

Zoning Ordinance

Orange Township

Ionia County, Michigan

ORDINANCE NO. 01-1

ADOPTED BY THE

ORANGE TOWNSHIP BOARD

Effective JULY 10, 2001

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CHAPTER 1

TITLE, PURPOSE AND SCOPE

An ordinance to establish zoning districts, provisions, and regulations in the unincorporated portions of Orange Township, Ionia County, State of Michigan, in accordance with the provisions of the Michigan Zoning Enabling Act, 110 PA 2006, as amended.

SECTION 1.01 SHORT TITLE

This ordinance shall be known as the “Orange Township Zoning Ordinance.”

SECTION 1.02 PURPOSE

This Ordinance is based upon the Orange Township Comprehensive Community Plan. The purpose of this Ordinance is to promote and safeguard the public health, safety, morals, prosperity, and general welfare of the people. The provisions are intended, among other things, to encourage the use of lands, waters, and other natural resources in the township in accordance with their character and most suitable uses; to limit the improper use of land and resources; to reduce hazards to life and property; to provide for orderly development within the township; to avoid overcrowding of the population; to provide for adequate light, air, and health conditions in dwellings and buildings hereafter erected or altered; to lessen congestion on the public roads and streets; to protect and conserve natural recreational areas, agricultural, residential, and other areas naturally suited to particular uses; to facilitate the establishment of an economic system of transportation, sewage disposal, safe water supply, education, recreation, and other public requirements; to conserve the expenditure of funds for public improvements and services to conform with the most advantageous uses of land; resources, and properties.

SECTION 1.03 SCOPE

It is not intended by this Ordinance to repeal, abrogate, annul or in any other way impair or interfere with existing provisions of other laws or ordinances, except those specifically repealed by this Ordinance, or of any private restrictions placed upon property by covenant, deed, or other private agreement; provided, however, that where any provision of this Ordinance imposes more stringent requirements, regulations, restrictions, or limitations upon the erection or use of land and buildings, or upon the height of buildings and structures, or upon safety and sanitary measures, or requires larger yards or open spaces than are imposed or required by the provisions of any other law or Ordinance, or any said rules, regulations, permits, or easements, then the provisions of this Ordinance shall govern.

The requirements of this Ordinance are to be construed as minimum requirements, and shall in no way impair or affect any covenant or restriction imposing greater requirements.

CHAPTER 2

DEFINITIONS

SECTION 2.01 RULES APPLYING TO TEXT

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

The particular shall control the general.

The word “shall” is always mandatory and not discretionary. The word “may” is permissive.

Unless the context clearly indicates to the contrary, (1) words used in the present tense shall include the future tense, (2) words used in the singular number shall include the plural number, and (3) words used in the plural number shall include the singular number.

A “building” or “structure” includes any part thereof.

The word “person” includes a firm, association, partnership, joint venture, corporation, trust, or equivalent entity or a combination of any of them as well as a natural person.

The words “used” or “occupied”, as applied to any land or building, shall be construed to include the words “intended”, “arranged”, “designed to be used”, or “occupied.”

Terms not defined herein shall have the meaning customarily assigned to them or as defined by the Michigan Zoning Enabling Act, 110 PA 2006, as amended.

Any dispute over any language contained in the Zoning Ordinance may be resolved under Chapter 17 pertaining to zoning authority and procedure before the Township Zoning Board of Appeals.

SECTION 2.02 DEFINITIONS

ACCESSORY BUILDING: A building or portion of a building supplementary and/or 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 governmental or non-governmental establishment having as its principal function the receiving of adults for foster care. It includes facilities and foster care family homes for adults who are aged, emotionally disturbed, developmentally disabled, or physically handicapped who require supervision on an ongoing basis but who do not require continuous nursing care. Such facilities are licensed under Public Act 218 of 1979 as amended.

ADULT FOSTER CARE CONGREGATE FACILITY: An adult foster care facility with the approved capacity to receive more than twenty (20) adults who shall be provided foster care.

ADULT FOSTER CARE FAMILY HOME: A private residence with the approved capacity to receive not more than six (6) adults who shall be provided foster care for five (5) or more days a week and for two (2) or more consecutive weeks. The adult foster care family home licensee shall be a member of the household and an occupant of the residence.

ADULT FOSTER CARE LARGE GROUP HOME: An adult foster care facility with the approved capacity to receive at least thirteen (13) but not more than twenty (20) adults who shall be provided foster care.

ADULT FOSTER CARE SMALL GROUP HOME: An adult foster care facility with the approved capacity of not more than twelve (12) adults who shall be provided foster care.

AGRICULTURE: The use of land for tilling of the soil, raising of tree or field crops, animal husbandry, or horticulture as a source of income.

AGRICULTURAL SERVICE ESTABLISHMENT: Agricultural service establishments engage in performing agricultural or animal husbandry, or horticultural services on a fee or contractual basis, including but not limited to, centralized bulk collection, refinement, storage, and distribution of farm products to wholesale and retail markets (such as grain cleaning and selling; sorting, grading, and packing of fruits and vegetables for the grower; and agricultural produce milling and processing); the storage and sale of seed, feed, fertilizer, and other products essential to agricultural production; hay baling and threshing; crop dusting; fruit picking; harvesting and tilling; farm equipment sales, service, and repair; veterinary services; and facilities used in the research and testing of farm products and techniques.

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 HOSPITAL: An institution in which medical or surgical care is provided for other than human beings.

ANTENNA: Any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies, wireless telecommunications signals or other communication signals.

APPEARANCE TICKET: A complaint of written notice issued and subscribed by a public servant authorized by law to issue it, directing a designated person to appear in a designated local criminal court at a designated future time in connection with his or her alleged commission of a designated violation or violations of state law or local ordinance.

AUTOMOBILE REPAIR: Any activity involving the general repair, rebuilding, or reconditioning of motor vehicles, engines, or trailer; collision service such as body, frame, or fender repair; overall painting and rustproofing; refinishing or steam cleaning.

AUTOMOBILE SERVICE STATION: A building designed or used for the retail sale of fuel, lubricants, and other operating commodities for motor vehicles and including the customary space and facilities for the installation of such commodities on or in such vehicles, and including space for facilities for storage, minor repair, and servicing.

AUTOMOBILE WASH ESTABLISHMENTS: A building, or portion thereof, the primary purpose of which is that of washing motor vehicles.

BASEMENT: A floor or level of a building having one or more of its exterior walls located wholly or partially below finished grade, with grade being determined where the top of the ground rests against the building when construction is completed; not more than one-half of this floor or level shall have its height above grade.

BILLBOARDS, SIGNBOARDS, OR SIGNS: Any sign, display, device, figure, painting, structure, drawing, message, placard, poster, billboard, or any other thing intended, designed, or used to advertise, promote, or inform; and which is not necessary except to advertise, promote, or inform an activity conducted on the premises and which can be seen from outside any building or structure, or from the out-of-doors.

BOARD OF APPEALS: As used in this Ordinance, this term means the Orange Township Zoning Board of Appeals.

BUILDABLE AREA: The buildable area of a lot is the space remaining after the minimum setback and open space requirements of this Ordinance have been complied with.

BUILDING: Any structure, temporary or permanent, having a roof.

BUILDING HEIGHT: In the case of a principal building, the vertical distance measured from the average finished grade to the highest point of flat roofs, to the deck line of mansard roofs, and the average height between eaves and the ridge of gable, hip, and gambrel roofs.

BUILDING INSPECTOR: That individual appointed by the Township Board as the Building Inspector of Orange Township.

BUILDING LINE: A line parallel to, and set back from, the front lot line a distance equal to the depth of the front yard required for the district in which the lot is located.

BUILDING, MAIN: A building in which is conducted the principal use of the lot on which it is situated.

BUILDING PERMITS: A building permit is the written authority as issued by the Building Inspector on behalf of the Township permitting the construction, moving, alteration, or use of a building or structure in conformity with the provisions of this Ordinance.

CAMPGROUND: “Campground” shall mean and include the temporary or permanent buildings, tents, or other structures, together with the appurtenances pertaining thereto, established or maintained as living quarters for children or adults, or both, operated continuously for recreation, education, or vacation purposes, on a commercial basis or for charity purposes. The term “camp” shall not be construed to include buildings, tents, or other structures maintained by the owner or occupant or premises used exclusively to house his farm labor.

CHILD CARE CENTER: Any facility in which one or more children are given care and supervision for periods of less than 24 hours per day on a regular basis. Child care centers do not include Family or Group Day Care Homes, or schools. Child care and supervision provided as an accessory use, while parents are engaged or involved in the principal use of the property, such as a nursery operated during church services or public meetings, or by a fitness center or similar operation, shall be considered accessory to such principal use and shall not be considered to be a child care center.

CO-LOCATION: The use of a single support structure, building and/or site by more than one wireless communication provider.

COMMERCIAL AGRICULTURE: The use of land and/or structures for the growing and/or production of farm products for income, including operations where fruits, vegetables, or similar farm products are picked by and sold to the consumer; i.e., “u-pick” operations.

CONDOMINIUM UNIT: A portion of a condominium project designed and intended for separate ownership and use, as described in the master deed, regardless of whether it is intended for residential, office, industrial, business, recreational, use as a time-share unit, or any other type of use.

CONVALESCENT OR NURSING HOME: A convalescent or nursing home is a facility for the care of children or the aged or infirm, or a place of rest for those suffering bodily disorders, wherein four or more persons are cared for. Said facility shall conform to, and qualify for license under, applicable State laws.

DECK: An uncovered platform which extends above grade.

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

DRIVE-IN RESTAURANT: A drive-in establishment that furnishes the patron with food in a ready-to-consume state, and where the consumption of food is allowed either in the main building, a motor vehicle parked on the premises, another facility on the premises outside the main building, or off the premises.

DWELLING OR APARTMENT: A building or portion thereof, designated or used exclusively as a residence or sleeping place for one or more persons, permanently or temporarily, including one-family, two-family, multiple dwellings, apartment hotels with cooking facilities, board and lodging houses, and mobile homes used for such purposes, but not including motels, motor hotel, tourist rooms, travel trailers, motor homes, trailers, or truck campers.

DWELLING, MULTIPLE: A building or portion thereof, used or designated for use as a residence for three or more families living independently of each other and each doing their own cooking in said building. This term includes apartment buildings and townhouses.

DWELLING, SINGLE FAMILY: A building used or designated for use exclusively by one family.

DWELLING, TWO FAMILY (DUPLEX): A detached building used or designated for use by two families living independently of each other and each doing their own cooking in said building.

EASEMENT: A grant of one or more of the property rights by a property owner to and/or for use by the public, or another person or entity.

ERECTED: This term 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 erection.

ESSENTIAL PUBLIC SERVICES: The erection, construction, alteration, or maintenance by public utilities or township departments of the following utilities: gas, telephone, electrical, steam, water, or sewer for the purpose of transmission or distribution, collection, communications, supply or disposal or such utility services including poles, wires, mains, drains, sewers, pipes, conduits, cables, traffic signals, hydrants, towers, substations, and other similar equipment and accessories in connection therewith reasonably necessary for the furnishing of adequate public utility service by such public utilities or Township for the public health, safety, or general welfare, but not including buildings other than such as are primarily enclosures or shelters of the above essential service equipment. This definition shall not include sanitary landfills, recycling centers, or transfer stations.

FAMILY:

- (a) One or more persons related by blood, marriage, or adoption, including foster children and servants, occupying a single dwelling unit and living as a single, non-profit housekeeping unit.
- (b) A collective number of individuals occupying a single dwelling unit whose relationship is of a permanent non-transient and distinct domestic character and cooking and living together as a single and separate housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, combine, federation, group, coterie,

or organization which is not a recognized religious order nor does it include a group of individuals whose association is temporary and/or resort seasonal in nature nor include state licensed residential facilities, as defined by the Michigan Zoning Enabling Act, being Act. No. 110 of PA of 2006, as amended, having more than six individuals.

FARM: All of the contiguous neighboring or associated land operated as a single unit on which bona fide farming is carried on directly by the owner-operator, manager, or tenant-farmer by his own labor or with the assistance of members of his household or hired employees; provided, however, that land to be considered a farm hereunder shall include a contiguous parcel of not less than ten acres in area. Farms may be considered as including establishments operated as bona fide greenhouses, nurseries, orchards, livestock and poultry farms, apiaries; and establishments operated for the purpose of keeping fur-bearing animals or game, or the operation of fish hatcheries and stock yards.

FARM ANIMALS: Livestock, including beef and dairy cattle, goats, hogs, horses, poultry, sheep, and other fur-bearing animals.

FARM BUILDINGS: Any building or accessory structure other than a farm or a non-farm dwelling unit which is used for farm operations such as, but not limited to, a barn, grain bin, silo, farm implement storage building, and/or milkhouses.

FARM LABOR HOUSING: A tract of land, mobile homes, buildings, and other structures pertaining thereto which is established, occupied, or used as living quarters for migratory workers engaged in agricultural activities, including related food processing.

FARM OPERATIONS: A condition or activity which occurs on a farm in connection with the commercial production of farm products and includes, but is not limited to, marketing produce at roadside standards or farm markets; noise; odors; dust; fumes; operation of machinery and irrigation pumps; ground and aerial seeding and spraying; the application of chemical fertilizers, conditioners, insecticides, pesticides, and herbicides; and the employment and use of labor.

FARM PRODUCTS: Those plants and animals useful to man and includes, but is not limited to, forages and sod crops, grains, and feed crops, dairy and dairy products, poultry and poultry products; livestock, including breeding and grazing; fruits, vegetables, flowers, seeds, grasses, trees, fish, apiaries, equine, and other similar products; or any other product which incorporates the use of food, feed, fiber, fur or flora.

FENCE: Any permanent partition, or structure erected as a dividing structure, barrier, or enclosure, and not part of a building.

FLOODPLAIN: Those areas which would be inundated by flood waters in a flood on one percent yearly probability.

FLOOR AREA: The sum of the gross horizontal areas of the several floors of the building measured from the interior faces of the exterior walls or from the centerline of common walls.

Floor area shall not include elevator shafts, stairwells, floor space used for mechanical and utility equipment, attic space having headroom of less than seven feet, or interior balconies or mezzanines. Any space devoted to parking or loading shall not be included.

GARAGE – PRIVATE: A detached accessory building or portion of a main building for the parking or temporary storage of not more than three automobiles, including not more than one light delivery or pickup motor vehicle of rated capacity not to exceed one and one-half tons used by the occupants of the premises.

GARAGE – PUBLIC: A building, other than a private garage, used for the care, repair, or equipping of automobiles, or where such vehicles are parked or stored for remuneration, hire, or sale.

GASOLINE SERVICE STATION: A structure or structures and space combined, used solely for either/or both the sale and installation in or upon motor boats or motor vehicles of the usual operating commodities such as gasoline, fuel oil, oil, grease, alcohol, water, batteries, tires, light bulbs, windshield wipers, and other minor accessories or services such as washing, wiping, cleaning, and waxing, or repair of tires, lights, charging of batteries, and tune-ups.

GRADE: A reference plane representing the average of finished ground level adjoining the building at all exterior walls.

GREENBELT: A natural or planted landscaped area consisting of trees, shrubs, bushes, and grasses designed to provide a visual and spatial buffer between land uses.

HOME OCCUPATION: An activity carried out for remuneration by a resident conducted as a permitted use in the resident's dwelling unit or accessory building.

JUNK YARD: This term includes automobile wrecking yards and salvage areas and includes any area of more than two hundred square feet for the storage, sale, processing, keeping or abandonment of junk, including scrap metals, other scrap materials or reclaimed 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.

KENNEL: Any premises on which more than three dogs, six months of age or older, are kept.

- (a) **COMMERCIAL** - Any kennel where dogs are kept for breeding or boarding for compensation or raised for the purpose of selling.
- (b) **PRIVATE** - Any kennel where dogs are kept and used solely by the owner or owners of the lot or parcel with no commercial activities involved.

LOT: A parcel of land which is separately described on a deed or other instrument recorded in the office of the Register of Deeds, whether by metes and bounds description, as part of a platted subdivision or condominium unit intended for individual ownership and use.

LOT AREA: The total horizontal area within the lot lines or property boundary of a lot which includes the area within public and private road rights of way if such area is included within the legal description of the lot.

LOT CORNER: A lot located at the intersection of two or more streets where the corner interior angle formed by the intersection of the centerlines of the street is one hundred thirty-five degrees (135°) or less or a lot abutting upon a curved street or streets if tangents to the curve at the two points where the lot lines meet the centerline curve form an interior angle of one hundred thirty five (135°) or less.

LOT COVERAGE: The part or percent of the lot occupied by buildings or structures, including accessory buildings or structures.

LOT DEPTH: The distance between the front lot line and the rear lot line measured along the median between the side lot lines.

LOT, DOUBLE FRONTAGE: Any lot, excluding a corner lot which fronts on two streets which do not intersect.

LOT, INTERIOR: A lot which has frontage on only one street.

LOT LINE, FRONT: The lot line separating a lot from a street right-of-way, private road, or other thoroughfare.

LOT LINE, REAR: The lot line opposite and most distant from the front lot line. In the case of a triangular or otherwise irregular shaped lot or parcel, an imaginary line ten (10) feet in length entirely within the lot or parcel, parallel to and at a maximum distance from the front lot line. In the event that none of these definitions are applicable, the Building Inspector shall designate the rear lot line.

LOT LINE, SIDE: Any lot line other than a front or rear lot line.

LOT WIDTH: The horizontal distance between the side lot lines, measured parallel to the front lot line at the minimum required building setback line.

MOBILE HOME: A vehicular, portable structure built on a chassis and designed to be used without a permanent foundation as a dwelling when connected to required utilities and which is, or is intended to be, attached to the ground, to another structure, or to a utility system on the same premises for more than thirty (30) consecutive days.

MOBILE HOME PARK: A parcel or tract of land under the control of a person upon which three (3) or more mobile homes are located on a continual, nonrecreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefor, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a mobile home.

MOTEL: A building or group of buildings on the same lot, whether detached or in connected rows, containing sleeping or dwelling units which may or may not be independently accessible from the outside with garage or parking space located on the lot and designed for, or occupied by, travelers. The term shall include any building or building groups designated as motor lodges, transient cabins, or by any other title intended to identify them as providing lodging, with or without meals, for compensation on a transient basis.

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

NONCONFORMING BUILDING OR STRUCTURE: A structure or building lawfully constructed that does not conform to the requirements of the district in which it is situated.

NONCONFORMING USE: A structure, building, plot, premises, or land lawfully occupied by a use that does not conform to the regulations of the district in which it is situated.

OPEN AIR BUSINESS: A business, a substantial part of which involves activities or the display and sale of goods outside of a building, including motor vehicle and boat sales, mobile home sales, lawn and garden centers, golf driving ranges, and similar uses.

PLANNED UNIT DEVELOPMENT: Land under unified control, to be planned and developed as a whole, in a single development operation or a definitely programmed series of development operations, including all lands and buildings. Such developments shall be based on an approved site plan which allows flexibility of design not available under normal zoning district requirements.

PORCH, ENCLOSED: A covered entrance to a building or structure which is totally enclosed, and projects out from the main building and has a separate roof or an integral roof with the building to which it is attached.

PORCH, OPEN: A covered entrance to a building or structure which is unenclosed except for supporting columns.

PREMANUFACTURED UNIT: An assembly of materials or products intended to comprise all or part of a building or structure and which is assembled at other than the final location of the unit of the building or structures by a repetitive process under circumstances intended to ensure uniformity of quality and material content. Premanufactured unit includes a mobile home.

PRINCIPAL USE: The primary or predominant use of the premises.

PRIVATE ROAD: (See Section 4.21)

RESTAURANT: A public eating place where food is prepared and served or sold for consumption solely within a building on the premises and which, as an incidental part of said principal business, may permit food to be taken from the premises for consumption. Property

owned, leased, or in which an owner of a restaurant has an interest shall be considered as restaurant premises if used in the operation of such business.

RIGHT-OF-WAY: A street, alley or other thoroughfare or easement permanently established for passage of persons or vehicles.

RIVER’S EDGE: The mean annual waterline of the river or tributary.

ROADSIDE MARKET STAND: A building or structure designed or used for the display and/or sale of agricultural products produced on the premises upon which the stand is located.

SETBACK: The minimum unoccupied distance between the lot line and the nearest wall of the principal or accessory building.

SIGN, ON-SITE: An advertising sign relating in its subject matter to the premises on which it is located, or to products, accommodations, services, or activities on the premise.

SIGN, OFF-SITE: Any sign relating to matter off the premises.

SPECIAL USE: A use which shall be permitted in a zoning district only after review and approval by the Planning Commission when the facts and conditions specified in the Zoning Ordinance as those upon which the use is permitted are found to exist.

STABLE: A structure, building, or land used for the keeping, care, and raising of horses.

- (a) **COMMERCIAL** - Any lot or parcel where horses are kept for training, riding, stabling, or breeding for compensation.
- (b) **PRIVATE** - Any lot or parcel where horses are kept and used solely by the owner or owners of the lot or parcel with no commercial activities involved.

STOCKYARD: A business establishment devoted to the buying and selling of farm animals.

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 be no floor above it, then the space between the floor and the ceiling next above it.

A “mezzanine” floor shall be deemed a full story only when it covers more than fifty percent of the area of the story underneath said mezzanine, or, if the vertical distance from the floor next below it to the floor next above it is twenty-four feet or more.

STREET: A publicly owned and maintained right-of-way which affords traffic circulation and principal means of access to abutting property, including any avenue, place, way, drive, lane, boulevard, highway, road, or other thoroughfare, except an alley.

STRUCTURE: Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground; including, but without limiting the generality of the foregoing; advertising signs, billboards, tennis courts, swimming pools, and pergolas. Fences, sidewalks, and driveways shall not be considered structures.

THEATER: Any building or place used for presentation of dramatic spectacles, shows, movies, or other entertainment, open to the public with or without charge.

TOWER: Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio and similar communication purposes, including self-supporting lattice towers, guyed towers or monopole towers. Tower includes those used for transmission for radio and television, microwave, common carrier, cellular telephone, alternative tower structures and the like. Tower includes the structure thereof and any support thereto.

TOWER HEIGHT: The distance measured from the finished grade of the parcel of land to the highest point on the tower or other structure, including the base pad and any antenna.

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

VARIANCE: An adjustment of or variation from the requirements of this Ordinance as authorized by the Zoning Board of Appeals or the Zoning Administrator under the provisions of this Ordinance.

YARD: A required yard is 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) **FRONT YARD** - A required front yard is 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 street lot line, describing an unoccupied space between the front lot line and the nearest wall of the main building, excepting steps and unenclosed porches.
- (b) **REAR YARD** - A required rear yard is 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, describing an unoccupied space between the rear lot line and the nearest wall of the main building.
- (c) **SIDE YARD** - A required side yard is 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 to the nearest wall of the main building.

CHAPTER 3

ZONING DISTRICTS

SECTION 3.01 ZONE DISTRICTS

For the purpose of this Ordinance, the Township is hereby divided into the following zoning districts:

A	Agricultural
R-1	Low Density Residential
R-2	Medium Density Residential
R-3	Mobile Home Park
C	Commercial
I	Industrial
PUD	Planned Unit Development
M-66	Overlay District

SECTION 3.02 THE ZONING MAP

The locations and boundaries of these descriptions are hereby established on a map entitled “The Official Zoning Map of Orange Township” which is hereby made a part of this Ordinance.

The official zoning map shall be located in the Township offices and shall be the final authority as to the current zoning status of any property in the Township. Said map is to be kept up to date, and accessible to the general public.

SECTION 3.03 BOUNDARIES OF ZONE DISTRICTS

Unless otherwise provided, the boundaries of zone districts shall be interpreted as following along section lines, or lines of customary subdivisions of such sections; or the centerlines of highway, streets, or open areas; or property lines of record; or the extension of any said lines.

CHAPTER 4

GENERAL PROVISIONS

SECTION 4.01 GENERAL INTENT AND APPLICATION

It is the purpose of this Chapter to establish general regulations which have not been specifically provided for in other sections of this Ordinance. Unless specifically noted, these regulations apply to uses in all zoning districts.

SECTION 4.02 THE EFFECT OF ZONING

Except as hereinafter specified, no lot or land or premises shall hereafter be used, maintained, or occupied, and no building or structure or part thereof shall be constructed, erected, moved, placed, maintained, reconstructed, used, extended, enlarged, or altered, except in conformity with the regulations herein specified for the zoning district in which it is located.

Nothing in this ordinance shall be deemed to require any change in the plans, construction, or design of any building upon which construction has lawfully begun or for which a valid building permit has been issued; provided, however, that such building shall be completed within two years from the date of passage of this ordinance or subsequent amendments affecting the district in which the building is or will be located.

SECTION 4.03 RESTORATION OF UNSAFE BUILDINGS

Nothing in this Ordinance shall prevent the strengthening or bringing to a safe condition of any building or structure, or part thereof, which does not comply with the building codes in force in the Township and unsafe as determined by the Building Inspector.

SECTION 4.04 REQUIRED AREA OR SPACE

No lot or lots in common ownership and no yard, parking area, or other space shall be so divided, altered, or reduced as to make such area or dimension less than the minimum required under this Ordinance. If already less than the minimum required under this Ordinance, said area or dimension shall not be further divided or reduced.

SECTION 4.05 ACCESSORY BUILDINGS

- (a) General Regulations. The following regulations shall apply to accessory buildings in all zoning districts unless otherwise provided:
 - (1) In any zoning district, an accessory building may be erected detached from the permitted principal building or as an integral part of the permitted principal building. When erected as an integral part of the permitted principal building, it shall comply in all respects with the requirements of this Ordinance applicable to the permitted principal building.

- (2) Accessory buildings shall not be erected in any required front or side yard.
- (3) Detached accessory buildings and garages shall not occupy more than 30% of any required rear yard space. Said accessory building, when located in the rear yard, shall not be located nearer than five feet to any side or rear lot line nor nearer than 10 feet to the principal building.
- (4) Accessory buildings or garages shall be considered as attached to the principal building when the distance between structures is solidly covered by a breezeway, portico, covered colonnade, or similar architectural device.
- (5) No accessory building shall include residential or living quarters for human beings.
- (6) When an accessory use or building is located on a corner lot, it shall not project beyond the front yard setback line required on the lot in the rear of such corner lot.
- (7) Accessory uses or buildings in a manufactured home development located in an R-3 zoning district shall meet setbacks according to section R 125.1941 of the Mobile Home Commission Act PA 96 of 1987, as amended, and the Manufactured Housing Commission General Rules, as amended.
- (8) Accessory buildings less than two hundred (200) square feet in area do not require a zoning permit but shall conform to the setback requirements for accessory buildings.

SECTION 4.06 EXISTING PLATTED LOTS

Where an existing platted lot has an area of not less than ninety percent of its zoning district requirements and where such lot can provide the side and front yard requirements of its zone, the permitted uses of the district shall be allowed. An existing platted lot, in single ownership, of less than ninety percent of its zoning district requirements may be utilized for such permitted uses, and for such purpose the required side yards may be reduced by the same percentage the area of such lot bears to its zone district requirements, provided that no side yard provision may be reduced to less than ten feet and that off-street parking requirements are also met.

SECTION 4.07 BUILDING HEIGHTS

- (a) ALL DISTRICTS. No building shall exceed 35 feet.
- (b) EXCEPTIONS. Subject to other provisions of law, the requirements of all zones shall be subject to the following exceptions: parapet walls not exceeding four feet in height, chimneys, cooling towers, elevator bulkheads, fire towers, gas tanks, grain elevators and driers, silos, stacks, water tanks, monuments, cupolas, domes, spires, penthouses housing

necessary mechanical appurtenances, fruit storage facilities, barns, any building or structure used for farming purposes and similar structures.

SECTION 4.08 FRONT YARD AVERAGING AND ENCROACHMENT

Where an existing setback line has been established by existing buildings occupying 50 percent or more of the frontage within the same block or where unplatted, within two hundred feet of the proposed building or the same side of the street, such established setback shall apply. Unenclosed porches, steps, or similar facilities may project into a required front yard for a distance not to exceed five feet.

SECTION 4.09 TEMPORARY DWELLINGS

- (a) A temporary shelter such as a mobile home, motor home or travel trailer may be used for one year for living accommodations while a permanent structure is under construction, upon approval of the Ionia County Health Department. An extension may be granted by the Township Board if it is demonstrated that the permanent structure will be completed within a reasonable period of time.

SECTION 4.10 DWELLING UNITS OUTSIDE OF MOBILE HOME PARKS

All dwelling units located outside of mobile home parks shall comply with the following requirements:

- (a) Prior to issuance of a building permit for any dwelling unit, construction plans, including a plot plan adequate to illustrate compliance with the requirements of this Ordinance, shall be submitted to the Building Inspector. If the dwelling is a mobile home, there shall also be submitted adequate evidence to assure that the dwelling complies with the standards applicable to mobile homes set forth in this section.
- (b) All dwellings shall provide steps or porch areas where there exists an elevation differential of more than one foot between any door and the surrounding grade. All dwellings shall provide a minimum of two points of ingress and egress.
- (c) All additions to dwellings shall meet all the requirements of this Ordinance.
- (d) All dwelling units shall provide a minimum height between the floor and ceiling of seven and one-half feet.
- (e) All mobile homes shall meet the standards for mobile home construction contained in the United States Department of Housing and Urban Development Regulations, entitled "Mobile Home Construction and Safety standards", effective June 15, 1976, as amended; that is, the mobile home shall have a HUD sticker. All other dwellings shall meet the requirements of the construction code adopted by Orange Township.

- (f) Metal frame bearing mobile homes: Pillars shall be required to support metal frame bearing mobile homes which pillars shall extend into the soil a minimum of 40 inches and have a minimum width of 16 inches. All pillars shall be placed in undisturbed soil. From the top of the pillars to the bottom of the frame of a mobile unit, a pier shall be made of 4" x 8" x 16" solid concrete blocks. The bottom of the pillars may be flared if possible but is not mandatory. If a concrete pad is poured around the pillars, a 1/2" expansion joint shall separate the pad from the pillar to allow movement of the pad. Said pillars shall be spaced not more than 10 feet apart on center with pillars at each end of the unit. Provided, however, such pillars may be spaced up to 13 feet apart on center at the axle area, provided that the number of pillars shall be equal; in number had they been placed at 10 feet intervals.
- (g) Metal frame bearing mobile homes, as an alternative to Section 4.10(f), may be placed upon a concrete pad of not less than four inches thick, reinforced with Number 10 wire mesh. The concrete pad must have not less than the same exterior dimensions of the mobile home that is placed upon the pad.
- (h) Metal frame bearing mobile home shall have a minimum clearance of 16 inches above the ground to the bottom of the frame of the mobile home.
- (i) Perimeter bearing mobile homes: A perimeter bearing mobile home shall have a perimeter frost wall of not less than 42 inches into the ground from the surface of the ground.
- (j) Perimeter bearing mobile homes shall have a minimum clearance of 24 inches above the ground to the bottom of the frame of the mobile home.
- (k) The entire exterior perimeter of a frame bearing mobile home, between the ground level and mobile home, shall be skirted with skirting material that meets exterior sheeting requirements of mobile homes and meets and is installed to mobile home industry standards. Such skirting must be installed with 30 days after placement of the mobile home on the lot or parcel.
- (l) All mobile homes, temporary and permanent, must be anchored by an anchoring system. Such anchoring system shall consist of a combination of the following:
- Ties - straps, cable or securing devices used to connect the mobile home to ground anchors.
 - Anchoring equipment - straps, cables, turnbuckles, and chains, including tensioning devices which are used with ties to secure a mobile home to ground anchors.
 - Ground anchors - any device at the mobile home site designed to transfer mobile home anchoring loads to the ground if the mobile home is supported by pillars; otherwise to transfer such loads to the concrete pad.

(m) All supporting pillars and frost walls shall be placed in undisturbed soil.

SECTION 4.11 CLEAR VISION CORNERS

On any corner, in all zoning districts except the Agriculture zone, nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision between a height of 30 inches and eight feet above the established abutting road grade within a triangle formed by the two street right-of-way lines and a line connecting them to points 25 feet from the intersection of the right-of-way lines.

SECTION 4.12 ESSENTIAL PUBLIC SERVICES

The erection, construction, alteration, or maintenance of essential services shall be permitted in any district. All such uses shall be exempt from the provisions of this Ordinance.

SECTION 4.13 CORNER LOTS

For a lot or parcel bounded by two intersecting streets, there shall be a front yard setback along each abutting street and one side and rear yard setback. The owner, builder or other person with a legal interest in the property may, after consulting with the Zoning Officer, designate which is the rear yard and which is the side yard. For a lot bounded by three intersecting streets, there shall be three front yard setbacks and the remaining setback shall be a rear setback.

SECTION 4.14 PRINCIPAL USE

A lot or parcel shall not contain more than one main building or use, excepting groups of apartment or retail business buildings, or other groups of buildings the Zoning Officer deems to be a main use collectively.

SECTION 4.15 REPAIR OF DAMAGED BUILDINGS

A building damaged by fire, storm, collapse, or act of God, to such an extent that the cost of repair and reconstruction exceed 50% of the market value as determined by the assessed value for tax purposes of such structure at the time of damage, shall either be completely razed so as not to cause a nuisance or safety hazard or shall be substantially rebuilt and the premises cleared of debris within one year from the date such damages occur. Any re-building shall conform to all codes and ordinances of Orange Township.

SECTION 4.16 LANDSCAPE REQUIREMENTS FOR THE R2, COMMERCIAL AND INDUSTRIAL ZONES, M-66 ACCESS MANAGEMENT OVERLAY ZONE AND PLANNED UNIT DEVELOPMENT DISTRICT

(a) Intent. The intent of this section is to set forth minimum standards for required landscape buffer strips. Buffer strips planted with trees and shrubs are intended to maintain or

improve air quality, stabilize soils, increase groundwater infiltration, decrease wind velocity, reduce noise, and create zones of privacy.

(b) **Greenbelt Landscaping.** Where a landscape buffer strip or greenbelt is required by this Ordinance, the following minimum landscape standards shall be observed.

- (1) Two trees plus one additional tree for each 30 feet in length of the buffer strip or greenbelt measured along the outer periphery of the required landscape area. Trees shall be a mixture of canopy, ornamental and evergreen varieties.
- (2) Two shrubs plus one additional shrub for each 25 feet in length of the buffer strip or greenbelt measured along the outer periphery of the required landscape area.
- (3) All trees planted in a required landscaped area shall be a minimum of one and one half inch caliper at five feet in height. Shrubs shall have a minimum of 24 inches of spread at planting.
- (4) Any and all plantings in the buffer strip shall be hardy plant materials and maintained thereafter in a neat and orderly manner. Withered and/or dead plant materials shall be replaced within a reasonable period of time but no longer than one growing season.
- (5) Fences and walls may be approved as alternative screening or in combination with the above plantings. All screen walls and fences shall be constructed of new, durable, weather resistant and easily maintainable materials. Screen walls or fences shall be constructed so as not to alter drainage patterns on-site or on adjacent properties.

(c) **Landscape Requirements for Off Street Parking Lots.**

- (1) All parking areas having at least 20 spaces, except those parking areas for industrial uses which are located in the rear yard, shall be landscaped with one canopy and one evergreen tree for every twenty parking spaces, with a minimum of two trees. These trees shall be planted in and adjacent to the parking area.
- (2) Landscape islands or peninsulas shall be installed at the end of those parking rows which are more than 30 spaces long. Within such rows, a landscaped island shall be installed every 30 spaces. As an alternative, the Planning Commission may permit larger but fewer landscape islands to provide shade and to break up the visual monotony of large paved areas.
- (3) Landscape islands or peninsulas at the end of parking rows shall be a minimum of 10 feet in width by the length of the parking space or spaces, with an appropriate radius. Islands within parking rows shall be a minimum of six feet wide by the length of the parking space or spaces.

- (4) Each island within a parking lot shall contain at least two trees. The Planning Commission may require low lying shrubs not to exceed two feet in height to be planted within the islands in order to provide ground cover for the islands and improve the appearance of the parking lot.
 - (5) Landscaping shall be arranged so as not to obscure traffic signs or fire hydrants, or obstruct drivers' sight distance within the parking area and at driveway entrances.
- (d) Front Yard Landscaping. Except for necessary driveways, frontage roads, service drives, or walkways, the front yard for Commercial and Industrial zones, the M-66 Overlay zone and the PUD zone shall be landscaped according to the following minimum requirements:
- (1) One canopy tree, one evergreen tree and one understory tree for each 80 feet in length of road frontage.
 - (2) Landscaping shall be located so it does not obstruct the vision of drivers entering or leaving the site.
 - (3) Earthen berms within the front yard are encouraged to provide variety in appearance and for screening of parking areas.
- (e) Landscape Modifications. The landscape requirements of this section may be modified by the Planning Commission in consideration of existing trees on site, proposed building setbacks, existing and proposed uses on adjacent lands, topographical elevations on a site and on adjacent lands. In deciding whether to modify the landscape regulations of this section, the Planning Commission shall determine that the intent of the regulations will still be met if modifications are allowed.

(Amended 11-11-14)

SECTION 4.17 PRIVATE ROADS AND SHARED DRIVEWAYS.

a) DEFINITIONS

- (1) Lot means a parcel of land which is separately described on a deed or other instrument recorded in the office of the Register of Deeds, whether by metes and bounds description, as part of a platted subdivision or condominium unit intended for individual ownership and use.
- (2) Driveway means an improved or unimproved path or road extending from a public or private road or right-of-way to a single building, dwelling or structure, intended to provide ingress and egress primarily for the occupants thereof.
- (3) Shared driveway means an improved or unimproved path or road extending from a public or private road or right-of-way to two lots, dwelling units, principal

buildings, or structures, intended to provide ingress and egress primarily for the occupants thereof.

- (4) Private road is any undedicated path, trail or road which is privately owned and maintained and which provides or is intended to provide the primary means of ingress and egress to three or more lots, principal buildings, or dwelling units.
- (5) Existing Private Road - a private road which is used to provide access to lots, buildings or dwellings existing as of the effective date of this chapter.
- (6) Private Road Easement - An easement which is granted exclusively for private access to three or more parcels of land and which contains a private road.

b) **APPLICABILITY.**

- (1) Private roads and shared driveways are permitted in all zoning districts.
- (2) Lots in the Agricultural zone which are used for agricultural purposes including placement of farm buildings are exempt from the private road requirements of this Ordinance.

c) **EXISTING PRIVATE ROAD.** After the effective date of this amendment , no existing private road shall be reconstructed, extended, improved, or relocated, nor shall an existing private road be used or extended to provide access to a lot, dwelling or building which was not provided access by the private road as of the effective date of this amendment, unless the existing private road is re-constructed according to the minimum construction standards and other requirements of this Section.

d) **PROCEDURE FOR PERMITTING OF PRIVATE ROADS**

(1) **Application and Fee**

An application to establish, construct, extend, improve or relocate a private road shall be filed with the Township Zoning Administrator along with a fee as set by the Township Board. The application shall contain or be accompanied by the following information:

- (a) The names(s) of the owners and any other parties having any legal interest in the private road.
- (b) Permanent parcel number or legal description of the property over which the private road is to be constructed.
- (c) A site location map not to scale which shows the location of the parcel containing the road to surrounding properties and roadways within one-half mile of the site.

- (d) A scaled drawing which illustrates all of the lots which will be served by the private road.
- (e) A scaled drawing sealed by a registered engineer or surveyor showing the precise location, route, elevations, dimensions, specifications and design of the private road and any proposed extensions of the road, existing or proposed curb cuts and the location and distance to any public street which the private road is to intersect. This drawing shall include a profile of the proposed road.
- (f) The location of all public utilities including but not limited to water, sewer, telephone, gas, electricity and television cable to be located within the private road right-of-way or within twenty (20) feet either side thereof.
- (g) A road maintenance agreement, access easement agreement and deed restrictions as required in this Section shall also accompany the application.
- (h) A driveway permit from the Ionia County Road Commission.

(2) Review by Zoning Administrator

- (a) The Zoning Administrator shall review this information in conjunction with the Township Fire Chief to determine compliance with the standards and requirements for private roads as contained herein and may consult with the Township, Attorney, Engineer or Planner.
- (b) If the Zoning Administrator finds that the application meets the requirements of this Section, the application shall be approved and a Construction Permit issued for the construction of the private road. This Construction Permit shall consist of a stamp noting approval and containing the signature of the Zoning Administrator and the date of approval. Two copies of the private road plans shall be stamped for approval, one copy shall be kept by the applicant, and one by the Township.

This Construction Permit is not a Private Road Permit and does not authorize the construction of any buildings on the private road. The Construction Permit is valid for a period of one year from the date of approval. If construction of the private road has not commenced before this date, the permit shall expire. A new

Construction Permit shall be required before construction can begin.

- (c) If the Zoning Administrator denies the application, the written reasons for denial shall be provided to the applicant within five working days of the date of denial.
- (d) Final Compliance Requirements - Upon completion of construction of the private road, the applicant shall provide to the Zoning Administrator:
 - (i) A letter from a registered professional engineer or surveyor that the road has been constructed in compliance with the approved private road plans, and
 - (ii) Documentation that the road maintenance agreement, access easement and deed restrictions have been recorded with the Ionia County Register of Deeds office.
 - (iii) The Zoning Administrator shall also conduct an inspection of the private road to ensure that all other requirements of this Section have been met.
- (e) Private Road Permit Issuance - Upon approval of items required for final compliance, the Zoning Administrator shall issue a Private Road Permit.
- (f) Permits for Buildings on Private Roads - A building permit shall not be issued for any building, dwelling or structure which derives its primary access from a private road unless (i) the private road has been completed in accordance with an approved Private Road Construction Permit, or (ii) the applicant for the building permit or the owner(s) of the private road right-of-way have provided the Township with an irrevocable letter of credit in an amount determined by the Township to ensure construction of the private road in accordance with the approved private road construction permit. The letter of credit shall be valid for a period of one year from the date of the issuance of the building permit. The Township shall have the right to draw on the funds if the private road is not completed to the satisfaction of the Township prior to the expiration of the letter of credit.

(e) **MINIMUM STANDARDS FOR PRIVATE ROAD**

- (1) A private road shall be located within a private road easement. Such easement shall not be less than 66 feet in width at any point. At any dead-end of such

easement, the easement shall widen such that there is a minimum radius of 60 feet.

- (2) A lot shall have frontage on the private road easement which is at least equal to the minimum lot width required for the zoning district in which the lot is located. For lots on a cul-de-sac the frontage requirement shall be regulated by Section 4.23 herein.
- (3) A private road shall intersect and connect to a public road.
- (4) The private road shall be given a street name that is not the same or similar to any other street name in the county. A street sign bearing the street name of the private road meeting Ionia County Road Commission standards as to design, location, and maintenance shall be erected and maintained where such private road adjoins any public road.
- (5) The area in which the private road is to be located shall be cleared and kept clear of vegetation for a minimum width of 28 feet and overhead branches shall be trimmed to a height of 14 feet. The private road may be located anywhere within the private road easement, allowing for the required shoulder, provided that the balance of the right-of-way shall remain unencumbered to allow for future expansion.
- (6) All private roads shall be constructed on a base of at least six inches of compacted gravel with a 9 inch sand sub-base. Side ditches shall be one on three front slope and one on three backslope. Ditches shall outlet into a cross culvert or drainage course.
- (7) A private road shall have a minimum roadway width of 22 feet with a minimum shoulder width of three feet on each side.
- (8) All private roads shall widen at any dead end so there is at least a 60 feet radius driving surface turnaround. In the event of severe topography, mature trees or other similar natural feature which prevents the reasonable installation of the turnaround a different turnaround design may be approved.
- (9) A private road shall not exceed a grade of 6 percent; provided that within 30 feet of the intersection of a private road with any other private road or with any public right-of-way, a private road shall not exceed a grade of four percent.
- (10) A private road shall be constructed in a manner to provide effective storm water drainage and to prevent run-off onto adjacent property. If a private road crosses a natural drainage course, stream or other natural body of water, the method of crossing (by bridge, culvert or other structure) must be certified by a registered professional engineer that it complies with applicable Ionia County Road Commission and State of Michigan requirements. Such bridge, culvert or other

structure must be able to safely support normal Michigan load requirements to ensure fire truck access.

- (11) A dwelling unit which derives its primary access from a private road shall display a house number in a manner so that the number is at all times readily visible from the private road. The house numbers shall be a minimum of three inches in height.
- (12) The edge of the private road driving surface shall be no closer than 50 feet from any dwelling unit located on a parcel adjacent to the private road.

(f) **PRIVATE ROAD MAINTENANCE AGREEMENT**

The applicant(s) and/or owner(s) of the proposed private road shall provide to the Township a recordable or recorded road maintenance agreement, access easement agreement, and/or deed restrictions which shall provide for the perpetual private (non-public) maintenance of such roads and/or easements to a necessary and reasonable standard to serve the parties having an interest in the private road. These documents shall include provisions for the following:

- (1) A method of financing such road and/or easements in order to keep the road in a reasonably good and usable condition.
- (2) A method of apportioning the costs of maintenance and improvements and an enforcement mechanism to ensure that such maintenance and improvements are carried out.
- (3) A notification that no public funds of the Township of Orange will be used to build, repair, or maintain the private road.
- (4) Easements to the public for purposes of emergency and other public vehicles for whatever public services are necessary.
- (5) Each of the owners of property utilizing the road shall refrain from prohibiting, restricting, limiting or in any manner interfering with normal ingress and egress and use by any of the other owners and ensuring that the property owners shall have a mechanism provided to enforce these rights. Normal ingress and egress and use shall include use by family, guests, invites, tradesmen, and others bound to or returning from any of the properties having a right to use the road.
- (6) If the private road entrance is secured by a locked gate or other similar mechanism the applicant shall arrange for emergency vehicle access with the Township Fire Chief.

SECTION 4.18 SWIMMING POOL

- (a) A swimming pool shall not be constructed, installed, enlarged, or altered until a permit has been obtained from the Building Inspector.
- (b) The outside edge of the pool wall shall not be located closer than 10 feet from any rear or side property line. No pool shall be located under any electrical wiring or in a required front yard.

SECTION 4.19 FARM ANIMALS IN RESIDENTIAL DISTRICTS

- (a) Farm animals are permitted in a Residential District, provided:
 - (1) They are kept at least 50 feet from any adjoining property and 150 feet from the front lot line.
 - (2) Such animals may only be kept on parcels of land at least one and one half acres.
 - (3) The keeping of such animals shall be accessory to the principal use.
 - (4) There shall be no more than one such animal per acre with a maximum of five such animals on any parcel excluding poultry, rabbits, or other similar sized animals which are typically caged or kept inside a building.
 - (5) The area on which the animal(s) are kept shall be completely enclosed by a fence or similar barrier to prevent the animal(s) from trespassing on adjoining property.
 - (6) The premises shall be maintained in sanitary condition and may be inspected at any reasonable time, or times, by the Building Inspector and/or Township or County Health Officer.

SECTION 4.20 CUL-DE-SAC LOTS.

In the case of lots abutting cul-de-sac streets, the minimum required lot width shall be measured at the minimum required front setback distance for buildings and structures. Such cul-de-sac lots shall have a minimum lot width of 40 feet at the front lot line. For lots in the Agricultural zone which have their entire frontage on a cul-de-sac, a minimum lot width of 150 feet shall be achieved at a point 125 feet from the front lot line.

A lot shall be considered to be a cul-de-sac lot if the lot has more than one-half of its required frontage on the cul-de-sac. The cul-de-sac shall be determined to commence at the intersection of the radius of the cul-de-sac with the street right-of-way line.

SECTION 4.21 ACCESSORY APARTMENTS

- (a) Intent. It is the intent of this section to permit the establishment of accessory apartments in owner occupied single family dwelling units which will provide homeowners with a means of obtaining, through tenants in accessory apartments, companionship, security

and services; provide a means for homeowners to care for elderly or ailing relatives and still allow them to maintain the independence and comfort of separate living quarters; and add inexpensive rental units to the housing stock to meet the smaller household needs of both young and old.

These regulations are also designed to protect the stability, property values, and single family residential character of a neighborhood by ensuring that accessory apartments are installed only in owner occupied houses in such a manner that the appearance of the building remains that of a single family residence.

For purposes of this section, an accessory apartment is defined as a dwelling unit designed for and occupied by one family which is a separate housekeeping unit complete with kitchen and bathroom facilities contained within or attached to the structure of a single family dwelling and which is accessory to it.

(b) Authorization and Development Standards. The Zoning Officer shall only issue a permit for an accessory apartment in those zoning districts which permit single family dwelling units when the following development standards have been met:

- (1) The accessory apartment shall be a complete housekeeping unit, containing kitchen and bathroom facilities, which is separate from the principal single family dwelling unit.
- (2) Only one accessory apartment shall be created within or attached to the principal single family dwelling unit.
- (3) The accessory apartment and principal single family dwelling unit shall be attached by a common wall, ceiling, or floor and shall be contained within a single building.
- (4) The owner(s) of single family dwelling unit in which the accessory apartment is created or to which it is attached shall occupy one of the dwelling units in the building.
- (5) The accessory apartment shall comply with all applicable requirements of the Orange Township BOCA/National Building Code as amended, and shall consist of a minimum of 300 square feet of floor area.

The entire accessory apartment shall consist of no more than 35% of the total square footage of the principal single family dwelling unit but shall not result in the floor area of the principal building being reduced below the requirements of the zoning district in which it is located.

- (6) A minimum of three parking spaces shall be provided on the premises for use by occupants of the accessory apartment and the principal single family dwelling unit.

- (7) The accessory apartment shall be installed or constructed so that, to the degree reasonably feasible, the appearance of the building remains that of a single family residence. Exterior doorways constructed to serve the accessory apartment shall, where possible, be located on the side or rear of the building. If an exterior doorway is to be constructed to face the street, it shall be subject to review and approval of the Zoning Officer.
- (8) An accessory apartment shall be constructed in compliance with all applicable Zoning Ordinance regulations as contained herein.
- (9) A site plan shall accompany a permit application for an accessory apartment. For purposes of this section, the site plan shall illustrate, at a minimum, the following:
 - (i) Dimensions of the site.
 - (ii) Dimensions of the building, including any additions required for the accessory apartment.
 - (iii) Existing and proposed building setback distances.
 - (iv) Floor plan of the accessory apartment illustrating room dimensions and location of the accessory apartment relative to the original single family house.
 - (v) Location of existing and proposed exterior doorways.
 - (vi) Dimensions and location of existing and proposed off-street parking area.
- (c) General Regulations. Accessory apartments shall also comply with the following general regulations:
 - (1) The establishment of an accessory apartment in a single family dwelling unit shall not result in any building site or use situation which is nonconforming.
 - (2) An accessory apartment shall not be subject to the regulations contained herein which are applicable to two-family dwelling units.
 - (3) The following shall not be considered as accessory apartments:
 - (i) A single family dwelling unit whose occupants share kitchen and bathroom facilities.
 - (ii) A detached single family dwelling unit located on the same lot with an existing single family dwelling unit.

- (iii) Dwelling units designed for and occupied by transient or migrant workers.

SECTION 4.22 LOTS WITHOUT PUBLIC OR PRIVATE ROAD FRONTAGE

A lot may be created which does not abut a public or private street. Such lot shall not contain a dwelling unit but may contain farm buildings as defined herein as well as essential service buildings and structures and radio towers and antennas. Such lot need not comply with the minimum lot size and width requirements of this Ordinance.

SECTION 4.23 MINIMUM LOT FRONTAGE

- (a) Except as allowed by Section 4.22 above, a building or dwelling unit shall be erected only on a lot or parcel which abuts or has frontage on a public street, private road or shared driveway easement in accordance with the lot width requirements for the zoning district in which it is located and in accordance with Section 4.06 herein.
- (b) Except as allowed by Section 4.22 above, any lot created after the effective date of this Ordinance shall front upon a public street, private road right-of-way, shared drive or access easement meeting the requirements of the Township private road regulations, for the minimum lot width required by this Ordinance.

SECTION 4.24 LOTS WHICH CONTAIN MORE THAN ONE DWELLING

If a lot contains more than one dwelling as of the effective date of this Ordinance, the dwellings may be removed and replaced with the same number of dwellings or dwelling provided the new dwellings or dwelling complies with all other applicable regulations of this Ordinance.

CHAPTER 5

“A” - AGRICULTURE

SECTION 5.01 DESCRIPTION AND PURPOSE

This district is intended to preserve and provide for large tract of land used for farming, dairying, forestry, and other rural activities, including vacant or fallow land. The specific intent is to encourage the proper use of lands through preventing mixture of urban and rural uses which may create incompatibility and conflict, place unbalanced tax burdens on agricultural lands, and otherwise contribute to the premature development of lands which should be preserved in their present state. The land within this district is well suited for growing crops due to climate and to a greater extent soil types and terrain which are a unique natural resource of the Township.

SECTION 5.02 PERMITTED USES

Land and/or buildings in this district may be used for the following purposes only:

- (a) Agriculture, including farms for both general and specialized farming together with farm dwellings and other installations customary to such farms. Except as may otherwise be provided by this Ordinance, no restrictions on the keeping of domestic animals, poultry, or livestock shall be applicable to unplatted land; provided, however, that all domestic animals, poultry, and livestock shall be housed and fenced so as not to create a public nuisance.
- (b) Livestock facilities shall comply with all regulations administered by the Michigan Department of Agriculture.
- (c) Single family dwellings.
- (d) Roadside stands on farm premises for the sale of farm products.
- (e) Tree and sod farms.
- (f) Storing, packaging, processing, canning and freezing of farm produce.
- (g) Commercial agriculture uses, including “u-pick” or “u-cut” operations with sufficient off-street parking provided.
- (h) Private stables and kennels.
- (i) Uses customarily incidental to the principal use.
- (j) Parks and playgrounds, community centers or similar recreational uses when operated by a governmental agency or non-profit group.

- (k) Farm labor housing of any size as an accessory use to a farm, provided the following conditions are met in addition to the other requirements of the Agricultural District:
 - (1) Compliance with Michigan Public Health Code, being Act 368 of the Public Acts of Michigan of 1978, as amended, including any rules promulgated pursuant thereto;
 - (2) The occupants are employed for farm labor at some time by the owner of the property while they occupy the housing;
 - (3) Mobile homes may be used to provide such housing per Section 4.10 herein;
 - (4) Farm labor housing must be at least 100 feet from all side and rear property lines and must be at least 75 feet from the street right-of-way on which the property fronts. Farm labor housing must also be at least 150 feet from any single-family residence located on a separate parcel of property owned by another individual or entity;
 - (5) Farm labor housing may be permitted as a principal use on a parcel which contains a minimum of one acre and which complies with all other requirements of this section. This parcel shall be adjacent to the farm parcel where the laborers are employed and both parcels shall be under the same ownership.
- (l) Cemeteries.
- (m) Storage of materials, vehicles and equipment which are used by the occupant of the premises in the operation of a business which is conducted off the premises. This shall primarily include, but shall not be limited to, materials, equipment and vehicles used in the building and construction trades. The property or parcel containing such a business shall not exceed three acres.

Such storage shall be clearly incidental to the permitted principal use.
- (n) Child and adult day care homes with no more than 12 minor children or adults.
- (o) Adult foster care facilities.
- (p) Wireless communication towers and antennas as regulated by Township Ordinance 4A.
- (q) Essential public service equipment and buildings.
- (rr) Commercial stables and commercial kennels.
- (s) Churches on a lot or parcel of at least two acres.
- (t) Establishments which provide retail sales of one or more of the following items:

- (1) Nursery stock and accessory products
- (2) Landscaping products
- (3) Antiques and crafts
- (u) Farm implement repair.
- (v) Agricultural service establishments which engage in performing agricultural, animal husbandry, or horticultural services on a fee or contractual basis, including but not limited to the following:
 - (1) Centralized bulk collection, refinement, storage and distribution of farm products to wholesale and retail markets (such as grain cleaning and shelling; sorting, grading, and packing of fruits and vegetables for the grower and agricultural produce milling and processing);
 - (2) The storage and sale of seed, feed, fertilizer, and other products essential to agricultural production;
 - (3) Crop dusting;
 - (4) Fruit packing;
 - (5) Farm equipment sales and service;
 - (6) Veterinary services;
 - (7) Facilities used in the research and testing of farm products and techniques.
 - (8) General repair and welding of farm implements and farm machinery.
 - (9) Slaughter houses.
- (w) Home occupations with sufficient off-street parking.
- (x) Public airports.

SECTION 5.03 SPECIAL LAND USES

The following uses may be permitted as a special land use in the Agricultural District when approval is granted by the Planning Commission. Such uses are subject to the provisions of Chapter 15 contained herein and the provisions noted below where applicable.

- (a) Private airfields and landing strips.
- (b) Campgrounds
- (c) Country clubs, golf courses
- (d) Extraction of natural resources
- (e) Junkyards or salvage yards
- (f) Public and non-public schools not including colleges or universities.
- (g) Municipal, State, Federal or educational administration or service buildings.

SECTION 5.04 AREA REGULATIONS

No principal building or structure nor the enlargement of any building or structure shall be hereafter erected unless the following yard and area requirements are provided and maintained in connection with such building, structure, or enlargement:

- (a) **FRONT YARD** - For residential buildings and buildings normally considered accessory thereto, there shall be a front setback of not less than 50 feet except as may be required for parcels with frontage on M-66 and by the M-66 Access Management Overlay Zone.
- (b) **SIDE YARD** - For residential buildings and buildings normally considered accessory thereto, there shall be total side yards of 25 feet with a minimum side yard of at least 10 feet on one side.
- (c) **REAR YARD** - There shall be a rear yard of not less than 35 feet.
- (d) **LOT AREA** - The minimum lot area shall be one acre with a minimum of 150 feet of lot width at the front lot line. The lot area may include road right-of-way if it is noted in the legal description for the lot.

SECTION 5.05 MINIMUM FLOOR AREA

Dwelling units in this district shall have a minimum floor area of 800 square feet.

CHAPTER 6

“R-1” - LOW DENSITY RESIDENTIAL

SECTION 6.01 DESCRIPTION AND PURPOSE

The R-1 zoning district is intended to provide primarily for detached single family dwelling units with a maximum density of 3.63 units per acre with public water and sewer. Lot sizes are permitted to vary, depending upon the availability of public utilities. Non-residential uses such as churches, schools, and public buildings are also permitted as a special exception according to their compatibility with nearby single family homes. Existing agricultural uses in the R-1 zone shall be permitted to continue but the intent of this district is to phase out such uses over time so that the predominant use becomes detached single family dwelling units.

SECTION 6.02 USE REGULATIONS

Land in the “R-1” zone may only be used for the following purposes:

- (a) Single family detached dwelling units.
- (b) Two family dwellings.
- (c) Adult foster care facilities.
- (d) Family day care homes and adult day care homes with no more than six minor children or adults.
- (e) Accessory buildings, structures, and uses customarily incidental to any of the above uses when located on the same lot.
- (f) Wireless communication towers and antennas as regulated by Township Ordinance 4A.
- (g) Churches, synagogues, or similar religious institutional uses on a minimum of two acres.
- (h) Cemeteries.
- (i) Home occupations with sufficient off street parking.

SECTION 6.03 SPECIAL LAND USES

The following uses may be permitted as a special land use when approval is granted by the Planning Commission. Such uses are subject to the provisions of Chapter 15 herein.

- (a) Public and non-public schools not including colleges or universities.
- (b) Housing for the elderly or senior citizens including but not limited to assisted living facilities, nursing homes, or retirement housing.
- (c) Parks, playgrounds, community centers, or similar recreational uses when operated by a governmental agency or non-profit group.
- (f) Municipal, county, state, and federal administration or educational or service buildings.
- (g) Essential public services buildings or equipment which are above ground.
- (h) Child care centers and nursery schools.

SECTION 6.04 AREA REGULATIONS

No buildings or structure, nor the enlargement of any building or structure, shall be hereafter erected unless the following yard and area requirements are provided and maintained in connection with such building, structure, or enlargement:

- (a) FRONT YARD - For residential buildings and buildings normally considered accessory thereto, there shall be a front setback of 30 feet.
- (b) SIDE YARD - There shall be total side yards of 20 feet provided that no side yard shall be less than eight feet.
- (c) REAR YARD - There shall be a rear yard of not less than 35 feet; except that for duplexes, the rear yard setback shall not be less than 50 feet.
- (d) LOT AREA-
 - (1) For single family dwellings without public sewer and water, the minimum lot area shall be 30,000 square feet with a minimum of 132 feet of lot width at the front lot line.
 - (2) For single family dwellings with either public sanitary sewer or public water or a community septic or well system the minimum lot area shall be 20,000 square feet with a minimum of 100 feet of lot width at the front lot line.
 - (3) For single family dwellings with both public sanitary sewer and water or a community septic and well system the minimum lot area shall be 12,000 square feet with a minimum of 80 feet of lot width at the front lot line.
 - (4) For two family dwellings with or without public sanitary sewer or water the minimum lot area shall be 30,000 square feet with a minimum of 132 feet of lot width at the front lot line.

SECTION 6.05 MINIMUM FLOOR AREA

For single family and two family dwelling units, the minimum floor area shall be 800 square feet per unit.

CHAPTER 7

“R-2” - MEDIUM DENSITY RESIDENTIAL

SECTION 7.01 DESCRIPTION AND PURPOSE

The “R-2” zoning district is intended to provide for medium density residential development up to six units per acre. Multi-family dwelling units are permitted in this zoning district along with duplexes. Certain non-residential uses are also permitted by special land use. Medium density residential uses shall be located on paved streets in order for better accessibility by fire and police services. Medium density residential uses are also intended to serve as a buffer or transition zone between non-residential uses and low density residential uses.

SECTION 7.02 USE REGULATIONS

Land in the “R-2” zone may only be used for the following purposes:

- (a) Two-family dwelling units.
- (b) Multiple family dwelling units.
- (c) Uses customarily incidental to the permitted principal use.
- (d) Wireless communication towers and antennas as regulated by Township Ordinance 4A.
- (e) Housing for the elderly or senior citizens including but not limited to assisted living facilities, nursing homes or retirement housing.
- (f) Home occupations with sufficient off street parking.

SECTION 7.03 SPECIAL LAND USES

The following uses may be permitted as a special land use when approval is granted by the Planning Commission. Such uses are subject to the provisions of Chapter 15 herein.

- (a) As permitted by Section 6.03 herein except for elderly or senior housing and assisted living facilities.

SECTION 7.04 AREA REGULATIONS

- (a) FRONT YARD - The minimum front yard shall be 35 feet.
- (b) SIDE YARD -
 - (1) For two-family dwelling units as regulated by Section 7.04(b) herein.

- (2) The minimum side yard setback for multi-family dwelling units which abut a different zoning district shall be 30 feet. For multi-family units which abut an “R-2” district, the minimum side yard setback shall be 15 feet.

The minimum distance between multi-family dwelling structures shall be 30 feet.

(c) REAR YARD -

- (1) For two family units as regulated by Section 6.04(c) herein.
- (2) For multiple family units, the minimum rear yard shall be 50 feet.

(d) LOT AREA - The minimum lot area in this district shall be as follows:

- (1) Two family dwellings shall have a minimum lot area of 30,000 square feet with a minimum lot width of 132 feet at the minimum required building setback line.
- (2) Multiple family dwellings shall have a minimum lot area of 7,260 square feet per dwelling unit with a lot width of not less than 200 feet at the building line except that multiple family dwellings for elderly or senior citizens or for assisted living shall be exempt from this regulation.

(e) ADDITIONAL REGULATIONS - A project approved under this Section shall provide a play area with equipment or facilities for use by the children residing in the project. The Planning Commission shall determine the size and type of equipment to be provided based on the number of dwellings, the children likely to be living there, and the existence of nearby play areas

SECTION 7.05 MINIMUM FLOOR AREA

Multiple family dwelling units shall have the following minimum floor areas:

One bedroom	Three hundred fifty (350) square feet.
Two bedroom	Five hundred fifty (550) square feet.
Three bedroom	Eight hundred (800) square feet.

All other uses shall meet the requirement of the “R-1” District.

SECTION 7.06 LANDSCAPE BUFFER

Where an “R-2” zone abuts an “R-1” zone, a landscape buffer strip shall be installed as required by Section 4.16 herein.

SECTION 7.07 SITE PLAN REVIEW

Multi-family dwelling units in the “R-2” zone shall be subject to the site plan review requirements contained in Chapter 13 herein.

SECTION 7.08 ADDITIONAL REQUIREMENTS

Parcels containing multi-family buildings shall be located on paved roads.

CHAPTER 8

“R-3” - MOBILE HOME PARK DISTRICT

SECTION 8.01 PURPOSE AND REGULATION

The purpose of this district is to allow for the establishment of mobile home parks and related accessory uses. A mobile home park within this zoning district shall comply with all applicable procedures and requirements of the Mobile Home Commission Act, being Act 419 of 1976, as amended, and the Michigan Administrative Code. A mobile home park established within this district shall be subject to the site plan review procedures of Chapter 14 herein.

Public sewer and communal water facilities shall be provided for each mobile home park. The Township Board, however, may permit the use of a treatment system meeting all State and County regulations if public sewer facilities are not available. Connection shall be made to public sewer and water within one year after same shall become available within five hundred (500) feet of the premises.

CHAPTER 9

“C” - COMMERCIAL

SECTION 9.01 DESCRIPTION AND PURPOSE

This district is intended to permit local retail business and service uses that are desirable to serve the residential areas of the Township and nearby areas. The intent of this district is also to encourage the concentration of business uses, to the mutual advantage of consumers and merchants.

SECTION 9.02 PERMITTED USES

Land and/or buildings in this district may be used for the following uses only:

- (a) Retail shops and stores, including but not limited to bakeries, drug stores, hardware stores, appliance and furniture stores, clothing shops, and similar uses.
- (b) Personal service establishments such as barber shops, beauty salons, shoe repair, and other similar establishments.
- (c) Professional offices of doctors, dentists, lawyers, architects, and other similar professions.
- (d) Retail building supply sales.
- (e) Temporary building or trailer offices incidental to construction activities.
- (f) Essential public services buildings and equipment.
- (g) Vehicle service stations not performing vehicle body work.
- (h) Outdoor retail sales of trees, fruit, seeds, lawn furniture, playground equipment, and other home garden supplies and equipment.
- (i) Financial and business service establishments such as banks, insurance offices, and other similar businesses.
- (j) Hospitals, clinics, health and physical fitness salons.
- (k) Gas station/convenience stores.
- (l) Indoor and outdoor community recreation establishments such as bowling centers, indoor theaters, skating rinks, miniature golf, go-cart tracks and video amusement establishments.

- (m) Tire shops including recapping and retreading.
- (n) Eating and drinking establishments.
- (o) Auto wash facilities.
- (p) Sign painting.
- (q) Mini-warehouse/self storage.
- (r) Dry cleaning establishments.
- (s) Printing shops.
- (t) Other similar uses.
- (u) Accessory uses and structures customarily incidental to the permitted principal uses.
- (v) Wireless communication towers and antennas as regulated by Township Ordinance 4A.
- (w) Public and private business, educational, music or art schools.
- (x) Hotels and motels.
- (y) Veterinary clinics.
- (z) Private clubs.
- (aa) Wrecker service establishments and salvage yards in conjunction with vehicle sales.
- (bb) Open air businesses including but not limited to sale of new and used motor vehicles, farm implements, lawn and garden equipment sales and service, motor homes, mobile or modular homes, boats or similar uses.

(Amended 11-11-14)

SECTION 9.03 SPECIAL LAND USES

The following uses may be permitted as a special land use when approval is granted by the Planning Commission. Such uses are subject to the provisions of Chapter 15 herein.

- (a) Special controlled uses as regulated by Section 15.06(d) herein.
- (b) Vehicle body shops provided all work is performed within an enclosed building and storage of vehicles is within an area which is well screened from the view of nearby properties and roadways.

SECTION 9.04 AREA REQUIREMENTS

No building or structure nor the enlargement of any building or structure shall be hereafter erected unless the following requirements are provided and maintained in connection with such building, structure, or enlargement:

- (a) FRONT YARD - There shall be a front setback of not less than 35 feet.
- (b) REAR YARD - There shall be a rear yard of not less than 20 feet.
- (c) SIDE YARD - A side yard is not required in this zone except that where it is not desired to build to the property line, a minimum side yard of 10 feet shall be required. Where this zone abuts any zone other than commercial or industrial, a minimum side yard of 20 feet is required.
- (d) LOT WIDTH - There shall be a minimum lot width of 150 feet.

SECTION 9.05 GREENBELT

When a “C” zone abuts a residential zoning district, a greenbelt 20 feet wide shall be installed along the entire length of the common lot line according to the provisions of Section 4.16 herein.

SECTION 9.06 SITE PLAN REVIEW

All uses permitted within the “C” zoning district shall be subject to the site plan review provisions of Chapter 14 herein.

SECTION 9.07 ADDITIONAL REQUIREMENTS

- (a) Loading areas shall be located so that trucks and other vehicles do not need to maneuver off site to access the loading area.
- (b) All dumpsters shall be within a three sided solid enclosure at least six feet in height.

CHAPTER 10

I - INDUSTRIAL

SECTION 10.01 PURPOSE

This zone is intended to permit industrial uses which are not offensive or debilitating to surrounding property through the effects of noise, smoke, odor, dust, noxious gases, vibration, glare and heat, fire hazards, industrial wastes, or traffic. No operations shall directly discharge waste of any kind into any river, stream, or lake. All methods of sewage disposal shall be approved by the appropriate agencies.

SECTION 10.02 PERMITTED USES

In addition to complying with the above requirements, only uses hereafter listed shall be permitted in this zone.

- (a) The manufacture, compounding, processing, packing, or treatment of such products as candy, cosmetics, drugs, perfumes, pharmaceuticals, toiletries, and food products, except the rendering or refining of fats and oils.
- (b) The manufacturing, compounding, assembly, or treatment of articles from the following previously prepared materials: aluminum, bone, cellophane, canvas, cloth, cork, feathers, felt, fibers, fur, glass, hair, horn, leather, paint, paper, plastics, precious or semi-precious metals or stones, shell, rubber, tin, iron, steel, tobacco, wood, and yarn.
- (c) Transportation, communications, and utility facilities.
- (d) Commercial fuel depots.
- (e) Vehicle body shops provided all vehicles and materials are kept within a building or in an area well screened from the view of nearby properties and roadways.
- (f) Bottle plants and dairies.
- (g) Contractor yards.
- (h) Crating and packing service.
- (i) Lumber yards and other building supply establishments.
- (j) Machine shop.
- (k) Printing shops.
- (l) Sign painting and servicing shops.

- (m) Tool and die manufacturing establishments.
- (n) Warehouse and storage including self storage facilities.
- (o) Wholesale establishments.
- (p) Accessory building and uses customarily incidental to the permitted principal uses.
- (q) Essential public service equipment and buildings.
- (r) Accessory building and uses customarily incidental to the permitted principal uses.
- (s) Wireless communication towers and antennas as regulated by Township Ordinance 4A.
- (t) Wrecker service and sales including manufacturing of wreckers.
- (u) Uses which are similar to the above.

SECTION 10.03 SPECIAL LAND USES

The following uses may be permitted as a special land use when approval is granted by the Planning Commission. Such uses are subject to the provisions of Chapter 15 herein.

- (a) Asphalt manufacturing or refining, tar distillation or tar products manufacture.
- (b) Iron, steel, aluminum, and other ferrous and nonferrous forging, casting, or rolling.
- (c) Rendering plant.
- (d) Slaughter house or yards.
- (e) Manufacture, processing, and bulk storage of petroleum products and by-products.
- (f) Salvage yards.
- (g) Scrap tire collection.
- (h) Recycling stations.

SECTION 10.04 ADDITIONAL REQUIREMENTS

- (a) All outdoor storage of materials shall be screened from the view of adjoining properties and roadways as approved by the Planning Commission.
- (b) Uses permitted in this zone shall not produce noise, smoke, dust, vibration, or similar nuisance which significantly affects adjoining properties in an adverse manner.

- (c) Drives and service roads to industrial buildings must be paved. All utilities must be placed underground.
- (d) Loading areas shall be located so that trucks and other vehicles do not need to maneuver off site to access the loading area.
- (e) All dumpsters shall be within a three sided solid enclosure at least six feet in height.

SECTION 10.05 AREA REQUIREMENTS

No building or structure nor the enlargement of any building or structure shall be hereafter erected unless the following requirements are provided and maintained in connection with such building, structure, enlargement:

- (a) FRONT YARD - There shall be a front setback of not less than 50 feet.
- (b) REAR YARD - There shall be a rear yard of not less than 20 feet unless the parcel abuts an R1 or R2 district then the minimum setback shall be 100 feet.
- (c) SIDE YARD - There shall be a side yard of not less than 20 feet unless the parcel abuts an RA, R1, or R2 district then the minimum setback shall be 100 feet.
- (d) LOT AREA - The minimum lot area shall be two acres with a minimum lot width of 200 feet.

SECTION 10.06 GREENBELT

When an “I” zone abuts an R1 or R2 zoning district, a greenbelt 20 feet wide shall be installed along the entire length of the common lot line according to the provisions of Section 4.16 herein. If an Industrial Zone abuts an Agricultural Zone and an existing dwelling is within 100 feet of the industrial parcel, a greenbelt shall be provided per Section 4.16 herein.

SECTION 10.07 SITE PLAN REVIEW

All uses permitted in the “I” zoning district shall be subject to the site plan review provisions of Chapter 14.

CHAPTER 11

PUD -PLANNED UNIT DEVELOPMENT DISTRICT

SECTION 11.01 INTENT

This Chapter provides enabling authority and standards for the submission, review, and approval of applications for Planned Unit Developments. It is the intent of this Chapter to authorize the consideration and use of Planned Unit Development regulations for the following purposes:

- (a) To encourage the use of land in accordance with its character and adaptability.
- (b) To promote the conservation of natural features and resources including prime agricultural land.
- (c) To encourage innovation in land use planning and development.
- (d) To promote the enhancement of housing, employment, shopping, traffic circulation, and recreational opportunities for the people of Orange Township.
- (e) To promote and ensure greater compatibility of design and use between neighboring properties.
- (f) To provide for the regulation of legal land uses not otherwise authorized within this Ordinance.

The provisions of this Chapter are not intended as a device for ignoring the Zoning Ordinance or the planning upon which it has been based. To that end, provisions of this Chapter are intended to result in land use development substantially consistent with the recommendations of the Township's Comprehensive Plan, with modifications and departures from generally applicable requirements made in accordance with standards provided in this Chapter to ensure appropriate, fair, and consistent decision-making.

SECTION 11.02 PUD AUTHORIZATION AND PERMITTED USES

A Planned Unit Development may be approved in any location within Orange Township by the Township Board except that in the Agricultural zone only single family residential uses shall be permitted within a PUD. Any land use authorized in this Ordinance may be included in a Planned Unit Development, as a principal or accessory use, as well as any other legal land use not otherwise authorized in this Ordinance, subject to adequate public health, safety and welfare mechanisms being designated into the development, and the following.

SECTION 11.03 QUALIFYING CONDITIONS

(a) In order to be eligible for PUD rezoning, the proposed area shall consist of a minimum of two acres except in the case of two-family or multiple family dwelling project for which the minimum area requirement shall be one acre.

(b) **Unified Control.** The proposed development shall be under unified ownership or control, so that one person or entity has proprietary responsibility for the full completion of the project. The applicant shall provide sufficient documentation of ownership or control in the form of agreements, contracts, covenants, and/or deed restrictions indicating that the development will be completed in its entirety as proposed.

(c) **Guarantee of Dedicated Open Space.** The applicant shall provide an open space preservation and maintenance agreement to the Township Board stating that all dedicated open space portions of the development shall be maintained in the manner approved. Documents shall be presented that bind all successors and future owners in title to commitments made as part of the proposal. This provision shall not prohibit a transfer of ownership or control, provided notice of such transfer is provided to the Township and the land uses continue as approved in the PUD plan, unless an amendment is approved by the Township Board.

The agreement must be acceptable to the Township Board and may consist of a recorded deed restriction, covenants that run perpetually with the land or a conservation easement established according to the Michigan Conservation and Historic Preservation Act, Public Act 197 of 1980 as amended.

The agreement shall:

- (1) Indicate the proposed allowable use(s) of the dedicated open space.
- (2) Require that the dedicated open space be maintained by parties who have an ownership interest in the open space.
- (3) Provide standards for scheduled maintenance of the dedicated open space including necessary pruning, harvesting of trees and new plantings.
- (4) Provide for maintenance to be undertaken by Orange Township in the event that the dedicated open space is inadequately maintained, or is determined by the Township to be a public nuisance. Any costs incurred by the Township shall be assessed to the owners of the property within the PUD.

SECTION 11.04 DEVELOPMENT REQUIREMENTS

The lot area, lot width, building setback, and yard requirements applicable within a PUD shall be determined by the Planning Commission and Township Board in order to achieve the objectives of this section based on the application of site planning criteria to achieve integration of the project with the characteristics of the project area. Other criteria which shall be used in making these determinations shall include the following:

- (a) Number and type of dwelling units.
- (b) Proximity and impact of the PUD on adjacent existing and future land uses.
- (c) Preservation of existing vegetation or other natural features on site.
- (d) Topography of the site.
- (e) Provision of water, sanitary sewer and storm sewer or approval of the Ionia County Health Department for on site well and septic systems.
- (f) Access for emergency vehicles to all dwellings.
- (g) To encourage the availability of open space, as a part of the development of residential lands, and to promote the development of passive and recreational land uses.

SECTION 11.05 DENSITY BASED ON ZONING DISTRICT EQUIVALENT OF FUTURE LAND USE CATEGORY.

(a) An area which is requested for rezoning to PUD shall only be developed in accordance with the density and land uses recommended by the Township Comprehensive Plan. The permitted number of dwellings per acre (density) for the proposed PUD area shall be based on the following Density Table.

Density Table

Maximum Ave. Density

- 1.45 units/acre w/o public sewer& water.
- 2.17 units/acre w/ *either* public sewer or water.
- 3.63 units/acre w/ *both* public water & sewer.

- 3.63 units/acre for two family dwellings.
- 6 units/acre for multi-family dwellings.

(b) To determine the number of dwelling units which may be constructed within the PUD, multiply the permitted density from the Density Table by the total acreage of the site excluding those areas within the 100-year flood plain, wetland areas and areas permanently inundated by water such as lakes, ponds, streams and rivers, one-half of the areas with existing slopes of 20% or more and one half of the area of any golf course. The Planning Commission and the Township Board may in their discretion allow fewer dwelling units than would otherwise be permitted by this section.

The determination of the existence of wetlands and floodplain areas on a parcel shall be demonstrated to the satisfaction of the Planning Commission through a written determination by the Michigan Department of Environmental Quality or by an analysis performed by a

professional biologist, ecologist, environmental engineer or similar professional person deemed acceptable to the Planning Commission.

(c) Additional dwellings above what is allowed by Section 11.05(a) & (b) may be permitted at the discretion of the Township Board and Planning Commission if the development provides additional amenities or preserves additional open space which would result in a significant recognizable benefit to the Township and residents of the PUD. Items which could be added to a PUD so it may be eligible for consideration for additional dwelling units shall include one or more of the following items as well as similar items:

- (1) Provision of recreational facilities such as playground areas with play equipment, ball fields, golf course, bike path, walking path, man-made lake, community building or similar recreation facility.
- (2) Additional landscaping to preserve or enhance the rural view along the roadway.
- (3) Enhancement of existing wetlands, subject to applicable regulations.
- (4) Provision of additional unique open space or mature stands of trees which would be of recognizable benefit to Township residents.
- (5) Provision of a public or private community water and/or sanitary sewer system.

(d) If additional dwelling units are to be permitted, the maximum number of dwelling units shall be determined by multiplying the density permitted in the Density Table by the total acreage of the site including wetlands, floodplain, bodies of water, steep slopes, golf courses, and portions of the site within existing road right of way. In no case shall the number of dwelling units exceed what is permitted by this subsection.

SECTION 11.06 MINIMUM OPEN SPACE REQUIREMENTS.

(a) A minimum of 20 percent of the gross area of that portion of the site to be used for residential use shall be Dedicated Open Space.

(b) Areas Not Considered Dedicated Open Space. The following land areas shall not be classified as Dedicated Open Space for the purposes of this Section:

- (1) The area within any public street right-of-way.
- (2) The area within private road access easements.
- (3) Any easement for overhead utility lines unless adjacent to qualified open space.
- (4) Fifty percent of any floodplain, lakes, streams, detention ponds or other surface water bodies, or wetlands.

- (5) The area within a platted lot or site condominium lot.
- (c) Standards for Dedicated Open Space. The following standards shall apply to the Dedicated Open Space provided in the development:
- (1) Dedicated Open Space shall be for use by all residents of the PUD.
 - (2) The dedicated open space may either be centrally located, along the road frontage of the development, located to preserve significant natural features, or located to connect open spaces throughout the development.
 - (3) If the site contains a lake, stream or other body of water, a portion of the Dedicated Open Space shall abut the body of water.
 - (4) A portion of the Dedicated Open Space shall be located along the public road frontage abutting the site. The depth of this area shall be at least 50 feet not including public road right-of-way, and this area shall be left in its natural condition or landscaped to help reduce the view of houses on site from the adjacent roadway and preserve the rural view.
 - (5) A Dedicated Open Space area shall be configured such that the open space is reasonably usable by residents of PUD. The minimum size of a Dedicated Open Space area shall be 20,000 square feet; provided, however, that the required open space abutting a public street may be less than 20,000 square feet; and, further provided, that the Planning Commission may approve other Dedicated Open Space areas of less than 20,000 square feet if such areas are designed and established as pedestrian or bicycle paths or are otherwise determined by the Planning Commission to be open space reasonably usable by residents of the PUD.
 - (6) Open space areas are encouraged to be linked with any adjacent open spaces, public parks, bicycle paths or pedestrian paths.
 - (7) Grading in the Dedicated Open Space shall be minimal, with the intent to preserve existing topography where practical.
 - (8) Dedicated Open Space may consist of ball fields, tennis courts, swimming pools and related buildings, community buildings and golf courses, and similar recreational facilities. These uses however shall not utilize more than 50 percent of the Dedicated Open Space.

SECTION 11.07 PROCEDURES

- (a) Pre-application Conference. Before submitting an application for a PUD, an applicant may meet with the Planning Commission or Township Zoning Administrator, Planner or

Engineer to submit information regarding a proposed PUD and to confer with the Planning Commission, or staff, about the proposed application and the PUD.

(b) **Application for PUD Approval.** An application for a PUD rezoning shall be in accordance with the application procedures for site plan review as required by Chapter 13 of this Ordinance.

(c) **Preliminary Development Plan** An applicant for PUD rezoning shall submit a site plan in accordance with the requirements for Preliminary Site Plan review as set forth in Chapter 14 of this Ordinance.

(d) **Environmental Impact Assessment** The Planning Commission may require an environmental impact assessment as part of the Preliminary or Final Site Plan. This assessment shall describe the effect and impact that the proposed PUD will or may have upon or with respect to the following matters.

- (1) The lands involved and the adjacent and nearby lands; streams, rivers, wetlands, and the quality and volume of surface and groundwater; wildlife and trees, and other significant vegetation; the effect, if any, on surrounding property values.
- (2) Population in the immediate area and the Township; local school systems; traffic congestion.
- (3) Additional costs to governmental units and school districts; police and fire protection; storm water drainage; water supply and sewage disposal.
- (4) Noise, vibration, dust and dirt, litter, smoke, odor, light, and glare;
- (5) General appearance and character of the area; historic structures and places; archeological sites and artifacts.
- (6) Such other matters as the Planning Commission may request to be included. If requested by the Planning Commission, the environmental impact assessment shall include statements or comments from the following public agencies or officials concerning those aspects of the proposed land use within their respective responsibilities and jurisdictions: County health department; county road commission; county drain commissioner; department of natural resources; intermediate school district; local board of education; county sheriff's department local fire department and other appropriate agencies.
- (7) Traffic impact study.
- (8) An economic feasibility study for the principal uses of the proposed PUD.

- (9) An analysis of the nature and effect of any private utility systems, including septic tanks and drain fields, storm water control and retention facilities, and water supply and distribution systems.

(e) **Review of Preliminary Development Plan.** The Planning Commission shall review the preliminary development plan and make recommendations to the applicant regarding the PUD, together with any recommended changes or modifications thereof. The recommendations shall be based on the following considerations:

- (1) The requirements of this Ordinance.
- (2) The setback and placement of buildings and structures.
- (3) Ingress to and egress from the PUD and proposed buildings and structures therein, including motor vehicle and pedestrian safety and convenience, traffic flow and control and emergency access.
- (4) Off-street parking and loading areas where required.
- (5) Screening and buffering, including type, dimensions and character of materials used therefore.
- (6) Water supply and sanitary sewage disposal, including locations, availability and compatibility, the preservation of natural resources and natural features.
- (7) Open spaces and recreational areas.
- (8) Drainage courses, flood plains, lakes, streams, and wetlands.
- (9) The number of dwellings proposed.
- (10) Impact and adverse effects, if any, upon adjacent and nearby lands, the surrounding area and the Township.
- (11) Other aspects and effects of the PUD, as reasonably deemed appropriate by the Planning Commission.

(f) **Final Development Plan.**

- (1) After receiving the recommendations of the Planning Commission on the preliminary development plan, the applicant for PUD rezoning shall submit a Final Development Plan to the Township office in accordance with the requirements for Final Site Plan Review as contained in Chapter 14 of this Ordinance. Copies of the plan shall be forwarded to the Planning Commission.

- (2) The final development plan shall contain all of the information required for Final Site Plan review unless the same is waived by the Planning Commission as not being reasonably necessary for the consideration of the PUD plus the following:
 - (i) All of the drawings, narrative, studies, assessments, and other information, and materials comprising the preliminary development plan, including all of the recommendations of the Planning Commission thereon, or if the applicant has not incorporated all of such recommendations, the final development plan shall indicate such fact and shall state the basis or grounds upon which such recommendations have not been included.
 - (ii) Projected time for completion of the entire PUD; proposed phasing, if any, of the PUD and the projected time for completion of each phase.
 - (iii) Any other information reasonably required by the Planning Commission in connection with its review of the -PUD and consideration of the rezoning of the lands in accordance with the PUD plan.

- (g) **Public Hearing on Final Development Plan.** The Planning Commission shall hold a public hearing on the final development plan and the application for rezoning in accordance with the plan. Notice of the public hearing shall be in compliance with the Michigan Zoning Enabling Act, 110 PA 2006 and shall provided as follows:
 - (1) A notice of the hearing shall be published in a newspaper of general circulation in the local unit of government.
 - (2) Notice shall also be sent by mail or personal delivery to the owners of property for which approval is being considered. Notice shall also be sent to all persons to whom real property is assessed within 300 feet of the property and to the occupants of all structures within 300 feet of the property regardless of whether the property or occupant is located in the zoning jurisdiction.
 - (3) The notice shall be given not less than 15 days before the date the application will be considered for approval.
 - (4) If the name of the occupant is not known, the term "occupant" may be used in making notification under this subsection.
 - (5) The notice shall do all of the following:
 - (i) Describe the nature of the request;
 - (ii) Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses

currently exist within the property. If there are no street addresses, other means of identification may be used.

- (iii) State when and where the request will be considered; and
- (iv) Indicate when and where written comments will be received concerning the request.

(h) **Consideration of Final Development Plan by Planning Commission.** After public hearing, the Planning Commission shall make recommendations concerning the final development plan and the modifications in the final development plan, to the Township Board. The Planning Commission may recommend in favor of the rezoning of the lands in accordance with the final development plan; may recommend against rezoning of the lands in accordance with the final development plan; or may recommend such rezoning only if certain changes or modifications in the PUD are made or if certain specified conditions are imposed. The recommendations of the Planning Commission shall then be transmitted to the Township Board.

(i) **Standards for Approval.** In making a recommendation to approve a PUD, the Planning Commission must find that the proposed PUD meets the following standards:

- (1) Granting the PUD rezoning will result in a recognizable and substantial benefit to ultimate users of the project and to the community, and the benefit would otherwise be unfeasible or unlikely to be achieved.
- (2) The PUD will not result in a significant increase in the need for public services and facilities and will not place a significant burden upon surrounding lands or the natural environment, unless the resulting adverse effects are adequately provided for or mitigated by features of the PUD as approved.
- (3) The PUD will be compatible with the Master Plan of the Township and consistent with the intent and purpose of this chapter.
- (4) The PUD will not result in significant adverse effects upon nearby or adjacent lands, and will not significantly change the essential character of the surrounding area.
- (5) Protects all floodplains, wetlands, and steep slopes from clearing, grading, filling, or construction except as approved for essential services or recreation amenities.
- (6) Preserves and maintains mature woodlands, fields, pastures, meadows, orchards, and creates sufficient buffer areas to minimize conflicts between residential and agricultural uses.
- (7) Leaves scenic views and vistas unblocked or uninterrupted, particularly as seen from public road rights-of-way.

- (8) Avoids siting new construction on prominent hilltops or ridges by taking advantage of lower topographic features.
- (9) Protects the rural roadside character by establishing buffer zones along scenic corridors and improves public safety and vehicular carrying capacity by avoiding development that front directly on to existing roadways.
- (11) Includes a pedestrian walkway designed to ensure that pedestrians can walk safely and easily throughout the site.
- (12) The individual lots, buildings, roadways, and open space areas are designed to minimize the alteration of environmental site features.

(j) **Final Consideration of PUD by Township Board.** The Township Board shall review the final development plan and the recommendations submitted by the Planning Commission. The Township Board shall determine whether the final development plan complies with the standards, conditions, and requirements of this Ordinance and, in addition, shall determine whether the proposed project promotes the intent and purpose of this Ordinance; insures that the proposed project will be compatible with adjacent uses of land, the natural environment, and the capacities of public services and facilities affected by the proposed project; and insures that the proposed project will be consistent with the public health, safety, and welfare needs of the Township. Upon a determination that a proposed project meets such standards, conditions, and requirements, the Township Board may approve the final development plan and grant the rezoning request.

(k) **Conditions of Approval.** The Township Board may impose reasonable conditions upon its approval. Such conditions may include conditions necessary to insure that public services and facilities affected by a proposed project will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to insure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall meet all of the following requirements.

- (1) They shall be designed to protect natural resources, the health, safety, and welfare and the social and economic well being of those who will use the proposed project under consideration, residents, and landowners immediately adjacent to the proposed project, and the community as a whole.
- (2) They shall be related to the valid exercise of the police power, and the purposes which are affected by the proposed project.
- (3) They shall be necessary to meet the intent and purpose of this Part, be related to the standards established in the Part for the proposed PUD under consideration, and be necessary to insure compliance with those standards.

The conditions imposed with respect to the approval of a PUD shall be recorded in the record of the approval action, and shall remain unchanged except upon the mutual consent of the Township Board and the property owner. The Township Board shall maintain a record of conditions which are changed.

If the Township Board approves the final development plan and the proposed application for rezoning, it may rezone the property in accordance with the Michigan Zoning Enabling Act as amended. The amendment shall be forwarded to the Township Clerk for inclusion in the Orange Township Ordinance Book. Publication of the rezoning ordinance or publication of a summary of the provisions thereof shall be accomplished in the manner provided by law. Following approval of the PUD rezoning the Official Zoning Map of Orange Township shall be changed to reflect the PUD zoning for the parcel.

SECTION 11.08 AMENDMENTS TO APPROVED PUD.

(a) An approved Final PUD Development Plan and any conditions imposed upon Final PUD approval shall not be changed except upon the mutual consent of the Township Board and the applicant except as otherwise noted below.

(b) Minor Amendments. A minor change may be approved by the Zoning Administrator who shall notify the Planning Commission of the minor change and that such change does not substantially change the basic design or alter the conditions required for the plan by the Commission.

The following items shall be considered as minor changes:

- (1) Reduction of the size of any building and/or sign.
- (2) Movement of buildings and/or signs by no more than 10 feet.
- (3) Plantings approved in the site plan landscape plan may be replaced by similar types of landscaping.
- (4) Changes of building materials to a higher quality.
- (5) Changes in floor plans which do not alter the character of the use.
- (6) Internal rearrangement of a parking lot which does not affect the number of parking spaces or alter access locations or design.
- (7) Changes required or requested by the Township for safety reasons.
- (8) Changes which will preserve the natural features of the site without changes the basic site layout.

- (9) Other similar changes of a minor nature proposed to be made to the configuration, design, layout or topography of the site plan which are deemed by the Zoning Administrator to be not material or significant in relation to the entire site and which the Zoning Administrator determines would not have any significant adverse effect on adjacent or nearby lands or the public health, safety and welfare.

The Zoning Administrator may refer any decision regarding any proposed change to an approved site plan to the Planning Commission for review and approval (regardless of whether the change may qualify as a minor change). In making a determination whether a change is a minor change, or whether to refer a change to the Planning Commission for approval, the Zoning Administrator may consult with the Chairperson of the Planning Commission.

- (c) Should the Zoning Administrator determine that the requested modification to the approved site plan is not minor, re-submission to the Planning Commission for an amendment shall be required and conducted in the same manner as an original application.

SECTION 11.09 PERFORMANCE GUARANTEES. The Township Board, after recommendation by the Planning Commission, or in its own discretion, may require reasonable performance guarantees or assurances deemed satisfactory in the circumstances and authorized by law. The amount of the performance guarantee shall be determined by the Township Board based on a recommendation from the Planning Commission. Such arrangements shall be conditioned upon faithful compliance with all of the provisions and requirements of the PUD and construction and placement of all of the improvements therein. In its discretion, the Township Board, upon recommendation by the Planning Commission, may rebate or refund a proportionate share of the amount specified in a performance bond, letter of credit, or other written assurance, based upon the percent or other portion of improvements completed, as verified by the Planning Commission or appropriate Township official.

SECTION 11.10 TIME LIMITATIONS ON DEVELOPMENT. Each PUD shall be under construction within one year after the date of approval of the final development plan and adoption of a zoning ordinance amendment by the Township Board. If this requirement is not met, the Planning Commission may, in its discretion, grant an extension not exceeding one year, provided that the PUD applicant submits reasonable evidence to the effect that unforeseen difficulties or special circumstances have been encountered, causing delay in commencement of the PUD. If the PUD has not been commenced within the above-stated period of time, or within any authorized extension thereof, any building permits issued for the PUD or any part thereof shall be of no further effect, at the conclusion of said periods of time, and the Planning Commission and Township Board may then, in their discretion, initiate proceedings for the rezoning of the lands to some other zoning district.

CHAPTER 12

SITE CONDOMINIUMS

SECTION 12.01 PURPOSE AND SCOPE

Site condominiums are developments by a land division in which each condominium unit consists of an area of land and a volume of air space within which a building or other improvements may be constructed. Each site condominium unit may also have an appurtenant limited common element reserved for the exclusive use of the owner of the condominium unit. Either the condominium unit by itself, or the condominium unit taken together with any contiguous, appurtenant limited common element, shall be considered to constitute a building site which is the functional equivalent of a "lot" for purposes of determining compliance with the requirement of the Zoning Ordinance and other applicable laws, ordinances and regulations. Site condominiums may also include general common elements consisting of common open space, recreational areas, streets, and other areas and amenities available for use by all owners of condominium units within the development.

This chapter requires preliminary review by the Planning Commission followed by final review and approval by the Township Board of site condominium plans to ensure that site condominiums comply with this Ordinance and other applicable Township ordinances.

SECTION 12.02 DEFINITIONS

For purposes of this chapter, the following words and phrases are defined as follows:

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

For purposes of determining compliance with the applicable requirements of the Zoning Ordinance (including, without limitations, height, area, yard, and density requirements) or with other applicable laws, ordinance or regulations, a "building site" shall be considered to be the equivalent of a "lot."

- (c) “Condominium Act” means Public Act 59 of 1978, as amended.
- (d) “Limited common element” means an area which is appurtenant to a site condominium unit and which is reserved in the master deed for the exclusive use of the owner or co-owners of a specific unit or units.
- (e) “Site condominium development” means a plan or development consisting of not less than two site condominium units established in compliance with the Condominium Act.
- (f) “Site condominium development plan” means the plans, drawings and information prepared for a site condominium development as required by Section 66 of the Condominium Act and as required by this chapter for review of the development by the Planning Commission and the Township Board.
- (g) “Site condominium unit” means a condominium unit established in compliance with the Condominium Act which consists of that portion of the condominium project designed and intended for separate ownership and use.
- (h) Except as otherwise provided by this chapter, the following words and phrases, as well as any other words or phrases used in this chapter which are specifically defined in the Condominium Act, shall conform to the meaning given to them in the Condominium Act: “common elements”; “condominium documents”; “condominium unit”; “contractible condominium”; “convertible area”; “expandable condominium”; “general common elements”; and “master deed.”

SECTION 12.03 REVIEW OF PRELIMINARY PLANS BY THE PLANNING COMMISSION

- (a) Prior to final review and approval of a site condominium development plan by the Township Board, a preliminary site condominium development plan shall be reviewed by the Planning Commission in accordance with the procedures, standards and requirements provided by this section. Such review shall take place following a public hearing by the Planning Commission on the preliminary plan. For such hearing, notice shall be given as set forth in section 103 of the Michigan Zoning Enabling Act as follows:
 - (1) A notice of the hearing shall be published in a newspaper of general circulation in the local unit of government.
 - (2) Notice shall also be sent by mail or personal delivery to the owners of property for which approval is being considered. Notice shall also be sent to all persons to whom real property is assessed within 300 feet of the property and to the occupants of all structures within 300 feet of the property regardless of whether the property or occupant is located in the zoning jurisdiction.
 - (3) The notice shall be given not less than 15 days before the date the application will be considered for approval.

- (4) If the name of the occupant is not known, the term "occupant" may be used in making notification under this subsection.
- (5) The notice shall do all of the following:
 - (i) Describe the nature of the request;
 - (ii) Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used.
 - (iii) State when and where the request will be considered; and
 - (iv) Indicate when and where written comments will be received concerning the request.
- (b) Application for review and approval of a site condominium development plan shall be initiated by submitting to the Township Clerk:
 - (1) A minimum of 10 copies of a preliminary site condominium development plan which complies with the requirements of Section 2.02 of the Township Subdivision Ordinance; and
 - (2) An application fee in accordance with the fee schedule established by resolution of the Township Board.
- (c) The Planning Commission shall review the preliminary site condominium development plan in accordance with the standards and requirements contained in Article IV of the Township Subdivision Ordinance. All of the requirements for plats, as set forth in said Article IV, shall be requirements for site condominium developments. In addition, the following standards and requirements shall apply:
 - (1) In its review of a site condominium development plan, the Planning Commission may consult with the Zoning Administrator, Township Attorney, Township Engineer, Township Fire Chief, Township Planner or other appropriate persons regarding the adequacy of the proposed common elements and maintenance provisions, use and occupancy restrictions, utility systems and streets, development layout and design, or other aspects of the proposed development.
 - (2) The building site for each site condominium unit shall comply with all applicable provisions of this ordinance, including minimum lot area, minimum lot width, required front, side and rear yards, and maximum building height.

- (3) All private streets in a site condominium development shall be developed as required by the Township Private Road Ordinance.
- (4) If public water and sanitary sewer facilities are not available, each condominium unit shall either be served by a private central system (designed for connection to a public system when and if a public system is made available), or shall have a well, septic tank, and drain field located within the condominium unit's building site. Water and sanitary sewer facilities shall be approved by the Ionia County Department of Health and the Township in accordance with applicable standards.
- (5) The Planning Commission shall require that portions of the plan as relevant to the reviewing authority in question be submitted to the Ionia County Health Department, Ionia County Road Commission, Ionia County Drain Commissioner, Michigan Department of Natural Resources, Michigan Department of Environmental Quality, Michigan Department of Public Health, and other appropriate state and county review and enforcement agencies where approval is required by law over any aspect of the proposed site condominium development.

SECTION 12.04 PLANNING COMMISSION RECOMMENDATION

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

SECTION 12.05 REVIEW AND APPROVAL OF FINAL PLANS BY TOWNSHIP BOARD

- (a) After receiving the Planning Commission's recommendations on the preliminary plan, the applicant shall submit to the Township Clerk a minimum of 13 copies of a final site condominium development plan which complies with the requirements of this section and of Section 2.02 of the Township Subdivision Ordinance. All of the requirements for plats, as set forth in said Article IV, shall be requirements for site condominium developments. The Township Clerk shall forward the copies of the final plan to the Township Board.
- (b) The final site condominium plan submitted by the applicant shall incorporate all of the recommendations, if any, made by the Planning Commission based on its prior review of the preliminary plan. If any of the Planning Commission's recommendations are not incorporated in the final plan, the applicant shall clearly specify in writing which recommendations have not been incorporated and the reasons why those recommendations have not been incorporated. Except for changes made to the plan as necessary to incorporate the recommendations of the Planning Commission, the final plan shall otherwise be identical to the preliminary plan which was reviewed by the Planning Commission. Changes made to the plan other than those necessary to incorporate the

recommendations of the Planning Commission shall be reviewed by the Planning Commission prior to approval of the plan by the Township Board.

- (c) After receiving the Planning Commission's recommendations on the preliminary plan and a final site condominium development plan from the applicant, the Township Board shall proceed to review and may approve, deny or approve with conditions the plan in accordance with the standards and requirements provided by Article IV of the Township Subdivision Ordinance and other applicable procedures, standards and requirements provided by this chapter.
- (d) As a condition of approval of a final site condominium development plan the Township Board may require that a cash deposit, certified check, irrevocable bank letter of credit, or surety bond acceptable to the Board covering the estimated cost of improvements associated with the site condominium development for which approval is sought to be deposited with the Township as provided by Section 505 of the Michigan Zoning Enabling Act.

SECTION 12.06 CONTENTS OF SITE CONDOMINIUM PROJECT PLANS

A condominium development plan shall include the documents and information required by Section 66 of the Condominium Act and by Section 2.02 of the Township Subdivision Ordinance and shall also include the following:

- (1) The use and occupancy restrictions and maintenance provisions for all general and limited common elements that will be included in the master deed.
- (2) A storm drainage and storm water management plan, including all lines, swales, drains, basins, and other facilities and easements granted to the appropriate municipality for installation, repair and maintenance of all drainage facilities.
- (3) A utility plan showing all water and sewer lines and easements granted to the appropriate municipality for installation, repair and maintenance of all utilities.
- (4) A street construction, paving and maintenance plan for all private streets within the proposed condominium development.

SECTION 12.07 CONSTRUCTION IN COMPLIANCE WITH APPROVED FINAL SITE CONDOMINIUM DEVELOPMENT PLAN

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

SECTION 12.08 COMMENCEMENT OF CONSTRUCTION; ISSUANCE OF PERMITS

No building permit shall be issued, and no public sewer or public water service shall be provided for any dwelling or other structure located on a parcel established or sold in violation of this chapter. The sale, or the reservation for sale, of site condominium units shall be as regulated by the Condominium Act. No building in a site condominium development may be occupied or used until all required improvements have been completed and all necessary utilities installed.

SECTION 12.09 EXPANDABLE OR CONVERTIBLE CONDOMINIUM DEVELOPMENTS

Approval of a final site condominium development plan shall not constitute approval of expandable or convertible portions of a site condominium development unless the expandable or convertible areas were specifically reviewed and approved by the Planning Commission and Township Board in compliance with the procedures, standards and requirements of this chapter.

SECTION 12.10 CHANGES TO APPROVED PLAN

Any change proposed in connection with a development for which a final site condominium plan has previously been approved shall be regulated by this section.

(a) The following definitions shall apply:

- (1) “Exempt change” means a change to a site condominium project (other than a major or minor change) that is exempt from review and approval as required for major or minor changes under this chapter. Exempt changes shall be limited to the following:
 - (i) a change in the name of the development; in the name of a street within the development; or in the name of the developer;
 - (ii) a change in the voting rights of co-owners or mortgagees; or
 - (iii) any other change in the site condominium development which, as determined by the Zoning Administrator, does not constitute a major or minor change or will not otherwise change the site configuration, design, layout, topography or any other aspect of a development which is subject to regulation under the Zoning Ordinance.
- (2) “Major change” means a major change in the site configuration, design, layout or topography of a site condominium development (or any portion thereof), including any change that could result in:
 - (i) an increase in the number of site condominium units;
 - (ii) any other change in the site configuration, design, layout, topography, or other aspect of the project which is subject to regulation under this Zoning

Ordinance, including, without limitation, a change in the location of streets and utilities, or in the size, location, area, horizontal boundaries or vertical boundaries of a site condominium unit, and which is determined by the Zoning Administrator to constitute a major change to the site condominium project.

- (3) “Minor change” means a minor change in the site configuration, design, layout or topography of a site condominium development (or any portion thereof), including any change that will result in:
- (i) a decrease in the number of site condominium units;
 - (ii) a reduction in the area of the building site for any site condominium unit;
 - (iii) a reduction of less than 10 percent in the total combined area of the general common elements of the site condominium;
 - (iv) a reduction in the total combined area of all limited common elements of the site condominium;
 - (v) any other minor variation in the site configuration, design, layout, topography or other aspect of the development which is subject to regulation under this Zoning Ordinance, and which, as determined by the Zoning Administrator, does not constitute a major change.
- (b) Any change which constitutes a major change shall be reviewed by the Planning Commission, at a public hearing and with the notice required for an original approval of a site condominium development, as set forth in Section 12.03(a) of this chapter, and shall also be reviewed and approved by the Township Board, as provided in this chapter for the original review and approval of preliminary and final plans.
- (c) Any change which constitutes a minor change shall be reviewed and approved by the Zoning Administrator, but in the discretion of the Administrator, any such minor change may be reviewed and approved by the Planning Commission, at a public meeting, but without the public hearing or mailed notice requirement otherwise provided in this chapter for an original approval.
- (d) Any change which constitutes an exempt change shall not be subject to review by the Township under this chapter, but a copy of the exempt changes shall be filed with the Township Clerk.

SECTION 12.11 INCORPORATION OF APPROVED PROVISIONS IN MASTER DEED

All provisions of a final site condominium development plan which are approved by the Township Board as provided by this chapter shall be incorporated by reference in the master

deed for the site condominium project. Further, all major changes to a development shall be incorporated by reference in the master deed. A copy of the master deed as recorded with the Ionia County Register of Deeds shall be provided to the Township within 10 days after recording.

SECTION 12.12 COMMENCEMENT OF CONSTRUCTION

Construction of an approved site condominium development shall commence within two years after such approval and be diligently pursued to completion in accordance with the terms and conditions of the approval. Such two-year period may be extended by the Township Board in its discretion, for additional periods of time as determined appropriate by the Board. Any such extension shall be applied for by the applicant within such two-year period.

SECTION 12.13 VARIANCES

A variance from the provisions of this chapter may be granted if the applicant demonstrates that literal enforcement of any of the provisions of this chapter is impractical, or will impose undue hardship in the use of the land because of special or peculiar conditions pertaining to the land. Upon application, the Township Board, after recommendation by the Planning Commission, may permit a variance or variances which are reasonable and within the general policies and purposes of this chapter. The Planning Commission and Township Board may attach conditions to the variance.

CHAPTER 13

M-66 ACCESS MANAGEMENT OVERLAY ZONE

SECTION 13.01 LOCATION

The M-66 Access Management Overlay Zone is defined as that area lying within 500 feet of the M-66 right-of-way (and having access to M-66), between Portland Road and the North Township boundary. The following regulations shall prevail over any specific district regulations specified herein and shall apply to all zoning districts within the corridor.

SECTION 13.02 PURPOSE AND INTENT

The intent of this ordinance is to provide standards that will preserve the traffic capacity and speed, and enhance the safety of the highway; by regulating safe and reasonable access, though not always direct access, between public roadways and adjacent land. Access controls help provide for orderly growth and prevent harmful aspects of “commercial strip” development. This in turn will protect the long-term viability of existing and new businesses in addition to protecting property values of commercial and residential development along the corridor. It is recognized that existing development may not be able to meet all of the standards contained in this Ordinance upon expansion or redevelopment. In such cases, the standards contained herein shall be applied to the maximum extent possible.

The standards of this section are further intended to:

- a) Minimize disruptive and potentially hazardous traffic conflicts thereby reducing the frequency of fatal, injury and property damage crashes;
- b) Separate traffic conflict areas by reducing the number of direct access points;
- c) Provide efficient spacing and size standards between access points and between access points and intersections;
- d) Establish uniform access standards to ensure fair and equal application;
- e) Implement the goals and recommendations of the M-66 corridor plan;
- f) Protect the substantial public investment in the roadway system by preserving capacity and avoiding the need for unnecessary and costly reconstruction which disrupts business;
- g) Require coordinated access among several landowners;
- h) Ensure reasonable access to properties, though the access may not always be direct access;

SECTION 13.03 ACCESS MANAGEMENT OVERLAY DISTRICT STANDARDS

- a) **Applicability** - The standards of this section shall apply to any project within the M-66 Access Management Overlay Zone which extends 500 feet east of the M-66 right-of-way. The access standards of this section are applied simultaneously with the standards of the zoning district which is being proposed for development. The standards shall be applied to any use for which a site plan review is required.
- b) **Structure Setback** - No structure other than signs or billboards, utility structures that are not buildings, transfer stations or substations, shall be permitted within 100 feet of the highway right-of-way.
- c) **Parking Setback and Landscaping** - No parking shall be located within 50 feet of highway right-of-way. The 50 feet setback shall be landscaped as required in Section 4.16 herein.
- d) **Minimum Lot Width** - One hundred fifty feet for single family dwellings on individual parcels and 250 feet for multi-family residential, mobile home parks, commercial, office, and industrial use. Smaller lots in existence on or before the adoption of this standard are exempt. Parcels in common ownership at the effective date of this ordinance shall be considered as one parcel.
- e) **Number of Driveways** - One driveway shall be permitted for each lot which has the minimum required lot width. Lots created prior to the effective date of this Ordinance, however, shall also be permitted one driveway if no other reasonable access is available.

Additional driveways may be allowed by the Planning Commission if the applicant provides justification that traffic safety will be improved with the additional driveways based upon standard traffic engineering criteria that encompasses analyses of trip generation, distribution and level of service.
- f) **Stormwater Drainage** - Driveways shall be constructed such that drainage is channeled away from the street right-of-way.
- g) **Ingress/Egress Angle** - All driveways shall be on a ninety-degree angle with the roadway unless physical modifications and directional signs are used to enforce one-way operations or restricted turning movements.
- h) **Driveway Locations** - Driveways shall not be constructed along any acceleration or deceleration lanes or tapers.
- i) **Costs** - All costs associated with site plan review, the applicant shall pay traffic analysis and traffic impact analysis.

SECTION 13.04 DRIVEWAY STANDARDS

a) Location.

- 1) Driveways shall be located: so that no undue interference with the free movement of road traffic will result; to provide the required sight distance; and to provide the most favorable driveway grade based on standards in MDOT Driveway Criteria, Rule 63, of the Administrative Rules Regulating Driveways, Banners and Parades on and over Highways.
- 2) If a driveway curb radius extends beyond the frontage of the property, written consent from the affected property owner allowing the design must be provided.
- 3) In order to minimize left turn conflicts, new driveways shall be aligned with those across the roadway where possible. If alignment is not possible, driveways shall be offset a minimum of 250 feet on M-66 from those on the opposite side of the highway, measured centerline to centerline of the driveway. Longer offsets may be required depending on the expected inbound left-turn volumes of the driveway.
- 4) Where parcels, lots, or building sites have frontage or access on more than one roadway, access shall be provided from the lesser traveled street. Where spacing requirements can be met, high traffic volumes will be generated, or the subject side street is inappropriate for nonresidential traffic, access onto M-66 may be permitted by the Planning Commission.
- 5) In the case of expansion, alteration, change of use or redesign of an existing development where existing driveways do not comply with the guidelines set forth herein, the closing, relocation, or redesign of the driveway may be required.

b) Spacing and Design.

Driveways along M-66 shall be spaced a minimum of 455 feet apart due to the posted speed of 55 miles per hour.

- c) Driveway profile shall be designed and constructed according to MDOT Driveway Criteria, Rule 63, of the Administrative Rules Regulating Driveways, Banners and Parades on and over Highways.
- d) Traffic signs and pavement markings shall conform to the current Michigan Manual of Uniform Traffic Control Devices.
- e) Driveway Spacing from Intersections.

The minimum distance between a driveway and an intersecting street shall be subject to the following regulations.

Access Points along M-66

Full Movement Access Point Channelized for right-turn-

Intersecting Street	(Feet)	in, right-turn-out (Feet)
Arterial	250	100
Signalized Non-Arterial	125	75
Other Street	100	75

Access Points Along Side Streets Intersecting M-66

	Full Movement Access Point	Channelized for right-turn-
Arterial	(Feet)	in, right-turn-out (Feet)
Arterial	200	100
Signalized Non-Arterial	100	75
Other Street	75	75

* Measured from nearest edge of access point throat to the nearest edge of intersection.

- f) In the case where an intersection setback cannot be met, the Planning Commission may require that the access point be constructed on an alternative street or be provided through a shared access point that meets the applicable intersection setback. Where no other alternative exists, the Planning Commission may allow construction of the drive along a property line farthest from the intersection to minimize the impacts to the intersection.
- g) Frontage Roads, Service Drives and Parking Lot Connections and Joint Driveways.

The Planning Commission shall have the authority to require a frontage road, service drive or that adjoining parking lots be connected as deemed necessary.

Service drives shall be constructed according to the following standards.

- 1) The service drive shall be a minimum of 24 feet wide constructed to the Ionia County Road Commission standards.
- 2) A minimum of 15 feet snow storage/landscaping area must be reserved along both sides of the service drive with the edge of the service drive located a minimum of 15 feet from the M-66 right-of-way.
- 3) All driveway radii shall be concrete curbs.
- 4) The location of the entrance to the service drive from a public or private road shall be subject to the requirements of Section 13.04(e) to provide for adequate stacking and maneuvering.
- 5) The service drive shall be a private drive maintained by adjoining property owners or users who shall enter into a formal legal agreement together for the joint maintenance of the service drive. This agreement shall be provided to the Township before a building permit is issued.

- 6) Landscaping along the service drive shall conform to the requirements of Section 4.16 herein. Installation and maintenance of landscaping shall be the responsibility of the developer owner or a property owners association.
- 7) All separate parking areas shall use no more than one access point or driveway to the service drive.
- 8) Parking lot cross-connections may be used as an alternative to frontage service roads if, in the opinion of the Planning Commission, such cross-connections are designed with equivalent standards and function, and do not interfere with safe internal parking lot circulation patterns. The connector drives must be recorded easements and maintained by adjoining property owners or users who shall enter into a formal legal agreement together for the joint maintenance of the service drive.

SECTION 13.05 COORDINATION WITH ROAD AGENCIES

All projects submitted to the Planning Commission which are located within the M-66 Access Management Overlay Zone shall also be submitted to the Ionia County Road Commission and Michigan Department of Transportation. The Planning Commission shall consider the comments of these agencies in making a decision regarding the access requirements of this Section.

SECTION 13.06 MODIFICATIONS

The Planning Commission shall have the authority to waive or modify the requirements of this Chapter when strict adherence to them would result in unreasonable access to the site. In determining a modification of these, the Commission shall consider the following criteria.

- 1) The type and location of uses on the site.
- 2) The location, size and design of existing and proposed parking areas.
- 3) The existing and projected traffic volume on adjacent roadways.
- 4) Compatibility between adjacent land uses.
- 5) Land ownership and location of lot lines.
- 6) The recommendations of the M-66 Corridor Plan.
- 7) Topography and sight distance along adjacent roadways and on the site.
- 8) Distance from intersections.
- 9) Location of driveways opposite the site.

CHAPTER 14

SITE PLAN REVIEW

SECTION 14.01 PURPOSE

The purposes of Site Plan Review are: to determine compliance with the provisions of this ordinance; to promote the orderly development of the Township, to prevent the depreciation of land value through uses or structures which do not give proper attention to siting or area protection; to provide consultation and cooperation between the applicant and the Township Planning Commission and Township Board in order that applicants may accomplish their objectives in the utilization of their land within the regulations of this zoning ordinance and achieve the purposes of the Orange Township Master Plan.

SECTION 14.02 SITE PLAN REVIEW REQUIRED

A site plan shall be submitted for review and approval prior to the issuance of a building permit as follows:

- a) Planning Commission Review:
 - 1) Any new principal commercial, office, industrial, business, or institutional use or a residential use having more than a two family dwelling unit. Farm buildings as defined herein, in the Agricultural and Rural Agricultural zoning district, shall not require site plan review.
 - 2) An alteration of the building or property or change in the use of a building or property which results in the increase in the intensity of the use or results in the need for more parking spaces as required by this Ordinance.
 - 3) Special land uses and planned unit developments.
 - 4) All other uses requiring site plan approval as required by this Ordinance.
- b) Staff Review: The following uses shall be reviewed by the Zoning Administrator, or the Township Planner and Township Engineer if deemed necessary by the Zoning Administrator, to ensure compliance with the site plan review requirements. The Zoning Administrator may also refer such uses to the Planning Commission to be reviewed in accordance with the requirements of this Ordinance.
 - 1) Expansion of an existing use or building which comprises less than 50 percent of the area of the existing building or use.
 - 2) Review of site plans by the Zoning Administrator shall be in accordance with the same procedures, requirements and standards used by the Planning Commission

except the number of site plan copies and submittal date shall be subject to the discretion of the Zoning Administrator.

The Zoning Administrator may waive specific site plan review submittal requirements if it is determined that such requirements are not relevant to the site plan under consideration. The Zoning Administrator shall keep a record of those items specifically waived and document reasons for the waiver.

SECTION 14.03 APPLICATION AND PROCEDURES

- a) An application for site plan review along with 13 sets of the site plan shall be submitted to the Zoning Administrator in accordance with the submittal schedule established by the Planning Commission along with the fee as set by the Township Board. The application shall at a minimum contain the following information:
- 1) The applicant's name, address and phone number.
 - 2) Proof that the applicant is the owner of the property or has a legal or financial interest in the property, such as a purchase agreement.
 - 3) The name, address and phone number of the owner(s) of record if different than the applicant.
 - 4) The address of the property.
 - 5) Legal description of the property.
 - 6) Current zoning.
 - 7) Project description.
 - 8) Size of the parcel in acres.
 - 9) Signature of the applicant and owner of the property.

SECTION 14.04 PRELIMINARY SITE PLAN REVIEW

- a. If desired by the applicant, a preliminary site plan may be submitted to the Planning Commission. The purpose of this procedure is to allow discussion between the applicant and the Planning Commission, to better inform the applicant of the acceptability of the project before significant engineering efforts are incurred which might be necessary for final site plan approval.
- b. Applications for preliminary site plan review shall be made in accordance with the application procedures of this section.

- c. Upon receipt of the preliminary site plan and application, the Zoning Administrator may forward copies to the Township Fire Chief, Planner, Engineer and others as necessary for review and subsequent report to the Planning Commission. The Clerk shall send the application and site plan to members of the Planning Commission prior to the meeting at which it will be considered.
- d. The preliminary site plan shall be drawn at a scale of not more than one inch equals 100 feet and shall contain the following information unless specifically waived by the Planning Commission.
 - 1) Existing adjacent streets and proposed streets, public or private, as well as development within 100 feet of the site.
 - 2) Parking lots and access points.
 - 3) Proposed buffer strips or screening.
 - 4) Significant natural features and other natural characteristics, including but not limited to open space, stands of trees, brooks, ponds, floodplains, hills, and similar natural assets.
 - 5) Existing and proposed building.
 - 6) General topographical features including existing contour intervals not greater than ten feet.
 - 7) Proposed method of providing public or private utilities including storm drainage.
 - 8) Also, small scale sketch of properties, streets, and zoned uses of land within one-half mile of the site.
- e) The Planning Commission shall review the preliminary site plan and may make recommendations to assist the applicant in preparing a final site plan which will conform to the standards of this Ordinance.

SECTION 14.05 FINAL SITE PLAN REVIEW

- a) If desired by the applicant, a final site plan may be submitted for review without first receiving preliminary site plan approval. Application for final site plan review shall be made in accordance with the application procedures of this section and shall be reviewed in accordance with the same procedures for preliminary site plans.
- b) Final site plans shall be drawn at a scale of not more than one inch to 100 feet and shall contain the following information unless specifically waived by the Planning Commission:

- 1) The date on which the site plan was prepared.
- 2) The name, address and professional seal of the architect, landscape architect, engineer or professional surveyor who prepared the plan.
- 3) A north arrow and legal description based upon the most current survey.
- 4) Property lines, dimensions, and building setback distances and all structures, lot lines and wetlands within 100 feet of the site.
- 5) Existing and proposed topographic elevations at two-foot intervals on the site and to a distance of 50 feet outside the boundary lines of the site.
- 6) Direction of storm water drainage and how storm water runoff will be handled as well as a statement describing where storm water will be ultimately discharged such as a creek, stream, lake or wetland.
- 7) Location of existing and proposed buildings, their intended use, the length, width and height of each building, and the square footage of each building.
- 8) Location of abutting streets, rights-of-way, service drives, curb cuts, and access easements serving the site, as well as driveways opposite the site and driveways within 100 feet on either side of the site. Also driveway width, curb radii and design of proposed deceleration lanes.
- 9) Location and size of all water and sanitary sewer lines and storm drainage lines as well as fire hydrants and catch basins, and location of septic tanks and drainfields, and utility easements.
- 10) Location and type of all sidewalks, bike paths, and other walkways.
- 11) Location, type and size of any walls, fences or other screening devices.
- 12) Location of all proposed landscape materials, including size and type of plantings.
- 13) Location, size and height of all proposed accessory structures, flagpoles, storage sheds, transformers, dumpsters or trash removal areas or devices, and methods of screening, signs, and existing and proposed utility poles. Roof top or outdoor equipment shall also be indicated, including proposed methods of screening where appropriate.
- 14) Proposed parking areas and access drives showing the number and size of spaces and aisles, loading areas, handicapped access ramps, and the method of surfacing such areas.

- 15) Exterior lighting showing areas of illumination and type of fixtures as well as the method of shielding lights from adjacent properties and roadways.
 - 16) Location and type of significant existing vegetation, water courses, and water bodies including county drains and manmade surface drainage ways, floodplains, and wetlands. Vegetation which is to be retained on the site must be illustrated.
 - 17) Location of existing and proposed slopes which are 20 percent or greater.
 - 18) Zoning and land use on adjacent properties.
 - 19) Location and specifications for any existing or proposed above or below ground storage facilities for any chemicals, salts, flammable materials, or hazardous materials as well as any containment structures or clear zones required by this Ordinance or by state or federal agencies.
 - 20) The Planning Commission may request architectural elevation drawings of a building and cross-section drawings of the site.
 - 21) Small-scale sketch of properties, streets and zoned uses of land within one-half mile of the site.
- c) The final site plan for developments which have been proposed in phases shall generally conform to the approved preliminary plan.
 - d) The Planning Commission may require written statements relative to the effects on the existing traffic capacity of streets, and the proposed development's impact on schools, existing utilities, the environment and natural features.

In addition, the Commission may request additional studies, graphics or other written materials from the applicant in order to assist in determining the appropriateness of the site plan.

SECTION 14.06 FINAL SITE PLAN APPROVAL

- a) The Planning Commission shall review the final site plan according to the general standards for site plan review as contained in this chapter and any other applicable regulations of this Ordinance. Based on these standards and regulations, the Commission shall approve, deny, or approve with conditions the final site plan.

If approved, the applicant shall revise the site plan as necessary and submit the final site plan to the Zoning Administrator, Planner, Engineer, Fire Chief or others as necessary to ensure that all revisions as required by the Planning Commission have been made.

- b) Upon approval of the final site plan, three copies of this plan shall be stamped as approved, dated, and signed by the Zoning Administrator. One copy of the approved

plan shall be retained by the applicant, one shall be retained by the Building Inspector as part of the building permit review process, and one copy shall be kept by the Clerk.

SECTION 14.07 STANDARDS FOR APPROVAL

Prior to approving a site plan, the Planning Commission shall require that the following standards be satisfied: If these standards and the other requirements noted in this section or in other Township ordinances are met, the site plan shall be approved.

- a) The Planning Commission shall have the authority to limit the number of driveways for a site, to require that parking lots on contiguous parcels be connected, that driveways for contiguous parcels be shared, and that opposite driveways be directly aligned.
- b) Landscaping, landscape buffers and greenbelts shall be provided and designed in accordance with the Township's landscape provisions.
- c) All elements of the site plan shall be designed to take into account the site's topography, the size and type of lot, the character of adjoining property and the type and size of buildings. The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Ordinance.
- d) The landscape shall be preserved in its natural state, insofar as practical, by removing only those areas of vegetation or by making those alterations to the topography which are reasonably necessary to develop the site in accordance with the requirements of this Ordinance. A development shall respect the natural resources of the Township.
- e) 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.
- f) The site plan shall provide reasonable visual and sound privacy for all dwelling units located therein. Fences, walls, barriers, and landscaping shall be used, as appropriate, to accomplish these purposes.
- g) All buildings or groups of buildings shall be arranged so as to permit necessary emergency vehicle access as requested by the Township Fire Department.
- h) A pedestrian circulation system which is separated from the vehicular circulation system may be required. In order to ensure public safety, special pedestrian measures, such as crosswalks, crossing signals and other such facilities may be required in the vicinity of schools, playgrounds, shopping areas and other uses which generate a considerable amount of pedestrian traffic.
- i) The arrangement of public or common ways for vehicular and pedestrian circulation shall be connected to existing or planned streets and pedestrian or bicycle pathways in the area.

Streets and drives which are part of an existing or planned street pattern serving adjacent development shall be of a condition appropriate to the traffic volume and type of traffic they will carry.

- j) Appropriate measure shall be taken to ensure that removal of surface waters will not adversely affect neighboring properties or the public storm water drainage system. Provisions shall be made to accommodate storm water, prevent erosion particularly during construction, and prevent the formation of dust. The use of detention/retention ponds may be required. Surface water on all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic or create puddles in paved areas. Catch basins may be required to contain oil filters or traps to prevent contaminants from being discharged to the natural drainage system.
- k) Exterior lighting shall be arranged so that illumination is deflected away from adjacent properties and so that it does not interfere with the vision of the motorist along adjacent streets. Flashing or intermittent lights shall not be permitted. Excessive lighting of buildings or structures shall be minimized to reduce light pollution.
- l) 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 thoroughfares, shall be screened by a vertical screen consisting of structural or plant materials not less than six feet in height. The finished side of any wall, fence or other screen shall face adjacent properties.
- m) Site plans shall conform to all applicable requirements of county, state and federal statutes and approval may be conditioned on the applicant receiving necessary county, state and federal permits before final site plan approval or any occupancy permit is granted.

SECTION 14.08 CONDITIONS OF APPROVAL

- a) As part of an approval to any site plan, the Planning Commission, as applicable, may impose any additional conditions or limitations as in its judgment may be necessary for protection of the public interest.
- b) Such conditions shall be related to and ensure that the review standards of Section 14.07 are met.
- c) Approval of a site plan, including conditions made as part of the approval, shall apply to the property described in the application, regardless of subsequent changes in ownership.
- d) A record of conditions imposed shall be maintained. The conditions shall remain unchanged unless an amendment to the site plan is approved in accordance with this Ordinance.

- e) A record of the decision of the Planning Commission, the reasons for the decision reached and any conditions attached to such decision shall be kept as part of the minutes of the Planning Commission.
- f) The Zoning Administrator may make periodic investigations of developments for which site plans have been approved. Non-compliance with the requirements and conditions of the approved site plan shall be violations of this Ordinance.

SECTION 14.09 VALIDITY OF FINAL SITE PLANS

- a) Approval of the final site plan is valid for a period of not longer than one year unless extended as allowed herein. If actual construction of a substantial portion of the improvements included in the approved site plan has not commenced and proceeded meaningfully toward completion during that period, the approval of the final site plan shall be null and void.
- b) Upon written application, filed prior to the termination of the one-year review period, the Planning Commission may authorize a single extension of the time limit for approval of a final site plan for a further period of not more than one year. Such extension shall only be granted based on evidence from the applicant that there is a likelihood of construction commencing within the one-year extension.

SECTION 14.10 PERFORMANCE GUARANTEE

The Planning Commission may require reasonable performance guarantees in order to assure the completion of required improvements. Such performance guarantees may include a performance bond, letter of credit or other written guarantees or assurances deemed satisfactory in the circumstances and authorized by law. The amount of the performance guarantee shall be determined by the Planning Commission. Such arrangements shall have such sureties or guarantors as are satisfactory to the Planning Commission and shall be conditioned upon faithful compliance with all of the provisions and requirements of the approved site plan and construction and placement of all of the improvements therein. In its discretion, the Planning Commission may reduce a proportionate share of the amount specified in a performance bond, letter of credit or other written assurance, based upon the percent or other portion of improvements completed, as verified by the Planning Commission or appropriate Township official. Furthermore, the Planning Commission may recommend to the Township Board the rebate or refund of a proportionate share of a cash bond.

SECTION 14.11 AMENDMENTS TO APPROVED SITE PLAN

- a) Any person who has been granted site plan approval shall notify the Zoning Administrator of any proposed amendment to the approved site plan.
- b) A minor change in the site plan may be approved by the Zoning Administrator who shall notify the Planning Commission of the minor change and that such change does not

substantially change the basic design or alter the conditions required for the plan by the Commission.

The following items shall be considered as minor changes:

- 1) Reduction of the size of any building and/or sign.
- 2) Movement of buildings and/or signs by no more than 10 feet.
- 3) Plantings approved in the site plan landscape plan being replaced by similar types of landscaping.
- 4) Changes of building materials to a higher quality.
- 5) Changes in floor plans which do not alter the character of the use.
- 6) Internal rearrangement of a parking lot which does not affect the number of parking spaces or alter access locations or design.
- 7) Changes required or requested by the Township for safety reasons.
- 8) Changes which will preserve the natural features of the site without changing the basic site layout.
- 9) Other similar changes of a minor nature proposed to be made to the configuration, design, layout or topography of the site plan which are deemed by the Zoning Administrator to be not material or significant in relation to the entire site and which the Zoning Administrator determines would not have any significant adverse effect on adjacent or nearby lands or the public health.

The Zoning Administrator may refer any decision regarding any proposed change to an approved site plan to the Planning Commission for review and approval (regardless of whether the change may qualify as a minor change). In making a determination whether a change is a minor change, or whether to refer a change to the Planning Commission for approval, the Zoning Administrator may consult with the Chairperson of the Planning Commission.

- c) Should the Zoning Administrator determine that the requested modification to the approved site plan is not minor, re-submission to the Planning Commission for an amendment shall be required and conducted in the same manner as an original application.

CHAPTER 15

SPECIAL LAND USES

SECTION 15.01 PURPOSE

The purpose of this article is to provide regulations for uses which are not essentially incompatible with uses permitted by right in a given district, but which should not be permitted without restrictions or conditions being imposed by reason of special problems presented by the use itself or its particular location to neighboring properties. The special use permit procedure established herein is designed to provide the Township Planning Commission with an opportunity to review and act upon any application for a special use permit.

SECTION 15.02 AUTHORIZATION

The Township Planning Commission shall have the power to hear and decide such questions as are involved in determining whether special exception permit applications should be granted; to approve special exception permit applications with such conditions and safeguards as are appropriate under this Ordinance; or to deny special exception permit applications where not in harmony with the purpose and intent of this Ordinance.

SECTION 15.03 SPECIAL LAND USE PROCEDURE

Application for a special exception shall be submitted and processed under the following procedures:

- (a) An application shall be submitted to the Planning Commission on a form for that purpose. Each application shall be accompanied by the payment of a fee as determined by resolution of the Township Board.
- (b) Site Plan Requirement: Applications for a special land use permit shall also be accompanied by a site plan which shall contain the information for final site plans required by Chapter 14 herein.
- (c) Additional Information: The Planning Commission may also require that the applicant provide additional information about the proposed use. Such information may include, but shall not be limited to, traffic analysis, environmental impact statement, an economic analysis justifying the need for a proposed commercial use or uses, impact on public utilities and services and affect on the public school system.
- (d) Upon receipt of an application for a special land use, the Township shall provide notice that a public hearing will be held on the application.
 1. A notice of the hearing shall be published in a newspaper of general circulation in the local unit of government.

2. Notice shall also be sent by mail or personal delivery to the owners of property for which approval is being considered. Notice shall also be sent to all persons to whom real property is assessed within 300 feet of the property and to the occupants of all structures within 300 feet of the property regardless of whether the property or occupant is located in the zoning jurisdiction.
 3. The notice shall be given not less than 15 days before the date the application will be considered for approval.
 4. If the name of the occupant is not known, the term "occupant" may be used in making notification under this subsection.
 5. The notice shall do all of the following:
 - (i) Describe the nature of the request;
 - (ii) Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used.
 - (iii) State when and where the request will be considered; and
 - (iv) Indicate when and where written comments will be received concerning the request.
 6. The notice shall indicate that a public hearing on the special land use request may be requested by any property owner or the occupant of any structure located within 300 feet of the property being considered for a special land use regardless of whether the property or occupant is located in the zoning jurisdiction.
- (e) At the public hearing or within a reasonable time thereafter, the Planning Commission shall deny, approve, or approve with conditions, the request for a special land use. The decision shall be incorporated in a statement containing the conclusions relative to the special land use under consideration which specifies the basis for the decision, and any conditions imposed.

The decision of the Planning Commission rendered pursuant to the request shall be final unless such decision is reversed or modified by a court of competent jurisdiction. The Board of Appeals is without jurisdiction to accept appeals or grant variances from the decision of the Planning Commission.

SECTION 15.04 STANDARDS FOR APPROVAL

The following general standards shall serve as the basis for decisions by the Planning Commission involving special land use permits. The Commission shall find that, in addition to specific standards for a particular use, the proposed use shall:

- (a) Be designed, constructed, operated and maintained so it will be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not significantly change the essential character of the area in which it is proposed.
- (b) Be adequately served by essential public facilities and services such as highways, streets, police, fire protection, drainage structures, refuse disposal, water and sewage facilities and schools.
- (c) Not create excessive additional requirements at public cost for public facilities and services.
- (d) Not involve uses, activities, processes, materials and equipment or conditions of operation that will be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.
- (e) Be consistent with the intent and purpose of the zoning district in which such use will be located.

SECTION 15.05 IMPOSITION OF CONDITIONS

Reasonable conditions may be imposed with approval of a special land use. The conditions may include conditions necessary to insure that public services and facilities will be capable of accommodating increased service and facility loads caused by the proposed land use or activity, to protect the natural environment and conserve natural resources and energy, to insure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall meet all of the following requirements:

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

- (d) The conditions imposed shall be recorded in the record of the approval action, and shall remain unchanged except as provided by law.

SECTION 15.06 SITE DESIGN STANDARDS

Uses permitted as special land use shall be subject to the requirements of the zoning district in which they are permitted. In addition, specific site design and development standards shall apply to the following uses:

(a) AIRFIELDS OR LANDING STRIPS FOR PRIVATE AIRCRAFT

- (1) The runway shall be located so that any aircraft using it flies no closer than 25 feet above any object located on the property line at a slope or angle of one foot of vertical rise for every 20 feet of horizontal run from property line to the end of the runway. The above requirements may be modified if the landing strip is intended solely for the use of ultra light aircraft.
- (2) Private airfields shall not be used for any type of commercial use except for airplanes used for farming purposes.
- (3) The landing strip shall be of turf construction.
- (4) Unless specifically waived by the Planing Commission, areas upon which airplanes taxi shall be at least 200 feet from any property line. The airfield must be of a size and location that will not require limitations on the height of structures on land that is not controlled by the airfield operator.
- (5) The Planning Commission may require the fencing of appropriate areas to insure public safety. If required, such fencing shall be not less than six feet in height with suitable gating.

(b) REMOVAL OF NATURAL RESOURCES The removal or extraction of sand, gravel, soil, rock, mineral, and similar natural resources or the reshaping, enlarging, straightening, damming, or diminution of lakes, waterways, ponds, or other bodies of water is permitted in all zoning districts but only if done in such manner as to prepare or render the premises suitable for the primary intended uses of the district in which such premises is located. No such operation, change, removal or extraction shall be permitted unless the following provisions are complied with:

- (1) Exceptions: The provisions of this section shall not apply to the following:
 - (i) Where the removal or extraction of natural resources is more than 500 feet from any street or property line, occupies not more than five acres in area, does not constitute a weekly average intensity of use of more than 15 yards of material per day, and creates no area which fills with water other than a watering pond for farms.

- (ii) Where only natural resources processing, storage or refining takes place in the I, Industrial District.
 - (iii) The control and regulation of oil or gas wells.
- (2) Procedure for Permit: No zoning permit shall be issued to the owner of any parcel of land or body of water desiring to proceed with any undertaking set forth in this Section until application to the Planning Commission for a temporary occupancy permit has been approved. Said application shall include the following information and fees:
- (i) A fee of ten dollars for each acre of land affected or from which natural resources are to be removed.
 - (ii) A map of the parcel to be so changed depicting all buildings, streets, drainage facilities and natural features within 200 feet thereof, which map shall show contour elevation readings at five foot intervals along the perimeter of the subject property or portion involved.
 - (iii) A two foot interval contour plan of proposed final elevations, the location of proposed temporary structures, drives, parking areas, loading equipment, drainage facilities and the extent of the operation during the first year and subsequent phasing.
 - (iv) A written statement describing the equipment to be used and the process involved, estimating the time such removal will require, describing the proposed use of the premises after such removal, and an agreement to conform to the provisions of this section.
- (3) Required Conditions: The following conditions shall be complied with:
- (i) Final grades shall be harmonious with surrounding grades and shall not be in excess of five percent unless demonstrably necessary for the future intended use of the land. No topsoil shall be removed from the property unless demonstrably necessary for the proper intended use of the property. All remaining topsoil shall be redistributed properly upon termination of the zoning permit. Except as provided in (c) of this section, no final grades shall be such as to create any area which will fill with water after the removal operation. No removal shall be permitted below the grades of the proposed plan unless a cash bond satisfactory to the Township Board, or at its discretion, a surety bond or letter of credit, is posted with the Township to insure that the final grades of the plan will be met by the expiration date of the permit.

- (ii) No mechanical processing of natural resources may be permitted in any Residential or Commercial District where such operation would be detrimental to an adjacent use of land. Stormwater runoff shall be led to existing drainage systems in a manner approved by the Township and the County Drain Commissioner.
 - (iii) The creation or enlargement of a lake shall only be permitted where the applicant demonstrates from engineering and geological studies that such water will not become polluted or stagnant; submits a plan for future use of the lakeshore and lake; and shows that such lake has been approved by the Department of Natural Resources of the State of Michigan and the Ionia County Drain Commission.
 - (iv) The alteration, straightening, damming, widening or diminution of a waterway or body of water shall be approved by the said Department and the Drain Commissioner.
 - (v) No removal, storage area, structure, access drive, or loading area shall be closer than 150 feet to any property line. All unpaved areas and roadways shall be regularly maintained and kept in a dust-free condition.
 - (vi) Truck routing shall be only on streets approved by the County Road Commission under such conditions and securities as may be imposed by the Township or the County to protect or repair the roads and to insure the safety of the public.
 - (vii) All structures and stored material equipment shall be removed from the property within six months of the discontinuance of the use for removal or extraction of natural resources. All land shall be graded to final elevations and reseeded so as to avoid erosion following the expiration of activities at the end of each mining season.
 - (viii) To the extent required by the Planning Commission, areas of steep grades or other areas of hazard shall be enclosed by a chain link fence at least four feet high or other suitable fence, so as to prevent or inhibit persons who may enter the removal area from being in parts of the removal area where there may be hazards.
- (4) The Planning Commission shall examine the proposed plans in relation to the Township Comprehensive Plan, the effects of such use or change upon the area involved, the effects of proposed ultimate uses on planned and future streets, lots, grades and waterways proposed.
- (5) Determination by Planning Commission: Following public hearing, as required by this Chapter, the Planning Commission shall determine the proper disposition

of the application. In making its determination, the Planning Commission shall determine that the proposed change or removal will:

- (i) Prepare the premises for a permitted primary intended use for the district in a reasonable period of time.
 - (ii) Not significantly adversely affect permitted uses in the district.
 - (iii) Conform to all provisions of this Section.
 - (iv) Not create any condition which will significantly adversely affect the public health, safety or general welfare.
- (6) **Authorization:** Upon approval of the application, the Planning Commission shall inform the Township Board of its action, of the amount of bond required, and of special conditions imposed. Upon receipt of the cash bond, or in its discretion, upon approval of a corporate surety bond or letter of credit by the Township Board, the Township Board shall direct the Zoning Administrator to issue any necessary zoning permit and an occupancy permit for a one year period. All approved plans, sureties, recommendations, reports and special conditions shall be filed by the Zoning Administrator for future reference.
- (7) **Renewal of Permit:** An occupancy permit may be renewed for up to three years at a time or for the duration of an accepted surety bond or letter of credit, whichever is lesser, upon a finding by the Planning Commission that all conditions and plans are being complied with and no nuisance has been created by prior operations. Where any new removal or operational area is to be considered proceedings for such purpose shall be the same as those for an original application.
- (8) **Revocation of Permit:** The Zoning Administrator shall revoke an occupancy permit where operations do not conform to approved plans or special conditions. All operations shall cease following notification by the Zoning Administrator of such violations unless such conditions are corrected. Reinstatement of a revoked permit shall require a new application and approval therefor.

(c) **SALVAGE YARDS/RECYCLING USES**

- (1) All vehicles, parts, material and equipment must be stored within enclosed buildings or within an area completely enclosed by a screening of either natural or manmade materials at least eight feet in height. The screen shall be located no closer than the minimum setback required for the material or equipment stored on site.
- (2) The setback from the front property line to the area upon which materials are stored and/or processed shall be not less than 110 feet.

- (3) The area upon which materials are stored and/or processed shall be located not less than 100 feet from any side or rear yard line.
- (4) No such use shall be permitted within 500 feet of a Residential Zoning District.
- (5) No items placed within the enclosed area shall exceed the height of the screen.
- (6) All fluids shall be drained from vehicles or appliances in order to prevent such fluids from leaking into the groundwater and to minimize the possibility of fire hazards.
- (7) One sign, not to exceed 32 square feet in area, is permitted subject to other provisions of this Ordinance.
- (8) All stored material and equipment shall be removed within six months of the discontinuance of the use. The Planning Commission may require the filing of a corporate surety bond, cash deposit, certified check, or irrevocable bank letter of credit with the Township Board to insure compliance with this section.

(d) **SPECIAL CONTROLLED USES** - In the development and execution of this section, it is recognized that there are some uses which, because of their very nature, have serious objectionable operational characteristics, particularly when several of them are concentrated in near proximity to a residential zone, thereby having a deleterious effect upon the adjacent areas. Special regulation of these uses is necessary to ensure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. These special regulations are itemized in this section. These controls are for the purpose of 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 which are prohibited in other sections of this Ordinance.

(1) Uses subject to these controls are as follows:

- (i) Adult book stores.
- (ii) Adult cabarets.
- (iii) Adult motion picture theaters.
- (iv) Massage establishments.
- (v) Nude artist and photography studios.

(2) Definitions. As used in this section, the following terms shall have the indicated meanings:

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

- (ii) **Adult Book Store.** Any establishment, or part thereof, having as a substantial or significant portion of its stock in trade, videos, books, magazines, or other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to “specified sexual activities” or “specified anatomical areas” as defined herein, or an establishment with a segment or section devoted to the sale or display of such material.
- (iii) **Specified Sexual Activities.** Specified sexual activities are defined as:
- Human genitals in a state of sexual stimulation or arousal.
 - Acts of human masturbation, sexual intercourse, or sodomy.
 - Fondling or other erotic touching of human genitals, pubic region, buttock, or female breast.
- (iv) **Specified Anatomical Areas.** Specified anatomical areas are defined as:
- Less than completely and opaquely covered:
 - * Human genitals, pubic region,
 - * Buttock, and
 - * Female breast below a point immediately above the top of the areola; and
 - Human male genitals in a discernibly turgid state, even if completely or opaquely covered.
- (v) **Cabaret.** A cafe, restaurant, bar, or any establishment where patrons are entertained by performers who dance or sing or play musical instruments.
- (vi) **Adult Cabaret.** A cabaret which features go-go dancers, erotic dancers, strippers, male or female impersonators, or similar entertainers.
- (vii) **Massage Establishment.** Any establishment, or part thereof, having a fixed place of business where massages are administered solely or in combination with any other service or activity for pay, including but not limited to massage parlors, health clubs, sauna baths, and steam baths. This definition shall not be construed to include a hospital, nursing home, medical clinic, or the office of a physician, surgeon, chiropractor, osteopath, or physical therapist duly licensed by the State of Michigan, nor barber shops or beauty salons in which massages are administered only to the scalp, the face, the neck, or the shoulder. This definition shall not be construed to include a non-profit organization operating a community center, swimming pool, tennis court, or other educational, cultural, recreational, and athletic facilities for the welfare of the residents of the area. This definition shall not be construed to include exercise clubs exclusively for members without massages in any form.
- (viii) **Massage.** A method of treating the external parts of the human body by rubbing, stroking, kneading, tapping, or vibrating with the hand or any instrument.

- (ix) Nude Artist and Photography Studios. Any building, structure, premises, or part thereof used solely or primarily as a place which offers as its principal activity the providing of models to display “specified anatomical areas” as defined herein, for artists and photographers for a fee or charge.
- (3) Authorization. The Planning Commission may, by the issuance of a Special Use Permit, authorize the uses specified within this section only in the “C” zoning district as noted in Chapter 9 herein and after finding that the following conditions exist:
- (i) The parcel upon which the use is intended is located outside a 200 foot radius of any parcel upon which is located any residence, dwelling place, church, or school unless a petition requesting waiver of this requirement is received and certified by the Township Clerk signed by 51% of those adult persons or institutions residing within or owning residential, school, or church property within a 300 foot radius of the proposed location in which case the Planning Commission may waive this requirement.
- (ii) The use is not located within a 200 foot radius of one other such use except that such restriction may be waived by the Planning Commission if the following findings are made:
- That the proposed use will not be contrary to the public interest or injurious to nearby properties and that the spirit and intent of this section will be observed.
 - That the proposed use will not enlarge or encourage the development of a blighted or deteriorating area in its immediate surroundings.
 - 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, nor will it interfere with any program of urban renewal.
 - That all applicable state laws and local ordinances will be observed.
- (4) Limit in Reapplication. No application for a regulated use which has been denied wholly or in part shall be resubmitted for a period of one year from the date of said order of denial, except on the grounds of new evidence not previously available or proof of changed conditions.

SECTION 15.07 EXPIRATION OF PERMIT

A special land use permit shall expire one year after it is granted, unless construction is complete or commencement of the use has substantially begun. The Planning Commission may, upon request by the applicant, extend the term of the special land use by successive periods of up to

one year each upon a finding that there have been no changed conditions in the area which would require reconsideration of the special land use application or site plan.

SECTION 15.08 REVOCATION OF PERMIT

If a violation of any of the conditions or standards imposed on a special land use is found to exist following inspection, the Zoning Administrator shall notify the owner of the premises of the special land use and the Planning Commission that such violation exists and that the permit will be revoked within 15 days of such notification. If said violation is not corrected within 15 days, the Planning Commission shall revoke the permit. Furthermore, such a violation is hereby declared to be a violation of the Zoning Ordinance, subject to all of the remedies and penalties provided for in this Ordinance.

CHAPTER 16

OFF STREET PARKING

SECTION 16.01 PURPOSE

The purpose of this chapter is to prescribe regulations for off-street parking of motor vehicles in residential and nonresidential zoning districts, to ensure by the provision of these regulations that adequate parking and access is provided in a safe and convenient manner, and to afford reasonable protection to adjacent land uses from light, noise, air pollution, and other affects of parking areas.

SECTION 16.02 SCOPE

- a) At the time any building or structure is erected, enlarged, or increased in capacity, or uses established, off-street parking and loading spaces shall be provided in all zoning districts according to the requirements of this Article.
- b) No parking or loading area or space which exists at the time of the adoption of this Chapter shall thereafter be relinquished or reduced in any manner below the requirements established by this Article.
- c) Parking areas must be in the same zoning classification as the property it serves.

SECTION 16.03 LOCATION OR PARKING AREAS

- a) For all residential uses, the number of parking spaces required by this Chapter shall be located on the same lot or parcel as the dwelling units served.
- b) For all other uses, the number of parking spaces required by this Chapter shall be located on the same lot, or lots under the same ownership, within 300 feet of the building it is intended to serve, measured from the building to the nearest parking space of the on-premise parking lot.

Parking on lots under different ownership within 300 feet of the building it is intended to serve shall also be permitted if such arrangement does not result in a parking deficiency for the other use, and a legal agreement specifying the terms for the parking arrangement, signed by all involved parties is provided.

SECTION 16.04 GENERAL REQUIREMENTS

- a) Units of Measurement
 - 1) For requirements stated in terms of employees, the calculation shall be based upon the maximum number of employees likely to be on the premises during the largest shift.

- 2) When units of measurement determining the number of required parking spaces result in a requirement of a fractional space, that fraction shall be counted as a full parking space.
- b) Shared Parking and Mixed Occupancy
- 1) In the case of mixed uses in the same building or on the same lot or parcel, the total requirements for off-street parking and loading shall be the sum of the requirements for the individual uses computed separately.
 - 2) Joint or collective provision of off-street parking areas for buildings or uses on two or more properties shall not be less than the sum of the requirements for the participating individual uses computed separately except that the Planning Commission may approve a lesser parking requirement for such uses if evidence of a signed agreement between the owners of both properties agreeing to such joint use is provided to the Planning Commission.
- c) Parking Requirements for Uses Not Listed
- 1) The minimum parking space requirements for all uses shall be as listed in Section 16.07. For uses not specifically listed in Section 16.07, the Zoning Administrator may establish the parking requirement by making the determination that the proposed use is similar in parking requirements to a use which is listed in Section 16.07.

SECTION 16.05 DESIGN, LOCATION, AND CONSTRUCTION REQUIREMENTS

The following regulations shall apply to all uses except one and two family dwellings and farm uses.

a) Parking Lot Surface and Drainage

Parking lots may be surfaced with gravel, asphalt or concrete. Such surfaces shall be graded and drained to dispose of all surface water and prevent drainage onto abutting properties.

b) Lighting

Lighting fixtures used to illuminate off-street parking areas shall be so arranged as to direct light downward away from any adjoining properties or streets and highways. Lighting fixtures in required parking facilities for commercial, industrial, or office districts within 150 feet of a Residential Zoning District or an area recommended for such use in the Township Master Plan shall not exceed 23 feet in height. All other fixtures shall not exceed 35 feet in height. Light fixtures shall be designed to achieve total luminary cutoff.

c) Parking Lot Setback

All off-street parking areas, except those serving residential dwellings with less than five dwelling units, shall be set back a minimum of 5 feet from the rear and side lot lines, and a minimum of 15 feet from the front lot line. The Planning Commission may permit parking aisles or vehicle maneuvering areas to encroach within the parking setback where substantial additional screening or landscaping acceptable to the Planning Commission is provided.

d) Greenbelts

Where off-street parking areas for non-residential uses abut or are across the street from property which is zoned or planned for residential use property, a greenbelt not less than 15 feet wide shall be provided adjacent to the parking area. The greenbelt shall be landscaped according to the landscape requirements of this Ordinance.

e) Driveways

Driveways serving off-street parking areas shall be at least 20 feet from any residentially zoned property.

f) Side and Rear Location

Parking areas wherever reasonably possible shall be placed at the side or rear of buildings.

SECTION 16.06 SIZE OF PARKING SPACE AND AISLE

Off-street parking spaces and aisles for various parking angles shall be designed and constructed in accordance with the minimum standards provided in Table 16-1

**TABLE 16-1
MINIMUM STANDARDS FOR SIZE OR PARKING AISLES AND DRIVEWAYS**

Parking Angle	Maneuvering Aisle Width		Parking Stall Width	Parking Stall Length	Total Width of 2 Stalls of Parking Plus Maneuvering Aisle	
	One Way	Two Way			One Way	Two Way
0° parallel	12 feet	22 feet	8.5 feet	22 feet	29 feet	39 feet
Up to 53°	13 feet	22 feet	9.0 feet	18 feet	49 feet	58 feet
54° to 74°	16 feet	22 feet	9.0 feet	18 feet	52 feet	58 feet
75° to 90°	12 feet	24 feet	9.0 feet	18 feet	48 feet	60 feet

SECTION 16.07 SCHEDULE OF OFF-STREET PARKING REQUIREMENTS

Each use shall provide spaces in conformance with the following schedule of requirements:

<u>Use</u>	<u>Number of Motor Vehicle Parking Spaces Required per Unit of Measure</u>
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a) Residential

- | | |
|---|---|
| 1) Single family, two family, or multiple family with three or more bedrooms. | Two for each dwelling unit. |
| 2) Multiple family with one or two bedrooms. | Two for each two bedroom dwelling unit and 1.5 for each one bedroom dwelling unit. |
| 3) Efficiencies | One for each dwelling unit. |
| 4) Mobile Home Parks | Two for each mobile home or mobile home site. |
| 5) Elderly housing or retirement communities. | For independent living units, one for each unit. For “interim” or “intermediate care” units, one for each two beds, plus one per employee. Should the units revert to another use, then the required parking shall be re-determined based on the new use. |
| 6) Bed and breakfast, boarding houses. | One for each guest room plus two for the dwelling unit. |

b) Institutional/Public Assembly

- | | |
|--|---|
| 1) Churches, temples, mosques, synagogues, or similar types of facilities. | One space per each four seats in the worship room. |
| 2) Hospitals. | One for each two beds plus one for each staff doctor, plus one for each two employees other than doctors. |
| 3) Outpatient care stations. | Two spaces per exam room/station or procedure/operating room, plus one space per laboratory or recovery room plus one per employee. |
| 4) Child Care Centers. | One space for every eight children of licensed capacity, plus one space for each employee. A minimum of three employee spaces shall be required. |
| 5) Elementary, junior high, middle schools. | Two spaces per classroom, plus one and space for each three seats of maximum seating capacity for that indoor place of assembly having the greatest seating capacity. |
| 6) High schools. | Eight spaces per classroom, or one space per each four seats of maximum seating capacity |

for that indoor place of assembly having the greatest capacity, whichever is greater.

7) Private club and lodges.

One space per 2.5 persons allowed within the maximum occupancy load as established by the appropriate fire, health, or building code.

8) Auditoriums (non-school), stadiums, and sports arenas.

One space per each three seats.

9) Conference rooms, exhibit halls, halls, ballrooms, civic clubs, or similar places of assembly without fixed seats whether public or private.

One space per each four persons allowed within the banquet maximum occupancy load as determined by the Township building or fire codes.

10) Libraries, museums, and non-commercial art galleries.

One parking space per 400 square feet of gross floor area.

c) Offices

1) Medical/dental clinics or offices.

Four spaces per 1,000 square feet of gross floor area. A minimum of six spaces shall be required.

2) General office buildings.

One space per 300 square feet of gross floor area. A minimum of four spaces shall be required.

3) Banks, credit unions, or savings and loans.

Six spaces per 1,000 square feet of gross floor area, plus two spaces per each non-drive-through automatic teller plus four on-site waiting spaces for each drive up window or drive through automatic teller.

d) Retail and Service Uses

1) Retail shopping centers, discount stores, and department stores containing between 25,000 and 400,000 square feet.

Four spaces per 1,000 square feet of stores, and usable floor area.

2) Retail centers containing between 400,000 and 600,000 square feet.

Four and one-half spaces per 1,000 square feet of usable floor area.

3) Retail centers containing greater than 600,000 square feet.

Five spaces per 1,000 square feet of usable floor area.

4) Other retail uses not otherwise specified

One space per 200 square feet of usable floor

herein.	area plus one per employee.
5) Supermarkets and grocery stores.	One space per 200 square feet of usable floor area.
6) Personal service establishments not otherwise provided herein.	One space per each 300 square feet of usable floor area plus one per employee.
7) Appliance stores.	Four spaces per 1,000 square feet of gross floor area. A minimum of six spaces shall be required.
8) Automobile service stations.	Two parking spaces per each service bay, plus one per each per each employee, plus one per each 200 square feet of retail area. A service bay and the area on each side of a gas pump may count as a parking space.
9) Automobile wash establishments (automatic).	One parking space per each employee, plus fifteen on-site waiting spaces at each wash-bay entrance, plus two drying spaces at the exit.
10) Automobile wash establishments (self-service).	One parking space per each employee, plus three on-site waiting spaces at each wash-bay entrance.
11) Barber shops, beauty salons.	Two for each barber or beauty operator chair/station plus one for every two employees.
12) Building supply store, home improvement store, paint and hardware store containing up to 25,000 square feet of gross floor area.	One space per 200 square feet of usable floor area plus one for each employee.
13) Building supply store, home improvement store, paint and hardware store with more than 25,000 square feet of gross floor area.	Three and one-half spaces per 1,000 square feet of usable floor area plus one for each employee.
14) Convenience stores.	Four spaces per 1,000 square feet of gross floor area. A minimum of six spaces shall be required.
15) Dry cleaners.	Two spaces per 1,000 square feet of gross floor area. A minimum of four spaces shall be required.
16) Funeral homes and mortuaries.	One space per 50 square feet of parlor and

	chapel areas.
17) Furniture, carpet, and home furnishing stores.	One space per 800 square feet of usable floor area.
18) Hotel, motel, or other commercial lodging establishment.	One space for each guest room, plus one for each two employees, plus amount required for accessory uses provided at the rate of fifty percent of the requirements for such uses as specified herein.
19) Laundromats.	One space per each three washing machines.
20) Mini-storage houses/warehouses.	Six spaces.
21) Motor vehicle dealerships.	One space per 5,000 square feet of outdoor sales area, plus one space per sales desk/office, plus three spaces per service bay. A minimum of six spaces shall be required.
22) Quick oil change establishments.	Two spaces per bay plus one per each employee.
23) Recreational vehicle and boat dealerships.	One space per 800 square feet of gross floor area, plus two spaces per each vehicle service bay. A minimum of six spaces shall be required.
24) Restaurants that serve non-fast food and have no drive-through window.	Twelve spaces per 1,000 square feet of gross floor area, or 0.4 spaces per seat, whichever is greater.
25) Restaurants that serve mostly take out, with six or less booths or tables.	Six spaces plus one for each employee.
26) Restaurants that serve fast food and have no drive through window.	Seven spaces per 1,000 square feet of gross floor area.
27) Restaurants that serve fast food and have a drive through window and indoor seating.	Fifteen spaces per 1,000 square feet of gross floor area, plus three designated drive through, short term waiting spaces plus 10 on site waiting spaces.
28) Restaurants that serve fast food and have a drive through window, but no indoor seating.	Fifteen spaces.

- 29) Video rental stores. One space per each 100 square feet of gross floor area plus one per each employee.
- 30) Service companies doing repair. Two spaces per 1,000 square feet of electrical, and plumbing work gross floor area. A minimum of five spaces shall be required.

e) Recreational Entertainment

- 1) Arcades. One space for every 70 square feet of gross floor area. A minimum of six spaces shall be required.
- 2) Batting cage facilities. Three spaces per cage.
- 3) Bowling centers. Five spaces per bowling lane plus 50 percent of the spaces otherwise required for accessory uses such as restaurants, bars, banquet facilities, etc.
- 4) Golf driving ranges. One and one-half spaces per tee.
- 5) Golf courses, miniature. One and one-half spaces per each hole.
- 6) Golf courses, par-three. Three spaces per hole.
- 7) Golf courses. Five spaces per hole.
- 8) Health fitness centers. Five spaces per 1,000 square feet of gross floor area.
- 9) Movie theaters. One space per each four seats, plus four spaces per screen.
- 10) Racquetball and tennis centers. Five spaces per 1,000 square feet of gross floor area or six spaces per court, whichever is greater.
- 11) Public recreation centers. Five spaces per 1,000 square feet of gross floor area.
- 12) Roller/ice skating rink. Six spaces per 1,000 square feet of gross floor area.

f) Industrial Uses

- | | |
|---|--|
| 1) Manufacturing, light industrial, and research establishment. | One and one-half parking spaces per 1,000 square feet of gross floor area. |
| 2) Wholesale, warehouses, or distribution facilities, and trucking terminals. | One parking space per each 1,500 square feet of gross floor area or one per employee whichever is greater. |

g) Deferred Parking Construction

In order to avoid excessive amounts of impervious surface, the Planning Commission may approve a development which provides less than the minimum number of parking spaces required herein if the applicant demonstrates to the satisfaction of the Planning Commission that a reduced amount of total parking space will meet the projected parking needs of the project due to:

- 1) The nature, size, density, location or design of the proposed development, including the design of the circulation and parking plan;
- 2) The availability of vacant or otherwise undeveloped land on the same parcel as shown on the proposed development plan, will remain available to provide additional off-street parking space if additional parking space is subsequently determined to be necessary by the Planning Commission to meet the parking needs of the development;
- 3) Characteristics of the development which will affect the parking needs, including factors such as nonconflicting peak hours of operation and the sharing of spaces by different uses; and
- 4) Any other factors reasonably related to the need for parking for the proposed development.

SECTION 16.08 BARRIER FREE PARKING AND DESIGN REQUIREMENTS

a) Barrier free parking shall be provided as follows:

<u>Total Parking in Lot</u>	<u>Minimum Number of Accessible Spaces Required</u>
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	8

301 to 400	12
401 to 700	14
701 to 1,000	1 per 50 spaces provided or fraction thereof
Over 1,000	20 plus 1 per 100 over 1,000 or fraction thereof

- b) Requirements for barrier free parking spaces, curb, ramps, and signs shall be as required by the Township Building Code and the Michigan Barrier Free Rules.

SECTION 16.09 OFF-STREET LOADING REQUIREMENTS

- a) Off-street loading spaces shall be provided in size and quantity sufficient to prevent interference with adjacent streets or required off-street parking areas.
- b) Required loading spaces shall not be included in the count of off-street parking spaces.
- c) Loading spaces shall not use any portion of any public right-of-way.
- d) Maneuvering space for trucks using the loading spaces shall be provided on-premise, and shall not necessitate the use of public right-of-way.
- e) The design, location, and screening of off-street loading areas shall be reviewed at the time of Site-Plan approval to ensure adequate protection is afforded adjacent properties, especially residential districts.
- f) Off-street loading spaces shall be no closer than 50 feet to any Residential Zone unless such space is wholly within a completely enclosed building or enclosed on all sides by a wall or a uniformly painted solid board or masonry fence of uniform appearance not less than six feet in height.

CHAPTER 17

SIGNS

SECTION 17.01 DESCRIPTION AND PURPOSE

This chapter is intended to regulate the size, number, location and manner of display of signs in Orange Township in a manner consistent with the following purposes.

- a) To protect and further the health, safety and welfare of residents, property owners and visitors.
- b) To prevent traffic hazards and pedestrian accidents caused by signs which obstruct vision, distract or confuse drivers, or are improperly secured or constructed.
- c) To conserve and enhance community character.
- d) To promote uniformity in the size, number or placement of signs within districts.
- e) To promote the economic viability of commercial areas by minimizing visual clutter, and allowing for proper placement of signs to safely direct motorists to their destination.
- f) To balance the public's right to be informed and its desire to avoid visual pollution and hazardous conditions with the rights of businesses and other non-business uses to communication.
- g) It is further recognized that special circumstances or events may create a need for portable signage for a limited and reasonable period of time.
- h) The purpose of this ordinance does not include the regulation of the content or any information included on the sign.

SECTION 17.02 DEFINITIONS

- a) Agricultural Industry Sign - A sign which identifies items, products, breeds of animals, poultry or fish, materials, or farming methods used on a farm and also including signs for farm organizations.
- b) Billboard: A sign which advertises an establishment, product, service or activity not available or not conducted on the lot on which the sign is located.
- c) Business or commercial Sign. A sign, including a sign on the wall of a building, on lettered, figured or pictorial messages which are displayed for advertising a business, service, entertainment, or other enterprises or commerce conducted on the land where the sign is located, or products primarily sold, manufactured, processed or fabricated on such land.
- d) Community Special Event Sign: A portable sign which is erected for a limited time to call attention to special events of interest to the general public which are sponsored by governmental agencies, schools or other groups which are non-profit and whose purpose is charitable, philanthropic, religious or benevolence.
- e) Non-Commercial Sign - A sign either portable or non-portable not advertising commerce, trade, or location and not otherwise defined herein. A political sign is a non-commercial sign.

- f) Portable or Temporary Sign: A sign that is not permanent or affixed to a building or structure and by its nature may be or is intended to be moved from one location to another such as A frame signs or signs on moveable trailers whether rented or owned, devices such as banners, pennants, flags (not including flags of state or organizational flags when displayed in the manner prescribed by law), search lights, twirling or sandwich type signs, sidewalk or curb signs, and balloons or other air or gas filled figures.
- g) Real Estate Sign: A temporary sign advertising the real estate upon which the sign is located as being for sale, rent, or lease.
- h) Residential Subdivision Sign: A sign identifying or recognizing a platted subdivision, site condominium, multi-family or other residential development.
- i) Sign: A device, structure, fixture, or placard which may or may not use graphics, symbols, and/or written copy designed specifically for the purpose of advertising or identifying an establishment, product, service, or activity or otherwise intended or used to advise or inform.
- j) Wall Sign: A sign painted or attached directly to and parallel to the exterior wall of a building extending no greater than twelve (12) inches from the exterior face of a wall to which it is attached.

SECTION 17.03 SIGNS EXEMPTED

The following signs shall be exempted from the provisions of this Ordinance except for the regulations of Section 17.05.

- a) Official traffic signs erected by a government agency.
- b) Government signs two square feet or less.
- c) Non-commercial signs two square feet or less.
- d) Window signs.
- e) Memorial signs.
- f) Murals of an un-commercial nature.
- g) Signs not visible from any street.
- h) Signs for essential services which are two square feet or less.
- I) Placards.
- j) Community service group or agency signs two square feet or less.
- k) Nameplates two square feet or less.
- l) Newspaper box signs
- m) Farm identification signs.
- n) Incidental signs two square feet or less.
- o) Flags or insignia of any nation, State, township, community organization or educational institution or flags of a non-commercial nature.

SECTION 17.04 SIGN PERMITS AND APPLICATION

- a) Permits Required A sign permit shall be required for the erection, use **or** construction of all signs which exceed 32 square feet.

- b) **Application** An application for a sign permit shall be made to the Township Zoning Administrator along with a fee as required by Township Board resolution. The application, at a minimum, shall include the following:
1. Name, address, and telephone number of applicant and the person, firm or corporation erecting the sign.
 2. Address or permanent parcel number of the property where the sign will be located.
 3. A sketch showing the location of the building, structure, or lot upon which the sign is to be attached or erected, and showing the proposed sign in relation to buildings and structures along with setback from lot lines.
 4. Two blueprints or drawings of the plans and specifications, method of construction and attachment to structures or ground, stress sheets and calculations showing that the structure is designed for dead load and wind pressure in any direction of not less than 30 pounds per square foot of area.
 5. Any required electrical permit shall be attached to the application.
 6. The zoning district in which the sign is to be located.
 7. Any other information which the Building Inspector/Zoning Administrator may require in order to demonstrate compliance with this Ordinance.
 8. Signature of applicant or person firm or corporation erecting the sign.
- c) **Electrical Signs.** All signs requiring electrical service shall be reviewed for compliance with the Townships electrical code. Approval of electrical signs shall be noted on or attached to the sign permit.
- d) **Issuance of Sign Permit** The Zoning Administrator shall issue a sign permit if all provisions of this Ordinance and other applicable Township ordinances are met. A sign authorized by a permit shall be installed or under construction within one year of the date of issuance of the sign permit or the permit shall expire. A new permit may be issued upon filing of a new application and fee.

SECTION 17.05 DESIGN, CONSTRUCTION AND LOCATION STANDARDS

- a) All signs shall be properly maintained and shall not be allowed to become unsightly through disrepair or as a result of the weather.
- b) Sign supports, braces, guys and anchors shall be maintained in such a manner as not to cause a hazard.
- c) Signs shall be constructed to withstand all wind and vibration forces normally expected to occur in the vicinity.
- d) Signs, may be internally or externally illuminated. The source of the light shall be enclosed and directed to prevent the source of light from shining directly onto traffic or residential property.

- e) Signs shall not be placed in, upon or over any public right-of-way, or alley, except as may be otherwise permitted by the Ionia County Road Commission or Michigan Department of Transportation.
- f) A light pole, or other support structure not specifically designed as sign support structure may not be used for the placement of any sign unless specifically approved for such use.
- g) A sign shall not be erected where by reason of its position, shape, color, or other characteristics, interfere with, obstruct or be confused with an official traffic sign, signal, or device.
- h) A sign shall not contain flashing, moving or animated parts except for automatic changeable copy signs or barber pole signs.
- i) A wall sign shall not extend beyond the edge of the wall to which it is affixed or extend above the roof line of a building.
- j) A sign and its supporting mechanism shall not extend beyond the lot lines of the property on which it is located.

SECTION 17.06 SIGN REGULATIONS APPLICABLE TO ALL DISTRICTS

The following sign regulations are applicable to all zoning districts.

- a) All signs shall be stationary and shall pertain only to the business or activity conducted on the premises except for billboards, non-commercial signs, community special event signs and signs advertising farm products or operations as permitted herein.
- b) Any pole sign, including awnings to which signs are affixed or displayed shall maintain a minimum clear space of eight feet from the bottom of the sign to the ground.
- c) Real estate signs are permitted in any District but shall be removed within 30 days after completion of the sale or lease of the property. Such signs shall not exceed 32 square feet.
- d) Community special event signs, including banner signs, are permitted in any District, subject to the following restrictions:
 1. Such signs may be located either on or off the lot on which the special event is held.
 2. Such signs shall have a maximum size of 32 square feet in area, and a maximum height above ground level of eight feet.
 3. Such signs shall be removed within seven days of the conclusion of the special event which is being advertised.
- e) On-Site Directional signs are permitted in any district subject to the following restrictions:
 1. Such sign shall not exceed four square feet in area and three feet in height, and shall be setback at least five feet from any lot line.
 2. Directional signs shall be limited to traffic control functions only.
- f) Signs advertising the sale of farm products or farm operations which are not located on the property which contains the farm are permitted in any district provided that such signs shall be no larger than 32 square feet and no higher than eight feet above grade.

- g) Non-commercial signs are permitted in all zoning districts subject to the following restrictions:
 - 1. Such signs shall be subject to the regulations for signs contained in Section 17.05 herein.
 - 2. Non-commercial signs are not subject to regulations pertaining to size and number.
 - 3. Non-commercial signs may remain until such signs are in disrepair and are deemed to no longer comply with Section 17.05 of this Ordinance except that if such sign pertains to an election, it shall be removed within seven days after such election.

SECTION 17.07 BILLBOARDS

Billboards are permitted only in those areas which are within 300 feet of the I-96 right-of-way line subject to the following regulations:

- a) Double-faced billboard structures (i.e., structures having back-to-back billboard faces) and V-type billboard structures having only one face visible to traffic proceeding from any given direction on a street or highway shall be considered as one billboard. Additionally, billboard structures having tandem billboard faces (i.e, two parallel billboard faces facing the same direction and side-by-side to one another) or stacked billboard faces (i.e, two parallel billboard faces facing the same direction with one face being directly above the other) shall be considered as one billboard. Otherwise, billboard structures having more than one billboard face shall be considered as two billboards and shall be prohibited in accordance with the minimum spacing requirement set forth in subsection "B" below.
- b) No billboard shall be located within 1,320 feet of another billboard measured in any direction. *2009-07-13 ZBA interprets "same side of the street or freeway, same as State Definition
- c) No billboard shall be located within 250 feet of a residential zone.
- d) No billboard shall be located closer than 10 feet from a right-of-way line and 50 feet from all other property lines.
- e) Billboards may be constructed to a maximum size of 672 square feet per face.
- f) The height of a billboard shall not exceed 35 feet above; (1) the grade of the ground on which the billboard sits or, (2) the grade of the abutting roadway, whichever is higher.
- g) A billboard may be illuminated, provided such illumination is concentrated on the surface of the sign and is so located as to avoid glare or reflection onto any portion of an adjacent street or highway, the path of on-coming vehicles, or any adjacent premises. In no event shall any billboard have flashing or intermittent lights, nor shall the lights be permitted to rotate or oscillate.
- h) A billboard must be constructed in such a fashion that it will withstand all wind and vibration forces which can normally be expected to occur in the vicinity. A billboard must be maintained so as to assure proper alignment of structure, continued structural soundness, and continued readability of message.
- i) A zoning permit shall be required in order to construct an outdoor sign or billboard. Each application for a zoning permit shall include a drawing with specifications prepared and sealed by a registered engineer or architect, licensed by the State of Michigan. A

drawing shall also be submitted illustrating the setback of the outdoor sign, billboard from all lot lines of the site on which the outdoor sign, billboard is to be located. The applicant shall also provide proof of permission from the property owner to place the outdoor sign, billboard on the site.

- j) The non-conforming use provisions of Chapter 18 of this Ordinance shall apply to pre-existing outdoor signs and billboards.
- k) Signs advertising the person's own business, products or profession by means of a sign located on his/its own premises are permitted under the same terms of this section.
- l) The provisions of this subsection shall not apply to the following types of signs:
 - 1. Directional and other official signs, including, but not limited to, signs pertaining to natural wonders, scenic and historical attractions, which are required or authorized by law, and which comply with rules promulgated by the State Department of Transportation relative to the lighting, size, number and spacing thereof.
 - 2. Signs advertising the sale or lease of real property upon which they are located.

SECTION 17.08 NONCONFORMING SIGNS, ILLEGAL SIGNS, AND SIGNS ACCESSORY TO NONCONFORMING USES

- a) Every legal permanent sign which does not conform to the height, size, area or location requirements of this Chapter as of the date of the adoption of this Ordinance, is hereby deemed to be nonconforming.
- b) Nonconforming signs may be maintained and repaired so as to continue the useful life of the sign but may not be expanded, enlarged, or extended.
- c) A nonconforming sign may be diminished in size or dimension or the copy of the sign amended or changed without jeopardizing the privilege of nonconforming use.
- d) A sign accessory to a nonconforming use may be erected in the Township in accordance with the sign regulations for the District in which the property is located.

SECTION 17.09 MEASUREMENT OF SIGNS

- a) Unless otherwise specified within this ordinance for a particular type of sign, the area of a sign shall be measured as the area within a single, continuous perimeter composed of any straight line geometric figure which encloses the extreme limits of writing, representation, emblem, logo, or any other figure of similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed, excluding only the structure necessary to support the sign.
- b) The area of a freestanding or projecting sign that has two or more faces shall be measured by including the area of all sign faces, except if two such faces are placed back-to-back and are of equal size, and are no more than two feet apart at any point the area of the two back-to-back faces shall be counted as one face. If the two back-to-back faces are of unequal size, the larger of the two sign faces shall be counted as the one face.
- c) The height of a sign shall be measured as the vertical distance from the highest point of the sign to the grade of the adjacent street or the average grade of the ground immediately beneath the sign, whichever is less except for billboards as specified herein.

SECTION 17.10 AGRICULTURAL DISTRICT

The following signs are permitted in the Agricultural District.

- a) **WALL SIGN** - For permitted uses other than dwellings.
 - 1. One sign per street frontage to be placed on that side of the building which directly faces the street. Each sign shall not exceed 100 square feet.
- b) **GROUND SIGN** - For permitted uses other than dwellings.
 - 1. One per parcel not to exceed 50 square feet in area.
 - 2. The height of a ground sign shall not exceed six feet above grade.
 - 3. Ground signs shall be setback a minimum of 10 feet from the front lot line and a minimum of 25 feet from all other lot lines.
- c) **AGRICULTURAL INDUSTRY SIGNS** - Such signs shall not be limited in number, **size** or placement except they shall not be placed to create a hazard or visibility problem for motorists, pedestrians, or cyclists.

SECTION 17.11 RESIDENTIAL DISTRICTS

The following signs are permitted in the R1, R2, and R3 Zoning Districts.

- a) **WALL SIGN** - For non-residential uses only:
 - 1. One sign per street frontage to be placed on that side of the building which directly faces the street. Each sign shall not exceed 100 square feet.
- b) **GROUND SIGN** - For residential subdivisions or site condominiums, multiple family developments, elderly housing, mobile home or manufactured home parks, schools, churches or other permitted non-residential uses:
 - 1. One per parcel not to exceed 50 square feet in area.
 - 2. The height of a ground sign shall not exceed six feet above grade.
 - 3. Ground signs shall be setback a minimum 10 feet from the front lot line and a minimum of 25 feet from all other lot lines.
 - 4. For residential subdivisions a ground sign identifying the development is permitted only if a subdivision or home owners association is established and provisions are made for such an association to maintain the sign.

SECTION 17.12 COMMERCIAL AND INDUSTRIAL DISTRICTS

The following signs are permitted in the "C" and "I" Zoning Districts.

- a) **WALL SIGNS**
 - 1. Each commercial establishment or business shall be permitted to have one wall sign. For each commercial establishment on a corner lot, one wall sign per public or private street frontage is permitted. Each commercial establishment shall have no more than one sign per wall.
Wall signs shall not exceed 100 square feet in area for each sign.
- b) **FREE STANDING SIGN** - One ground sign or pole sign per lot subject to the following regulations:

1. Pole Sign - A sign no more than 110 square feet shall be permitted for each lot and shall also be subject to the following: (Amended 5-13-08)
 - (a) For those lots with more than one commercial establishment, the size of the pole sign may be increased to no more than 150 square feet. (Amended 5-13-08)
 - (b) Pole signs shall not exceed 35 feet in height and shall have a minimum height between the bottom of the sign and the ground of eight feet.
2. Ground Signs - One sign of no more than 64 square feet shall be permitted for each lot and shall also be subject to the following:
 - (a) The height of a ground sign shall not exceed six feet above ground.
 - (b) Ground signs shall be setback a minimum of five feet from the front and side lot lines.

c) **INDUSTRIAL PARK IDENTIFICATION SIGN**

One sign may be erected at each industrial park entrance in accordance with the requirements for ground signs to identify the park and the industries within.

d) **PORTABLE SIGNS.**

Only one portable sign shall be permitted on a parcel at any one time and be used for business advertising only. A portable sign shall not exceed 32 square feet in area and shall not have any flashing, colored or glaring lights. Such signs shall be placed outside of the public right-of-way and shall not hamper the visibility of a driver on or off the site. Portable signs shall be maintained in good repair with appropriate surface materials and letters.

(Amended 11-11-14)

CHAPTER 18

NONCONFORMING USES

SECTION 18.01 PURPOSE AND DESCRIPTION

With the districts established by this Ordinance and any subsequent amendments thereto, there exist lots, structures, and uses of land and structures which were lawful before this Ordinance was adopted but which would be prohibited or restricted under the terms of this Ordinance.

- (a) It is the intent of this Ordinance to permit these nonconformities to continue until they are removed, but not to encourage their continuance.
- (b) Nothing in this Ordinance shall be deemed to require a change in the plans, construction, or designated use of any structure on which actual construction was lawfully begun prior to the effective date of this Ordinance, provided that actual construction has been diligently performed. Further, any building permit issued prior to the effective date of this Ordinance shall entitle the bearer of such permit to construct such building in accordance with the requirements of the permit as long as such permit remains valid.

SECTION 18.02 REPAIRS AND MAINTENANCES

Such repairs and maintenance as are required to keep a nonconforming use or building in a safe and sound condition may be made. A nonconforming structure which is damaged by any natural catastrophe or by acts of maliciousness may be restored to its original condition. Permitted restoration shall be commenced within six months from the date of such damage and diligently pursued to completion.

SECTION 18.03 ENLARGEMENT OF NONCONFORMING BUILDINGS

In all zoning districts, buildings which are non-conforming by reason of setback, height, parking, building square footage or other dimensional requirements may be altered or enlarged beyond the size which existed at the time of the adoption of this Chapter (7-10-2001) provided the alteration or enlargement complies with all setback, height, parking, and other applicable regulations of the zoning district in which it is located and does not increase the extent of the non-conformity. The extension of a non-conforming building in such a manner that the extension itself does not conform to the setback, height or other applicable standards of this Chapter shall be deemed an increase in the extent of the non-conformity of the original building and is not permitted.

SECTION 18.04 ENLARGEMENT OF NONCONFORMING USES

- (a) All nonconforming uses located within a building may be enlarged beyond the size which existed at the time of the adoption of this Chapter (7-10-2001) provided that the following requirements are met:

- (1) That the gross square footage of the enlargement of the building or of any new buildings does not exceed 50 percent of the gross square footage of the building which existed prior to the adoption of this Chapter.
 - (2) That the enlargement of the existing building or use or construction of a new building complies with all setback, parking, landscaping, lighting, height and other applicable regulations of the zoning district in which it is located including all site plan review requirements.
 - (3) Such enlargement shall be on the parcel occupied by the non-conforming use at the time of adoption of the Ordinance from which this Chapter is derived.
 - (4) A use which is non-conforming because such use now requires a Special Land Use Permit as of the date of adoption of this Ordinance may expand in accordance with the provisions of this Section without obtaining a Special Land Use Permit from the Planning Commission. An expansion of such use beyond what is permitted by this Section shall only be permitted by Special Land Use.
- (b) Non-conforming uses which are not located within a building including but not limited to open air businesses, sand and gravel mines, campgrounds, golf courses, contractor equipment yards and salvage yards, shall not be increased in size so that the use occupies more land area than the area occupied by the use prior to the adoption of this Chapter. (7-10-2001)

SECTION 18.05 MOVING

Should any nonconforming structure be moved for any reason, it shall thereafter conform to regulations of the district in which it is located after being moved.

SECTION 18.06 NONCONFORMING USE DISCONTINUED

No structure or premises where a nonconforming use has discontinued, ceased operation, or become abandoned for a continuous period of 12 months or more, or has changed to a conforming use shall again be devoted to a use not in conformity with the regulations of the district within which located.

SECTION 18.07 CHANGE IN NONCONFORMING USE

Any nonconforming use may be changed to another nonconforming use provided that the Board of Appeals, by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use.

SECTION 18.08 CHANGES IN TENANCY OR OWNERSHIP

There may be a change in tenancy, ownership, or management of a nonconforming use, provided that there is no change in the nature or character of said nonconforming use.

CHAPTER 19

ZONING BOARD OF APPEALS

SECTION 19.01 CREATION, MEMBERSHIP, TERM OF OFFICE

There is hereby created and/or continued a Township Zoning Board of Appeals of five members. The first member of such Board shall be a member of the Township Planning Commission; one member shall be a member of the Township Board, and the remaining members shall be selected and appointed by the Township Board from the electors of the Township residing in the unincorporated areas of the Township, provided that an elected officer of the Township shall not serve as chairman of the Zoning Board of Appeals nor, except as otherwise provided, shall an employee or contractor of the Township Board serve as a member of the Zoning Board of Appeals.

The term of each member shall be for three years, except that of the members first appointed, two shall serve for two years and the remaining members for three years. A successor shall be appointed not more than one month after the term of the preceding member has expired. All vacancies for unexpired terms shall be filled for the remainder of the term.

SECTION 19.02 RULES OF PROCEDURE

The Zoning Board of Appeals may adopt those rules of procedure it deems necessary to assist it in the performance of its duties.

SECTION 19.03 POWERS AND DUTIES

The Zoning Board of Appeals shall act upon all questions as they arise in the administration of this ordinance, unless otherwise specified herein, including the interpretation of zoning maps. It shall hear and decide appeals from and review any order, requirement, decision, or determination made by an administrative official charged with the enforcement of this Ordinance. It shall also hear and decide all matters referred to it or upon which it is required to pass under the terms of this ordinance. An appeal may be taken by any person aggrieved, or may be taken by any officer, department, board, or bureau of the Township, county, or state. The grounds for every such determination of the Zoning Board of Appeals shall be stated as a public record.

- (a) **VARIANCE.** Subject to the provisions of this ordinance, the Board shall have jurisdiction to decide applications for variances:
 - (1) Where there are practical difficulties or unnecessary hardship in the way of carrying out the strict letter of this ordinance, the Zoning Board of Appeals, in passing upon appeals, may vary or modify any of its rules or provisions so that the spirit of this ordinance is observed, public safety is secured, and substantial justice done.

(b) **DIMENSIONAL VARIANCES.** If an applicant seeks a variance from the provisions or requirements of this ordinance because of dimensional characteristics of the lot or parcel of property, or because of exceptional topographic or other conditions of the land, buildings or structures, the applicant must demonstrate, and the Board must make findings based upon competent, material and substantial evidence on the whole record that all of the following exist:

- (1) That the enforcement of the literal requirements of this ordinance would involve practical difficulties.
- (2) That special conditions or circumstances exist which are peculiar to the land, structures or buildings involved and which are not applicable to other lands, structures or buildings in the same zoning district.
- (3) That literal interpretation of the provisions of this ordinance would deprive the applicant of property rights commonly enjoyed by other properties in the same zoning district.
- (4) That the special conditions or circumstances do not result from the actions of the applicant.
- (5) That the authorizing of such variance will not be of substantial detriment to the neighboring properties and will not be contrary to the spirit and purpose of this ordinance.

No nonconforming use of nearby lands, structures, or buildings shall in itself be considered grounds for the issuance of a variance.

(c) **USE VARIANCES.** If an applicant seeks a variance from the provisions or requirements of this ordinance in order to conduct or establish a use not permitted by that zoning district, the applicant must demonstrate, and the Board must make findings based upon competent, material and substantial evidence on the whole record that all of the following exist:

- (1) That the enforcement of the literal requirements of this ordinance would cause unnecessary hardship.
- (2) That special conditions or circumstances exist which are peculiar to the land, structures or buildings involved and which are not applicable to other lands, structures or buildings in the same zoning district.
- (3) That the property could not reasonably be used for the purposes permitted in that zone district.
- (4) That the special conditions or circumstances do not result from the actions of the applicant.

- (5) That the authorizing of such variance will not be of substantial detriment to the neighboring properties and will not be contrary to the spirit and purpose of this ordinance.

No nonconforming use of nearby lands, structures, or buildings shall in itself be considered grounds for the issuance of a variance. A vote of 2/3 of the members of the Zoning Board of Appeals is required to approve a use variance.

SECTION 19.04 REMOVAL

A member of the Zoning Board of Appeals may be removed by the Township Board for misfeasance, malfeasance, or nonfeasance in office upon written charges and after public hearing.

SECTION 19.05 MEETINGS, RECORD

Meetings of the Zoning Board of Appeals shall be held at the call of the Chairperson and at such other times as the Board in rules of procedure may specify. The Chairperson, or if not present, the acting Chairperson, may administer oaths and compel the attendance of witnesses. All meetings of the Zoning Board of Appeals shall be open to the public. The Board shall maintain a record of its proceedings which shall be filed in the office of the Township Clerk and shall be a public record.

SECTION 19.06 PROCEDURE

- (a) The presence of three (3) members shall constitute a quorum. The Board shall not conduct business unless a quorum is present. The concurring vote of a majority of the members shall be necessary to reverse any order, requirement, decision, or determination of any administrative official or to decide on any matter upon which it is required to pass under this ordinance or to effect any variation in said ordinance. A member shall disqualify himself or herself from a vote in which the member has a conflict of interest. Failure of a member to disqualify him or herself from a vote in which there is a conflict of interest shall constitute malfeasance in office.
- (b) Appeals shall be filed with the Township Clerk specifying the grounds thereof. Appeals shall be taken within such time as prescribed by general rule of the Zoning Board of Appeals. If the appeal is based upon a determination of the Zoning Administrator, the appeal shall be transmitted to the Board along with the papers constituting the record upon which the action is being appealed.
- (c) Each appeal or application for variance shall be accompanied by a filing fee to be determined by Ordinance of the Township Board. When a matter is referred by the Planning Commission as required by this Part to the Board of Appeals for consideration, no fee shall be charged.

- (d) Following receipt of a written request concerning a request for a variance, the Zoning Board of Appeals shall fix a reasonable time for the hearing of the request and cause notices to be served as follows.
- (1) A notice of the hearing shall be published in a newspaper of general circulation in the local unit of government.
 - (2) Notice shall also be sent by mail or personal delivery to the owners of property for which approval is being considered. Notice shall also be sent to all persons to whom real property is assessed within 300 feet of the property and to the occupants of all structures within 300 feet of the property regardless of whether the property or occupant is located in the zoning jurisdiction.
 - (3) The notice shall be given not less than 15 days before the date the application will be considered for approval.
 - (4) If the name of the occupant is not known, the term "occupant" may be used in making notification under this subsection.
 - (5) The notice shall do all of the following:
 - (i) Describe the nature of the request;
 - (ii) Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used.
 - (iii) State when and where the request will be considered; and
 - (iv) Indicate when and where written comments will be received concerning the request.
- (e) Upon receipt of a written request seeking an interpretation of the Zoning Ordinance or an appeal of an administrative decision, a notice stating the time, date, and place of the public hearing shall be published in a newspaper of general circulation within the Township and shall be sent to the person requesting the interpretation not less than 15 days before the public hearing. In addition, if the request for an interpretation or appeal of an administrative decision involves a specific parcel, written notices stating the nature of the interpretation request and the time, date, and place of the public hearing on the interpretation request shall be sent by first-class mail or personal delivery to all persons to whom real property is assessed within 300 feet of the boundary of the property in question and to the occupants of all structures within 300 feet of the boundary of the property in question. If a tenant's name is not known, the term "occupant" may be used.

- (f) Upon the day for hearing any application or appeal, the Board may adjourn the hearing in order to permit the obtaining of additional information or to cause such further notices as it deems proper to be served upon such other property owners as it decides may be interested in said application or appeal. In the case of an adjourned hearing, persons previously notified and persons already heard need not be notified of the time of resumption of said hearing.
- (g) At the hearing, any party may be heard in person or by agent or attorney.
- (h) The Board 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 officer from whom the appeal was taken and may issue or direct the issuance of a permit.

SECTION 19.07 IMPOSITION OF CONDITIONS

The Board of Appeals may impose conditions with an affirmative decision. Conditions may include those necessary to ensure that public services and facilities will be capable of accommodating increased service and facility loads caused by the proposed land use or activity; to protect the natural environment and conserve natural resources and energy; to ensure compatibility with adjacent uses of land; and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall meet all of the following requirements:

- (a) Be designed to protect natural resources, the health, safety, and welfare and the social and economic well-being of those who will use the land use or activity under consideration, residents and land owners immediately adjacent to the proposed land use or activity, and the community as a whole.
- (b) Be related to the valid exercise of the police power and purposes which are affected by the proposed use or activity.
- (c) Be necessary to meet the intent and purpose of the zoning ordinance, be related to any standards established in the ordinance for the land use or activity under consideration, and be necessary to ensure compliance with those standards.
- (d) The conditions imposed shall be recorded in the record of the approval action and shall remain unchanged except as provided by law.

SECTION 19.08 STAY OF PROCEEDINGS

An appeal stays all proceedings in furtherance of the action appealed from unless the Zoning Administrator certifies to the Zoning Board of Appeals after the notice of appeal shall have been filed with him that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than

by a restraining order which may be granted by the Board of Appeals or by the Circuit Court, on application, on notices to the Zoning Administrator, and on due cause shown.

SECTION 19.09 DECISIONS OF THE BOARD

The Board of Appeals shall decide all applications and appeals within 30 days after the final hearing thereon. A copy of the decision shall be transmitted to the applicant or appellant and to the Zoning Administrator. Such decision shall be binding upon the Zoning Administrator and the terms and conditions of the same shall be incorporated in the permit to the applicant or appellant whenever a permit is authorized by the Board of Appeals.

The decision of the Zoning Board of Appeals shall be final. A party aggrieved by the decision may appeal to the circuit court as provided by law. An appeal to the circuit court shall be filed within 30 days after the Zoning Board of Appeals certifies its decision in writing or approves the minutes of its decision. An appeal may be had from the decision of any circuit court to the Court of Appeals.

Any party aggrieved by any order, determination, or decision of any officer, board, Zoning Board of Appeals, or Township Board made under MCL 125.3208, regarding non-conforming uses and structures, may appeal in the circuit court as provided in this Section. Any person required to be given notice under Section 19.06(d) shall be a proper party to any such appeal.

SECTION 19.10 TIME LIMITATIONS ON VARIANCES

Any variance granted by the Board shall not be valid after a period of 12 months from the date granted unless the owner shall have taken substantial steps, as determined by the Board, in implementing the variance granted by the Board, provided that the owner, upon application filed prior to the expiration of the variance, may obtain an extension of the variance for an additional period of 12 months upon showing that the expiration of the variance will cause an undue hardship to the owner.

SECTION 19.11 ALTERNATE MEMBERS

As provided by law, the Township Board may appoint two alternate members to the Zoning Board of Appeals. Whenever a regular member is not available or will abstain from participating by reason of conflict of interest and is replaced by an alternate member, the regular member shall not be included for purposes of determining a quorum or majority of the members of the Board, but the alternate member shall be included. Whenever an alternate member is called to serve because a regular member will abstain by reason of conflict of interest, the alternate member shall serve only to hear and decide the matter within which the conflict of interest arises, and shall not hear or decide any other matters, unless authorized to hear such other matters upon any of the other grounds stated in this section.

CHAPTER 20

ADMINISTRATION

SECTION 20.01 ORDINANCE ADMINISTRATION

Except as otherwise provided, the provisions of this Ordinance shall be administered and enforced by a Zoning Administrator or any other employee as designated by the Township Board.

SECTION 20.02 ZONING PERMIT

- (a) It shall be unlawful for any person to commence excavation for, or construction of, any building or structure, parking area or to make structural alterations in any existing building or structure, without first obtaining a Zoning Permit from the Township Zoning Administrator as hereinafter provided except for agricultural buildings.
- (b) The application for a Zoning Permit shall designate the existing or intended use of the structure or premises, or part thereof which is proposed to be altered, erected, or extended, and the number of dwelling units, if any, to occupy it. The application shall be accompanied by two ink, blueprint or photostat copies of drawings, drawn to scale, showing the actual lines, angles and dimensions of the lot to be built upon or used, and the exact size and location on the lot of all existing and proposed structures and uses, and other information necessary to demonstrate compliance with the Ordinance. The Zoning Administrator may waive or vary portions of the foregoing requirements not necessary for determination of compliance with this Ordinance, or require the submission of additional information which is necessary to make such a determination.
- (c) One copy of the plans and specifications shall be filled in and retained by the Office of the Zoning Administrator, and another shall be delivered to the applicant when the Zoning Administrator has approved the application and issued the permit and a copy of the permit shall also be provided to the Ionia County Building Inspector.
- (d) Every permit granted under this section shall no longer be valid unless the excavation, construction, alteration, erection or extension shall have been commenced within 90 days from the date of issuance of the permit; and every permit so granted shall further no longer be valid unless all exterior aspects of the construction, alteration, erection or extension shall have been completed within 18 months from the date of issuance of the permit.

SECTION 20.03 FILING FEES

All applicants for permits, special land use, rezoning, site condominiums, variances, site plan approval, and other land use review or approval required by this Ordinance, shall pay the fee and any escrow established by resolution of the Township Board from time to time. The Zoning Administrator, Planning Commission, Zoning Board of Appeals, and Township Board shall not

consider any application for land use approval for which the required fee has not been paid, or any escrow maintained at the required level.

SECTION 20.04 AMENDMENTS

Amendments and supplements to this Part may be initiated by the Township Board upon its own motion, by the Planning Commission, or may be proposed for consideration by the owner or owners of real property with the Township; and all amendments to this ordinance, with reference to both the text thereof or the zoning of land, shall be made in accordance with the provisions of the Michigan Zoning Enabling Act, 110 PA 2006.

SECTION 20.05 VIOLATIONS AND PENALTIES

Any land use commenced or conducted, or any building or structure which is erected, moved, placed, reconstructed, razed, extended, enlarged, altered, maintained or changed in violation of any provision of this Ordinance is hereby declared to be a nuisance per se. A violation of this Ordinance is a municipal civil infraction, for which the fine shall be not less than \$100 nor more than \$2,500 for the first offense and not less than \$500 nor more than \$5,000 for subsequent offenses, in the discretion of the Court, and in addition to all other costs, damages, expenses, and other remedies provided by law. For purposes of this section, “subsequent offense” means a violation of the provisions of this Ordinance committed by the same person within 12 months of a previous violation of the same provision of this Ordinance for which said person admitted responsibility or was adjudicated to be responsible; provided, however, that offenses committed on subsequent days within a period of one week following the issuance of a citation for a first offense shall all be considered separate first offenses. Each day during which any violation continues shall be deemed a separate offense.

SECTION 20.06 EFFECTIVE DATE

This Ordinance shall become effective seven days after publication.

Passed and approved by the Township Board of Orange Township, Ionia County, Michigan, on March 13, 2001.

Merry McNally, Township Clerk

PUBLICATION DATE: 3-27-2001

EFFECTIVE DATE: 4-4-2001, then after referendum, passed on 7-10-2001