposes as defined by the Zoning Act and this Ordinance.

### **PLANNING COMMISSION – See COMMISSION, PLANNING**

### **PRINCIPAL USE**

The primary purpose for which land or premises, or a building thereon, is designed, arranged, or intended, for which it is occupied, or maintained, or leased.

### **PUBLIC UTILITY**

Any person, firm, corporation, municipal department, board, or commission duly authorized to furnish, under Federal, State or municipal regulations, to the public, electricity, gas, steam, communications (except cellular telephone or commercial wireless communications towers), telegraph, transportation, or water services.

## **SECTION 2.18    DEFINITIONS – R**

### **RECREATION VEHICLE**

A vehicle or equipment intended for temporary or periodic use for recreational or leisure pursuits. Such vehicles shall include boats, airplanes, special purpose automobiles, floats, rafts, trailers, snowmobiles, camping or travel trailers, motorized homes, detachable travel equipment of the type adaptable to light trucks, and other equipment or vehicles of a similar nature.

### **RELIGIOUS INSTITUTION**

Religious institutions primarily provide meeting areas for religious activities. They may be associated with a convent (group housing) or provide caretaker housing or a parsonage on site (as an accessory use).

### **RESTAURANT**

A building in which food is prepared and sold for consumption within the building, as opposed to a drive-through restaurant where food may be taken outside of the building for consumption either on or off the premises.

### **ROADSIDE STAND**

A structure that is less than one hundred (100) square feet in area, used for the display and sale of agricultural products, with no space for customers within the structure itself.

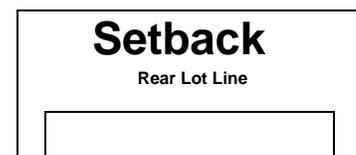
## **SECTION 2.19    DEFINITIONS – S**

### **SATELLITE DISH**

A parabolic dish designed for the purpose of transmitting and/or receiving microwave radio, television, satellite, or other electromagnetic energy signals, including as a part of the apparatus or device the main reflector, subreflector feed, amplifier and support structure.

### **SCREEN**

A structure providing enclosure, such as a fence, and a visual barrier between the area enclosed and the adjacent property. A screen may also be a non-structure, consisting of shrubs or other growing materials.

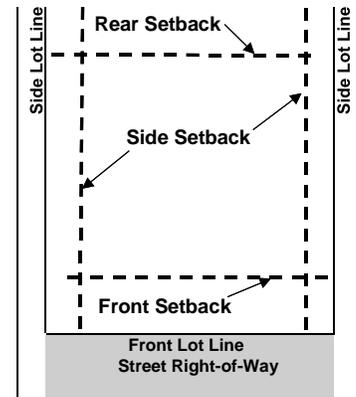


**SETBACK**

The minimum required horizontal distance measured from the front, side, or rear lot line, as the case may be, which describes an area termed the required setback area on a lot or parcel.

**SETBACK LINES**

- A. Front Setback Line. The line marking the required setback distance from the front lot line or street easement line, as applicable, that establishes the minimum front yard setback area.
- B. Rear Setback Line. The line marking the required setback distance from the rear lot line which establishes the minimum rear yard setback area.
- C. Side Setback Line. Lines marking the required setback distance from the side lot lines which establish the minimum side yard setback area.

**SEXUALLY ORIENTED BUSINESSES (definitions relating to):**

- A. Adult Bookstore or Adult Video Store: An adult bookstore or adult video store means a commercial establishment which has a substantial portion of its stock in trade for sale or rent, for any form of consideration, any one or more of the following items:
  1. Books, magazines, periodicals or other printed matter, or photographs, pictures, films, motion pictures, video cassettes, video tapes, any material in digital format [including, but not limited to compact discs (CDs) or digital video discs (DVDs), greeting cards, or video reproductions, slides, or other visual representations or electronic media or other merchandise which is predominantly distinguished or characterized by an emphasis on depiction or description of “specified anatomical areas” or “specified sexual activities”]; or
  2. Instruments, devices, or paraphernalia that are designed for use in connection with “specified sexual activities”.
  3. A commercial establishment may have other stock in trade which does not involve the offering for sale or rent of merchandise depicting or describing “specified anatomical areas” or “specified sexual activities” and still be categorized as an adult bookstore or adult video store. Such other stock in trade will not serve to exempt such a commercial establishment from being characterized as an adult bookstore or adult video store so long as a substantial portion of the commercial establishment’s stock in trade is the offering for sale or rental for consideration the specified merchandise

which is predominantly distinguished or characterized by an emphasis on the depiction or description of “specified anatomical areas” or “specified sexual activities”.

- B. The phrase “substantial portion of its stock in trade” shall be construed with reference to all relevant factors, including, but not limited to one or more of the following:
1. Fifteen percent (15%) or more of the commercial establishment’s gross sales area is used for the sale of merchandise which is predominantly distinguished or characterized by an emphasis on the depiction or description of “specified anatomical areas” or “specified sexual activities”.
  2. For purposes of this Section, gross sales area is defined as the floor area within the inside perimeter of the exterior walls of the commercial establishment, exclusive of vent shafts and courts, storage, stock, office, and shipping areas, without deduction for corridors, display fixtures, stairways, public restrooms closets, the thickness of interior walls, columns or other features.
  3. Fifteen percent (15%) or more of the commercial establishment’s stock in trade (inventory) is comprised of merchandise which is predominantly distinguished or characterized by an emphasis on the depiction or description of “specified anatomical areas” or “specified sexual activities”.
  4. Fifteen percent (15%) or more of the commercial establishment’s gross revenues are generated by the sale or rental of merchandise which is predominantly distinguished or characterized by an emphasis on the depiction or description of “specified anatomical areas” or “specified sexual activities”.
- C. Adult Cabaret: An adult cabaret means a nightclub, restaurant, or other similar commercial establishment which regularly features or displays:
1. Persons who appear in a state of nudity; or
  2. Live performances predominantly distinguished or characterized by an emphasis on the exposure of any “specified anatomical areas” or “specified sexual activities”; or
  3. Films, motion pictures, video cassettes, videotapes, any material in digital format (including, but not limited to compact discs (CDs) or digital video discs (DVDs)), slides, other photographic reproductions or visual media which are predominantly distinguished or characterized by an emphasis on the depiction or description of an “specified anatomical areas” or “specified sexual activities”.

- D. **Adult Motion Pictures Theater:** An adult motion picture theater means a commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, videotapes, any material in digital format [including, but not limited to compact discs (CDs) or digital video discs (DVDs)], slides, or similar photographic reproductions or visual media are regularly featured which are predominantly distinguished or characterized by an emphasis on matter depicting, describing or relating to “specified anatomical areas” or “specified sexual activities”. This definition includes, but is not limited to, commercial establishments that offer individual viewing booths.
- E. **Massage establishment:** any building, room, place or establishment where body massage is regularly practiced on the human body, to club members or to the general public, for a charge. The term “massage establishment” includes, but is not limited to massage parlors, health clubs, sauna baths and steam baths if massages are performed at those locations. The term “massage establishment” shall not include:
1. Hospitals, nursing homes, medical clinics;
  2. The office of a state-licensed physician, surgeon, physical therapist, osteopath or chiropractor;
  3. The establishment of a barber, manicurist, beautician or cosmetologist who is duly licensed under the laws of this state, or another state within the United States, or the federal government, and who practices within the established limits of his or her license, and who administers a massage in the normal course of his or her duties in which massages are administered only to the scalp, face, neck, hands, feet or shoulders;
  4. The establishment of a myomassologist who is a current member of the American Massage Therapy Association or other national massage therapy organization with comparable prerequisites for certification; or
  5. A nonprofit organization operating a community center, swimming pool, tennis court or other educational, cultural, recreational or athletic facility for the welfare of the residents of the area.
- F. **Sexually Oriented Business:** An adult bookstore, video store, or novelty store, adult cabaret, adult motion picture theater, or a commercial establishment that regularly features the sale, rental, or exhibition for any form of consideration, of books, films, videos, DVDs, magazines, or other visual representation of live performances which are characterized by an emphasis on the exposure of display of “specified sexual activities” or “specified anatomical areas.” For purposes of this Ordinance, an adult physical culture business shall also be considered as a sexually oriented in business.

G. Specified Anatomical Areas:

1. Less than completely and opaquely covered human genitals, pubic region, buttocks, anus or female breasts below a point immediately above the top of the areola, but not including any portion of the cleavage of the female breast exhibited by a dress, blouse, shirt, leotard, bathing suit, or other wearing apparel, provided the areola is not exposed; and
2. Human male genitals in a discernible turgid state, even if completely and opaquely covered.

H. Specified Sexual Activities:

1. The fondling of any or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts; or
2. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, masturbation or sodomy; or
3. Excretory function as part of in connection with any of the activities set for in (1) or (2) above.

**SIGNS (definitions relating to):**

- A. Awning: A retractable or fixed shelter constructed of non-rigid materials on a supporting framework that project from the exterior wall of a building.
- B. Billboard: Any structure, on which lettered, figured, or pictorial matter is displayed for advertising either:
1. A business, service, entertainment, activity or event which is not conducted on the land upon which the structure is located;
  2. A product which is not primarily sold, manufactured, processed or fabricated on the land upon which the structure is located;
  3. A second structure which is not located on the land upon which the first structure is located;
  4. A geographical location or place which is not located on the land upon which the structure is located; or
  5. A person.

However any structure which meets the definition of a directional sign shall not be considered to be a billboard.

- C. Business Center Sign: A freestanding or ground sign identifying the name of a business center and/or one (1) or more individual businesses within the center.
- D. Canopy: A freestanding roof-like structure built on one (1) or more support posts, designed to offer protection from the weather.
- E. Balloon sign: A sign composed of a non-porous bag of material filled with air.
- F. Banner sign: A fabric, plastic, or other sign made of non-rigid material without an enclosing structural framework.
- G. Construction sign: A sign which identifies the owners, financiers, contractors, architects, and/or engineers of a project under construction.
- H. Directional sign: A sign which gives directions, instructions, or facility information for the use on the lot on which the sign is located, such as parking or exit and entrance signs. A directional sign is any structure erected adjacent to a street which identifies, points toward and gives the distance to any public or semi-public building, off-street parking area, recreation space, club, lodge, church, institution, business, service, entertainment, activity or event.
- I. Freestanding sign: A sign supported on poles not attached to a building or wall.
- J. Government sign: A temporary or permanent sign erected by the Township, Newaygo County, or the state or federal government.
- K. Ground sign: A sign resting directly on the ground or supported by short poles not attached to a building or wall.
- L. Off-premise sign: A sign which relates to or advertises an establishment, product, merchandise, good, service or entertainment which is not located, sold, offered, produced or manufactured or furnished at the property on which the sign is located.
- M. On-premise sign: A sign which pertains solely to the use of the property on which it is located, such as to an establishment, product, merchandise, good, service or entertainment which is located, sold, offered, produced, manufactured or furnished at the property on which the sign is located.
- N. Political sign: A temporary sign used in connection with a noncommercial message or an official Township, school district, county, state, or federal election or referendum.

- O. Portable sign: A sign designed to be moved easily and not permanently attached to the ground, a structure, or a building.
- P. Projecting sign: A double-faced sign attached to a building or wall that extends more than eighteen (18) inches but not more than thirty-six (36) inches from the face of the building or wall.
- Q. Roof line: The top edge of a roof or parapet wall, whichever is higher, but excluding any cupolas, chimneys, or other minor projections.
- R. Sign: A device, structure, fixture, or placard using graphics, symbols, and/or written copy designed specifically for the purpose of advertising or identifying an establishment, product, service, or activity.
- S. Real estate sign: A sign advertising the real estate upon which the sign is located as being for sale, rent, or lease.
- T. Roof sign: A sign erected above the roof line of a building.
- U. Temporary sign: A sign not permanently attached to the ground, a structure, or a building. Temporary signs may include banners, portable signs, and any other signs displayed for a limited period of time.
- V. Wall sign: A sign painted or attached directly to and parallel to the exterior wall of a building extending no greater than eighteen (18) inches from the exterior face of the wall to which it is attached.
- W. Window sign: A sign installed inside a window and intended to be viewed from the outside.

## SHADE TREE

A deciduous tree whose mature height and branch structure provide foliage primarily on the upper half of the tree. The purpose of a shade tree is to provide shade to adjacent ground areas.

## SHOOTING RANGE or FIRING RANGE

A shooting range or firing range is a specialized facility designed for firearms practice. Each facility is typically overseen by one or more supervisory personnel, called variously a range master or "Range Safety Officer" (RSO). The supervisory personnel are responsible for ensuring that all weapon safety rules are followed at all times. Shooting ranges can be indoor or outdoor and possibility restricted to certain types of firearms, e.g. handguns only or rifles, or they can specialize in certain shooting sports

such Skeet shooting or 10 m Air Pistol/Rifle.

## SOLAR ENERGY SYSTEM (SES)

Solar Energy System (SES) means a device or structural design feature that provides for the collection of solar energy for electricity generation, consumption, or transmission, or for thermal applications.

- A) Integrated Solar Energy System means an SES where solar materials are incorporated into building materials, such that the two are reasonably indistinguishable, or where solar materials are used in place of traditional building components, such that the SES is structurally an integral part of a house, building, or other structure. An Integrated SES may be incorporated into, among other things, a building facade, skylight, shingles, canopy, light, or parking meter.
- B) Rooftop Solar Energy System means an SES that is structurally mounted to the roof of a house, building, or other structure and does not qualify as an Integrated SES.
- C) Ground Mounted Solar Energy System means an SES that is structurally mounted to the ground and does not qualify as an Integrated SES. For purposes of the Bridgeton Township zoning code, any solar canopy that does not qualify as an Integrated SES shall be considered a Ground Mounted SES, regardless of where it is mounted.
  - 1) The Footprint of a Ground Mounted SES is calculated by drawing a perimeter around the outermost SES panels and any equipment necessary for the functioning of the SES, such as transformers and inverters. The Footprint does not include any visual buffer or perimeter fencing. Transmission lines (or portions thereof) required to connect the SES to a utility or consumer outside the SES perimeter shall not be included in calculating the Footprint.

## SPECIAL LAND USE

A use that would not be appropriate generally or without restriction throughout the zoning district but which, if controlled as to number, area, location, or relation to the neighborhood, would promote the public health, safety, welfare, order, comfort, convenience, appearance, prosperity or general welfare.

## STACKING SPACE

An area designated for a line of vehicles waiting for drive-through service.

## STATE LICENSED RESIDENTIAL FACILITY

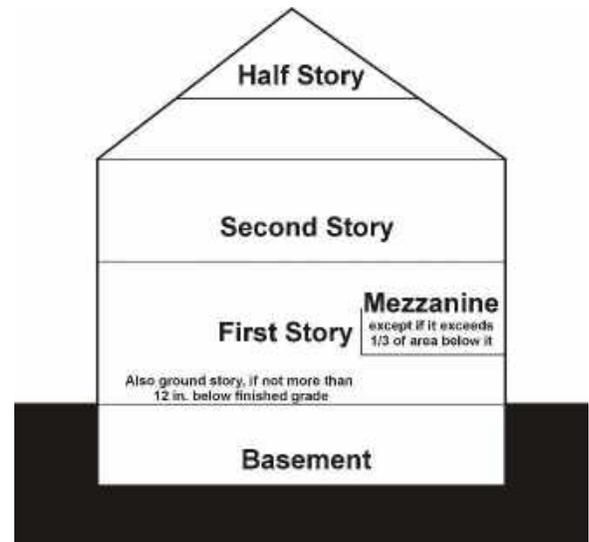
A residential structure licensed by the State under the Adult Foster Care Facility

Licensing Act, Public Act 218 of 1979, or the Child Care Organizations Act, Public Act 116 of 1973, and provides residential services for six (6) or fewer persons under twenty four (24) hour supervision or care. State Licensed Residential Facilities include:

- A. Adult Foster Care Family Homes.
- B. Foster Family Homes.
- C. Foster Family Group Homes.

## STORY

That portion of a building, other than a basement or mezzanine, included between the surface of any floor and the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it. For the purpose of this Ordinance, a basement or cellar shall be counted as a story only if over fifty percent (50%) of its height is above the level from which the height of the building is measured, or, if it is used for business purposes.



## STORY, HALF

That part of a building between a pitched roof and the uppermost full story, said part having a floor area which does not exceed one-half ( $\frac{1}{2}$ ) the floor area of a full story, provided the area contains at least two hundred (200) square feet and which contains a clear height of at least seven (7) feet, at its highest point.

## 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.

## **STREET RELATED DEFINITIONS:**

- A. Cul-de-Sac: A local road of short length, having one end open to traffic and being permanently terminated at the other end by a vehicular turn around.
- B. Collector or Arterial Road: Roads that gather traffic from local streets and/or move larger volumes of traffic through the Township.
- C. Driveway: A means of access for vehicles from a road or approved alley across a

- D. 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 other requirements of the County Road Commission or State of Michigan (depending on which entity exercises authority over the road from which driveway access is derived).
- E. Local street: A public road with local traffic volumes, the principal use or function of which is to give access to abutting properties.
- F. Private Road: An undedicated, privately controlled and maintained easement or other interest in land that provides the means of access to two (2) or more lots or parcels. The term "road" shall be synonymous with the terms street, avenue, place, way, drive, lane, boulevard, or other thoroughfare.
- G. Public Road Authority: The Newaygo County Road Commission or Michigan Department of Transportation having jurisdiction over the roadway.
- H. Right-of-Way: A 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.
- I. Public Street: A publicly-owned thoroughfare which affords traffic circulation and principal means of access to abutting property, including any avenue, place, way, drive, lane, boulevard, highway, road, or other thoroughfare, except an alley.

## STRUCTURE

Anything except a building, constructed or erected, the use of which requires permanent location on the ground or attachment to something having a permanent location on the ground.

## SECTION 2.20 DEFINITIONS – T

### TEMPORARY BUILDING OR USE

A structure or use permitted by the Zoning Administrator to exist during periods of construction of the main building or for special events as permitted by this Ordinance.

### TOWNSHIP

Bridgeton Township, Newaygo County, Michigan.

### TOWNSHIP BOARD

The Bridgeton Township Board.

## **SECTION 2.21     DEFINITIONS – U**

### **UTILITY SERVICE PROVIDER**

Any person who provides to any other person utility service, including but not limited to electric, telephone, cable television and internet.

## **SECTION 2.22     DEFINITIONS – V**

### **VEHICLE REPAIR**

Any major activity involving the general repair, rebuilding or reconditioning of motor vehicles, engines, or trailers; collision services, such as body, frame, or fender straightening and repair; overall painting and vehicle rust-proofing; refinishing or steam cleaning.

### **VETERINARY CLINIC**

A place for the care, diagnosis and treatment of sick or injured animals, and those in need of medical or minor surgical attention. A veterinary clinic may include customary pens or cages only within the walls of the clinic structure.

## **SECTION 2.23     DEFINITIONS – W**

### **WATERCOURSE**

Any waterway, river, stream, county drain, inland lake or pond or other body of water having definite banks, a bed, and visible evidence of a continued flow or continued occurrence of water. The term “watercourse” does not include lakes or ponds constructed by excavating or diking dry land and maintained for the sole purpose of cooling or storing water, and does not include lagoons used for treating polluted water.

### **WETLAND**

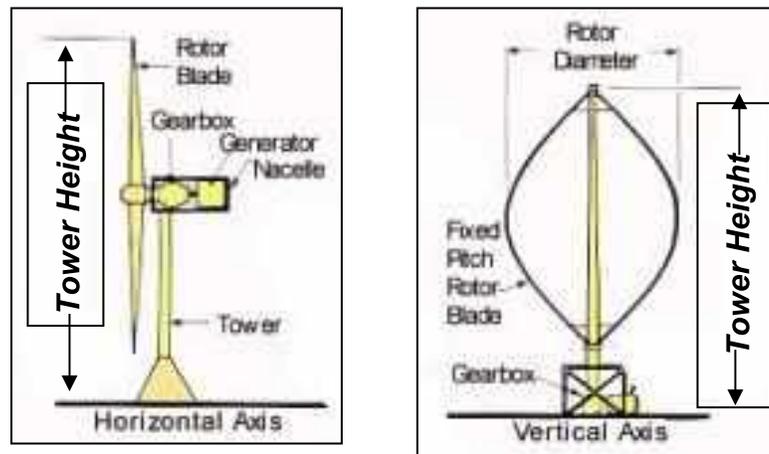
Land characterized by the presence of water at a frequency and duration sufficient to support and that under normal circumstances does support wetland vegetation or aquatic life. Wetlands are regulated by Part 303, Wetlands Protection, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended.

**WIND ENERGY CONVERSION SYSTEM (WECS) definitions:**

- A. Wind Energy Conversion System (WECS) - shall mean a combination of:
  - 1. A surface area, either variable or fixed, for utilizing the wind for electrical powers; and

2. A shaft, gearing, belt, or coupling utilized to convert the rotation of the surface area into a form suitable for driving a generator, alternator, or other electricity-producing device; and
  3. The generator, alternator, or other device to convert the mechanical energy of the surface area into electrical energy; and
  4. The tower, pylon, or other structure upon which any, all, or some combination of the above are mounted; and
  5. Building or equipment accessory thereto.
- B. Survival wind speed: The maximum wind speed, as designated by the WECS

Figure 6: WESC Tower Height



manufacturer, at which a WECS, in unattended operation (not necessarily producing power) is designed to survive without damage to any structural equipment or loss of the ability to function normally.

- C. Wind farm: Clusters (2 or more) of WECS towers placed upon land with the intent to sell or provide electricity to others. The towers may or may not be owned by the owner of the property upon which the towers are placed.
- D. Single WECS for commercial purposes: A WECS tower placed upon land with the intent to sell or provide electricity to others. The tower may or may not be owned by the owner of the property upon which the tower is placed.
- E. Interconnected WECS: A WECS, which is electrically connected to the local electrical power utility system and can feed power back into the local electrical power utility system.
- F. WECS: A structure and equipment used to determine the potential for the placement of a WECS.
- G. WECS tower height:
  1. Horizontal axis wind turbine rotors: The distance between the ground and the highest point of the WECS, as measured from the ground, plus the length by which the rotor blade on a horizontal mounted WECS exceeds the structure which supports the rotor and blades;
  2. Vertical axis wind turbine: The distance between the ground and the highest point of the WECS.

## WIRELESS COMMUNICATIONS TOWER, COMMERCIAL

A structure designed and constructed to support one (1) or more antennas used for licensed telecommunication services including cellular, personal communication services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), paging, and similar services that are marketed to the general public.

- A. Antenna Any exterior transmitting or receiving device mounted on a communication tower and used in communications that regulate and capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals.
- B. Collocation: The location by two or more cellular communication arrays on a tower.

### WOOD FURNACE OR OUTDOOR WOOD STOVE

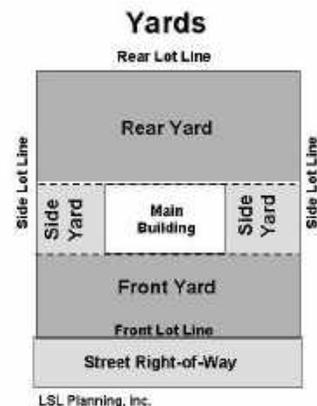
A bio-fuel, mechanical device which is accessory to and situated outside a building used for heating. Also known as outdoor furnaces or boilers.

## SECTION 2.24 DEFINITIONS – Y

### YARD

An open space of prescribed width or depth on the same land with a building or group of buildings, which open space lies between the building or group of buildings and the nearest lot line and is unoccupied and unobstructed from the ground upward, except as otherwise provided herein.

- A. Yard, Required Front. An open space extending the full width of the lot, the uniform depth of which is the minimum prescribed horizontal setback distance measured at right angles to the front lot line.
- B. Yard, Required Rear. An open area extending across the full width of the lot, the uniform depth of which is the minimum prescribed horizontal setback distance measured at right angles to the rear lot line.
- C. Yard, Required Side. An open unoccupied area between a main building and the side lot lines, extending from the front yard area to the rear yard area. The width of the required side yard shall be measured horizontally from and at right angles to the nearest point of the side lot line.



## SECTION 2.25 DEFINITIONS – Z

ZONING ACT

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

ZONING ADMINISTRATOR

The person designated by the Township Board to administer the provisions of this Zoning Ordinance.

ZONING BOARD OF APPEALS,

The Zoning Board of Appeals of Bridgeton Township.

ZONING COMPLIANCE PERMIT

A permit signifying compliance with the provisions of this Ordinance as to design, use, activity, height, setbacks, density, site planning, special use status, and/or planned unit development status.

## CHAPTER 3 GENERAL PROVISIONS

### SECTION 3.01 APPLICATION OF REGULATIONS

- A. Unless otherwise noted, the regulations in this Ordinance apply throughout Bridgeton Township and within each district. They shall be minimum regulations and shall apply uniformly to each class or kind of structure, land or use. Where the requirements of a general provision and a district regulation differ, the more restrictive requirement shall prevail.
- B. Any use not specifically permitted is prohibited.
- C. All buildings, structures or land may be used, constructed, altered or occupied, only when in conformity with all of the regulations specified in this Ordinance for the district in which it is located in accordance with this Ordinance.
- D. Except as otherwise permitted by this Ordinance, after the effective date of this Ordinance, no building or other structure shall be altered to:
1. Accommodate or house a greater number of families than permitted by the Zoning District.
  2. Have narrower or smaller rear yards, front yards, or side yards, other than permitted.
  3. To reduce required parking areas, maneuvering aisles or loading areas.

### SECTION 3.02 CLEARING OF LAND

Unless associated with a bona fide forestry, agricultural practice or public works project (such as the installation of utilities or other similar activities conducted by, or on behalf of the state, federal government, county, or the Township), it shall be unlawful for any person to engage in land clearing of over one (1) acre, including the stripping and removal of topsoil or existing vegetation, from any site, parcel, or lot within Bridgeton Township without first receiving appropriate zoning approval.

### SECTION 3.03 EXCAVATIONS

No soil, sand, gravel, or other earth material shall be removed from any land within Bridgeton Township without Special Land Use approval, with the following exceptions:

- A. When the earth removal or stockpiling is incidental to an operation for which an individual building permit has been issued by the designated public official;
- B. When the earth removal involves any normal landscaping, driveway installation and repairs, or other minor projects;
- C. When the earth removal is for the construction of a swimming pool.

### **SECTION 3.04 MAIN BUILDING OR PRINCIPAL USE**

Except as may otherwise be noted in this Ordinance, each parcel shall contain only one (1) main building or one (1) principal use, except for groups of related commercial and office development contained within a single, integrated complex as demonstrated by sharing parking, signs, access, and other similar features which, in the opinion of the Zoning Administrator, form a unified function and appearance.

### **SECTION 3.05 REGULATIONS APPLICABLE TO ALL SINGLE-FAMILY DWELLINGS**

It is the intent of this Section to establish minimum standards of appearance and construction for all single-family dwellings, whether constructed on a lot or a manufactured home. Construction and/or placement of a single-family dwelling on any lot or parcel shall be permitted only if the dwelling complies with the following regulations:

- A. If the dwelling unit is a manufactured home, the manufactured home must have completed inspection reports that are traceable to the unit number (serial number) of the home meeting the Mobile Home Construction and Safety Standards of the U.S. Department of Housing and Urban Development of 1976, as amended, or any similar successor or replacement standards which may be promulgated; or
- B. The dwelling unit shall comply with all applicable building, electrical, plumbing, fire energy and other similar codes which are or may be adopted by the Township, and with applicable federal or state standards or regulations for construction.
- C. The footprint of a dwelling unit shall have a minimum horizontal dimension of twenty four (24) feet across any front, side or rear elevation.
- D. The dwelling shall not be more than three (3) times longer than its width.

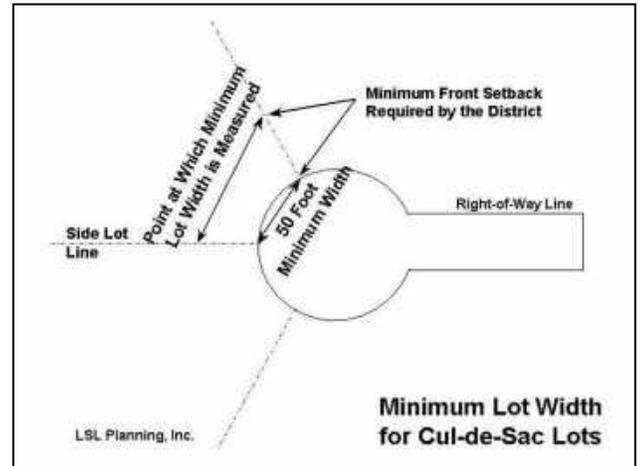
- E. The dwelling unit shall comply with all restrictions and requirements of this Ordinance, including, without limitation, the lot area, lot width, residential floor area, yard, and building height requirements of the District in which it is located.
- F. The dwelling unit shall be firmly attached to a permanent continuous foundation which complies with applicable provisions of the adopted building code.
- G. The standards of this Section shall not be construed to prohibit innovative design concepts involving such matters as (but not limited to) solar energy, view, or unique land contour.
- H. The standards of this Section shall not apply to a manufactured home located in a manufactured home community licensed by the Michigan Manufactured Home Commission and approved by the Township according to the provisions contained in Chapter 6 of this Ordinance except to the extent required by state or federal law.

### **SECTION 3.06 STREET ACCESS**

- A. Every main building or structure hereafter erected or moved shall have continuous minimum frontage equal to the minimum lot width of the district on a lot adjacent to a public street, or an approved private street. All structures shall be located on lots to provide safe and convenient access for servicing, fire protection, and required off-street parking.
- B. The location of driveway entry points to public roads shall be reviewed and approved by the Newaygo County Road Commission or Michigan Department of Transportation, whichever applies. For developments requiring site plan review, the Planning Commission may impose stricter access management standards than the state or county road authorities in accordance with Chapter 11.

### **SECTION 3.07 WIDTH TO DEPTH RATIO**

- A. No lot shall be created with a lot depth that exceeds four (4) times more than its width.
- B. The minimum lot width for a lot on a cul-de-sac or other irregularly shaped lot shall be measured at the front yard setback. These lots shall have a minimum frontage of fifty (50) feet at the front property line. (See graphic).



### SECTION 3.08 HOME OCCUPATIONS

- A. No person other than the resident occupants shall be engaged in the home occupation.
- B. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants. The home occupation shall be operated in its entirety within the principal dwelling, but shall not, in any case, exceed a total floor area of twenty five percent (25%) of the total gross floor area of the dwelling unit.
- C. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of the home occupation other than one (1) sign as permitted by the Residential District regulations. The permitted sign shall be located on the same property as the home occupation and shall not be permitted within any street right-of-way.
- D. No retail or other sales of merchandise or products shall be conducted upon the premises except for incidental products related to the home occupation or those goods actually produced on the premises.
- E. Any traffic generated by the home occupation shall not be so great as to cause adverse effects within or upon the surrounding neighborhood. Parking areas for a home occupation shall be located on a hard-surfaced area and not adjacent to adjoining properties.
- F. No equipment or process shall be used in a home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the premises. No equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or cause fluctuation in line voltage off the premises.

### SECTION 3.09 ACCESSORY BUILDINGS AND STRUCTURES

- A. Unless otherwise permitted by this ordinance or associated with a bona fide agricultural operation, no accessory building shall be permitted on any lot which does not contain a main building.
- B. Attached accessory buildings and structures that are structurally part of the main building shall conform to the district setback requirements of the main building.
- C. When the distance between the main building and accessory building is covered by a breezeway, portico, covered colonnade or similar architectural device, then the accessory building must meet the setback requirements of the main building.
- D. Detached accessory buildings (except for approved roadside stands) shall not be located within the front yard unless the accessory building is located over two hundred (200) feet off the road.
- E. Accessory buildings shall not exceed the following size and height limitations, nor shall the length of accessory buildings exceed three (3) times their width. On lots with more than one (1) accessory building, the cumulative area of the accessory buildings may not exceed the applicable limits described below.

Lot size	Total Number of Buildings	Square footage of all accessory buildings	Height (feet)
Up to 10,890 sq. ft. (¼ acre)	1	720	14
10,891 sq. ft. - 21,780 sq. ft. (¼ to ½ acre)	1	960	16
21,781 – 1 acre	1	1,200	18
Over 1 acre – 3 acres	2	1,600	22
Over 3 acres – 5 acres	2	2,400	24
Over 5 acres	NA	800 sq. ft per acre	24

- F. Detached accessory buildings shall be setback from rear and side property lines fifteen (15) feet.
- G. In approved subdivisions or Planned Unit Developments (PUDs), accessory buildings shall be of residential construction.
- H. Accessory structures with plastic or canvas stretched over a frame shall meet all setback requirements of the district and shall meet all Michigan Building Code requirements.

- I. Manufactured homes, semi-trailers or other vehicles shall not be used as accessory storage buildings.
- J. No accessory building shall occupy any portion of a required greenbelt or buffer in any district.

### **SECTION 3.10 FENCES**

- A. Unless specifically provided for elsewhere in this Ordinance, no fence may exceed a height of three (3) feet for substantially solid fences or walls and four (4) feet for chain-link, wrought iron, or picket fences within the required front yard of Residential Districts. No fence may exceed a height of six (6) feet behind the front setback line for main buildings in Residential Districts or a height of eight (8) feet behind the required front setback line in agricultural and commercial district.
- B. Fences shall be installed with workmanlike materials and be maintained at all times in a state of good repair. All fences shall be kept neatly finished, including all metal parts and supports that are not galvanized or made of rust-resistant metals.
- C. No person shall place, string or maintain razor wire (unless associated with required Homeland Security measures) as part of any fence, or structure at the property lines in any zoning district.
- D. Barbed wire may only be used as part of an agricultural operation.
- E. Fences constructed of wood or other material having one (1) side designed and considered the decorative side shall be erected with that side facing the adjoining street or abutting property owner's premises.
- F. It shall be unlawful to construct any fence in any public right-of-way or across a utility easement.
- G. Fences may be erected on the property line.
- H. No fence shall be erected or maintained on any corner lot or parcel that will, in the opinion of the Zoning Administrator, obstruct the view of a vehicle driver approaching the intersection.
- I. In the case of a property line dispute, the zoning administrator may require a survey if a fence is to be placed on a property line.

**SECTION 3.11 SWIMMING POOLS**

- A. Swimming pools shall comply with the Michigan Residential Code.
- B. Pools shall not be located within any required front or side yard.
- C. Pools shall be setback a minimum of fifteen (15) feet from the rear lot line.

**SECTION 3.12 OUTDOOR WOOD FURNACES**

Wood furnaces located outside a building shall be permitted only under the following conditions:

- A. A zoning compliance permit shall be required to place an outdoor wood burner.
- B. The lot shall be a minimum of two (2) acres in area.
- C. All units shall be "UL" (Underwriters Laboratory) listed and shall comply with State mechanical code.
- D. The heating unit shall be located a minimum of fifty (50) feet from any property line.
- E. The unit shall not be located within the front yard unless it is located over two hundred (200) feet off the road..
- F. Chimney height, as measured from ground at base of furnace to top of chimney, shall be a minimum of twelve (12) feet.
- G. The furnace shall be located no closer than two hundred (200) feet to another residence.

**SECTION 3.13 LAND DIVISIONS**

- A. No lot or parcel (platted or un-platted) shall be divided, split, or subdivided unless the action meets this Ordinance and all other applicable Township Ordinances.
- B. After the construction of an accessory building upon a parcel of land, no subsequent division of that land shall be made which would cause the building located thereon to be in violation of the terms of this Ordinance.

### **SECTION 3.14 ROADSIDE STANDS**

Roadside stands may be permitted in the RR1 & RR2 Zoning District subject to the following (also see table on P. 5-2.):

- A. Minimum lot size shall be two (2) acres).
- B. Adequate off-road parking shall be provided on the property and outside the public road right-of-way.
- C. One (1) on-site sign may be permitted of up to sixteen (16) square feet in area, located outside of the road right-of-way and adhering to clear vision standards, and have a height limit of eight (8) feet from the ground to the top of the sign.
- D. Only produce grown in Newaygo County may be sold at the stand.

### **SECTION 3.15 TEMPORARY USES OR BUILDINGS**

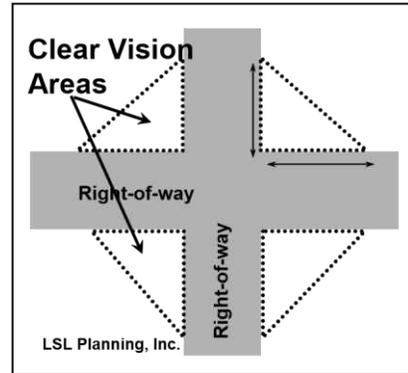
- A. Upon application, and as noted below, the Zoning Administrator may issue a permit for the following temporary buildings or uses.
  - 1. Temporary office building or construction trailer incidental and necessary to construction at the site where located.
  - 2. Temporary sales office incidental and necessary for the sale or rental of real property in a new subdivision or housing project. In any case, the construction trailer shall be removed when fifty percent (50%) or more of the lots or units have been sold or leased.
- B. Each permit for these uses shall specify a location for the building or use and shall be valid for a period of not more than twelve (12) calendar months. Permits may be renewed by the Zoning Administrator for one (1) additional successive period of six (6) calendar months or less at the same location and for the same purpose, provided that the reason for the extension is due to circumstances beyond the immediate control of the applicant for the permit extension.
- C. Seasonal Uses
  - 1. The Zoning Administrator may issue a permit for the temporary sale of merchandise in commercial districts related to a seasonal or periodic civic event, such as a festival. Seasonal uses shall include the sale of Christmas trees, fireworks, and similar activities, but shall not include roadside stands.

2. In considering a request for a temporary permit, the Zoning Administrator must determine that the operation of the use is seasonal in nature and will not be established as a permanent use. The Zoning Administrator will also determine that adequate off-street parking is available to accommodate the use.
  3. Each permit shall be valid for a period of not more than one (1) calendar month within any consecutive six (6) month period, except that the permit may be renewed by the Zoning Administrator for up to one (1) additional successive month, provided the season or event to which the use relates is continued.
- D. In considering authorization for all temporary uses or buildings, the Zoning Administrator shall consider the following standards and may attach reasonable conditions to temporary uses or structures to ensure that the standards and requirements of this Section are met:
1. The use or structure will not have an unreasonable detrimental effect upon adjacent properties;
  2. The use or structure is reasonably necessary for the convenience and safety of the construction proposed;
  3. The use or structure does not adversely impact the character of the surrounding neighborhood;
  4. Access to the use area or structure is located at a safe location;
  5. Adequate parking is provided for the use.
- E. The Zoning Administrator may, at his or her discretion, submit a request for a temporary use or building to the Planning Commission for a final decision. In making its decision, the Planning Commission shall consider the same standards as enumerated in C, above.
- F. A performance guarantee may be required to ensure compliance with the terms of the temporary use permit.

### **SECTION 3.16 CLEAR VISION**

A. No plantings, fencing, signs or other obscuring structures or elements shall be established or maintained on any corner lot which will obstruct the view of a vehicle driver approaching the intersection.

B. On collector and arterial roads the clear vision triangle shall be thirty five (35) feet from the edge of the roadway. On secondary roads the clear vision triangle shall be twenty five (25) feet from the edge of the roadway. The unobstructed corner shall mean a triangular area formed by the road edge and a line connecting them at points from the intersection of the road edge. (See graphic.)



C. This Section shall not prohibit the placement of shrubbery or other low level landscaping less than thirty (30) inches in height at maturity.

D. No vegetation shall be maintained in any setback area of any District, which, in the opinion of the Zoning Administrator, will obstruct the view from vehicles entering or leaving the site from driveways or adjacent roadways.

### SECTION 3.17 SETBACK MEASUREMENTS

- A. The front yard setback line shall be measured from the right-of-way line of a public or private street, to the front foundation line of the building. Covered porches shall be considered part of the main building.
- B. Waterfront setbacks shall be from the ordinary high water mark.
- C. Side lot setbacks shall be measured from the property line to the roof overhang of the building.
- D. On corner and through lots, the front yard requirements shall apply on both streets and both frontages shall be considered front yards. Corner lots shall have two (2) front lot lines and two (2) side lot lines and no rear lot line.

### SECTION 3.18 HEIGHT EXCEPTIONS

The height limitations contained in this Ordinance may be exceeded by up to ten (10) feet by spires, belfries, cupolas, parapet walls or other similar appurtenances usually required to be placed above the roof level and not intended for human occupancy.

### **SECTION 3.19 HEALTH DEPARTMENT APPROVAL**

No building permit shall be issued for the construction of a dwelling unless a permit has been issued by the Newaygo County Health Department for private water supply and sewage disposal facilities or the site is served by both public water and sewer facilities.

### **SECTION 3.20 ILLEGAL DWELLINGS**

- A. The use of any basement for dwelling purposes is prohibited in any Zoning District unless the basement meets the appropriate adopted building codes for the Township. Buildings erected as garages or accessory buildings shall not be occupied for dwelling purposes.
- B. It shall be lawful for guests at a lot with an existing dwelling to occupy one (1) recreational vehicle, parked subject to the provisions of this Ordinance, for sleeping purposes only, for a period not exceeding seven (7) consecutive days. The total number of days during which a recreational vehicle may be occupied under this sub-section shall not exceed fourteen (14) in any calendar year.
- C. On vacant lots, recreational equipment may be used for recreational use by permit only.

### **SECTION 3.21 SITE CONDOMINIUMS**

- A. A site condominium unit shall be a unit created by the division of land on the basis of condominium ownership, pursuant to the Condominium Act 59 of 1978, which is not subject to the provisions of the Land Division Act, Public Act 288 of 1967, as amended.
- B. A site condominium unit shall be treated as a separate lot or parcel and may have buildings constructed and uses conducted thereon as allowed in the zoning district provided the unit meets the Development Requirements for the zoning district in which it is located.
- C. A site plan, including all the condominium documents required for the establishment of a condominium, shall be reviewed and approved by the Planning Commission in accordance with the Site Plan Review process of Chapter 11.

### **SECTION 3.22 OUTDOOR STORAGE IN RESIDENTIAL DISTRICTS**

- A. The outdoor storage or parking of recreational vehicles in all Residential Districts shall be subject to the following minimum conditions:

1. Any recreational vehicle parked outside shall be located behind the required front setback.
  2. Recreational vehicles stored outside shall be maintained in a clean, well kept state so as not to detract from the appearance of the surrounding area.
  3. Storage or parking of the vehicles shall be limited to the lot or parcel upon which the owner of the vehicle also makes his primary residence.
- B. Notwithstanding the provisions above, a unit may be parked anywhere on the premises during active loading or unloading, and use of electricity or propane fuel is permitted when necessary to prepare a recreational vehicle for use.

### **SECTION 3.23 KEEPING OF ANIMALS**

- A. No more than a combined total of five (5) cats or dogs six (6) months of age or older shall be kept or housed in a dwelling unit.
- B. The minimum lot size for keeping livestock is two (2) acres. One (1) animal unit is permitted for the first acre with an additional half (1/2) acre required for each animal unit thereafter unless the property owner can demonstrate compliance with Generally Accepted Agricultural and Management Practices (GAAMPS) adopted by the Michigan Department of Agriculture. GAAMPS compliance must be demonstrated by the property owner housing the animals.
- C. Where livestock are kept or allowed outside, a fence of adequate construction to keep all animals from leaving the premises shall be provided and properly maintained.
- D. Fenced animal paddock areas shall be a minimum of fifty (50) feet from any property line and one hundred (100) feet from any neighboring dwelling.
- E. Animal waste shall be managed so as not to be a hazard to health or a nuisance to neighbors.

### **SECTION 3.24 PRIVATE ROADS**

- A. Purpose

The Township determines that it is in the best interest of the public health, safety, and welfare to regulate the construction, improvement, extension, relocation, and

use of private roads. These provisions have been enacted to assure that private roads:

1. Will not be detrimental to the public health, safety, or general welfare.
2. Will not adversely affect the long term development policies of the Township.
3. Will be designed and constructed with width, surface, and grade to assure safe passage and maneuverability of private vehicles, police, fire, ambulance, and other safety or service vehicles.
4. Will be constructed so as to protect against or minimize soil erosion and prevent damage to the lakes, streams, wetlands, and natural environment of the Township.

**B. Private Road Review and Development Process**

1. Private roads are permitted in all zoning districts subject to the design, construction, and maintenance standards of this Section.
2. Private roads shall be approved by the Planning Commission through the site plan review process. In addition to the applicable information required by Chapter 11, private road applications shall include:
  - a. The configuration of proposed lots served by the road.
  - b. A detailed written description of the development to be served by the private road.
  - c. Private road construction specifications with cross sections that show, at a minimum, precise location, grade, route, elevation, dimensions, and design of the private road.
  - d. Proposed future extensions of the private road within the development and to adjacent lands.
  - e. Location of and distance to any public roads which the private road is to intersect.
  - f. A survey of the right-of-way by a registered land surveyor, together with surveys for each parcel to be served by the private road.
  - g. The location of all public and private utilities located in or within twenty (20) feet of the proposed easement.

3. The Planning Commission may require that the applicant comply with reasonable conditions relative to the design and construction of the private road including but not limited to:
  - a. Requiring an easement for future road extensions or connections to public roads.
  - b. Requiring a turnout for bus service or mail delivery near the public road.
  - c. Turn out for fire apparatus if the road exceeds 500 feet in length.
4. Upon application for construction of a private road, the designated inspecting official shall, at the applicant's expense, inspect the plans to determine whether it complies with specifications of this Ordinance.
5. The applicant shall provide the Township with a set of "as built" drawings bearing a certificate and statement from a registered engineer certifying that the private road and the entrance has been completed in accordance with the requirements of the permit and the standards of this Section.
6. All private road ditching, drainage and culverts for drainage outside of the public right-of-way shall be inspected to ensure proper drainage.
7. The zoning administrator shall not issue zoning approval for any residential unit or other structure on lots served by a private road until a safe and unimpeded route of travel has been approved by the township engineer and the as-built plans are provided to the township.

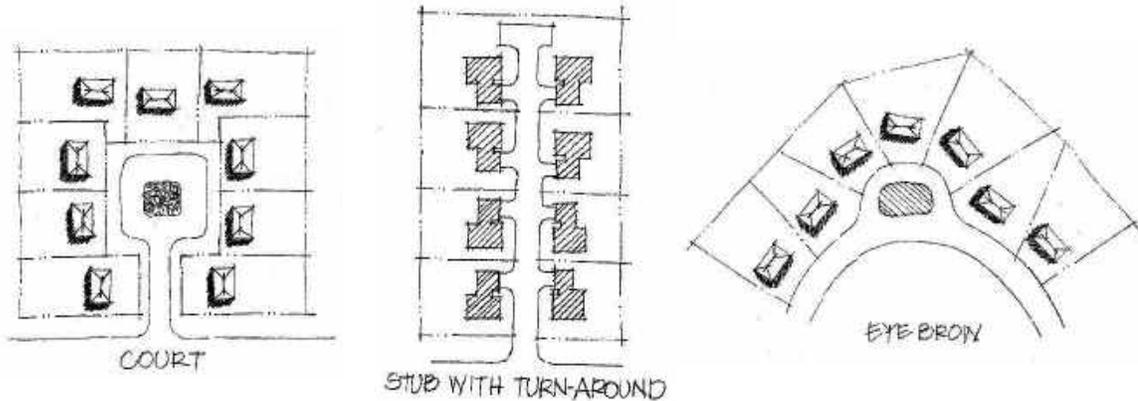
#### C. Design Requirements

1. Design Standards for private roads shall meet the standards of the following table:

<b>Lots Served</b>	<b>1 - 2</b>	<b>3 – or more</b>
Right of Way width	66ft.	66ft.
Width of traveled surface (centered within ROW)	12ft.	22ft.
Graded width	18ft.	30ft.

Subbase	NA	12 inches of 95% compacted MDOT Class II granular material, to extend full width across grade
Base	NA	Minimum, 4 inches of 98% compacted MDOT 22A aggregate
Surface	NA	Base may serve as surface
Clear area	NA	2ft. each side
Maximum grade	7%	7%
Minimum drainage slope from center of traveled surface to edge of grade width	NA	2.5%

2. The Planning Commission may, at the advice of the township engineer, increase or decrease the subbase where existing sub-grade conditions warrant, to meet the minimum requirements.
3. The Planning Commission may modify all subbase, base and surface materials at their discretion if the applicants engineer has submitted reports and findings that warrant the use of similar standard material.
4. The minimum distance between intersections of public and/or private road rightsof-way shall not be less than two-hundred (200) feet, as measured along the right-of-way line.
5. Any lot created with frontage on both a public road and private road shall take driveway access off the private road.
6. A series of dead-ends or cul-de-sacs are discouraged. Eyebrow, court, or stub roads are preferred. Reasonable accommodation shall be made for future road extensions and possible interconnections with adjacent properties.



7. All private roads which do not terminate at another public or private road right-ofway shall terminate with a cul-de-sac or tee turnaround. A cul-de-sac shall have a minimum driving surface diameter of eighty (80) feet and a tee turnaround shall have a minimum 82 foot long by 22 foot wide driving surface.
8. Applicable Newaygo County Road Commission permit requirements shall be met for driveway and private road entrances to a public road.
9. Private roads may be reduced to 18 feet of traveled surface by the Planning Commission at points of significant topographic, wetland, or other natural features.
10. Private road construction will preserve as much as practical, significant natural features such as mature trees, natural slopes, wetlands, and bodies of water.
11. Regulation Michigan State Highway stop signs shall be positioned and installed in accordance with the Michigan State Manual of Uniform Traffic Control Devices on all private streets.
12. Dwelling addresses shall be posted in a conspicuous place at the drive entrance of each parcel and at the entrance of the private road (at the intersection with the public road) in letters at least three (3") inches high.
13. All private roads shall have names approved by the proper County office.
14. All private roads shall be under the control of an approved and recorded road maintenance agreement and deed restrictions which provide for the perpetual maintenance of such roads and/or easements to a necessary and reasonable standard to serve the several interests involved. These documents shall be subject to review and approval by the Township Attorney and shall contain the following provisions:

- a. Method of initiating and financing of such road and/or easements in order to keep the road in a reasonably good and usable condition.
  - b. A workable method of apportioning the costs of maintenance and improvements.
  - c. That the owners of any and all of the property using the easement shall refrain from prohibiting, restricting, limiting or in any manner interfering with normal ingress and egress and use by any of the other owners. Normal ingress and egress and use shall include use by family, guests, invitees, tradesmen and others bound to or returning from any of the properties having a right to use the road. Provisions shall be included to allow ingress and egress of emergency and other public vehicles for whatever public services are necessary.
  - d. That the owners will permit planned future road tie-ins or extensions with appropriate cross-access agreements.
  - e. An authorization that if repairs and maintenance are not made, the Township Board may exercise a special assessment district to bring the road up to the design standards specified in this Ordinance and assess owners of parcels on the private road for the improvements, plus an administrative fee.
  - f. A notice that no public funds of the County or Township are to be used to build, repair or maintain the private road unless the special assessment district is created.
  - g. A statement such as, "the private road shall not be incorporated into the public road system unless it is constructed to specifications of the Newaygo County Road Commission for all subbase, base and surface requirements. The property owners served by the private road shall be responsible for bringing the road to those standards."
  - h. A statement that all owners shall indemnify and will hold the Township, including the Township Board, Township Planning Commission, Township staff, Township consultants, and other such bodies representing the Township, harmless from any and all claims for personal injury and/or property damage arising out of the use of the road or of the failure to properly construct, maintain, repair, and replace the private road.
- D. Upon completion of construction of the private road, the applicant(s)/owner(s) shall remove and properly dispose of any and all trees, shrubs, construction debris and rubbish. All drainage ditches shall be restored with topsoil, seed, and mulch.
- E. Effect
1. New Private Roads - The provisions of this Section shall apply to all private roads constructed from and after the effective date of this Ordinance.

2. Existing Portion of Private Road to Which a New Segment Will Be Added - All additions to an existing private road shall comply with the provisions of this Ordinance. If the existing private road, from which the extension will originate, does not meet the private road standards of this Ordinance, the road shall be upgraded to comply with the provisions of this Ordinance. In the event compliance is not possible or feasible due to existing development, inability of the applicant to secure necessary right-of-way, or other similar factor, the Township Board may allow use of the existing, non-conforming, road subject to the following:
  - a. A determination that sufficient right-of-way exists to accommodate projected traffic volumes.
  - b. Use of the non-conforming road segment is not likely to result in traffic and safety concerns for motorists and pedestrians.
  - c. The non-conforming segment is able to accommodate Township fire equipment and other emergency and safety vehicles.
  - d. That satisfactory, written, arrangements have been made to ensure the adequate, year round, maintenance of the non-conforming segment.
  - e. That satisfactory, written, provisions have been made to permit the placement of public utilities within the existing non-conforming road right-of-way, or that satisfactory alternate arrangements have been made to service all parcels with utilities.
- F. All private roads shall be continuously maintained in a way that they are readily accessible to and usable by emergency vehicles in all types of weather.

## CHAPTER 4 DISTRICTS

### SECTION 4.01 DISTRICTS ESTABLISHED

To carry out the purpose of this ordinance, Bridgeton Township is hereby divided into the following districts:

"A"	Agricultural – not established
"W"	Waterfront (combined w/"FO" in 8-1)
"RR-1"	Rural Residential
"RR-2"	Medium Density Residential
"M-H"	Manufactured Home Community
"B-1"	Local Business
"PUD"	Planned Unit Development
"I"	Industrial

### SECTION 4.02 OFFICIAL ZONING MAP

- A. The Township is hereby divided into zones, or districts, as shown on the Official Zoning Map which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this Ordinance.
- B. The Official Zoning Map shall be identified by the signature of the Township Planning Commission Chair, attested by the Township Clerk and shall bear the seal of the Township.
- C. If, in accordance with the provisions of this Ordinance, changes are made in district boundaries or other matters portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map. The Official Zoning Map is to be kept up do date, accessible to the general public, and shall be the final authority as to the current Zoning District status of all land and buildings in Bridgeton Township which are subject to the provisions of this Ordinance.
- D. No changes of any nature shall be made in the Official Zoning Map or matter shown thereon except in conformity with the procedures set forth in this Ordinance and in accordance with state law.
- E. Regardless of the existence of purported copies of the Official Zoning Map, which may from time to time be made or published, the Official Zoning Map shall be located in the custody of the Township Clerk and shall be the final authority as to the current zoning status of land and water areas, buildings, and other structures in the Township.

- F. Any land use not specifically permitted under this Ordinance is prohibited.

### **SECTION 4.03 RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES**

- A. In order to more effectively protect and promote the general welfare and accomplish the aims and objectives of the Bridgeton Township Master Plan, the township is divided into Zoning Districts. The Zoning Ordinance also provides common unity of purpose, adaptability, or use deemed most suitable to provide for the best development of the township, while protecting the common rights and interests of all through associated regulations and restrictions. Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:
1. Boundaries indicated as approximately following the center lines of roads, highways, or alleys shall be construed as following center lines;
  2. Boundaries indicated as approximately following streams, rivers or drainage ways shall be construed as following such natural features;
  3. Boundaries indicated as approximately following Township or section lines shall be construed as following those boundaries;
  4. Boundaries indicated as approximately following railroad lines shall be construed to be midway between the railroad right-of-way;
- B. Where the application of the these rules leaves a reasonable doubt as to the boundaries between two districts, the regulations of the more restrictive district shall govern the entire parcel in question, unless otherwise determined by the Board of Appeals, after recommendation from the Zoning Administrator. An appeal of the Zoning Administrator's decision may be taken to the Zoning Board of Appeals.

### **SECTION 4.04 ZONING OF VACATED AREAS**

Whenever any road, other public way within the Township shall have been vacated by official governmental action, and when the lands within the boundaries thereof attach to and become a part of lands adjoining such road, or public way, such lands shall automatically and without further governmental action be subjected to the same zoning regulations as are applicable to the adjoining lands.

## CHAPTER 5 RESIDENTIAL DISTRICTS

### SECTION 5.01 INTENT AND PURPOSE

- A. The regulations of the RR-1 District recognize lands that retain a relatively high proportion of agriculture and open space use but, due to population growth, soil characteristics, and related factors, experience ongoing transition to non-farm low density residential development. It is the intent that areas developed are done so to buffer the uses from agricultural activities. Public services are not intended for this district for an indefinite period. Due to its rural character, the RR-1 Rural Residential District permits many of the uses provided for in the Agricultural District. Unlike the "A" District, however, uses which are considered incompatible to the District's emerging residential growth are not permitted.
- B. The regulations of the RR-2 District is intended to encourage a suitable environment for a variety of rural densities, and compatible supportive recreational, institutional, and educational uses. The intent of the Districts is to protect residential areas from the encroachment of uses that are not appropriate to a residential environment.

### SECTION 5.02 TABLE OF USES

The following abbreviations apply to the Table of Uses for the RR-1, Rural Residential District, RR-2, and Medium Density Residential District:

P: Permitted Use: Land and/or buildings in this District may be used for the purposes listed by right. Site plan approval may be necessary.

SLU: Special Land Use: The following uses may be permitted by obtaining Special Land Use approval when all applicable standards cited in Chapter 13 are met.

PUD: Only permitted as part of a Planned Unit Development.

NP: Not Permitted: The use is not permitted in the District.

Note: properties adjacent to and in the Muskegon River floodway and its tributaries are subject to the requirements of Chapter 8

Table of Uses		RR-1	RR-2
Residential	Cluster development	SLU	SLU
	Single family detached dwelling	P	P
	Single family development with 11 or more dwellings	PUD	PUD
	Bed and breakfast establishment	SLU	SLU
	State licensed residential facility	P	P
	Family day care home	P	P
	Group day care home	SLU	SLU
Nonresidential	Agricultural operation including general farming, truck farming, fruit orchard, excluding intensive livestock operations	P	SLU
	Nursing or convalescent home	NP	SLU
	Place of religious worship	SLU	SLU
	Library, museum, community center, governmental, administration, or service use; similar uses owned and operated by a government or noncommercial organization	SLU	SLU
	Elementary, middle, and high schools (non-public)	SLU	SLU
	Equine boarding stable and training facility	SLU	SLU
	Campground, public or private	SLU	NP
	Cemetery	SLU	SLU
	Golf course or country club	SLU	SLU
	Municipal and public service activities	SLU	SLU
	Solar Energy Systems (SES)	SLU	SLU
	Wind Energy Conversion Systems	SLU	SLU
	Wireless communication tower over 75 feet in height	SLU	NP
	Wireless communications <u>antenna</u> when attached to a lawful existing telecommunications tower, water tower, or other structure	P	P
	Wireless communication tower of under 75 feet in height wholly owned and used by a federally licensed amateur radio station operator	P	P
	Feedlot – otherwise known as Concentrated Animal Feeding Operation (CAFO)	SLU	NP
	Utility substation, transmission line and switching station	SLU	SLU
	Accessory buildings and uses subject to Section 3.09	P	P
	Home occupation subject to Section 3.08	P	P
	Roadside Stands subject to Section 3.16	P	P
Keeping animals subject to Section 3.23	P	SLU	

Accessory			
-----------	--	--	--

**SECTION 5.03 DEVELOPMENT REQUIREMENTS**

A. Lot, Yard, and Building Requirements

Requirement	RR-1	RR-2
Minimum Lot Area	2.5 acres	2 acre
Minimum Lot Width	165 ft.	150 ft.
Maximum Width to Depth Ratio	1:4	1:4
Minimum Front Yard Setback	50 ft.	50 ft.
Minimum Rear Yard Setback	30 ft.	30 ft.
Minimum Side Yards	30 ft.	30 ft.
Maximum Lot Coverage	15%	30%
Maximum Building Height	35 ft.	35 ft.
Minimum Dwelling Unit Floor Area	800 sq. ft. at grade level	800 sq. ft. at grade level

B. Location of parking and parking area requirements

1. Required off-street parking facilities shall be located on the same lot as the building they are intended to serve. In the RR-1 and RR-2 Districts, parking is limited to the garage and driveway only. The Zoning Administrator may allow one (1) additional driveway (but not curb cut). In no case shall any driveway exceed twenty four (24) feet in width. One (1) turn around area may be provided, as an addition to or extension of the

driveway, in a front or side yard. See Section 3.20 for recreational vehicle parking requirements.

2. See Section 12.01 for general parking requirements.
3. The amount of required off-street parking spaces for individual uses shall be determined in accordance with the following table and shall meet the applicable requirements of Chapter 12 for lighting, loading spaces and landscaping.

Use		Parking Spaces (per unit of measurement)
<b>Residential</b>		
Bed and breakfast establishment		2 plus 1 per guest room
Single family detached dwelling		2 per dwelling unit
Family day care home		1 per 3 persons licensed for the facility
State licensed residential facility		1 per 3 persons licensed for the home
<b>Nonresidential</b>		
Agricultural operation, general farming, truck farming, fruit orchard, excluding intensive livestock operation		1 per 400 sq. ft. of activity area, plus 1 per employee
Campground, public or private		2 10'x30' spaces per campsite
Cemetery		2 plus 1 per 400 sq. ft. of UFA of office use, plus 2 for caretaker's residence
Commercial greenhouse and nursery, when operated primarily as wholesaling operations and limited retail sales		1 per 400 sq. ft. of UFA, plus 1 per 2,000 sq. ft. of exterior sales area
Golf course or country club		Par 3 – 2 per hole
		All others – 6 per hole
Municipal and public service activities		1 per service vehicle
Nursing or convalescent home		1 per 3 beds or 2 rooms, plus 10 for visitors
Library, museum, community center, governmental, administration, or service use; similar uses owned and operated by a government or noncommercial organization		1 per 2 persons allowed within the maximum occupancy load
Place of religious worship		1 per 3 seats in the main worship unit
Schools	Elementary and Junior High	1 per employee plus 5 for visitors
	High School	1 per 5 students or the amount required for the auditorium or place of assembly, whichever is greater
	All	Separate areas for student drop off and pickup areas for buses must be provided

Wireless communications antenna when attached to a lawful existing telecommunications tower, water tower, or other structure	1 per service vehicle
------------------------------------------------------------------------------------------------------------------------------	-----------------------

C. Signs

1. The following signs are permitted in all Residential Districts after obtaining a zoning permit from the Township:
  - a. Internally illuminated monument signs of up to twenty four (24) square feet for lawful institutional uses such as churches schools, parks and all other authorized uses. Signs shall not exceed eight (8) feet in height. One unlit wall sign of up to twenty four (24) square feet may also be permitted.
  - b. One (1) unlit sign of up to six (6) square feet for a home occupation.
  - c. One (1) unlit sign of up to sixteen (16) square feet for a farm market.
  
2. The following signs are permitted without a zoning permit:
  - a. On-site political campaign signs of up to sixteen (16) square feet provided they are removed within ten (10) days after the election to which they pertain.
  - b. Unlit real estate signs up to six (6) square feet provided they are removed within ten (10) days after consummation of lease or sale of property.
  - c. Unlit trespassing, safety, directional, caution or announcement signs each not exceeding two (2) square feet in area.
  - d. Unlit signs announcing the sale of produce each not exceeding six (6) square feet in area.
  - e. Name plates less than two (2) square feet.
  - f. Signs that have been approved in conjunction with a valid zoning compliance permit for any principal use as detailed in a plot plan or site plan.

3. Standards
  - a. Signs shall be set back from the road right-of-way and from side property lines a minimum of ten (10) feet.
  - b. Sign design shall respect the rural character of the district. To this end sign colors should be natural and subdued and sign materials should be of or have the same appearance as natural material (e.g. wood and field stone vs. glossy metals and plastics).
4. See Section 12.03 for prohibited signs.

## CHAPTER 6 MANUFACTURED HOME COMMUNITY DISTRICT

### SECTION 6.01 INTENT AND PURPOSE

The purpose of this District is to allow for the establishment of manufactured home communities and related accessory uses. A manufactured home community shall comply with all applicable procedures and requirements of the Manufactured Home Commission Act, 419 of 1976, as amended, and the Michigan Administrative Code.

### SECTION 6.02 TABLE OF USES

The following abbreviations apply to the Table of Uses for the M-H District:

**P:** Permitted Use: Land and/or buildings in this District may be used for the purposes listed by right. Site Plan approval may be necessary.

**SLU:** Special Land Use: The following uses may be permitted by obtaining Special Land Use approval when all applicable standards cited in Chapter 13 are met.

Note: properties adjacent to and in the Muskegon River floodway and its tributaries are subject to the requirements of Chapter 8.

Table of Uses	M-H
Accessory buildings and uses subject to Section 3.09	P
Cemeteries	SLU
Elementary, middle, and high schools (non-public)	SLU
Family day care home	P
Group day care home	SLU
Home occupation subject to Section 3.08	P
Library, museum, community center, governmental, administration, or service use; similar uses owned and operated by a government or noncommercial organization	P
Manufactured home community	P
Municipal and public service activities	SLU
Nursing or convalescent home	SLU
Places of religious worship	SLU
State licensed residential facility	P
Wireless communications antenna when attached to a lawful existing telecommunications tower, water tower, or other structure	P

## SECTION 6.03 DEVELOPMENT REQUIREMENTS

### A. Lot, Yard, Building and Manufactured Home Community Requirements

Requirement		M-H
Manufactured Home Site	Minimum Area	5,000 sq. ft.
	Minimum Width	40 ft.
Minimum Setbacks	Front Yard	Community – 50 ft.
		Home sites – 10 ft.
	Side Yard	Community – 50 ft.
		Home sites – 10 ft. each side
	Rear Yard	Community – 50 ft.
		Home sites – 15 ft.
Building Requirements	Maximum Building Height	Community buildings – 35 ft.
		Homes, all other buildings – 15 ft.
	Minimum Floor Area Per Home	800 sq. ft. at grade level

### B. Parking Requirements

#### 1. Location of parking

- a. **Manufactured Home Community:** The off-street parking facilities required for a single home site shall be located on the same lot as the building they are intended to serve. Two (2) spaces per unit shall be provided. Parking is limited to the garage/carport and driveway only. One (1) parking space per every five (5) lots shall be provided for visitors, evenly distributed throughout the development.
- b. **Nonresidential Uses:** The off-street parking facilities required for nonresidential uses shall not be located within forty (40) feet of the right-of way line. The respective side and rear yard setback common to an adjacent Residential District or use shall be a minimum of thirty (30) feet of which fifteen (15) feet nearest the respective property line shall be developed as a buffer zone. The buffer zone shall extend the entire depth of the side of the lot in the case of the side yard parking adjoining the residential area, or the width of the rear of the lot in the case of rear yard parking adjoining the residential area. The required buffer zone shall comply with the standards of Section 12.05.
- c. See Section 12.01 for general parking area requirements.

2. The amount of required off-street parking spaces for individual uses shall be determined in accordance with the following table and shall meet the dimensional requirements of Chapter 12 for lighting, loading spaces and landscaping.

Use		Parking Spaces (per unit of measurement)
Cemeteries		2 plus 1 per 400 sq. ft. of UFA for office spaces, plus 2 for caretaker's residence
State licensed residential facility		1 per 3 persons licensed for the facility
Family & group day care home		1 per 3 persons licensed for the home
Nursing or convalescent homes		1 per 3 beds or 2 rooms, plus 10 for visitors
Library, museum, community center, governmental, administration, or service use; similar uses owned and operated by a government or noncommercial organization		1 per 2 persons allowed within the maximum occupancy load
Places of religious worship		1 per 3 seats in the main worship unit
Schools	Elementary and Junior High	1 per employee plus 5 for visitors
	High School	1 per 5 students or the amount required for the auditorium or place of assembly, whichever is greater
	All	Separate areas for student drop off and pickup areas for buses must be provided
Municipal and public service activities		1 per service vehicle
Wireless communications facility		1 per service vehicle

### C. Signs

1. The following signs are permitted in the M-H District after obtaining a zoning permit from the Township:
  - a. Special land uses: one (1) unlit ground sign of up to twenty four (24) square feet. Signs shall not exceed eight (8) feet in height. One (1) unlit wall sign of up to twenty four (24) square feet may also be permitted.
  - b. One (1) unlit sign of up to six (6) square feet for a home occupation.
2. The following signs are permitted in the M-H District without a zoning permit:

- a. On-site political campaign signs of up to sixteen (16) square feet provided they are removed within ten (10) days after the election to which they pertain.
  - b. Unlit real estate signs up to six (6) square feet provided they are removed within ten (10) days after consummation of lease or sale of property.
  - c. Unlit trespassing, safety, directional, caution or announcement signs each not exceeding two (2) square feet in area.
  - d. Name plates less than two (2) square feet.
  - e. Signs that have been approved in conjunction with a valid zoning compliance permit for any principal use as detailed in a plot plan or site plan.
3. Standards
- a. Signs shall be set back from the road right-of-way and from side property lines a minimum of ten (10) feet.
  - b. Sign design shall respect the rural character of the district. To this end sign colors should be natural and subdued and sign materials should be of or have the same appearance as natural material (e.g. wood and field stone vs. glossy metals and plastics).
4. See Section 12.03 for prohibited signs.

## CHAPTER 7 BUSINESS DISTRICT

### SECTION 7.01 INTENT AND PURPOSE

- A. The B-1 Local Business District is intended to provide appropriate locations to accommodate land uses meeting the office, personal service, retail needs, and other business needs of the residents of Bridgeton Township. The District is not intended to provide regional shopping opportunities but rather to be limited in design and scope for community-based businesses. Managing access to individual properties will receive strong consideration during the review of individual sites. The use of combined drives, service drives, and well planned access points will be stressed.

### SECTION 7.02 TABLE OF USES

The following abbreviations apply to the Table of Uses:

P: Permitted Use: Land and/or buildings in this District may be used for the purposes listed by right. Site Plan approval is required.

SLU: Special Land Use: The following uses may be permitted by obtaining Special Land Use approval when all applicable standards cited in Chapter 13 are met.

NP: Not Permitted: The use is not permitted in the District.

Note: properties adjacent to and in the Muskegon River floodway and its tributaries are subject to the requirements of Chapter 8

Table of Uses	B-1
Accessory buildings and uses subject to Section 3.09	P
Amusement park, fairground and flea market	SLU
Banquet hall, catering establishment	P
Commercial kennel	SLU
Commercial mini-storage	SLU
Contractor's office and storage yard	SLU
Day care center	SLU
Drive through facility other than a restaurant (e.g., bank, credit union, pharmacy)	SLU
Drive-through restaurant	SLU
Fraternal or social club or lodge	SLU
Funeral homes and mortuary establishment	SLU

Gas station/convenience store	SLU
Health or exercise club	P
<b>Table of Uses</b>	
Hospital	NP
Hotel and motel	SLU
Medical office, including clinic	P
Municipal and public service activities	P
Nursing or convalescent home	P
Outdoor recreation development	SLU
Personal service establishment (e.g., salon, tailor, dry cleaning drop-off site, etc.)	P
Professional office	P
Recreation facility, indoor (e.g., arcades, bowling, billiards)	SLU
Retail establishment of less than 20,000 square feet	P
Veterinary clinic and hospital	SLU
Video rental and sales (except that video rentals are permitted as an accessory use)	P

## SECTION 7.03 DEVELOPMENT REQUIREMENTS

### A. Lot, Yard, and Building Requirements

Requirement		B-1
Minimum Lot Area		1 acre.
Minimum Lot Width		175 ft.
Maximum Width-to-Depth Ratio		1:4
Maximum Lot Coverage		65%
Minimum Front Yard		80 ft.
Minimum Side Yard*	Side yard adjacent to Commercial District	15 ft.
	Side yard adjacent to Residential or Agricultural District	40 ft.
Minimum Rear Yard		30 ft.
Maximum Height		35 ft.

\* Zero lot line provisions may be used for main buildings adjacent to other commercial uses provided:

1. It is approved by the Planning Commission.
2. The building has an approved fire rating for zero-lot line development under the building code.

3. The building has adequate fire access according to fire code requirements.
4. The zero lot line side is not adjacent to a street or lot line of a property in a Residential or Agricultural zoning district.
5. A maintenance access easement among properties is approved by the Township and recorded with the County Register of Deeds.

**B. Design Standards**

All commercial uses shall comply with the following architectural guidelines:

1. The applicant shall use architectural offsets and similar design techniques to ensure that buildings protect the investment of adjacent landowners, blend harmoniously into the streetscape, and maintain a positive image for Bridgeton Township.
2. Building materials and colors shall relate well and be harmonious with the surrounding area. Subtle colors should be used for building and roofing material.
3. The first floor wall(s) of commercial buildings that face a road shall not be more than fifty percent (50%) clear glass.
4. The remaining walls of commercial buildings that face a road shall be fifty percent (50%) of the following materials:
  - a. Brick.
  - b. Decorative concrete block.
  - c. Vinyl or wood siding.
  - d. Cut or simulated stone.
  - e. Logs.
  - f. Other materials approved as part of the site plan.
5. Side and rear walls of a building over one hundred (100) feet long shall be broken up with varying building lines, windows, architectural accents, and trees.

**C. Parking Requirements**

The amount of required off-street parking spaces for individual uses shall be determined in accordance with the following table and shall meet the dimensional

requirements of Chapter 12, in addition to all lighting, loading spaces and landscaping standards.

<b>Use</b>	<b>Parking Spaces (per unit of measurement)</b>
Banquet hall and/or conference center	1 per 4 persons allowed within the maximum occupancy load
Bank or other financial institution without drive through facility	1 per 400 sq. ft. of UFA
Commercial kennel	1 per 400 sq. ft. of GFA, minimum 4 required
Commercial mini-storage	1 per storage unit located next to the unit, plus 1 per employee
Contractor's office	1 per employee, plus 1 per company vehicle
Day care center	1 per 3 persons allowed within the maximum occupancy load
Drive through facility other than a restaurant (e.g., bank, credit union, pharmacy)	1 per 200 sq. ft. of UFA, plus 3 stacking spaces per lane or service station
Fraternal or social club or lodge	1 per 4 persons allowed within the maximum occupancy load
Funeral home or mortuary	1 per 50 sq. ft. of UFA
Health or exercise club	1 per 4 persons allowed within the maximum occupancy load
Hospital	1 per 4 patient beds, plus 1 per employee
Hotel or motel	1 per guest room, plus 1 per 2 employees
Medical office, including clinic	1 per 400 sq. ft. of UFA
Municipal and public service activities	1 per 300 sq. ft. of GFA, plus spaces for municipal vehicles
Nursing or convalescent home	1 per 3 beds or 2 rooms, whichever is less, plus 10 for visitors
Personal service establishment (e.g., salon, tailor, dry cleaning drop-off site, etc.)	2 per chair or service station, or 1 per 400 sq. ft. of UFA, whichever is less
Professional office	1 per 300 sq. ft. of UFA
Recreation facility, indoor (e.g., arcades, bowling, billiards)	1 per 3 persons allowed within the maximum occupancy load
Retail establishment	1 per 300 sq. ft. of UFA
Restaurant	1 per 3 persons allowed within the maximum occupancy load plus one per employee
Veterinary clinic and hospital	1 per examination room plus 1 per employee
Video rental and sales	1 per 300 sq. ft. of UFA

---

---

## D. Signs

1. The following signs are permitted in the B-1 Commercial District after obtaining a sign permit from the Township:
  - a. One (1) monument or ground sign is permitted per property, regardless of the number of businesses there.
  - b. Wall or awning signs shall not exceed fifteen percent (15%) of the surface area of the commercial portion of the front building face and may be placed on any wall.
  - c. Electronic message boards shall only be permitted under the following conditions:
    - 1) Lighting shall be dimmed at night.
    - 2) Messages shall not flash, but may scroll.
2. Signs not requiring a zoning permit:
  - a. On-site political campaign signs, up to sixteen (16) square feet provided they are removed within ten (10) days after the election to which they pertain.
  - b. Unlit real estate signs, of up to sixteen (16) square feet provided they are removed within ten (10) days after consummation of lease or sale of property.
  - c. Unlit trespassing, safety, directional, caution or announcement signs each not exceeding two (2) square feet in area or signs announcing the sale of produce each not exceeding six (6) square feet in area.
  - d. Name plates less than two (2) square feet.
  - e. Signs that have been approved in conjunction with a valid zoning compliance permit for any principal use as detailed in a plot plan or site plan.
3. Standards
  - a. Signs shall pertain exclusively to the business carried on the property.

- b. Signs may be illuminated, provided that the source of light is directed in a manner that will prevent light from shining directly onto traffic or neighboring properties. Sign illumination shall also be shielded to protect the night sky from light spillage creating sky glow.
  - c. Signs shall not exceed ten (10) feet in height.
  - d. Signs shall be set back from the road right-of-way and from side property lines a minimum of ten (10) feet.
  - e. Signs shall not project above the roof line or cornice.
  - f. Sign area shall not exceed thirty-two (32) square.
4. See Section 12.03 for prohibited signs.

## CHAPTER 8 WATER OVERLAYS

### SECTION 8.01 STATEMENT OF PURPOSE

- A. The regulations of the Waterfront Overlay recognize the fragile nature and important functions of lands adjacent to water bodies and incorporate additional standards for development to preserve the quality of the waters, promote safety and to preserve the quality of recreational use of all waters in the Township.
1. These restrictions shall apply to all lots and parcels on or abutting any lake, river or stream in all Districts, regardless of whether access to the lake, river or stream shall be by easement, park, common-fee ownership, single-fee ownership, condominium arrangement, license or lease.
  2. The lake, stream and river access and use regulations contained in this section shall be fully applicable to all planned unit developments and special land use projects or developments.
- B. It is the purpose of the floodplain overlay to protect the natural features and wildlife habitat of the Muskegon River corridor and throughout the overlay district. Further, it is the intent to significantly reduce hazards to persons and damage to property as a result of flood conditions in Bridgeton Township and to retain the storm water retention capabilities of existing natural systems and provide for public safety within those areas helping to prevent the need for significant public investment for man-made drainage systems.

### SECTION 8.02 DELINEATION OF THE FLOOD WAY AND WATERFRONT OVERLAY DISTRICTS

- A. The boundaries of the Water Overlay District, is comprised of a corridor that is five hundred (500) feet from the ordinary high water mark of tributaries, rivers, lakes and streams or Base Flood Evaluation (BFE) as defined by FEMA.
- B. When a development approval is requested in the Water Overlay District the boundary shall be determined as follows:
1. The Township shall be provided with accurate topographic data with the established base flood elevation clearly delineated on the plan for the site in addition to information addressing stormwater storage and flooding potential of the area. The submitted information shall be sealed by a registered civil engineer.

2. The County Drain Commissioner's office shall be provided with data relating to the floodplain for their review and comment to the Planning Commission.
3. The Township engineer shall advise the Township regarding the submitted site information and whether or not relocating the district boundary on the piece of property will negatively affect flooding and stormwater storage potential on the subject property or for upstream and downstream properties.

### **SECTION 8.03 SCOPE**

- A. In addition to other requirements of this Ordinance applicable to development in the underlying Zoning District, compliance with the requirements of this Chapter shall be necessary for all development occurring within the Water Overlay District. If there are conflicts between the requirements of this Chapter and other requirements of this Ordinance the more stringent requirement shall be applied.

### **SECTION 8.04 STANDARDS WATERFRONT OVERLAY**

The uses permitted shall be regulated by the underlying zoning district with the provision of compliance to all applicable environmental protections and restrictions of this Chapter and in compliance with any other Federal, State, County or Township regulations that are in effect. All land contained within the Water Overlay District shall comply with the following:

1. In all zoning districts, no lake access, boat ramp, shore station, dock, boat launch or shoreline abutting a lake or any other water frontage shall be utilized for commercial business, outdoor recreational (or entertainment) facilities, institutional, non-residential or non-agricultural uses or purposes unless such use:
  - a. Complies with the permitted use requirements of the district in which it is located OR
  - b. As approved as a special land use or planned unit development.
2. There shall be a minimum of one hundred (100) feet set back frontage provided along with the ordinary high water mark for each single family home, dwelling unit, cottage, condominium unit, or area or lot access property abutting or adjoining a lake, river or stream. Or any dwelling must be inline with any other neighboring dwellings or which ever set back is greater. Shall not be used to permit water access for more than one (1)

single-family home, dwelling unit, condominium unit, site condominium unit, apartment unit or any other use unless such additional access is:

- a. Permitted in the zoning district in or which is located OR
  - b. Approved as a special land use OR
  - c. Approved as a planned unit development.
3. Within fifty (50) feet of the ordinary high water mark trees and shrubs may only be pruned or trimmed to obtain view of the water's edge, but may not be clear-cut or removed.
  4. Docks may only protrude past the ordinary high water mark four (4) feet and may require a permit from the Michigan Department of Environmental Quality.
  5. Any part of a septic system shall not be located closer than one hundred (100) feet from the ordinary high water mark. No part of a septic system shall be located in any floodway.
  6. Plans for any construction, excavation, or grading of any lot or subdivision preparation which involves the removal of groundcover shall conform to the sedimentation control rules of the Newaygo County Drain commission and no building permits shall be issued until such conformity is assured.

## **SECTION 8.05 PERMITTED PRINCIPAL USES IN THE FLOODPLAIN OVERLAY**

Notwithstanding any other provisions of this Ordinance, no building or structure shall be erected, converted or structurally altered, and no land and/or structure shall be used in the floodway areas except for one (1) or more of the following uses:

- A. Residential gardening and horticulture.
- B. Open recreational uses such as parks, playgrounds, playfields, athletic fields, and nature paths.
- C. In the area within the Water Overlay, land may be used to supply open space or lot area requirements of a lot partially located outside, provided, however, no building or structure shall be located within the Overlay.

## **SECTION 8.06 SPECIAL LAND USES**

- A. The expansion or redevelopment of any existing structure in the floodway. Structures shall not be permitted to increase in size if new structure inhibits floodway waters (i.e., stilting may be required by the township).
- B. In the area within the Floodway overlay, dumping or backfilling with any material in any manner is prohibited unless through compensating excavation and shaping of the flood plain, the flow and impoundment capacity of the flood plain will be maintained or improved, and unless all applicable state regulations are met.
- C. Public or private campground.
- D. Public or private boat launch.

### **SECTION 8.07 ACCESSORY USES IN THE WATER OVERLAY**

Within the Water Overlay off-street parking is permitted as a use accessory to a principal use provided no fill is brought to the site for parking areas.

In the area within the Water Overlay District, the construction or location of bridges, outdoor play equipment, bleachers and similar outdoor equipment and appurtenances is prohibited unless those elements would not cause an increase in water surface elevation, obstruct flow or reduce impoundment capacity of the flood plain. In addition, all equipment shall be anchored to prevent flotation and lateral movement. Approval of a Special Land Use Permit for any of the above shall be subject to an engineering finding by a registered engineer that the above requirements are satisfied.

### **SECTION 8.08 OFF-STREET PARKING AND LOADING**

See parking requirements of the respective uses in the underlying zoning district.

### **SECTION 8.09 SIGNS**

See sign regulations of the respective uses in the underlying zoning district.

### **SECTION 8.10 ALTERATION OF WATERCOURSES**

No alteration of any watercourse in the Water Overlay District shall be undertaken unless and until neighboring communities and the Michigan Department of Environmental Quality shall have first been notified and provided with detailed plans and specifications prepared by a registered engineer. These plans shall show full compliance with local Ordinances, state statutes, state regulatory agencies and federal regulations and shall make provisions for maintaining the full carrying capacity of the altered water course.

**SECTION 8.11     DISCLAIMER OF LIABILITY**

The degree of flood protection required by this Ordinance is considered reasonable for regulatory purposes. Approval of the use of land under this Chapter shall not be considered a guarantee or warranty of safety from flood damage. This Ordinance does not imply that areas outside the Water Overlay will be free from flood damage. This Ordinance does not create liability on the part of Bridgeton Township or any officer or employees thereof for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made.



## CHAPTER 9 PLANNED UNIT DEVELOPMENT DISTRICT

### SECTION 9.01 DESCRIPTION AND INTENT

- A. The intent of the PUD District is to permit coordinated development on larger sites in order to achieve most or all of the following:
1. Permit flexibility in the regulation of land development allowing for higher quality of projects through innovation in land use, variety in design, layout, and type of structures constructed.
  2. Provide the opportunity to mix compatible uses or residential types.
  3. Allow clustering of development to preserve common open space, or significant natural features.
  4. Keep open spaces close to and contained within developed areas.
  5. Ensure compatibility of design and function between neighboring properties.
  6. Promote efficient provision of public services facilities.
  7. Provide convenient vehicular access throughout the development and minimize adverse traffic impacts.
  8. Provide complete non-motorized circulation to, from within and between developments.
  9. Provide adequate housing and employment opportunities.
  10. Encourage development of convenient, useful recreational facilities as an integral part of residential developments.
  11. Ensure the type, scale and mass of uses and structures will relate harmoniously to each other and to adjoining existing and planned uses.
  12. Encourage development that is consistent with the goals stated within the Bridgeton Township Master Plan.
- B. These Planned Unit Development regulations are not intended to be used for circumventing the more specific standards and requirements of this Ordinance,

or the planning upon which they are based. Rather, these provisions are intended to result in development that is substantially consistent with the zoning requirements as generally applied to the proposed uses, but with specific modifications that, in the judgment of the Township after considering the intent of this Chapter, assures a superior quality of development. If this improved quality is not determined by the Township to be present after the Township has reviewed the development and the intent of this Chapter, the site shall not qualify for the modifications allowable under this Chapter.

## **SECTION 9.02 ELIGIBILITY CRITERIA**

- A. All developments creating ten (10) or more lots or dwelling units shall be developed as a Planned Unit Development.
- B. Demonstrated Benefit: The PUD shall provide one (1) or more of the following benefits not possible under the requirements of another zoning district:
  - 1. Preservation of significant natural or historic features.
  - 2. Preservation of agricultural lands.
  - 3. A complementary design with the natural setting .
  - 4. Common, usable open space for passive or active recreational use.
- C. Unified Control of Property: Land owners involved in a proposed Planned Unit Development must provide a signed agreement among all involved parties, which is approved by the Township's attorney that indicates their agreement with the application for the PUD.

Note: properties in the Muskegon River floodway are subject to the requirements of Chapter 8.

## **SECTION 9.03 TYPES OF PUDS**

- A. A property meeting the eligibility criteria may be rezoned to a PUD District based on the requirements shown in the following table and appropriate requirements contained elsewhere in this Ordinance. The rezoning shall be concurrent with the approval of a preliminary PUD plan. The PUD designation shall be noted in the application and on the Official Zoning Map upon approval.
- B. The Township Board, after recommendation from the Planning Commission, shall establish a list of permitted uses as part of the PUD agreement (as required

in Section 9.10), based upon the provisions of the following table and this Chapter.

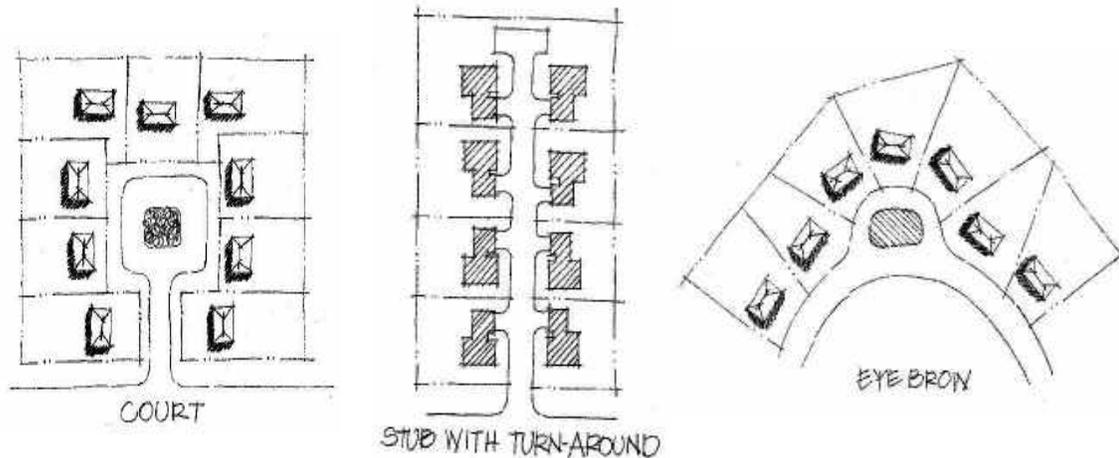
<b>PUD DESCRIPTIONS</b>				
<b>PUD District</b>	<b>Minimum Size</b>	<b>Locations Allowed</b>	<b>Permitted Uses</b>	<b>Open Space Required</b>
Residential (RPUD) See Sec. 9.04	10 acres	RR-2	Permitted and Special Land Uses in the current district	30%
Mixed Use (MPUD) See Sec. 9.05	10 acres	RR-2, or B-1	Residential, commercial, office, recreational, with additional uses provided in this Chapter	15%

#### **SECTION 9.04 RESIDENTIAL PUD (RPUD) STANDARDS**

- A. Intent: The purpose of the RPUD is to promote neighborhood development that provides a variety of single-family housing. RPUD developments are intended to integrate pedestrian and cyclist links through the community.
- B. Dimensional Standards: To encourage flexibility and creativity consistent with the intent of the RPUD, the Township Board, after recommendation from the Planning Commission, shall determine appropriate lot dimensions and building heights and setbacks, subject to the following:
1. The overall lot dimensions and setbacks shall not be less than fifty percent (50%) of the Zoning District that the use(s) would be placed in without a PUD. Zero-lot line may be permitted on one (1) side lot line provided that the remaining side yard equals at least a total width of two (2) side setbacks required in the district the use would be placed in without a PUD.
  2. The height restrictions with any use shall not be increased by more than twenty-five percent (25%).
  3. The minimum lot size for any single dwelling unit shall be one acre.
- C. Density: The maximum base density and number of dwelling units permitted in a planned unit development shall be determined through the submission of a parallel plan showing the number of dwelling units that may be developed under the existing zoning classification. The Planning Commission may require

additional detail or information as it may determine necessary to evaluate the feasibility of the parallel plan. The parallel plan shall meet the following minimum requirements:

1. The parallel plan shall contain enough detail to permit the Township to evaluate the feasibility of development for each lot.
  2. All lots or buildings shown on the parallel plan shall be located on buildable lots, which, for the purposes of this Section shall mean lots that are of sufficient size and shape to meet existing zoning requirements and accommodate a principal building, septic and well systems (where no public sanitary sewer or water system is to be used), and required streets and driveways.
  3. Areas of wetlands, stormwater control, water bodies, and other unbuildable areas shall not be included within buildable areas, but may be included in the lot area calculations.
  4. In evaluating the feasibility of the parallel plan, the Planning Commission shall consider whether or not the plan would have been approved under the processes normally used to review site plans or subdivision plans, including such factors as access, lot orientation, street layout, and other considerations the Planning Commission deems appropriate.
  5. At the discretion of the Township Board, after recommendation from the Planning Commission, the RPUD's density may be increased by up to ten percent (10%) if additional open space, site amenities like paved trails throughout the development and a mini-park (with playground) are provided on-site by the developer.
- D. Uses: The list of allowed uses shall be established in the PUD agreement.
- E. Design Standards:
1. Dead-ends or cul-de-sacs streets serving the development are discouraged. Eyebrow, court, or stub streets are preferred (see graphics below).



2. Where adjoining areas are not subdivided, the arrangement of streets within the proposed PUD shall be required to be extended to the boundary line of the project to make provision for the future projection of streets into adjoining areas.
3. The Planning Commission may recommend and Township Board requires the development to provide such amenities as bus stops or bus turn-outs.
4. Open space areas must adhere to the standards of Section 9.06.

## SECTION 9.05 MIXED USE PUD (MPUD)

- A. **Uses:** A Mixed Use PUD shall include a mixture of uses that are considered to be consistent with the Master Plan. A minimum of sixty percent (60%) of the PUD land area shall be occupied by residential uses and may include commercial, service or institutional uses. The list of uses allowed may be established in the PUD approval.
- B. **Dimensional Standards:** To encourage flexibility and creativity consistent with the intent of the PUD, the Township Board, after recommendation from the Planning Commission, shall determine appropriate lot dimensions and building and yard requirements. In no case, however, shall the overall lot dimensions or yard requirements be less than fifty percent (50%) of the RR-2 Zoning District. The height restrictions with any use shall not be increased by more than twenty-five percent (25%).
- C. **Density:** At the discretion of the Township Board, after recommendation from the Planning Commission, the MPUD's density may be increased by up to ten percent (10%) if additional site amenities like paved trails throughout the

development and a mini-park (with playground) are provided on-site by the developer.

D. Site Design Standards:

1. The applicant shall demonstrate that the proposed lot dimensions and building and yard requirements shall result in a higher quality of development than would be possible using conventional zoning standards.
2. A series of dead-ends or cul-de-sacs serving the development are discouraged. Eyebrow, court, or stub streets are preferred.
3. Where adjoining areas are not subdivided, the arrangement of streets within the proposed PUD shall be required to be extended to the boundary line of the project to make provision for the future projection of streets into adjoining areas.
4. The Planning Commission may recommend and Township Board requires the development provide such amenities as bus stops or bus turn-outs.
5. To encourage a true integration of mixed uses and improved efficiency in land use, the overlap in parking requirements may be permitted between uses that have alternating peak-parking demands or where the mixture of uses on a site would result in multi-purpose trips.
6. Pedestrian gathering and seating plazas, greenways and tree lined drives shall be within parking lots and throughout the site to provide an inviting pedestrian environment, protection of the pedestrian from vehicular circulation for improved traffic operations and views. Other site amenities to create a pedestrian scale environment shall be provided such as bike racks, benches, planters, or streetscape elements to separate principal buildings from the parking lots.
7. Open space shall meet the standards of 9.06.

E. Driveway Access and Circulation:

1. Access shall be limited to one (1) major entrance along any collector or arterial road, excluding any entrance designed solely for truck traffic. Additional access points shall only be considered if spaced at least five hundred (500) feet apart and a traffic impact study is provided that demonstrates overall traffic operations and safety will be improved.

2. Main access points shall be spaced from existing intersections to ensure proper spacing and efficient flow of traffic.
3. The site design shall direct traffic flow to use the main access points. Stacking or queuing depth at site access points shall be sufficient to accommodate traffic without conflict to inbound or internal circulation. Interior drives shall provide circulation between uses.
4. Additional right-of-way shall be provided to accommodate improvements to the existing arterial roadway system that are planned or required to mitigate traffic associated with the PUD.

### **SECTION 9.06 OPEN SPACE STANDARDS**

- A. Designated open space shall be set aside through an irrevocable conveyance, approved by the Township Attorney, such as a recorded deed restriction, covenants that run perpetually with the land, a conservation easement or land trusts. The dedicated open space shall forever remain open space, subject only to uses on the approved site plan. Further use of open space for other than recreation or conservation purposes, except for easements for utilities, shall be strictly prohibited. Any change in use of the open space from what is shown on the approved site plan shall require Township Board approval, and shall not diminish compliance with the requirements of this Chapter.
- B. Nothing herein shall prevent the conveyance of open space to a public agency or other non-profit entity for recreational or conservation use.
- C. The designated open space shall be of functional value as it relates to opportunities for wildlife habitat, woodland preservation, agricultural use, recreation, visual impact, and access.
- D. The open space and access to it shall be permanently marked and designed so individuals in the development are not forced to trespass to reach recreational or common open spaces.
- E. The following land areas shall not be included as dedicated open space for the purposes of meeting minimum open space requirements:
- F. Area proposed as single family residential lots.
- G. Residential yards or required setback areas for any use.
- H. The area of any road right-of-way or private road easement.

- I. Surface water in detention or retention basins (unless designed to have the appearance of a natural wetland, in which case they may be counted for up to fifty percent (50%) of the required open space).
- J. Parking and loading areas, except those exclusively associated with a recreation facility or common open space area.
- K. Any other undeveloped areas not meeting the intent and standards for open space stated in this Section, as determined by the Township Board.
- L. On-site common open space shall be planned in locations visible and accessible to all in the development. The Planning Commission shall determine if the proposed open space is usable and functional. The common open space may either be centrally located, located to preserve natural features, located to buffer adjacent uses, or located to connect open spaces throughout the development, provided the following areas shall be included within the open space area:
  - 1. Any significant natural features.
  - 2. At least one-third (1/3) of the required common open space shall be usable open space for the residents of the development.
- M. Open space, except for where trails and bike paths are located, shall have minimum dimension of one hundred (100) feet by one hundred (100) feet.
- N. Where an open space preservation development abuts a pond, lake or river, at least thirty percent (30%) of the shoreline frontage, as well as reasonable access to it, shall be a part of the common open space land.
- O. A minimum fifty (50) foot wide undisturbed open space setback shall be maintained from the edge of any stream or wetland; provided that the Township Board may permit trails, boardwalks, observation platforms, or other similar structures that enhance passive enjoyment of the site's natural amenities within the setback.
- P. Where adjacent land includes open space, public land or existing or planned bike paths, open space connections shall be provided between the site and adjacent open space, public land or existing or planned bike paths. Trails between adjoining open space development, public land or existing or planned bike paths shall be constructed to allow future interconnection between developments.
- Q. Allowable use(s) of the dedicated open space shall be indicated in the conservation easement or other legal instrument and shall prohibit the following:

1. Dumping or storing of any material or refuse.
2. Activity that may cause risk of soil loss.
3. Cutting or removal of live plant material in natural areas, except for removal of dying or diseased vegetation, maintenance of trails or elimination of noxious species.
4. Use of motorized off road vehicles.
5. Cutting, filling or removal of vegetation from wetland areas.
6. Use of pesticides, herbicides, or fertilizers either within or adjacent to (within 100 feet of) water bodies and wetlands, unless required by the Michigan Department of Environmental Quality to manage nuisance species.
7. Inclusion of a requirement that the dedicated open space shall be maintained by parties who have an ownership interest in the open space.
8. Requirements for maintenance of the open space shall be provided. In the event that the open space is not adequately maintained, or is determined by the Township Zoning Administrator to be a public nuisance, the costs for maintenance shall be assessed upon the owners of the open space.

## **SECTION 9.07 PUD APPROVAL PROCESS**

### **A. Pre-Application Meeting:**

1. An applicant desiring to submit an application for a Planned Unit Development shall attend a pre-application meeting with staff members or consultants the Township Zoning Administrator deems advisable.
2. The purpose of the pre-application meeting is to determine general compliance with PUD eligibility and design requirements, and to identify issues of significance regarding the proposed application.
3. If the applicant proceeds with the PUD application, a report on the findings of the pre-application meeting may be forwarded to the Planning Commission.
4. The Planning Commission may seek review assistance under Section 16.03(B) as they deem necessary.

- B. Application: The applicant shall prepare and submit to the Township a request for rezoning to the appropriate PUD designation, including twelve (12) copies of a parallel plan and preliminary PUD site plan meeting the requirements of Site Plan Review submittals including a complete application with associated fees and narrative which details how the plan relates to the intent of the PUD district, phases of development, and approximate timeframes for each phase. Materials shall be submitted at least forty-five (45) days prior to the meeting at which the Planning Commission shall first review the request.
- C. Additional Information: During the PUD review process, the Township Board or Planning Commission may require additional information it determines is reasonably necessary to demonstrate compliance with the review standards of this Chapter. Such information may include, but not be limited to, soil reports, hydrological tests, traffic studies, or wetland determinations.
- D. Workshop: In addition to the pre-application meeting, a workshop may be required by the Planning Commission, or, if not required, the workshop may be requested by the applicant to discuss the appropriateness of a PUD concept, solicit feedback, and receive requests for additional materials supporting the proposal.
- E. Planning Commission Public Hearing: The Planning Commission shall review the PUD rezoning request, the conceptual PUD site plan, and conduct a public hearing. Written notice of the meeting will be given to land owners and occupants within three hundred (300) feet of the boundary of the property to be affected. Notice shall be given in a newspaper of general circulation not less than fifteen (15) days prior to the public hearing. The notice shall include:
1. The nature of the request.
  2. The property(s) that are the subject of the request including a listing of all existing street addresses within property(s). If there are no addresses other means of identification may be used.
  3. Location and time of the hearing.
  4. Where and when written comments may be received.
- F. Planning Commission Recommendation: The Planning Commission shall review the preliminary PUD site plan in consideration of public hearing comments, technical reviews from Township staff, and other comments from consultants and applicable review agencies, and compliance with the standards and requirements

of this Ordinance. The Planning Commission shall make a recommendation to the Township Board to approve, approve with conditions, or deny the request.

- G. The recommendation to the Township Board shall be based on the following standards:
1. The PUD shall satisfy the Intent of Section 9.01 and the Eligibility Criteria of Section 9.02.
  2. The PUD shall be designed and constructed in a manner harmonious with the character of adjacent property and the surrounding area. Architecture should provide coordinated and visually appealing styles, building forms and building relationships.
  3. The PUD shall be adequately served by essential public facilities and services, such as roads, police and fire protection, drainage systems, water supply and sanitary sewage facilities.
  4. The proposed type and density of use shall not exceed the Township's ability to provide adequate public services, including public facilities.
  5. The design of the PUD shall minimize the negative impact on the street system in consideration of items such as vehicle trip generation, access location and design, circulation, roadway capacity, traffic operations at proposed access points and nearby intersections.
  6. Natural features shall be preserved, insofar as practical, by removing only those areas of natural vegetation or making those alterations to the topography which are reasonably necessary to develop the site.
  7. Natural drainage ways shall be preserved insofar as practical, by minimizing grading, and tree and soil removal in and adjacent to natural drainage swales.
  8. Slopes of over fifteen percent (15%) are protected and maintained in a natural state.
  9. The proposed PUD shall provide greater protection of and less adverse impact on the quality of the natural features in comparison to the impacts associated with a conventional development.
  10. The proposed development shall not have an adverse impact on future development as proposed in the Master Plan of the Township.

11. The proposed development shall not impede the continued use or development of surrounding properties for uses that are permitted in the Zoning Ordinance.
  12. The proposed development shall adequately consider pedestrian and cyclist safety and circulation, and tie sidewalks, paths and trails into public facilities and adjoining properties.
  13. When proposed construction is to be phased, the project shall be designed in a manner that allows a phase to fully function on its own regarding services, utilities, circulation, facilities, and open space. Each phase shall contain the necessary components to insure protection of natural resources and the health, safety, and welfare of users of the open space and the residents of the surrounding area.
- H. Township Board Decision: Following receipt of the Planning Commission's recommendation, the preliminary PUD site plan shall be considered by the Township Board. The Township Board shall hold an additional public hearing as provided by the Michigan Zoning Enabling Act. The Township Board shall take one (1) of the following actions on the request:
1. If the application is determined to be insufficient, does not fully respond to Planning Commission issues or more information is required, the request may be tabled. The Township Board shall direct the applicant to prepare additional information, revise the PUD plan, or direct the Township staff or consultants to conduct additional analysis. The application shall not be removed from the table until the conditions causing its tabling have been satisfied.
  2. If the Township Board, during its review process, believes there is new information that might modify the recommendation of the Planning Commission, the application shall be returned to the Planning Commission with the new information for its reconsideration. The Planning Commission shall provide a recommendation within forty five (45) days, or such longer time as is established by the Township Board, after the Township Board has determined it would like further review. No additional public hearings are required, unless otherwise provided by the Michigan Zoning Enabling Act.
  3. Approval or Approval with Conditions:
    - a. Upon determination that a PUD site plan is in compliance with the standards and requirements of this Ordinance and other applicable

Ordinances and laws, the Township Board shall approve the preliminary PUD site plan.

- b. The Township Board may impose reasonable conditions with the approval of a PUD. Conditions of any approval are attached to the land and will remain through subsequent owners. The applicant shall submit a revised PUD site plan that demonstrates compliance with the conditions.
  - c. Approval of the preliminary PUD plan shall constitute approval of the rezoning and the Zoning Map shall be changed to indicate the zoning of the property as the appropriate PUD District.
  - d. Approvals may include a performance bond or similar guarantee under Section 16.04 in order to ensure the completion of required improvements or the protection of significant natural features.
4. Denial: Upon determination that a PUD site plan does not comply with standards and regulations set forth in this Ordinance or other applicable ordinances or laws, or requires extensive revision in order to comply with the standards and regulations, the Township Board shall deny the application. Re-submittal of a denied application shall be considered a new application.

## **SECTION 9.08 FINAL APPROVAL**

- A. Final site plans shall be submitted to the Planning Commission for review and approval in accordance with the Site Plan Review provisions of the Ordinance. If final site plans for at least the first phase of the project are not submitted and approved within a two (2) year period from the approval of the Development Agreement, the right to develop under the approved PUD preliminary site plan shall terminate and a new application must then be filed and processed.
- B. In reviewing final site plans, the following standards and requirements shall apply, in addition to those of Section 9.07 G.
  1. Final site plans shall be in substantial conformance with the approved PUD preliminary plan.
  2. Each final site plan shall either individually or in combination with previously approved contiguous project areas, meet the standards of this Chapter and the approved PUD preliminary plan regarding layout, density, open space and land use.

3. Each final site plan submission shall include a map illustrating the site or phase in relation to previously approved plans and the overall PUD.
4. Any amendment to the development agreement referenced in Section 9.10 which is requested by the developer shall be submitted for review by the Township Attorney and shall be subject to the approval of the Township Board.

## **SECTION 9.09 EXTENSIONS**

The two (2) year period for preliminary PUD approval may be extended for up to one (1) additional year, if applied for in writing by the petitioner prior to the expiration of the PUD preliminary plan approval, and granted by the Township Board, provided that the reasons for the delay are beyond the general control of the applicant.

## **SECTION 9.10 REVISIONS TO APPROVED PUD PLANS**

- A. Approval of the preliminary PUD plan and final site plan confers upon the Zoning Administrator the authority to approve certain minor deviations when an applicant or land owner who was granted site plan approval notifies the Zoning Administrator of the proposed amendment to the approved site plan in writing, accompanied by a site plan illustrating the proposed change. The request shall be received prior to initiation of any construction in conflict with the approved plan.
- B. Within fourteen (14) days of receipt of a request to amend the site plan, the Zoning Administrator shall determine whether the change is major, warranting review by the Planning Commission, or minor, allowing administrative approval, as noted below.
- C. The Zoning Administrator may approve the proposed revision upon finding the change would not alter the approved design or provisions of the development agreement referenced in Section 9.11, would not reduce the area devoted to open space, and all applicable regulations of this Ordinance will be met. The Zoning Administrator shall inform the Planning Commission and Township Board of the approval in writing.
- D. The Zoning Administrator shall consider the following when determining a change to be minor:
  1. For residential buildings, the square footage of structures may be reduced or increased by ten percent (10%) of the originally approved area, provided the overall density of units does not increase, the minimum square footage and parking requirements are met, and the building(s) do

- not extend outside a designated building envelop, or into any required open space or required setback.
2. Gross floor area of nonresidential buildings may be decreased or increased by up to ten percent (10%) or two thousand (2,000) square feet, whichever is smaller, of the originally approved area, provided parking requirements are met and the building does not extend into any required open space or required setback.
  3. Floor plans may be changed if consistent with the character of the use.
  4. Relocation of a building by up to five (5) feet, if consistent with required setbacks, open space and other requirements.
  5. Height of buildings may be lowered.
  6. Designated woodlands or areas not to be disturbed may be increased.
  7. Plantings on the approved landscape plan may be replaced by similar types of landscaping on an equal or greater basis; any trees shown as preserved on the final site plan and subsequently lost during construction shall be replaced on a caliper-per-caliper basis on the site. For example, if a 12-inch diameter tree is lost during the construction process, six (6) trees, which are 2 (two) inches in diameter could be planted to replace the single 12-inch tree.
  8. Improvements or slight redesign of site access or circulation, such as inclusion of deceleration lanes, boulevards, curbing or pedestrian/bicycle paths, where appropriate.
  9. Changes of building materials to another of higher quality, or a slight change in the color of the exterior material, as determined by the Building Official.
  10. Grade change of up to one (1) foot, after review by the Township Engineer.
  11. Modification of entry design, sign placement or reduction in size of signs, which is consistent with the intent of the approved PUD plan.
  12. Internal rearrangement of parking lots which does not affect the number of parking spaces or alter access locations or design.

13. Changes to the location of accessory buildings and structures, when the new location will be consistent with the building envelope identified on the approved plan, and when it would not extend into any required open space or required setback.
  14. Changes required or requested by the Township, County or State for safety reasons.
- E. Where the Zoning Administrator determines that a requested amendment to the approved site plan is major, re-submittal to the Planning Commission shall be required. Should the Planning Commission determine that the modifications are inconsistent with the approved preliminary PUD plan; a revised preliminary PUD site plan shall be submitted according to the procedures outlined in this Chapter. In all cases, a change in use to a more intensive use than approved in the preliminary PUD plan shall be considered major and require resubmission of a new preliminary PUD Plan.

## **SECTION 9.11 DEVELOPMENT AGREEMENT**

- A. After receiving final PUD approval but prior to any site preparation or the issuance of any building permits, the applicant shall submit an Agreement stating the conditions upon which approval is based, for review and approval by the Township. The Agreement, after review by the Planning Commission and approval by the Township Board, shall be entered into between the Township and the applicant and be recorded with the County Register of Deeds.
- B. At a minimum, the Agreement shall provide:
1. A certified boundary survey of the acreage comprising the proposed development.
  2. The manner of ownership of the developed land and the manner of the ownership and of dedication common areas in additions to a mechanism to protect any designated common open areas.
  3. Satisfactory provisions to provide a performance guarantee for the future financing of any improvements shown on the plan for site improvements, open space areas and common areas which are to be included within the development.
  4. Provisions to ensure adequate protection of natural features.
  5. A copy of the approved preliminary PUD site plan signed by the applicant and the township supervisor or appointed designee.

## **SECTION 9.12 PERFORMANCE GUARANTEES**

The Township Board may require a performance guarantee in accordance with Section 16.04 to ensure compliance with the approved planned unit development.

## **SECTION 9.13 APPEALS**

PUD decisions granting or denying a proposal or any regulatory modifications are not subject to variance approval of the Zoning Board of Appeals. No part of a PUD may be appealed to the Zoning Board of Appeals nor shall an application for variance be accepted. This provision shall not preclude an individual lot owner from seeking a variance following final approval of the PUD, provided the variance does not involve alterations to open space areas as shown on the approved PUD site plan, does not violate any condition of PUD approval, and otherwise meets the applicable review standards applicable to variances in this Ordinance.



## CHAPTER 10 I-1 INDUSTRIAL

### SECTION 10.01 INTENT AND PURPOSE

The regulations of this District are intended primarily for light industrial uses which do not generate hazardous materials. The district is established to encourage operations which manufacture, compound, process, package, treat and assemble products from previously prepared materials. Do to lack of infra-structure it is recommended to utilize neighboring municipalities' industrial parks.

### SECTION 10.02 TABLE OF USES

The following abbreviations apply to the Table of Uses:

P: Permitted Use: Land and/or buildings in this District may be used for the purposes listed by right.

SLU: Special Land Use: The following uses may be permitted by obtaining Special Land Use approval when all applicable standards cited in Chapter 13 are met.

NP: Not Permitted: The use is not permitted in the District.

<b>Table of Uses</b>	<b>I-1</b>
Assembly of paperboard containers, building paper, building board, and bookbinding	P
Billboards	SLU
Laboratories including experimental, film, and testing	P
Lumber and wood products including millwork, prefabricated structural wood products and containers, not including logging camps	P
Manufacturing facilities, including tool and die	P
Production of food products including meat, dairy, fruit, vegetable, seafood, grain, bakery, confectionary, beverage and kindred foods	P
Saw mills	P
Sexually-oriented businesses	SLU
Wholesale establishments distributing goods including automotive equipment, drugs, chemicals, dry goods, apparel, food, farm products, electrical goods, hardware, machinery, equipment, metals, paper products and furnishings, and lumber and building products and warehousing	P

## SECTION 10.03 DEVELOPMENT REQUIREMENTS

### A. Lot, Yard, and Building Requirements.

Requirement		I-1 Industrial	
<b>Minimum Lot Requirements</b>	Area	5 acres	
	Width	330 ft.	
	Width to depth ratio	1:3	
	Maximum Coverage	75%	
<b>Minimum Setback Requirements</b>	Front*	75 ft.	
	Side	One side	40 ft.
		Total 2 sides	80 ft.
		Adjacent to Residential District	100 ft.
	Rear	Adjacent to Residential District	100 ft.
In all other cases		25 feet	
<b>Building Requirements</b>	Maximum Height	35 ft. or two stories in height, whichever is less.	

### B. Parking Requirements

- Parking areas adjacent to a residential use or zone shall be a minimum of thirty (30) feet from side and rear property lines, fifteen (15) feet of which shall be developed as a buffer zone for the entire length of the parking area. The buffer zone shall comply with the standards of Section 12.05(D) of the ordinance.
- The amount of required off-street parking spaces for individual uses shall be determined in accordance with the following table and shall meet the dimensional requirements of Chapter 12, in addition to all lighting, loading spaces and landscaping standards.

Use	Parking Requirement Spaces per unit of measurement GFA = gross floor area, UFA = Usable Floor area
Accessory office areas related to principal uses	1 space per each 300 sq. ft. of UFA

Sexually oriented businesses	1 space per each 1 persons permitted under fire code.
<b>Use</b>	<b>Parking Requirement Spaces per unit of measurement GFA = gross floor area, UFA = Usable Floor area</b>
All other industrial uses	1 space for each 1,000 sq. ft. or one space for every employee on the largest shift (whichever is greater) <u>plus</u> those spaces required for offices located on the premises

C. Signs

1. The following signs are permitted in the Industrial District:
  - a. Signs shall pertain exclusively to the business carried on the property.
  - b. Signs may be illuminated, provided that the source of light is directed in a manner that will prevent light from shining directly onto traffic or neighboring properties.
  - c. One monument sign is permitted of up to fifty (50) square feet.
  - d. Signs shall not exceed ten (10) feet in height.
  - e. Signs shall be setback from the road right-of-way a minimum of fifteen (15) feet and from side property lines a minimum of ten (10) feet.
  - f. A sign attached to a mansard shall be considered a wall sign.
2. Signs not requiring a zoning permit:
  - a. On-site political campaign signs, up to sixteen (16) square feet provided they are removed within ten (10) days after the election to which they pertain.
  - b. Unlit real estate signs, of up to sixteen (16) square feet provided they are removed within ten (10) days after consummation of lease or sale of property.
  - c. Unlit trespassing, safety, directional, caution or announcement signs each not exceeding two (2) square feet in area or signs

announcing the sale of produce each not exceeding six (6) square feet in area.

- d. Name plates less than two (2) square feet.
- e. Signs that have been approved in conjunction with a valid zoning compliance permit for any principal use as detailed in a plot plan or site plan.

3. Standards

- a. Signs shall pertain exclusively to the business carried on the property.
- b. Signs may be illuminated, provided that the source of light is directed in a manner that will prevent light from shining directly onto traffic or neighboring properties. Sign illumination shall also be shielded to protect the night sky from light spillage creating sky glow.
- c. Signs shall not exceed ten (10) feet in height.
- d. Signs shall be set back from the road right-of-way and from side property lines a minimum of ten (10) feet.
- e. Signs shall not project above the roof line or cornice.
- f. Sign area shall not exceed thirty-two (32) square.

4. See Section 12.03 for prohibited signs.

## CHAPTER 11 SITE PLAN REVIEW

### SECTION 11.01 PURPOSE

The purpose of this Chapter is to provide for consultation and cooperation between the applicant and the Planning Commission in order that the applicant may realize planned objectives in the use of land within the regulations of this Zoning Ordinance. It is also intended to ensure that the development be completed with minimum adverse effect on the use of adjacent streets and highways, and on existing adjacent and future land uses, rural character, and the natural environment.

### SECTION 11.02 SITE PLANS REVIEWED

In accordance with the provisions of this Chapter, a Site Plan Review by the Planning Commission shall be required prior to the establishment of a new use or the erection of a building in the Districts and conditions cited below:

- A. Staff approval: The following uses shall be approved by the Zoning Administrator:
1. One family detached dwellings (except as may be provided in a site condominium development).
  2. Agricultural uses excluding feedlots.
  3. A change of use that does not result in the change in the building footprint for an equal or lesser use.
  4. Family day care and foster care facilities.
  5. Accessory buildings and uses.
- B. Planning Commission approval: Site plan review and approval by the Planning Commission is required as follows:
1. All uses permitted in the "M-H," Manufactured Home Community District; the "B-1," Local Business District.
  2. Special Land Uses in all Zoning Districts.
  3. Site condominiums in any District.

4. Planned Unit Developments
5. Grading, excavation, filling, soil removal, creation of ponds or tree clearing of (cumulatively) over one (1) acre.
6. A change of use in an existing facility that is more intense than the previous use.

## **SECTION 11.03 SITE PLAN REVIEW REQUIREMENTS**

A. Optional Preliminary Site Plan Review. Twelve (12) copies of a preliminary site plan may be submitted by the applicant for review by the Planning Commission prior to final site plan submittal. The purpose of this optional procedure is to allow discussion between the applicant and the Planning Commissioners, to better inform the applicant of the acceptability of the proposed plans prior to incurring extensive engineering and other costs which might be necessary for final site plan approval.

1. Preliminary site plan submittal shall include the information as listed within subsection C, below, unless deemed unnecessary by the Zoning Administrator. Preliminary site plans shall be at a scale not to exceed 1 inch equals 100 feet (1" = 100').
2. The Planning Commission shall review the preliminary site plan and make any recommendations to the applicant in the context of the standards required by this Ordinance. The Planning Commission shall advise the applicant as to the general acceptability of the proposed plan, but shall not be bound by any statements or indications of acceptance of the plan.

### **B. Final Site Plan Review**

1. If submission of a preliminary site plan is not desired by the applicant, twelve (12) copies of a final site plan prepared by a professional engineer, architect, or land surveyor may be submitted for review without first receiving a review of a preliminary plan. Final site plans shall be at a scale not less than one inch equals twenty feet (1"=20') for property under three (3) acres and at least one inch equals one hundred feet (1"=100') for those three (3) acres or more.
2. Applications for final site plan reviews shall include the information as listed within subsection C, below, unless deemed unnecessary by the Zoning Administrator.

### **C. Required Site Plan Submission Requirements**

<b>Site Plan Submission Requirements</b>	
<b>Preliminary and Final Site Plan Requirements</b>	
A general location sketch showing at minimum, properties, streets and use of land within 1/2 mile of the area.	
Legal description of the subject property.	
<b>Preliminary and Final Site Plan Requirements</b>	
The date, north arrow, and scale.	
Name and address of the property owner or petitioner.	
Name and address of the person and/or firm who drafted the plan and the date on which the plan was prepared.	
Existing zoning and use of all properties abutting the subject property.	
All buildings, parking and driveways within 100 feet of all property lines.	
Narrative: Shown on the site plan or submitted separately, describing in general terms:	The overall objectives of the proposed development.
	Size (in acres) of the subject property and approximate number of acres allocated to each proposed use and gross area in building, structures, parking, public streets and drives, and open space.
	Dwelling unit densities by type, if applicable.
	Proposed method of providing sewer and water service, as well as other public and private utilities.
	Proposed method of providing storm drainage.
<b>Preliminary Site Plan Requirements</b>	
Property lines and approximate dimensions.	
Existing adjacent streets and proposed streets.	
Parking lots and access points.	
Proposed buffer strips or screening.	
Significant natural features; and other natural characteristics, including but not limited to open space, wetlands, stands of trees, brooks, ponds, floodplains, hills, slopes of over 15%, and similar natural assets or hazards.	
Any signs not attached to the building(s).	
General topographical features at contour intervals no greater than 5 feet.	
Existing and proposed uses, buildings and structures.	
<b>Final Site Plan Requirements</b>	
Seal, name, and firm address of the professional individual responsible for the preparation of the site plan.	
Property lines and required setbacks shown and dimensioned.	
Dimensions of all existing and proposed structures on the subject property including dwelling unit densities by type, if applicable.	
Size and location of existing and proposed utilities, including any proposed connections to public or private community sewer or water supply systems.	

All existing and proposed drives (including dimensions and radii), acceleration/deceleration lanes, sidewalks, signs, exterior lighting, curbing, parking areas (including the dimensions of a typical parking space and the total number of parking spaces to be provided), fire lanes, and unloading areas.

#### **Site Plan Submission Requirements**

Pavement width and right-of-way width of all roads, streets, and access easements within 100 feet of the subject property.

Location and size of all surface water drainage facilities.

Location of all solid waste disposal facilities, including recycling, and screening.

Location and specifications for existing or proposed outside, above or below ground storage facilities for hazardous materials.

#### **Final Site Plan Requirements**

All existing vegetation and the location, type, and size of all proposed landscaping, and the location, height and type of existing and proposed fences and walls.

Recreation areas, common use areas, flood plain areas and areas to be conveyed for public use and purpose.

Exterior lighting showing area of illumination and indicating the type and height of fixture to be used.

Elevation drawings of proposed buildings.

#### **D. Additional Information**

1. The Planning Commission, prior to granting approval of a site plan, may request from the applicant any additional graphics or written materials, prepared by a qualified person or person(s) to assist in determining the appropriateness of the site plan. Such material may include, but need not be limited to, aerial photography, photographs, traffic studies, impacts on significant natural features and drainage, soil tests and other pertinent information.
2. The Planning Commission or Township Board may require a Traffic Impact Assessment or Traffic Impact Study pursuant to the Institute of Transportation Engineer standards as part of the final site plan review. The level of detail required for either the Traffic Impact Assessment or Study will be based upon the expected amount of traffic to be generated by the proposed use.

### **SECTION 11.04 APPLICATION AND REVIEW**

- A. A completed site plan review packet including twelve (12) site plans, a completed application form, the application fee, and escrow deposit (if applicable), shall be submitted to the Zoning Administrator prior to the deadline for the next regular Planning Commission meeting. The Zoning Administrator shall review the packet

for completeness. If deemed complete the Zoning Administrator shall put the request on the agenda of the next regular Planning Commission meeting. Applications shall not be accepted unless all required materials and fees are submitted and are declared complete by the Zoning Administrator.

- B. The Planning Commission shall approve, deny, or approve subject to conditions, the site plan, in accordance with the provisions of this Chapter.
- C. Any conditions or modifications recommended by the Planning Commission shall be recorded in the minutes.
- D. Two (2) copies of the final approved site plan shall be signed and dated by the Planning Commission Chairperson or designee and the applicant. The Township shall keep one (1) of these approved copies on file, one (1) shall be returned to the applicant or his designated representative.
- E. Each development subject to site plan review shall be substantially under construction within one (1) year after the date of approval of the site plan, except as noted below.
  - 1. The Planning Commission may grant a single one (1) year extension of the time period, provided the applicant requests, in writing, an extension prior to the date of the expiration of the site plan. The Planning Commission may require a performance guarantee as part of the extension.
  - 2. The extension shall be approved if the applicant presents reasonable evidence to the effect that the development has encountered unforeseen difficulties beyond the control of the applicant, and the project will proceed within the extension period.
  - 3. If neither of the above provisions are fulfilled or the one (1) year extension of site plan then approval shall be null and void and any performance guarantees may be exercised to finalize required improvements.

## **SECTION 11.05 CHANGES IN THE APPROVED SITE PLAN**

- A. The holder of an approved site plan shall notify the Zoning Administrator of any proposed change to the site plan.
- B. Minor changes may be approved by the Zoning Administrator upon determining that the proposed revision(s) meet the standards of the ordinance and the intent of the design and will not alter the basic design or any specified conditions

imposed as part of the original approval. A revised site plan shall be submitted which reflect the approved changes. Minor changes shall include the following:

1. For residential buildings, the square footage of structures may be reduced or increased by ten percent (10%) of the originally approved area, provided the overall density of units does not increase, the minimum square footage and parking requirements are met, and the building(s) do not extend outside a designated building envelop, or into any required open space or required setback.
2. Gross floor area of nonresidential buildings may be decreased or increased by up to ten percent (10%) or two thousand (2,000) square feet, whichever is smaller, of the originally approved area, provided parking requirements are met and the building does not extend into any required open space or required setback.
3. Floor plans may be changed if consistent with the character of the use.
4. Relocation of a building by up to five (5) feet, if consistent with required setbacks, open space and other requirements.
5. Height of buildings may be lowered.
6. Designated woodlands or areas not to be disturbed may be increased.
7. Plantings on the approved landscape plan may be replaced by similar types of landscaping on an equal or greater basis; any trees shown as preserved on the final site plan and subsequently lost during construction shall be replaced on a caliper-per-caliper basis on the site. For example, if a 12-inch diameter tree is lost during the construction process, six (6) trees, which are two (2) inches in diameter could be planted to replace the single 12-inch tree.
8. Improvements or slight redesign of site access or circulation, such as inclusion of deceleration lanes, boulevards, curbing or pedestrian/bicycle paths, where appropriate.
9. Changes of building materials to another of higher quality, or a slight change in exterior material, as determined by the Building Official.
10. Grade change of up to one (1) foot, after review by the Township Engineer.

11. Modification of entry design, sign placement or reduction in size of signs, which is consistent with the intent of the approved PUD plan.
  12. Internal rearrangement of parking lots which does not affect the number of parking spaces or alter access locations or design.
  13. Changes to the location of accessory buildings and structures, when the new location will be consistent with the building envelope identified on the approved plan, and when it would not extend into any required open space or required setback.
  14. Changes required or requested by the Township, County or State for safety reasons.
- C. A proposed change not determined by the Zoning Administrator to be minor shall be submitted to the Planning Commission as a site plan amendment and shall be reviewed in the same manner as the original application. If the Zoning Administrator determines that a proposed minor change may have a major impact on the neighborhood or area involved, he may refer the plan to the Planning Commission and the plan shall be reviewed in the same manner as the original application.

## **SECTION 11.06 REVIEW STANDARDS**

- A. The following standards shall be utilized by the Planning Commission in reviewing all site plans. These standards are intended to provide a frame of reference for the applicant in the preparation of site plans as well as for the reviewing authority in making judgment concerning them. These standards shall not be regarded as inflexible requirements. They are not intended to discourage creativity, invention, or innovation.
- B. Site Development Standards
1. The uses proposed will not adversely affect the public health, safety, or welfare.
  2. Uses and structures located on the site shall take into account topography, size of the property, the uses on adjoining property and the relationship and size of buildings to the site. The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Ordinance.
  3. The site plan shall provide reasonable visual and sound privacy for all dwelling units located within and adjacent to it. Fences, walls, barriers,

and landscaping shall be used, as appropriate, to accomplish these purposes. Appropriate fencing may be required by the Planning Commission around the boundaries of the development if deemed necessary to minimize or prevent trespassing or other adverse effects on adjacent lands. The Planning Commission may also require road or pathway cross-connections between developments.

4. The site shall be developed to create a pleasant, pedestrian paced atmosphere which de-emphasizes the automobile and considers rural character. Site amenities like street trees, bike racks, benches and outdoor tables may be required by the Planning Commission.
5. All buildings and groups of buildings shall be arranged so as to permit necessary emergency vehicle access as requested by the Fire Department.
6. Exterior lighting shall be arranged so that it is deflected away from adjacent properties and so that it does not interfere with the vision of motorists along adjacent streets. Lighting of buildings or structures shall be minimized to reduce light pollution. The site shall comply with the requirements of Section 11.04.
7. All loading and unloading areas and outside storage areas, including areas for the storage of trash, which face or are visible from Residential Districts or public streets, shall be screened in accordance with the requirements of Section 12.02.
8. Site plans shall conform to all applicable requirements of Township, County, State, Federal agencies. Approval may be conditioned on the applicant receiving necessary Township, County, State, and Federal permits before final site plan approval or an occupancy permit is granted.
9. The general purposes and spirit of this Ordinance and the Master Plan of the Township shall be maintained.

C. Vehicular and Pedestrian Standards

1. Safe, convenient, uncongested, and well-defined vehicular and pedestrian circulation shall be provided for ingress/egress points and within the site. Drives, streets and other circulation routes shall be designed to promote safe and efficient traffic operations within the site and at ingress/egress points.

2. The arrangement of public or private vehicular and pedestrian connections to existing or planned streets in the area shall be planned to provide a safe and efficient circulation system for traffic within the Township.
3. The minimum number of vehicular entrances and exits shall be provided at appropriate locations so as to maximize the convenience and safety for persons entering or leaving the site. The number of vehicular entrances to and exists from the site shall be determined with reference to the number of dwelling units or other land uses within the site, the nature and location of the surrounding streets, the effect of traffic in the area, nearby topography, and other factors. All streets and driveways shall be developed in accordance with of this Ordinance and other local, state, or federal requirements.
4. Adequate traffic control shall be provided on site and throughout developments to ensure safe vehicular and non-motorized cohabitation. The Planning Commission may require traffic calming measures, paved road shoulders, and deceleration or turn lanes when necessary.
5. Appropriate sidewalks, trails or pathways for pedestrians and nonmotorized vehicles may be required within the development and between developments but may be deferred with an appropriate performance guarantee.
6. The Planning Commission may require shared driveways or the consolidation of existing driveways where appropriate.

D. Environmental and Natural Features Standards

1. Removal or alteration of significant natural features shall be restricted to those areas which are reasonably necessary to develop the site in accordance with the requirements of this Ordinance. The Planning Commission may require that landscaping, buffers, and/or buffer strips be preserved and/or provided to ensure that proposed uses will be adequately buffered from one another and from surrounding public and private property.
2. Landmark trees and significant vegetation slated for protection shall be marked on site to prevent their damage during construction.
3. Appropriate measures shall be taken to ensure that removal of surface waters will not adversely affect the public storm drainage system.

4. The edges of parking lots shall be curbed to improve pavement longevity and to prevent encroachment upon landscape areas.
  5. Surface water on all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic or create puddles in paved areas. Subsurface landscape islands within parking lots are encouraged. Catch basins may be required to contain oil filters or traps to prevent contaminants from being directly discharged to the natural drainage system.
  6. Stormwater drainage design shall recognize existing natural drainage patterns. Stormwater removal shall not adversely affect neighboring properties or the public storm drainage system.
  7. Areas of natural drainage such as swales, wetlands, ponds, or swamps shall be protected and preserved insofar as practical in their natural state to provide areas for natural habitat, preserve drainage patterns and maintain the natural characteristics of the land.
  8. Provisions shall be made to accommodate stormwater on-site wherever practical. Direct discharge of stormwater into surface waters is prohibited. Where feasible, nonstructural control techniques shall be utilized which shall:
    - a. Limit land disturbance and grading.
    - b. Maintain vegetated buffers and significant vegetation.
    - c. Minimize impervious surfaces.
    - d. Use terraces, contoured landscapes, runoff spreaders, grass, or rock-lined swales.
    - e. Use infiltration devices.
- E. Zoning Compliance Application  
DOA Letter of Approval regarding MDARD & GAMMPS  
Cover letter from to DOS with application for Site Plan and Manure Management Plan  
Site Plan  
Odor Management Plan  
Elevation map with property lines only  
Elevation map with property lines and overhead photo

GIS overview of location  
Soil Erosion Permit  
County Road Commission Driveway road permit with a paved road approach to the county standards with concrete curb and drain  
Proof of a 40 continuous acre lot pre-legal description as registered with the county register of deeds.

## SECTION 11.07 SITE PLAN APPROVALS

- A. As part of an approval to any site plan, the Planning Commission may impose any additional conditions or limitations as in its judgment may be necessary for protection of the public interest. A record of conditions shall be maintained. The conditions shall remain unchanged unless an amendment to the site plan is approved in accordance with this Ordinance.
- B. Conditions imposed shall be related to and ensure that the review standards of this Chapter are met and shall meet the requirements of the Zoning Act.
- C. Approval of a site plan, including conditions made as part of the approval, shall apply to the property described as part of the application and to all subsequent owners and occupants.
- D. The approvals of other agencies, including but not limited to the Michigan Department of Transportation, the County Drain Commission, County Road Commission and Michigan Department of Natural Resources may be accommodated as part of a conditional approval by the Township. If, however, input from another review agency substantially changes the layout of a site, the new site plan may have to be reviewed again by the Planning Commission.
- E. A record of the decision of the Planning Commission, the reason for the decision reached, and any conditions attached to the decision shall be kept and made a part of the minutes of the Planning Commission.
- F. The Zoning Administrator shall make periodic investigations of developments for which site plans have been approved. Failure to maintain or comply with the requirements and conditions of the approved site plan shall be considered violations of this Ordinance.
- G. Any site plan review approval may be voided by the Zoning Administrator or Planning Commission if it has been determined that a material error in the original approval has been discovered either because of inaccurate information supplied by the applicant or administrative error by a staff member or other

agency. The voiding of an approved site plan shall be communicated in writing with reasons for revocation to the property owner. The Building Official shall also be notified to withhold permits until a new site plan is approved.

### **SECTION 11.09 PERFORMANCE GUARANTEES**

The Planning Commission and Zoning Administrator may require a performance guarantee in accordance with Section 16.04 to ensure compliance with the approved site plan.

### **SECTION 11.10 APPEAL**

If any person shall be aggrieved by the action of the Zoning Administrator or Planning Commission, appeal in writing to the Zoning Board of Appeals may be taken in accordance with the provisions of Section 15.03, within fourteen (14) days after the date of the action. The Zoning Board of Appeals shall fix a time and place for a public hearing to be published in a newspaper prior to the hearing at which all interested parties shall be afforded the opportunity to be heard. After the hearing, the Zoning Board of Appeals shall affirm or reverse the action of the Zoning Administrator or Planning Commission, stating its findings and the reasons for its action and a written copy of such findings, reasons, and action shall be given to the appellant.

## CHAPTER 12 SITE DEVELOPMENT REQUIREMENTS

This chapter applies to all uses that require site plan review.

### SECTION 12.01 GENERAL PARKING REQUIREMENTS

#### A. Parking - General

1. Minimum required off-street parking spaces shall not be replaced by any other use unless and until equal facilities are provided elsewhere, in compliance with the Ordinance.
2. Off-street parking existing at the effective date of this Ordinance, or amendment thereto, in connection with the operation of an existing building or use, shall not be reduced to an amount less than required for a similar new building or new use.
3. Parking and pavement (other than access drives) shall be set back a minimum of twenty (20) feet from the road right-of-way.
4. The Planning Commission may defer construction of the required number of parking spaces if the following conditions are met:
  - a. Areas proposed for deferred parking shall be shown on the site plan, and shall be sufficient for construction of the required number of parking spaces in accordance with the standards of this Ordinance for parking area design and other site development requirements.
  - b. Alterations to the deferred parking area may be initiated by the owner or required by the Zoning Administrator.
  - c. All or a portion of such deferred parking shall be constructed if required by the Zoning Administrator upon a finding that such additional parking is needed.
5. Maximum Parking Requirement
  - a. To minimize excessive areas of pavement which detract from the aesthetics of an area and contribute to high rates of storm water runoff, no parking lot shall have parking spaces totaling more than

an amount equal to ten percent (10%) greater than the minimum parking space requirements, as determined by the Parking Requirements as noted in each Zoning District, except as may be approved by the Planning Commission.

- b. The Planning Commission, upon application, may grant additional spaces beyond those permitted in 5a, above. In granting additional spaces the Planning Commission shall determine that the parking area otherwise permitted will be inadequate to accommodate the minimum parking needs of the particular use and that the additional parking will be required to avoid overcrowding of the parking area. The actual number of permitted spaces shall be based on professional documented evidence of use and demand provided by the applicant.

#### 6. Shared Parking Areas

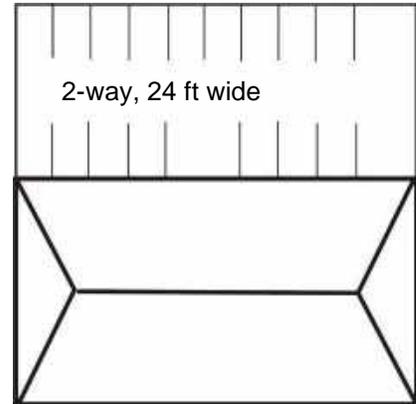
- a. The Zoning Administrator may approve a shared parking arrangement for two (2) or more uses to utilize the same off-street parking facility where the operating hours of the uses do not significantly overlap.
- b. Required parking shall be calculated from the use that requires the greatest number of spaces.
- c. Should any use involved in the shared parking arrangement change to another use, the Zoning Administrator may revoke this approval and require separate parking facilities as required by this Ordinance.

#### B. Off-Street Parking Lot Construction and Design Requirements

1. Parking spaces shall be a minimum of ten (10) by twenty (20) feet.
2. All spaces shall be provided adequate access by means of maneuvering aisles.
3. Backing directly onto a street shall be prohibited.
4. The outdoor storage of merchandise; motor vehicles for sale; trucks or equipment; wrecked, junked or unlicensed vehicles; or the repair of vehicles in areas designated for parking, including the maneuvering lane, is prohibited.

5. Parking Lot Access:

- a. Adequate ingress and egress to and from the parking lot by means of clearly limited and defined drives shall be provided for all vehicles.
- b. Ingress and egress to and from a parking lot located in a Nonresidential District shall not be across land zoned in a Residential District or land used for residential purposes.
- c. Access drives and maneuvering lanes shall be a minimum of twelve (12) feet in width for one-way traffic and twenty four (24) feet in width for two-way traffic.



6. Construction Requirements

- a. The entire public parking area, including parking spaces and maneuvering lanes, shall be provided with bituminous, asphalt or concrete surfacing in accordance with approved specifications. The Planning Commission may permit gravel lots in such cases as overflow parking, storage yards and truck transport lots or intermittent special event parking.
- b. Surfacing of the parking area shall be completed prior to occupancy unless seasonal restrictions apply in which case a performance guarantee which ensures that paving occurs by a specified time the following season.
- c. Off-street parking areas shall be drained so as to dispose of stormwater at least four (4) feet from the edge of a property line or sidewalk.
- d. All surface water accumulated in the parking area in such a way as to preclude drainage of water onto adjacent property or toward buildings. Sunken landscape islands and rain gardens are preferred as a means to avoid large detention basins.

- e. All parking spaces shall be striped with paint or other approved material, at least four (4) inches in width. The striping shall be maintained and clearly visible.
- f. Bumper stops or curbing shall be sufficient to keep vehicles from encroaching on property lines. Bumper stops shall be secured to prevent their movement.
- g. Frontage and internal sidewalks or trails may be required by the Planning Commission as part of site plan review.
- h. The off-street parking area shall be provided with lighting, landscaping and screening as required in this Chapter.

#### C. Off-Street Parking Requirements

- 1. Parking space requirements for specific uses are found in the respective Zoning Districts.
- 2. When units or measurements determining the number of required parking or loading spaces result in the requirement of a fractional space, any fraction up to and including one-half ( $\frac{1}{2}$ ) shall be disregarded, and fractions over one-half ( $\frac{1}{2}$ ) shall require one (1) parking space.
- 3. For those uses not specifically mentioned, the requirements for off-street parking facilities shall be in accord with a use that is similar in type. If there is no requirement that is reasonably applicable to the use, the Zoning Administrator shall determine the number of parking spaces that must be provided.

#### D. Stacking Spaces

- 1. Certain uses are greatly reliant on vehicle access and possess characteristics that create the need for additional area devoted to stacking of vehicles. This subsection addresses these individual uses and outlines requirements for stacking spaces.
- 2. Each stacking space shall be shown on a site plan.
- 3. Each stacking space shall have a minimum dimension shown of twentytwo (22) feet in length by nine (9) feet in width. The lane containing the stacking spaces shall be separate and distinct from other access drives and maneuvering lanes for parking spaces.

4. The location of stacking spaces shall be placed to avoid undue interference with on-site parking and to prevent unnecessary hazards to pedestrians.
5. Regardless of the number of stacking spaces required or provided, in no instance shall the operator permit vehicles to stack up out into any adjacent public or private street.
6. The following minimum stacking spaces shall be provided for the uses noted:

Use	Required Stacking Spaces
ATM stations	5 spaces per ATM
Bank drive-through windows	5 spaces per service lane
Nurseries/Day Care	4 spaces

## SECTION 12.02 LOADING REQUIREMENTS

- A. Adequate space for standing, loading and unloading, that avoids undue interference with public use of dedicated rights-of-way, shall be provided and maintained on the same premises with every building, structure or part thereof involving the receipt or distribution of vehicles or materials or merchandise.
- B. Loading, unloading or parking of delivery vehicles and trailers in a Nonresidential District shall take place only in approved areas. Under no circumstances shall a delivery vehicle or trailer be allowed to park in a designated loading/unloading zone for longer than forty-eight (48) hours.
- C. At least one (1) loading space per commercial or service establishment shall be provided in the B-1 District in addition to any required off-street parking area. Required spaces shall be provided in the side or rear yard.

GFA (sq. ft.)	Loading and Unloading Spaces Required
0--1,400	None
1,401--20,000	1 space

## SECTION 12.03 SIGNS

- A. Signs not strictly permitted are prohibited. A permit shall be obtained for the erection, construction, alteration and/or replacement of any sign; except as otherwise provided in this ordinance. All regulated signs shall be approved by the Zoning Administrator as to their conformance with the requirements of this Ordinance. As part of the zoning compliance permit, the applicant shall provide the following:
1. Total display area of the sign in square feet;
  2. Proposed setback of the sign from the road right-of-way, drives and adjacent properties;
  3. Sign type, purpose and height, and ground clearance if applicable;
  4. Height and width of building if the sign is a wall or wall projecting type;
  5. Site area and frontage;
  6. Site and building photos.
- B. The following signs are prohibited in all zoning districts:
1. A sign resembling the flashing lights customarily used in traffic signals, or police, fire, ambulance, or rescue vehicle or signs which imitate official traffic directional signs or devices.
  2. Signs on parked vehicles where the sign is the primary use of the vehicle.
  3. Signs greater than two (2) square feet that are affixed to trees, shrubs or similar natural features (e.g., "no trespassing" signs of under two (2) square feet are permitted).
  4. Signs affixed to fences or utility poles or structural elements not capable of supporting such signs.
  5. Any sign which obstructs the ingress or egress from a required door, window, or other required exit.
  6. Temporary signs and devices including inflatable devices, pennants, pinwheels, searchlights or other devices with similar characteristics, except when used temporarily for periods not to exceed thirty (30) days to announce the opening of a new type of business or use by a new owner.
  7. Signs placed within the road right-of-way.

8. Scrolling electronic message boards.
  9. Off-premise signs except as provided for in this ordinance.
- C. All signs and sign structures shall conform to all applicable codes adopted by the Township. Signs shall be installed in a workmanlike manner and be maintained at all times in a state of good repair, with all braces, bolts, clips, supporting frame, and fastenings free from deterioration, insect infestation, rot, rust or loosening. All signs shall be kept neatly finished, including all metal parts and supports that are not galvanized or made of rust-resistant metals.
- D. Signs erected in the township shall not obstruct the clear view of traffic. If the location or design of a sign may result in a conflict with pedestrian or vehicular movement or circulation, the township may require a clearance of up to ten (10) feet from the finished grade level or curb elevation to the lowest part of such sign or a front setback of up to ten feet.
- E. Nonconforming signs in use on the effective date of this Ordinance shall be permitted to remain, provided they are properly maintained. Such maintenance is restricted to painting and minor repairs which cannot be considered a rebuilding of the sign. Extensive repairs constituting rebuilding must meet the requirement of the pertinent zoning district.

## **SECTION 12.04 LIGHTING**

- A. The following lighting standards shall apply to all uses requiring site plan review:
1. Off-street parking areas shall be adequately lit to ensure security and safety. Ground lighting and wall pack lighting is encouraged in small developments over pole lighting to prevent unnecessary glare and sky glow which inhibits the view of the night sky and, therefore, negatively effects rural character.
  2. Light fixtures shall be provided with light cut-off fixtures that direct light downward. Lighting shall not be attached to buildings or other structures that permit light to be directed horizontally.
  3. Lighting shall illuminate only the parking lot or other areas approved for illumination by the Planning Commission.
  4. Site lighting fixtures shall be limited to twenty (20) feet in height.

5. Canopy lighting shall be recessed into the canopy structure and shall not protrude from the canopy surface.

## SECTION 12.05 LANDSCAPING REQUIREMENTS

- A. Description and Intent: The Intent of these regulations is to provide specific landscaping requirements that achieve the following:
  1. Conserve the value of land and buildings.
  2. Integrate various elements of a site to attain and maintain attractive properties.
  3. Blend harmonious land uses, buffer incompatible land uses, and define outdoor and architectural spaces.
  4. Control soil erosion by slowing or constraining the effects of wind or water.
  5. Minimize the transmission from one land use to another of nuisances associated with noise, dust and glare.
  6. Distinguish and separate vehicular and pedestrian traffic system.
  7. Minimize visual pollution; minimal screening provides an impression of separation of spaces, and more extensive screening can entirely shield the visual effects of an intense land use from a less intense land use.
  8. Establish a greater sense of privacy from visual or physical intrusion of intense land uses, the degree of privacy varying with the intensity of the screening.
  9. Safeguard the public health, safety and welfare, and preserve the aesthetic qualities and enhance rural character.
- B. The landscape requirements of this Section are considered the minimum necessary to achieve the Intent noted above. In several instances, the standards or requirements are intentionally flexible to encourage adaptability to specific circumstances and creative design. Applicants are encouraged to provide additional landscaping to improve the function, appearance and value of their property.

## C. General Requirements:

1. For all uses requiring site plan review a landscape/screening plan shall be submitted to the Township for review and approval. The plan shall contain the following:
  - a. All applicable information listed in Chapter 11.
  - b. All applicable information listed in this Section pertaining to plant materials.
  - c. The location, general size, and type of existing vegetation to be retained.
  - d. A planting schedule and plan providing the following information:
    - (1) The botanical and common name of each plant used.
    - (2) The size of each plant to be used at the time of planting.
    - (3) The quantity of each plant to be used.
    - (4) Whether plants to be used are balled and burlapped, container grown, or bare root.
    - (5) The spacing and location of all proposed trees, shrubs and ground cover.
    - (6) The percentage of landscaped area to be provided on site.
2. Required plant materials shall be of the following sizes at the time of planting:

<b>Minimum Plant Material Size</b>			
<b>Plant Type</b>	<b>Minimum Caliper<sup>1</sup></b>	<b>Minimum Height</b>	<b>Minimum Spread</b>
Large Deciduous Trees	2 inches	4 feet to first branch	--
Medium Deciduous Trees	2 inches	4 feet to first branch	--
Small Deciduous Trees	2 inches	4 feet	--

Evergreen Trees	--	5 feet	--
Narrow Evergreen Trees	--	3 feet	--
Large Deciduous Shrubs	--	2 feet	15 inches
Hedges <sup>2</sup>	--	4 feet	--
Footnotes: <sup>1</sup> Measured 12 inches above grade <sup>2</sup> Hedges shall be planted and maintained so as to form a continuous, unbroken, visual screen within 2 years after planting			

3. Trees Not Permitted: For the purposes of this Section, the following trees shall not be permitted because they split easily, their wood is brittle and breaks easily, their roots clog drains, or they are invasive species or unusually susceptible to disease or insect pests. The Zoning Administrator, however, may allow trees from this list when associated with an appropriate ecosystem, such as a wetland area:
- a. Ash
  - b. Box elder
  - c. Soft maples
  - d. Elms
  - e. Poplars
  - f. Ailanthus (Tree of Heaven)
  - g. Willows
  - h. Eastern Red Cedar
  - i. European Barberry
  - j. Northern Catalpa
  - k. Russian Olive

See also reference materials from the Township regarding species selection, landscaping maintenance, and best practices for landscaping.

4. Mixing of Species: The overall landscape plan shall not contain more than thirty-three (33%) of any single plant species. The use of trees native to the area and mixture of trees from the same species association, is encouraged.
5. Species selection: landscaping materials shall be chosen which are best adapted to the solar exposure, soil, moisture and other site conditions which influence plant health and longevity.
6. Plant material spacing: At planting, materials shall be spaced so as to ensure their survival over the length of their growing period.

## 7. Installation

- a. Whenever a landscape planting screen or other plantings are required under this Section, it shall be installed according to accepted planting procedures and in a sound workmanlike manner. All plant material shall meet current standards of the American Association of Nurserymen.
- b. The Planning Commission may require that landscaped areas be irrigated.
- c. All required plantings shall be installed within six (6) months of their approval by the Township.
- d. Plant material shall be installed so that at maturity, it does not obscure traffic signs or lighting, obstruct access for emergency vehicles, interfere with adequate sight distance for motorists, or disrupt drainage patterns on the site or on adjacent properties.
- e. Landscaped areas shall be covered by grass or other living ground cover.
- f. Trees and shrubs shall be setback a minimum of twenty (20) feet from the right-of-way and five (5) feet from a vehicular access or pathway.

## 8. Maintenance

- a. Maintenance of plantings shall be conducted with regularity to ensure a healthy and neat appearance.
- b. Required landscaping (including buffer strips, trees, lawns, and ground cover) shall be maintained in a healthy, neat, and orderly appearance free of disease and insect infestations as well as clear of weeds and debris.
- c. All unhealthy and dead plant material shall be replaced in the earliest appropriate planting period.
- d. The landscape plan shall indicate all individuals or businesses that will be responsible for continued maintenance of the landscaping, including a method of contacting them.

## 9. Existing vegetation

- a. Where healthy plant material exists on a site prior to its development or redevelopment, variations from the landscape requirements may be approved to allow credit for the existing plant material if the adjustment is keeping with the intent of this Section.
- b. All existing live trees in excess of twelve (12) inches in diameter and at four and one half (4 ½) feet above the ground shall be preserved as much as practical.
- c. Should any tree required by this Ordinance to be preserved die, it shall be the responsibility of the owner/developer to replace the dead tree with two (2) trees for every one (1) tree lost.
- d. A means of protecting site trees against injury during construction or injury from mowing equipment and vehicles shall be provided.

D. Landscape Buffer Zones

1. Where landscape buffer zones are required:
  - a. A landscaped buffer of ten (10) feet wide measured from the property line and planted with evergreens or shrubbery shall be provided which maintains their density and screening effect throughout the calendar year.
  - b. Additional screening may be required by the Planning Commission, including additional buffer width, a wall, berm and/or fencing to prevent the creation of any nuisance, avoid annoyance by artificial lighting or incompatible activity.
2. Landscaping may be required to serve as windbreaks.
3. Berms and swales shall be constructed with slopes not to exceed a 1:3 gradient with side slopes designed and planted to prevent erosion. Slopes shall be protected with sod, seed, shrubs or other form of natural groundcover. Berms shall be sculpted to provide interest. Berms shall be no more than four (4) feet height and shall be a minimum of three (3) feet in width at the highest point of the berm.

E. Parking Lot Landscaping

1. All off-street parking areas shall provide the following landscaping within the parking lot (in above ground or sunken landscape islands, bump-outs near the perimeter of the parking lot, as boulevards, etc.):
  - a. One (1) deciduous shade tree shall be required for each ten (10) parking spaces, provided that in no case shall less than two (2) trees be provided.
  - b. Three (3) under story shrubs shall be required for each five ten (10) parking spaces.
  - c. Parking lot islands shall be at least ten (10) by sixteen (16) feet Sunken landscape islands with rolled curb and/or curbing with drainage gaps are encouraged to help hold storm water runoff.
2. When off-street parking and loading of a nonresidential use abuts a residential use or district, the parking lot and loading area shall be screened from the residential use or district by a solid, ornamental fence or masonry wall at least six (6) feet high. In lieu of a fence or wall, the Planning Commission may permit a sculpted berm and landscaping of a minimum of one (1) evergreen tree planted every fifteen (15) feet along the mutual property boundary.

F. Site Landscaping

1. Perimeter plantings shall be provided a rate of two (2) deciduous shade, ornamental, or evergreen trees for every ten (10) feet of road frontage; ten (10) shrubs per fifty (50) linear feet of property frontage and twenty perennials per fifty (50) linear feet of frontage. Plant materials shall be creatively and functionally dispersed around the perimeter of the property. Clustering and staggering of materials is recommended to maintain the rural character of the Township.
2. The required side and rear setbacks shall be landscaped to:
  - a. Define cross-connections between properties for both pedestrian and vehicles;
  - b. Define internal access ways for vehicles and pedestrians;
  - c. Provide shade and lawn areas for outdoor activities;
  - d. Provide appropriate outdoor amenities including seating, trash receptacles, etc., depending on the nature of the land use;

- e. Serve as windbreaks where warranted;
- f. To break up long expanses of building without windows.

G. Detention and Retention Ponds:

1. Plantings shall be provided a rate of one (1) deciduous shade or evergreen tree and ten (10) shrubs per fifty (50) linear feet of pond perimeter as measured along the top elevation of the pond bank.
2. To the extent possible, pond configuration shall be incorporated into the natural topography of the site. Where this is not practical, the pond shall be shaped to emulate a natural formed 'free form' depression and shall be part of the natural landscape and open space system of the site.
3. Plantings shall replicate a natural environment. Trees and shrubs shall be clustered around the basin and contain a variety of plant material.

H. Utility Buildings, Outdoor Equipment, Outdoor Storage and Waste Receptacles

1. For utility buildings, stations, and/or substations, screening shall be provided consisting of a six (6) foot high wall, berm or fence, except when all equipment is contained within a building or structure which is comparable in appearance to residential buildings in the surrounding area.
2. Any trash receptacle or trash storage area shall be contained within an enclosure which is at least six (6) feet in height, or the minimum height of the trash collection or storage receptacle. The location of the trash receptacle or storage area shall be approved by the Zoning Administrator, unless part of a site plan approval, which will be approved by the Planning Commission.
3. When located outside of a building, support equipment including air conditioning and heating devices, and water and gas meters, but not including plumbing or exhaust vents or chimneys, are to be screened to the height of the particular piece of equipment.
4. Outdoor open storage of any equipment, vehicles and materials, shall be screened from public right-of-way and residential uses or districts. Such storage shall not be located in the required front setback. Commercial uses do not need to screen from one another.

## SECTION 12.06 CHANGE OF LAND USE

- A. Change of use of an existing structure: When a commercial or office building has a change of use which does not require site plan review because there is no change in a building footprint or the increase in the parking requires less than 5 spaces, the new use shall comply with the following:
1. The previously approved site plan, should one exist.
  2. All maintenance-related standards of this Ordinance.
  3. Screening and landscaping requirements of this Ordinance.
  4. Sites that add more than ten (10) parking spaces or reconfigure access points and parking areas shall obtain site plan approval.



## CHAPTER 13 SPECIAL LAND USES

### SECTION 13.01 PURPOSE

Special Land Uses are those uses of land which are not essentially incompatible with uses permitted in a District, but possess characteristics or location qualities which require individual review and discretion in order to avoid incompatibility with the character of the surrounding area, public services and facilities, and adjacent uses of land. Protection of surrounding property values and compatibility with existing and intended uses of the land are important considerations. The purpose of this Chapter is to establish equitable procedures and criteria that shall be applied in the determination of requests to establish Special Land Uses. The criteria for decision and requirements provided for under the provisions of this Chapter shall be in addition to those required elsewhere in this Ordinance which is applicable to the Special Land Use under consideration.

### SECTION 13.02 APPLICATION AND REVIEW PROCEDURES

- A. An application for permission to establish a Special Land Use shall be submitted in accordance with the following procedures:
1. Applications for a Special Land Use shall be submitted to the Planning Commission through the Zoning Administrator. The Zoning Administrator will review the application for completeness and then transmit it to the Planning Commission. Applications not meeting the requirements shall be returned to the applicant for completion.
  2. An application for a Special Land Use shall consist of the following:
    - a. Twelve (12) copies of a Site Plan meeting the requirements of Chapter 11.
    - b. A completed application form, as provided by the Township.
    - c. Payment of a fee, in accordance with a fee schedule, as determined by the Township Board from time to time; to be paid when the application is determined complete and accepted by the Zoning Administrator.
    - d. A legal description of the entire property that is the subject of the Special Land Use.

- e. A statement with regard to compliance with the criteria required for approval in Section 13.03 A.1-5, and other specific criteria imposed by this Ordinance affecting the Special Land Use under consideration.
- f. Other materials as may be required by the Planning Commission or Township Board.

**B. Public Hearing**

1. Upon receipt of an application for a Special Land Use, the Planning Commission shall schedule a public hearing for the purpose of receiving comments relative to the Special Land Use application.
2. One (1) notice of the public hearing for a Special Land Use shall be published in a newspaper that circulates in the township not less than fifteen (15) days from the public hearing. Written notice must also be sent by mail or personal delivery to property owners and occupants of structures within three hundred (300) feet of the boundary of the property. One copy of the notice shall also be sent to the Township clerk. The notice shall include:
  - a. The nature and location of the request.
  - b. When and where the request shall be considered.
  - c. When and where the zoning ordinance, request and pertinent material may be examined.
  - d. When and where written comments shall be received concerning the request.
3. The application for a special land use permit shall be submitted at least thirty (30) days prior to the next regular Planning Commission meeting.
4. The Planning Commission shall submit its recommendation following the public hearing to the Township Board for final approval.
5. Upon the approval or approval with conditions by the Township Board, the applicant may apply for a building permit. When the conditions of approval require a revised site plan, it must be submitted and approved prior to the acceptance of a building permit application.

6. If denied by the Township Board, the reasons for such denial shall be stated in the minutes of the Township Board meeting and the applicant shall be provided a copy or a written explanation. The applicant may appeal the decision to the Zoning Board of Appeals, which must restrict their review to the Township Board record and use the same criteria as the Township Board as a basis for determination under this section.

### **SECTION 13.03 BASIS OF DETERMINATION**

Prior to approval of a Special Land Use application, the Township Board shall ensure that the standards specified in this Section, as well as applicable standards established elsewhere in this Ordinance, shall be satisfied by the completion and operation of the Special Land Use under consideration.

- A. The Township Board shall review the particular circumstances of the application under consideration in terms of the following standards, and shall approve a Special Land Use only upon a finding of compliance with each of the following standards, as well as applicable standards established elsewhere in this Ordinance:
  1. The Special Land Use shall be designed, constructed, operated and maintained in a manner harmonious with the character of adjacent property and the surrounding area.
  2. The Special Land Use shall not change the essential character of the surrounding area.
  3. The Special Land Use shall not be hazardous to adjacent property, or involve uses, activities, materials or equipment which will be detrimental to the health, safety or welfare of persons or property through the creation of hazardous or potentially hazardous situations or the excessive production of traffic, noise, odor, smoke, dust, fumes, glare or site drainage.
  4. The Special Land Use shall not place demands on public services and facilities in excess of current capacity.
  5. The Special Land Use shall be in general agreement with the Township Master Plan.
  6. The Special Land Use shall comply with all site plan review standards.
- B. The Township Board may impose conditions with the approval of a Special Land Use that are necessary to ensure compliance with the standards for approval stated in this Section and any other applicable standards contained in this

Ordinance. Such conditions shall be considered an integral part of the Special Land Use permit and shall be enforced by the Zoning Administrator.

- C. The Township Board may require a performance bond to be posted by the applicant or by some other reasonable surety to ensure that the special land use complies with the conditions of approval.
- D. If, after the establishment, the Special Land Use is found in noncompliance with the approval granted by the Township Board, the noncompliance shall be corrected in sixty (60) days to eliminate any problems as determined by the Township Board. If infractions are not corrected within the sixty (60) days, the provisions of Section 13.05 shall be initiated.

### **SECTION 13.04 APPROVAL TERM AND EXPIRATION**

- A. A Special Land Use, including conditions imposed, is attached to and shall run with the land for which the approval is granted, and shall be binding upon subsequent owners and all occupants of the subject land, and shall be recorded by the applicant with the Newaygo County Register of Deeds within ninety (90) days of approval and prior to the issuance of a zoning or building permit.
- B. A Special Land Use must be initiated within one (1) year from the date of approval, or the special land use permit shall be null and void. The Township Board may grant up to a one (1) year extension, with adequate explanation from the applicant, provided the approval has not been revoked as provided in Section 13.05, or the Special Land Use has been initiated, or construction necessary for such use has been initiated and is proceeding meaningfully toward completion.
- C. If, by the end of the one (1) year extension, one of the following exists, the Special Land Use shall be deemed expired and no longer valid, and any zoning or building permit issued shall be revoked:
  - 1. The Special Land Use has not been initiated.
  - 2. Construction necessary for the Special Land Use has not been initiated.
  - 3. Construction has been initiated but is not proceeding meaningfully toward completion.
- D. Reapplication for approval of an expired Special Land Use shall be considered in the same manner as the original application.

### **SECTION 13.05 REVOCATION OF SPECIAL LAND USE**

The Township Board may revoke any Special Land Use or take any other action allowed by law, if the applicant fails to comply with any of the applicable requirements in this Chapter, any conditions placed on the approval by the Township Board, or any other applicable provisions of this Ordinance. Prior to revoking a Special Land Use approval, the Township Board shall conduct a public hearing and give notice of such hearing in accordance with Section 13.02.B.

## **SECTION 13.06 SPECIFIC SPECIAL LAND USE STANDARDS**

The following Special Land Uses shall be subject to the requirements of the District in which they are located, in addition to all the applicable conditions, standards, and regulations as are cited in this Section. The following uses have such conditions, standards, or regulations:

- A. Agricultural service establishments
- B. Banquet hall, catering establishment
- C. Bed and Breakfast establishment
- D. Campgrounds, public or private
- E. Cemeteries (public and commercial)
- F. Commercial extraction and processing of topsoil, stone, rock, sand, gravel, lime or other soil or mineral resources
- G. Confined Feed lots, Intensive Livestock Operations and livestock holding facilities
- H. Commercial kennels
- I. Commercial mini-storage
- J. Contractors offices and storage yard
- K. Day care facility
- L. Drive through facility other than a restaurant
- M. Equine boarding stable and training facility
- N. Farm market
- O. Fraternal or Social Club
- P. Funeral homes and mortuary establishments
- Q. Golf course or country club
- R. Hotels and motels
- S. Libraries, museums, community centers, and similar uses that are owned and operated by a governmental agency or a noncommercial organization
- T. Municipal and public service activities
- U. Nursing or Convalescent Homes
- V. Open Space Cluster
- W. Outdoor recreation development
- X. Place of religious worship
- Y. Raising of fur-bearing animals or game birds
- Z. Recreation facility, indoor
- AA. Schools, elementary, middle and high school (public, private and parochial)

- BB. Sexually oriented businesses
- CC. Shooting, ranges
- DD. Solar Energy Systems
- EE. Veterinary clinics and hospitals
- FF. Wind Energy Conversion Systems
- GG. Wireless communication towers over 75 feet

**A. Agricultural service establishments**

1. Uses shall include, but are not limited to, commercial grain elevators for storage, drying and sales, bulk feed and fertilizer outlets and distribution centers, seed dealership outlets and distribution centers, crop truck and cartage facilities, production and processing operations and auctions for livestock.
2. Minimum lot size shall be ten (10) acres.
3. Minimum frontage shall be five hundred (500) feet.
4. Trucking, outside storage, loading and dock areas shall be fenced and screened, pursuant to the buffering landscaping requirements of Section 12.05 D.
5. No storage or loading activities shall be permitted within fifty (50) feet of any lot line.
6. All buildings shall be set back a minimum of seventy five (75) feet from any lot line.
7. All agricultural service activities shall be located at least 300 feet from any residential district and 100 feet from the property line of an abutting residential use or district.
8. The lot shall be located so at least one (1) side abuts an arterial or collector (county) road and all access shall be from that road.
9. Access to the site shall be located according to minimum spacing of access points from intersections and spacing from other access points along the same side of the public street.

**B. Banquet hall, catering establishment**

1. The establishment shall be located on property with direct access to an arterial or collector road.

2. Where the site abuts a Residential District, screening shall be provided along that property line. Grass, plant materials, and sight obscuring fences or walls, of a type approved by the Planning Commission, shall be placed within the buffer zone. The Planning Commission shall use Section 12.05 D when determining screening is needed.
3. The design is to be of a residential character and exterior materials are to be 50% or more wood, brick or masonry.
4. All parking areas and access drives shall be paved.
5. Parking shall be located to minimize negative impacts on adjacent properties.

**C. Bed and Breakfast Establishment**

1. The use shall only be established in a single-family dwelling.
2. The establishment shall contain the principal residence of the operator.
3. Interior design of the establishment must adhere to typical residential characteristics so that the dwelling unit retains its inherent single-family character.
4. Meals shall be served only to the operator's family, employees, and overnight guests.
5. All guest rooms must have interior access to common areas (e.g., dining sitting, restrooms, etc.)
6. Parking shall be located to minimize negative impacts on adjacent properties.
7. The number of guest rooms in the establishment shall not exceed five (5), plus one (1) additional guest room for each ten thousand (10,000) square feet of lot area, or fraction thereof, in excess of one (1) acre of lot area, not to exceed a maximum of nine (9) guest rooms in any case.
8. Exterior refuse storage facilities beyond what is normally expected for a single-family dwelling shall not be located in any front yard and shall be properly fenced in or screened from view on three sides.

9. Signs for bed and breakfast establishments shall be limited to one (1) ground sign, or one (1) wall sign. A ground sign shall not exceed eight (8) square feet in size, or six (6) feet in height, and must be set back at least five (5) feet from all property lines. A wall sign shall not exceed five (5) percent of the wall area to which it is attached. Neither sign may be illuminated.

**D. Campgrounds, public or private**

1. Campsites shall not be located within one hundred (100) feet of any property line.
2. Minimum lot area shall be ten (10) acres.
3. Retail commercial uses may be permitted within the campground provided that the following requirements are met:
  - a. All commercial uses allowed shall occupy no more than two thousand (2,000) square feet.
  - b. No merchandise for display, sale or lease shall be located in any manner outside the main building, except for those specific items approved by the Planning Commission.
  - c. All commercial uses shall be setback two hundred (200) feet from any property line.
4. Each campsite shall have a minimum area of 1,500 square feet.
5. Common area shall be provided at the ratio of one thousand (1,000) square feet for each campsite.
6. Driveways and parking areas shall be at least fifty (50) feet from any adjacent property line.

**E. Cemeteries (public and commercial)**

1. Minimum lot area shall be five (5) acres and there shall be a minimum frontage of two hundred (200) feet.
2. The use shall be located on property with direct access to a public road.

3. Gravesites shall be setback a minimum of fifty (50) feet from the property line of any residential district or use.
4. Buildings, including buildings for storage of equipment, shall be set back one hundred (100) feet from the property line of any abutting residential district or use.
5. Driveways and parking areas shall be at least fifty (50) feet from any adjacent property line.
6. Newaygo County Health Department approval is required prior to final site plan approval.

**F. Commercial extraction and processing of topsoil, stone, rock, sand, gravel, lime or other soil or mineral resources**

1. In addition to the information required for site plan review, the application for Commercial Extraction and Processing of Soil, Sand, Gravel, or Other Mineral Resources, shall include the following:
  - a. A written legal description of all of the lands proposed for the use.
  - b. Twelve (12) copies of a plan for mineral removal, drawn and sealed by a registered civil engineer, and including the following, at a minimum:
    - i. A north arrow, scale, and date;
    - ii. Shading indicating the extent of land area on which mineral removal operations and activities will take place;
    - iii. The location, width, and grade of all easements or rights-of-way on or abutting the lands;
    - iv. The location and nature of all structures on the lands;
    - v. The location and direction of all water courses and flood control channels that may be affected by the mineral removal operations;

- vi. Existing elevations of the lands at intervals of not more than five (5) feet;
  - vii. Typical cross sections showing the estimated extent of overburden, and estimated extent of mineral material location in, or on the lands, and the water table;
  - viii. Mineral processing and storage areas (including crushing, washing, asphalt plants, etc.);
  - ix. Proposed fencing, gates, parking areas, and signs;
  - x. Roads for ingress to, and egress from the lands, including on-site roads, other areas to be used for movement of vehicles and a description of the proposed measures to limit dust generated by mineral removal activities and movement of vehicles;
  - xi. A map showing access routes between the subject lands and the nearest (County) paved arterial or collector road;
  - xii. Areas to be used for ponding;
  - xiii. Proposed method of managing overburden (e.g., seeding, grading, erosion and sedimentation control, etc.); and
  - xiv. The area anticipated to be mined in a five (5) year timeframe. Extraction operations encompassing more area than the initial 5-year estimate shall have a separate approval process.
- c. A narrative description and explanation of the proposed extraction operations and activities, including:
- i. The date of commencement.
  - ii. Proposed hours and days of operation.
  - iii. Estimate of type and quantity of mineral materials to be removed.

- iv. Description of extraction and processing methods, including dewatering, proposed equipment and the noise rating of each type thereof.
  - v. A summary of the procedures and practices that will be used to ensure compliance with the conditions of this subsection.
  - vi. Description of size of trucks and daily volume of traffic entering and leaving the site, and on-site circulation pattern.
- d. A site rehabilitation plan including the following:
- i. A written description of planned site rehabilitation and enduse(s), including potential methods of accomplishment.
  - ii. A phasing plan, if the excavation of the site is to be accomplished in phases. This plan shall indicate the area and extent of each phase and the approximate timing of each phase.
  - iii. A plan showing:
    - (A) Final grades of the lands as rehabilitated, at contour intervals not exceeding five (5) feet;
    - (B) Water courses, ponds, or lakes, if any;
    - (C) Landscaping and plantings;
    - (D) Areas of cut and fill; and
    - (E) All of the components of the proposed end-use(s);
- e. A description of the proposed methods or features that will ensure that the end-use is feasible, and can comply with all applicable requirements of this Ordinance.
- f. Each site rehabilitation plan shall be reviewed by the Planning Commission and shall comply with all of the following standards and requirements:
- i. Topsoil shall be replaced on the site to a depth of not less than six (6) inches, except where the end-use activities or

- features do not involve the planting of lawns or growing of vegetation.
- ii. Slopes shall be graded and stabilized to such extent as will accommodate the proposed end-use. Final slopes shall have a ratio of not more than one (1) foot of elevation to three (3) feet of horizontal distance.
  - iii. The plan shall indicate the phasing of site rehabilitation, if the same is to take place in phases, and if so, topsoil shall be replaced and slopes shall be graded and stabilized before mineral removal operations or activities are commenced in another area of the site.
  - iv. Plantings of grass, shrubs, trees, and other vegetation shall be made so as to maximize erosion protection, screen less attractive areas of end-uses, and enhance the beauty of the site as rehabilitated.
  - v. No machinery shall be erected or maintained within one hundred (100) feet of any exterior property line. No cut or excavation shall be made closer than fifty (50) feet to any road right-of-way line or property line in order to ensure subterranean support to surrounding property. The Planning Commission may require greater distances for the location of machinery, storage or parking of equipment, or limits of excavation where the site is located within two hundred (200) feet of any Residential district or use. Measure shall be taken to minimize noise from equipment including but not limited to generators.
  - vi. No business buildings or structures of a permanent nature shall be erected, except when such building is a permitted use within the district in which the excavation pit is located.
2. The Planning Commission shall request that the Newaygo County Road Commission recommend routes for truck movement to and from the site in order to minimize the wear on public roads, and to prevent hazards and damage to properties in the community. Access roads within the area of operation shall be provided with a dustless surface and the entry road shall be hard surfaced for a distance established by the Planning Commission to minimize dust, mud, and debris being carried onto the public road. Portions of driveways or roadways may be required to be paved to minimize nuisance dust.

3. Proper measures shall be taken to minimize the nuisance of noise and flying dust or rock. Such measures may include, when considered necessary, limitations upon stockpiling techniques of excavated material upon the site.
4. Mineral resource extraction operations shall not operate prior to 7:00 a.m. or after 6:00 p.m., Monday through Friday. Saturday operations shall not operate prior to 8:00 a.m. or after 5:00 p.m. Operations shall not operate any time on Sundays or holidays. Crushing operations shall receive separate scheduled approval.
5. Access to the site shall be located according to County and/or State requirements as applicable.
6. The Planning Commission may request studies regarding dewatering processes to ensure that groundwater resources are not unreasonably disrupted by the operation.
7. The Planning Commission may require compliance with such other conditions as may be necessary to ensure compliance with the terms of this subsection. Such conditions may include, though need not be limited to, weed control, erosion and sedimentation control, fencing and visual screening including berms, requirements for groundwater monitoring wells, preservation of trees and other vegetation, and fuel loading and storage requirements.
8. An applicant for a permit shall submit a performance bond in accordance with the requirements of this Ordinance, naming Bridgeton Township as the insured party, and conditioned upon the timely and faithful performance by the applicant of all of the terms and conditions of the permit. The bond shall have such other terms and shall be in such amount as is recommended by the Zoning Administrator as reasonably necessary to ensure compliance with all of the terms and conditions of this subsection and the permit.
  - a. The performance bond shall not be refunded, reduced, or transferred until the mineral removal operations and activities, land reclamation or restoration, and all other required activities have received final inspection by the Zoning Administrator.
  - b. The timely and faithful compliance with all of the provisions of the performance bond shall be a condition of any mineral removal operations. In the absence of any such compliance with the terms

of the performance bond, or if the special use is revoked, expires, or is not renewed, the Planning Commission need not approve the renewal of any permit, even if the applicant has otherwise complied with all other terms and provisions of the current permit.

9. All owners/operators of property involved in mineral resource extraction operations shall be required to carry personal injury and property damage insurance while any unreclaimed or unrehabilitated area exists, in the amount of not less than \$1,000,000 for each person or property injured or damaged and not less than \$300,000 for injury or damage to more than one person or one person's property arising out of one occurrence. Such insurance shall cover injury or damage occurring upon the site of the operations as well as upon properties adjoining thereto, as a result of conditions or activities existing upon the site. A copy of the policy shall be submitted annually with the Township Clerk.
10. To insure compliance with the permit, the Zoning Administrator shall conduct periodic inspections and shall file a written annual report to the Planning Commission. The operator shall be required to pay an annual fee to cover the cost of inspections and additional meetings of the Planning Commission.

**G. Confined Feedlots and Livestock Holding Facilities**

1. Minimum lot size shall be forty (40) acres.
2. Confined feedlots shall adhere to the generally accepted agricultural management practices (GAAMPS) promulgated by the State Department of Agriculture with respect to buffer areas, manure management, odor management, etc.

**H. Commercial kennels**

1. The minimum lot size shall be five (5) acres for the first ten (10) animals, plus one (1) additional acre for each additional five (5) animals.
2. All buildings or areas in which the animals are kept or exercised shall be set back a minimum of 100 feet from any adjoining property.
3. A screened/landscaped area shall be provided between all buildings or areas in which the animals are kept or exercised, and any adjacent residential use or district.
4. Animal waste shall be managed to prevent odors and other nuisances.

5. A kennel permit shall be obtained from the Newaygo County Animal Control Department.

**I. Commercial mini-storage**

1. The use shall be developed on lots of at least two (2) acres, but not more than five (5) acres in size. No more than sixty percent (60%) of the lot may be used for buildings, parking lots and access.
2. The lot shall abut and gain access from a paved road.
3. Access to the site shall be located according to County and/or State requirements as applicable.
4. A six (6) foot, solid fence may be required by the Planning Commission if natural screening of storage areas is not present.
5. The front yard, up to the fence, shall be landscaped in accordance with Section 12.05.
6. Outdoor storage of boats and recreational vehicles is permitted provided the storage area is properly screened.
7. Minimum side and rear yards as specified for the District shall be maintained.
8. There shall be a minimum of thirty-five (35) feet between storage facilities for driveway, parking, and fire lane purposes. Where no parking is provided within the building separation areas, the building separation need only be twenty-five (25) feet.
9. Traffic direction and parking shall be designated by signs or painting.
10. The lot area used for parking shall be provided with a paved surface and shall be drained so as to dispose of all surface water.
11. Where the site abuts a Residential District, screening that complies with Section 12.05 D shall be provided along that property line.

**J. Contractors office and outdoor storage area**

1. Outdoor storage shall be screened from any adjacent residential use or district with a six (6) foot stockade fence.

2. Storage shall be limited to materials used by the contractor.
3. Access to the site shall be located according to County and/or State requirements as applicable.

**K. Day care center**

1. Facilities shall be located with direct access to a paved public road.
2. A facility shall not operate between the hours of 10:00 p.m. and 6:00 a.m. unless the main building and any play area are separated from any residence by more than three hundred (300) feet.
3. Playground equipment shall not be located in front or side yard. All outdoor play areas shall be enclosed with fencing, a minimum of four (4) feet high or as required by the State of Michigan.
5. An off-street drop-off area is to be provided with the capability to accommodate at least four (4) vehicles in addition to the parking normally required for employees.
6. Activities associated with childcare shall not be permitted in any accessory building, structure, or attached or detached garage other than the main building.
7. There shall be provided on the site a useable outdoor area at the rate of at least sixty-six (66) square feet for each child, or as required by the State of Michigan.

**L. Drive through facility other than a restaurant**

1. Sufficient stacking capacity for the drive-through portion of the operation shall be provided to ensure that traffic does not extend into the public right-of-way nor does it interfere with internal circulation of vehicles. A minimum of five (5) stacking spaces for each service station shall be provided.

2. The parking and maneuvering areas of the site shall be fenced and screened from the view of any abutting Residential District or use by a decorative fence or wall, or a landscaped equivalent.
3. Outdoor speakers for the drive through facility shall be located in a way that minimizes sound transmission toward adjacent property.
4. Access to the site shall be located according to County and/or State requirements as applicable.

**M. Equine boarding stable or training facility**

1. All lots shall have a minimum of three (3) acres for the first horse with one half (1/2) additional acre per each additional horse, not applicable to young equines below weaning age or six (6) months of age, whichever is greater.
2. Animal holding areas shall be a minimum of seventy-five (75) feet from an exterior property line or the ordinary high water mark of surface water.
3. Fencing shall be constructed of materials with the appropriate structural strength to restrain the animals.
4. All areas used as arenas for exercising, training, or exhibition of animals shall be maintained in a dust-free manner by an approved and acceptable means for the prevention of detrimental and nuisance effects of dust emission to surrounding properties,
5. The keeping and maintenance of horses, as provided for in this Section, shall comply with all regulations and provisions of the health and sanitation laws of the County and State. All premises and facilities upon which animals are permitted to be kept shall be maintained in a clean, orderly and sanitary condition at all times. All manure shall be removed or spread so as not to constitute a nuisance and in accord with Michigan Department of Agriculture and State and County Health Department regulations. All premises and facilities shall be treated with biologically, ecologically and environmentally approved pesticides for the control of odors, insects and rodents, which in any way can be considered a clear and present nuisance or detriment to the health safety, comfort and welfare of the general public.
6. Parking shall be provided at a minimum of one (1) parking space per two (2) animals, based on the number of horse stalls or maximum number of horses that can be accommodated in the stables.

7. Enclosed riding arenas associated with commercial equine establishments shall not exceed ten thousand (10,000) square feet in GFA on a minimum of ten (10) acre site, except that an additional one thousand five hundred (1,500) square feet of floor area may be permitted for each additional full acre in a lot area. No living quarters shall be located in any arena building or boarding stable.

**N. Farm market**

1. Minimum lot size shall be five (5) acres.
2. Farm market activities may include entertainment functions associated with the farm including, but not necessarily limited to, cider processing, corn maize, donut making, pumpkin carving, hayrides, apple dunking, and Christmas tree cutting.
3. No activity or structure shall be located within fifty (50) feet of the public road right-of-way.
4. All parking shall be out of the public right of way. A minimum of ten (10) parking spaces shall be provided for the market. Facilities providing entertainment functions shall provide a minimum of fifty (50) spaces for off-street parking.
5. The access drive shall be wide enough to accommodate two vehicles side-by-side. Two access drives may be required by the Township where a facility is large enough to need additional access points.
6. Access to the site shall be located according to County and/or State requirements as applicable.
7. Suitable containers for rubbish shall be placed on the premises for public use.
8. Storage structures shall be permitted.
9. Farm markets shall be located no closer than two hundred (200) feet from any lot line that abuts a residential zone.
10. Hours of operation shall be limited to between the hours of 7:00 a.m. and 10:00 p.m.

**O. Fraternal or Social Club**

1. The site shall be a minimum of two (2) acres and shall have at least one (1) property line abutting an arterial or collector street.
2. All vehicular ingress and egress to the site shall be directly from a public thoroughfare, unless otherwise approved by the Planning Commission.
3. Access to the site shall be located according to County and/or State requirements as applicable.
4. Where the site abuts a Residential District, a buffer zone shall be provided along that property line. Grass, plant materials, and sight-obscuring fences or walls, of a type approved by the Planning Commission, shall be placed within the buffer zone compliance with section 12.05 D of the ordinance.

**P. Funeral homes and mortuary establishments**

1. Minimum lot area shall be two (2) acres and minimum lot width shall be one hundred and fifty (150) feet.
2. An off-street vehicle staging area shall be provided to accommodate funeral processions and activities. This area shall be in addition to the required off-street parking and its related maneuvering area.
3. No waiting lines of vehicles shall extend off-site or onto any public road.
4. Driveways and parking areas shall be at least fifty (50) feet from any adjacent property line.
5. Access to the site shall be located according to County and/or State requirements as applicable.

**Q. Golf course or country club**

1. The parcel shall be a minimum of forty (40) acres.
2. The site plan shall indicate the location of service roads, entrances, driveways and parking areas and shall be designed in relationship to the public road or street to ensure pedestrian and vehicular traffic safety.
3. Development features shall be shown on the site plan; including the main and accessory buildings, structures and parking areas and these areas shall be located to minimize adverse effects upon adjacent property.

4. Buildings and parking areas shall not be less than one hundred (100) feet from any property line or abutting Residential District or use, unless existing topographic conditions would provide additional screening. In this case the Planning Commission may reduce the required setback to no less than fifty (50) feet.
5. Whenever a swimming pool is to be provided, it shall be located at least one hundred (100) feet from abutting Residential District and shall be provided with a protective fence six (6) feet in height and entry shall be by means of a controlled gate.
6. The minimum site area for tennis, or other racket sport shall be two (2) acres and the courts shall be located at least one hundred (100) feet from abutting Residential District or use.
7. Where the site abuts a Residential District, screening shall be provided along that property line. Grass, plant materials, and sight obscuring fences or walls, of a type approved by the Planning Commission, shall be placed within the buffer strip. The Planning Commission shall use Section 12.05 D when determining screening is needed.
8. A fifty (50) foot minimum natural vegetation strip between turf areas and natural water bodies, watercourses or wetlands must be maintained. The natural vegetation strip shall not be chemically treated.
9. The outdoor storage of trash or rubbish shall be screened in accordance with the screening requirements of Chapter 12.
10. Accessory uses may include; clubhouse/pro shop, managerial facilities, maintenance shed, toilets, lockers, restaurant and bar, driving range, tennis, racket sport, and swimming facilities.
11. Major accessory uses such as a restaurant shall be housed in a single building with the clubhouse. Minor accessory uses strictly related to the operation of the golf course itself, such as maintenance garage and pro shop or golf shop may be located in separate structures.
12. The clubhouse design is to be of a residential character and exterior materials are to be primarily wood or brick.
13. No building shall be erected to a height greater than that permitted in the district in which it is located.

14. The total lot area covered with principal and accessory buildings shall not exceed fifteen percent (15%).
15. All parking areas and access drives shall be paved.
16. No outdoor loudspeaker or call system shall be audible on adjoining property.
17. No dwelling units shall be provided on the premises except for living quarters for a resident manager, watchman or caretaker. Those living quarters, if any, shall be constructed as part of the main building or as an accessory use near the entry to the course.
18. 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.
19. A minimum of two (2) satellite restrooms or other acceptable facilities are required for each nine (9) holes. The facilities are to be located away from lot lines and painted or finished in an earth tone color. Such facilities shall be approved by the Newaygo County Health Department.
20. Golf courses shall retain and preserve native vegetation over at least thirty percent (30%) of the total upland area of the course to reduce water demand, excessive soil erosion and heavy nutrient run off.
21. Water quality protective measures are required as follows:
  - a. Maintenance of erosion control barriers during construction and until all ground cover is established.
  - b. To the extent feasible, runoff must be directed to on-site holding/sedimentation ponds with a water quality control structure installed at the outlet prior to water discharge from the premises.
  - c. Areas in proximity to fuel and chemical storage areas shall be designed to direct all runoff to an on site ponding area.
  - d. A chemical storage area must be designated within an accessory building.

- e. The area must provide secondary containment to prevent the spread of spills.
  - f. All herbicide, insecticide, fungicide and rodenticide chemicals must be stored in a locked enclosure.
  - g. An inventory manifest of stored chemicals must be posted at the entrance of the building housing them.
  - h. 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.
  - i. All chemical applications must be by a Michigan Department of Agriculture Licensed Applicator.
  - j. 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.
22. In order to ensure that the site can be restored to prior conditions should golf course construction not be completed, the Township may require posting of a performance guarantee or other acceptable security.

**R. Hotels and motels**

- 1. Minimum lot area shall be four (4) acres and minimum lot width shall be two hundred (200) feet.
- 2. Parking areas shall have a minimum front yard setback of twenty (20) feet and side and rear yard setbacks of ten (10) feet.
- 3. Ingress and egress shall be from a paved (primary) arterial or collector road.
- 4. Minimum floor area of each guest unit shall be two hundred and fifty (250) square feet.
- 5. Maximum building height shall not exceed the height limits of the district.

**S. Libraries, museums, community centers, and similar uses that are owned and operated by a governmental agency or a noncommercial organization**

1. The proposed site shall front upon, and all ingress and egress shall be from an arterial or collector road.
2. Unless greater setbacks are required by the District in which the use is located, buildings and structures shall be set back at least fifty (50) feet from the front lot line and, twenty-five (25) feet from the side and rear lot lines.

**T. Municipal and public service activities**

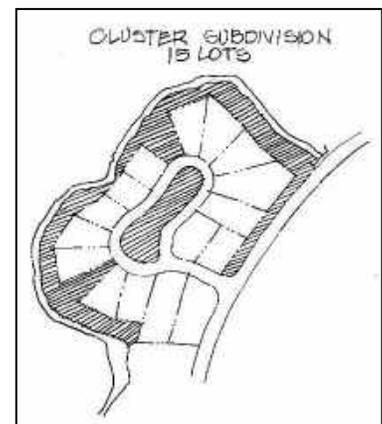
1. The proposed site shall front upon, and all ingress and egress shall be from an arterial or collector road.
2. Unless greater setbacks are required by the District in which the use is located, buildings and structures shall be set back at least fifty (50) feet from the front lot line and, twenty-five (25) feet from the side and rear lot lines.

**U. Nursing or convalescent home**

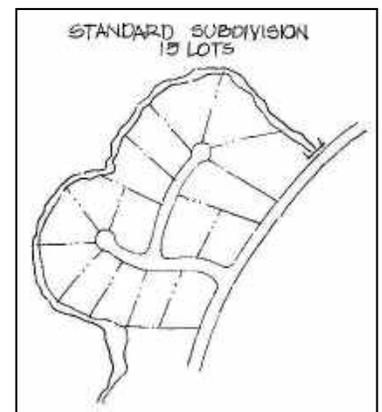
1. Minimum lot size shall be three (3) acres with at least two hundred (200) feet of frontage.
2. The lot location shall be such that at least one (1) property line abuts an arterial or collector street. The ingress and egress for off-street parking areas for guests and patients shall be directly from that thoroughfare.
3. Main and accessory buildings shall be set back at least seventy-five (75) feet from all property lines.
4. The facility shall be designed to provide a minimum of two hundred (200) square feet of open space for every bed used or intended bed to be used. This open space shall include landscaping and may include off-street parking, driveways, required yard setbacks and accessory uses.
5. Access to the site shall be located according to County and/or State requirements as applicable.

## V. Open Space (Cluster) Development

1. The purpose of the Open Space PUD is to promote the continuation of a rural land use character, protection of environmental resources, and preservation of active agricultural lands through clustering dwelling units rather than laying them out along public roads or in a grid or curvilinear pattern found in many traditional subdivisions. The objective is to provide a sense of rural character for the residents of the individual developments affected by these regulations as well as the Township as a whole. These regulations are also intended to foster the preservation of significant natural features, large open spaces, or active agricultural land that would otherwise be altered from their natural or undeveloped condition.
2. Minimum lot size shall be forty (40) acres.
3. Minimum open space shall be fifty (50%).
4. All dwelling units shall be single-family detached housing.
5. The open space cluster may include agricultural crops, golf courses, churches, and stables. In no case, however, shall a golf course be considered part of the required open space. The list of allowed uses shall be established in the special land use permit.
6. The maximum base density and number of dwelling units permitted in the open space cluster shall be determined through the submission of a parallel plan showing the number of dwelling units that may be developed under the existing zoning classification. The Planning Commission may require additional detail or information as it may determine necessary to evaluate the feasibility of the parallel plan. The parallel plan shall meet the following minimum requirements:
  - a. The parallel plan shall contain enough detail to permit the Township to evaluate the feasibility of development for each lot.



Sample comparison;  
Cluster vs. traditional

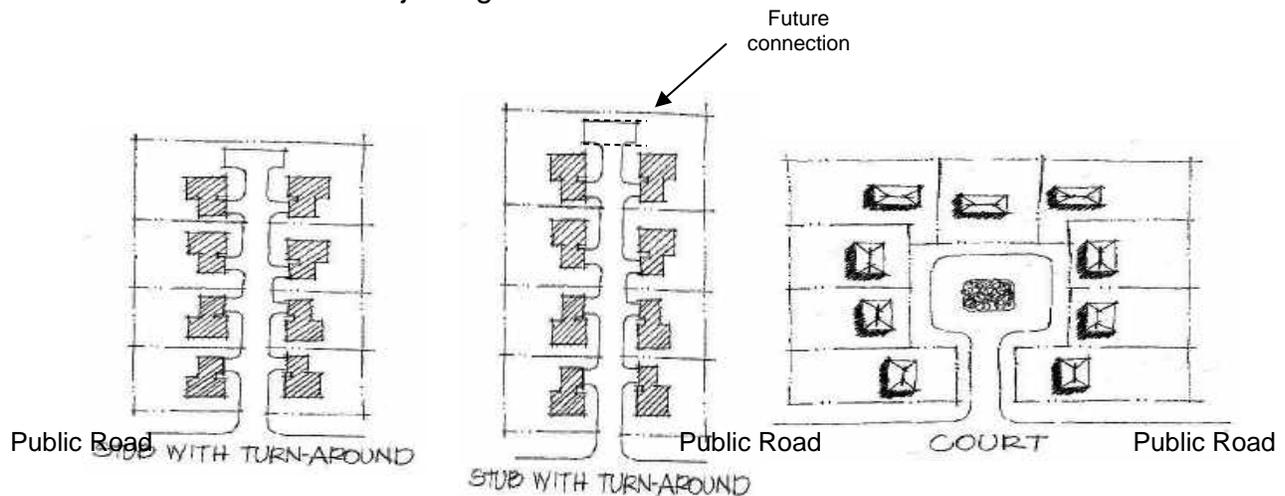


- b. All lots or buildings shown on the parallel plan shall be located on buildable lots, which, for the purposes of this Section shall mean lots that are of sufficient size and shape to meet existing zoning requirements and accommodate a principal building, septic and well systems (where no public sanitary sewer or water system is to be used), and required streets and driveways.
- c. Areas of wetlands, stormwater control, water bodies, and other unbuildable areas shall not be included within buildable areas, but may be included in the lot area calculations.
- d. In evaluating the feasibility of the parallel plan, the Planning Commission shall consider whether or not the plan would have been approved under the processes normally used to review site plans or subdivision plans, including such factors as access, lot orientation, street layout, and other considerations the Planning Commission deems appropriate.
- e. The Township Board, after recommendation by the Planning Commission, may authorize bonus densities in accordance with the table below for additional amenities provided by the developer of an open space cluster. In no case shall the density bonus total more than thirty percent (30%) of the density determined by the parallel plan.

Amenities provided	Additional lots permitted
Preservation of wetlands	5%
10% Additional open space provided	5%
20% Additional common waterfront frontage provided	5%
Trails throughout the development and a playground provided	10%
Wildlife habitat augmented (per Soil Conservation Service Standards)	5%

- 7. Design Standards:
  - a. Cluster areas shall be designed to avoid a suburban subdivision appearance. Generally, neighborhood clusters should range from 10-15 units per cluster for smaller developments (up to 50 total

- units) and 15-20 units for larger developments (50 or more total units).
- b. Visual screening of dwellings from off-site street networks and open space preservation development boundaries shall be accomplished through the siting of residences, maximizing existing screens, and providing new natural screens and/or open space buffers where appropriate.
  - c. Dead-end or cul-de-sac streets serving the development are discouraged. Eyebrow, court, or stub streets are preferred (see graphic next page).
8. Entryways to open space clusters shall be designed consistent with the rural, natural character of the surrounding area and shall consist of natural vegetation rather than groomed, landscaped areas.
  9. Where adjoining areas are not subdivided, the arrangement of streets within the proposed open space community shall be extended to the boundary line of the project to make provision for the future projection of streets into adjoining areas.



10. Where practical, street systems shall be designed so that their curvature or alignment produces 'terminal vistas' (the landscape element that is visible at the end of a street, or along the outside edge of a curve, where the view is focused or ends). The terminal vista shall consist of open space elements, such as water features, meadows, or playing fields. This may commonly occur at the terminus of street intersections or where there are driveways provided on only one side of the road.
11. Open space shall meet the standards of Section 9.06.

## 12. Development Setback

- a. Any proposed building lot shall be located at least two hundred (200) feet from any previously existing public street right-of-way.
- b. No native or natural vegetation shall be removed from the (200) foot setback, nor may any grading or changes in topography occur, except that necessary for entrance roads, required utilities, or drainage improvements. The Planning Commission may modify this requirement provided the applicant demonstrates that the clearing of existing vegetation would contribute significantly to the purpose and objectives of the open space cluster.
- c. Upon recommendation by the Planning Commission, the Township Board may reduce this setback to not less than one hundred (100) feet if existing landscaping or topography provides a natural screen that substantially blocks the view to the proposed development.
- d. Upon recommendation by the Planning Commission, the Township Board may require a landscape plan for the development setback area showing additional landscaping to enhance the screening of the open space cluster from the adjacent street. This landscaping may consist of existing vegetation, land forms, or landscaped areas using native or natural materials, or a combination thereof.
- e. Open space cluster sites abutting more than one (1) public street shall be permitted to reduce the setback on the shortest side of the abutting streets to one hundred (100) feet without a natural screen. No native or significant vegetation shall be removed from the one hundred (100) foot setback, nor any grading or changes in topography occur, except that as may be necessary for entrance roads or utilities.

## W. Outdoor recreation development

1. The minimum lot size shall be ten (10) acres.
2. All access shall be from a road that meets or exceeds County road specifications.
3. Access to the site shall be located according to County and/or State requirements as applicable.

4. Entry drives and parking areas shall be a minimum of one hundred (100) feet from adjacent property lines.
5. All main and accessory buildings shall maintain a separation of at least two hundred (200) feet from any residential dwelling located on adjacent property.
6. Maximum building coverage shall be twenty-five percent (25%).
7. Any outdoor recreation development located within five hundred (500) feet of any adjacent dwelling shall not be open later than 10:00 p.m.
8. The Planning Commission may require the entire premises to be surrounded by a six (6) foot fence at or near the property lines.
9. A landscaped area of at least twenty five (25) feet in width shall be maintained around the periphery of the property. Screening that complies with the landscaping provisions of Chapter 12 shall be provided adjacent to a residential use or districts.

**X. Place of religious worship**

1. Religious institutions shall be located on a minimum lot size of two (2) acres; plus an additional fifteen thousand (15,000) square feet for each one hundred (100) seating capacity or fraction thereof in excess of one hundred (100) and have direct access to a paved county primary road.
2. The main and accessory buildings and structures shall not be located within fifty (50) feet of the property line of any residential use or district.

**Y. Raising of fur-bearing animals or game birds**

1. Minimum lot size shall be ten (10) acres.
2. Minimum setback of one hundred (100) feet from any property line is required for the area used for breeding, rearing, selling, and housing the animals or birds.
3. Fencing will be required commensurate with that required to obtain a "Permit to Hold Wildlife in Captivity" permit from the Michigan Department of Natural Resources.
4. Hunting of animals or birds for sport or profit may be permitted in designated areas subject to State laws pertaining to separation distances required between hunting areas and residential structures.

5. Animal waste shall be disposed of in safe manner, as recommended by the Health Department. Such disposal shall not constitute a hazard to adjacent property owners.

**Z. Recreational facility (indoor)**

1. The site shall be located on a major thoroughfare with a minimum of two hundred (200) feet of frontage.
2. No building shall be located within fifty (50) feet of a lot line of adjoining residentially zoned property.
3. Landscaping shall conform to the requirements of Chapter 12 for buffer zones and parking areas.
4. All off-street parking areas shall be illuminated during all hours of operation, and until one hour after the business closes.
5. Sites shall be regularly cleared of debris so that litter does not accumulate on adjacent properties.

**AA. Schools, elementary, middle and high school (non-public)**

1. Such uses shall require a minimum lot size of ten (10) acres, except for parks and playgrounds, which shall meet the minimum lot requirement of the District in which they are located.
2. The principal and accessory buildings and structures shall not be located within fifty (50) feet of any residential use or district.
3. All stadium and all other exterior sports arena luminaries used for the purpose of illumination of the playing area are extinguished by 10:00 p.m. or immediately after the conclusion of the final event of the day. The remainder of the facility lighting, except for reasons of security, is extinguished at 10:00 p.m. or within one hour after the event, whichever is later, and remains extinguished until one hour prior to the commencement of the next event.

**BB. Sexually oriented businesses**

1. In the development and execution of this subsection, it is recognized that there are some uses that, because of their very nature, have serious objectionable operational characteristics, particularly when several of them

are concentrated under certain circumstances or when one or more of them is located in proximity to a Residential District, thereby having a deleterious effect upon the adjacent areas. Special regulation of these uses is necessary to insure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. These special regulations are itemized in this subsection. These controls are for preventing a concentration of these uses within any one area, or to prevent deterioration or blighting of a nearby residential neighborhood. These controls do not legitimize activities prohibited in other sections of the Zoning Ordinance.

2. Any sexually-oriented business use is permitted if:
  - a. The proposed use is not an accessory or incidental use and it is located within a zone district where the use may be permitted as a Special Land Use.
  - b. The use is not located within a 1,000 foot radius of a residential use or district, or regular place of worship, a public or private nursery school, preschool, kindergarten, elementary or secondary school, public park or a licensed child care center.
  - c. The use shall not be within a five hundred (500) foot radius of another such use. Separation distances between sexually oriented businesses may be waived by the Planning Commission if the following findings are made:
    - i. That the proposed use will not be contrary to the public interest or injurious to nearby properties, and that the spirit and intent of this subsection will be observed.
    - ii. That the proposed use will not enlarge or encourage the development of a blighted or deteriorating area in its immediate surroundings.
    - iii. That the establishment of a regulated use, or an additional regulated use, in the area will not be contrary to any program of neighborhood conservation.
    - iv. That all applicable state laws and local ordinances will be observed.
3. Prior to the granting of any waiver as herein provided, the Planning Commission may impose any conditions or limitations upon the

- establishment, location, construction, maintenance, or operation of the regulated use as may be, in its judgment, necessary for the protection of the public interest. Evidence and guarantees may be required such that the conditions stipulated in connection with the use will be fulfilled.
4. For purposes of this subsection, the separation between a sexually oriented business and a use listed in this subsection shall be measured from the sexually oriented business to the boundary line of the use or district in which the other use is located and the separation distance between a sexually oriented business and another sexually oriented business shall be measured from the sexually oriented businesses' lot line to the other sexually oriented businesses' lot line.
  5. If any portion of the building or structure in which the sexually oriented business is located fails to meet the separation distance requirements of this subsection, then the entire building or structure shall be ineligible for a sexually oriented business use.
  6. The presence or existence of a city, township, county, or other political subdivision boundary shall be irrelevant for the purposes of calculating and applying the separation distance requirements of this subsection.
  7. A sexually oriented business lawfully operating is not rendered a nonconforming use by the location, subsequent to the location or grant or renewal of the sexually oriented business, of a regular place of worship, a public or private nursery school, preschool, kindergarten, elementary or secondary school, a public park, a licensed child care center, any entertainment business that is oriented primarily toward children or family entertainment, or another sexually oriented business.
  8. Parking spaces shall be provided at the ratio of one (1) space per person permitted by the maximum occupancy load established by fire, health, or building codes.
  9. Parking shall be provided in front of the building.
  10. No sexually oriented business shall remain open at any time between the hours of 11:00 p.m. and 10:00 a.m. and no such use shall be open on Sundays.
  11. No alcohol shall be served at any sexually oriented business.

12. No sexually oriented business use shall permit any person under the age of eighteen (18) years to enter the premises. Signs shall be conspicuously posted noting that minors are not allowed.
13. All parking areas and the building shall be well lit to ensure the safety and security of patrons. These areas shall remain lighted for one (1) hour after closing each night.
14. The activities to be conducted or the materials to be distributed shall not be in violation of any applicable statute, code or ordinance.

#### **CC. Shooting Ranges**

1. Minimum lot area shall be forty (40) acres.
2. A minimum setback of two hundred and fifty (250) feet from all lot lines shall be maintained. No shooting activities shall take place in this setback.
3. Hours of operation shall not begin before 10:00 a.m. nor end later than 9:00 p.m. for outdoor ranges.
4. The use shall not be located any closer than one quarter (1/4) mile from any residential use or district, church or school.
5. Rifle and pistol ranges shall have a sufficient backstop to prevent further range of a bullet or an errant shot.
6. All ranges shall have a shot fall zone no closer than one thousand (1,000) feet from adjacent properties.
7. All ranges must follow the Environmental Protection Agency's Best Management Practices for shooting ranges.

#### **DD. Solar Energy Systems**

1. a site plan of the property that depicts the locations of all existing and proposed structures including solar arrays, inverters, transformers, electrical substations, and buildings, property lines, rights-of-way, roads, required setbacks, and visual buffers;
2. a topographic map that depicts vegetative cover, watersheds, or wetlands on the property;
3. a visual buffer plan that demonstrates that any visual buffer (a) minimizes impacts of the SES on adjacent residential dwelling units, as

required by this ordinance, (b) preserves natural tree growth and natural land forms along the SES perimeter, as required by this ordinance, and (c) adheres to any additional visual buffer requirements of the Newaygo County zoning code that may further minimize impacts of the SES on the community character;

4. a list that identifies (a) federal or state endangered, threatened, or candidate species that may be present on the property or within 1,000 feet of the property, and (b) critical habitat on the property or within 1,000 feet of the property;

5. if the SES is located in an agricultural district, a map that identifies prime farmland and farm land of statewide importance on the property; and

6. a decommissioning plan that contains the following:

a. the name, address, telephone number, and e-mail address of the person(s) or entity(ies) responsible for implementing the decommissioning plan; b. a statement of conditions that require the decommissioning plan to be implemented; c. as part of decommissioning, a removal plan that identifies all structures, components, and non-utility owned equipment that shall be removed; d. as part of decommissioning, a plan for recycling or otherwise reusing all materials to the extent reasonably practicable; e. as part of decommissioning, a restoration plan to return the property to its condition prior to the installation of the SES or to some other condition reasonably appropriate for the designated land use after the SES is removed; and f. a timeline to complete decommissioning.

(c) Certifications. The applicant shall submit an affidavit that provides, to the best of the applicant's knowledge:

7. construction and operation of the SES will comply with all applicable federal and state laws;

8. construction and operation of the SES will comply with all local laws, including the requirements of the Bridgeton Township zoning code,; and

9. commercial general liability insurance will be maintained throughout the siting, construction, installation, operation, and decommissioning of the SES.

**EE. Veterinary clinics and hospitals**

Buildings which house animals, runs or exercise areas shall be located at least one hundred (100) feet from a property line and shall be screened in accordance with Section 12.05 D.

**FF. Wind Energy Conversion System**

1. These facilities may be a principal use or an accessory use on a parcel.
2. Minimum lot size for a commercial WECS shall be ten (10) acres, but a minimum of five (5) acres of site area is required for each WECS proposed within an eligible property. Minimum lot size for a noncommercial WECS shall be two (2) acres.
3. In addition to the requirements for site plan application the following information shall be include with any application of a Special Land Use for a WECS:
  - a. Location of overhead electrical transmission or distribution lines.
  - b. Location and height of all buildings, structures, towers, security fencing, and other above ground structures associated with the WECS.
  - c. Locations and height of all adjacent buildings, structures, and above ground utilities located within three hundred (300) feet of the exterior boundaries of the site housing the WECS. The boundaries to include the outermost locations upon which towers, structures, fencing, facilities, and other items associated with a WECS are placed. Specific distances to other on-site buildings, structures, and utilities shall be provided.
  - d. A proper buffer or greenbelt to screen the use from any adjacent Residential District or use and the public road.
  - e. Existing and proposed setbacks of all structures located on the property in question.
  - f. Sketch elevation of the premises accurately depicting the proposed WECS and its relationship to all structures within three hundred (300) feet. For wind farms in which case numerous towers of similar height are planned, sketches are necessary only at borders of proposed project and when adjacent to other established structures within three hundred (300) feet.
  - g. Access road to the WECS facility with detail on dimensions, composition, and maintenance.



11. Colors and surface treatment of the WECS and supporting structures shall minimize disruption of the natural characteristics of the site. No part of the structure shall be used for signs or advertising.
12. Blade-arcs created by the WECS shall have a minimum of thirty (30) feet of clearance over any structure, land or tree within a two hundred (200) foot radius of the tower.
13. To prevent unauthorized climbing, WECS towers must comply with one of the following provisions:
  - a. Tower climbing apparatus shall not be located within twelve (12) feet of the ground.
  - b. A locked anti-climb device shall be installed on the tower.
  - c. Tower capable of being climbed shall be enclosed by a locked, protective fence at least six (6) feet high.
15. Each WECS shall have one (1) sign, not to exceed two (2) square feet in area posted at the base of the tower. The sign shall contain the following information:
  - a. Warning high voltage.
  - b. Manufacturer's name.
  - c. Emergency phone number.
  - d. Emergency shutdown procedures.
16. WECS shall not have affixed or attached any lights, reflectors, flashers or any other illumination, except for illumination devices required by Federal regulations.
17. WECS shall be designed and constructed so as not to cause radio and television as determined by state and/or federal guidelines.
18. Noise emanating from the operation of WECS shall not exceed sixty-five (65) decibels, as measured on the DBA scale, measured at the nearest property line. Estimates of noise levels shall be provided by applicant for property lines for normal operating conditions.
19. Any proposed WECS shall not produce vibrations humanly perceptible beyond the property on which it is located.
20. The on-site electrical transmission lines connecting the WECS to the public utility electricity distribution system shall be located underground.

21. The WECS shall be located and designed such that shadow flicker will not fall on, or in, any existing residential structure.
22. The Township hereby reserves the right upon issuing any WECS special land use permit to inspect the premises on which the WECS is located. If a WECS is not maintained in operational condition and poses a potential safety hazard, the owner shall take expeditious action to correct the situation.
23. Any WECS which are not used for six (6) successive months shall be deemed abandoned and shall be dismantled and removed from the property at the expense of the property owner. Bridgeton Township shall require a performance guarantee.

**GG. Wireless communication towers over 75 feet**

1. The applicant shall provide evidence that there is no reasonable or suitable alternative for collocation of antennas on an existing communication tower or building within the service area of the proposed tower.
2. The applicant shall offer collocation to other vendors and shall provide evidence of such offer in addition to an inventory of its existing towers, antennas, or sites approved for towers or antennas that are either within the Township or within one (1) mile of the border thereof, including specific information about the location, height and design of each tower.
3. All towers and antennas shall be located so that they do not interfere with reception in nearby residential areas. In the event a communication tower causes interference, the communication company shall take all steps necessary to correct and eliminate such interference.
4. No new communication tower or antenna shall be located within a three (3) mile radius of an existing communication tower or antenna. This requirement may be waived by the Planning Commission if one of the following conditions are met:
  - a. The proposed communication facility is located on an existing communication tower.
  - b. The communication tower is to serve solely a governmental or educational institution.

5. No communication tower or antenna shall be located closer than five hundred (500) feet from the boundary of an existing residential use or district. This requirement may be waived by the planning commission if one of the following conditions are met:
  - a. The proposed communication facility is located on an existing communication tower.
  - b. Due to terrain and/or topographical features, locating the facility within the 500 feet limitation is essential to proper reception AND
  - c. In the event of structural collapse, no portion of the facility would exceed property boundaries.
6. No communication tower and antennae shall be greater than two hundred (200) feet in height, except if in the opinion of the planning commission, the applicant has sufficiently demonstrated that a proposed communication tower in excess of two hundred (200) feet will reduce the total number of potential communication towers in the area.
7. The applicant shall provide verification with a certified sealed print that the antenna and the communication tower have been reviewed and approved by a professional engineer and that the proposed installation is in compliance with all the applicable codes.
8. The applicant shall provide:
  - a. The legal description of the parent parcel and any leased portion thereof.
  - b. Evidence of liability insurance sufficient to cover the communications facility AND
  - c. A bond equal to the cost of removal once the tower is discontinued or abandoned.
  - d. Lease agreement with property owners to authorize the communication tower to be placed on leased property. Private information can be redacted.
9. A security fence at least six (6) feet in height, but not more than ten (10) feet, shall be constructed around the tower and any other related apparatuses (i.e. ground antennas, satellite dishes, accessory structures).
10. The Planning Commission may require a buffer zone in compliance with Section 12.05 D of the ordinance.
11. All communication towers shall be equipped with an anti climbing device to prevent unauthorized access.

12. Signs to be permitted on site shall be ownership of communication tower with emergency contact information - phone number and address; warning or other cautionary signs. These signs shall not exceed two (2) square feet in area.
13. All new communication towers and antennas shall either maintain a galvanized steel finish or, subject to any applicable standards of the Federal Aviation Administration, be painted a neutral color so as to reduce visual obtrusiveness.
14. The collocation of an antenna shall not require an additional special use permit and may be approved by staff review.
15. The applicant shall submit details of communication tower lighting approved by the Federal Aviation Administration. All lights shall be restricted to the extent that is required for compliance with Federal Aviation Administration regulations and on site security.
16. All communication tower permits issued by the Township shall be contingent upon any necessary approval of the Federal Aviation Administration, Federal Communication Commission, State Bureau of Aeronautics – Tall Structures Act and any other applicable state or federal acts.
17. The applicant shall submit a report or letter from the Federal Aviation Administration that the proposed tower complies with all airport safety requirements for all public and private airports in or within four (4) miles of the Township.
18. Communication towers and antennas shall be regulated and permitted pursuant to this Section and shall not be regulated or permitted as essential services, public utilities, or private utilities.
19. Any communication tower that is abandoned or its use discontinued for a period of twelve (12) months shall be required to be removed immediately by the owner and/or lessee. Abandonment or discontinuance shall be determined when any of the following conditions are evident: disconnection of electricity; property, buildings, or grounds that have fallen into disrepair or the removal of all antennas or support structures.



## CHAPTER 14 NONCONFORMITIES

### SECTION 14.01 NONCONFORMING USES, STRUCTURES, AND LOTS

#### A. General Provisions

1. Any lot, use of land, or structure which has been established in violation of the provisions of a previous Zoning Ordinance having jurisdiction at the time the use of land or structure was established, and any lot, use of land, or structure which has been lawfully established under a previous Zoning Ordinance and subsequently violates the terms of the permit under which it was established, shall continue to be in violation of this Ordinance.
2. An existing lot, use of land, or structure which does not fully comply with the provisions of this Ordinance, as amended, and either was lawfully established under a previous Zoning Ordinance, created, or commenced during a period of time when no valid Zoning Ordinance was in effect, or was lawfully established under the jurisdiction of this Ordinance (before amendment), and remains in compliance with the terms of a permit issued at that time, shall be permitted to continue provided there is compliance with this Chapter.
3. A lawful use of land or structure which is under construction at the time of adoption of this Ordinance may continue establishment of a building or structure before the enactment of this Ordinance shall be permitted to continue as a nonconformity, subject to the provisions of this Section.

#### B. Nonconforming Uses

1. No part of any nonconforming use shall be moved unless the movement eliminates the nonconformity.
2. If a nonconforming use is abandoned for any reason for a period of more than one (1) year, any subsequent use shall conform to the requirements of this Ordinance. A nonconforming use shall be determined to be abandoned if one (1) or more of the following conditions exists, and shall be deemed to constitute an intent on the part of the property owner to abandon the nonconforming use:
  - a. Utilities, such as water, gas and electricity to the property, have been disconnected.
  - b. The property, buildings, and grounds, have fallen into disrepair.

- c. Signs or other indications of the existence of the nonconforming use have been removed.
  - d. Removal of equipment or fixtures that is necessary for the operation of the nonconforming use.
  - e. Other actions, which in the opinion of the Zoning Administrator constitute an intention of the part of the property owner or lessee to abandon the nonconforming use.
3. A nonconforming use shall not be changed in use to another use that is also nonconforming unless it is more conforming than the previous use. Once a conforming use is established the prior nonconforming use may not be reestablished.
  4. A nonconforming use shall not be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of the adoption or amendment of this Ordinance,

C. Nonconforming Buildings and Structures

1. The expansion of a nonconforming structure shall be permitted provided that the addition complies with this Ordinance and does not increase the nonconformity.
2. Structures in a designated floodway shall not be expanded in any way.
3. In the event any nonconforming building or structure shall be damaged by fire, wind or an act of God or the public enemy, it may be rebuilt or restored provided the cost of restoration thereof shall not exceed sixty (60%) of the replacement value as determined by the Building Inspector.
4. A nonconforming building or structure shall not be moved in whole or in part except when the moving results in full compliance with the provisions of this Ordinance.

D. Nonconforming Lots of Record

1. A nonconforming lot may be used for the purposes for which it is zoned, provided that:

- a. If already less than the minimum requirements of this Ordinance, a required lot area or lot width shall not be divided or reduced in dimensions or area so as to increase its noncompliance with the minimum requirements of this Ordinance.
  - b. Any main building on the lot shall be located so that at least sixty-six percent (66%) of the setback requirements of the District in which the lot is located are met.
2. Combination of Nonconforming Lots
- a. For any two (2) or more nonconforming lots of record or combination of lots and portions of lots of record, in existence at the time of the passage of this Ordinance, or an amendment to it, the lands involved shall be considered to be an undivided parcel for the purposes of this Ordinance if they:
    - i. Are in common ownership.
    - ii. Are adjacent to each other or have continuous frontage.
    - iii. Individually do not meet the lot width or lot area requirements of this Ordinance.
  - b. Parcels meeting the provisions of subsection 2.a, above, shall be combined into a lot or lots complying as nearly as possible with the lot width and lot size requirements of this Ordinance. No portion of the parcel shall be used or divided in a manner that diminishes compliance with lot width and area requirements of this Ordinance.



## CHAPTER 15 ZONING BOARD OF APPEALS

### SECTION 15.01 MEMBERSHIP AND PROCEDURES

- A. The Zoning Board of Appeals (ZBA) shall consist of five (5) members appointed by the Township Supervisor, who shall serve terms of three (3) years, except for members who are also on the Planning Commission or Township Board, who shall serve only as long as they are members of those bodies.
- B. A member of the Planning Commission shall be a member of the ZBA, while a member of the Township Board may be a member of the ZBA, and the remaining members selected and appointed by the Township Supervisor from the electors of the Township. A Township Board member may not be chairperson of the ZBA.
- C. Meetings shall be held at the call of the Chairperson, and at other times as the ZBA in its rules of procedure may specify. The Chairperson, or in their absence, the acting Chairman, may administer oaths and compel the attendance of witnesses.
- D. All meetings of the ZBA shall be open to the public. 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.
- E. Alternates
1. The Township Board may appoint up to two (2) alternate members for the same term as regular members of the ZBA.
  2. An alternate member may be called to sit as a regular member of the ZBA to serve in place of a regular member for the purpose of reaching a decision in a case where the regular member has abstained for reasons of conflict of interest.
  3. The alternate members of the Board of Appeals may be called to sit as regular members of the Board of Appeals, if a regular member is absent from one (1) or more meetings of the Board of Appeals
  4. The alternate member having been called to serve on a case shall serve on that case until a final decision has been made. The alternate member shall have the same voting rights as a regular member of the Board of Appeals.

5. The records maintained by the Board of Appeals shall reflect the attendance and participation of an alternate member.

## **SECTION 15.02 INTERPRETATIONS**

The Zoning Board of Appeals shall have the power to hear and decide, in accordance with the provisions of this Ordinance, applications for interpretations of this Ordinance, and may make decisions on any other questions on which the ZBA is authorized to pass. In exercising all of its powers, the ZBA shall apply the standards of this Section.

- A. Text Interpretations: The ZBA may hear and decide upon requests for the interpretation of the provisions of this Ordinance. In deciding text interpretations, the ZBA shall be governed by the following rules.
  1. Text interpretations shall be narrow and address only the situation to be interpreted, be based on a thorough reading of this Ordinance and not have the effect of amending this Ordinance.
  2. Interpretations shall give weight to practical interpretations by the Zoning Administrator if applied consistently over a long period of time.
  3. Records shall be kept of all interpretations.
  4. Where the intent of this Ordinance is unclear and the facts cannot be read to support only one (1) interpretation, the benefit of doubt shall go to the property owner.
  5. Nothing contained in this Section shall be construed to give or grant to the ZBA the power or authority to alter or change the language of this Ordinance.
- B. Map Interpretations: When there is any question as to the location of any boundary line between Districts, upon a request for an interpretation of the zoning map, the ZBA shall establish the boundary based upon the map and all available information relating thereto and shall establish the boundaries to carry out the intent and purposes of this Ordinance and the Master Plan.

## **SECTION 15.03 APPEALS**

- A. Upon application, the ZBA shall hear and decide appeals from and review any order, requirements, decision or determination made by the Zoning Administrator or other official or body charged with the administration of this Ordinance. Any

- person aggrieved, or any officer, department or board of the Township may make an appeal to the ZBA. The grounds of every appeal shall be stated in writing as part of the application.
- B. An application for appeal shall be filed within fourteen (14) days after the date of the decision that is the basis of the appeal. The appellant must file a notice of appeal and a fee with the Zoning Administrator. The notice shall specify the nature and grounds of the appeal and the application fee be submitted in an amount as established by the Township Board from time to time.
  - C. The Zoning Administrator shall transmit to the ZBA all the papers constituting the record upon which the action being appealed was taken.
  - D. An appeal stays all proceedings from furthering the action being appealed unless the Zoning Administrator certifies to the ZBA that a stay would, in their opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed other than by a restraining order which may be granted by the ZBA or by the Circuit Court.
  - E. The ZBA shall fix a reasonable time for the hearing of the appeal, and give due notice to all property owners and occupants within three hundred (300) feet of the subject property via a letter sent first class mail within ten (10) days of the public hearing the time and place of the hearing. Any party may appear in person or by agent. A public hearing shall also be published in a newspaper of general circulation not less than fifteen (15) days before the public hearing.
  - F. Following the public hearing, the ZBA shall decide the matter within a reasonable time. The ZBA may reverse or affirm, wholly or partly, or may modify the order requirement, decision or determination as in its opinion ought to be made in the premises, and to that end shall have all the powers of the Zoning Administrator and may issue or direct the issuance of a permit.

## **SECTION 15.04 VARIANCES**

- A. Non-Use (Dimensional) Variances: The ZBA may authorize upon written application in specific cases variances from the terms of this Ordinance where, owing to special conditions related to the applicant's property, a literal enforcement of the provisions of this Ordinance would result in a practical difficulty to the applicant. A variance from the terms of this Ordinance shall not be granted by the ZBA unless and until a written application for a variance is submitted and the ZBA finds:

1. That there are exceptional or extraordinary circumstances or conditions applying to the property in question that do not apply generally to other properties in the same Zoning District. Exceptional or extraordinary circumstances or conditions include:
    - a. Exceptional narrowness, shallowness or shape of a specific property on the effective date of this Chapter; or
    - b. By reason of exceptional topographic conditions or other extraordinary situation on the land, building or structure; or
    - c. By reason of the use or development of the property immediately adjoining the property in question, whereby the literal enforcement of the requirements of this Ordinance would involve practical difficulties; or
    - d. Any other physical situation on the land, building or structure deemed by the ZBA to be extraordinary.
  2. That the condition or situation of the specific piece of property for which the variance is sought is not of so general or recurrent a nature as to make reasonably practical the formulation of a general regulation for such conditions or situations.
  3. That the variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district and in the vicinity. The possibility of increased financial return shall not of itself be deemed sufficient to warrant a variance.
  4. The variance will not be significantly detrimental to adjacent property and the surrounding neighborhood.
  5. The variance will not impair the intent and purpose of this Ordinance.
  6. That the immediate practical difficulty causing the need for the variance request was not created by any affirmative action of the applicant.
  7. That the reasons set forth in the application justifies the granting of the variance and that the variance is the minimum variance necessary.
- B. Use Variances: Use variances are prohibited.

## SECTION 15.05 APPLICATIONS AND HEARINGS

- A. Applications for variances shall be submitted to the Zoning Administrator who will review the application for completeness and validity, then transmit it to the Zoning Board of Appeals. Applications not meeting the requirements shall be returned to the applicant for completion.
- B. A valid application for a variance to the ZBA shall consist of the following:
1. Six (6) copies of a site plan drawn to scale, which is sufficient to describe the nature of the request.
  2. A completed application form as provided by the Township.
  3. Payment of a fee, in accordance with a fee schedule, as determined by the Township Board from time to time.
  4. A legal description and/or parcel number of the entire property that is the subject of the request.
  5. A statement with regard to compliance with the standards of Section 15.04, as applicable.
  6. Other materials as may be required by the ZBA.

## SECTION 15.06 DECISIONS OF THE ZBA

- A. The concurring vote of a majority of the members of the ZBA shall be necessary to reverse any order, requirement, decision, or determination of any administrative official or body or to decide in favor of the appellant on any matter. The ZBA shall render its decision upon any appeal or application submitted to it within a reasonable time after the hearing thereon.
- B. The ZBA may require a performance guarantee and/or impose reasonable conditions in conjunction with approval of an appeal, variance, or any other decision that they are required to make. Conditions shall be imposed in a manner in accordance with the Zoning Act and be related to the standards by which the decision is reached.
- C. All decisions of the ZBA shall become final at the entry of an order, or at the adoption of the minutes, unless the ZBA shall find, and so certify on the record, that it is necessary to cause the order to have immediate effect, in order to preserve property or personal rights.

- D. For each decision of the ZBA a record shall be prepared including at a minimum, the following items:
1. Description of the applicant's request.
  2. The ZBA's motion and vote.
  3. A summary or transcription of all competent material and evidence presented at hearing; and,
  4. Any conditions attached to an affirmative decision.
- E. The decision of the ZBA shall be final. However, a person having an interest affected by the decision of the ZBA may appeal to the Circuit Court. Upon appeal, the Circuit Court shall review the record in accordance with the requirements of the Zoning Act. The court may affirm, reverse, or modify the decision of the ZBA, or may remand the decision to the ZBA for further hearings or action.
- F. Period of Validity

No variance granted by the ZBA shall be valid for a period longer than twelve (12) months, from the date of its issuance if not used. However the applicant may, upon written request, seek up to one (1) twelve (12) month extension of the variance from the ZBA. The ZBA may grant an extension provided that the original circumstances authorizing the variance have not changed and that the circumstances creating the need for the extension were reasonably beyond the control of the applicant.

## **SECTION 15.07 RE-SUBMISSION**

No variance request which has been decided by the ZBA shall be submitted for reconsideration within a one (1) year period from the date of the original application unless the ZBA finds that at least one of the following conditions exists:

- A. That the conditions involving all of the reasons for the original denial have been significantly altered; or
- B. That new conditions or circumstances exist which change the nature of the original request.

## CHAPTER 16 ADMINISTRATION AND ENFORCEMENT

### SECTION 16.01 ADMINISTRATION AND ENFORCEMENT

- A. An administrative official who shall be known as the Zoning Administrator shall be designated by the Township Board to administer and enforce this Ordinance. The administrator may be provided with the assistance of other persons as the Township Board may direct.
- B. If the Zoning Administrator shall find any of the provisions of this Ordinance are being violated, he shall notify in writing the person responsible for the violations, indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuance of illegal use of land, buildings or structures; removal of illegal buildings or structures or of illegal additions, alterations or structural changes; discontinuance of any illegal work being done; or shall take any other action authorized by this Ordinance to ensure compliance with or to prevent violation of its provisions.

### SECTION 16.02 ZONING ADMINISTRATOR DUTIES

- A. The Zoning Administrator shall have the authority to issue zoning compliance permits in accordance with the requirements of this Ordinance.
  - 1. It shall be unlawful to change the type of use of land, or to change the type of use or type of occupancy of any building, or to extend any use on any lot on which there is a non-conforming use, until the Zoning Administrator has determined the change to be in compliance with applicable provisions of this Ordinance and issued a zoning compliance permit.
  - 2. The Zoning Administrator shall evaluate the structure, plans, specification and intended use of any structure that exceeds one hundred (100) square feet. Documented approval shall be provided once the Zoning Official has determined that such structure complies in all respects with this ordinance. Prior to this approval, it shall be unlawful to commence land clearing or excavation for the construction, relocation, or repair of any structure regulated by this ordinance.
  - 3. The Zoning Administrator shall not approve the issuance of a zoning permit if all final plans, development agreements, escrow fees and any required performance guarantees are not provided to the township.

4. It shall be unlawful for the Zoning Administrator to approve any plans or issue a zoning compliance permit for any excavation or construction or use until the Zoning Administrator has inspected the plans in detail and found them in compliance with this Ordinance.
  5. Issuance of a zoning compliance permit shall in no case be construed as waiving any provision of this Ordinance.
  6. The Zoning Administrator shall not refuse to issue a permit when the applicant complies with conditions imposed by this Ordinance and all other applicable Township, County, and State regulations. Violations of contracts, such as covenants or private agreements, which may result upon the granting of the permit, are not cause for refusal to issue a permit.
  7. When the Zoning Administrator receives an application for a zoning compliance permit, which requires Planning Commission, Township Board, or Zoning Board of Appeals approvals, the Zoning Administrator shall so inform the applicant.
  8. A zoning compliance permit shall not be issued until all applicable fees, charges and expenses have been paid in full.
- B. The Zoning Administrator is not, under any circumstance, permitted to grant exceptions to the actual meaning of any clause, order, or regulation contained in the Ordinance to any person making application to excavate, construct, move, alter or use either buildings, structures or land.
- C. The Zoning Administrator shall have the authority to make inspections of buildings or premises necessary to carry out his duties in the enforcement of the Ordinance.
- D. The Zoning Administrator may not make changes to this Ordinance or to vary the terms of this Ordinance in carrying out his duties.
- E. The Zoning Administrator shall require every application for a Building Permit for excavation, construction, moving, alteration or change in type of use or type of occupancy, be accompanied by a site plan prepared in accordance with specifications of Chapter 12.
- F. If a proposed excavation, construction, moving or alteration or use of land as set forth in the application is in conformity with the provisions of this ordinance and in conformance with the provisions of the building code, the Zoning Administrator shall permit a building permit to be issued, provided all other requirements for the permit are satisfied. If the Zoning Administrator does not approve an application

for the permit, the reasons for the rejection shall be stated in writing on an appropriate form.

- G. The Zoning Administrator may accept a preliminary application and a lesser number of submitted documents than those required by this Ordinance in situations where basic clarification is desired before proceeding with the further technical work; and the Zoning Administrator may on a preliminary submittal indicate tentative denial or tentative approval.

### **SECTION 16.03 SCHEDULE OF FEES, ESCROW CHARGES AND EXPENSES ESTABLISHED BY TOWNSHIP BOARD**

- A. The Township Board shall by resolution establish a schedule of fees, charges and expenses and a collection procedure for zoning compliance permits, Certificates of Occupancy, appeals, Special Land Uses, variances, site plan reviews, rezoning applications and other matters pertaining to this Ordinance. The schedule of fees shall be available in the office of the Zoning Administrator and may be amended only by the Township Board.
- B. An appropriate fee established by the Township Board shall accompany any application. Additionally, a separate deposit may be collected from the applicant, as determined by the Township Board, and used to reimburse another party retained by the Township to provide expert consultation and advice including but not limited to legal, planning and engineering professionals regarding the application. The amount of the deposit shall be based on a reasonable estimate to provide such services. Any unused portions of this fee shall be returned to the applicant after the Township has paid all costs for consultant services.

### **SECTION 16.04 PERFORMANCE GUARANTEE**

- A. As a condition of approval of a site plan review, Special Land Use, or variance, or other approvals authorized by this Ordinance, the Township Board, Planning Commission, Zoning Board of Appeals, or Zoning Administrator may require a performance guarantee of sufficient sum to assure the installation of those features or components of the approved activity or construction which are considered necessary to protect the health, safety, and welfare of the public and of users or inhabitants of the proposed development.
- B. The features or components, hereafter referred to as "improvements," may include, but shall not be limited to, survey monuments and irons, streets, curbing, landscaping, fencing, walls, screening, lighting, drainage facilities, sidewalks, paving, driveways, utilities, and similar items.

- C. Performance guarantees shall be processed in the following manner:
1. Prior to the issuance of a building permit, the applicant or their agent shall submit an itemized cost estimate of the required improvements that are subject to the performance guarantee, which shall then be reviewed and approved by the Zoning Administrator.
  2. The amount of the performance guarantee shall be not more than one hundred percent (100%) of the cost of purchasing of materials and installation of the required improvements, including the cost of necessary engineering and inspection costs and a reasonable amount for contingencies.
  3. The required performance guarantee shall be payable to the Township and may be in the form of a cash deposit, certified check, irrevocable bank letter of credit acceptable to the Township.
  4. The Zoning Administrator shall not sign off on the issuance of a zoning permit until all final plans, development agreements, escrow fees and any required performance guarantees are provided.
  5. The Zoning Administrator, upon the written request of the obligor, shall rebate portions of the performance guarantee upon determination that the improvements for which the rebate has been requested have been satisfactorily completed. A portion of the performance guarantee shall be rebated in the same proportion as stated in the itemized cost estimate for the applicable improvements.
  6. When all of the required improvements have been completed, the obligor shall send written notice to the Zoning Administrator of completion of the improvements. Thereupon, the Zoning Administrator shall inspect all of the improvements and approve, partially approve, or reject the improvements with a statement of the reasons for any rejections.
  7. If partial approval is granted, the cost of the improvement rejected shall be set forth. Where partial approval is granted, the obligor shall be released from liability pursuant to relevant portions of the performance guarantee, except for that portion sufficient to secure completion of the improvements not yet approved.
  8. The Zoning Administrator shall maintain a record of required performance guarantees.

**SECTION 16.05 ZONING ORDINANCE AMENDMENTS**

- A. Amendment to this Ordinance may be initiated by the Township Board on its own motion or, in the manner and pursuant to the procedure hereinafter set forth, may be initiated by any person, firm or corporation filing an application therefore with the Township Board. The Planning Commission may, at its discretion, also initiate amendments to this Ordinance through the Zoning Administrator and also recommend Ordinance amendments to the Township Board for adoption.
- B. The following guidelines shall be considered by the Planning Commission, and may be used by the Township Board in consideration of amendments to the Zoning Ordinance:
1. Text Amendment:
    - a. The proposed text amendment would clarify the intent of the Ordinance.
    - b. The proposed text amendment would correct an error in the Ordinance.
    - c. The proposed text amendment would address changes to the State legislation, recent case law or opinions from the Attorney General of the State of Michigan.
    - d. The proposed text amendment would promote compliance with changes in other County, State or Federal regulations.
    - e. In the event the amendment will add a use to a district, that use shall be fully consistent with the character of the range of uses provided for within the district.
    - f. The amendment shall not create incompatible land uses within a zoning district, or between adjacent districts.
    - g. The proposed text amendment is supported by the findings of reports, studies, or other documentation on functional requirements, contemporary building practices, environmental requirements and similar technical items.
    - h. As applicable, the proposed change shall be consistent with the Township's ability to provide adequate public facilities and services.

- i. The proposed change shall be consistent with the Township's desire to protect the public health, safety, and welfare of the community.
  2. Map Amendment (Rezoning): In making its recommendation to the Township Board, the Planning Commission shall consider the following criteria:
    - a. Whether or not the proposed rezoning is consistent with the goals, policies and future land use map of the Bridgeton Township Master Plan; or, if conditions have changed significantly since the Master Plan was adopted, the consistency with recent development trends in the area.
    - b. Whether the proposed district and the uses allowed are compatible with the site's physical, geological, hydrological and other environmental features. The potential uses allowed in the proposed zoning district shall also be compatible with surrounding uses in terms of land suitability, impacts on the community, density, potential influence on property values and traffic impacts.
    - c. Whether, if rezoned, the site is capable of accommodating the uses allowed, considering existing or planned infrastructure including roads, sanitary sewers, storm sewer, water, sidewalks, and road lighting.
    - d. Other factors deemed appropriate by the Planning Commission.
  3. Consideration of Amendment by Township Board: Upon receipt of a report and summary of hearing comments from the Planning Commission as provided for in the Zoning Act, the Township Board may modify the proposed amendment or adopt it as presented by the Planning Commission. The modified language shall be referred back to the Planning Commission for additional comment.
- C. Amendment Procedure
  1. Filing of Applications: All petitions for amendments to this Ordinance shall be in writing, signed and filed with 12 copies provided to the Zoning Administrator, who will forward them to the Planning Commission.
  2. All petitions for amendments to this Ordinance, without limiting the right to file additional material, shall contain the following:

- a. The petitioner's name, address and interest in the petition as well as the name, address and interest of every person, firm or corporation having a legal or equitable interest in the land.
  - b. The nature and effect of the proposed amendment.
  - c. If an individual property or several adjacent properties are proposed for rezoning, a location map, showing the location of the properties generally in the township, a legal description of the land(s) proposed for rezoning, the present zoning classification(s), the zoning classification of all abutting districts, and all public and private rights-of-way and easements bounding and intersecting the land under consideration.
  - d. Any changed or changing conditions in the area or in the municipality which make the proposed amendment reasonable and necessary to the promotion of the public health, safety and general welfare.
  - e. All other circumstances, factors and reasons which the applicant offers in support of the proposed amendment.
3. The Zoning Administrator, after examining the submitted materials and approving the application as to form and content, shall refer the request to the Planning Commission for study and report to the Township Board.

Before submitting its recommendations of the petition to amend, the Planning Commission shall hold at least one (1) public hearing. Written notice of the meeting will be given to land owners and occupants three hundred (300) feet of the boundary of the property to be affected application. Notice shall be given in a newspaper of general circulation not less than fifteen (15) days prior to the public hearing. The notice shall include:

- a. The nature of the request.
- b. The property(s) that are the subject of the request including a listing of all existing street addresses within property(s). If there are no addresses other means of identification may be used.
- c. Location and time of the hearing.
- d. Where and when written comments may be received.

4. Following the public hearing, the Planning Commission shall submit the proposed amendment with its recommendation and public hearing summary to the County Planning Commission for advisory review and recommendation. The County Planning Commission has up to thirty (30) days to respond unless the County Board of Commissioners has passed a resolution waiving County right of review.
5. The Planning Commission shall then refer the proposed amendment to the Township Board along with its summary of the public hearing and written recommendations for approval or disapproval and reasons therefore along with any response by the County Planning Commission on the proposed amendment.
6. Upon enactment, the Zoning Ordinance, as well as subsequent amendments or supplements, shall be filed with the Township Clerk, and one (1) notice of Ordinance adoption shall be published accordance with the requirements of the Zoning Act.
7. Within seven (7) days after publication, the amendment to the zoning ordinance shall be filed in the Official Ordinance Book of the Township with a certification of the Township Clerk stating the vote on passage and when published and filed. If the amendment requires a change on the Official Zoning Map, the change shall be made on the map in accordance with provisions of Chapter 4 within ten (10) days after enactment of the amendment.

## **SECTION 16.06 ENFORCEMENT**

- A. Any building or structure which is erected, moved, placed, reconstructed, demolished, extended, enlarged, altered, maintained or changed in violation of any provision of this Ordinance is hereby declared to be a nuisance, per se.
- B. A violation of this Ordinance constitutes a civil infraction. Any person, who violates, disobeys, omits, neglects or refuses to comply with any provision of this Ordinance, or any permit or approval issued hereunder, or any amendment thereof, or any person who knowingly or intentionally aids or abets another person in violation of this Ordinance, shall be in violation of this Ordinance and shall be responsible for a civil infraction.
- C. For purposes of this Section, "subsequent offense" means a violation of the provisions of this Ordinance committed by the same person within twelve (12) months of a previous violation of the same provision of this Ordinance or similar provision of this Ordinance for which the person admitted responsibility or was

adjudged to be responsible. Each day during which any violation continues shall be deemed a separate offense.

- D. The Township Board, or their duly authorized representative(s), is hereby charged with the duty of enforcing the Ordinance and are hereby empowered to commence and pursue any and all necessary and appropriate actions and/or proceedings in the Circuit Court of Newaygo County, Michigan, or any other Court having jurisdiction, to restrain and/or prevent any non-compliance with or violation of any of the provisions of this Ordinance, and to correct, remedy and/or abate the non-compliance or violation. And it is further provided that any person aggrieved or adversely affected by this noncompliance or violation may institute suit and/or join the Township in the suit to abate the same.
- E. The rights and remedies provided herein are cumulative and in addition to other remedies provided by law.

## **SECTION 16.07 ZONING COMPLIANCE PERMIT**

- A. The Zoning Administrator shall have the authority to issue zoning compliance permits in accordance with the requirements of this Ordinance.
- B. The permit issued by the Zoning Administrator before any entity is allowed to begin a new residential or commercial building/addition/operation in Bridgeton Township. The Zoning Compliance Permit may be applied for through the Zoning Administrator and, if granted, is valid for one year. One extension of a Zoning Compliance Permit for one additional year may be allowed. A second and final extension of a Zoning Compliance Permit may be granted if 75% of the overall project is proven to be completed.
- C. In addition to a Zoning Compliance permit other permits may be required by various county, state and federal entities, copies of which may be required for the property files by the Zoning Administrator or Building Inspector. Such permits include, but may not be limited to:
1. An approved driveway permit from the State Highway Department or Newaygo County Road Commission;
  2. Septic System Permit from the Department of Public Health;
  3. Well Permit from the Department of Public Health;
  4. Soil Erosion and Sedimentation Control permit;
  5. Electrical, mechanical and plumbing permits ;
  6. Michigan Department of Environmental Quality Permit for wetland, floodplain or inland stream modifications.

Depending on the project, type of development and/or other factors, proof of various inspections and/or certifications of approval and/or completion may also be required for the record by the township.

- D. It shall be unlawful to change the type of use of land, or to change the type of use or type of occupancy of any building, or to extend any use on any lot on which there is a non-conforming use, until the Zoning Administrator has determined the change to be in compliance with applicable provisions of this Ordinance and issued a zoning compliance permit.
- E. It shall be unlawful to commence excavation for, or construction of, any building or other structure, including an accessory building, or to commence the moving, alteration or repair of any structure, including accessory buildings, exceeding one hundred (100) square feet in floor area, until the Zoning Administrator has given documented approval of his opinion that plans, specifications and intended use of such structure does in all respects conform to the provisions of this Ordinance.
- F. It shall be unlawful for the Zoning Administrator to approve any plans or issue a zoning compliance permit for any excavation or construction or use until the Zoning Administrator has inspected the plans in detail and found them in compliance with this Ordinance.
- G. Issuance of a zoning compliance permit shall in no case be construed as waiving any provision of this Ordinance.
- H. The Zoning Administrator shall not refuse to issue a permit when the applicant complies with conditions imposed by this Ordinance and all other applicable Township, County, and State regulations. Violations of contracts, such as covenants or private agreements, which may result upon the granting of the permit, are not cause for refusal to issue a permit.
- I. When the Zoning Administrator receives an application for a zoning compliance permit, which requires Planning Commission, Township Board, or Zoning Board of Appeals approvals, the Zoning Administrator shall so inform the applicant.
- J. A zoning compliance permit shall not be issued until all applicable fees, charges and expenses have been paid in full.

## **SECTION 16.08 STOP WORK ORDER**

- A. Upon notice from the Zoning Administrator that any use is being conducted or that any work on any building or structure is proceeding contrary to the provisions

of this Ordinance, such work or use shall be immediately stopped. The stop work order shall be in writing and shall be given to the owner of the property involved, to owner's agent, or to the person doing the work and shall state the conditions, if any conditions, under which work or the use will be permitted to resume.

- B. Any person who shall continue to work in or about the structure, land or building or use it after having been served with a stop work order, except work that the person is directed to perform to remove a violation, shall be in violation of this Ordinance.

### **SECTION 16.09 SEVERABILITY CLAUSE**

Should any section or provision of this Ordinance be declared by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

### **SECTION 16.10 REPEAL OF PRIOR ORDINANCE**

The Zoning Ordinance previously adopted by the Township and all amendments thereto, are hereby repealed. The repeal of the prior Ordinance and its amendments does not affect or impair any act done, offense committed or right accruing, accrued, or acquired, or liability, penalty, forfeiture or punishment incurred prior to the time enforced, prosecuted or inflicted.

### **SECTION 16.11 EFFECTIVE DATE**

- A. The provisions of this Ordinance are hereby declared to be immediately necessary for the preservation of the public peace, health, safety, and welfare of the people and are hereby ordered to become effective seventh (7<sup>th</sup>) after publication of a "Notice of Ordinance Adoption" in a newspaper circulating within Bridgeton Township. Publication shall be preceded by a public hearing and by approval of the Bridgeton Township Board, in that order.

I, **Carolyn Drake**, the duly elected clerk for Bridgeton Township, do hereby certify that the foregoing zoning ordinance was duly adopted at a regular meeting of the Bridgeton Township Board on November 11, 2016. Revised March 11, 2019 at a regular meeting of the Bridgeton Township Board.