



GRANT TOWNSHIP ZONING ORDINANCE

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GRANT TOWNSHIP NEWAYGO COUNTY ZONING ORDINANCE

Grant Township, Newaygo County, Michigan, ordains as follows:

An Ordinance to establish zoning districts, provisions, and regulations for the unincorporated portions of Grant Township pursuant to the provisions of the Michigan Zoning Enabling Act, as amended (MZEA) (Act 110 of 2006); to set forth regulations and minimum standards for the use and protection of lands and structures within each district; to establish provisions of the administration, enforcement, and amendment of this Ordinance; and, to prescribe penalties for the violation of the provisions therein.

ARTICLE 1 - TITLE, PURPOSE, SCOPE

Section 1.1 Short Title:

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

Section 1.2 Purpose:

The purpose of this Ordinance is to establish zoning districts in the unincorporated portion of Grant Township to meet the needs of the citizens for food, fiber, energy and other natural resources, places of residences, recreation, industry, trade, service and other used of the land; to ensure that use of the land shall be situated in appropriate locations and relationships; to limit the inappropriate overcrowding of land and congestion of population; to facilitate adequate and efficient provision for transportation systems, sewage disposal, water, energy, education, recreation and other public service and facility requirements; to promote the public health, safety, and welfare; within which districts the use of the land for agriculture, forestry, recreation, residence, industry, trade, migratory labor camps, soil conservation and additional uses of land may be encouraged, regulated or prohibited; and for such purposes, the dividing of the unincorporated portions of the Township into districts of such number, shape and area as deemed best suited to carry out the provisions of this Ordinance; and for each district, the designation or limitation of location, height, size of building, dwellings and structures, that may be hereafter erected or altered; the area of yards, open spaces; the sanitary, safety and protective measures that shall be required for such buildings, dwellings and structures, and the maximum number of families which may be housed in such dwellings hereafter erected or altered.

Section 1.3 Interpretation:

In their interpretation and application, any enforcement officer, agency, or court and any Zoning Board of Appeals member shall hold the Ordinance's provisions to be the minimum acceptable standards and requirements adopted for the promotion of the health, safety, security, and general welfare of the Township of Grant.

Section 1.4 Scope:

This Ordinance shall affect and regulate the use, development, and occupancy of all land and every building, activity, structure, and fixture in the unincorporated portion of the Township. Where this Ordinance imposes more significant restrictions than those set or required by provisions of other laws, ordinances, private regulations, covenants, deeds, or other agreements, the provisions of this Ordinance shall control.

Section 1.5 Zoning Affects All Structures, and Land Uses:

No structure, item, land, or premises shall hereafter be used, developed, or occupied, and no building, structure, or fixture shall be used, erected, moved, reconstructed, or altered except in full conformity with the regulations and provisions of this Ordinance. Furthermore, no lot shall be created or altered except in accordance with all the regulations and provisions of this Ordinance and any amendments thereto. Any use, activity, item, building, or structure not expressly permitted or allowed by this Ordinance is prohibited.

The Grant Township government, and its land, fixtures, buildings, structures, and activities, are exempt from this Ordinance and its regulations and requirements.

ARTICLE 2 - DEFINITIONS

The following words and terms shall have the following meanings for purposes of this Ordinance. The dictionary or common meaning shall apply to any word, term, or phrase not defined in this Article.

Section 2.1: “A”

Accessory Structure:

A subordinate and incidental structure devoted to accessory use and located on the same lot on which the main building or use is located. An accessory structure attached to the principal structure shall be considered part of the principal structure.

Accessory Use:

A naturally and typically incidental use is subordinate and incidental to a principal use and located on the same lot as the principal use.

Alteration of Structures:

An alteration to the supporting members of a structure, an addition, expansion, replacement, removal, conversion, or moving of a structure from one location to another.

Agriculture:

The production of cultivation, raising, and storage of crops, animals, and byproducts for commercial enterprise. These include but are not limited to, nurseries, hatcheries, apiaries, forestry, floriculture, viticulture, pasture, and dairying. (Also, see Greenhouse)

Agriculture Service Establishments:

Establishments that engage in performing agricultural, animal husbandry, or horticultural services for a fee or contractual basis, including but not limited to centralized bulk collection, refinement, storage, and distribution of farm products to wholesale and retail markets (such as grain cleaning and shelling; sorting, grading, and packing of fruits and vegetables for the growers; 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.

Agricultural Labor Housing (also called “Farm Labor Housing”):

Living quarters, including housing accommodations, rooming houses, apartments, cabins, dormitories, and mobile homes maintained directly or indirectly in connection with any farm work or place where farm work is being performed by seasonal or permanent farm workers, whether or not rent is paid or reserved for use or occupancy. Sometimes also commonly referred to as an “agricultural labor camp” or housing for migrant workers or migratory laborers. Farm labor housing is also subject to state and federal requirements.

Automobile Salvage:

The dismantling or disassembling of used motor vehicles or trailers, storage, sale, or dumping of dismantled, partially dismantled, or wrecked vehicles or their parts.

Automobile Service Station (Minor Repair):

A building structure or land used for the retail sale of fuel, lubricants, grease, and other operating commodities for motor vehicles and including the customary space and facilities for the installation of such items on or in such vehicles; and space for storage, hand washing, minor repair, and servicing, but not including significant automobile repair or bulk fuel distribution as listed below.

Automobile Repair, Major:

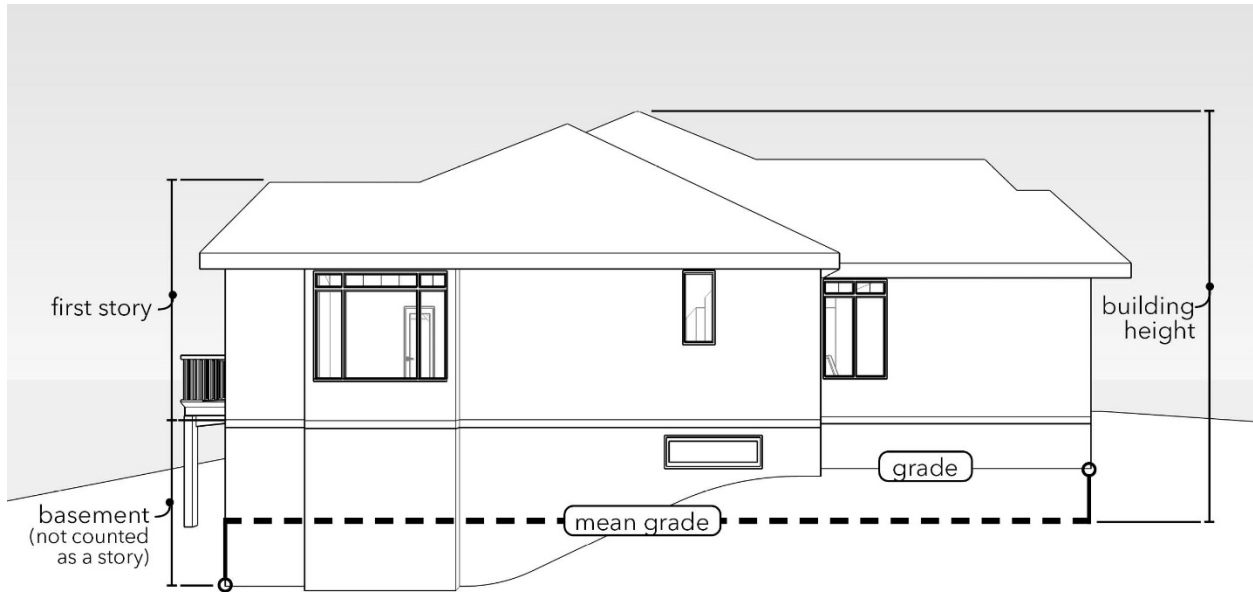
The general repair, rebuilding, or reconditioning of engines, motor vehicles, and trailers, including collision service, body repair, frame strengthening, painting, upholstering, vehicle steam cleaning, undercoating, and rustproofing.

Section 2.2: “B”**Basement:**

The portion of a building containing the foundation of a building and any livable or usable spaces that may be located wholly or partially below grade.

Basement, Walkout:

A basement with at least one (1) wall with its floor-to-ceiling height above grade and such wall having an entrance/exit to the outside of the dwelling. (See Figure 2.1)



STORY - BUILDING WITH A WALKOUT BASEMENT. FIGURE 2.1

Boarding House, Rooming House:

A dwelling having one (1) kitchen and used to provide room and board for compensation to more than two (2) persons who are not members of the family for not less than one (1) week in duration.

Building:

Anything which is constructed, installed, placed, or erected, either temporary or permanent, having a roof supported by columns, walls, or any other supports, which is used for housing, storing, or enclosing persons, animals, vehicles, or personal property or carrying on business activities or other similar uses, including car ports, sheds, tents, portable enclosures, cabins, and mobile homes.

Building - Height Of:

The elevation of a building is measured from the average finished lot grade measured at all corners of the building's foundation to the roof's highest point. (See Figure 2.2)



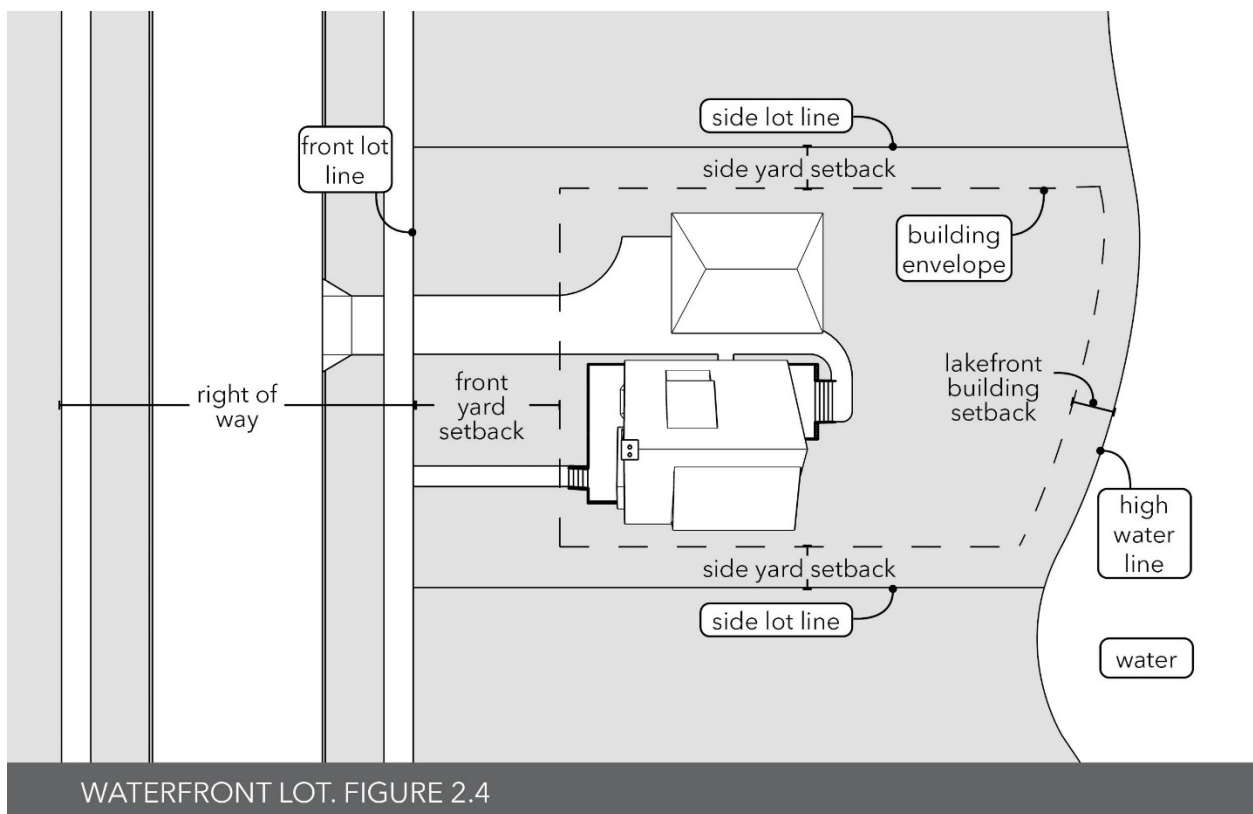
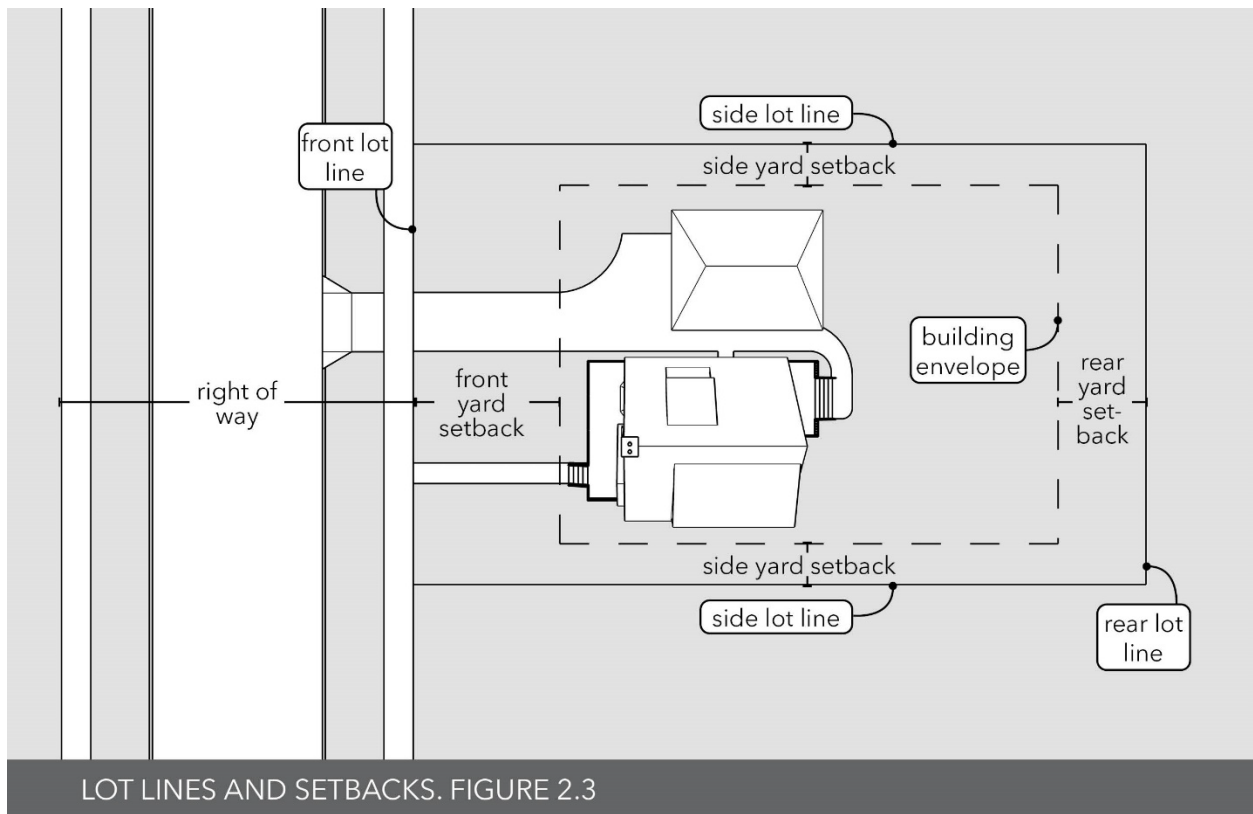
STORY. FIGURE 2.2

Building - Principal Use:

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

Building Setback:

The minimum required setback distance is measured from a lot line to the nearest point of a building or structure. In the case of a waterfront lot, the setback from the water shall be measured from the ordinary high-water mark or line perpendicular to the nearest point of a building or structure at the center of the width of the waterfront property line. Unless otherwise provided for by this Ordinance, setbacks shall be open and unoccupied from the ground up. (See Figure 2.3 & Figure 2.4 (waterfront lot))



Section 2.3: “C”

Communication Tower and Antenna:

A public or private device used to transmit and receive Commercial Wireless Telecommunication Services includes radio, television, satellite, or other communication signals. A communication tower is characterized by, but not necessarily limited to, a narrow spire-type metal structure anchored to a concrete pad permanently affixed to the ground. The anchorage maintains the tower and may include guy wires, an expanded base, or other characteristics to support the tower. A communication tower may or may not be regulated by the Federal Communications Commission and follow statutes according to Section 205a and Section 514 of the Michigan Zoning Enabling Act (Act 110 of 2006).

Communication Tower Building:

A building that is an accessory to a communication tower and used to house the equipment or backup power generator necessary for the operation of the tower complex.

Commercial Child Care Center, Family Child Care Home, Group Child Care Home, Foster Care Family Home, and Foster Care Group Home:

- A. **Commercial Child Care Center** is a commercial facility, other than a private residence, licensed by the Michigan Family Independence Agency, in which one (1) or more preschool or school-age children are given care and supervision for periods of less than twenty-four (24) hours per day, and where a parent or legal guardian is not immediately available to the child. A daycare center includes a facility that provides care for not less than two (2) consecutive weeks, regardless of the number of hours of care per day. Day care center does not include:
1. A Sunday school, a vacation Bible school, or a religious class that is conducted by a religious organization where children are in attendance for not greater than four (4) hours per day for an indefinite period or not greater than eight (8) hours per day for a period not to exceed four (4) weeks, during a twelve (12) month period, or a facility operated by a religious organization where children are cared for not greater than four (4) hours, while persons responsible for the children are attending religious classes or services.
 2. A commercial enterprise wherein temporary child care is provided on-site for the children of the parents or guardians who are conducting business within the confines of said commercial enterprise coincident with the period of child care.

1. A place of employment wherein temporary child care is provided for the children of the parents or guardians who are working for a said place of employment coincident with the hours of employment for said parents or guardians.
- C. **Child Care Home, Family** is a private home in which one (1) but no more than six (6) minor children are received for care and supervision for compensation of periods less than twenty-four (24) hours a day, unattended by a parent or legal guardian, except children related to an adult member of the household by blood, marriage, or adoption. A Family Day Care Home includes a home in which care is given to an unrelated child for more than four (4) weeks during the calendar year. Family Child Care Homes are automatically eligible for increased capacity upon satisfying the criteria as defined in Section 2 of PA 106 of 2022 permitting one (1) additional minor child upon review by the Michigan Department of Health and Human Services.
- D. **Child Care Home, Group** is a private home in which more than six (6) but not more than twelve (12) minor children are given care and supervision for periods of less than twenty-four (24) hours a day unattended by a parent or legal guardian, except children related to an adult member of the household by blood, marriage, or adoption. Group Day Care Homes include a home where care is given to an unrelated minor for more than four (4) weeks during a calendar year. Group Child Care Homes are automatically eligible for increased capacity upon satisfying the criteria as defined in Section 2 of PA 106 of 2022 permitting two (2) additional minor children upon review by the Michigan Department of Health and Human Services.
- E. **Foster Care Home, Family** is a private home of an individual who is licensed to provide twenty-four (24) hour care for one (1) but not more than four (4) minor children who are placed away from their parent, legal guardian, or legal custodian in foster care. The licensed individual providing care must comply with reasonable and prudent parenting standards as defined in Section 1 of Chapter XIIA of the probate code of 1939 (PA 288 of 1939) MCL 712A.1.
- F. **Foster Care Home, Group** is a private home of an individual who the department has licensed to provide twenty-four (24) hour care for more than four (4) but fewer than seven (7) minor children who are placed away from their parents, legal guardian, or legal custodian in foster care. The licensed individual providing care must comply with the reasonable and prudent parenting standards defined in Section 1 of Chapter XIIA of the probate code of 1939 (PA 288 of 1939) MCL 712A.1.

Commercial Solar Energy System:

A utility-scale facility of building-mounted and/or ground/mounted solar energy collectors primarily for wholesale or retail sales of generated electricity. (See Section 3.43)

Commercial Solar Energy System Responsible Party:

The party responsible for constructing, maintaining, and/or long-term operating a commercial solar energy system. The responsible party may be the owner or lease of the land on which the commercial solar energy system is established. (See Section 3.43)

Commercial Wireless Telecommunication Services:

Licensed telecommunication services include cellular, personal communication services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), paging, and similar services that are marketed to the general public.

Confined Animal Feeding Operation (CAFO):

A farm operation involving the concentrated breeding, keeping, or feeding of farm animals, permitted by the Michigan Right to Farm (PA 93 of 1981) and regulated under the oversight of the Michigan Department of Agriculture and Rural Development (MDARD), as amended.

Commission or Planning Commission:

The Planning Commission of Grant Township, Newaygo County.

Section 2.4: “D”**Dwelling Unit:**

A dwelling is a building used as a residence or sleeping place by one or more persons. A dwelling shall include but is not limited to single, two, and multiple-family dwellings, houses, cabins, cottages, modular homes, and mobile homes. Hotels, motels, tourist cabins, or units, as defined below, are excluded. A dwelling is a unit that can function as a fully-functional livable space on its own which must contain space for residing, sleeping, cooking food, and bathing.

Dwelling, Farm:

A dwelling unit located on a farm is used or intended for the use of the owner, operator, or person employed thereon. If a home resides on a legal lot that is principally used for commercial farming, the residence does not constitute an establishment of a second principal use on the same lot.

Dwelling, Single Family; Detached:

A detached building containing one (1) individual dwelling unit on one lot.

Dwelling, Multiple-Family:

A building containing three (3) or more dwelling units independent of each other.

Dwelling, Two (2) Family or Duplex:

A detached building containing two (2) dwelling units designed for living independently of each other.

Section 2.5: “E”**Essential Services:**

Essential Services include the erection, construction, alteration, or maintenance of public utilities, including gas, electrical, steam, communication, and sewage disposal systems. This definition shall not include sanitary landfills, buildings, towers, recycling centers, nonpublic utility transfer stations, wind energy generating structures, solar farms, communication towers, and communication tower complex buildings.

Section 2.6: “F”**Family (See also regulations for Day Care and Foster Care):**

One (1) or more persons who are living together in a single nonprofit housekeeping unit, organized as a single entity in which the members share common kitchen facilities in a domestic relationship based on kinship, marriage, adoption, or another domestic bond, which shall not include any society, club, students, association, or any other group whose domestic relationship is of a transitional or seasonal nature or for an anticipated limited duration.

Farm:

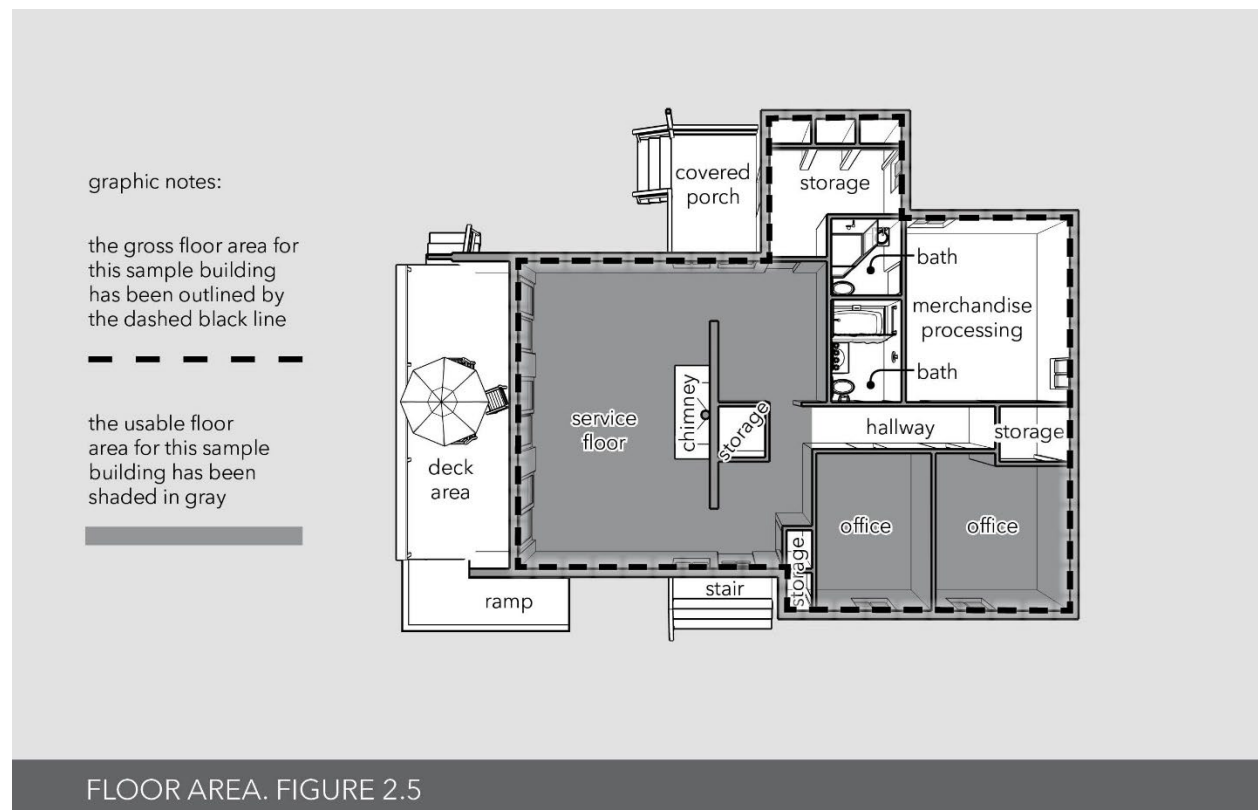
The land, plants, animals, buildings, structures, including ponds used for agricultural or aquacultural activities, machinery, equipment, and other appurtenances used in the commercial production of farm products (as defined by the Michigan Right to Farm Act, Act 93 of 1981) and following the generally accepted agricultural and management practices as defined by the Michigan Department of Agriculture and Rural Development.

Floodplain:

All areas adjoining a lake, stream, river, creek, or channel subject to inundation at the highest known floodwater level.

Floor Area:

The area of all floors shall be calculated by measuring the dimensions of the outside walls of a building. These shall not include porches, patios, unfinished rooms, terraces, breezeways, carports, verandas, garages, and unfinished attics. In addition, attic floor areas with less than five (5) vertical feet from the floor to the finished ceiling and all basements (except walkout basements and those deemed livable by the building code currently in effect in the Township) are excluded. (See Figure 2.5)



Section 2.7: “G”

Garage, Private:

An accessory building or portion of the main building used for parking or temporary storage of motor vehicles.

Garage, Public:

A building used for commercial repair or storage of vehicles.

Greenbelt:

A planting or buffer strip surrounding a property.

Greenhouse:

A structure enclosed by glass, plastic, or other such translucent material used to cultivate or protect plants.

Greenhouse, Commercial:

A greenhouse used in connection with the on-site retail or wholesale of plants, either seasonally or year-round. A commercial greenhouse may serve as the principal structure and use of a parcel in a commercial district or may be constructed as an acceptable farm structure in conjunction with a single-family dwelling in an agricultural zoning district. The greenhouse and site shall meet the access, off-site parking, and other standards this Ordinance requires and shall follow the generally accepted agricultural and management practices as defined by the Michigan Department of Agricultural and Rural Development and the Michigan Right to Farm Act (PA 93 of 1981).

Greenhouse, Hobby:

A non-commercial greenhouse in which plants are grown by the occupants of the premises upon which the greenhouse is located for enjoyment, consumption by said occupants, or decoration. Except as noted below, a hobby greenhouse shall not exceed one thousand (1,000) square feet, either individually or as a group of buildings. A hobby greenhouse exceeding one thousand (1,000) square feet in area, separately or when taken as a group, shall comply with the zoning requirements for commercial greenhouses. In addition, hobby greenhouses on sites of less than two (2) acres shall be limited to one (1) structure, not to exceed six hundred (600) square feet.

Section 2.8 “H”**Hotel:**

A building where transient lodging or boarding and accommodations are offered to the public for compensation.

Section 2.9 “I”**Institutional or Public Uses:**

Institutional or public uses are places of gathering, schools teaching academic subjects, hospitals, convalescent and nursing homes, public parks, civic centers, libraries, and governmental structures.

Section 2.10 “J”

Junk Yard:

A place where discarded or salvaged material is bought, sold, exchanged, stored, baled, cleaned, processed, packed, disassembled, or handled, including house wrecking, structural steel materials salvaged, and automotive wrecking enterprises. The purchase or storage of used furniture, household equipment, and used or salvaged materials used in manufacturing are excluded if such uses are carried on entirely within enclosed buildings.

Section 2.11 “K”

Kennel:

Any place on which four (4) or more dogs, four (4) months of age or older, are kept for any reason other than veterinary medicine, including for boarding, breeding, or sale.

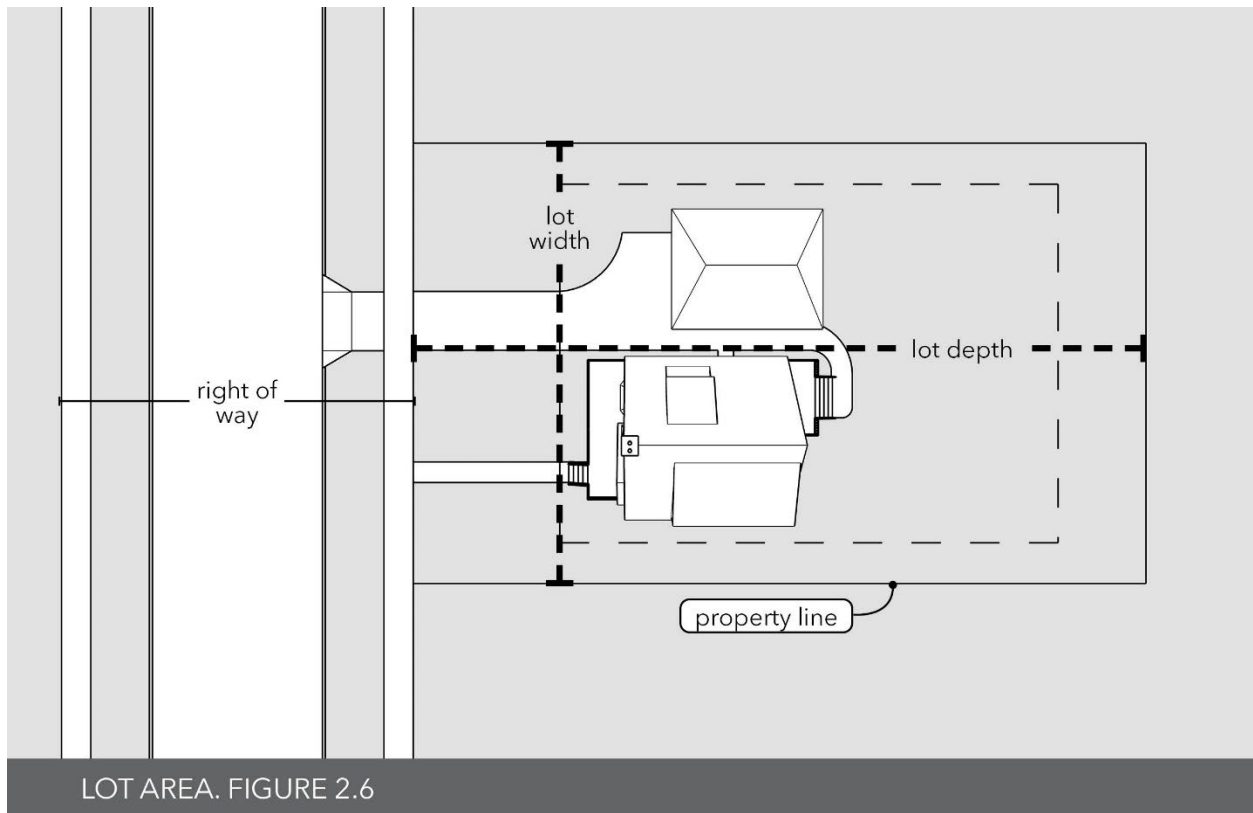
Section 2.12 “L”

Livestock, Farm Animals:

For purposes of the Site Selection GAAMPs, livestock means those species of farm animals used for human food, fiber, fur, recreation, and (or) service to humans (e.g., horse and oxen to pull farm equipment). Livestock includes but is not limited to, cattle, sheep, new world camelids, goats, bison, privately owned cervids, ratites, swine, equine, poultry, and rabbits. For the purposes of Site Selection GAAMPs, livestock does not include dogs or cats. Site Selection GAAMPs do not apply to aquaculture and bees.

Lot/Lot Area:

- A. A lawful parcel of land adjoining a public street, or a lawful private street separated from other parcels by legal description, deed, or subdivision plat. The word “lot” shall include “plot” or “parcel.” In the case of development or use of land based on condominium ownership (e.g., site condominium), a “lot” shall also include the portion of the condominium project designed and intended for separate ownership and use as described in the master deed. (See Figure 2.6)
- B. For this Ordinance, a lot's legal description and area shall not include adjacent street rights-of-way and other access easements or rights-of-way.
- C. Lot area shall include all lands within the boundaries of all lot lines but exclude the area used for rights-of-way or legal easements used for public or private streets.
- D. Lot areas shall not include lands located under a lake or river.



Lot, Corner:

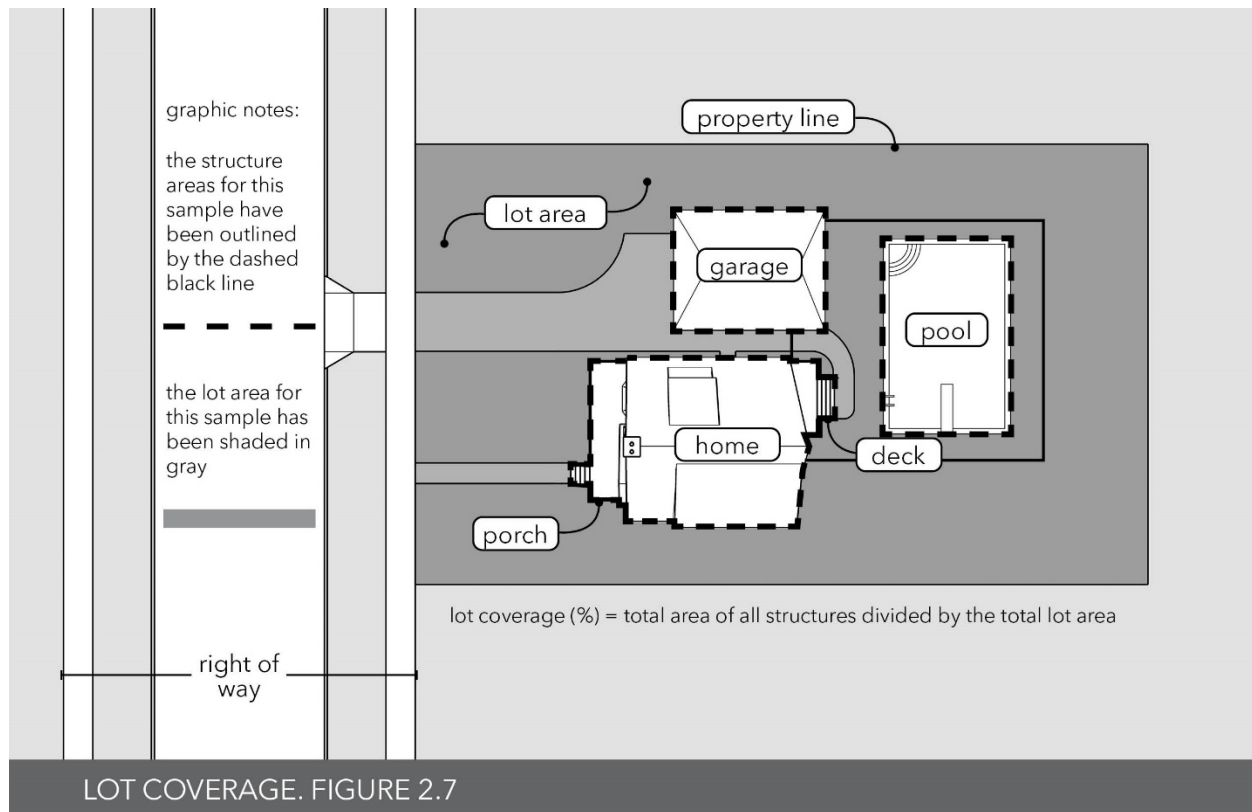
A lot that is situated at the intersection of two (2) or more streets. A corner lot has two (2) front yards, two (2) side yards, and no rear yard.

Lot Coverage:

The percentage of a lot cumulatively covered by impervious surfaces and structures, including porches, decks (covered or uncovered), breezeways, patio roofs (open or closed), and all swimming pools. Driveways, fences, walls, and hedges are excluded. (See Figure 2.7)

Lot, Frontage:

That side of a lot abutting a street or right-of-way. Corner lots contain two (2) frontages. The frontage of a lot abutting lakes or streams shall be that portion nearest the water and the side of the lot which abuts a street or right-of-way. Therefore, waterfront lots contain two (2) front yards. (See Figures 2.3 & 2.4)



Lot Lines:

The lines bounding a lot from which the yard setbacks are measured. (See Figures 2.3 & 2.4)

Lot, Lawfully Created (Lot of Record):

Any lot that, when created, complies with all applicable provisions regarding lot dimensions and requirements of the Grant Township Zoning Ordinance in effect on the date of creation of the lot.

Section 2.13 “M”

Mobile Food Vending Unit (Food Truck):

A vehicle, trailer, booth, item, or other structure, either self-propelled or one that can be pushed or towed (e.g., a cart or trailer), equipped to create, prepare, store, or package food from which the operator vends, serves, or offers food for sale. This term is intended to include the vendors commonly referred to as “food trucks” and other mobile vendors. This term only precludes mobile food vending units operating stationary for longer than 15 minutes. Mobile food vending units that traditionally move from place to place in periods of stoppage totaling less than 15 minutes (e.g., ice cream trucks) do not fall under this definition and are not required to obtain a permit.

Mobile Home:

A manufactured structure, transportable in one (1) or more sections, built on a chassis and designed to be used with or without a permanent foundation. A mobile home does not include a recreational vehicle or travel trailer.

Mobile Home Lot:

A designated site within a mobile home park for the exclusive use of the occupants of a single mobile home unit. Mobile home lots are subject to the regulations of the Michigan Mobile Home Commission Act (Act 96 of 1987) and this Ordinance.

Mobile Home Park:

A residential development designed and constructed for the placement of mobile homes, including homes commonly referred to as single-wide and double-wide on mobile home lots. Mobile home parks are subject to the regulations of the Michigan Mobile Home Commission Act (Act 96 of 1987) and this Ordinance. A mobile home park does not include a recreational vehicle park or similar park, facility, or operation where recreational vehicles, tents, and other such temporary living quarters are placed on a seasonal or temporary basis.

Modular Home:

Prefabricated structures that contain a dwelling unit(s) that meets the minimum floor area requirements of this Ordinance and other applicable codes.

Motel, Tourist Cabin, Motor Hotel:

A building or group of buildings with living or sleeping accommodations that are used primarily for transient occupancy and contain individual entrances from outside the building to serve each unit.

Section 2.14 “N”**Nonconforming Structure (also called a “lawful nonconforming structure”):**

A structure lawfully existing at the time of adoption of this Ordinance and any amendment thereto and which does not thereafter conform to the district’s regulations in which it is located or other portion of this Ordinance. A structure not licensed pursuant to law or violates any law or ordinance is not a lawful use.

Nonconforming Use (also called a “lawfully nonconforming use”):

The lawful use of a building, structure, or lot before the adoption of this Ordinance and any amendment thereto and which does not thereafter conform to the district’s regulations in which it is located or other portion of this Ordinance. A use not licensed pursuant to law or violates any law or ordinance is not lawful.

Section 2.15 “O”

Outdoor Wood Burning Units:

A self-contained furnace, apparatus, or unit designed to provide heat or hot water to a building or structure located outside the building or structure.

Section 2.16 “P”

Pet (Household):

A domesticated animal such as, but not limited to, a domestic animal traditionally kept for companionship and typically housed within the principal dwelling unit or in an accessory building close to the dwelling unit. According to state or federal regulation, a pet shall not include an animal classified as exotic or wild or an animal that shall be unlawful to possess.

Principal Use (also called “primary use” or “main use”):

The primary or predominant use of a lot. Each lot in the Township shall only contain one (1) principal use unless otherwise permitted in this Ordinance.

Section 2.17 “Q”

Section 2.18 “R”

Recreational Vehicles:

Recreational vehicles include the following:

- A. A **“travel trailer”** is a vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational, and vacation use, and which is permanently identified as a “travel trailer” by the manufacturer.
- B. A **“pickup camper”** is designed primarily to be mounted on a pickup or truck chassis. It has sufficient equipment to render it suitable for a temporary dwelling for travel, recreational, and vacation use.
- C. A **“motorized home”** is a portable dwelling designed and constructed as an integral part of a self-propelled vehicle. Also called an “RV” or “recreational vehicle.” It can also be a bus, van, or similar motor vehicle.
- D. A **“folding tent trailer”** is a canvas or plastic folding structure mounted on wheels designed for travel and vacation.

- E. **“Boats”** and **“boat trailers”** shall include boats, floats, rafts, and the standard equipment to transport the same on the highway.
- F. **“Snowmobiles”** and **“all-terrain vehicles,”** plus the standard equipment to transport the same on the highway.

Section 2.19 “S”

Short-Term Rental

A dwelling unit, cabin, cottage, or house available for rent, lease, or use for habitation, accommodation, or lodging of guests, paying a fee or other compensation for less than 30 consecutive days and nights at a time. This definition includes Airbnb, rental cabins, room rentals, boarding houses, and similar arrangements.

Self-Storage Facility:

A building or group of buildings divided into separate, individual, and private compartments leased or rented to meet the temporary storage needs of small businesses or private parties. Self-Storage Facilities may be indoor or outdoor and include climate-controlled features.

Sign:

A device, structure, painting, depiction, fixture, or placard using color (including black or white), graphics, symbols, and/or written copy designed or used for advertising promotion, information, or identifying any event, establishment, product, good, service, or displaying or depicting other commercial information.

Site Development Plan (also known as a “Site Plan”):

A scale drawing showing the location and dimensions of existing and proposed improvements upon a parcel of land, including buildings, driveways, parking areas, landscaping, lighting, sidewalks, signs, utilities, drainage facilities, and other items required therein.

Single Ownership:

A lot or parcel of land of record on or before the effective date of this Ordinance which is owned by one or more persons having no legal rights in adjacent property.

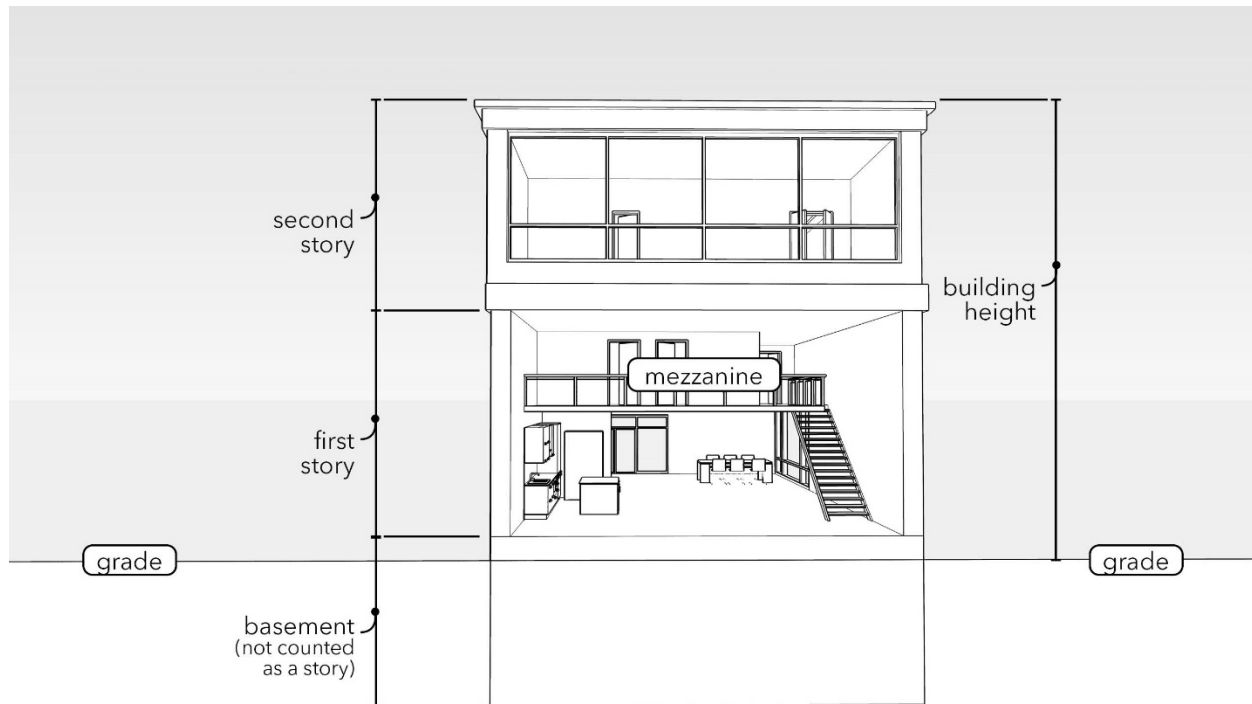
Solar Energy Collector:

Panel(s) and other devices or equipment, or any combination thereof, that collect, store, distribute, and transform solar radiant energy into electrical, thermal, or chemical energy to generate electric power or another form of generated energy for use in or associated with a principal land use on the parcel of land on which the solar energy collector is

located, or if permitted, for the sale and distribution of excess available electricity to an authorized public utility for distribution to other lands. (See Section 3.43)

Story:

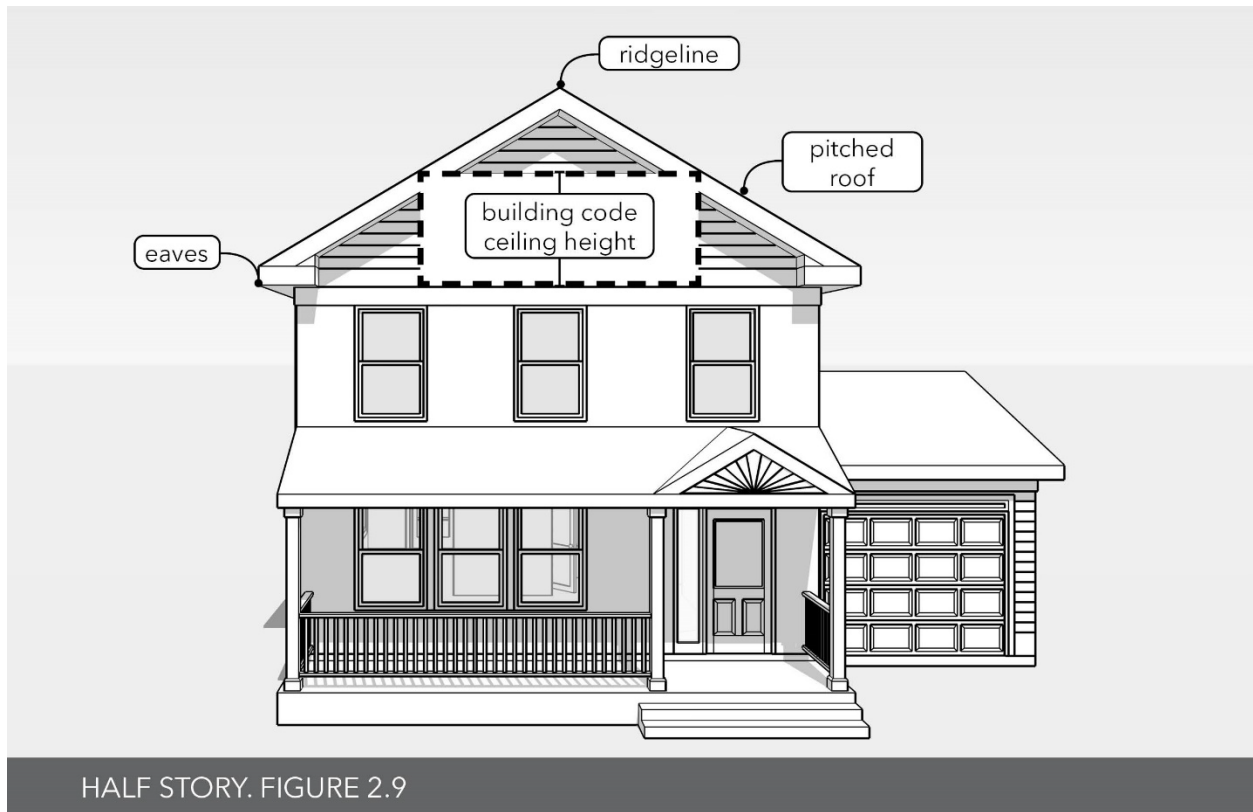
The portion of a building between the surface of any floor at grade level and the surface of the next floor above it, or if there is no floor above, then the space between such floor and the ceiling next above it. (See Figure 2.8)



STORY - BUILDING WITH A MEZZANINE. FIGURE 2.8

Story, Half:

The portion of a building between the eaves and ridgelines of a pitched roof, whether used for dwelling purposes. (See Figure 2.9)



Street:

A public thoroughfare or private road or street which complies with all Grant Township ordinances, including the right-of-way, easement, and roadway.

Structure:

Any constructed, installed, erected, or placed (whether with a foundation or not) material or combination of materials in or upon the ground having a fixed location, including, but not limited to, buildings, dwellings, radio towers, billboards, light posts, swimming pools, storage bins (or the equivalent), animal enclosures other than fences, garages, pole barns, anything with a roof, sheds, accessory buildings, decks, platforms, outdoor bars or kitchens, firepits and outdoor fireplaces over 12" in height above natural grade level, patios, solar panels (or the equivalent), portable or movable vehicle carports or similar enclosures, storage bins, portable or movable enclosures or protective devices, satellite dishes, towers, wind energy towers, windmills, gazebos, kayak or boat stanchions, holders or similar structures or items (not exceeding 4 feet in height above the natural grade and not longer than 8 feet in length), pergolas, tennis courts, and signs.

The following are excluded from the definition of "structure" (e.g., such items are not structures):

- A. Lawful fences, decks at ground level (so long as no portion is above natural grade and not within 10 feet of the high-water mark of a lake), and paving on sidewalks, streets, driveways, or parking areas.
- B. Decks or patios, no portion of which is located:
 - 1. More than two feet above the ground (natural grade).
 - 2. Closer than ten (10) feet to a side, rear, or front lot line.
 - 3. Within 30 feet of the high-water mark of any lake.
- C. Retention walls not over five (5) feet in height.
- D. Seawalls along a lake with a state permit. In addition, one non-concrete or non-asphalt (e.g., non-solid) deck or patio at (and not higher than) natural grade level is allowed landward of, attached to, and adjacent to a seawall, if the deck or patio is water permeable, does not exceed the height of the natural ground level of the surrounding area, does not exceed 400 square feet in size or area and does not touch or run along more than 20 feet of the lake frontage or shore involved.
- E. Absent a seawall as stated in subsection (D) above, each lakefront lot may have one non-concrete or non-asphalt (e.g., non-solid) water-permeable deck or patio not closer than 10 feet to the ordinary highwater mark of the lake so long as the top of any such deck or patio does not exceed the height of the natural ground level of the surrounding area, the deck or patio does not run parallel to the lake shore for more than 20 feet in total length/width and is not more than 400 square feet in size or area.
- F. Propane tanks, flagpoles, landscaping (excluding certain retaining walls), mailboxes, and firewood piles.

Swimming Pool:

A structure used to hold water for swimming and aquatic recreation. Plastic, canvas, or portable rubber pools temporarily erected upon the ground designed to maintain a volume of no more than two (2) feet of water are excluded. Swimming pools are defined and permitted under the Michigan Building Code.

Section 2.20 “T”

Terms:

The present tense shall include the future; the singular shall include the plural, and the plural the singular. The word “shall” is always mandatory. The words “zone and district” are the same. Reference to a whole shall include any part thereof. Respect for “his” and the male gender shall also mean the word “her” and the female gender. The dictionary or common meaning shall apply if a word or phrase is not defined in this Ordinance.

Theater, Indoor:

Any building used to present dramas, shows, films, or other entertainment, has a roof completely sheltering actors and patrons and is open to the public with or without charge.

Theater, Outdoor:

Any place used to present dramas, shows, films or other entertainment is open to the public with or without charge, not including indoor theaters.

Travel Trailer:

See “Recreational Vehicles.”

Section 2.21 “U”

Section 2.22 “V”

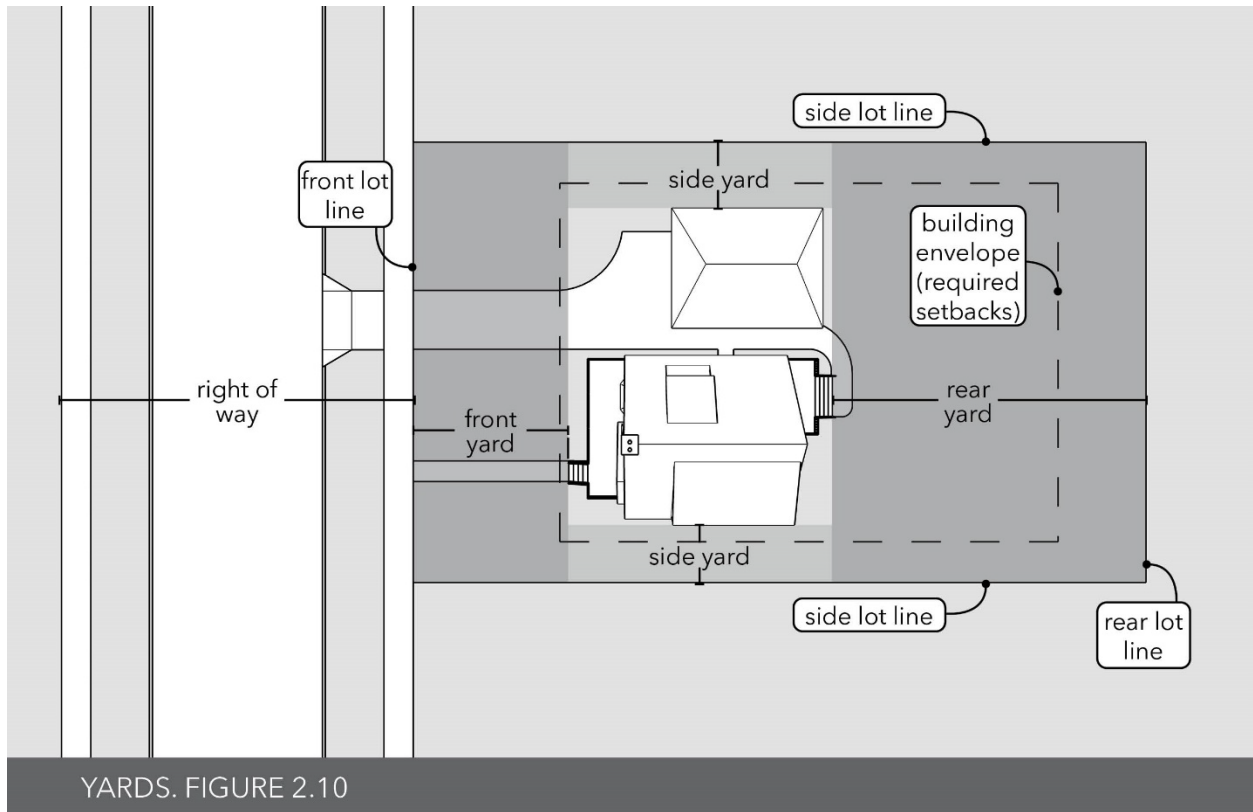
Section 2.23 “W”

Section 2.24 “X”

Section 2.25 “Y”

Yard:

An open space on a lot unoccupied by any buildings or structures, except as otherwise provided for in this Ordinance. This is also the area comprising the required setback area. All measurements shall be made between the nearest point of the lot line and the nearest point of a structure located thereon or the nearest point of a public or private street right-of-way or easement and the nearest point of the structure. In the case of a waterfront lot, the yard abutting the water shall be measured from the ordinary high-water line marked perpendicular to the nearest point of the structure at the center of the width of the lot line along the waterfront. (see Figure 2.10)



Yard, Front:

A yard extending across the full width of the front of the lot. In the case of a waterfront lot, a yard facing the water shall also be included as a front yard and is subject to all setback requirements as defined in this Ordinance. (See Figure 2.10)

Yard, Rear:

A yard extending across the full width of the rear of the lot. (See Figure 2.10)

Yard, Side:

A yard between the principal structure, side lot line, and front and rear yards. (See Figure 2.10)

Section 2.26 “Z”

Zoning Act:

The Zoning Enabling Act of the State of Michigan, also known as Act 110 of 2006 of the Public Acts of Michigan, as amended.

Zoning Administrator:

The administrator of this Ordinance that the Grant Township Board appoints.

Zoning District:

Also referred to as a “District.”

Zoning Board of Appeals:

The Zoning Board of Appeals for Grant Township, Newaygo County, Michigan.

Zoning Permit:

A written permit issued by the Zoning Administrator upon application and declaration by the owner or their duly authorized agent regarding proposed construction and (or) use of land and buildings and structures thereon approving the construction or use applied for.

ARTICLE 3 - GENERAL PROVISIONS

Section 3.1 Purpose:

General provisions or regulations apply to all Districts and areas except as otherwise expressly noted herein. Where requirements of a general provision and a District regulation differ, the more restrictive regulation shall prevail.

Section 3.2 Accessory Structure:

The following requirements shall be met for all accessory structures and buildings:

- A. No accessory structure, whether fixed or movable, may be built, used, or located on any lot on which there is no principal building except for agricultural farm use.
- B. Except as otherwise provided in this Ordinance, detached accessory structures are prohibited in the front yard. However, one (1) detached accessory structure may be located in a front yard if:
 - 1. The principal building is located at a distance of at least one hundred (100) or more feet from the front right-of-way line.
 - 2. The detached accessory building is located a distance of at least sixty (60) feet or more from the front right-of-way line.
 - 3. Or the detached accessory structure is located on a waterfront parcel containing two (2) front yards.
- C. Accessory buildings in side yards must meet side yard requirements.
- D. Accessory buildings in rear yards must meet rear yard requirements.
- E. No accessory building may be less than ten (10) feet from any other accessory or principal building.
- F. Unless more stringent standards apply, accessory buildings shall be at least forty (40) feet from any public or private road right-of-way or easement.
- G. No accessory building shall be used as a dwelling unit for dwelling purposes.
- H. In the L-R (Lake Residential) District, where an owner has a vacant lot across a street right-of-way from their principal building, an accessory building may be allowed on the vacant lot as a special land use, as approved by the Planning

Commission. However, it must meet the principal structures' 40-foot front yard setback requirements. (See Section 3.24, "Lots of Record," if it is a lot of record)

- I. A mobile home cannot be used as an accessory building, for by definition, a mobile home is a dwelling unit and would come under all regulations in this Ordinance for dwellings.
- J. Accessory buildings shall be stick-built or the equivalent of new building construction. No mobile home, freight container, tank, trailer, junk object, trailer, burned-out building, vehicle, or similar item shall be utilized as an accessory building or storage structure, provided, however, that such requirement shall not apply to bona fide agricultural storage activities or to tool sheds or similar temporary storage structures utilized pursuant to the construction of a building, so long as the period of construction does not exceed one (1) year.

Section 3.3 Application Fees/Escrow Amounts:

The applicant shall pay all applicable fees established by the Township Board by ordinance, motion, or resolution from time-to-time before filing any application, proposed site plan, or any request pursuant to this Ordinance. In addition to standard application or permit fees, the Township, at its discretion, may require an applicant to submit (prior to Township review of the application or project) an amount of money determined by the Township to be a reasonable estimate of the fees and costs which the Township will incur in reviewing and acting on such application or project. The Township shall not charge or assess the applicant or developer for the time of Township employees or incidental costs. Still, it may charge or assess the applicant or developer for other costs and expenses incurred by the Township during the review and approval process. These allowed costs and expenses may include, but are not limited to, Township legal fees, planning fees, engineering fees, costs and fees for outside studies and reports, and other professional fees and expenses. The Township shall retain such monies whether or not the application, development, or project is approved. The Township shall refund all monies held by it which were not utilized or spent.

Section 3.4 Animals and Fowl, Domesticated:

- A. Residential Districts. Other than ordinary household pets, no animals or fowl shall be kept or housed in residential districts within fifty (50) feet of any adjoining property. Such animals shall be kept under sanitary conditions and in clean enclosures.
- B. Required Permits. Other than ordinary household pets, no animal or fowl may be kept on any parcel of land of less than two (2) acres in size unless a permit is obtained from the Zoning Administrator. The Zoning Administrator shall not issue a permit unless the premises upon which the animals are kept are found to be sanitary and do not represent a nuisance to adjoining property owners due to

odor, noise, and other such health impacts. All animals and fowl kept and raised primarily for producing food or animal products by commercial farming are protected under the Right to Farm Act (PA 93 of 1981) through the Generally Accepted Agricultural and Management Practices (GAAMPs) of farms. Township residents are permitted to keep or raise domesticated and livestock animals for private companionship if in compliance with this Ordinance.

Type	Equines	Cattle	Swine	Sheep, Goats, Llamas, Alpacas, and other hoofed animals	Fowl
District	A, R-R	A, R-R	A, R-R	A, R-R	A, R-R
Minimum Acreage	Two (2)	Two (2)	Two (2)	Two (2)	Two (2)
Animals per Acre	Two (2)	Two (2)	Three (3)	Three (3)	Twenty (20)

- C. Revocation. The Zoning Administrator may inspect the premises at any reasonable time. However, the Zoning Administrator may also revoke the permit if they are not permitted to inspect the premises, if the premises become unsanitary, or if objectionable noise, odor, or other adverse impacts emanate from the premises.
- D. Restoration of Permit. The Zoning Administrator may, upon application, restore a revoked permit if they determine that the reasons for permit revocation have been satisfactorily resolved.

Section 3.5 Area or Space Required:

No lot, access easement, yard, court, setback area, frontage, parking area, or other space or item shall be reduced to less than the minimum required. No lot or other area shall be further reduced if already less than the minimum this Ordinance requires. Property and bottomlands located under a road right-of-way, access easement, lake, or river shall be excluded from lot area or dimension calculations to determine the minimum lot area and dimension requirements of this Ordinance.

Section 3.6 Banquet Facility and Event Centers:

A commercial operation devoted to accommodations for gathering individuals or groups within an open setting, such as weddings, reunions, seminars, corporate retreats, or similar events. All banquet facilities and event centers will be subject to site plan review and special land use approval by the Planning Commission within the Districts where it is permitted.

Section 3.7 Basement Dwellings:

Using the basement of a partially built or planned building as a residence or dwelling is prohibited in all Districts. In addition, the use of a basement more than four (4) feet below grade in a completed building for sleeping quarters or a dwelling unit is prohibited unless there are at least two (2) separate means of direct access to the outside, which can include egress windows, per State of Michigan Fire Code, as amended or State of Michigan Building Code, as amended.

Section 3.8 Boundaries of Districts:

The Zoning Map is part of this Ordinance. District boundary lines follow lot lines, section lines, fractional section lines, centerlines of streets, and lake and stream boundaries as they existed at the time of the adoption of this Ordinance. It shall be construed to follow such a line. Where a Zoning District boundary line divides a lot, the least restricted use shall not extend beyond such lines.

Section 3.9 Commercial Wireless Telecommunication Services:

- A. Regulations. Towers over one hundred (100) feet in height used for Commercial Wireless Telecommunication Services, per the Michigan Zoning Enabling Act (PA 110 of 2006), as amended, shall meet the following requirements:
- B. Placement. Towers for Commercial Wireless Telecommunication Services shall be required to collocate on an existing, approved tower within a one (1) mile radius of the proposed tower, except for those exempted in PA 110 of 2006, which would permit the increase of the tower height up to twenty (20) feet or 10% of the total height, whichever is less, unless one (1) or more of the following conditions exists:
 - 1. The planned equipment would exceed the structural capacity of the existing tower, as documented by a qualified and registered professional engineer, and the existing tower cannot be reinforced, modified, or replaced to accommodate planned or equivalent equipment at a reasonable cost.
 - 2. The planned equipment would cause interference materially, affecting the usability of other existing or planned equipment at the tower as

documented by a qualified and registered professional engineer, and the interference cannot be prevented at a reasonable cost.

3. Existing or approved towers within a one (1) mile radius cannot accommodate the planned equipment at a height necessary to function reasonably, as documented by a qualified and registered professional engineer.
4. Other unforeseen reasons make locating the planned equipment on an existing tower infeasible.
5. Access by Other Users. Any proposed tower for Commercial Wireless Telecommunication Services shall be designed structurally, electrically, and in all other respects to accommodate the applicant's equipment and comparable equipment for at least two (2) additional users. In addition, towers must be designed to allow for future rearrangement of equipment upon the tower and to accept equipment mounted at varying heights.
6. Design. Towers for Commercial Wireless Telecommunication Services shall be designed to blend into the surrounding environment through color and architectural treatment, except in instances where state or federal authorities dictate color. Towers shall be of a monopole design unless the Planning Commission determines that an alternative design would be more compatible with the surrounding environment.
7. Setbacks. Any part of the structure or equipment placed on the ground pertaining to the tower for Commercial Wireless Telecommunication Services shall comply with the following setbacks:
 - a. Towers in Residential Districts: Except as noted under paragraph (c), the following towers for Commercial Wireless Telecommunication Services and associated equipment shall be at least two hundred (200) feet from any Residential District lot line.
 - b. Towers in Nonresidential Districts: Except as noted under paragraph (c) following, any part of a Commercial Wireless Telecommunication Services tower or associated equipment shall be set back for a distance equal to the setbacks for main buildings for the district in which it is located, except that in no case shall such structures or equipment be located less than twenty-five (25) feet from any adjacent lot line, public or private street right-of-way or easement line, or main building, nor less than two hundred (200) feet from any residential district lot line.

- c. Non-Collapsible Towers: Towers that have not been designed and constructed to collapse in a downward, vertical fashion shall be setback from all property lines at a distance of one (1) foot per each one (1) foot of height (tower and antenna combined). In no case shall said setback be less than specified under Paragraphs (a) and (b) above.
- 8. Screening. The Planning Commission may require such structures or equipment on the ground to be screened with landscaping, berms, fences, or a combination of these elements.
- 9. Illumination and Advertising. Towers for Commercial Wireless Telecommunication Services shall not be illuminated unless state or federal authorities require them. In addition, no signs or other advertising not related to safety or hazard warnings shall be permitted on any part of the tower or associated equipment or buildings.
- 10. Abandonment. Towers for Commercial Wireless Telecommunication Services which are abandoned or unused shall be removed, along with any associated structures or equipment, within twelve (12) months of the cessation of operations unless the Zoning Administrator grants a time extension. Only one (1) three (3) month extension shall be permitted if the Zoning Administrator finds that the owner or former operator of the facility is taking active steps to ensure its removal.

Section 3.10 Corner Lots:

Any yard which abuts a street right-of-way shall meet the front yard requirement of the district in which it is located. See Section 3.16 for the determination of front lot lines.

Section 3.11 Driveways:

A driveway shall be located entirely within the lot which it serves. An approved driveway permit shall be obtained from the Michigan Department of Transportation or the Newaygo County Road Commission and submitted to the Building Inspector before the issuance of a building permit. In addition, the Zoning Administrator may require an applicant to demonstrate that a driveway permit will be issued for the proposed driveway location before issuing a zoning permit. This evidence may be the actual permit, a letter of authorization, or written concurrence from the permitting agency.

Section 3.12 Dwelling Unit:

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

- A. Square Feet - Every dwelling shall have, exclusive of basements, porches, unfinished areas, garages, breezeways, terraces, or attics, a finished livable floor area of not less than nine hundred sixty (960) square feet.
- B. Minimum Width - All dwelling units shall have a minimum width across all front, side, or rear elevations of at least twenty (20) feet for at least sixty-seven percent (67%) of its length.
- C. Floor Height - All dwelling units shall provide a minimum height of seven and one-half (7½) feet between floor and ceiling.
- D. Storage - All dwelling units shall provide storage areas (either within a basement, attic, crawl space, or a separate, fully enclosed structure) of not less than ten percent (10%) of the dwelling unit, exclusive of storage space for automobiles.
- E. Access - All dwelling units shall provide at least two (2) separate points of customary ingress and egress to the building. Said points shall not be located on the same building elevation. However, as desired, a dwelling unit with more than two (2) separate ingress and egress points may have said additional points.
- F. Utility Connection - All dwelling units shall be connected to a public water and sanitary sewer system, if available, or to private facilities approved by the County Health Department (See Section 3.35).
- G. Code Compliance - Every dwelling unit must comply with all pertinent building and fire codes. In case the dwelling is a mobile home, all construction, plumbing, electrical apparatus, and insulation within and connected to said mobile home shall conform to the "Mobile Home Construction and Safety Standards" as promulgated by the United States Department of Housing and Urban Development (HUD), being 24 CFR 3280, as amended. All dwelling units shall meet or exceed all applicable roof snow loads and requirements.
- H. Foundation - If a dwelling unit is a mobile home, the mobile home shall be installed with the wheels removed and anchored to a reinforced concrete slab, the complete length, and width of the mobile home, four (4) or more inches in thickness and shall install skirting compatible with the existing materials of the mobile home according to manufacturer's specifications within sixty (60) days of the house placed on any lot.

- I. Mobile Homes in Licensed Mobile Home Parks - The standards of this Section shall not apply to mobile homes in licensed mobile home parks except to the extent required by state or federal law or otherwise explicitly required in the Ordinance pertaining to such parks.
- J. Mobile Homes Used for Migrant Housing in Conjunction with a Bona fide Farming Operation - The standards of this section shall not apply to mobile homes used for migrant/farm labor housing as an accessory use secondary and incidental to a bona fide farming operation, except to the extent required by state or federal law or as otherwise explicitly required in this Ordinance pertaining to such housing.
- K. Chimneys - Chimneys for furnaces, fireplaces, or burning stoves shall be constructed of approved masonry construction or enclosed with materials compatible with the exterior finish of the structure below the roof line.
- L. Building Permit Required - All construction or installation required herein, including all dwellings, mobile homes in mobile home parks, and mobile homes used for migrant/farm labor housing, shall begin construction or installation only after a building permit has been obtained following the applicable Township building code provisions and requirements.
- M. Use of Garage and Other Accessory Buildings for Dwelling Purposes – No garage or accessory building shall be used as a dwelling. In addition, no damaged or uncompleted structure shall be used as a dwelling unless determined by the Building Inspector to meet basic code requirements necessary to achieve compliance for receipt of a Temporary Certificate of Building Occupancy for residential dwelling purposes.

Section 3.13 Essential Public Service:

It shall be lawful for public utilities, cable television operators, municipal departments, or commissions to erect, construct, alter, or maintain underground or overhead gas, electrical, water distribution, transmission systems or collection, communication supply, or disposal systems, including poles, towers, drains, sewers, pipes, conduits, wire cables, and accessories in connection therewith in any zoning district. This includes the assembly necessary for the furnishing of adequate services by public or municipal departments for health, safety, and general welfare, in any zone or land use district in this Township, provided the erection of any or all above-ground construction consisting of necessary structures shall be designed and erected harmonious with the general architecture and plan of the district to the approval of the Planning Commission as listed below. The Planning Commission is hereby granted the power to permit any public-service corporation the erection of any structure as listed in the above paragraph. In permitting the erection of the said structure, the Planning Commission shall find:

- A. Such use, height, area, building, or structure is necessary for public convenience and service.
- B. Such a structure is designed, erected, and landscaped to conform harmoniously with the district in which it is located.
- C. The detriment does not outweigh the benefit of the proposed location to the utility to the locality and that a different suitable location is not readily available. Therefore, a building permit shall be required before any installation. In addition, in the case of the construction of municipal wells, municipal sewage systems, centralized private wells, and centralized private sewer systems designed to serve (or have the capacity to serve) multiple users shall require a special land use permit as detailed above, provided, issuance of said permit shall be by the Grant Township Board, after receipt of a recommendation from the Township Planning Commission. In granting a special land use permit, the Township Board shall consider the standards for approval of special land uses as found in this Ordinance (Article 9).
- D. Essential service buildings are only allowed with special land use approval by the Planning Commission.

Section 3.14 Financial Guarantees:

When reviewing any application for a site development plan, special land use, PUD, rezoning, or variance, the Planning Commission, Township Board, or the Zoning Board of Appeals may require reasonable and appropriate undertakings by the applicant to guarantee and assure by agreement, including a performance bond (such bond to be posted by applicant) or letter of credit, to ensure that the development will be executed following the approved plan. The performance bond, or other such financial guarantees, shall be provided in a manner and amount acceptable to the Township.

Section 3.15 Floodplain Areas:

No building for human occupation shall be erected, or hereafter occupied if vacant, in a one hundred (100) year floodplain unless all local, state, and federal environmental and construction code requirements regarding the location in a floodplain have been met.

Section 3.16 Front Yard - Abutting a Street:

All lots created after the effective date of this Ordinance shall have frontage on an improved public road or lawful private street equal to or greater than the required lot width, and that meets all other Township ordinance requirements. However, the front yard must abut both a street and the waterfront on waterfront lots.

Section 3.17 Front Yard - Basis for Determining:

Except on a waterfront lot, a required front yard is an area between the front lot line or the public or private street right-of-way or easement to the nearest portion of the structure. Corner lots shall have two (2) front lot lines and front yards, two (2) side lot lines and side yards, and no rear lot line or yard. See the definition “Yard, Front” – Section 2.25.

Section 3.18 Greenbelt:

A greenbelt shall be required along any yard of commercial or industrial uses which abuts a residential district. The greenbelt may be part of (incorporated within) the required yard setback.

- A. A required greenbelt must be at least twenty-five (25) feet in width; and
- B. Composed of deciduous or evergreen trees spaced not more than thirty (30) feet apart; and
- C. Not less than one (1) row of dense evergreen shrubs not less than three (3) feet in height at the time of planting and spaced not more than five (5) feet apart.

The Planning Commission may waive all or a portion of the greenbelt and supplement the same with an appropriately designed and constructed fence or architectural screen. The Planning Commission may also require a greenbelt of greater width, plant variety, plant density, plant size, or use of such buffering features as berms or fencing, or a combination of the above.

If the Planning Commission determines that additional width or other modification is needed to secure the health, safety, and welfare of adjoining residential property owners and to maintain the integrity of the adjoining residential district. Any tree or plant in a required greenbelt shall be maintained at all times and replaced within one hundred twenty (120) days of the tree or plant dying or being destroyed.

Section 3.19 Greenhouse Regulations:

Commercial and hobby greenhouses shall comply with the following regulations:

Commercial Greenhouse (Seasonal and Year-Round)

- 1. Shall be restricted to the General Commercial and Agricultural Districts.
- 2. Shall be subject to site plan review and approval by the Planning Commission.
- 3. Shall meet all Township Building Codes.

4. Shall provide on-site parking at the rate of five (5) spaces plus one (1) additional space per each five thousand (5,000) square feet or fraction thereof of greenhouse area. Any portion of a greenhouse used for the retail of non-garden products, as permitted by the zoning district, shall provide additional parking consistent with the commercial parking requirements of Article 8. Additional parking shall be based on the floor area devoted to said retail of non-garden products. The area dedicated to the retail of non-garden products may be subtracted from the greenhouse space when determining the parking requirements of said greenhouse space.
5. Shall provide sufficient on-site space for the loading and/or unloading of supplies and materials. Said space shall not interfere with designated customer or employee parking spaces.
6. Shall provide indoor storage for supplies and equipment provided; however, the following may be stored outdoors:
 - a. Non-hazardous bulk material such as soil, sand, and compost material. If stored outdoors, such materials shall be adequately secured to prevent off-site movement from wind, water, or similar natural forces.
 - b. Trucks and trailers under the ownership/lease of the commercial greenhouse are used for transporting goods associated with the greenhouse.
 - c. Employee and customer vehicles. In approving the outside storage of materials and vehicles, the Planning Commission may require vegetative or landscape screens between the stored materials and adjoining residential properties and homes.

Hobby Greenhouses.

1. They shall be permitted in all zoning districts.
2. They shall not exceed one thousand (1,000) square feet in area, whether stand-alone or combined greenhouse area. However, on a parcel of two (2) acres or less, a greenhouse shall be limited to one (1) structure which shall not exceed six hundred (600) square feet.
3. Shall not display a sign.

4. It shall be located in the rear yard.
5. Shall meet or exceed the required setbacks for accessory buildings.

Section 3.20 Height Exception:

- A. In all zoning districts, height requirements may be exceeded by chimneys, farm silos, bona fide agricultural barns and storage buildings, cupolas, spires, architectural and ornamental projections, or water towers.
- B. In the Industrial District, chimneys, cooling and fire towers, elevator buildings and bulkheads, roof storage tanks, and other necessary accessory structures are permitted, provided they are located not less than the same distance as their height from any adjoining property line.
- C. This Ordinance shall regulate the height of communication towers and antennas.
- D. Building-mounted solar energy systems collectors shall not exceed building height maximums by more than four (4) feet.

Section 3.21 Home-Based-Business or Home Occupation:

A home-based business or home occupation shall include occupations or professions performed by a family member residing on the premises which are clearly incidental and secondary to the principal residential land use and does not change the character of the residential land use. Examples may include home offices for professional consultation, professional services, personal services, fine arts and crafts instruction, and independent tradespersons that operate through scheduled appointments with clientele. These requirements and all standards listed below must be met to be considered a home business/occupation. Home-based businesses or occupations are permitted in all districts with residential dwellings and, unless otherwise provided, shall fall under the jurisdiction of the Zoning Administrator pursuant to review and approval. In addition, all home occupations and home-based businesses shall meet all of the following requirements and conditions:

- A. It is conducted entirely within the dwelling.
- B. It is carried out only by residents of the dwelling, plus not more than one (1) nonresident.
- C. Has no exterior storage of materials, equipment, or products.

- D. Creates no nuisance due to heat, glare, noise, smoke, vibration, noxious fumes, odors, vapors or gases, or any other disturbances at any time resulting from such occupation.
- E. Does not create a hazard of fire, explosion, radioactivity, or any other dangerous condition.
- F. Displays not more than one (1) non-illuminated sign not greater than four (4) square feet in size relating to such home occupation.
- G. Provides adequate off-street parking.
- H. Shall not result in the generation of automobile and truck traffic incompatible with the surrounding neighborhood. Due to size and weight, vehicles that deliver the merchandise shall not exceed step-type vans.

Section 3.22 Land Divisions

- A. No lot, parcel of land, building, or access easement shall be created that does not fully comply with the minimum area, width, frontage, and other minimum dimensional requirements of the Grant Township Zoning Ordinance. In addition, land divisions shall not cause a legally conforming building or structure to become nonconforming or less conforming. All land divisions and property boundary reconfiguration of platted lots and unplatted parcels shall comply with all applicable requirements of the Grant Township Zoning Ordinance and the Michigan Land Division Act.
- B. No land division, creation of an access easement, or reconfiguration or changing of property boundary lines shall occur unless and until a land division permit has been obtained from the Grant Township Zoning Administrator or another person designated for such purpose by resolution of the Township Board. No permit for a land division shall be issued unless and until the Township determines that the land division, access easement, or boundary reconfiguration, as well as all of the resulting lots, buildings, parcels of land, or access easements, fully complies with the requirements of the Grant Township Zoning Ordinance and all other applicable Township ordinances. Fees for a land division permit shall be established from time-to-time by resolution of the Township Board. No land division permit shall be approved or issued unless the application for such permit is accompanied by a survey prepared by a registered land surveyor showing all resulting lots or parcels of land, easements (if any), and legal descriptions thereof.

Section 3.23 Lot Dimensions (Width to Depth Ratio) and Lot Coverage:

- A. No lot or parcel shall be more than four (4) times as long (or deep) as wide for parcels less than ten (10) acres. For splits resulting in parcels of ten (10) or more acres, the Zoning Administrator may, upon application by the property owner, approve the creation of a lot or parcel no more than four and two-tenths (4.2) times as long (or deep) as it is wide if the Zoning Administrator determines that the increased length or depth of the lot or parcel will not have negative impacts upon surrounding properties and is consistent with the intent and purposes behind the Zoning Ordinance and the Township's Master Plan. For purposes of this subsection's lot or parcel depth-to-width ratio requirements (and as specified elsewhere in this Ordinance), the width shall be measured along the frontage of the lot or parcel at the public road or approved private road. The depth or length of the lot or parcel shall be measured from the public or approved private road frontage to the portion of the lot or parcel located farthest away from the public road or approved private road frontage.
- B. No lot or parcel shall have more than fifty percent (50%) of its surface area covered by buildings, structures, parking areas, impervious areas, drives, streets, and pavement, excluding pavement for public or private street surfaces.

Section 3.24 Lots of Record:

The Zoning Administrator may approve the placement of a single-family dwelling on a non-conforming lot of record located in a district permitting single-family residences, provided any lot of record has a front yard of at least twenty (20) feet, side yards of at least five (5) feet, a rear yard of at least twenty (20) feet and is capable of meeting off-street parking requirements. Consideration for the use of lots of record not meeting the above standards may be by the Zoning Board of Appeals.

Section 3.25 Mobile Homes and Recreational Vehicles:

- A. It shall be unlawful for any person to park, or cause to be parked, any mobile home or recreational vehicle on any street, highway, or public place for storage, use as a dwelling, or overnight stops outside a recreational vehicle park.
- B. No travel trailer, motor home, camper, or tent shall be occupied on any lot for more than ten (10) days in one (1) year unless the Township issues a permit for a more extended time. In approving an extension, the Zoning Administrator shall:
 - 1. Require the occupant to demonstrate that adequate provisions have been made for potable water and sanitary needs.
 - 2. Determine that the extension will not negatively impact the surrounding property.

3. Establish a specific time frame for the extension, provided the extension shall never exceed twenty (20) additional days in any year.
- C. No travel trailer, camper, motor home, or similar vehicle shall be stored on any lot unless a principal building meets the requirements of this Ordinance, except as expressly provided for in this Ordinance.

Section 3.26 Mobile Food Vending Units (Food Trucks):

A permit (for which the amount of the fee has been adopted by resolution of the Township Board) is required for any mobile food vending unit operation in the Township. Mobile food vending units may operate in a commercial or industrial district as an accessory use on any lot, except for nonconforming residential uses. A mobile food vending unit may operate for no more than 10 hours on any institutional property, such as schools, churches, governmental complexes, etc., in any district, provided they do not serve the general public or serve only those attending lawfully organized events (such as a fair or bazaar). Mobile food vending units shall operate only on improved surfaces on said lots. All food vending units shall be located at least ten (10) feet from all buildings and structures on the property and oriented so that the food vending window faces toward the interior area of the lot. No mobile food vending unit (food truck) may operate on or within any public road right-of-way. Mobile food vending units are permissible as a vending feature for a private event (graduation party, wedding, family reunion, etc.) held on private property catering to the attendees of that event only and not open to the general public. Except for a lawful festival, carnival, or fair, no more than three (3) food trucks may operate on one parcel or lot at any time.

If a mobile food vending unit is parked, stored, or kept on a lot or parcel and constitutes the principal or primary use thereof, or if the mobile food vending unit is kept, parked, or stored on a lot or parcel with another principal use or primary use for more than six hours, the mobile food vending unit must fully comply with the zoning district for the property involved and is only allowed on a lot or parcel zoned commercial. Such uses shall be deemed “stationary, mobile food vending units.” For stationary, mobile food vending units, all the following shall be applicable:

- A. There shall be a bathroom facility that is fully operable and available for all mobile food vending unit customers.
- B. There shall be at least five off-street parking spaces on site.
- C. Liquor and alcoholic beverages shall not be sold or dispensed.
- D. Site plan approval is required by Planning Commission review.

- E. The mobile food vending unit (and all related facilities) shall be kept in a sanitary, healthy, clean, and reasonable condition at all times.

Section 3.27 Mobile Homes as Migrant Housing (Farm Labor):

Subject to the approval of the Michigan Department of Agriculture and Rural Development (MDARD), mobile homes may be used as dwellings for housing migrant farmworkers and migrant employees in conjunction with permitted farm uses in the Agricultural (A) District.

Section 3.28 Mobile Homes as Temporary Dwellings:

A mobile home not meeting this Ordinance's standards may be used as a temporary dwelling if specific requirements are met or a natural disaster or catastrophe creates a hardship. The Zoning Administrator may approve such a use for a period not to exceed six (6) months, and the Planning Commission may authorize such use for an additional period not to exceed six (6) months, provided that all of the following requirements and conditions are met:

- A. A building permit has been issued to construct a permanent single-family dwelling on the same lot that conforms to this Ordinance's requirements.
- B. The construction of the permanent dwelling progresses diligently.
- C. The temporary structure must contain at least seventy-five (75) square feet of living space for each occupant.
- D. The temporary structure must be connected to water and sanitary facilities approved by the Newaygo County Health Department.
- E. The temporary structure must be removed within thirty (30) days of issuing an occupancy permit for the permanent dwelling.
- F. A bond or cash deposit of One Thousand Dollars (\$1,000.00) shall be posted in a non-interest-bearing account with the Township. If the mobile home is not removed within the date specified above, the Township may utilize the bond or cash deposit to cover the costs of having the unit removed and stored at a location determined by the Township. Any portion of the bond or cash deposit not used for the removal and storage shall be returned to the applicant. The Township shall return the unused cash deposit to an applicant complying with the removal provisions. All unused funds, if any, shall be returned within thirty (30) days after authorization by the Zoning Administrator that all requirements of this section have been completed. The provisions of this section do not negate other penalties available to the Township for noncompliance with removing a mobile home.
- G. The applicant shall sign a removal agreement if requested by the Zoning Administrator.

Section 3.29 Moving of Structures:

The moving of a structure shall be considered the erection of a new structure. All provisions relative to the erection of new structures shall be met. A financial guarantee of at least \$25,000.00 shall be filed with and approved by the Township Board. The permit shall state the streets or highways along which the transport shall be made. The owner or contractor shall cause a written notice thereof to be given to the telephone, cable, and electric companies, as well as the Newaygo County Road Commission, Newaygo County Sheriff's Office, the Michigan State Police, and others whose property may be affected if removal is to be from within Grant Township boundaries.

Section 3.30 Multiple Uses of Buildings:

Where any part of any building is lawfully used for residential purposes and the remainder thereof is to be used for any nonresidential purposes permitted according to this Ordinance, the portion used as a dwelling shall conform to all requirements for dwelling units in the Rural Residential (R-R) District. Land or buildings used for nonresidential purposes shall be excluded in determining whether the requirements for the residential district are met. Buildings used for multiple purposes shall comply with all applicable building code requirements.

Section 3.31 No Storage of Mobile Homes:

No mobile home dwelling unit which is presently incapable of road travel shall be kept, stored, or placed on any property unless at least one of the following occurs:

- A. It meets all requirements of a standard dwelling unit as defined in this Ordinance and can meet all other applicable provisions of this Ordinance, and is ready for occupancy within 90 days; or
- B. It is part of the inventory or stock of a business being lawfully conducted on the lot or property.

Section 3.32 Nuisance:

No property, premise, lot, structure, or use shall be used, kept, erected, or conducted in such a manner as to become a nuisance or cause a nuisance to adjacent property or uses. Any structure, lot, or use violating any provision of this Zoning Ordinance shall be deemed a nuisance *per se*.

Section 3.33 On-Site Sewage Treatment Facilities:

If a public sewer does not serve the proposed structure, an approved permit for the necessary on-site facilities shall be obtained from the County Health Department and submitted to the Zoning Administrator, together with a diagram with dimensions showing

the location and size of the facilities before the issuance of a zoning permit. Mobile home parks must meet all rules for sanitary sewage treatment facilities established by the Michigan Department of Public Health and the Newaygo County Health Department.

Section 3.34 Outdoor Wood-Burning Units:

- A. No outdoor wood-burning unit shall be installed, utilized, or kept on a lot smaller than two (2) acres in size.
- B. Every outdoor wood-burning unit shall meet all of the following setback requirements:
 - 1. No outdoor wood-burning unit shall be located within 300 feet of any dwelling not served by that particular outdoor wood-burning unit.
 - 2. No outdoor wood-burning unit shall be located within fifteen (15) feet of any structure or building (except for a structure storing wood for use as fuel for the outdoor wood-burning unit located on the same lot where the outdoor wood-burning unit is located).
 - 3. Every outdoor wood-burning unit must comply with all other setbacks applicable to buildings within the zoning district where the outdoor wood-burning unit is located.
- C. Every outdoor wood-burning unit shall have a working chimney, and each chimney shall have a height of at least fifteen (15) feet above ground level. In addition, every outdoor wood-burning unit shall always be in good condition and in good repair.
- D. The only fuel that can be burned or used in an outdoor wood-burning unit shall be clean wood or pellets made from clean wood material. Paper products may be burned or used only when starting the outdoor wood-burning unit.
- E. The following material shall not be used or burned in an outdoor wood-burning unit:
 - 1. Wood that has been painted, varnished, or coated with similar materials.
 - 2. Wood that has been pressure-treated with preservatives or wood containing resins or glues, such as pressure-treated lumber, plywood, oriented strand board (OSB), or other composite materials.

3. Rubbish or garbage, including, but not limited to, food waste, food packaging, and food wraps.
- F. The following shall apply to all new outdoor wood-burning units (or used outdoor wood-burning units installed after January 1, 2013) before their installation or use:
1. The unit (and all components thereof) must comply with UL rating codes and similar regulations.
 2. The unit (and all components thereof) must meet all Newaygo County, Grant Township, State of Michigan building, electrical, and mechanical codes, and guidelines.
 3. No outdoor wood-burning unit shall be installed (or significantly modified) before issuing a zoning permit from the Township and a building permit. All units must be inspected by the applicable governmental inspector(s).

No outdoor wood-burning unit shall be so designed, utilized, or set up that it leaves visible ash or residue on any building or structure not located on the lot where the outdoor wood-burning unit is located.

Section 3.35 Principal Use:

A residential lot may only contain one (1) principal use, except as otherwise expressly permitted by this Ordinance. A single-family dwelling unit shall constitute a principal use, and only one (1) single-family dwelling unit shall be permitted on any lot. Only accessory uses shall be permitted in addition to the one (1) principal use. Commercial properties are permitted to contain more than one (1) principal use, so long as the lot is planned in an integrated manner and all zoning ordinance requirements are met.

Section 3.36 Private Roads:

- A. Legislative Purposes - The Township determines that it is in the best interest of the public health, safety, and welfare to regulate the construction, improvement, maintenance, extension, relocation, and use of private roads to ensure the following:
1. Those private roads are designed with sufficient width, surface, and grade to ensure safe passage and maneuverability of private vehicles, police, fire, ambulances, and other safety vehicles.
 2. Those private roads are improved and constructed of suitable materials to ensure minimal maintenance and safe passage.

3. Those private roads will be constructed to protect against or minimize soil erosion and prevent damage to the Township's lakes, streams, wetlands, and natural environment.
 4. Those private roads are adequately maintained.
- B. Definitions - The following definitions shall apply to this section:
1. "Parcel" means a tract of land or lot that can be legally described with certainty and is capable of being located by a survey.
 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. A driveway is entirely located on and within the lot which it serves.
 3. "Drain Commission" means the Nawaygo County Drain Commissioner.
 4. "Improved Road" means any road that meets the minimum required design and maintenance standards according to the Nawaygo County Road Commission and this Ordinance.
 5. "Private Road" means any undedicated path, trail, or road which provides or is intended to provide the primary means of ingress and egress to two (2) or more parcels or two (2) or more principal buildings, dwelling units, or structures or a combination thereof, whether created by a private right-of-way agreement, joint license ownership, easement, or prescription. All extensions, additions, or branches of or to a private road shall be considered part of the primary private road which abuts the public road. A private road shall also include the following:
 - a. Access serving one (1) parcel if that parcel is within an access easement or does not have the requisite amount of frontage on a public road as required by the Grant Township Zoning Ordinance, or
 - b. Two (2) or more parcels or dwellings that share or utilize a common access drive, even if each parcel has the required frontage on a public road.
 6. "Road Commission" means the Nawaygo County Road Commission.
- C. Permits Required - No private road shall be constructed, extended, used, utilized, improved, or upgraded to serve additional parcels or relocated after the effective

date of this Ordinance until and unless an application for a private road construction permit ("permit") has been completed and filed with the Township Zoning Administrator, the fees established by the Township have been paid, the Planning Commission has approved a special land use permit, and a construction permit has been issued. The application for such a permit shall provide all the following information:

1. Ownership – The name(s) of the owner(s) and other parties having any legal interest in the private road and the property across which it is to be constructed.
 2. Site Plan – A site plan, drawn to scale, prepared by a registered engineer showing the precise location, grade, route, elevation, dimensions, and design of the private road and any proposed extensions thereto, existing or proposed curb cuts, and the location and distance to any public streets which the private road is to intersect. The plan may be prepared by a registered surveyor rather than by a registered engineer if the proposed private road is to serve five (5) or fewer parcels, principal buildings, etc., and the Township waives said requirements in writing.
 3. Survey – A survey of the right-of-way by a registered land surveyor and surveys for each parcel to be served by the private road.
 4. Utilities and Easements – 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 twenty (20) feet of either side thereof. Copies of the instruments describing and granting such easements shall be submitted with the application.
 5. Water Bodies – The location of lakes, streams, wetlands, and drains within the proposed right-of-way or one hundred (100) feet.
 6. Buildings and Structures – The location of any other buildings and structures located or to be located within one hundred (100) feet of the private road right-of-way.
 7. Maintenance Agreement – A proposed maintenance agreement, as defined below.
- D. Entry by Zoning Administrator. The Zoning Administrator or their designee shall have the right to enter the property where the private road is or will be located to conduct such inspections necessary to enforce this Ordinance.

- E. Standards for Private Roads. No private road construction permit shall be issued unless the plans, maintenance, agreement, and proposed construction comply with the standards of this section.
1. All private roads serving two (2) parcels (inclusive), principal buildings, etc., shall meet the following minimum standards:
 - a. Right-of-Way and Utility Easement – All private roads shall have a recorded permanent right-of-way and easement with a minimum width of at least sixty-six (66) feet. The right-of-way shall also expressly permit utilities to be installed within the right-of-way.
 - b. Cleared Road Width, Road Bed, and Materials – The area in which the private road is to be located shall have a minimum clear width of twenty-eight (28) feet, and clearing shall always be maintained. The private road shall be at least twelve (12) feet wide, contain two (2) foot wide shoulders on either side, and shall have a minimum subbase of twelve (12) inches of sand and six (6) inches of finished compacted gravel, which is certified (no. 22A) on the top thereof. The contractor shall submit a statement to the Township certifying that the compacted gravel meets this subsection's requirements. Compaction shall be at ninety-eight percent (98%) of maximum dry density as determined by the Michigan One Point Core Method.
 - c. Cul-de-Sac or Continuous Loop System – Any private road which terminates at a dead-end shall have a means for vehicle-turn-arounds either by use of a cul-de-sac, with a minimum right of way radius of ninety (90) feet and a sixty (60) feet improved surface radius or a continuous loop private road system.
 - d. Road Length – The length of the private road shall be a minimum of two hundred and fifty (250) feet and shall not exceed one thousand three hundred and twenty (1,320) feet in length from a connection to a public street. Distances shall be measured from the public road's right-of-way to the cul-de-sac's right-of-way without direct access to it being available from another public street.
 - e. Crown – The road surface shall have a minimum crown of two percent (2%) measured from the centerline of the private road to the outside edge of the improved surface.
 - f. Shoulders – A road shoulder is at least two (2) feet wide, composed of six (6) inches of compacted gravel, and shall be provided on each side of the private road surface. There shall be a two percent (2%) fall from the edge of the road surface to the toe of the slope.

Compaction shall be at ninety-eight percent (98%) of maximum dry density as determined by the Michigan One Point Core Method.

- g. Grade – The maximum longitudinal road grade shall not exceed six percent (6%) provided that the Planning Commission may allow up to a ten percent (10%) grade if the Planning Commission finds that the increase in road grade will not adversely affect public safety and the design of the road system.
- h. Layout and Clear Vision – The layout of all private roads and the intersections of private roads with other public or private roads shall ensure clear vision, safe turning, and travel in all directions at the posted speed limit. The minimum distance between public and/or private roads intersecting rights-of-way shall not be less than three hundred (300) feet as measured along the right-of-way line.
- i. Drainage – The private road shall be constructed with stormwater run-off, culverts, and drainage contours as the Township may require to ensure adequate drainage and run-off.
- j. Stream Crossings – The method and construction technique used to cross any natural streams, wetlands, or drainage course shall satisfy the requirements of the Township Engineer and any other agency having jurisdiction thereof.
- k. Road Name and Property Address – The private road shall be given a name, and street signs shall be installed following the standards and approval of the Newaygo County Road Commission. The private road addresses shall be posted in a conspicuous place at the entrance to the private road (at the intersection with the public road) in letters at least three (3) inches high. In addition, private roads serving two (2) or more dwellings shall have a standard stop sign where the private road abuts the public road.
- l. Indemnity – The applicant(s)/Owner(s) of the private road agree that by applying for and securing a permit to construct the private road, they shall indemnify and will hold the Township, including the Township Board, Township Planning Commission, Township staff, Township consultants, and other such bodies representing the Township, harmless from all claims for personal injury and/or property damage arising out of the use of the road or of the failure to properly construct, maintain, repair, and replace the private road.
- m. Maintenance Agreement – The applicant(s) and/or Owner(s) of the proposed private road right-of-way or private road shall provide the

Township with a recordable private road maintenance, restrictive covenant agreement, or other documentation satisfactory to the Township between the owner(s) of the private road right-of-way and any other parties having any interest therein which shall provide for and assure that the private road shall be regularly maintained, repaired, and snow plowed to ensure that the private road is safe for travel at all times and the cost thereof paid for. The applicant(s) agree, by filing an application for and receiving a permit under this Ordinance, that they will assure that any building(s) or parcels thereafter created or constructed on the private road shall also be subject to the road maintenance or restrictive covenant agreement. That said agreement shall be furnished to the Township before the permit issuance. No construction permit shall be issued, and no construction on a private road shall commence until the maintenance agreement has been reviewed and approved by the Township in consultation with the Township Attorney.

- n. Construction Clean-Up – Upon completion of the construction of the private road, the applicant(s)/owner(s) shall remove and properly dispose of all trees, shrubs, construction debris, and rubbish. In addition, all drainage ditches shall be restored with topsoil, seed, mulch, and check dams.
- 2. Private roads serving three (3) to five (5) parcels (inclusive), principal buildings, etc., shall also meet the following additional requirements:
 - a. The private road shall be at least sixteen (16) feet wide and contain two (2) foot wide shoulders on either side.
 - b. Adequate provisions shall be made for drainage through a system satisfactory to the Township Engineer.
- 3. Private roads that are located within a cluster or planned unit development servicing six (6) but not more than ten (10) or more parcels, private roads servicing ten (10) or more principal buildings, and any private roads intended to provide access to six (6) or more parcels, principal buildings, dwelling units, or combinations thereof shall satisfy the following additional requirements. These roads must be paved to a width of twenty-two (22) feet, with a minimum of one and three-quarters (1-3/4) inches of bituminous aggregate meeting Michigan MDOT specification 1100t, as amended. In addition, if the private road includes a storm sewer system, the minimum width of the private road surface, including valley gutters, shall be at least twenty-six (26) feet wide.

- F. Certification of Compliance – Upon construction of the private road, the Zoning Administrator or their designee shall inspect the completed construction to determine whether it complies with the approved plans, specifications, permit, and this Ordinance. The applicant(s), at the applicant(s) expense, shall provide the Township with a set of “as built” drawings bearing a certificate and statement from a registered engineer certifying that the private road has been completed following the requirements of the permit. If the completed private road does not satisfy the requirements of the permit or this Ordinance, the applicant(s) shall be notified of the non-compliance in writing and shall be given a reasonable time to correct the deficiencies. Failure to correct the deficiencies within the time provided shall subject the applicant(s) to the penalties in this Ordinance.
- G. Fees – The Township Board shall set fees for the permits required hereunder from time to time by resolution. In addition to standard administrative costs associated with the review of the application, said fees may be of sufficient amount to cover the costs of having the Township Attorney, Township Planner, and Township Engineer review the application, private road plans, specifications, and maintenance agreement and to do the necessary inspections. Additionally, the Township may require that the applicant(s) put sufficient funds in escrow to cover the costs of having the Township Attorney, Township Planner, and Township Engineer review the private road plans, specifications, and maintenance agreement and do the necessary inspections.
- H. Maintenance of Private Road – Upon completion of the construction, improvement, relocation, or extension of a private road, the applicant(s)/owner(s) shall maintain, repair, and snowplow the private road right-of-way to comply with the requirements of this Ordinance and in such a manner as to assure that the private road is always freely passable and safe for travel and during all seasons.
- I. Private Road Prohibition – Except for agricultural businesses associated with a bona fide farming operation, no commercial business, trade, or mercantile use shall be located on a private road. Agricultural industry uses may be located on private roads subject to the private road standards of this Ordinance. Any commercial business, trade, or mercantile use or property that does not have the required frontage on an improved public road may utilize a service road as provided in subsection (Q).
- J. Permits for Building on Private Roads – No building permit shall be issued for any principal building, dwelling, or structure the primary access to which is to be provided by a private road unless the Township has issued a private road construction permit, the road has either been completed following the approved permit (and a Certificate of Completion has been issued) and this Ordinance. In addition, the applicant(s) for the building permit or owner(s) of the private road right-of-way must provide the Township with a financial guarantee in an amount determined by the Township to be sufficient to ensure the construction of the

private road in full compliance with the private road permit within one (1) year from the date of the issuance of the building permit.

- K. Approval by the County Road Commission – No construction permit shall be issued for a private road until the applicant(s) has presented the Township with either an approved private road permit by the Newaygo County Road Commission or a letter from the Newaygo County Road Commission indicating that no private road permit from the County is required at that location.
- L. Frontage – All parcels utilizing a private road shall have frontage on the approved private road for a distance equal to or greater than the minimum lot width required for a lot by the Zoning Ordinance for the zoning district within which the parcel is located.
- M. Disclosure – The following statement shall be put in a deed restriction and recorded for any parcels serviced by a private road before each parcel is sold: “This property does not abut or front on a public road. If a public road or street abut or services the property, it is private and is not required to be maintained by any governmental unit.”
- N. Maintenance and Repairs.
 - 1. Private roads shall be maintained in a manner that always complies with all of the provisions of this Ordinance.
 - 2. All driveways and private roads shall be continuously maintained so that they will not constitute a danger to the health, safety, and welfare of the inhabitants of the Township. Further, all driveways and private roads shall be continuously maintained so that they are readily accessible to and usable by emergency vehicles in all types of weather.
 - 3. All costs for the maintenance and repair of the private road shall be the responsibility of the property owners or any condominium association served by the private road.
- O. Planned Unit Developments – If the private road is proposed as part of a planned unit development (PUD), the provisions of this Ordinance regarding private road standards may be modified for the PUD by the Township at its sole discretion for good cause shown.

P. Performance Guarantee.

1. The Township may, as a condition of the private road permit application process, require the applicant(s) to post a cash bond, bank letter of credit, or other security to ensure compliance with the requirements of this Ordinance.
2. If required, the amount of the bond or security to be submitted shall equal the total estimated cost for completing the private road construction as approved by the Township.
3. The Township will return the bond, escrow, or unspent portions thereof to the applicant(s) upon completion of the private road to the standards required by this Ordinance.

Q. Service Roads.

1. Every commercial business, trade, or mercantile use (or lot or parcel for any commercial business, trade, or mercantile use) shall have frontage on an improved public road equal to the minimum lot or parcel width for the zoning district within which the property is located. Such a requirement shall not apply to agricultural businesses associated with a bona fide farming operation, which may utilize an approved private road. If a commercial business, trade, or mercantile parcel or lot does not have such required frontage on an improved public road, such parcel or lot may be accessed by a service road approved by the Planning Commission as a special land use.
2. Every service road shall meet the conditions, requirements, and procedures specified in Section 3.36 (C), (D), (E), (F), (G), (H), (J) – (P) of this ordinance.

Section 3.37 Prohibition of Unauthorized Dumping and Disposal of Waste:

No unauthorized dumping or disposal of waste may occur on any lands in the Township except as allowed as those approved by special land use under the provisions of this Ordinance. The burying, disposal, or long-term storage of hazardous, nuclear, or toxic materials or waste shall not occur, be located, or be permitted within the Township. No person shall bury, spill, dispose, or pour any toxic, dangerous, hazardous, or poisonous material, liquid, waste, chemical, or similar item into, under, or on any land or body of water within the Township. Notwithstanding the prohibitions in this section, traditional use of fertilizer, herbicides, and pesticides may occur.

Section 3.38 Razing of Buildings:

No building shall be razed until the Zoning Administrator has issued a permit. A financial guarantee in the amount established by the Township Board shall be set for each one thousand (1,000) square feet of floor area. The applicant shall complete the razing within a reasonable time prescribed by the permit. The applicant shall comply with such reasonable conditions concerning health and safety as the Zoning Administrator may require. Such conditions shall include but are not limited to the filling of holes, reclamation of the disrupted site, and the proper disconnection of utilities. The applicant shall be responsible for contacting all utility companies and agencies (e.g., telephone, cable, electric, gas, water, sewer, Miss Dig, etc.) whose facilities and/or services may be impacted by the razing of a building.

Section 3.39 Satellite Dish Antennas:

Satellite dish antennas shall meet all the requirements for an accessory building. However, should said requirements prevent reception comparable to that of other receiving devices, such as ground or roof-mounted antennas, the Zoning Administrator is empowered to modify the above requirements. Modifying a provision shall be the least necessary to achieve adequate reception. Satellite dish antennas not exceeding one (1) meter (39.37 inches) in diameter are exempt from these provisions.

Section 3.40 Short-term Rentals:

Short-term rentals are prohibited in all zoning districts except for the “C” General Commercial zoning district. Notwithstanding such prohibition, a lawful single-family dwelling may be rented or leased to a single-third-party family at a time for habitation with such rentals or leasing not to exceed a total of ten (10) days during a calendar year for the lot or parcel involved.

Section 3.41 Site Condominium Subdivision Approval:

According to the authority conferred by Section 141 of the Condominium Act (MCLA 559.241), all site condominium subdivisions must receive site plan approval from the Planning Commission and Township Board.

- A. Definitions – The following terms are defined both in the context of the Condominium Act and for purposes of this Section only:
 - 1. “Condominium Act” means Public Act 59 of 1978, as amended.
 - 2. “Condominium dwelling” means the building constructed upon a lot or condominium unit intended for residential purposes.

3. "Condominium structure" means a building or structure constructed upon a lot or condominium unit intended for residential, office, industrial, business, or recreational purposes.
 4. "Condominium unit" means that portion of the condominium project designed and intended for separate ownership and use, as described in the Master Deed, regardless of whether it is intended for residential, office, industrial, business, recreational, use as a time-share unit or any other type of use.
 5. "Lot" shall mean the same as "Homesite" and "Condominium Unit."
 6. "Mobile home condominium project" means a condominium project in which mobile homes are intended to be located upon separate sites constituting individual condominium units.
 7. "Master Deed" means the condominium document recording the condominium project, which is attached as exhibits and incorporated by reference to the approved bylaws for the project and the approved condominiums subdivision plan.
 8. "Setback - front yard" shall equal the distance between the front lot line or public or private street right-of-way or easement and the condominium dwelling unit or condominium structure.
 9. "Setback - rear yard" shall equal the distance between the rear line and the condominium dwelling unit or condominium structure.
 10. "Setback - side yard" shall equal the distance between the side lot line and the condominium dwelling unit or condominium structure.
 11. "Site condominium subdivision" shall be a land division based on condominium ownership which is not subject to the provisions of the Land Division Act, Public Act 288 of 1967, as amended.
- B. Mobile Home Condominium Project. Mobile home condominium projects shall conform to all requirements of this ordinance.
- C. Site Condominium Subdivision Layout. Design and Approval. The Township Board may require site condominium plans to conform to the plan preparation requirements, review and approval procedures, design, layout, and improvement standards. A deposit in the form of cash, certified check, or irrevocable bank letter of credit shall be made with the Township to guarantee the installation and completion of any required private roads and drainage facilities within a length of

time agreed upon from the date of the final approval of the site condominium subdivision plan by the Township Board. No building permits or certificates of occupancy will be granted before the completion and final approval of all private roads and other necessary infrastructure. Nothing in this Section shall be construed as requiring a site condominium subdivision to obtain plat approval under the Subdivision Control Act.

- D. **Master Deed - Contents.** The Township must approve every Master Deed and condominium bylaws. All provisions of the site condominium plan which the Township Board approves must be incorporated, as approved, in the Master Deed for the site condominium subdivision. Any proposed changes to the approved site condominium plans must be reviewed and approved by the Township pursuant to the procedure set forth herein to approve site condominium plans. A copy of the Master Deed filed with the Newaygo County Register of Deeds for recording must be provided to the Township within ten (10) days after such filing with the County.

Section 3.42 Site Development Plan (Site Plan):

The general and intensive use of the automobile requires careful study of the relationships between buildings, parking areas, driveways, streets, alleys, pedestrian walkways, traffic movement, and obstructions caused by uses that generate or attract traffic or which require parking to ensure safety, convenience, and well-being of the residents of the Township and the public. Therefore, the Planning Commission shall review and approve a site development plan before granting a special land use, the granting of a Planned Unit Development, approving a condominium, approving a plat, approving a mobile home park, or the creation, expansion, or alteration of any commercial or industrial business, use, structure, or service. Approval of such a plan shall be subject to the following:

- A. Two hard copies and a digital copy of the site development plan shall be submitted to the Zoning Administrator and shall contain the following:
1. Scale and North Arrow
 2. Location, shape, area, and legal description of the property.
 3. Surrounding property uses.
 4. Public and private easements or rights-of-way located on or proposed for the property.
 5. Required setbacks and lot/size dimensions.

6. The locations and dimensions of all proposed driveways, off-street parking areas, and loading spaces.
7. The dimensions of all existing and proposed buildings and structures and their distances are measured from all property lines.
8. Existing topography and proposed grading plans.
9. All stormwater basins as required by the Newaygo County Drain Commissioner.
10. Pedestrian sidewalks, walking paths, and other non-motorized pedestrian features.
11. Landscaping plan including all landscaping features and materials proposed to be used, as well as the number, location, and species of plantings.
12. All outdoor lighting locations, types, and descriptive illustrations of the proposed product. The Planning Commission may require a photometric plan of the site if the lighting intensity may be a nuisance to neighboring properties or a hazard for passing traffic.
13. The proposed method and location of solid waste disposal include the site of dumpster enclosures and design specifications for each.
14. Existing and proposed water, sewer, and utility lines, and the locations of any existing septic systems, drain fields, or dry wells.
15. The type and method of storage of all toxic materials to be stored, sold, or used on the premises.
16. Location, height, size, and orientation of all signs.
17. All significant environmental features, including but not limited to wetlands, water bodies, significant stands of vegetation, steep slopes (over 18% grade), and rock outcroppings.
18. Unique natural and cultural features, including State and/or Federal, any threatened or endangered plant or animal species, historic structures, sites, etc.

19. All required permits or statements of approval or compliance with the applicable regulating agencies, such as the Drain Commission, Road Commission, Health Department, Fire Department, EGLE, MDOT, etc.
 20. The Planning Commission may require other information if deemed reasonably necessary for an informed decision.
- B. All site plan elements shall be identified according to their use or function. All buildings, building setbacks, parking lots and parking spaces, loading and unloading areas, open space areas, rights-of-way and easements, and other site plan elements shall be fully identified, labeled, or described.
- C. Site Plan Review Standards. The Planning Commission shall review the site development plan in terms of the standards stated in this Ordinance and shall find adequate evidence that the implementation of the site plan in the proposed location:
1. It will be harmonious with the existing or intended character of the general vicinity.
 2. It will be consistent with the Township Master Plan.
 3. Will not overburden the Township's ability to provide public services and facilities.
 4. Will not create traffic hazards or conditions potentially dangerous to surrounding property owners.
 5. It will be consistent with the spirit and intent of this Ordinance.
 6. The site plan must comply with the standards of this Ordinance and all other applicable Township ordinances, as well as all county, state, and federal regulations and laws.
 7. Whether there are ways in which the configuration of uses and structures could be changed that would improve the effectiveness of the development on adjoining and nearby properties, persons, activities, and on the community while allowing reasonable use of the property within the scope of district regulations and other regulations of this Ordinance that apply to the property and the proposed use and structures.
 8. The landscape, natural features, and topography shall be preserved in their natural state, insofar as practical, by minimizing tree and soil removal and alteration of natural elements, and any grade changes shall be in keeping with the general appearance of neighboring developed areas.

9. The site design shall provide safe, convenient, and well-defined vehicular and pedestrian circulation within and to/from the site. Access to/from the site shall be designed to minimize conflicts with traffic on adjacent streets. Shared curb cuts and service drives shall be utilized to reduce traffic conflicts and improve the site's functionality.
 10. The site plan must adequately provide for the health, safety, and general welfare of the persons and property on this site and in the neighboring community. The site plan and proposed buildings and uses must be reasonable and promote the goals and intent of this Ordinance. All site plan elements shall be designed to consider the site's topography, the size and type of lot involved, the character of the adjoining properties, and the type and size of buildings. The site shall be developed not to impede the normal and orderly development or improvement of surrounding properties for uses permitted in this Ordinance. The site plan must be harmonious with and not harmful to existing and projected uses in the immediate area.
- D. To ensure safe and efficient traffic movement, the Planning Commission shall approve the designation of entries and exits, the direction of traffic flow through off-street parking areas and drives, the number and location of driveways onto a public street, and the use of existing cross-access sites on adjacent properties to decrease congestion on roadways. According to such approval, the Planning Commission may call upon the Newaygo County Road Commission, Newaygo County Sheriff's Office, Township Engineer, MDOT, or other such parties to provide professional expertise on traffic circulation and safety matters. The Township may also require the applicant, at the applicant's expense, to submit a traffic study completed by a qualified transportation engineer.
- E. Upon approval of the plan, the Planning Commission Chairperson shall sign and date the site plan. The signed site plan shall serve as the official site plan on matters of interpretation and enforcement.
- F. Approval of a site plan may include the attachment of reasonable conditions. This includes site plans approved by the Planning Commission and, as applicable, the Zoning Administrator. Reasonable conditions may include but are not limited to conditions necessary to ensure compatibility with adjacent land uses, promote land use in a socially and commercially desirable manner, protect the natural environment, and conserve natural resources. Conditions imposed shall meet the following requirements:
1. Be designed to protect the health, safety, welfare, and natural resources and the social and economic well-being of those using the land or activity under consideration, but adjacent residents, landowners, and the community as a whole.

2. Be necessary to meet the intent and purpose of this Ordinance and be essential to ensure compliance with the standards therein. Conditions imposed shall be recorded in the record of the approved action and shall remain unchanged except by mutual consent of the body from which said conditions were authorized. The Township shall maintain a record of conditions that are changed.
- G. A financial guarantee may be required to ensure conformance with an approved site plan and any attached conditions.

Section 3.43 Solar Energy Systems:

SOLAR ENERGY COLLECTOR OR SYSTEM: A system or facilities (including solar collector surfaces, panels, and/or ancillary solar equipment) either affixed to a permanent principal or accessory building or functioning as a freestanding structure that collects, stores, and/or distributes solar energy for heating or cooling, generating electricity, or heating water. Solar Energy Systems include but are not limited to, photovoltaic (PV) power systems and solar thermal systems.

The following definitions shall apply to solar energy provisions in this Ordinance:

1. Ancillary Solar Equipment: Any accessory part or device of a solar energy system that does not require direct access to sunlight, such as batteries, electric meters, converters, or water heater tanks.
2. Property Owner or Lessor: Any person, agent, firm, corporation, limited liability company, or partnership that alone, jointly, or severally with others: (1) has legal or equitable ownership or title to any lot, premises, dwelling, or dwelling unit, with or without accompanying actual possession thereof; or (2) has charge, possession, care, or control of any premises, lot, dwelling or dwelling unit, as an agent of the owner or as executor, administrator, trustee, or guardian of the estate of the beneficial owner. The person shown on the records of the Newaygo County Register of Deeds to be the owner of a particular property shall be presumed to be the person who owns or is in control of that property.
3. Solar Collector Surface: Any part of a solar energy system that absorbs solar energy for the system's transformation process. The collector surface does not include frames, supports, and mounting hardware.
4. Solar Energy: Radiant energy received from the sun that can be collected in the form of heat or light by a solar energy system.

5. Building-Mounted Solar Energy Collector: A solar energy collector attached to the roof or wall of a building, or which serves as the roof, wall, or other elements in whole or in part of a building. This also includes building-integrated photovoltaic systems ("BIPV").
6. Ground-Mounted Solar Energy Collector: A solar energy collector not attached to and is separate from any building on the lot on which the solar energy collector is located.
7. Small-Scale Solar Energy System: A solar energy collector primarily intended to provide energy for on-site uses and to provide power for use by owners, lessees, tenants, residents, or other occupants of the lot on which it is located. It may comprise building-integrated photovoltaic systems ("BIPV"), ground-mounted solar energy collectors, and/or building-mounted solar energy collectors.
8. Photovoltaic System: A collection of solar panels and related equipment and components that convert light or heat into electrical power.
9. Utility Scale Solar Energy System: A solar energy system that meets one or more of the following:
 - a. It is primarily used for generating electricity or heat for sale and/or distribution off-site to an authorized public utility or other firms for use in the electrical grid;
 - b. The total surface area of all solar collector surfaces exceeds 1,500 square feet; and/or
 - c. It is not considered an accessory use or structure by the Township Zoning Administrator.

A. SOLAR ENERGY SYSTEMS, SMALL-SCALE

Applicability. This Section applies only to any system of small-scale solar energy systems. This Section does not apply to solar energy collectors mounted on fences, poles, or on the ground with collector surface areas less than five (5) square feet and mounted less than five (5) feet above the ground, nor does this Section apply to the larger utility-scale solar energy systems, which are regulated in Section 3.43 subsection (B) of this Ordinance. Nothing in this Section shall be construed to prevent the sale of limited excess power through a net billing or net-metering arrangement.

1. General requirements.

- a. Permit Required. No small-scale solar energy system shall be installed or operated except in compliance with this Section. A zoning permit shall be obtained from the Zoning Administrator prior to the installation of a small-scale solar energy system.
- b. Applications. In addition to all other required application contents as listed in Section 3.42, equipment and unit renderings, elevation drawings, and site plans depicting the location and distances from all lot lines and adjacent structures shall be submitted along with the zoning permit application for review by the Zoning Administrator in a hard copy and electronic form designated by the Township.
- c. Glare and Reflection. The exterior surfaces of solar energy collectors shall generally be neutral in color and substantially non-reflective of light. Such collectors shall not be installed or located so that sunlight or glare is reflected into neighboring dwellings or onto adjacent roads.
- d. Installation.
 - i. A small-scale solar energy system shall be permanently and safely attached to the ground, structure, or building. Solar energy collectors, and their installation and use, shall comply with all building codes and all other applicable Township and state requirements.
 - ii. Small-scale solar energy systems shall be installed, maintained, and used only in accordance with the manufacturer's specifications. Upon request, a copy of such specifications shall be submitted to the Township prior to installation.
- e. Power Lines. On-site power lines between solar panels and inverters shall be installed and maintained underground pursuant to applicable building and electrical codes.
- f. Abandonment and Removal. A solar energy system that ceases to produce energy on a continuous basis for twelve (12) months or longer will be considered abandoned unless the responsible party with an ownership interest in the system provides substantial evidence to the Township every six (6) months (after the twelve (12) months of no energy production) of the intent to maintain and reinstate the operation of that system. The responsible party shall remove all equipment and facilities and restore the lot to its condition prior to the installation of the system within one (1) year of abandonment.

2. Building-Mounted Solar Energy Collectors. Subject to the following conditions, these systems may be established as accessory uses to principal uses in all zoning districts.
 - a. Maximum Height. The maximum height permitted in the zoning district in which the building-mounted solar energy systems are located shall not be exceeded by more than three (3) feet by such collectors.
 - b. Obstruction. Building-mounted solar energy collectors shall not obstruct or impede solar access to adjacent properties.
3. Ground-Mounted Solar Energy Collectors. These systems are permitted in all zoning districts subject to the following conditions.
 - a. Rear and Side Yards. The equipment and collectors may be located in the rear or side yards but shall be subject to the setbacks for accessory structures.
 - b. Front Yard. The equipment and collectors may be located in the front yard only if located no less than one hundred (100) feet from the front lot line.
 - c. Obstruction. Ground-mounted solar energy collectors shall not obstruct or impede solar access to adjacent properties.
 - d. Vegetation. All vegetation underneath solar energy infrastructure shall be properly maintained not to block access to solar collectors.
 - e. Maximum Number.
 - i. Residential uses. There shall be no more than one (1) ground-mounted solar energy collector system per principal building on a lot.
 - ii. Agricultural, Commercial, and Industrial uses. There is no limit to the number of ground-mounted solar energy collectors on a lot.
 - f. Maximum Size.
 - i. Residential uses. There shall be no more than one percent (1%) of the lot area, up to a maximum of one thousand five hundred (1,500) square feet, of collector panels on a ground-mounted solar energy system.
 - ii. Agricultural, Commercial, and Industrial uses. There shall be no more than ten thousand (10,000) square feet of collector panels per lot on a ground-mounted solar energy system.

- g. Maximum Height.
 - i. Residential uses. The maximum height shall be nine (9) feet, measured from the natural grade below the equipment or collector to the highest point at full tilt.
 - ii. Agricultural, Commercial, and Industrial uses. The maximum height shall be sixteen (16) feet, measured from the natural grade below the equipment or collector to the highest point at full tilt.
- h. Minimum Lot Area. One (1) acre shall be the minimum lot area required to establish a ground-mounted solar energy system.
- i. Screening. Screening shall be required in cases where a ground-mounted solar energy collector impacts views from adjacent residential properties. Screening methods may include the use of material, colors, textures, screening walls, and landscaping that will blend the unit into the natural setting and existing environment.
- j. Limits. Applicants requesting ground-mounted solar energy systems shall demonstrate the system's projected electricity generation capability to the Township, and the system shall not regularly exceed the power consumption demand of the principal and accessory land uses on the lot. However, larger systems may be approved by the Planning Commission if a greater electricity need is demonstrated to power on-site buildings and uses.

B. SOLAR ENERGY SYSTEMS, UTILITY-SCALE

Applicability. This Section applies to any system of utility-scale solar energy systems. This Section does not apply to solar energy collectors mounted on fences, poles, or on the ground with collector surface areas less than five (5) square feet and mounted less than five (5) feet above the ground, nor does this Section apply to the smaller scale solar energy systems, which are regulated in Section 3.43 subsection (A) of this Ordinance.

- 1. Utility-scale solar energy systems, when authorized as a special land use by the Planning Commission, are subject to all of the following requirements:
 - a. Site Plan Required. An application for special land use approval for a Utility-Scale Solar Energy System shall include a site plan in accordance with Article 14 – Special Land Uses. In addition to the information required for site plan approval in Section 3.41, all applications must also include all of the following:

- i. Equipment and unit renderings.
 - ii. Elevation drawings.
 - iii. Setbacks from all property lines and adjacent structures.
 - iv. Notarized written permission from the property owner authorizing the Utility Scale Solar Energy System.
 - v. Access driveways within and to the LSES, together with a detailed narrative regarding each proposed driveway's dimensions, composition, and maintenance.
 - vi. Planned security measures to prevent unauthorized trespass and access.
 - vii. A written description of the maintenance program to be used for the utility-scale solar energy system and other components, including decommissioning and removal.
 - viii. All additional plans and requirements set forth in this Section and any other information required by the Township.
- b. Special Land Use Approval; Permits. Utility-scale solar energy systems require special land use approval. In addition, no utility-scale solar energy system shall be constructed, installed, operated, maintained, or modified as provided in this Section without first obtaining all applicable approvals and permits. The construction, installation, operation, maintenance, or modification of all utility-scale solar energy systems shall be consistent with all applicable local, state, and federal requirements, and all buildings and structures that comprise a utility-scale solar energy system shall be constructed, installed, operated, and maintained in strict accordance with the Michigan Building Code and the National Electric Safety Code. Components of a solar energy system shall be approved by the Institute of Electrical and Electronics Engineers ("IEEE"), Solar Rating and Certification Corporation ("SRCC"), Electronic Testing Laboratories ("EIL"), or other similar certification organizations.

In addition to the other requirements and standards of this Ordinance, the Planning Commission shall not approve a special land use for a utility-scale solar energy system unless all of the standards for a special land use contained in Section 9.4 of this Ordinance are met and also that all of the following additional standards are also met. These standards follow:

- i. If there are existing or proposed utility-scale solar energy systems within 1 mile of another, the proposed new utility-scale solar energy system will not unreasonably visually dominate the area or horizon.
 - ii. The presence of the proposed utility-scale solar energy system shall not substantially change the aesthetic views and visual horizons of the area.
 - iii. The proposed utility-scale solar energy system will not substantially decrease the fair market value of any parcels, or lots located within 2 miles of the location of the proposed utility-scale solar energy system. There is a presumption that this standard will not be met if the fair market value of any lot or parcel within 2 miles of the proposed utility-scale solar energy system (except for the lot or parcel of which the system will be located) would decrease in fair market value by more than 10% due to the presence of the utility-scale solar energy system.
 - iv. The presence of the utility-scale solar energy system would not unreasonably distract drivers and vehicles traveling on adjacent or nearby roads.
 - v. The proposed utility-scale solar energy system will not change the essential character of the area or the neighborhood where the system would be located.
- c. Lot Area. Utility-scale solar energy systems shall be located on a lot at least five (5) acres in size.
 - d. Coverage. All commercial solar energy systems, as combined or aggregated, shall not cover more than ten percent (10%) of the total ground area in the Township.
 - e. Setbacks. All Solar Panels, buildings, and structures are required to be located at least 125 feet from any occupied dwelling and its associated accessory structures and at least 75 feet from any other non-participating property line or right-of-way line of any highway, road, or street. All solar panels, buildings, and structures shall not be located within any established County drain or in any right-of-way or easement unless the Planning Commission formally agrees to special provisions and with the Drain Commissioner or other affected property owners so as not to impede/obstruct access along the County drain or right-of-way or easement. When the utility-scale

solar energy system is proposed on multiple contiguous parcels, the setbacks shall be only required to be maintained along a property line where a participating parcel within the solar energy system is located contiguous to a non-participating parcel. The Planning Commission may require greater setbacks if it is determined that greater separation would better protect adjacent residents and property owners.

- e. Height. Utility-scale solar energy systems shall not exceed sixteen (16) feet in height, measured from the natural grade below the collector or equipment to the highest point at full tilt.
- f. Noise. Noise emanating from the solar energy collector system shall not exceed 50 decibels (dBA) as measured from any property line.
- g. Screening. The Planning Commission may require a utility-scale solar energy system to be screened from adjoining residential properties or public rights-of-way. Screening methods may include the use of material, colors, textures, screening walls, fencing, berms, landscaping, and/or natural vegetation that will blend the facility into the natural setting and existing environment.
- h. Glare and Reflection. The exterior surfaces of utility-scale solar energy collectors shall generally be neutral in color and substantially non-reflective of light. A solar collector surface shall not be installed or located so that sunlight or glare is reflected into neighboring residences or adjacent streets.
- i. Location. Solar energy systems shall be located in the area least visibly obtrusive to adjacent residential properties and roads while remaining functional.
- j. Obstruction. Solar energy systems shall not obstruct or impede solar access to adjacent and neighboring properties.
- k. Power lines. On-site power lines between all structures, ancillary equipment, and inverters shall be installed and maintained underground.
- l. Fencing. For the purpose of restricting unauthorized access to the site, the Planning Commission may require that the perimeter of a utility-scale solar energy system be fenced in with at least a six (6) foot-tall high fence.
- m. Lighting. All lighting for parking lots, driveways, external illumination of buildings, or the illumination of signs shall be directed away from

and be shielded from adjacent properties and shall be so arranged as not adversely to affect driver visibility on adjacent public roads.

- n. Signs. Signs are required as part of the utility-scale solar energy system to provide the public with general information about the facility's knowledge and safety. The Planning Commission shall determine the design, size, height, and location of said signs. Such signs shall only contain emergency contact numbers and information related to the utility-scale solar energy system, including the information required by Article 7 below. Other commercial speech is not permitted.
- o. Roads. Any material damages to a public road located within the Township resulting from the construction, maintenance, or operation of an LSES shall be repaired at the Landowner and the applicant's expense. In addition, the applicant shall submit to the appropriate County agency a description of the routes to be used by construction and delivery vehicles; any road improvements that will be necessary to accommodate construction vehicles, equipment, or other deliveries. Finally, the applicant shall abide by all County requirements regarding the use and/or repair of County Roads.
- p. Inspection. The Township shall have the right at any reasonable time to provide a twenty-four (24) hour notice prior to the desired inspection to the applicant to inspect the premises on which any utility-scale solar energy system is located. The Township may hire one or more consultants, with approval from the applicant (which approval shall not be unreasonably withheld), to assist with inspections at the applicant's or project owner's expense. Inspections must be coordinated with and escorted by the applicant's operations staff at the utility-scale solar energy system to ensure compliance with the Occupational Safety and Health Administration (OSHA), NESC, and all other applicable safety guidelines.
- q. Operation and Maintenance Plan. The applicant shall submit a plan to the Township for the operation and maintenance of the utility-scale solar energy system, which shall include measures for maintaining safe access to the installation and stormwater controls and general procedures of operational maintenance of the installation, as applicable.
- r. Emergency Services. Upon request by the Township, the owner/operator of the utility-scale solar energy system shall cooperate with local emergency services in developing an

emergency response plan. The plan shall clearly mark all means of shutting down the solar energy system. The owner/operator shall identify a current responsible person for public inquiries throughout the life of the installation. An information sign shall be posted and maintained at the entrance(s), which lists the operator's then-current name, phone number, and email address.

- s. Maintenance. The utility-scale solar energy system owner/operator shall always maintain the facility in a good and safe condition, including the screening vegetation, walls, fences, and ground cover. Maintenance shall also include, but not be limited to, structural repairs, safety-related upgrades, and integrity of security measures. Any scrap material and/or junk storage shall not occur or be kept on the lot except during the construction or decommissioning process. Site access roads or drives shall at all times be reasonably maintained and to a level acceptable to local emergency services personnel. The owner/operator shall be responsible for the cost of fully maintaining the solar photovoltaic installation and any access road(s).
- t. Decommissioning.
 - i. A decommissioning plan shall be required and approved by the Planning Commission to ensure that the utility-scale solar energy system is properly removed after its useful life. Said plan must be filed with the Township Clerk prior to the commencement of construction of the LSES. The plan shall include provisions for removing all structures and foundations, restoring soil to a depth of 36 inches, and restoring vegetation, the timeframe for completion of decommissioning activities, estimated costs, and a plan ensuring financial resources will be available to decommission the site fully.
 - ii. Any utility-scale solar energy system that has reached the end of its useful life or has not operated continuously for one (1) year or longer shall be fully removed. The parcel owners shall be required to restore the site to its prior state. The owner/operator shall physically remove the installation no more than one hundred and fifty (150) days after the date of discontinued operations.
 - iii. The owner/operator shall notify the Township directly or by certified mail of the proposed date of discontinued operations and plans for removal.

- iv. If the owner/operator fails to remove the installation in accordance with the requirements of this Section within 150 days of abandonment or the proposed date of decommissioning, the Township may enter the property and physically remove all of the solar energy system and facilities and charge the cost back to the owner(s) of the lot.
- v. Removal of the solar energy system and facilities shall consist of all of the following:
- vi. Physical removal of all aboveground or underground utility-scale solar energy systems, structures, equipment, security barriers, and transmission lines from the site to a depth of at least 36 inches.
- vii. Disposal off-site of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.
- viii. Restoration and stabilization or re-vegetation of the site as necessary to minimize erosion.
- u. Financial Guarantee. The applicant for a utility-scale solar energy system shall provide the Township a form of monetary surety or security through an escrow account, letter of credit, bond, or other instruments acceptable to the Township Attorney. The purpose of the surety or security is to cover the cost of removal of the utility-scale solar energy system in the event the owner/operator does not fully remove the solar energy system, and facilities or the Township must remove the same. The amount of the financial surety or security shall not exceed more than 125 percent of all costs of removal and compliance with the additional requirements set forth herein. The estimated costs of removal shall be submitted by the applicant to the Township and be prepared by a qualified engineer. The surety or security shall be subject to review and approval by the Planning Commission and the Township Attorney and shall be a condition of special land use approval. The amount of the surety or security shall increase by the Federal CPI every five years and shall remain in place for the length of the lease/contracts and until decommissioning is complete to the satisfaction of the Township. If the Township is required to enforce the guarantee or otherwise take legal action to enforce compliance with this paragraph, then the Township shall be entitled to recovery of any and all costs and expenses, including attorney fees.

- v. Responsibility. If the owner of the utility-scale solar energy system is different than the Landowner(s), then both such owner and the Landowner(s) shall be jointly and severally responsible for complying with all Ordinance requirements and special land use conditions.

Section 3.44 Swimming Pools:

Swimming pools may be installed in any district as an accessory use. However, unless more stringent standards are required by local building and/or health codes, all pools must meet the following criteria:

- A. Swimming pools shall meet all the required setback distances of the zoning district where they will be constructed.
- B. Pools shall not be permitted in the front yard.
- C. As amended, all swimming pools must contain a gated and secured fence or locking safety cover per the State of Michigan Building Code.

Section 3.45 Sewer and Water:

Where municipal utility services are available, no building permit shall be issued for any building to be occupied by human beings, in whole or in part, for residential, commercial, industrial, or recreational purposes unless provisions have been made to install public sewers and water services to such building. In the absence of public water and sewer, no building permit shall be issued for any such building unless adequate provisions have been made for a safe water supply and sewage disposal system. Evidence of compliance with the requirements of the Newaygo County Health Department shall accompany the application for a building permit. The Planning Commission shall grant no outhouse or outdoor privy for residential purposes. No sewage (raw or processed) containing human or industrial waste shall be spread or deposited on or within any land unless approved by the Township as special land use. This section shall not apply to underground septic systems approved by Newaygo County.

Section 3.46 Temporary Buildings:

Temporary buildings for uses incidental to construction work is allowed on active work sites with a permit from the Zoning Administrator, and all debris shall be removed within fifteen (15) days after the completion or abandonment of the work.

Section 3.47 Traffic Visibility Across Corners (Clear Vision Corners):

No fence, structure, or planting over thirty (30) inches in height shall be planted or erected on the street side of a line drawn between two (2) points, each being twenty (20) feet from the intersection of the right-of-way of two (2) intersecting streets. In addition, no fence, structure, or planting over thirty (30) inches in height shall be planted in the area of a line drawn between the two (2) points, each being ten (10) feet from the intersection of a public or private right-of-way and a driveway.

Section 3.48 Walls and Fences:

- A. Walls not more than four (4) feet in height and not more than twenty-five percent (25%) in density (75% open) are permitted in all districts.
- B. Solid walls and fences not more than six (6) feet in height are permitted only in the side or rear yards up to the minimum front yard setback requirement for the district. Only a 4-foot fence may be erected in the front yard minimum setback area to the right-of-way line except for required clear vision corners (traffic visibility corners).
- C. Security fences and walls may be erected around the property's perimeter in commercial and industrial districts up to the minimum setback line except for required clear vision corners (traffic visibility corners).
- D. No fence shall exceed six (6) feet in height in the residential or agricultural districts unless the Planning Commission issues a special land use permit for a greater size.

Section 3.49 Wind Energy Systems:

This ordinance aims to establish standards and procedures by which the installation, maintenance, use, and operation of a Wind Energy System (WES) shall be regulated by the Township to promote the safe, effective, and efficient use of wind energy.

- A. Wind Energy Systems (WES) shall mean any of the following meanings for this Section and this Ordinance.
 - 1. Wind Energy System (WES) shall mean any combination of the following:
 - a. A mill or machine operated by wind acting on oblique vanes, blades, or sails that radiate from a horizontal shaft.

- b. A surface area such as a blade, rotor, or similar device (either variable or fixed) for utilizing the wind for electrical or mechanical power.
- c. A shaft, gearing, belt, or coupling converts the surface area's rotation into a form suitable for driving a generator, alternator, or other electricity-producing devices.
- d. The generator, alternator, or other device converts the surface area's mechanical energy into electrical energy.
- e. The tower, pylon, or other structure upon which any, all, or the same combination of the above are mounted.
- f. A building or equipment accessory thereto.
- g. (Notwithstanding the above, a windmill traditionally used to pump water for on-site use shall not be considered a Wind Energy System.)
- h. Nacelle – In a wind turbine, the nacelle refers to the structure which houses all generating components, gearbox, drive train, and other components.
- i. Anemometer – A temporary wind speed indicator constructed for testing and/or analyzing the potential for a wind energy system at a given site.
- j. Decibel – The unit of measure used to express the magnitude of sound pressure and intensity. Decibels shall be measured on the dB(A) weighted scale defined by the American National Standards Institute (ANSI).
- k. Decommissioning – Terminating operation and completely removing a WES and all related buildings, structures, foundations, access roads, and equipment.
- l. Shadow Flicker – The moving shadow created by the sun shining through the rotating blades of a WES. The amount of shadow flicker created by the WES is calculated by a computer model that considers turbine location, elevation, tree cover, location of all structures, wind activity, and sunlight.

- m. Tower – A free-standing monopole that supports a WES.
 - n. Ambient Sound Level – The amount of background noise at a given location before installing a WES, which may include, but is not limited to, traffic, machinery, lawnmowers, human activity, and the interaction of wind with the natural landscape. The ambient sound level is measured on the dB(A) weighted scale defined by the American National Standards Institute (ANSI).
 - o. On-site Wind Energy System – These are systems that are an accessory use to a residence or a principal use that would serve the consumer at that site or could also serve power to adjacent properties under the same ownership or control as the property where the structure is located, or by mutual consent of the owners of neighboring properties.
 - p. Utility Grid – A WES designed and constructed to provide electricity to the electric utility grid.
 - q. Wind Farm – A cluster of two or more wind energy systems placed upon a lot or parcel intending to sell or provide electricity to a site or location other than the premises upon which the WES is located. The WES may or may not be owned by the owner of the property upon which the WES is placed.
 - r. Structure Mounted Wind Energy Systems – A WES mounted or attached to an existing structure or building.
 - s. Wind Turbine – A device that converts the wind (or wind power) into electricity. Alternately, a turbine that is powered by the wind.
- B. On-Site Small Wind Energy Systems (SWES) 80 Feet and Under. A Small Wind Energy System (SWES) is a tower-mounted system anemometer, or a tower mounted on a structure's roof or alongside a structure that converts wind energy into electricity through the use of equipment that includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, vane, wire, inverter, batteries, or other components used in the system.
- 1. An on-site small wind energy system (SWES) is an accessory used for a residence or a primary use that would serve the consumer at that site or could also serve power to adjacent properties under the same ownership

or control as the property where the structure is located, or by mutual consent of the owners of neighboring properties.

2. A SWES shall be considered a permitted use in all zoning districts. It shall require zoning approval from the Township Zoning Administrator and a building permit from the Newaygo County Building Department (or successor) before any construction, installation, or modification of the SWES. If the SWES is located within the Grant Airport Approach Protection Plan, approval from MDOT, the Bureau of Aeronautics, and the Freight Services Airport Division are also required.
3. The total height of a SWES shall not exceed eighty (80) feet measured from the ground to the vertical extension of any blade or the maximum height reached by any part of the SWES. If the SWES is a structurally mounted system, it shall be measured from the ground with the same requirements.
4. All setbacks (front, rear, and side yard setbacks) for the SWES shall be the height of the system plus the setback of the zoning district in which it is located. If the SWES has guy wires, the guy wires may not be located in any required setbacks of the zoning district, and the guy wires shall be visible to the height of a least ten (10) feet above the guy wire anchors.
5. If more than one SWES is located on a parcel or lot, the distance between systems shall be the height of the tallest system measured from the ground to the vertical extension of any blade or the maximum height reached by any part of the SWES (e.g., if there are two towers and the tallest of the two tower systems is 75 feet to the highest portion of the blade when vertical, then the towers would need to be at least 75 feet apart.)
6. The distance between the SWES and any structure must be at least twenty (20) feet.
7. The ground blade clearance for the SWES and any structure must be at least twenty (20) feet above the ground when the blade or other exposed moving component is at its lowest extension. The clearance for a structural mounted system shall be at least eight (8) feet to the point of attachment measured from the furthest outward extension of all moving parts or lower if the design of the blades or moving parts does not present a safety hazard.

8. If the SWES is located near a public right-of-way, public easement, county drain, private road, overhead public utility lines, or any other public entity, the setback of the system from the way, item, or easement shall be at least equal to the height of the system plus the setback of the zoning district involved.
9. If the SWES is an anemometer, it shall be allowed to remain for no more than twelve (12) months on the parcel or lot involved, after which it must be removed.
10. The sound pressure level for the SWES shall not exceed 55 dB(A) as measured at the property line closest to the SWES. This sound pressure level may be exceeded only during short-term events such as a severe wind storm. If the ambient sound pressure level exceeds 55 dB(A), the standard shall be the ambient sound dB(A) plus 5 dB(A).
11. If a shadow flicker occurs, the applicant must eliminate or minimize the shadow flicker by screening or other measures as approved by the Township.
12. The SWES must be decommissioned if the SWES is unused for twelve (12) successive months or longer (which shall be deemed abandonment). The property owner shall dismantle and remove the SWES from the property within six (6) months after abandonment at the property owner's expense.
13. Should an aggrieved property owner allege that a SWES is not in compliance with the noise or shadow flicker requirements of this Ordinance, the procedure shall be as follows:
 - a. Noise Compliant.
 - i. If the complaint is deemed sufficient by the Township to warrant an investigation, the Township will request the aggrieved property owner to deposit funds with the Township in an amount adequate to pay for a noise level test conducted by a certified acoustic technician to determine compliance with the requirements of this Ordinance.
 - ii. If the test indicates that the noise level is within the Ordinance noise requirements, the Township will use the

deposit to pay for the test without reimbursement to the aggrieved property owner.

- iii. If the SWES owner violates the Ordinance noise requirements, the owner of the SWES shall reimburse the Township for the noise level test and take immediate action to bring the SWES into compliance which may include ceasing the operation of the SWES until Ordinance violations are corrected. In addition, the Township will refund the deposit to the aggrieved property owner.

b. Shadow Flicker Complaint.

- i. Any aggrieved property owner shall notify the Township in writing regarding concerns about the amount of shadow flicker.
- ii. If the complaint is deemed sufficient by the Township to warrant an investigation, the Township will request the owner of the SWES to provide a shadow flicker analysis of the turbine as constructed to determine compliance with the requirements of this Ordinance.
- iii. If the SWES owner violates the Ordinance shadow flicker requirements, the owner must take immediate action to bring the SWES into compliance which may include ceasing the operation of the SWES until the Ordinance violations are corrected.
- iv. Notwithstanding the above, the Township may initiate its investigation at the Township's expense (to be reimbursed to the Township by the owner of the SWES if a violation is discovered).

14. Design and safety requirements for SWES.

- a. Every SWES shall have an exterior surface comprised of a non-reflective, non-obtrusive color of gray or white.
- b. No advertising, signs, lights, decorative items, reflectors, flashers, flags, TV antennas, satellite dishes, or any other illumination shall

occur on a SWES unless the FAA or other applicable government authority requires it.

- c. A copy of the manufacturer's installation and blueprints shall be given to the Township.
- d. The applicant must comply with all state construction and electrical codes related to towers, local building permit requirements, and all manufacturer's installation instructions.
- e. Vibrations shall not be produced which are humanly perceptible beyond the property line on which the SWES is located.
- f. The Township shall require written proof that the applicant has sufficient liability insurance.
- g. The SWES shall not interfere with any communications systems such as but not limited to, radio, telephone, television, satellite, or emergency communication systems. If this occurs, the SWES must be removed.
- h. The structural integrity of the SWES shall always conform to the design standards of the International Electrical Commission, Wind Turbine Safety Design, and/or Small Wind Turbine Safety, Wind Turbine Certification, and Blade Structural testing or other similar standards.
- i. The SWES must be kept in good condition and routinely maintained at all times, not posing a potential safety hazard.
- j. The Township shall be provided with evidence in writing that the utility company has been notified of the SWES owner's intent to install a backup generator for the SWES and has been approved by the utility company.
- k. One sign two square feet in area shall be posted at the tower's base containing the following information: emergency phone numbers, emergency shutdown procedures, and "warning high voltage."
- l. Every SWES shall have lightning protection, which is always kept in good condition and well-maintained.

- m. Every SWES shall have a manual and automatic braking device capable of stopping the SWES blade in high winds, which shall be always kept in good condition and well-maintained.
- n. All electrical lines to the SWES must be underground.
- o. Trucks hauling wind turbine parts shall travel only on roads approved by the Newaygo County Road Commission and the Township Planning Commission. Also, a surety bond from the SWES owner for road use may be required by the Township.

C. **On-Site Medium Wind Energy Systems (MWES) Between 80 – 150 Feet.** A

Medium Wind Energy System (MWES) is a tower-mounted or a structure-mounted wind energy system that converts wind energy into electricity through the use of equipment that includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, vane, wire, inverter, batteries, or other components used in the system.

- 1. A Medium Wind Energy System (MWES) may be On-Site Use, Utility Grid Wind Farm, Anemometer Tower (MET), and any structural mounted system.
- 2. An MWES shall require special land use approval in all zoning districts. In addition, if the MWES is located within the Grant Airport Approach Protection Plan, consent from MDOT, the Bureau of Aeronautics, and the Freight Services Airport Division is also required.
- 3. The total height of the MWES may not exceed one hundred and fifty (150) feet measured from the ground to the vertical extension of any blade or the maximum height reached by any part of the wind energy system. If the MWES is a structurally mounted system, its height shall be measured from the ground with the same requirements as stated above.
- 4. All setbacks (front, rear, and side yard setbacks) for the MWES are equal to the height of the system plus the setback of the zoning district in which it is located. If the MWES has guy wires, the guy wires shall not be located in the setbacks of the zoning district, and the guy wires shall be visible to the height of at least ten (10) feet above the guy wire anchors.
- 5. If more than one MWES is located on a parcel or lot, the distance between systems shall be equal to at least the height of the tallest system (for

example: if there are two towers and the tallest of the two systems is 100 feet to the height of the blade in a vertical position, then the two towers would need to be at least 100 feet apart).

6. The distance between the MWES and any structure shall be at least twenty (20) feet.
7. The ground clearance for the MWES shall be at least twenty (20) feet above the ground when the blade or other exposed moving component is at its lowest extension. The clearance for a structural mounted system shall be at least eight (8) feet to the point of attachment measured from the furthest outward extension of all moving parts.
8. If an MWES is located near a public right-of-way, public easement, private road, county drain, overhead public utility lines, or any other public entity, the setback for the system from such way, item, or easement shall be at least the height of the tower.
9. If the MWES utilizes multiple parcels or lots, the setbacks shall be measured from the outside boundary of the parcels or lots.

D. **On-Site Large Wind Energy System (LWES) Over 150 Feet.** A Large Wind Energy System (LWES) is a tower-mounted wind energy system that converts wind energy into electricity through the use of equipment that includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, vane, wire, inverter, batteries, or other components used in the system.

1. A Large Wind Energy System (LWES) may be On-Site Use, Utility Grid, Wind Farm, or Anemometer Tower (MET).
2. An LWES shall require special land use approval in all zoning districts. In addition, if the LWES is located in the Grant Airport Protection Plan, consent from MDOT, the Bureau of Aeronautics, and the Freight Services Division is also required.
3. The minimum height for an LWES is over one hundred and fifty (150) feet.
4. The design of the LWES shall incorporate a tubular tower designed to collapse, fall, curl, or bend within a distance or zone shorter than the height of the LWES. No guy wires may be attached or used on an LWES.

5. The setback for the LWES must be at least 1.5 times the tower height measured from the tower's base to the nearest occupied building on the same parcel as the LWES.
6. The SWES setback from the front, rear, and side lot lines must be at least 1.5 times the tower's height. The setback of an LWES from a public road must be at least 400 feet or 1.5 times the height of the tower, whichever is greater.
7. The LWES setback from communication and overhead electrical lines shall be at least 1.5 times the total tower height or the requirement of the utility entity determined from the existing power line or telephone line, whichever is greater.
8. The ground clearance for the LWES shall be at least fifty (50) feet above the ground when the blade or other exposed moving component is at its lowest extension.
9. If the LWES utilizes multiple parcels or lots, the setbacks shall be measured from the outside boundary of the parcels or lots.
10. If an access road is needed, it shall be constructed to Grant Township Private Road Standards for 1-2 parcels or lots.
11. The distance between LWES shall be at least 1.5 times the height of the tallest LWES.

E. Design and Safety Requirements of the MWES.

1. The design of each MWES shall comply with all applicable industry standards.
2. The exterior of each MWES (including the accessory buildings and other related structures) must be non-reflective and non-obtrusive in color (only white or gray). All towers should look similar if multiple towers are located on a parcel or lot. The towers and structures must all be maintained in good condition and well maintained at all times.
3. The structures shall not be artificially lighted unless required by the FAA or other applicable governmental authority or as necessary for reasonable safety and security.

4. The structures are not to be used for displaying advertising, decorative items, reflectors, flashers, streamers, flags, TV antennas, or satellite dishes, except for a sign for the reasonable identification of the system's manufacturer.
5. If the system is to be connected to the public utility system for net metering purposes, it shall meet all the requirements for interconnection and operation for the public utility, and the appropriate public utility shall inspect the connection. The Township shall be presented with evidence in writing that the utility company has been notified of the intent to install a generator and has approval from the utility company.
6. The system shall have automatic braking and a manual governing system to prevent uncontrolled rotation. Such items shall be always kept in good condition and well-maintained.
7. All spent lubricants, cooling fluids, and other hazardous materials shall promptly be removed from the site.
8. Utility connections shall be underground.
9. All systems shall have lightning protection, which shall be always kept in good condition and well-maintained.
10. Construction Codes, Interconnection Standard Federal, State, and Township Codes.
11. Every system shall comply (at all times) with every State of Michigan construction and electrical code related to towers, local building permit requirements, and all manufacturer's installation instructions.
12. There must be compliance at all times with the Federal Aviation Administration requirements.
13. As amended, there must be compliance (at all times) with the Michigan Airport Zoning Act, Public Act 23 of 1950.
14. As amended, there must be compliance (at all times) with the Michigan Tall Structures Act, Public Act 259 of 1959.
15. There must be compliance (at all times) with the Grant Township Airport Approach Protection Plan.

16. There can be no interference with any private landing strip.
17. An interconnected on-site use wind energy system shall comply with the Michigan Public Services Commission and the Federal Energy Regulatory Commission standards. Off-grid systems are exempt from this requirement.
18. All systems shall comply with this Ordinance at all times.
19. The system shall be designed and maintained to prevent unauthorized access and must comply with one of the following provisions.
20. Tower climbing apparatus shall not be located within twelve (12) feet of the ground.
21. A locked anti-climb device shall be installed and maintained; or
22. A locked fence shall fully enclose a tower capable of being climbed.
23. Each system shall have one sign, not to exceed two (2) square feet in area, posted on the tower's base or the proximity fence if applicable. The sign shall contain at least all of the following:
 - a. The wording: "Warning – High Voltage."
 - b. The manufacturer's and owner/operator's names
 - c. Emergency contact numbers (more than one)
24. A decommissioning plan shall be submitted to the Planning Commission for review and approval. The plan shall consist of a written description of the anticipated life of the system and facility, the estimated cost of decommissioning, the method of ensuring that funds will be available for decommissioning and restoration of the site, and removal and restoration procedures and schedules that will be employed if the WES becomes obsolete or abandoned. The time frame for removal shall be one (1) year after the last use date.
25. A WES shall be designed and placed in such a manner as to minimize adverse visual, vibration, and noise impacts on neighboring areas.

26. The Township shall have the right to inspect the premises at reasonable times with the property owner's permission upon approving the WES.
27. The WES operator shall maintain a current liability insurance policy covering installation and operation. A copy of the said policy shall be given to the Township to ensure compliance. The policy amount shall be a condition of the Township's approval.
28. The applicant shall provide the Township with a written description of the maintenance program to maintain the WES.
29. If special land use is approved, the Planning Commission may require monetary security in the form of a cash deposit, surety bond, or irrevocable letter of credit in the form, amount, and time duration with a financial institution deemed acceptable to the Township to ensure full compliance with the Ordinance and any conditions of approval.
30. Vibrations shall not be produced that are humanly perceptible beyond the property lines of the properties associated with the system.
31. The applicant shall demonstrate mitigation plans to minimize impacts to birds and other wildlife that may collide with rotor blades.
32. The plan for the access road to the WES facility shall be submitted to the Township for approval in detail, including dimensions, composition, and maintenance.
33. The system must not interfere with communication systems, such as but not limited to radio, telephone, television, satellite, or emergency community systems. If this occurs and cannot be rectified, the WES must be removed.
34. The system's structural integrity shall always conform to the design standards of the International Electrical Commission, Wind Turbine Safety Design, and/or Small Wind Turbine Safety, Wind Turbine Certification, Blade Structural testing, or other similar standards.
35. The system must be in good repair, well maintained, and not pose a potential safety hazard.
36. The Planning Commission may require the applicant to analyze potential shadow flickers. The analysis shall identify locations of any shadow flicker

that may occur and shall describe measures (such as screening) that shall be taken to eliminate or minimize the shadow flicker.

37. The sound pressure level for a WES shall not exceed 55 dB(A) at the property line located closest to the WES. This sound pressure level may be exceeded only during short-term events such as a severe wind storm. If the ambient sound pressure level exceeds 55 dB(A), the standards shall be ambient dB(A) plus 5 dB(A). If the WES is on more than one parcel or a lot, the sound pressure level shall be measured at the property line closest to the WES at the outside boundary of all property used.
38. Should an aggrieved property owner allege that a WES is not in compliance with the noise or shadow flicker requirements of this Ordinance, the procedure shall be as follows:
 - a. Noise Complaint
 - i. The aggrieved party shall notify the Township in writing regarding concerns about the noise level.
 - ii. If the complaint is deemed sufficient by the Township to warrant an investigation, the Township will request that the aggrieved property owner deposit funds with the Township in an amount adequate to pay for a noise level test conducted by a certified acoustic technician to determine compliance with the requirements of this Ordinance.
 - iii. If the test indicates that the noise level is within Ordinance noise requirements, the Township will use the deposit to pay for the test.
 - iv. If the WES owner violates the Ordinance noise requirements, the WES owner shall reimburse the Township for the noise level test and take immediate action to bring the WES into compliance, which may include ceasing the operation of the WES until Ordinance violations are corrected. In addition, the Township shall refund the deposit to the aggrieved property owner.
 - b. Shadow Flicker Complaint

- i. The aggrieved party shall notify the Township in writing regarding concerns about the amount of shadow flicker.
 - ii. If the complaint is deemed sufficient by the Township to warrant investigation, the Township will request the owner of the WES provide to the Township a shadow flicker analysis of the system as constructed to determine compliance with the requirements of this Ordinance.
 - iii. If the WES owner(s) violates the Ordinance shadow flicker requirements, the WES owner(s) must take immediate action to bring the WES into compliance, which may include ceasing the operation of the WES until the Ordinance violations are corrected.
- c. If the WES is an anemometer, it shall be permitted to remain for no more than twelve (12) months on the parcel or lot involved, after which it must be removed from the site.
- d. A WES, MET Tower, or WES Testing Facility must comply with Section 3.41 site plan application and review requirements, and also following the following information must be filed with the Township for approval:
- i. A location map to show the character of the surrounding area.
 - ii. All lot lines, acreages, and dimensions (including a legal description of the lot(s) or parcel(s) containing the WES) and also a depiction of any area which is leased from the property owner.
 - iii. Location and height of all existing and proposed buildings, structures, electrical lines, towers, guy wires, anchors, security fencing, and other above-ground structures proposed for the WES.
 - iv. Distances from the WES to all other buildings, structures, and above-ground utilities on the lot(s) or parcel(s) upon which the WES is located and the distances between the WES if more than one is on a parcel or lot.

- v. All existing overhead and underground electrical transmission or distribution lines are located on the lot(s) or parcel(s) on which the WES will be located.
- vi. Location, height, type of all buildings, structures, and the location contour elevations of all existing and proposed structures within 300 feet of the lot(s) or parcel(s) upon which the WES will be located.
- vii. Land uses within 300 feet of the parcel or lot.
- viii. Security measures are proposed to prevent unauthorized trespass and access.
- ix. A registered engineer shall certify that the system will comply with all applicable local, state, and federal building structural and electrical codes, including the structures, towers, bases, and footings.
- x. The access drive shall be shown in detail on the lot or parcel and constructed to the private road standards for one or two parcels under this Ordinance, including the required private road maintenance agreement.
- xi. Any lighting proposed on the WES or the structures.
- xii. A decommissioning plan.
- xiii. Trucks hauling wind turbine parts shall travel only on roads approved by the Newaygo County Road Commission and the Planning Commission. Also, the Planning Commission may require a surety bond for using the roads.
- xiv. The Planning Commission may waive or modify the above requirements (A-L) at the applicant's request if it is unnecessary to review, approve, or deny the proposal properly.

39. Design and Safety Requirements of the LWES.

- a. The design of each LWES shall comply with all applicable industry standards.

- b. The exterior of each LWES (including the accessory buildings and other related structures) must be non-reflective and non-obtrusive in color (only white or gray). All towers should look similar if multiple towers are located on a parcel or lot. The towers and structures should be maintained in good condition and always maintained.
- c. The structures shall not be artificially lighted unless required by the FAA or other applicable governmental authority or as necessary for reasonable safety and security.
- d. The structures are not to be used to display advertising, decorative items, reflectors, flashers, streamers, flags, TV antennas, or satellite dishes except for a sign for the reasonable identification of the system's manufacturer.
- e. If the system is to be connected to the public utility system for net metering purposes, it shall meet all of the requirements for interconnection and operation for the public utility, and the appropriate public utility shall inspect the connection. The Township shall be presented with evidence in writing that the utility company has been notified of the intent to install a generator and has approval from the utility company.
- f. The system shall have an automatic braking device and a manual governing system to prevent uncontrolled rotation. Such items shall be always kept in good condition and well-maintained.
- g. All spent lubricants, cooling fluids, and any other hazardous material shall be adequately and safely removed from the site in a timely manner.
- h. Utility lines shall be located underground.
- i. All systems shall have lightning protection, which shall be always kept in good condition and well-maintained.
- j. Construction Codes, Interconnection Standard Federal, State, and Township Codes:
 - i. Every system shall fully comply (at all times) with every State construction and electrical code related to towers, local

building permit requirements, and all manufacturer's installation instructions.

- ii. There must be compliance at all times with the Federal Aviation Administration requirements.
- iii. The Michigan Airport Zoning Act (PA 23 of 1950) must comply as amended.
- iv. As amended, there must be compliance with the Michigan Tall Structures Act (AP 259 of 1959).
- v. There must be compliance with the Grant Township Airport Approach Protection Plan.
- vi. There can be no interference with any private landing strip.
- vii. An interconnected on-site use wind energy system shall comply with Michigan Public Services Commission and Federal Energy Regulatory Commission standards. Off-grid systems are exempt from this requirement.
- viii. All systems shall comply with the Ordinance at all times.
- k. The system shall be designed and maintained to prevent unauthorized access and must comply with one of the following provisions:
 - i. Tower climbing apparatus shall not be located within twelve (12) feet of the ground; or
 - ii. A locked anti-climb device shall be installed and maintained; or
 - iii. A locked fence shall fully enclose a tower capable of being climbed.
- m. Each system shall have one sign, not to exceed two (2) square feet in area, posted on the base of the tower or the security fence, if applicable. The sign shall contain at least all of the following:
 - i. The wording: "Warning – High Voltage;" and

- ii. The manufacturer's and owner/operator's names; and
- iii. Emergency contact numbers (list more than one contact number).
- n. A decommissioning plan shall be submitted to the Planning Commission for review and approval. The plan shall consist of a written description of the anticipated life of the system and facility, the estimated cost of decommissioning and restoration of the site, removal and restoration procedures, and schedules that will be employed if the WES becomes obsolete or abandoned. The time frame for removal shall be one (1) year if not used.
- o. A WES shall be designed and placed in such a manner as to minimize adverse visual, vibration, and noise impacts on neighboring areas.
- p. The Township shall have the right to inspect the premises at reasonable times with the property owner's permission upon approving the WES.
- q. The WES operator shall maintain a current liability insurance policy covering installation and operation. A copy of the said policy shall be given to the Township to ensure compliance. The amount of the policy shall be a condition of approval.
- r. The applicant shall provide the Township with a written description of the maintenance program to maintain the WES.
- s. If special land use is approved, the Planning Commission may require monetary security in the form of a cash deposit, surety bond, or irrevocable letter of credit in a form, amount, and time duration and with a financial institution deemed acceptable to the Township to ensure full compliance with this Ordinance and any conditions of approval.
- t. Vibrations shall not be produced that are humanly perceptible beyond the property lines of the properties associated with the system.

- u. The applicant shall demonstrate mitigation plans to minimize impacts to birds and other wildlife that may collide with rotor blades.
- v. The plan for the access road to the WES facility shall be submitted to the Township for approval in detail, including dimensions, composition, and maintenance.
- w. The system must not interfere with communication systems, such as but not limited to radio, telephone, television, satellite, or emergency communication systems. If this occurs and cannot be rectified, the WES must be removed.
- x. The system's structural integrity shall always conform to the design standards of the International Electrical Commission, Wind Turbine Safety Design, and/or Small Wind Turbine Safety, Wind Turbine Certification, Blade Structural Testing, or other similar standards.
- y. The system must be in good repair, be well-maintained at all times, and not pose a potential safety hazard.
- z. The Planning Commission may require the applicant to analyze potential shadow flickers. The analysis shall identify locations of any shadow flicker that may occur and shall describe measures (such as screening) that shall be taken to eliminate or minimize the shadow flicker.
- aa. The sound pressure level for a WES shall not exceed 55 dB(A) at the property line located closest to the WES. This sound pressure level may be exceeded only during short-term events such as a severe wind storm. If the ambient sound pressure exceeds 55dB(A), the standard shall be ambient dB(A) plus 5 dB(A). If the WES is on more than one parcel or a lot, the sound pressure level shall be measured at the property line closest to the WES at the outside boundary of all property used.
- bb. Should an aggrieved property owner allege that a WES is not in compliance with the noise or shadow flicker requirements of this Ordinance, the procedure shall follow:
 - i. Noise Complaint

- I. The aggrieved party shall notify the Township in writing regarding concerns about the noise level.
 - II. If the complaint is deemed sufficient by the Township to warrant an investigation, the Township will request that the aggrieved property owner deposit funds with the Township in an amount adequate to pay for a noise level test conducted by a certified acoustic technician to determine compliance with the requirements of this Ordinance.
 - III. If the test indicates that the noise level is within Ordinance noise requirements, the Township will use the deposit to pay for the test.
 - IV. If the WES owner violates the Ordinance noise requirements, the WES owner shall reimburse the Township for the noise level test and take immediate action to bring the WES into compliance, which may include ceasing the operation of the WES until Ordinance violations are corrected. In addition, the Township shall refund the deposit to the aggrieved property owner.
- ii. Shadow Flicker Complaint
- I. The aggrieved party shall notify the Township in writing regarding concerns about the amount of shadow flicker.
 - II. If the complaint is deemed sufficient by the Township to warrant investigation, the Township will request that the owner(s) of the WES provide to the Township a shadow flicker analysis of the system as constructed to determine compliance with the requirements of this Ordinance.
 - III. If the WES owner(s) violates the Ordinance shadow flicker requirements, the WES owner(s) must take immediate action to bring the WES into compliance, which may include ceasing the operation of the WES until the Ordinance violations are corrected.

- cc. If the WES is an anemometer, it shall be permitted to remain for no more than twelve (12) months on the parcel or lot involved, after which it must be removed from the site.
- dd. A WES, MET Tower, or WES Testing Facility must comply with Section 3.42 site plan application and review requirements, and also the following information must be filed with the Township for approval:
 - i. A location map to show the character of the surrounding area.
 - ii. All lot lines, acreages, and dimensions (including a legal description of the lot(s) or parcel(s) containing the WES) and also a depiction of any area which is leased from the property owner.
 - iii. Location and height of all existing and proposed buildings, structures, electrical lines, towers, guy wires, anchors, security fencing, and other above-ground structures proposed for the WES.
 - iv. Distances from the WES to all other buildings, structures, and above-ground utilities on the lot(s) or parcel(s) upon which the WES is located and the distances between the WES if more than one is on a parcel or lot.
 - v. All existing overhead and underground electrical transmission or distribution lines are located on the lot(s) or parcel(s) on which the WES will be located.
 - vi. Location, height, type of all buildings, structures, and the locations contour elevations of all existing and proposed structures within 300 feet of the lot(s) or parcel(s) upon which the WES will be located.
 - vii. Land uses within 300 feet of the parcel or lot.
 - viii. Security measures are proposed to prevent unauthorized trespass and access.

- ix. A registered engineer shall certify that the system will comply with all applicable local, state, and federal building structural and electrical codes, including the structures, towers, bases, and footings.
- x. The access drive shall be shown in detail on the lot or parcel and shall be constructed to the private road standards for one or two parcels under this Ordinance, including the required private road maintenance agreement.
- xi. Any lighting proposed on the WES or the structures.
- xii. A decommissioning plan.
- xiii. Trucks hauling wind turbine parts shall travel only on roads approved by the Newaygo County Road Commission and the Planning Commission. Also, the Planning Commission may require a surety bond for using the roads.
- xiv. The Planning Commission may waive or modify the above requirements (A-L) at the applicant's request if it is unnecessary to review, approve, or deny the proposal properly.

Section 3.50 Width (Lot Width)

- A. The minimum lot width required in each zoning district shall be maintained across the entire length of the lot or parcel, except as provided in paragraph (B) below.
- B. All lots created after the effective date of this Ordinance shall have frontage on an improved public street or a lawful private road for a distance equal to or greater than the minimum lot width specified for the District in which the lot or parcel of land is located. Lots abutting a cul-de-sac shall be permitted to have less street or road frontage (but in no case less than forty (40) feet of such frontage measured at the front property line), provided that the lot width at the front setback line (or the opposite setback line in the case of waterfront lots) and beyond shall satisfy the minimum lot width requirement of the district in which the lot or parcel of land is located.
- C. For all lots or parcels abutting or having frontage on a lake or stream, each lot or parcel shall have frontage on the lake or stream, as measured at the ordinary high-water mark, equal to or greater than the minimum lot width requirement of the zoning district within which the property is located.

- D. The lot width, area, and frontage measurement shall not include all road rights-of-way or easements.

Section 3.51 Working and Storage Surface for Certain Operations:

For any junkyard, scrap yard, salvage operation, automobile or vehicle repair or overhaul operation, or similar business which utilizes an area exceeding one-fourth (1/4) acre, all areas (indoors or outdoors) used for junk, scrap, or materials storage and/or for repair, salvage or overhauling operations shall be paved with a layer of concrete at least four (4) inches thick or asphalt at least one and one-half (1-1/2) inches thick. No chemicals or potentially hazardous substances from such operations shall be disposed of on-site, leaked, or deposited into the soil or ground. Such hard surfaces shall be repaired and maintained so that leakage into the soil below will not occur.

Section 3.52 Yard Sales:

No garage or yard sale shall be held on a lot or property for more than twenty-one (21) days in total per calendar year or more than seven (7) consecutive days with a period of at least fourteen (14) days between sales.

Section 3.53 Certain prohibited land uses:

- A. Land uses, activities, structures, enterprises, or purposes contrary to or which violate federal or state laws, county ordinances, this Ordinance, or other Township ordinances are prohibited.
- B. No zoning approval, permit, variance, rezoning, site plan approval, or zoning compliance permit shall be issued or granted by the Township for any use, activity, enterprise, structure, or building that is illegal under Michigan law or federal law.
- C. No medical marijuana dispensary, grower operation (as defined by Michigan law), provisioning center (as defined by Michigan law), secure transporter (as defined by Michigan law), safety compliance center (as defined by Michigan law), processing facility, or similar facility, use or business shall occur, be established, be conducted or be present within Grant Township.
- D. The following applies to certain marijuana (marihuana) establishments and facilities:
1. The following words, terms, and phrases, when used in this Subsection (D), shall have the meanings ascribed to them in this Subsection (D), except where the context clearly indicates a different meaning:

- a. *IHRA* means the Industrial Hemp Research Act, 2014 PA 547, MCL 286.841 *et seq.*
- b. *Marihuana establishment* means that term as defined in the MRTMA.
- c. *Marihuana facility* means that term as defined in the MMFLA.
- d. *MMFLA* means the Medical Marihuana Facilities Licensing Act, 2016 PA 281, as amended.
- e. *MMMA* means the Michigan Medical Marihuana Act, 2008 IL 1, as amended.
- f. *MRTMA* means the Michigan Regulation and Taxation of Marihuana Act, 2018 IL 1, as amended.

2. MARIHUANA ESTABLISHMENTS AND FACILITIES PROHIBITED

- a. Pursuant to Section 6 of the MRTMA, marihuana establishments are prohibited within the boundaries of the Township.
- b. Marihuana facilities are also prohibited within the boundaries of the Township.

3. RIGHTS UNAFFECTED BY THIS ORDINANCE

- a. This Section shall not affect the rights or privileges of any individual or other person under Section 5 of the MRTMA.
- b. This Section does not affect the rights or privileges of a marihuana facility outside of the Township to engage in activities within the Township that it is permitted to engage in under the MMFLA within a municipality that has not authorized marihuana facilities to operate within its boundaries.
- c. This Section does not affect the rights or privileges of registered qualifying patients or registered primary caregivers under the MMMA or the MMFLA.
- d. This Section does not affect the rights or privileges of any individual or other person under the IHRA.

- e. This Section does not affect the rights or privileges of any individual or other person under any other federal or state law, rule, or regulation related to the medical use of marihuana.

Section 3.54 Lake Access and Frontage

The following restrictions are intended to limit the number of users of lake or stream frontage to preserve the quality of the waters, promote safety, and preserve the quality of recreational use of all waters within the Township.

- A. In all zoning districts, there shall be at least 150 feet of lake or stream frontage as measured along the normal high-water mark of the lake or stream for each single-family home, dwelling unit, cottage, condominium unit, site condominium unit, or apartment unit utilizing or accessing the lake or stream frontage.
- B. Any multiple-unit residential development in any zoning district that shares a common lake- or stream-front area or frontage may not permit lake or stream use or access to more than one single-family home, dwelling unit, cottage, condominium unit, site condominium unit, or apartment unit for every 150 feet of lake or stream frontage in such common lake or stream front area, as measured along the normal high water make line of the lake or stream.
- C. Any multiple-unit residential development shall have not more than one dock for every 150 feet of lake or stream frontage, as measured along the normal high-water mark of the lake or stream, in any zoning district in the Township. All such docks and docking or mooring shall also comply with all other applicable Township ordinances.
- D. The above restrictions shall apply to all lots and parcels on or abutting any lake or stream in all zoning districts, regardless of whether access to the lake or stream waters shall be by easement, park, common-fee ownership, single-fee ownership, condominium arrangement, license, or lease.
- E. In all zoning districts, no lake access, boat ramp, shore station, dock, boat launch, or shoreline abutting a lake shall be utilized for commercial, business, outdoor recreational (or entertainment) facilities, institutional or nonresidential or nonagricultural uses or purposes unless such use is authorized pursuant to a special use approval (and meets the requirements of the zoning district involved) or a planned unit development (PUD) approval.
- F. The lake access and use regulations in this section shall fully apply to all planned unit development (PUD) and special use projects or developments.
- G. Refer to other applicable Township ordinances for other keyhole development regulations.

- H. In addition to the above limitations, no easement, private park, common area, lot, or access property abutting or adjoining a lake or stream shall be used to permit access to the Lake or stream for more than one single-family home, dwelling unit, condominium unit, site condominium unit, apartment unit or any other use unless such additional access use is approved as a special use (and meets the requirements of the zoning district involved) or as a planned unit development (PUD).
- I. The minimum water frontage requirements of this section shall be doubled if the property involved is not served with a public sewer or if more than 50 percent of the water frontage of the property involved is comprised of or adjoins a wetland as defined by Michigan law.
- J. If a property is located within a zoning district where the minimum lot width requirement is greater than 80 feet, the minimum water frontage requirements of subsections (A), (B), and (C) hereof shall be increased to equal the minimum lot width requirement of the zoning district in which the property is located.

Section 3.55 Lot Coverage

Unless expressly permitted otherwise in this Zoning Ordinance, no more than 50 percent of the surface area of any lot or parcel in any zoning district shall be covered by buildings, structures, streets, or paved surface areas. Additionally, no more than 30 percent of any parcel or lot in any zoning district shall be covered by buildings.

Section 3.56 Certain Large-Scale Residential Developments

Certain large-scale residential developments (those which include 11 or more lots, parcels, or site condominium units in the Agricultural and residential Districts) shall be developed, platted, or divided only as planned unit developments ("PUD"). The regulating of such development on a PUD basis will enable the Township to control and moderate the size, scope, and impact of such development in accordance with the Township Master Plan and the purposes of the Ordinance. The requirements of this section shall apply whether such development involves simple land divisions, platted subdivisions, site condominium units, or any other type of land division, conveyance, or development resulting in a number of lots, parcels, site condominium units, or other land divisions greater than ten (10).

Section 3.57 Channels and Canals

No channel, canal, or similar waterway or device shall be dug, constructed, dredged, enlarged, or created out of or connected to any lake or river in the Township. Nor shall the size or surface area of any lake or river be increased by digging, dredging, or excavation upland from the ordinary high-water mark of the lake or river; provided, however, that this section shall not apply to the following:

- A. Any lawful dredging occurring on existing lake bottomlands that are lakeward of the ordinary high-water mark of the lake.
- B. Lawful dredging upland from the ordinary high-water mark of a lake to create not more than two boat wells (e.g., a mooring area for boats) so long as the water surface area dredged, excavated, or otherwise created does not exceed 25 feet in width along the lake frontage and 20 feet of depth from the ordinary high-water mark of the lake.
- C. The lawful creation or enlargement of a pond that does not abut or connect to an existing lake.
- D. The lawful dredging of an existing canal or channel pursuant to applicable state laws and permit requirements, so long as such channel or canal is not enlarged or expanded.

Section 3.58 Railings on Retaining Walls and Similar Items

If a retaining wall, earth buildup, or other structure or condition is created within 30 feet of a residential dwelling and has on one or more sides a drop of more than 30 inches, the Zoning Administrator shall have the discretion to require installation and maintenance of a railing, fence, or another restraint device to prevent children and others from falling, if the Zoning Administrator determines that such a restraint is reasonably necessary for safety. Any party aggrieved by such a determination by the Zoning Administrator may appeal that decision to the Zoning on Board of Appeals.

Section 3.59 Certain Retaining Walls and Earth Buildups Shall Constitute Structures

If the natural grade within 15 feet of a building (whether existing or under construction) is built up and is retained and is partially or wholly retained or kept in place by a retaining wall, retention wall, landscaping timbers, or similar items to allow access to a door, entry, or exit for the building, such buildup, and retaining items shall be deemed a structure for purposes of setback requirements.

Section 3.60 Lots Partially Outside Township Boundaries

In cases where a lot lies partially outside of the Township's boundaries, if a proposed lot, building, structure, or use would not satisfy the minimum area, dimensional, and street frontage provisions of this Ordinance with respect to that part of the lot located within the Township, then the minimum provisions of this Ordinance shall be applied with respect to the lot, building, structure, or use as if the entire lot were located within the Township, provided, however, that the entire lot shall comply with the minimum area, width, and frontage requirements of this Ordinance, and provided further that if access to the lot is provided at a location outside the Township boundaries, then such

access shall be subject to the approval of the Planning Commission prior to the issuance of a zoning permit or building permit by the Township. For purposes of this section, the Township boundaries shall not be deemed a lot line.

Section 3.61 Portable Storage Containers

A temporary storage unit, known as a portable storage container (PSC), sometimes called a portable on-demand storage unit, may be temporarily delivered, placed, used, and removed in any zoning district, but only in compliance with all of the provisions of this section.

- A. A PSC is a box-like container typically delivered by truck to a location to store household or other personal goods and items temporarily. A PSC may be placed temporarily on a lot or parcel of land for the storage of household or other goods, items, or objects that are proposed to be moved to another location or that are being stored temporarily during building remodeling or for other purposes requiring temporary storage of such items outside the dwelling or other building in which there were originally located.
- B. Except as stated in subsection C of this section, a PSC may remain on a property not longer than 30 consecutive days in any 12-month period commencing on the date when the PSC is first placed on the property; provided, however, that the person using the PSC may apply to the Zoning Administrator for approval of a PSC remaining on a property for a greater period of time and, if the person using the PSC demonstrates a sufficient need, the Zoning Administrator may approve the use of the PSC for a greater period of time, subject to such reasonable conditions as may be imposed by the Zoning Administrator.
- C. If a PSC is being used for storage of goods and objects during the remodeling or reconstruction of a building on the property, the PSC may remain on the property not longer than 90 days in any 12-month period commencing on the date when the PSC is first placed on the property; provided, however, that the person using the PSC may apply to the Zoning Administrator for approval of a PSC remaining on a property for a greater period of time and, if the person using the PSC demonstrates a sufficient need, the Zoning Administrator may approve the use of the PSC for a greater period of time, subject to such reasonable conditions as may be imposed by the Zoning Administrator.
- D. No more than two PSCs may be placed on a lot or parcel at any one time, except that the Zoning Administrator may approve a greater number for a stated period of time upon a showing of reasonable necessity, therefore, by the property owner.
- E. A PSC shall be placed no closer than ten feet from any public or private street right-of-way, nor closer than ten feet from any property line.
- F. Any signage or other writing or graphic material on a PSC shall be limited to the name, address, and telephone number of the provider of the PSC. Such signage or other writing or graphic material shall not include any advertising, logotype, or

slogan that refers to or pertains to any service or product other than the PSC or the person or business entity that provided the PSC.

- G. A PSC shall not be used for the storage of any toxic or hazardous materials.
- H. A PSC used in an agricultural or residential district shall be used only for the storage of personal goods and property but shall not be used for the storage of commercial goods, business inventory, or personal property not associated with the dwelling on the lot or parcel on which the PSC is placed.

Section 3.62 No Zoning Applications, Approvals, or Permits for a Property that is in Violation of this Ordinance or a Court Order or Judgment

Should a parcel or lot be in material or substantial violation of any provision of this Ordinance (or court order or judgment regarding this Ordinance or the use of the land), then the Township shall not accept, process, or approve any request or application by the landowner(s) of the lot or parcel in violation (or anyone else with interest in the property in violation) unless and until the existing violation or violations of this Ordinance (or the violation or violations of a court order or judgment regarding this Ordinance or the use of the land) have been fully corrected, and the parcel or lot complies fully with this Ordinance (and any applicable court order or judgment). The prohibition contained in this Section shall also apply to any zoning request, application, or petition, including requests for a zoning approval, rezoning, variance, special land use, temporary use, site plan, permit, or other approval that is unrelated to the violation or violations of this Ordinance (or of any applicable court order or judgment) on the lot or parcel involved. The prohibition contained in this Section shall be in addition to (and not exclusive of) any other remedies available to the Township for the enforcement or administration of this Ordinance (or any court order or judgment) and shall be in addition to any other penalties, sanctions, or proceedings available at law or equity against the landowner(s) or any other person, firm, or entity in violation of this Ordinance (or any court order or judgment).

Section 3.63 Unwholesome Substances

- A. No unwholesome substance, as hereinafter defined, shall be deposited, buried, stored, dumped, or accumulated by any person in any body of water or on or under any land, private or public, in the Township unless such place has been designated as a public dumping ground by the Township, or unless such substance is housed in a completely enclosed building and a safe and sanitary manner. For purposes of this Section only, the term "unwholesome substance" shall be defined to mean any trash, garbage, tin can, automobile body, junk vehicle, trailer body, junk, hazardous compounds, waste, offal, refuse, rubbish, food containers, bottles, crockery or utensils, stoves, oil, hazardous or harmful substances, industrial byproducts or waste, flammable matter or substances, debris, or any other material

that constitutes a threat or menace to the health, safety or general welfare of the public. For the purposes of this Section only, the term "automobile body" shall be defined to mean any vehicle that (1) is unable to be driven upon a street under its own power and/or (2) that lacks all of the necessary component parts to make it operable and serviceable as a vehicle. For purposes of this Section only, the term "trailer body" shall be defined to mean any boat trailer, utility trailer, horse or animal trailer, truck trailer, travel trailer, or any type of trailer or device used for hauling or moving things that lacks all of the necessary component parts to make it operative and serviceable as a trailer to be pulled as such on the street. The provisions of this Section shall not be deemed to prohibit the storing or spreading of manure, fertilizers, or other soil conditioners as part of a farm operation.

- B. No sewage, wastewater, or water containing foreign substances shall be deposited or drained onto any land or deposited or drained into any open ditch, creek, stream, lake, pond, or other body of water unless the same has been first approved by the Michigan Department of Health and the Newaygo County Health Department.
- C. No boxes, barrels, waste wood, scrap metal, automobile body, or other materials shall be accumulated by any person so as to provide insect, rat, or rodent harborage.

Section 3.64 Grade Limits

Sand, dirt, and similar materials shall not be used to build up or add to the natural grade of the land in connection with the installation, building, or expansion of a building or structure if such alteration would, in the opinion of the Zoning Administrator, do any of the following:

- A. Unreasonably increase water runoff or drainage onto one or more adjoining properties due to the amount, concentration, or flowage rate of runoff waters; or
- B. Increase the height of a building or structure to unreasonably decrease the view on one or more adjoining properties of a lake, stream, or natural vista or create a situation incompatible with the surrounding uses. Any party aggrieved by the decision of the Zoning Administrator under this section may appeal that determination to the Zoning Board of Appeals within the time limits and procedures specified in this Ordinance.

Section 3.65 Vacant Structures

Any vacant or unused building or structure shall be reasonably secured and kept in good maintenance, repair, and appearance at all times. In addition, the landscaping and grass or lawn (or the equivalent) for such vacant building or structure shall be kept in good condition at all times and shall be regularly cut or trimmed and fully kept up and

maintained as applicable.

Section 3.66 Building and Structures Condition

- A. Dangerous, dilapidated, or decrepit buildings, structures, and fixtures are prohibited.
- B. Every building, structure, and fixture shall always be kept in good and reasonable repair and maintenance. In addition, the exterior surfaces of every building, structure, and fixture shall be kept clean, painted (where applicable), stained (where applicable), in good condition and repair, and esthetically reasonable at all times.

Section 3.67 Receptacles/Trash Cans

Every restaurant, food service business, and business which sells any edible food item to members of the public shall keep, maintain, and regularly empty at least two (2) 40-gallon (or larger) waste or trash receptacles in the parking lot for use by customers.

Section 3.68 The Michigan Right to Farm Act

The provisions of this Zoning Ordinance shall apply to all farm, agricultural, and similar uses, activities, operations, buildings, and structures unless expressly preempted by the Michigan Right to Farm Act, being MCL 286.471 *et seq.*, as amended, in a specific situation or instance.

Section 3.69 Detention and Retention

As a condition of any zoning permit or zoning approval, the Zoning Administrator may require any construction or development of the lot involved to create, install, and maintain adequate retention or detention ponds, areas, and facilities.

ARTICLE 3A - OPEN SPACE DEVELOPMENT REGULATIONS

GENERAL PROVISIONS

Section 3A.1 Description, Purpose, and Processing

- A. The purpose of an Open Space Development (OSD) is to permit greater flexibility in development than is generally possible under standard District regulations. In addition, the regulations intend to preserve significant natural features, large open spaces, or active agricultural land that would otherwise be developed but will be preserved as a result of the OSD. These provisions have been prepared and implemented as required by the Zoning Act.
- B. These OSD provisions are not intended as a device for ignoring the requirements of this Ordinance and are not intended simply as a means to increase density. Instead, these provisions are intended to result in land development substantially consistent with the underlying zoning but provide a degree of flexibility in design to allow for customization of design to meet the unique natural conditions of a particular site and innovation in design to create a higher quality development than could otherwise be possible with the underlying zoning.
- C. Applications for an Open Space Development to be located in a Residential Zone District require special land use approval by the Planning Commission, subject to the standards of these regulations. The Residential Zone Districts include the Rural Residential District (RR) and the Lake Residential District (LR), as provided for by the Grant Township Zoning Ordinance. Applications for an Open Space Development to be located in an Agricultural Zone District shall also be processed as a special land use, subject to these regulations and applicable special land use standards. The Agricultural Zone District refers to the Agricultural District (A) provided by the Grant Township Zoning Ordinance. In requiring special land use approval for Open Space Developments proposed for the Agricultural District, it is noted that the Agricultural District is primarily designed to foster the maintenance of agricultural development within the Township. Therefore, residential development within the Agricultural District should not result in undue hardship in regular agrarian practices. Thus, the special land use process has been employed to help ensure a positive relationship between Residential Open Space Developments and agricultural practices.

Section 3A.2 Qualifying Conditions

- A. The tract of land for which an OSD application is received must be in one (1) ownership or the subject of an application filed jointly by the owners of all affected properties.

- B. The property subject of an OSD application must be a minimum of forty (40) contiguous acres and may be located within any Residential or Agricultural District. The Planning Commission may consider a lesser development size if the proposed project substantially forwards the intent of the Open Space Development regulations. In addition, a lesser development size may be considered when one or more of the following factors or conditions exist:
1. A lesser size would benefit the preservation of land actively used for agricultural purposes.
 2. A lesser size would be more compatible with the surrounding development.
 3. A lesser size would be in the best interests of the Township, as determined by the Planning Commission and Township Board.
- C. The applicant must demonstrate that the property proposed for the OSD contains unique site conditions, significant natural features, large open spaces, or active agricultural land, which would otherwise be developed but will be preserved as a result of the OSD.
- D. Private roads shall meet the standards of Section 3.36 (Private Roads) of this Ordinance, provided, however, the Planning Commission may approve an increase in the maximum road length to achieve an open space design that reinforces or promotes rural character. Examples of such methods may include, but shall not be limited to, site layouts reserving sizeable open space areas contiguous to adjoining public roads; site layouts employing the use of small residential clusters intermixed with open space areas sufficient to achieve a greater sense of rural, low density, character for the residents of the development; projects designed to protect unique natural and/or cultural features; and, other such designs as determined by the Planning Commission and Township to warrant an increased road length. According to the above, no private road shall be increased in length unless the Planning Commission is satisfied that the increase will not compromise public safety.
- E. Except for the occupants of the residential parcels contained within the OSD, open space shall not be used for the movement, access, or funneling of non-OSD residents to a lake or stream contiguous to or a component of the OSD development.

Section 3A.3 Review Procedures

A. Sketch Plan Approval:

1. To be considered an OSD, the applicant shall be required to receive approval for a sketch plan per this chapter's requirements.
2. Applications for sketch plan approval for OSDs shall be submitted to the Zoning Administrator at least thirty (30) days before the date of first consideration by the Planning Commission.
3. The application materials shall include all the following information unless the Zoning Administrator determines that some of the required information is not reasonably necessary:
 - a. Current proof of ownership of the land to be utilized, evidence of a contractual ability to acquire such lands, such as an option or purchase agreement, or a signed agreement from the property owner indicating permission to file such application.
 - b. A parallel plan (e.g., a site plan depicting site development based on a conventional, non-clustered site design) is used to determine base density that meets the standards of Section 3.5A.C. The parallel plan shall include the location and extent (size) of non-buildable areas such as wetlands, steep topography, easements, and other areas unsuitable for the placement of home sites under conventional, non-clustered development.
 - c. Written documentation that the proposal meets the standards of Section 3A.5.D.
 - d. If a phased development is proposed, identify the areas included in each phase. The density, lot area, and setbacks of proposed housing units within each phase and for the total OSD.
 - e. Arrangement and area calculations for open space, including upland and wetland open space areas.
 - f. A completed application form, supplied by the Zoning Administrator, and an application fee.
 - g. Two (2) hard copies and one (1) digital copy to scale of a sketch plan meeting the requirements of Section 3.41, Site Development Plan, of this Ordinance.

4. The Planning Commission shall review the sketch plan per the requirements of this Ordinance, including the provisions and standards of Section 3A.3, Open Space Development Regulations, and Section 3.41, Site Development Plan, and deny, approve, or approve, with conditions, the sketch plan.

B. Final Site Plan Approval:

1. After receiving approval of a sketch plan from the Planning Commission, the applicant shall submit a final site plan within six (6) months to the Planning Commission.
2. The final site plan may be for the entire project or one (1) or more phases.
3. Applications for final site plan approval for OSDs shall be submitted to the Zoning Administrator at least thirty (30) days before the date of first consideration by the Planning Commission.
4. The application materials shall include all the following information unless the Zoning Administrator determines that some of the required information is not reasonably necessary:
 - a. Current proof of ownership of the land to be utilized, evidence of a contractual ability to acquire such lands, such as an option or purchase agreement, or a signed agreement from the property owner indicating permission to file such application.
 - b. Written documentation that the proposal meets the standards of Section 3.6A.
 - c. If a phased development is proposed, identify the areas included in each phase. The density, lot area, and setbacks of proposed housing units within each phase and for the total OSD.
 - d. Arrangement and area calculations for open space, including upland and wetland open space areas.
 - e. The Zoning Administrator supplies a completed application form and an application fee.
 - f. Two (2) hard copies and one (1) digital copy to scale a final site plan meeting the requirements of Section 3.1A, Open Space Development Regulations, and Section 3.42, Site Development Plan, of this Ordinance. The final site plan shall incorporate all provisions and conditions the Planning Commission requires.

5. Failure to submit a final site plan for approval within the six (6) month period shall void the previous sketch plan approval. A new application must be submitted and approved per these provisions.
6. The Planning Commission shall conduct a public hearing before considering the proposed final site plan. Public hearing notices will be provided per the requirements of the Zoning Act for special land uses.
7. The Planning Commission may deny, approve, or approve the final site plan for the OSD with conditions. Further, in approving or approving with conditions the OSD, the Planning Commission shall have ultimate authority regarding the location of open space and buildable sites. Additionally, the Planning Commission may require the amount of open space to be greater than fifty percent (50%).
8. Significant changes in the final site plan shall be submitted to the Township according to the above procedures applicable to the original application.

Section 3A.4 Permitted Uses

The uses permitted by the underlying zone district may be permitted, either singly or in combination, per the applicable OSD requirements

Section 3A.5 Site Development Requirements

- A. The minimum lot area shall not be reduced to less than one (1) acre per parcel. The minimum lot width may be reduced in size to not less than one hundred twenty-five (125) feet. The underlying zone district shall provide building setbacks and other area requirements. Minimum floor area and height regulations for dwelling units shall conform to the underlying zone district requirements.
- B. Land not proposed for development but used for the calculation of overall density shall be considered open space and subject to the requirements of Section 3.5A.D.
- C. Development Density
 1. Parallel Plan: The maximum base density and the number of dwelling units permitted in the OSD shall be determined through the completion and submission of a parallel plan which shall indicate the number of dwelling units that may be developed under the existing zoning classification. The parallel plan shall meet the following minimum requirements:

- a. The parallel plan shall contain enough detail to permit the Township to evaluate the feasibility of development for each indicated lot and/or dwelling unit. The Planning Commission may require additional detail or information as it may determine necessary to evaluate the feasibility of the parallel plan.
 - b. All lots or buildings shown on the parallel plan shall be located on buildable lots, which, for this Section, shall mean lots or building areas that have an area of sufficient size and shape to accommodate the proposed primary building septic and well systems (where no public sanitary sewer or water system is to be used) and required driveways, streets, or other means of permitted access.
 - c. Areas of wetlands, water bodies, natural slopes exceeding fifteen percent (15%), and other unbuildable areas shall not be included within buildable areas but may be included in the lot area calculations.
2. Density Bonus: To recognize the benefits of connecting to public sanitary sewer and public water facilities as they become available, an OSD may permit an increase in the number of dwelling units above the base density established in the parallel plan, provided a public sanitary sewer system and public water system serving the site. A fifty percent (50%) density bonus shall be permitted with the provision of these utilities. In achieving the density bonus, parcels may reduce in size to not less than 0.5 acres (21,780 square feet), and the minimum lot width may be reduced to not less than one hundred twenty-five (125) feet. The underlying zone district shall provide building setbacks and other area requirements. Minimum floor area and height regulations for dwelling units shall conform to the underlying zone district requirements.
- D. Open Space: Any open space provided in the OSD shall meet the following considerations and requirements:
1. Open space areas shall be large enough and of proper dimensions to constitute a usable area, with adequate access, through easements or other similar arrangements, such that all properties within the entire OSD may utilize the available open space.
 2. The OSD shall have a minimum of fifty percent (50%) open space. Any area that calculates the required open space shall have a minimum width of fifty (50) feet.

3. Evidence shall be given that satisfactory arrangements will be made to maintain such designated land to relieve the Township of future maintenance.
4. Open space may be provided where significant natural features may be preserved and/or used for passive or active recreation. Open space is encouraged to be located between neighborhood clusters of housing units.
5. All land set aside as open space shall be deed restricted, protected by a conservation easement, or other similar permanent restriction, to ensure that the open space remains in a natural and undisturbed condition in perpetuity. At the discretion of the property owner(s), land set aside for agriculture may be converted to open space. Still, it shall not be used as land to construct additional dwellings or any other development.
6. All open spaces shall be in the joint ownership of the property owners within the OSD. A property owner's association shall be formed to maintain the open space.
7. Regulated wetlands shall not be considered open spaces.

E. Development Setback.

1. Any building area for this Section shall mean any lot on which the principal use is located shall be at least two hundred (200) feet from any public street right-of-way not constructed as part of the OSD.
2. No native or natural vegetation shall be removed from the (200) foot setback, nor any grading or changes in topography occur, except that necessary for entrance roads, required utilities, or drainage improvements.
3. The Planning Commission may modify this requirement provided the applicant demonstrates that clearing existing vegetation would contribute significantly to the purpose and objectives of the OSD.
4. The Planning Commission may reduce this setback if existing landscaping provides a natural screen, or the proposed development offers a landscape screen. In any case, the setback shall be not less than one hundred (100) feet. In addition, the landscape screen shall meet all of the following minimum requirements:
 - a. Occupy at least seventy percent (70%) of the linear distance of the property line abutting any public street right-of-way.

- b. Be on a strip of unoccupied land at least fifty (50) feet in depth.
 - c. At least fifty percent (50%) opacity from the roadside view at the planting time.
 - d. Consist of either existing vegetation, landforms, or landscaped areas using native or natural materials or a combination thereof.
 - 5. The open space calculation may include the two hundred (200) feet of vegetation strips.
- F. Design Principles: The overall intent of the Open Space Development regulations is to foster more creative development design, using open space to the advantage of the development, maintaining the rural character of the Township, ensuring access to open spaces, preserving natural features, and other design objectives intended to foster an improved living environment. To this end, the Planning Commission and Township Board will consider the following general guidelines in evaluating proposed Open Space Developments.
- 1. Open space should be provided where significant natural features may be preserved, active agricultural land maintained or be used for passive or active recreation.
 - 2. Open space should generally be used to group areas of residential neighborhoods as clusters of housing units. This avoids the suburban development type customarily found in urbanized areas. Typically, neighborhood clusters should have not more than eight to ten (8-10) units per cluster.
 - 3. The Open Space Development should be designed with regard to views from adjacent roadways and properties. Therefore, where possible, substantial setbacks from adjacent development should be provided, except where internal roads are designed to connect to neighboring properties to provide a network of internal connections between properties.
 - 4. Open space within the development should generally be accessible from as many places as possible rather than limited to individual easements between development lots. To this end, providing open space segments along the internal roadways will be considered a high priority by the Township. Such areas should be large enough to appear as open spaces rather than vacant lots for future development and kept in their natural state. Such areas may incorporate trails or other internal pedestrian circulation paths.

5. The overall design of the Open Space Development should emphasize the rural character of the Township, provide views to open spaces from as many areas of the development as possible and avoid long, straight street segments and rows of homes.

Section 3A.6 Review Standards

The Planning Commission will use the following review standards to consider an OSD. Before such developments may be approved, the Planning Commission shall find the following:

- A. That the OSD meets the stated purposes of Section 3A.1.
- B. The OSD does not substantially alter the character of the general neighborhood where the development is proposed.
- C. That the location of the buildings of the OSD does not unduly impact other single-family uses in the vicinity of the proposed development.
- D. That the OSD preserves, in perpetuity, unique site conditions, such as significant natural features, large open space areas, or active agricultural land.
- E. The OSD can accommodate adequate and safe sanitary sewage disposal and provide an acceptable, assured water source for domestic use.
 1. To evaluate this review standard, the Planning Commission may specify what additional evidence it deems to be acceptable to ensure the review standards are met, including additional soil borings, soil reports, hydrological tests, and other such evidence which will be submitted by the applicant and reviewed by the Township before approval of the OSD.
 2. Such additional information may also include the following provisions related to the objective of groundwater protection.
 - a. The Planning Commission may require evidence from the applicant that groundwater sources will be protected, and other environmental concerns are met. However, approval of the Newaygo County Health Department or other agencies, while required to develop the site, will not be the sole determining factor in this regard.
 - b. The Planning Commission may specify what additional evidence it deems acceptable to make this determination, including additional soil borings, soil reports, hydrological tests, and other such

evidence, which will be submitted by the applicant and reviewed by the Township before approval of the OSD.

- c. Such additional studies may be required by the Planning Commission where one (1) or more of the following conditions are present:
 - i. Existing studies or reports that show evidence of groundwater contamination problems on the lot or parcel on which the OSD is to be placed or on lots or parcels within a one (1) mile radius of the OSD site.
 - ii. Existing sites identified by the Natural Resources and Environmental Protection Act, Act 451 of 1994, Part 201, and the Michigan Department of Environment, Great Lakes, and Energy identified LUST (Leaking Underground Storage Tanks) sites within a one (1) mile radius of the OSD site.
 - iii. Existing licensed landfills (active or inactive) within a three (3) mile radius of the OSD site.
 - iv. Industrially used or zoned sites within a one (1) mile radius of the OSD site.
 - v. Existing agricultural development totaling more than five hundred (500) acres within a one (1) mile radius of the OSD site.
 - vi. Any other condition that, in the view of the Planning Commission, may require additional information regarding groundwater protection.

ARTICLE 4 - NONCONFORMING USES AND STRUCTURES

Section 4.1 Nonconforming Buildings and Structures:

- A. Unless otherwise expressly provided in this Article, a nonconforming structure or building shall not be enlarged, altered, moved, modified, increased in height or mass, or intensified. Prohibited alterations, enlargements, or expansions include but are not limited to increasing or expanding the area, size, footprint, mass, height and/or volume of a nonconforming building or structure. If a nonconforming structure is moved or abandoned in any fashion, it shall thereafter fully conform and comply with this Ordinance in all aspects.
- B. Notwithstanding the prohibitions and regulations contained in subsection A above, the following alterations may be lawfully made to nonconforming structures and buildings:
 - 1. Maintenance and Repairs: Normal maintenance and incidental repairs, including repair or replacement of non-bearing walls, fixtures, wiring, or plumbing. However, no structural alterations, expansions, or changes shall occur.
 - 2. Termination by Destruction: In the event that a nonconforming building or structure is destroyed by fire, wind, storm, flooding, tornado, ice storm, or other natural calamities to the extent of more than sixty percent (60%) of the replacement cost of the existing building or structure, as determined by the Township Assessor, the building or structure shall not be rebuilt, restored, or reconstructed except with a variance approval by the Zoning Board of Appeals. If the building or structure is destroyed due to an act of nature to the extent of sixty percent (60%) or less of the replacement cost of the existing building or structure, it may be repaired and rebuilt but shall occupy exactly the same space, dimensions, footprint, height, outline and area as the original building or structure.
 - 3. If a nonconforming building or structure is abandoned or removed (except by an act of nature as covered in subsection 2(b) above), it loses its lawful nonconforming status and must fully conform and comply thereafter with all applicable requirements of this Ordinance.
 - 4. If a building or structure is lawfully nonconforming because one or more parts thereof violate a setback requirement, but the use of the building or structure complies with the zoning district within which the property is located (as well as all other applicable requirements of this Ordinance), the

building or structure may be extended or enlarged or increased in height so long as any and all portions of such expansion, extension or height increase meet all applicable setback, height and other requirements of the zoning district in which the property is located and this Ordinance.

5. A nonconforming building or dwelling involving a use that complies with this Ordinance may be enlarged, expanded, or altered as follows with the approval of the Planning Commission as a special land use subject to the following:
 - a. The front yard setback may be reduced down to 75% of the front setback required in the zoning district involved or 20 feet, whichever is greater.
 - b. The rear yard setback may be reduced down to 75% of the rear setback required in the zoning district involved or 15 feet, whichever is greater.
 - c. The side yard setback may be reduced down to 75% of the side setback required in the zoning district involved or 8 feet, whichever is greater.
 - d. The building or dwelling may expand up to a height equal to the height limitation in the zoning district involved.

In determining whether to approve such special land use, in addition to the standards found elsewhere in this Ordinance, the Planning Commission shall also find all of the following:

- a. The expanded building or dwelling will still be located so as not to adversely impact or increase the fire danger risk to buildings or structures on adjoining parcels.
- b. Such special land use approval shall not undermine the purposes and intent of this Zoning Ordinance or the Township's Master Plan.
- c. Any setback reduction will still allow free access and travel between the property line and the expanded building for purposes of building repair and maintenance, firefighting access, and air circulation.

A special land use for reduced setbacks shall not be considered or granted for a lot located within the Agricultural zoning district unless, in addition to the special land use standards listed above and also elsewhere in this Ordinance, the Planning Commission finds all of the following:

- a. That the adjoining lot next to where the lawful nonconforming structure or building is located is not being actively farmed with crops or livestock.
- b. Lessening the setback requirement would not have an adverse impact on any agricultural or farmlands located within three hundred (300) feet of the lawful nonconforming building or structure.
- c. The expanded building or structure will not be so located as to be unreasonably impacted by area farms, livestock, crop smells, noises, or other unpleasant effects.

Section 4.2 Nonconforming Uses:

- A. Nonconforming uses in General: Except as is expressly otherwise allowed in this Article, no nonconforming use shall be expanded, extended, increased in intensity, changed, or altered.
- B. Subject to the following requirements and limitations, a nonconforming use may be extended or expanded throughout any part of a lawful building that was designed for such use and which building lawfully existed at the time the use became nonconforming. However, the building shall not be expanded beyond the size at which it existed when the use became nonconforming. Furthermore, a nonconforming use may not be expanded or extended within any such building to a degree greater than 50 percent (50%) of the floor area at which the use first existed when it became non-conforming.
- C. A building occupied by a nonconforming use shall not be structurally altered, expanded, extended, or changed in any manner or moved except in connection with a change to a use permitted in the zoning district in which it is located or as expressly allowed elsewhere in this Ordinance.
- D. Abandonment of a Nonconforming Use: If a nonconforming use is abandoned or substantially ceases, the nonconforming use shall not resume, and the parcel or lot (and any structures or buildings involved) shall only be used thereafter for uses allowed by this Ordinance. If there is evidence of substantial abandonment of the nonconforming use of any parcel or lot upon the land or within any structure or building and the abandonment continues for a period of eighteen (18) months or longer, then any future uses thereof shall fully conform to and comply with the provisions of this Ordinance. In addition, any accessory use, structure, or signage related to an abandoned nonconforming use shall also be discontinued and, in the

case of signage, shall be removed, and all future uses thereafter shall fully conform to and comply with all regulations of this Ordinance with the following exceptions:

1. If no structural alterations are required to accommodate the new nonconforming use and the proposed use is equally or more appropriate in the zoning district involved than the most current nonconforming use, the new use receives Special Land Use approval. In approving such a request, the Planning Commission may impose reasonable conditions in accordance with the purposes and intent of this Ordinance.
 2. Once a nonconforming use is lawfully changed to a use that is equally or more appropriate in the zoning district involved, it shall not thereafter be changed to a less appropriate use and considered more nonconforming than the most current use.
 3. When a nonconforming use is replaced by a permitted or allowed use, it shall thereafter fully conform to and comply with all of the zoning district regulations in which the use is located, and this Ordinance and the nonconforming use may not thereafter be resumed.
 4. Maintenance of electrical service, public utilities, postal service, and other related services shall not, in and of themselves, be deemed to imply that a lawful non-conforming use shall continue. However, if one or more of the following conditions exists, it shall be deemed to constitute an intent on the part of the property owner to abandon the lawful nonconforming use:
 - a. Utilities have been disconnected, such as water, internet, gas, and/or electricity, to the property.
 - b. The property, buildings, or grounds have fallen into disrepair or are decrepit or dilapidated.
 - c. A building, structure, sign, or other indications of the existence of the lawful nonconforming use have been removed.
 - d. Removal of equipment, items, or fixtures that are necessary for the operation of the lawful nonconforming use.
- E. If any lawful nonconforming use, structure, building, or lot is unlawfully expanded, extended, changed in intensity, or otherwise substantially altered, such lot, use, structure, or building shall automatically lose its lawful nonconforming and protected status (which shall be deemed abandoned) and shall thereafter fully

comply with all of the then-applicable requirements of this Ordinance and any other Township ordinance, code and requirement.

- F. Any lawful nonconforming lot, use, structure, or building which violates any other Township ordinance or code (apart from this Zoning Ordinance) shall also automatically lose its lawful nonconforming status (which shall be deemed abandoned) and must fully comply with all of the then-applicable requirements of this Ordinance and all other applicable Township ordinances and codes.

Section 4.3 Nonconforming Lots:

If two or more lots or combination of lots or portions of lots are located adjacent to each other or have continuous frontage and are held or owned in single ownership of record, one or more of the lots are vacant (i.e., no principal building thereon) and if all or part of such lots does not satisfy the minimum requirements for lot width, lot area, street frontage, water frontage, or other dimensions required by this Ordinance, then such lots are deemed automatically combined for zoning purposes so as to create one conforming lot or to create one nonconforming lot that is more conforming than the individual, smaller nonconforming lots. Additionally, once nonconforming lots or parcels of land are combined hereunder automatically, or by deed, land contract, or another written instrument, they shall not thereafter be split, re-divided, or otherwise reduced in area unless all of the resulting lots or parcels of land comply with all of the lot area and dimensions requirements of the zoning districts in which such lots or parcels of land are located as well as other applicable requirements of this Ordinance. This section applies whether platted lots or unplatted lots are involved.

Section 4.4 Accessory Buildings on Vacant Lots:

- A. A vacant lot in a zoning district that allows farming or agricultural uses may have one or more accessory buildings located on that lot even though the lot does not have a dwelling located thereon so long as each such accessory building on that lot is utilized substantially and primarily for *bona fide* farm or agricultural purposes or uses (subject to any applicable regulations specified in this Ordinance regarding the number or size of such farm accessory buildings).
- B. Where a lot is located across a public road or public road right-of-way from another lot, the two lots are held or owned in single ownership of record; the lots are located within one hundred (100) feet of each other or no more than one platted lot away, and one of the lots contains a dwelling while the other lot is vacant, no garage or accessory building shall be constructed or utilized on the vacant lot unless approved as a special land use by the Planning Commission. The Planning Commission may attach reasonable conditions to the granting of any such special land use approval. This section shall not apply to the following situations:

1. A *bona fide* farm or agricultural building as specified above.
2. Any accessory building of one hundred fifty (150) square feet or less in area and not exceeding eight (8) feet in height. In no instance shall a lot contain more than one (1) accessory building pursuant to this subsection.

Section 4.5 Nonconforming Decks:

- A. Normally, a nonconforming structure loses its lawful nonconforming status if replaced, reconstructed, or destroyed. However, a lawful nonconforming deck which is nonconforming due to encroachment into a required open yard or yards (e.g., violation of a setback requirement or requirements) may be replaced or reconstructed so long as the new or reconstructed deck meets all of the following requirements:
1. It is located within the exact same footprint as the original deck and does not expand beyond the original footprint.
 2. It has no portion located higher or taller than the corresponding portion of the original deck.
 3. It does not encroach further into a required open yard or setback area than the original deck.
 4. It meets all building code requirements.

Section 4.6 Burden of Proof:

The burden of proof for establishing or proving the existence, type, or any aspect of a lawful nonconforming structure, lot, or use (as well as the size, scope, intensity, and extent thereof) is on the owner of the property involved.

Section 4.7 Expansion or Extension:

- A. If any lawful nonconforming lot, use, structure, or building is expanded, extended, changed, or intensified without prior Township approval or in violation of this Ordinance, its lawful nonconforming status shall be deemed abandoned, and the lot, use, structure, or building shall conform and comply fully with this Ordinance.
- B. No unlawful lot, structure, use, or building shall be or become a lawful nonconforming use, lot, building, or structure.

Section 4.8 Policy:

It is the official policy of Grant Township and the State of Michigan that nonconforming uses, lots, buildings, and structures are disfavored and shall be gradually eliminated over time.

ARTICLE 5 - ZONING DISTRICTS

Section 5.1: Zoning Districts:

To regulate and restrict the location, erection, alteration, or use of buildings, structures or land, and to carry out the purposes of this Ordinance, Grant Township is hereby divided into the following zoning districts.

1. "A" Agricultural District
2. "R-R" Rural Residential District
3. "L-R" Lake Residential District
4. "C" General Commercial District
5. "I" Industrial District
6. "PUD" Planned Unit Development District

Section 5.2: Zoning Districts Map:

The zoning district map is deemed to be part of this Ordinance. The locations and boundaries of these districts, so established, are bounded and defined as shown on the map entitled "Grant Township Zoning District Map," which accompanies and is hereby declared to be a part of this Ordinance with the same force by metes and bounds herein. A current and up-to-date Grant Township Zoning District Map, with all amendments noted, shall be kept on file at the office of Grant Township. Said map shall be the final authority regarding the current zoning status of the land, buildings, and other structures in Grant Township.

Section 5.3: Interpretation of Zoning District Boundaries:

Where uncertainty exists with respect to the boundaries of any of the districts indicated on the Zoning District Map, the following rules shall apply:

- A. Where district boundaries are indicated as approximately coterminous with street or highway centerlines or right-of-way lines, such centerlines or right-of-way lines shall be constructed to be said boundaries.
- B. Where district boundaries are indicated as approximately coterminous with platted lot lines, section lines, quarter-section lines, or other survey lines, such lines shall be constructed to be said boundaries.

- C. Where district boundaries are indicated as approximately parallel to street or highway center lines, right-of-way lines, section lines, quarter-section lines, or other survey lines, such boundaries shall be constructed to be parallel to that and at such distances as indicated on the Zoning District Map.
- D. Where the boundary of a district follows a railroad line, said boundary shall be deemed.
- E. Where the boundary of a district follows the shoreline of a natural stream, lake, or other natural body of water, the boundary line shall be interpreted as following said shoreline and, in the event of a shoreline change, shall be construed as moving with the said shoreline.

Section 5.4: Areas Not Included Within a District:

In every case where the property has not been included explicitly within a district, such property shall be in the "A" Agriculture Zone.

Section 5.5: Interpretation:

In the situation where a zoning district boundary goes through the middle of or splits a parcel or lot, the entire parcel or lot shall be used for purposes permitted by the more restrictive zoning designation.

ARTICLE 6 - ZONING DISTRICT REGULATIONS

AGRICULTURAL DISTRICT [A]

Section 6.1: “A” Agricultural District:

- A. Purpose - It is recognized that the citizens of Grant Township, Newaygo County's public health, and welfare greatly depend upon viable agriculture's sustenance and economic benefits. This district is intended to ensure that land areas within Grant Township that are well suited for producing food and fiber are retained by limiting the establishment of incompatible uses which would hinder farm operations and irretrievably deplete agricultural lands.
1. The “A” District acknowledges that agriculture is a specialized form of industry characterized by the production through biological and botanical processes of salable farm products as a result of the combination of raw materials (soils, seeds, plants, water, and nutrients), human resources (farm labor and machinery), and energy (solar and power equipment).
 2. Other specific purposes for which this district is established include:
 - a. To preserve woodlands and wetlands associated with farms which, because of their natural physical features, are valuable as water retention and groundwater recharge areas and as habitat for scenic value, contributing to the agricultural district's unique character.
 - b. To provide the basis for land tax assessments reflecting its existing agricultural nature and limited use for other purposes owing to these regulations.
 - c. To provide for low-density single-family residential uses in a rural setting on lands within this district not particularly well suited for agriculture, as well as specialized rural uses requiring large tracts of land.
- B. Use Regulations - Land and/or Buildings in the “A” Agricultural District May Be Used for The Following Purposes:
1. Permitted Uses:
 - a. Any Permitted Use in the “R-R” District.
 - b. General and specialized farming, together with dwellings and accessory structures.

- c. Roadside stands for the seasonal sale of products raised on the lot or parcel, provided that off-street parking shall be provided, and no hazardous traffic conditions shall result from such activity.
 - d. Fisheries and Hatcheries.
 - e. Essential Services.
 - f. Confined Animal Feeding Operations (CAFO), as approved by the Michigan Department of Agriculture and Rural Development (MDARD) and the Michigan Right to Farm Act (Act 93 of 1981), following Generally Accepted Agricultural Management Practices (GAAMPS).
 - g. Family Child Care Homes or Foster Care Family Homes.
 - h. Small-scale solar energy systems as an accessory use.
2. Special Land Uses - the following activities may be permitted as special land use as granted by the Planning Commission.
- a. Golf courses, country clubs, riding stables, and publicly owned recreation areas.
 - b. Non-intensive recreation facilities such as snowmobile trails, archery, rifle, skeet or gun range, and hunting and fishing preserves or clubs, provided that commercial activities such as bars, hotel and/or lodge accommodations, retail stores, service stores, service establishments are not permitted.
 - c. Off-road vehicle use – not open to general public riding.
 - d. Housing for transient migrant labor.
 - e. Group Child Care Homes or Group Foster Care Homes.
 - f. Dog kennels and related facilities.
 - g. Nurseries and landscaping businesses.
 - h. Slaughterhouses.

- i. Mineral extraction operations.
- j. Sanitary landfills.
- k. Agricultural service establishments.
- l. Institutional uses.
- m. Packaging and processing of agricultural products.
- n. Utility-scale solar energy systems as a principal use.

C. Dimensional Requirements – Unless otherwise provided for by this Ordinance, all land, buildings, and structures within the “A” Agricultural District shall comply with all of the following dimensional regulations:

REQUIREMENT	DIMENSION
Lot Area	2 acres
Lot Width	250 feet
Frontage on Street	250 feet
Front Yard Setback	40 feet dwelling/60 feet other buildings
Side Yard Setback	20 feet per side
Rear Yard Setback	25 feet
Length/Width Ratio	See Section 3.26
Maximum Building Height	35 feet

Special Notes to Table:

1. Building Height – Maximum building height in the above table refers to residential and non-farm buildings. Agricultural buildings (e.g., barns, silos, etc.) may be constructed to the size necessary to meet the intended use of said buildings.
2. No lot shall be created hereafter that does not comply with the minimum lot area, frontage, dimensional, and width requirements listed above.

RURAL RESIDENTIAL DISTRICT [R-R]

Section 6.2: “R-R” Rural Residential District:

- A. Purpose - This district is primarily intended for single-family dwellings in rural areas.
- B. Use Regulations - the land and/or buildings in the “R-R” District may be used for the following purposes:
 - 1. Permitted Uses:
 - a. Single-family dwellings
 - b. Family Child Care Home and Foster Care Family Home.
 - c. Any Permitted Use in the “A” District.
 - d. Essential Services.
 - e. Small-scale solar energy system as an accessory use.
 - 2. Special Land Uses:
 - a. Two-family dwellings.
 - b. Institutional uses.
 - c. Day Care Group Homes and Foster Care Group Homes.
 - d. Utility-scale solar energy systems as a principal use.

- D. Dimensional Requirements – Unless otherwise provided for elsewhere by this Ordinance, land, buildings, uses, and structures within the “R-R” Rural Residential District shall comply with all of the following dimensional regulations:

REQUIREMENTS	DIMENSION
Lot Area	2 acres
Lot Width	250 feet
Frontage on Street	250 feet
Front Yard Setback	40 feet
Side Yard Setback	20 feet per side
Rear Yard Setback	25 feet
Length/Width Ratio	See Section 3.26
Maximum Building Height	35 feet

Special Notes to Table:

1. Lot Area – A minimum lot area of four (4) acres shall be required for all farm and nonresidential uses.
2. Front Yard – Accessory buildings for agricultural uses, country clubs, golf courses, and private recreational uses shall be at least sixty (60) feet from any street.
3. Side Yard – A nonresidential structure shall maintain a minimum side yard setback of twenty (20) feet, provided. However, a nonresidential structure greater than twenty (20) feet in height shall be no closer to the side lot line than a distance equal to its height.
4. Building Height – Maximum building height in the above table refers to residential and non-farm buildings. Agricultural buildings (e.g., barns, silos, etc.) may be constructed to the size necessary to meet the intended use of said buildings.
5. No lot shall be created hereafter that does not comply with the minimum lot area, frontage, dimensional and width requirements listed above.
6. Lots located immediately across the street sharing frontage on the same right-of-way from any lakefront property shall be permitted to comply with the dimensional requirements of lots zoned in the L-R Lakefront Residential District.

LAKE RESIDENTIAL DISTRICT [L-R]

Section 6.3 “L-R” Lake Residential District:

- A. Purpose - This district is intended to:
 - 1. Encourage the proper development of land abutting lakes and waterways; and
 - 2. Avoid pollution of the lake resource; and
 - 3. Preserve lakes and waterways for the highest and best use of the land.
- B. Uses Regulations – The land and/or buildings in the “L-R” District may be used for the following purposes:
 - 1. Permitted Uses:
 - a. Single-family dwellings.
 - b. Family Child Home and Foster Care Family Home.
 - c. Non-commercial solar energy system as an accessory use.
 - d. Essential Services.
 - 2. Special Land Uses:
 - a. Institutional uses.
 - b. Group Child Care Home and Foster Care Group Home.
- C. Dimensional Standards – Unless otherwise provided for elsewhere by this Ordinance, all land, buildings, and structures within the “L-R” Lake Residential District shall comply with all of the following dimensional regulations:

REQUIREMENT	DIMENSION
Lot Area	5,000 square feet
Lot Width	150 feet (average)
Frontage on Street	150 feet
Frontage at Water's Edge	150 feet
Front Yard Setback	25 feet from the water's edge 25 feet (non-water lots)
Side Yard Setback	5 feet per side
Rear Yard Setback	25 feet
Length/Width Ratio	See Section 3.26
Maximum Building Height	35 feet

Special Notes to Table:

1. Front Yard Location – For lots abutting a lake or stream, the front yard is that yard abutting the water's edge.
2. The front yard setback on the waterfront property will be at least the minimum setback required per the district requirements or the average setback distance of the homes on either side of said parcel. In other words, if the properties on either side of said property's average setback distance from the water is less than twenty-five (25) feet than said property may build to the average setback distance established. However, if the neighboring property's average setback distance is twenty-five (25) feet or greater, then said property is not permitted to build any closer than the twenty-five (25) foot minimum setback distance from the water.
3. Waterfront Setback – No accessory building, shed, boat house, or ground-mounted satellite dish shall be located within thirty (30) feet of the high-water mark of the body of water.
4. Side Yard – Accessory structures between the waterfront and the principal structure shall meet side yard setback requirements.
5. Structures in Water – Seasonal docks and similar structures shall not be longer than is required to reach a water depth of four and one-half (4 ½) feet.
6. Rear Yard – Accessory garages and storage structures may be located in the rear yard of a waterfront lot, provided such structures are at least twenty-five (25) feet from the street right-of-way.

7. Guest trailers and Motor Homes – Guest trailers and motor homes with a length not to exceed thirty-six (36) feet will be permitted for a period not to exceed twenty-one (21) days during a calendar year unless the Township approves a more extended period.
8. Building Height – Maximum building height in the above table refers to residential and non-farm buildings. Agricultural buildings (e.g., barns, silos, etc.) may be constructed to the size necessary to meet the intended use of said buildings.
9. No lot shall be created hereafter that does not comply with the minimum lot area, frontage, dimensional and width requirements listed above.

GENERAL COMMERCIAL DISTRICT [C]

Section 6.4 “C” General Commercial District:

- A. Purpose – This district is intended to:
 - 1. Serve the retail business needs of the Township.
 - 2. Provide the opportunity to place mobile home parks as a special land use.
- B. Use Regulations – The land and/or buildings in the “C” General Commercial district may be used for the following purposes:
 - 1. Permitted Uses:
 - a. Those nonresidential uses that are permitted in residential districts.
 - b. Retail Service Businesses
 - c. Personal Service Businesses
 - d. Mortuary and funeral homes.
 - e. Commercial Child Care Centers.
 - f. Offices (business and professional, including medical clinics).
 - g. Restaurants and cafes (excluding those permitting dancing, floor shows, or consuming intoxicating beverages).
 - h. Small-scale solar energy system as an accessory use.
 - i. Essential Services.
 - j. Short-term Rentals
 - k. Motels, Hotels, and Boarding Houses
 - 2. Special Land Uses:
 - a. Automobile service stations
 - b. Automobile repair shops.

- c. Automobile sales.
- d. Restaurants and cafes (permitting dancing, floor shows, or consumption of intoxicating beverages).
- e. Institutional uses.
- f. Commercial solar energy system as an accessory or principal use.
- g. Group Child Care Homes & Foster Care Group Homes.
- h. Mobile Food Vending Unit (Food Truck).

C. Dimensional Standards – Unless otherwise provided for by this Ordinance, all land, buildings, and structures within the “C” General Commercial District shall comply with all of the following dimensional regulations:

REQUIREMENT	DIMENSION
Lot Area	1 acre
Lot Width	165 feet
Frontage on Street	165 feet
Front Yard Setback	40 feet
Side Yard Setback	25 feet per side
Rear Yard Setback	25 feet
Length/Width Ratio	See Section 3.26
Maximum Building Height	35 feet

Special Notes to Table:

1. Corner Lot and Yards Abutting a Residential District – All sides of a lot abutting a street and all side yards abutting a residential district shall maintain a minimum setback of fifty (50) feet.
2. As defined in this Ordinance, a greenbelt shall be provided on each side and rear lot line, which abuts the agricultural or residential district.
3. Parking Lots and Driveways – See Article 8, “Off Street Parking and Loading Spaces.”
4. All business shall be conducted so that no unreasonable noise, dust, vibration, or other nuisance shall adversely affect adjoining properties.

5. No lot shall be created hereafter that does not comply with all of the minimum lot area, dimensional, frontage, and width requirements listed above.
- D. Site Plan Requirements - A comprehensive site plan shall be submitted to and approved by the Planning Commission of the proposed use in the General Commercial District before an application for a building permit may be made. The site plan shall include the following, in addition to the requirements of Section 3.42:
1. Names and locations of adjacent streets and highways.
 2. A location sketch showing the relationship of the proposed uses to the area within two thousand (2,000) feet.
 3. Parking facilities (area and the number of spaces) and loading zones.
 4. Surface drainage facilities.
 5. Location of sewage disposal facilities and a description of the method of disposing of sanitary waste. Soil tests may be required.
 6. Location of any storage, use, and disposal areas, if any, for hazardous (toxic) substances.
 7. List all hazardous substances used, stored, or generated at the proposed facility. *Note – The Township Fire Chief shall view site plans for facilities with hazardous substances before the approval of the Planning Commission.*
 8. Storage of Hazardous Substances - The use, storage, or generation of any hazardous substances as defined below shall be subject to the following requirements:
 - a. Definition of Hazardous Substances - Hazardous Substances include hazardous chemicals as defined by the Michigan Department of Public Health and the Michigan Department of Labor; hazardous materials as defined by the U.S. Department of Transportation and the United States Environmental Protection Agency; critical materials, polluting materials, and hazardous waste as defined by the Michigan Department of Natural Resources and Michigan Department Environment, Great Lakes, and Energy.

- b. Applicability: These provisions apply to all businesses and facilities which use, store, or generate hazardous substances in quantities of one hundred (100) kilograms (25 gallons, 220 pounds, or about ½ drum) or greater at one time. Hazardous materials include raw materials, products, or wastes.
 - c. Above and Below Ground Storage: At a minimum, state, and federal agency requirement for storage, leak detection, record keeping, spill prevention, emerging response, transport, and disposal shall be met.
- E. Financial Guarantee – To ensure that the standards of this Ordinance and any attached conditions are met, the Planning Commission may require a financial guarantee.

INDUSTRIAL DISTRICT [I]

Section 6.5

“I” Industrial District:

- A. **Purpose** - This district is intended to:
1. Accommodate the industrial needs of the entire community based on the performance standards of this Ordinance.
 2. Provide the opportunity to place industrial uses in locations served by necessary infrastructure, including all-season roads, public water and sewer, gas, and electric, and other such industrial requirements.
 3. Provide the opportunity to place industrial uses in locations that are not likely to result in land use conflicts, predominantly residential conflicts.
- B. **Use Regulations** – The land, structures, and/or buildings in the “I” District may be used for the following purposes:
1. **Permitted Uses:**
 - a. Enclosed manufacturing enterprises, including industrial complexes.
 - b. Assembly, compounding, packaging, processing, and finishing materials/products.
 - c. Fuel distributors, storage, and transportation facilities.
 - d. Vehicle repair shops (major repair).
 - e. Shops for sheet metal and woodworking.
 - f. Lumber supply and building materials, sales, and storage yards, including equipment storage yards.
 - g. Warehousing.
 - h. Self-storage facilities.
 - i. Printing and publishing.
 - j. Tool and die, gauge, and machine shops.

- k. Small-scale solar energy system as an accessory use.
 - l. Accessory uses that are customarily incidental to the preceding listed permitted uses.
 - 2. Special Land Uses:
 - a. Junk, scrap, recycling, and salvage yards.
 - b. Institutional uses.
 - c. Utility-scale solar energy systems as a principal use.
 - d. Essential Services.
- C. Dimensional Standards – Unless otherwise provided for elsewhere by this Ordinance, all land, buildings, and structures within the “I” Industrial District shall comply with all of the following dimensional regulations:

REQUIREMENTS	DIMENSION
Lot Area	5 acres
Lot Width	200 feet
Frontage on Street	200 feet
Front Yard Setback	40 feet
Side Yard Setback	25 feet per side
Rear Yard Setback	25 feet
Length/Width Ratio	See Sec. 3.26
Maximum Building Height	35 feet

Special Notes to Table:

- 1. Corner Lot – All sides of a lot abutting a street shall maintain a minimum setback of forty (40) feet.
- 2. Side Yard – All side yards abutting a lot in the Agricultural or residential district shall maintain a minimum setback of fifty (50) feet.
- 3. Rear Yard – A rear yard abutting a lot in the Agricultural or residential district shall maintain a minimum setback of fifty (50) feet.
- 4. Greenbelt – A greenbelt as defined in this Ordinance shall be provided on each side and rear lot which abuts a residential or agricultural use.

5. Parking Lots, Driveways, Loading Areas – see Article 8, “Off Street Parking and Loading Spaces.”
 6. No lot shall be created hereafter that does not comply with the minimum lot area, frontage, and width requirements listed above.
- D. Site Plan Requirements - A comprehensive site plan shall be submitted to and approved by the Planning Commission of the proposed use in an Industrial District before an application for a building permit may be made. The site plan shall include all requirements of Section 6.4(D) and Section 3.42 of this Ordinance.
- E. Storage of Hazardous Substances - The regulations of Section 6.4 (General Commercial District) shall also apply.
- F. Performance Standards - The applicant shall sign a written agreement guaranteeing that the use will meet the following standards before a building permit or certification of occupancy may be issued.
1. Fire and Explosive Hazards: All uses shall meet applicable building and fire ordinances.
 2. Smoke and Nuisance Factors: No radiation, fumes, gas, dust, odors, or other atmosphere pollutants causing property damage, health hazards, or interference with property rights shall be emitted.
 3. Liquid or Solid Waste: No waste shall be discharged into any body of water. County and State disposal and treatment requirements shall be met.
 4. Vibration, Noise, and Glare: No noise, vibration, or glare is permitted to pass beyond the boundaries of the premises.
 5. Hazardous substances: All hazardous substances shall be stored and disposed of according to state regulations. All hazardous substances used on the premises shall be listed with the Township Planning Commission and Township Fire Chief.
- G. Financial Guarantee – To ensure that the standards of this Ordinance and any attached conditions are met, the Planning Commission may require a financial guarantee.

ARTICLE 7 - SIGNAGE REGULATIONS

Section 7.1 Intent and Purpose

This Article is intended to regulate the type, number, physical dimensions, erection, placement, and maintenance of signs in Grant Township. Its intent and purpose are to:

- A. Promote the public peace, health, and safety of residents and visitors; and
- B. Eliminate distractions that are hazardous to motorists and pedestrians; and
- C. Protect the public's ability to identify establishments and premises; and
- D. Protect the natural beauty and distinctive character of Grant Township; and
- E. Protect commercial, business, office, and industrial districts and areas from visual chaos and clutter; and
- F. Provide an environment that fosters the reasonable growth and development of business and commerce; and
- G. Protect and enhance property values; and
- H. Balance the individual rights of property owners to communicate their message with the public's right to be free of unreasonable distractions and aesthetic intrusions.

Section 7.2 Scope

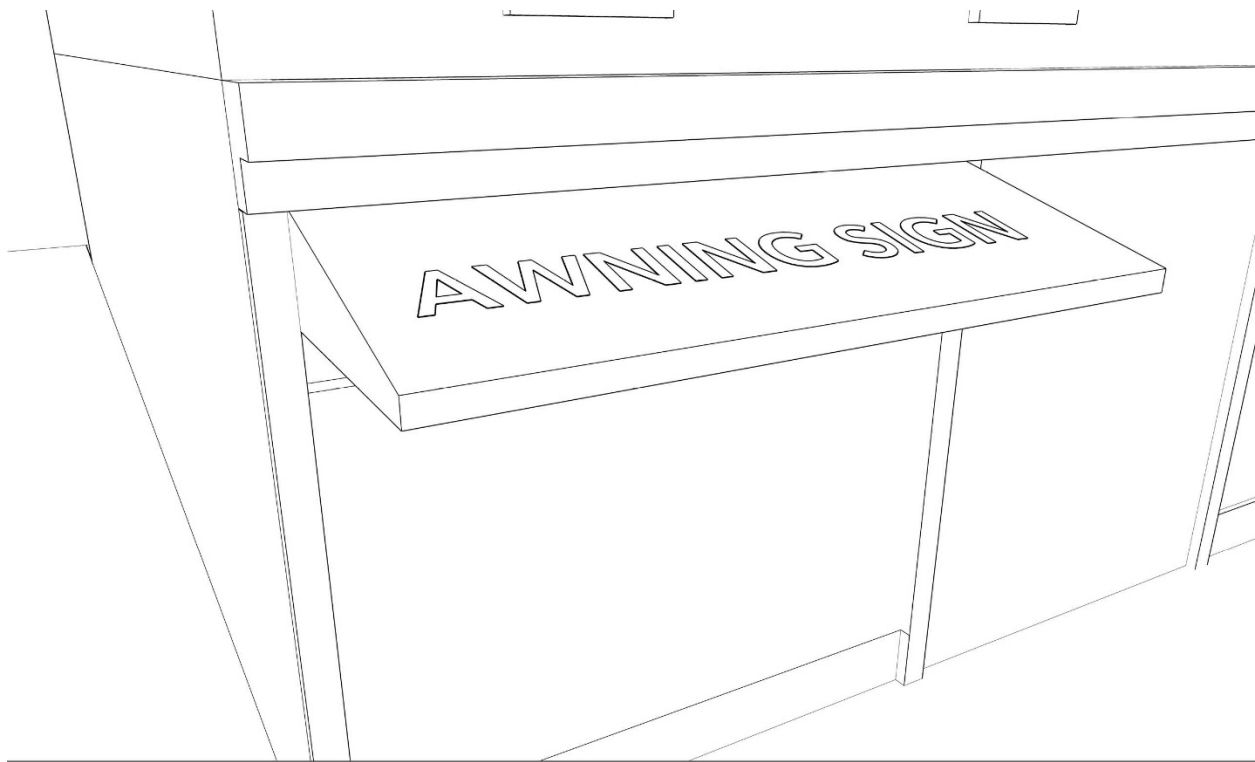
Except as otherwise expressly provided, this Article does not regulate the following:

- A. The content of signs (except when designating on-site and off-site signs).
- B. Gravestones or cemetery markers.
- C. Religious symbols.
- D. Noncommercial holiday decorations.

Section 7.3 Definitions

For this Article and where applicable elsewhere in this Ordinance, the following words or phrases are defined as follows:

- A. **AWNING:** A retractable or fixed shelter constructed of non-rigid materials on a supporting framework that projects from the exterior wall of the building.
- B. **AWNING SIGN:** A sign painted or attached directly to and parallel with the exterior face of an awning/canopy or extending no greater than twelve (12) inches from the exterior face of the awning/canopy to which it is attached. (See Figure 7.1)



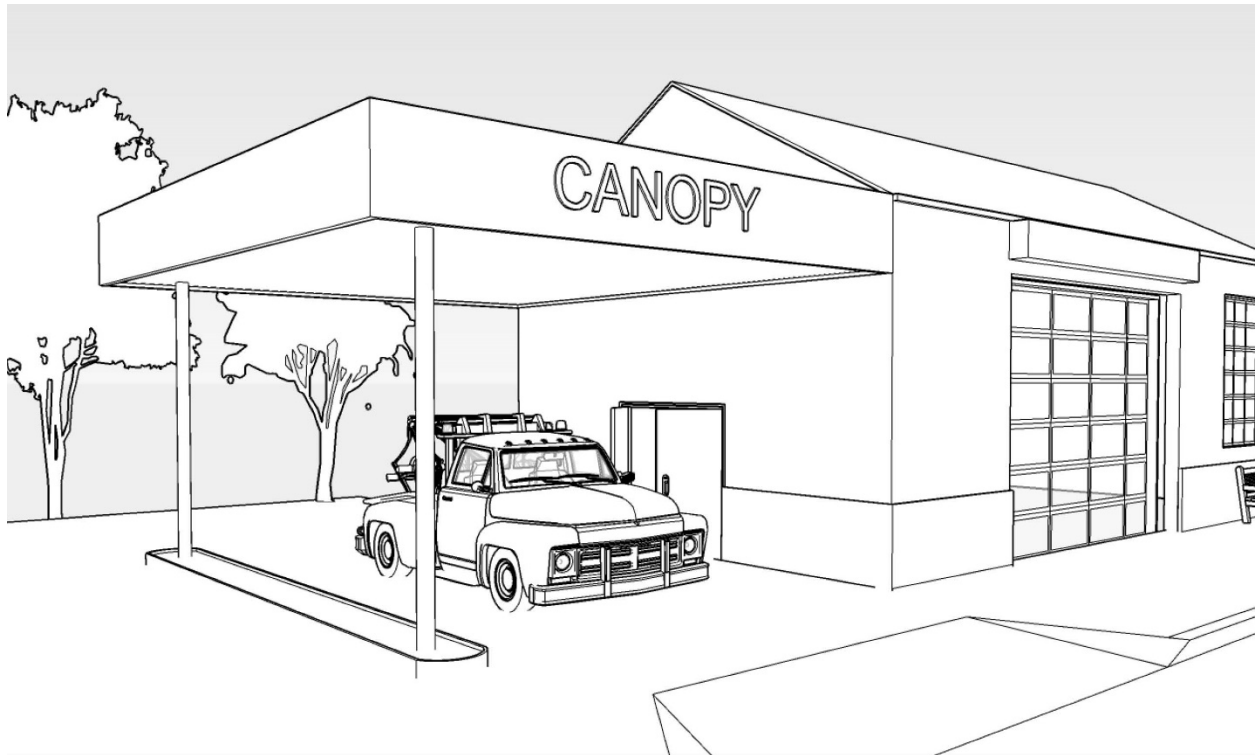
AWNING SIGN. FIGURE 7.1

- C. **BALLOON SIGN:** See "INFLATABLE SIGN."
- D. **BANNER SIGN:** A fabric, plastic, or other sign made of non-rigid material without an enclosing structure or framework. (See Figure 7.2)



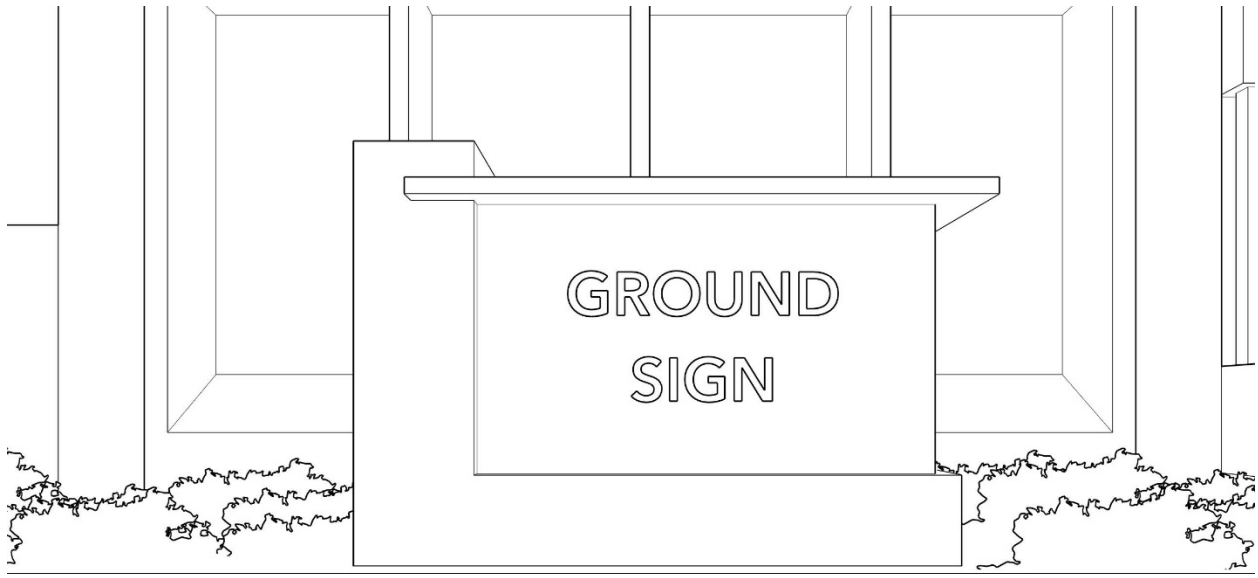
BANNER SIGN. FIGURE 7.2

- E. **BILLBOARD:** A sign which advertises or designates an establishment, service, merchandise, use, entertainment, activity, product, or message which is not conducted, sold, produced, manufactured, or furnished upon the parcel or lot where the sign is located (e.g., billboards, off-premise signs). Billboards are regulated under the Michigan Highway Advertising Act of 1972 (PA 106 of 1972).
- F. **BULLETIN BOARD:** A large outdoor sign elevated high off the ground so as to be seen by vehicular travelers on nearby roadways.
- G. **CANOPY:** A freestanding roof-like structure built on one (1) or more support posts designed to offer protection from the weather.
- H. **CANOPY SIGN:** A sign that is made of rigid material that is attached to a structural canopy. (See Figure 7.3)



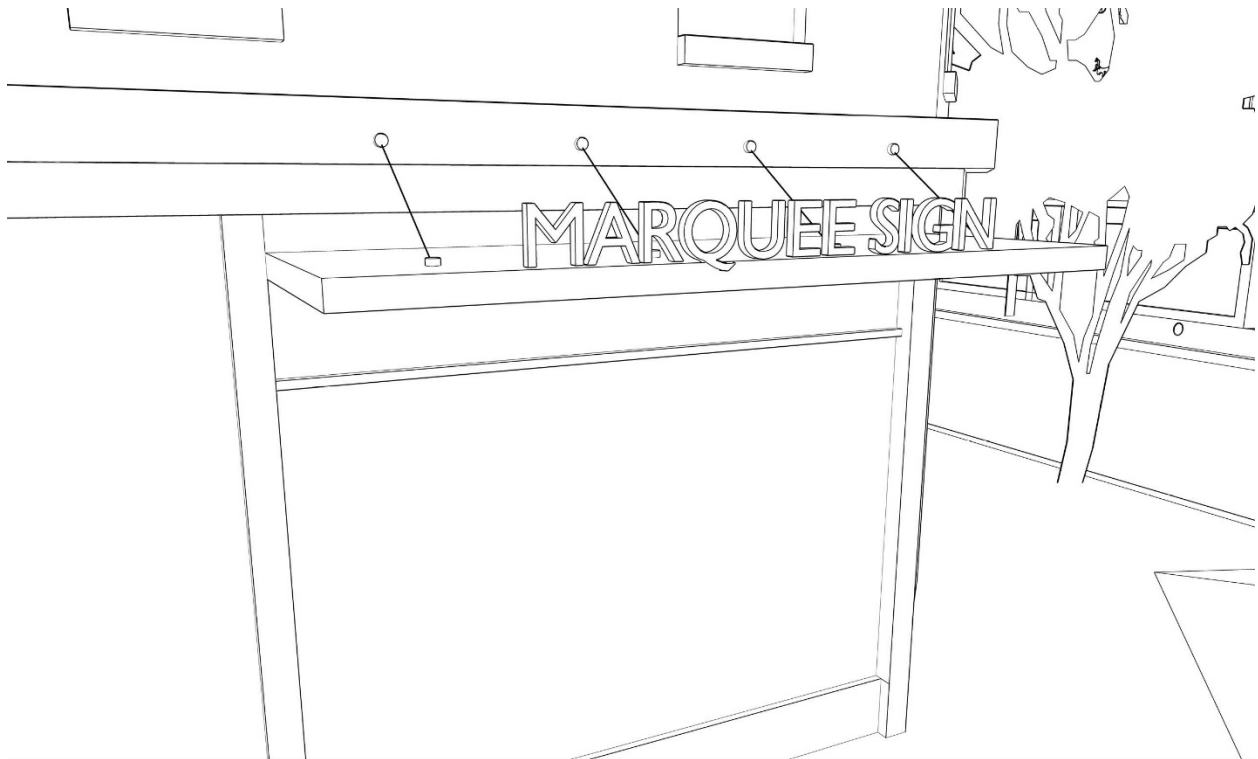
CANOPY SIGN. FIGURE 7.3

- I. **ELECTRONIC MESSAGE DISPLAY:** A sign or portion of a sign with a fixed or changing display or message composed of a series of lights that may be changed through electronic means.
- J. **GOVERNMENT SIGN:** A temporary or permanent sign erected by the Township of Grant, Newaygo County, the State of Michigan, or the federal government.
- K. **GROUND SIGN:** A freestanding sign supported by a base that rests directly on the ground, where the width of the base is at least fifty-percent (50%) of the width of the sign and no greater than six (6) feet in total height. (See Figure 7.4)



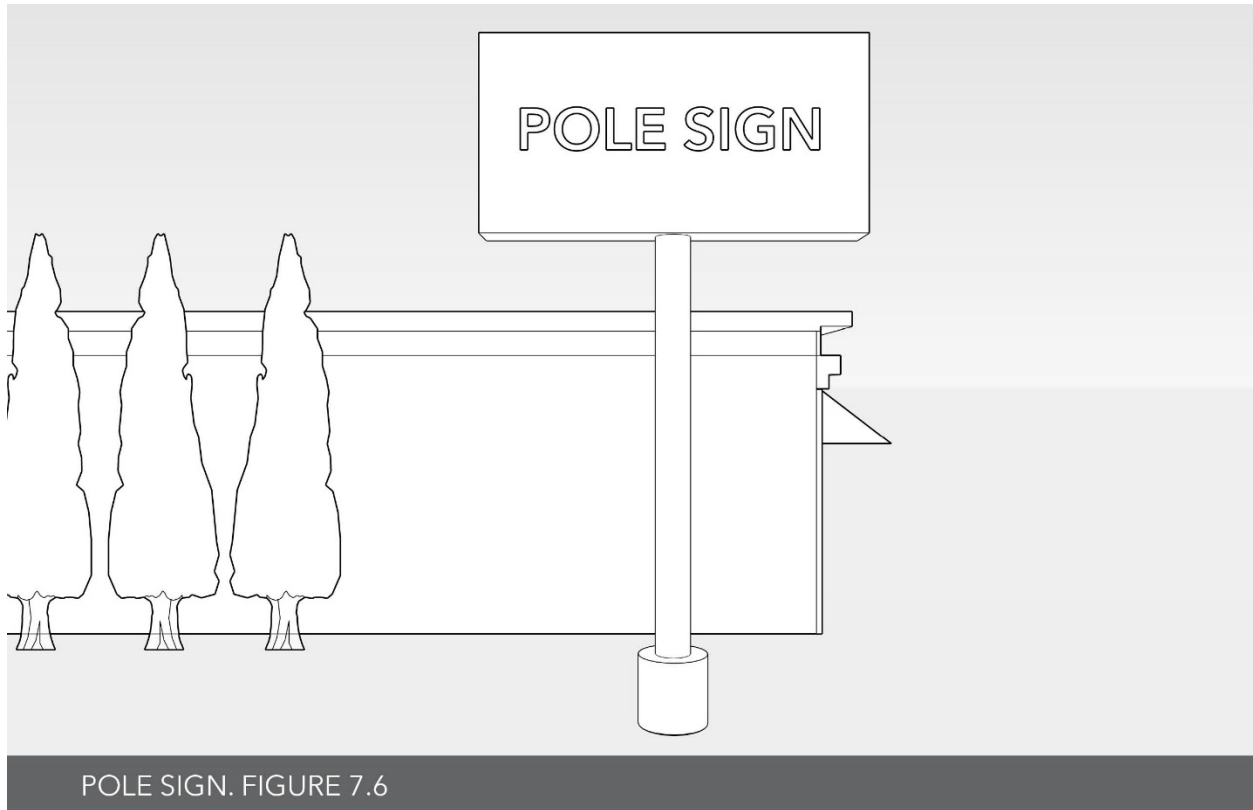
GROUND SIGN. FIGURE 7.4

- L. **INCIDENTAL SIGN:** A sign placed on private property and placed in a manner so as to be read by persons within the site, not by persons passing by on the streets or other rights-of-way. Incidental signs may convey messages such as “no parking,” “entrance,” “loading zone,” handicap,” “no hunting,” “no trespassing,” or other noncommercial messages.
- M. **INFLATABLE SIGN:** Any three-dimensional object depicting a character, figure, product, or product trademark, whether or not such object contains a message or lettering, and may be tethered to the ground.
- N. **MARQUEE:** A permanent structure constructed of rigid materials that project from the exterior wall of a building.
- O. **MARQUEE SIGN:** An affixed sign flat against the surface of a marquee. (See Figure 7.5)

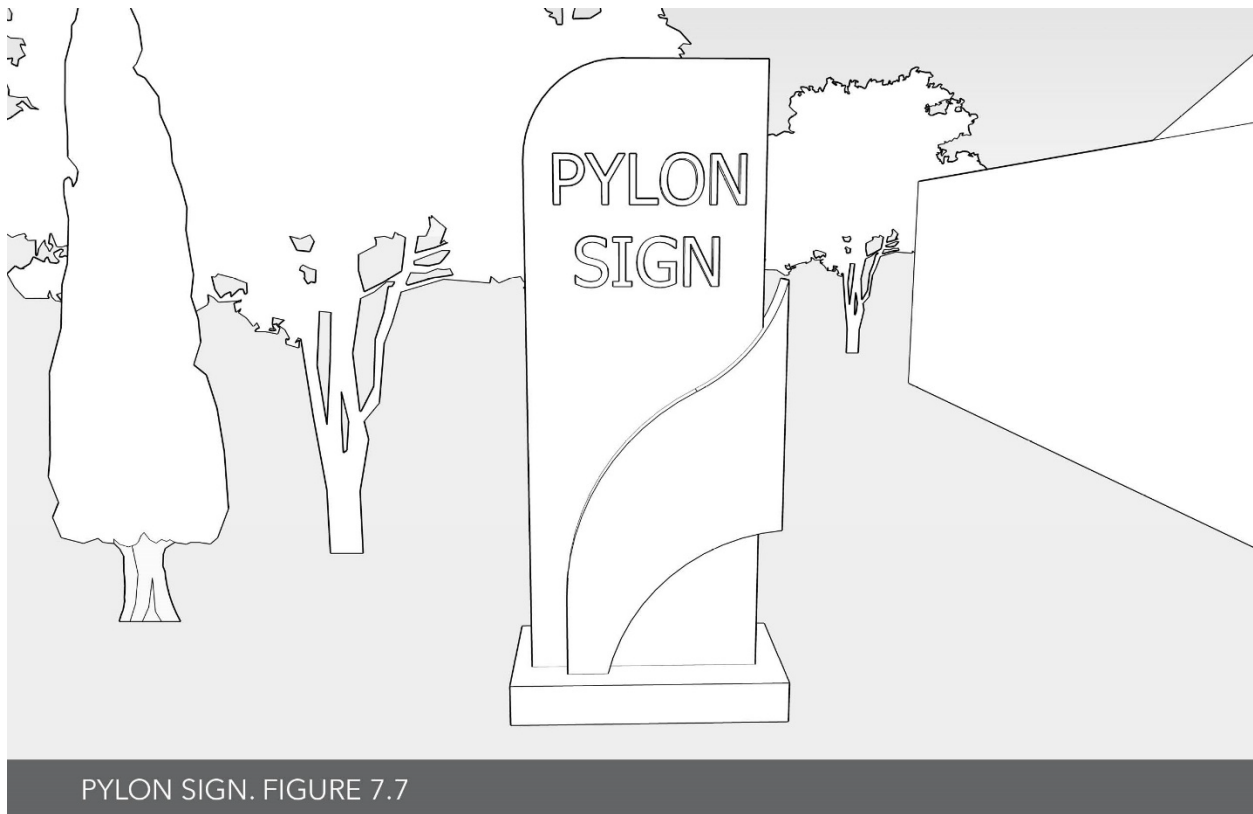


MARQUEE SIGN. FIGURE 7.5

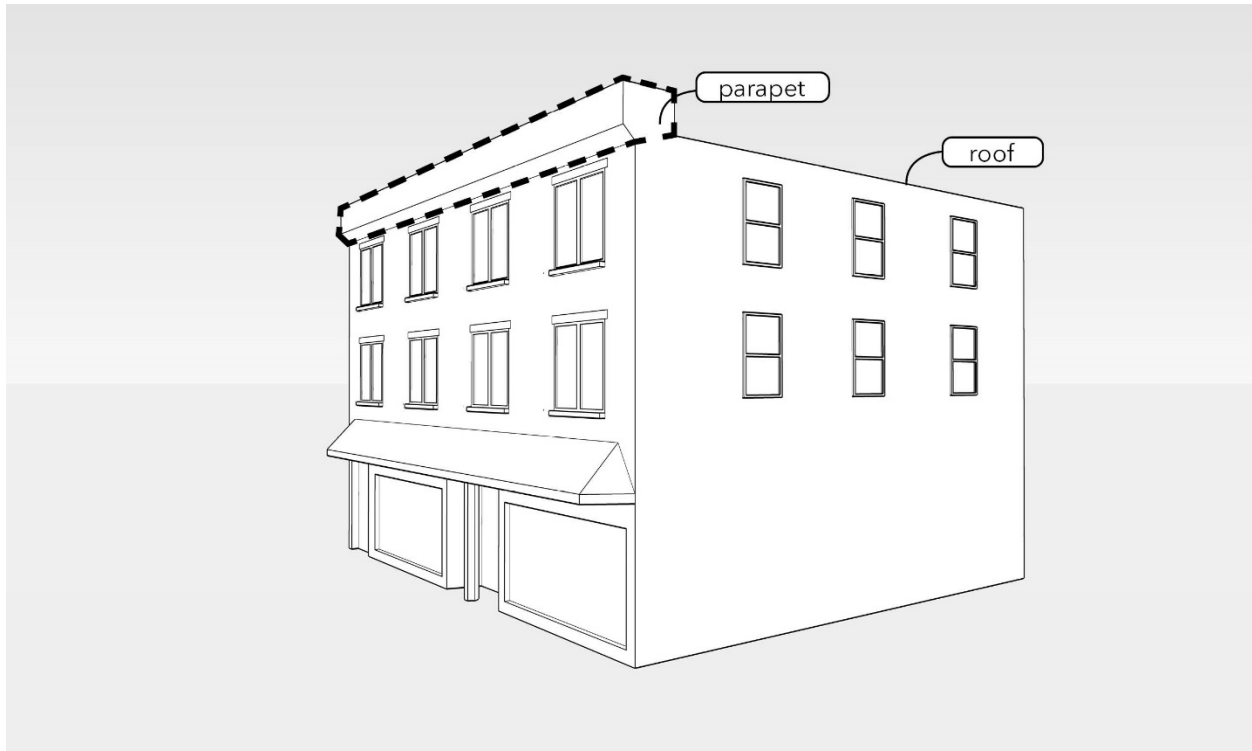
- P. MURAL: A design or representation painted or drawn on a wall that does not advertise an establishment, product, service, or activity.
- Q. ON-PREMISE SIGN: Any sign which pertains solely to the use of the property on which it is located, such as to an establishment, product, merchandise, good, service, or entertainment that is located, sold, offered, produced, manufactured, or furnished at the property on which the sign is located.
- R. POLE SIGN: A freestanding sign that is supported by a structure, pole(s), or brace(s) that are less than fifty percent (50%) the width of the sign. (See Figure 7.6)



- S. **PORTABLE SIGNS:** A sign that, by its nature, is intended to be easily moved from one location to another, typically a sign supported on a metal chassis and may include copy that can be changed manually through the use of attachable characters, but not including sidewalk signs, banners, or similar signs as determined by the zoning administrator.
- T. **PROJECTING SIGN:** A double-faced sign attached to a building or wall that extends more than twelve (12) inches but not more than forty-eight (48) inches from the face of the building or wall.
- U. **PYLON SIGN:** A ground sign that sits directly on the ground and may have an internal support framework that consists of a pole(s), pylon(s), or brace(s) and is less than fifty percent (50%) of the width of the sign and may or may not be taller than six (6) feet in total height. (See Figure 7.7)



- V. **READER BOARD:** A portion of a sign on which copy is changed manually or electronically but is limited to numbers and letters only.
- W. **ROOF LINE:** The top edge of a roof or parapet wall, whichever is higher, but excluding any cupolas, chimneys, or other minor projections. (See Figure 7.8)
- X. **ROOF SIGN:** A sign erected above the roof line or parapet of a building. (See Figure 7.9)

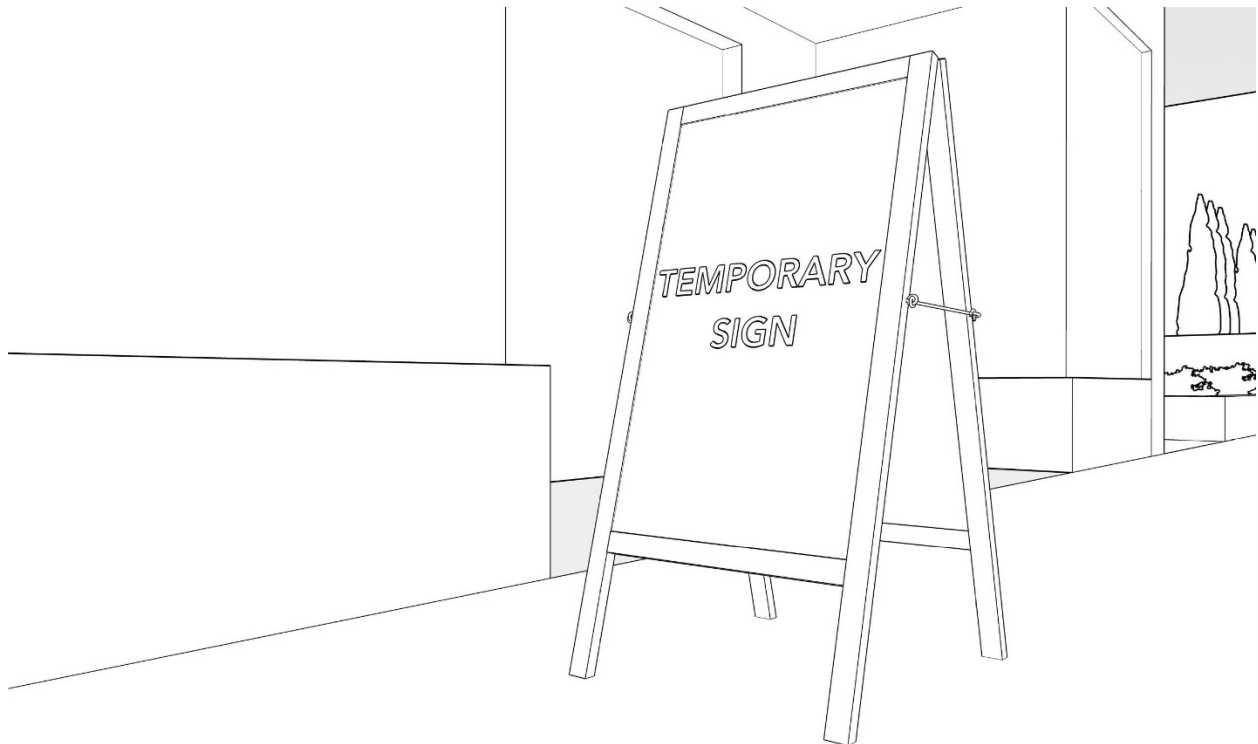


PARAPET. FIGURE 7.8



ROOF SIGN. FIGURE 7.9

- Y. SIGN: A device, structure, painting, fixture, or placard using color, graphics, symbols, and/or written copy designed and/or used for advertising or identifying any event, establishment, product, good, service, or displaying or depicting other information.
- Z. SNIPE SIGN: A sign that is attached to a utility pole, tree, fence, or any object located or situated on public property or private property without permission.
- AA. SUBDIVISION SIGN: A ground sign placed at an entrance to a residential subdivision or similar large-scale development. Such a sign shall only contain the name of the development.
- BB. TEMPORARY SIGN (ON-SITE): Any banner, pennant, valance, or advertising display constructed by cloth, canvas, light fabric, cardboard, wallboard, plastic, or other material with or without a frame, intended to be displayed for a short time advertising a sale, grand opening, product, or event that is temporary or of a short duration that is located off your property. (See Figure 7.10)



TEMPORARY SIGN. FIGURE 7.10

- CC. TEMPORARY SIGN (OFF-SITE): Any banner, pennant, valance, or advertising display constructed of cloth canvas, light fabric, cardboard, wallboard, plastic, or other material with or without a frame, intended to be displayed for a short time advertising a sale, grand opening, product, or event that is temporary or of short duration that is located off your property. (See Figure 7.10)

- DD. **VEHICLE SIGN:** A sign designed to be mounted to a vehicle or trailer and visible to other motorists or pedestrians while also mounted, with the primary purpose of advertisement while the sign is being transported. A sign of limited sign painted on a vehicle that identifies the business that owns or uses the vehicle, or a sign depicting the name of the owner of the vehicle, shall not be considered a vehicle sign.
- EE. **WALL SIGN:** A sign painted or attached directly to and parallel to the exterior wall of a building extending no greater than eighteen (18) inches from the exterior face of the wall to which it is attached. (See Figure 7.11)



- FF. **WINDOW SIGN:** A sign installed inside a window intended to be viewed from the outside. (See Figure 7.12)



WINDOW SIGN. FIGURE 7.12

Section 7.4 General Sign Provisions

- A. No person shall erect, alter, place, or permit to be placed or replace any sign without first obtaining a zoning permit from the Township, except as otherwise provided for in this Article.
- B. Signs shall be always maintained in good condition and repair and free of peeling paint or paper, fading, staining, rust, or other condition that impairs the legibility or intelligibility.
- C. Sign supports, braces, guys, and anchors shall be maintained so as not to cause a hazard.
- D. A sign must be constructed to withstand all wind and vibration forces generally expected to occur in the vicinity. In addition, a sign must be maintained to ensure proper alignment of the structure and continued structural soundness.

- E. Signs may be internally illuminated or externally illuminated where permitted. The following provisions apply for illuminated signage in the Township.
1. Illuminated signs shall not create glare or create unacceptable over-illumination of the surrounding area. Any sign illumination that may cause or otherwise create traffic hazards is strictly prohibited. Only soft lighting is permitted for lamping and read-outs, nor brighter than three foot-candles above ambient light conditions. Voids or burned-out lamping must be replaced promptly.
 2. The lighting fixture shall only be mounted above the sign for externally illuminated signs. The light fixture is shielded so that light is directed downward and directly at the sign face only (below the horizontal). Externally illuminated signs shall not be directly aimed at adjacent streets, roads, or other properties.
 3. All electrical wiring shall be located underground, and any associated electrical conduit or piping shall not be exposed to view aboveground unless a portable generator is used for a temporary illuminated sign.
 4. Back-lit or internally illuminated signs shall not cause excessive glare or allow light to encroach onto neighboring properties.
 5. Where any illuminated sign is located in a residential district or next to a residential district, these illuminated signs shall be equipped with an illumination timer control unit.
 6. The sign shall be timed such that the sign is not illuminated after 11:00 PM or no more than 30 minutes after the close of business, whichever is later. In addition, no sign shall be illuminated before 6:00 AM or 30 minutes before the opening of business, whichever is later.
 7. Details of all timer control units shall be submitted with a sign permit application.
 8. Digital signs are prohibited.
- F. No light pole, utility pole, or other supporting members shall be used for the placement of and sign unless specifically designed and approved for such use by the applicable jurisdiction and the owner of the pole or supporting item.
- G. All signs shall pertain only to the business use or activity conducted on the premise where the sign is located, except for political signs.

- H. No sign shall contain any moving or animated parts nor appear to have any moving or animated parts.
- I. No sign shall employ flashing, moving, or oscillating, blinking, or variable intensity light.
- J. The sign's owner and the owner of the property where the sign is located shall be jointly and severally responsible for complying with all provisions of the Article and this Ordinance.
- K. Unless a different setback is specified for a particular sign elsewhere in this Article, all signs must be set back at least ten (10) feet from any public or private road right-of-way or easement and must meet all other applicable setback requirements specified in this Ordinance for a building.
- L. Only signs approved according to the Planned Unit Development process are allowed on a property approved as a Planned Unit Development. The same is also applicable concerning special land use approvals.
- M. Any sign not expressly allowed by this Ordinance is prohibited.
- N. Billboards are prohibited.

Section 7.5 Exempted Signs

The following signs shall be exempt from the provisions of this Ordinance.

- A. Government Signs
- B. State and National Historical Markers
- C. Memorial Signs or Tablets
- D. Murals
- E. Signs for Essential Services
- F. Placards not exceeding two (2) square feet in area.
- G. Temporary signs used for crop or seed during planting and growing seasons not exceeding two (2) square feet in area, provided the signs are at the end of rows, not in the right-of-way, and removed when crops are harvested.

- H. Signs with addresses, owner, or occupant names up to four (4) square feet in area.
- I. Window signs provided that no more than twenty-five percent (25%) of the window surface is covered with signs. This does not include the temporary erection of holiday and festive displays.
- J. Scoreboards for private schools or publicly owned and operated athletic fields.
- K. Flags or insignia.
- L. Incidental signs.

Section 7.6 Prohibited Signs

The following signs are prohibited:

- A. Signs that are erected, displayed, or placed above the roofline of a building. (See definition of "Roof Sign.")
- B. Any sign erected in any place where it may, because of its position, shape, color, or other characteristics, interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal, or device or constitute a nuisance per se.
- C. Any sign placed within, upon, or over any public right-of-way, alley, sidewalk, or other public space, except government signs and as this chapter may otherwise allow.
- D. Vehicle signs. (See definition of "Vehicle Sign.")
- E. Portable or temporary signs, except as may otherwise be expressly allowed by this Article.
- F. Projecting signs. (See definition of "Projecting Sign.")
- G. Abandoned signs must be removed within sixty (60) days of the date of abandonment.
- H. Snipe signs (See definition of "Snipe Signs")
- I. Signs on street furniture, such as benches and trash receptacles.
- J. Billboards.

- K. Any sign not expressly allowed by this Article.
- L. Signs that are dilapidated, in poor repair or condition, or are unlawful.

Section 7.7 Nonconforming Signs, Illegal Signs, and Signs Accessory to Nonconforming Uses

- A. Every permanent sign which does not conform to the height, size, area, or location requirements of this Article as of the date of the adoption of this Ordinance but was lawful as of the date of adoption of this Ordinance is hereby deemed to be non-conforming.
- B. Nonconforming signs cannot be expanded, enlarged, or extended; however, nonconforming signs may be maintained and repaired.
- C. A sign that is nonconforming only due to its size may be diminished without jeopardizing its nonconfining status so long as it does not extend the useful life of the sign. In addition, the copy or wording on the sign may be amended or changed without jeopardizing its nonconforming status. If a sign is nonconforming in its setback or due to use, this Section shall not apply, and the say may not be diminished in size or replaced.
- D. If a sign loses its nonconforming designation or status, the sign (and all portions thereof) shall be removed immediately and shall not be repaired, moved, replaced, or rebuilt unless it fully complies with all requirements of this Ordinance. In addition, a nonconforming sign shall lose its lawful nonconforming designation and status if the Zoning Administrator determines that any of the following is applicable:
 - E. The sign is located, removed, moved, rebuilt, or replaced.
 - F. The sign is destroyed. A sign shall be deemed destroyed if any of the following occurs:
 - 1. The sign is torn down or demolished; or
 - 2. Such damage has been done to the sign that it cannot be returned to its prior state by routine repair but only be a replacement or material rebuilding; or
 - 3. More than fifty percenter (50%) of the face of the sign has been shattered, or a portion of the sign's face touches the ground.

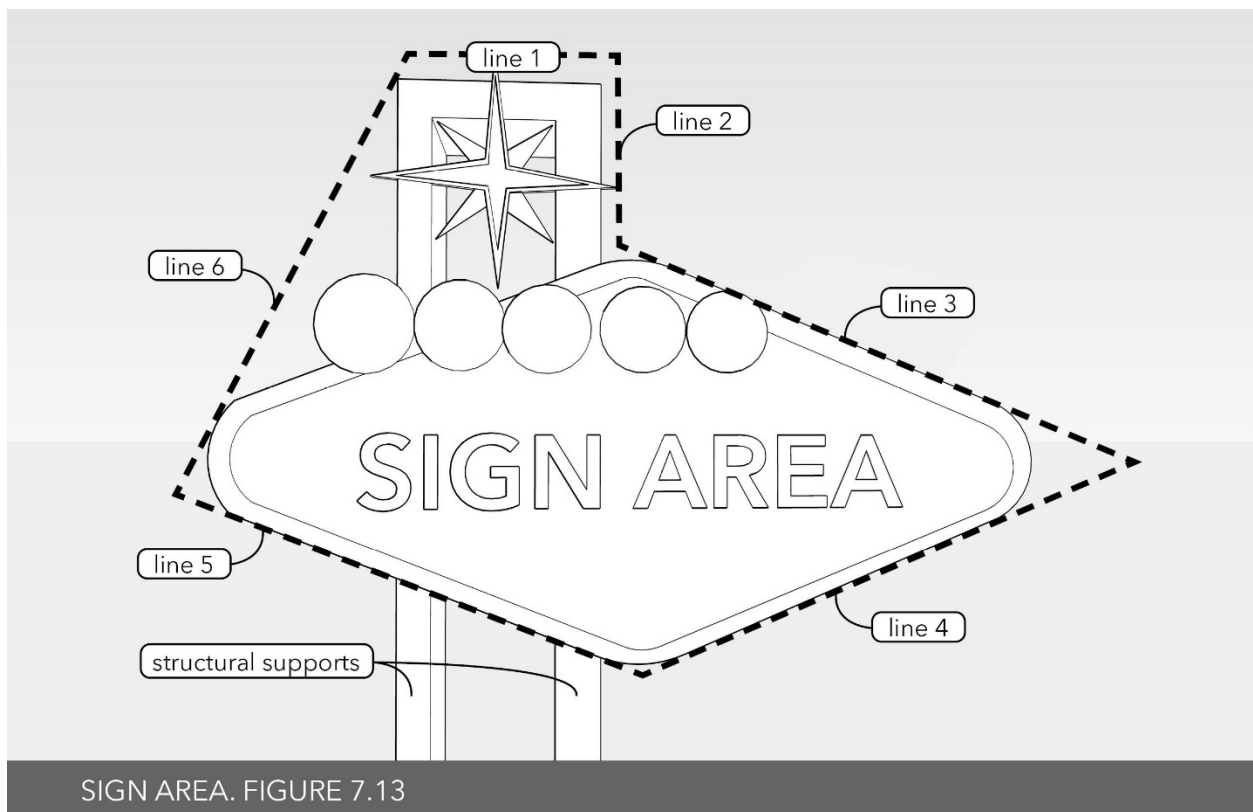
- G. Any nonconforming sign destroyed by fire or other casualty loss shall not be restored or rebuilt if the reconstruction will constitute more than fifty percent (50%) of the value of the sign on the date of loss.
- H. The structure or size of the sign is altered in any way other than a change of copy or routine maintenance, which does not physically alter the sign.
- I. There is a material change in the use of the premises where the sign is located.
- J. If a nonconforming sign suffers fifty percent (50%) or more damage or deterioration, it loses its nonconforming status and must be brought into full compliance with this Ordinance or be removed. To determine whether a sign has been damaged fifty percent (50%) or greater, the costs of physically repairing the sign shall be compared to the costs of physically replacing the sign. If the repair cost is less than fifty percent (50%), damage or deterioration has occurred according to such comparison; the sign may be repaired to its original state.
- K. Any sign that, for six (6) months (or more), no longer advertises a bona fide business conducted or product sold on the property where the sign is located shall be removed by the owner of the building, structure, or property owner upon which such sign is located within thirty (30) days of receipt of written notice by the Zoning Administrator.
- L. A sign, accessory to a nonconforming use, may be erected following the sign regulations for the subject zoning district.
- M. Any sign (whether conforming or nonconforming) that is unused for three (or more) consecutive years or longer or which advertises, identifies, or depicts a business, matter, or service on the same lot where the sign is located and such business, matter or service shall not have been open or operating for three consecutive years (or longer) shall be removed (and if lawfully nonconforming, shall be deemed to have abandoned its lawful nonconforming status).
- N. Signs for any business, office, or nonresidential use shall be fully covered and enclosed by a neutral color cover while the business, office, or nonresidential use is closed or not in operation for 90 consecutive days or longer, and such cover shall remain over the sign unless and until the business, office or nonresidential use lawfully reopens.

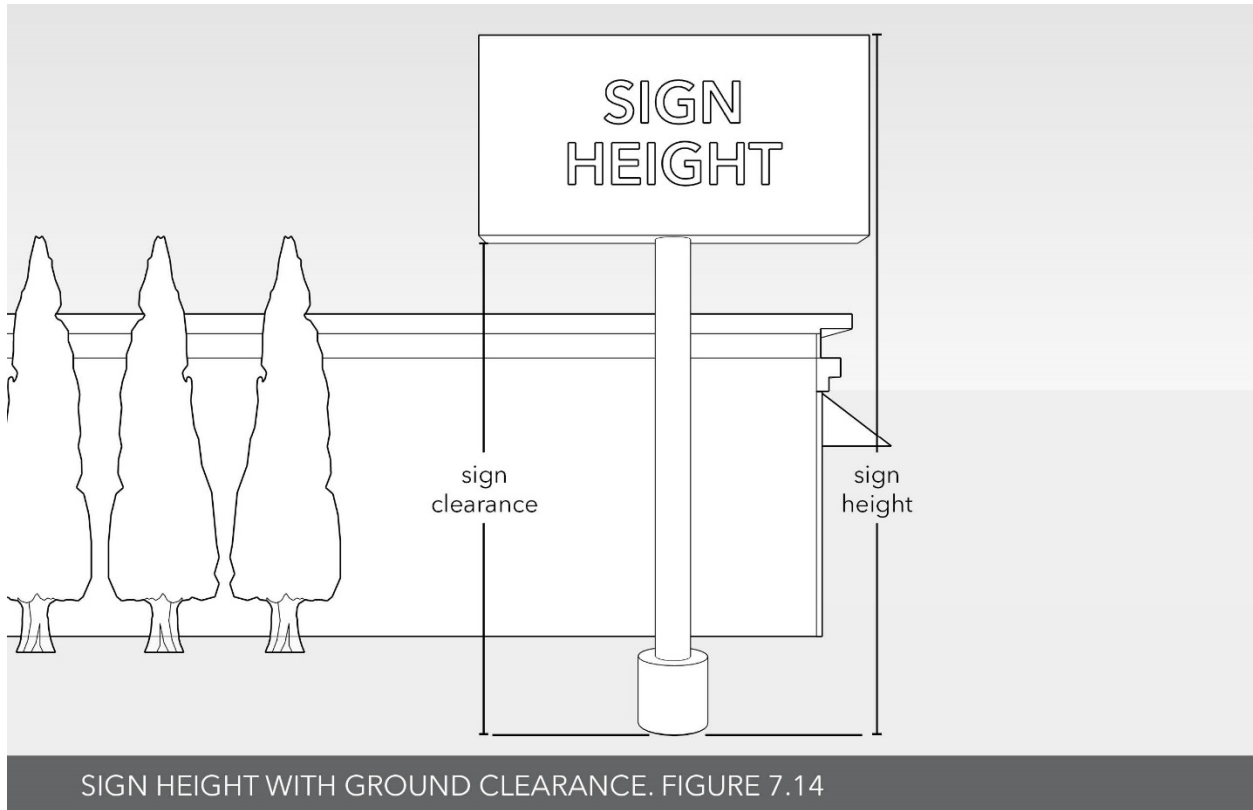
Section 7.8 Sign Measurements

- A. The area of a sign shall be measured as the area within a single, continuous perimeter composed of any straight-line geometric figure of up to six sides which encloses the extreme limits of writing, representation, emblem, logo, or any other figure of similar character, together with any frame or other materials 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. (See Figure 7.13)

- B. The area of a freestanding or ground sign with two (2) or more faces shall be measured by including the area of all sign faces, except if two (2) such face is placed back-to-back and are of equal size. The area of the two (2) back-to-back faces shall be counted as one (1) face. If the two (2) back-to-back faces are of unequal size, the larger of the two (2) sign faces shall be counted as the one (1) sign 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. (See Figure 7.14)
- D. For buildings with multiple tenants, the sign area for wall signs, and awning signs, shall be determined by taking that portion of the front wall of the building applicable to each tenant space and computing sign requirements for that portion of the whole wall.





Section 7.9

Temporary Signs Permitted in All Districts

Signs Allowed in All Districts	
Temporary Signs at Construction Sites	
Number	Are allowed either two (2) signs – if between sixteen (16) and thirty-two (32) square feet, or four – if none are over six (6) square feet in size.
Size (Maximum)	See above.
Location	A) Front yard Setback – twenty (20) feet B) Side yard Setback – twenty (20) feet
Height (Maximum)	Not to exceed eight (8) feet in total height.
Other	A) Construction signs shall not be erected until the project, the subject of the proposed sign, and the construction activity have actively begun. B) Construction signs shall be removed within fifteen (15) days of the issuance of any occupancy permit for the building or completion of the project, which is the subject of the construction sign.
Temporary Special Event Signs	
Number	No more than five (5) for each special event, of which no more than one (1) may be a portable sign. Any straight-line string of lights, pennants, or flags shall be considered one (1) sign.
Size (Maximum)	Thirty-two (32) square feet for the portable and banner signs. Four (4) square feet for temporary signs.
Location	A) All signs shall be located on the lot on which the special event is held. B) Setbacks for portable and banner signs are fifteen (15) feet from all property lines and rights-of-way. C) Front yard setback for temporary signs is five (5) feet from a right-of-way.
Height (Maximum)	No height limit.
Other	A) The display of such signs shall be limited to the twenty-one (21) days immediately preceding the special event which is being advertised. B) Such signs shall be removed within forty-eight (48) hours of the conclusion of the special event which is being advertised. C) A permit is required from the Township for portable and banner signs.

Directional Signs	
Number	Six (6) signs per lot or parcel are permitted.
Size (Maximum)	No such sign shall exceed six (6) square feet in area.
Location	Two (2) feet from all rights-of-way
Height (Maximum)	Not to exceed four (4) feet in total height.
Other	<p>A) No permit is required for six (6) or fewer signs.</p> <p>B) Directional signs shall be limited to traffic control functions.</p> <p>C) It may contain a logo of an on-premise establishment but no other advertising copy.</p>
Temporary Signs for Garage or Estate Sales	
Number	Two (2) signs per lot or parcel are permitted.
Size (Maximum)	Such signs shall not exceed six (6) square feet in area.
Location	Located on the lot or parcel on which such sale is being conducted, or on any other lot or parcel with the property owner's written permission, and erected outside any public right-of-way.
Height (Maximum)	No to exceed four (4) feet in total height.
Other	<p>A) Such sign shall be erected no more than seven (7) days before the day(s) of the sale and shall be removed within one (1) day after the completion of the sale.</p> <p>B) No permit is required.</p> <p>C) No such signage shall be displayed for more than thirty (30) days per calendar year.</p>
Incidental Signs	
Number	N/A
Size (Maximum)	No individual sign shall exceed two (2) square feet in area.
Location	N/A
Height (Maximum)	N/A
Other	Only signs that, in the Zoning Administrator's opinion, are necessary to indicate entrances, exits, safety precautions identifying logos without text, and other such incidental language shall be allowed.

Section 7.10 Signs Allowed in Residential and Agricultural Zoning Districts

Only the following signs are allowed within the A – Agricultural and RR – Rural Residential zoning districts:

Permitted Signs in Residential and Agricultural Districts	
Subdivision Signs	
Number	One (1) sign per subdivision
Size (Maximum)	Thirty-two (32) square feet
Location	A) Front yard Setback – Ten (10) feet from a right-of-way B) Side yard Setback – Twenty (20) feet
Height (Maximum)	Ground sign only and no taller than six (6) feet above natural grade
Other	Permit is required
Temporary Signs located at Roadside Farm Stands	
Number	One (1) sign
Size (Maximum)	Sixteen (16) square feet
Location	A) Front yard Setback – Ten (10) feet from a right-of-way B) Side yard Setback – Twenty (20) feet
Other	Permit is Required
Non-Residential Use, Public, or Institutional Uses (No Commercial Use)	
Number	One (1) sign per lot
Size (Maximum)	Thirty-two (32) square feet
Location	A) Front yard Setback – Ten (10) feet from a right-of-way B) Side yard Setback – Twenty (20) feet
Height	Ground sign only – no taller than six (6) feet from natural grade
Other	Permit is required A reader board is allowed but shall not exceed 50% of the total sign area or sixteen (16) square feet, whichever is less, and meet the illumination requirements of Section 4.4(E).
Home Occupation Signs	
Number	Only one (1) sign per lot
Size (Maximum)	Sixteen (16) square feet
Location	A) Front yard Setback – Ten (10) feet from the right-of-way B) Side yard Setback – Twenty (20) feet
Height	Six (6) feet.
Other	Permit is required
Temporary Political Yard Signs	
Number	Four (4) signs of six (6) square feet or less. Two (2) signs for signs larger than six (6) square feet.

Size (Maximum)	No greater than six (6) square feet on lots 1.99 acres or fewer. No more than thirty-two (32) square feet for lots larger than 2.00 acres.
Location	Six (6) square feet and under, with no required setback. Over six (6) square feet in size, ten (10) feet front yard setback from the right-of-way and twenty (20) feet side yard setback from the property line.
Height	Six (6) feet.
Other	A permit is not required It may be located off-site with the prior permission of the landowner where the sign is located.
Temporary Real Estate Yard Signs	
Number	One (1) per street frontage.
Size (Maximum)	Six (6) square feet on lots less than two (2) acres. Thirty-two square feet on lots greater than two (2) acres.
Location	Six (6) square feet and smaller, no setback requirements Greater than six (6) square feet in size, front yard setback is ten (10) feet, and side yard setback is twenty (20) feet.
Height (Maximum)	Six (6) feet
Other	A permit is not required; however, the sign must be removed within seven (7) days after the property is sold.
Temporary Signs On-Premise	
Number	Two (2) signs.
Size (Maximum)	Thirty-two (32) square feet.
Location	Front yard Setback – Ten (10) feet from the right-of-way
Height (Maximum)	Six (6) feet.
Other	<p>A) It cannot be displayed for more than ninety (90) days within one calendar year.</p> <p>B) A permit is not required.</p> <p>C) Business and/or special events must be within Grant Township</p>
Temporary Signs Off-Premise	
Number	N/A
Size (Maximum)	Thirty-two (32) square feet
Location	Front yard Setback – Ten (10) feet from a right-of-way.
Height (Maximum)	Six (6) feet.

Other

- A) It cannot be displayed for more than ninety (90) days within one calendar year.
- B) A permit is required.
- C) Business and/or special events must be within Grant Township.
- D) Written permission from the property owner must be acquired.

Section 7.11 Signs Allowed in the Lake Residential District

Only the following signs are allowed within the LR – Lake Residential zoning district as follows:

Permitted Signs in the Lake Residential District	
Home Occupation Signs	
Number	One (1) sign per lot.
Size (Maximum)	Sixteen (16) square feet.
Location	A) Rear yard (street side) Setback – Ten (10) feet from rights-of-way. B) Side yard Setback – Twenty (20) feet.
Height (Maximum)	Six (6) feet.
Other	A permit is required.
Temporary Political Yard Signs	
Number	Four (4) signs for signs of six (6) square feet or less. Two (2) signs for signs greater than six (6) square feet.
Size (Maximum)	No greater than six (6) square feet on lots 1.99 acres or fewer. No more than thirty-two (32) square feet for lots larger than 2.00 acres.
Location	Six (6) square feet and smaller, no setback requirements Greater than six (6) square feet in size, front yard setback is ten (10) feet, and side yard setback is twenty (20) feet.
Height (Maximum)	Six (6) feet.
Other	A permit is not required. It may be located off-site with the permission of the landowner.
Temporary Real Estate Yard Signs	
Number	One (1) per street frontage One (1) per lake frontage.
Size (Maximum)	Six (6) square feet on lots less than two (2) acres. Thirty-two square feet on lots greater than two (2) acres.
Location	Six (6) square feet and smaller, no setback requirements Greater than six (6) square feet in size, front yard setback is ten (10) feet, and side yard setback is twenty (20) feet.
Height (Maximum)	Six (6) feet.
Other	A permit is not required; however, the sign must be removed seven (7) days after the property is sold.
Temporary Signs (On-Site)	
Number	Two (2) signs.
Size (Maximum)	Four (4) square feet

Location	Rear yard (street side) Setback – Five (5) feet from a right-of-way.
Height (Maximum)	Four (4) feet.
Other	A) Cannot display more than ninety (90) days within one year. B) A permit is not required.
Temporary Signs (Off-Site)	
Number	Two (2) signs.
Size (Maximum)	Four (4) square feet.
Location	Rear yard (street side) Setback – Five (5) feet from a right-of-way.
Height (Maximum)	Four (4) feet.
Other	A) Cannot display more than ninety (90) days within one year. B) A permit is not required. C) Written permission from the landowner.

Section 7.12 Signs Allowed in the Commercial and Industrial Districts:

Permitted Signs in the Commercial & Industrial Districts	
Subdivision Signs	
Number	One (1) sign at each entrance.
Size (Maximum)	Thirty-two (32) square feet.
Location	A) Front yard Setback – Ten (10) feet from the right-of-way line. B) Side yard Setback – Twenty (20) feet.
Height (Maximum)	Ground Sign Only – Six (6) feet
Other	A permit is required.
Non-Residential Use, Public or Institutional	
Number	One (1) sign.
Size (Maximum)	Thirty-two square feet. Ten (10) foot setback. If the sign setback is greater than the required setback, the sign may be increased by an additional two (2) square feet for each one (1) linear foot of the distance of setback needed up to a maximum of 180 square feet.
Location	A) Front yard Setback – Ten (10) feet from the right-of-way B) Side yard Setback – Twenty (20) feet.

	C) Setbacks may be more stringent on State Highways (MDOT).
Height (Maximum)	A) Ground sign not to exceed six (6) feet in total height. B) Pole and pylons signs may not exceed twenty (20) feet in total height with a clearance of eight (8) feet.
Other	A) A permit is required. B) A reader board or electronic message center is permitted but shall not exceed 50% of the total signage area.
Home Occupation Signs	
Number	One (1) sign
Size (Maximum)	Sixteen (16) square feet.
Location	A) Front yard Setback – Ten (10) feet from a right-of-way B) Side yard Setback – Twenty (20) feet C) Setbacks may be more stringent on MDOT roads
Height (Maximum)	Six (6) feet.
Other	Permit is required
Temporary Political Yard Signs	
Size (Maximum)	Six (6) to Thirty-two (32) square feet
Location	Six (6) square feet in size and under, with no setback requirement. Over six (6) square feet in size, ten (10) feet from the front yard right-of-way and twenty (20) feet from side yard setbacks.
Height (Maximum)	Six (6) feet.
Other	A permit is not required and may be located off-premises.
Temporary Real Estate Yard Signs	
Number	One (1) per frontage
Size (Maximum)	Thirty-two (32) square feet
Location	Six (6) square feet and smaller, no setback requirements Greater than six (6) square feet in size, front yard setback is ten (10) feet, and side yard setback is twenty (20) feet.
Height	Six (6) feet
Other	A permit is not required; however, the sign must be removed seven (7) days after the property is sold.
Ground, Pole, or Freestanding Signs	
Number	One (1) per lot
Size (Maximum)	A) Thirty-two (32) square feet. B) If the pole or pylon sign is set back more than the required distance, it may be increased by two (2) square feet per

	each additional one (1) linear foot up to 50 additional feet and be no larger than 180 square feet in area.
Location	Front yard Setback – Ten (10) feet from a right-of-way Side yard Setback – Ten (10) feet.
Height (Maximum)	A) Ground signs can be no taller than six (6) feet. B) Pole or Pylon signs can be no taller than twenty (20) feet. C)
Wall Signs	
Number	One (1) per frontage, or if a multi-tenant building, one per tenant entrance.
Size (Maximum)	No sign shall extend beyond the edge of the wall to which it is affixed nor extend above the roofline of a building.
Location	No sign shall extend beyond the edge of the wall to which it is affixed nor extend above the roofline of a building.
Height (Maximum)	The wall of the building.
Other	A permit is required.
Awning Signs	
Number	One (1) per tenant entrance
Size (Maximum)	Not to exceed the size of the awning
Location	On the face of the awning.
Other	A permit is required.
Canopy Sign	
Number	One (1) per tenant entrance.
Size (Maximum)	Maximum of Two (2) square feet per linear foot of the width of the canopy, but no greater than the face of the canopy.
Location	On the face of the canopy
Other	A permit is required.
Temporary Signs On-Site	
Number	Four (4) signs.
Size (Maximum)	Four (4) square feet
Location	Front yard Setback – Five (5) feet from a right-of-way
Height (Maximum)	Four (4) feet
Other	A permit is not required
Duration	Such signs cannot be displayed more than ninety (90) days per calendar year.
Temporary Signs Off-Site	
Number	Four (4) signs
Size (Maximum)	Four (4) square feet
Location	Front yard Setback – Five (5) feet from a right-of-way
Height (Maximum)	Four (4) feet.

Other	A) A permit is not required. B) Written permission from the property owner.
Duration	Such signs cannot be displayed more than ninety (90) days per calendar year.

ARTICLE 8 - OFF-STREET PARKING AND LOADING SPACES

Section 8.1 Description and Purpose:

To permit and regulate the parking and loading of automotive vehicles in all zones.

Section 8.2 General Regulations and Definitions:

The following regulations and definitions shall apply in all zoning districts.

- A. All proposed parking and loading area plans shall be submitted to the Zoning Administrator for all new commercial, industrial, multi-family, and mobile home park uses.
- B. "Gross floor area" is the sum of the gross horizontal areas of the several floors of a building or buildings, measured from the exterior faces of exterior walls or the centerline of walls separating two (2) buildings.
- C. Without proof of unnecessary hardship, the Zoning Board of Appeals may grant any applicant a variance on the requirements of this Article if the Board finds from the evidence presented that the intended use of a proposed building does not require parking or loading facilities to the degree specified herein. However, the Board shall require that adequate open spaces be retained around such a building to permit the development of the required parking or loading areas should the use of the building change later.

Section 8.3 Parking Requirements:

Hereafter, no building shall be erected or altered, and no land will be used unless there are adequate off-street parking spaces per the following schedule.

USES	REQUIREMENTS
RESIDENTIAL	
Single – Family Residential Uses	Two (2) spaces per dwelling unit.
Two – Family Residential Uses	Two (2) spaces per dwelling unit.
COMMERCIAL/OFFICE	

<ul style="list-style-type: none"> • Retail (< 10,000 sq. ft.), Office, Personal Service Uses • Retail (> 10,000 sq. ft.), Office, or Personal Services Uses. • Restaurants/Cafes, both indoor and outdoor. 	<ul style="list-style-type: none"> • One (1) parking space per 250 square feet of gross floor area. • One and a half (1.5) spaces per 300 square feet of gross floor area. • One (1) space for every four (4) seats or One (1) space for every 250 square feet of gross floor area.
INDUSTRIAL	
<ul style="list-style-type: none"> • Industrial Uses 	<ul style="list-style-type: none"> • Five (5) spaces plus One (1) space of parking per 1.5 employees

In the case of a use not specifically mentioned, the requirements of off-street parking facilities shall be the same as for the most similar use listed. Said determination shall be made by the Planning Commission.

Section 8.4 Size and Access:

The following provisions shall apply:

- A. Except for one (1) and two (2) family dwellings, each off-street parking area shall be connected to a driveway at least twenty (20) feet in width.
- B. Each off-street parking space shall be at least ten (10) feet in width and twenty (20) feet in length, exclusive of aisles and access.
- C. All paved parking spaces shall be legibly marked.
- D. Driveways opening into major streets shall not be closer than eighty (80) feet to the intersection. In addition, no driveway shall be closer than twenty (20) feet to any minor street corner.
- E. No parking or loading space shall be directly accessible to a street except by an approved driveway.
- F. All parking areas shall have an adequate means of ingress and egress and shall contain aisles of sufficient size to permit vehicles' efficient, continuous, and safe movement, including emergency vehicles, applicable delivery vehicles, and trash collection vehicles.

Section 8.5 Parking in General Commercial and Industrial Districts:

Every parking area in the "C" or "I" District shall meet the following requirements:

- A. Parking areas shall be effectively screened on any side which abuts a residential district by a greenbelt. In addition, no parking area shall be closer than twenty-five (25) feet to any residential property line in a residential district or closer than ten (10) feet to any street.
- B. Every driveway and parking area shall be improved with an asphalt surface or similar durable material. It shall be gradual and drained so that all surface water flows to the nearest drain or drainage ditch. The county Road Commission or Drain Commissioner shall approve all drainage plans. No lighting shall shine toward dwellings or streets.

Section 8.6 Parking Exceptions:

The Planning Commission may approve a site development plan with a lesser area if the following is shown:

- A. The parking requirement is shown to be excessive.
- B. The use does not attract or provide services for the general public.
- C. The maximum number of employees is shown on the site development plan.
- D. A signed agreement to provide additional parking when necessary is presented.
- E. An open landscaped area encompassing the additional required area is reserved for future use.

Section 8.7 Loading Space Requirements:

For every building, or addition to an existing building, hereafter erected to be occupied by a use allowed in any commercial or industrial zone district or other similar use requiring the receipt or distribution, in vehicles, of materials or merchandise, there shall be provided and maintained on the same premises, with such building or addition, off-street loading spaces concerning floor area as follows:

- A. Loading spaces are not required for commercial or industrial buildings under five thousand (5,000) square feet.
- B. One (1) space: Between five thousand (5,000) and twenty thousand (20,000) square feet.
- C. Two (2) spaces: Between twenty thousand (20,000) and fifty thousand (50,000) square feet.
- D. Three (3) spaces: Between fifty thousand (50,000) and one hundred thousand (100,000) square feet.

- E. One (1) additional space for each additional one hundred thousand (100,000) square feet or fraction thereof.
- F. Each such loading space shall be at least twelve (12) feet in width, twenty-two (22) feet in length, and fourteen (14) feet in height. No such space shall be located closer than fifty (50) feet to any lot in any residential district unless wholly within a completely enclosed building or enclosed on all sides by a wall.

ARTICLE 9 - SPECIAL LAND USES

Section 9.1 Purpose:

Certain land uses activities, buildings, and structures entitled “special land uses” may be authorized in the various zoning districts if it can be determined that adequate safeguards are provided to protect public health, safety, and general welfare.

Section 9.2 Conditions for all Special Land Uses:

Every special land use shall meet and continuously follow and adhere to the approved site development plan conditions placed upon the use, the requirements for approval, and the requirements of the district in which they are located.

Section 9.3 Site Development Plan:

A complete site development plan is required for all special land uses under Section 3.42 of this Ordinance, provided, however, that certain site development plan elements may be waived by the Township official or body responsible for plan review, and approval is determined by the said Township official or body to be unnecessary for a determination of compliance with the requirements of this Ordinance.

Section 9.4 Procedure for all Special Land Uses:

- A. The applicant shall submit a special land use application to the Township. This application shall include a required site plan, written evidence, and drawings showing that all requirements for the appropriate special land use are met.
- B. Upon receipt of an application, a public hearing notice shall be given per the requirements of the Zoning Act, including the following:
 - 1. Describe the nature of the special land use requested.
 - 2. Indicate the property which is the subject of the special land use request.
 - 3. State when and where the special land use request will be considered.
 - 4. Indicate when and where written comments will be received concerning the request.
 - 5. Indicate that a public hearing on the special land use application may be requested by any property owner or the occupant of any structure within three hundred (300) feet of the boundary of the property being considered for special land use.

- C. The Planning Commission may require reasonable conditions with the approval of a special land use.
- D. The conditions imposed concerning the approval of a special land use shall be recorded in the record of the approval action. They shall remain unchanged except upon the mutual consent of the Planning Commission and the landowner after a public hearing, a notice of which is given in the same manner as the original hearing. The approving Planning Commission shall maintain a record of conditions that are changed.
- E. Before granting a special land use permit, in addition to finding that it meets all of the previously stated requirements, the Planning Commission must find that all of the following standards will be met:
 - 1. The proposed use will not adversely affect existing adjacent uses within six hundred (600) feet of the subject site.
 - 2. That there will be no adverse effect upon public health, safety, or general welfare and will not impair this Ordinance's intent.
 - 3. That the use is consistent with the Grant Township Master Plan.
 - 4. The proposed use will be designed, constructed, operated, and maintained harmoniously with the character of adjacent properties and the surrounding area.
 - 5. The proposed use will not change the essential character of the surrounding area and the neighborhood.
 - 6. The proposed use shall not place demands on public services, roads, and facilities above their current capacities.
 - 7. The proposed use will not establish a precedent for developments or uses which could adversely affect the long-term goals of the Township Zoning Ordinance or Master Plan.
 - 8. The proposed use shall be designed to preserve environmental features, such as lakes, streams, flood plains, agricultural areas, groundwater, and natural areas.
 - 9. The proposed use will be reasonable.

Section 9.5 Revocation of the Special Land Use Approval:

If a violation of any of the conditions, regulations, or special conditions 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 violations exist and that the special land use approval will be revoked within fifteen (15) days of such notification. If the said violation is not corrected within fifteen (15) days, the Planning Commission may revoke the special land use approval after a public hearing.

Section 9.6 Removal of Natural Resources and Mineral Extraction - Agriculture District Only:

The removal of such natural resources as sand, gravel, or minerals, or the alteration of the land is permitted as a special land use in the Agricultural District only or to prepare or render land suitable for uses allowed in the district, provided the following provisions shall be met:

- A. **Procedure for a permit.** No permit for extraction purposes shall be issued until an application for a special land use and the Planning Commission has approved a temporary occupancy permit. The application shall include the following:
 - 1. A fee set by the Township Board is to be paid for each area to be affected.
 - 2. A map of the land to be altered depicting all buildings, streets, drainage, and natural features within three hundred (300) feet of the property involved. The map shall show contour elevations at five (5) foot intervals.
 - 3. A two (2) foot interval contour map of the proposed final elevations, the locations of temporary structures, drives, parking areas, loading equipment, drainage facilities, and the extent of the first year's operations.
 - 4. A written statement describing the equipment to be used, the processes involved, an estimate of the time such removal will require, and a description of the proposed use of the premises after such alteration.
- B. **Required conditions.**
 - 1. Final grades shall be harmonious with the surrounding grade and shall not exceed fifteen percent (15%) unless necessary for the ultimate proposed use of the land. No topsoil shall be removed unless required for the ultimate proposed use. All topsoil shall be redistributed appropriately, and the land's restoration shall occur upon the extraction operation's termination. The Planning Commission may require the applicant to post a performance guarantee to ensure that final grades and the requirements

of Section 9.2 and any condition placed upon the use will be met upon the expiration of any permit and during the duration of the use and said bond shall be forfeited if any of the provisions of this Ordinance are violated. The Township can then use the guarantee in its discretion to enforce this Ordinance, place the land in proper compliance, or for any other purposes deemed appropriate by the Township.

2. Mechanical processing shall not be permitted if such use would be detrimental to adjacent uses.
 3. The creation or enlargement of a body of water shall only be permitted when the following is presented:
 - a. Engineering and geological studies that indicate that such water shall not become stagnant or polluted.
 - b. A plan for the future use of the lake.
 - c. Approval of the Michigan Department of Natural Resources and Michigan Department of Environment, Great Lakes, and Energy, as applicable, and the Newaygo County Drain Commissioner.
 4. The Township Board shall approve the alteration of any body of water, the Michigan Department of Natural Resources and Michigan Department of Environment, Great Lakes, and Energy, as applicable, and the Newaygo County Drain Commissioner.
 5. No removal, storage, structure, drive, or loading area shall be closer than five hundred (500) feet to an adjacent principal structure or within one thousand (1,000) feet of a lake or a stream. All roads and unpaved areas shall be maintained in a dust-free condition. A non-disturbance zone and buffer shall be maintained within one hundred fifty (150) feet of the property boundaries.
 6. Trucks shall travel only on roads approved by the Newaygo County Road Commission and the Planning Commission.
 7. All structures, materials, and equipment shall be removed within six (6) months after termination of the use.
 8. All land shall be graded to final elevations and re-seeded.
- A. **Determination by the Planning Commission.** The Planning Commission shall determine the proper disposition of the application. The Planning Commission must find the following before approval of the application:

1. The proposed use will prepare the premises for the ultimate use within a reasonable time.
 2. The proposed use will not adversely affect existing surrounding uses substantially.
 3. The proposed use shall meet all provisions of this section.
 4. The proposed use shall not adversely affect public health, safety, and general welfare.
- B. **Authorization.** Upon application approval, the Zoning Administrator shall issue permits for one (1) year.
- C. **Renewal of Permits.**
1. The Planning Commission may renew any permit if it finds that all conditions and plans have been met at a public hearing.
 2. The procedure for a new application shall be followed in any application for a renewal permit in which any new area is to be developed.
 3. An occupancy permit may be renewed for three (3) years or the duration of an approved bond, whichever is the lesser.
- D. **Revocation of permit.** The Zoning Administrator may revoke an occupancy or use permit if operations do not conform to approved plans. In such case, operations shall cease fourteen (14) days after notice, delivered by certified mail, has been given to the violator if the condition has not been corrected. A new application and approval shall be required to reinstate a revoked permit.

Section 9.7 Sanitary Landfills - Agricultural and Industrial Districts Only:

Sanitary landfills for depositing rubbish, garbage, or wastes are permitted as a special land use if such use will prepare land for an ultimate use. Application for sanitary landfills shall meet all the requirements of this Ordinance. Sanitary landfills shall be approved by the appropriate country authorities and meet all county and state requirements.

Section 9.8 Junk, Scrap, Recycling, and Salvage Yards:

Such uses are only allowed in the Industrial District as a special land use.

- A. The minimum lot size shall be five (5) acres. The use shall be considered a primary use of the lot and not located on the same lot as another primary use.
- B. The setback from the front property line, public or private street right-of-way, or easement line to the area upon which junk materials are stored shall not be less than one hundred fifty (150) feet and said area shall be screened from view around the entire periphery of the site by a solid wall or fence not less than eight (8) feet nor more than twelve (12) feet in height. Said wall or fence shall be of sound construction, painted, and otherwise finished neatly and inconspicuously.
- C. The area upon which junk materials are stored, including the principal and accessory buildings, shall be located not closer than one thousand (1,000) feet to any public building, church, hospital, convalescent home, day nursery, or school, nor closer than five hundred (500) feet to any residences.
- D. All structures, fencing, and used material storage yards shall be set back not less than seventy-five (75) feet from any street or property line and not less than five hundred (500) feet from any lake, stream, or wetlands. Such setbacks shall be planted with trees, grass, and shrubs to minimize the installation's appearance.
- E. The development of a retail sales facility shall be allowed, provided said facility complies with the yard, height, and parking requirements of uses delineated in the "General Commercial" District (Section 6.4) of this Ordinance and, further provided that there are no sales of other than parts, scrap, used machinery, used vehicles, and similar items found on the premises.
- F. A site development plan shall be submitted to the Township Planning Commission to determine whether the proposed use complies with these requirements.
- G. No hazardous, poisonous, or toxic waste shall be stored or disposed of on-site.
- H. No tires shall be disposed of or stored long-term on-site.

Section 9.5 Agricultural Service Establishments: (fertilizer, pesticides, seed)

They are allowed in the Agricultural District only as a special land use.

- A. A site development plan shall be submitted to the Planning Commission.
- B. As defined in this Ordinance, a greenbelt shall be provided on the sides of sales operations if said operations are within one hundred (100) feet of any dwelling on adjacent properties.

Section 9.9 Institutional Uses - All Districts:

Institutional uses may be permitted as a special land use in any district if the Planning Commission finds that the following conditions exist:

- A. The proposed use will be harmonious with and not harmful, injurious, or objectionable to existing and projected future uses in the area.
- B. The proposed use is adequately served by necessary improvements, including water, sewer, electricity, roads, drainage, and parking.
- C. That the proposed use is per the development policies of Grant Township, including the Grant Township Master Plan.

Section 9.10 Outdoor Recreational Entertainment Facilities:

Outdoor recreational entertainment facilities may be permitted as a special land use in the "A" Agricultural District if the Planning Commission finds that the following conditions are met:

- A. The proposed use will be harmonious with and not harmful, injurious, or objectionable to existing and projected future uses in the area.
- B. The proposed use is adequately served by necessary improvements, including but not limited to water, sewer, electricity, roads, drainage, and parking.
- C. That the proposed use is per the development policies of Grant Township, including the Grant Township Master Plan.
- D. As defined in this Ordinance, a greenbelt shall be provided on the sides of sales operations if said operations are within three hundred (300) feet of any dwelling on adjacent properties.

Section 9.11 Bed and Breakfast Operations:

As defined in this Ordinance, bed, and breakfast establishments may be permitted as a special land use in all agricultural and residential districts if the Planning Commission finds that all of the following conditions are met.

- A. No more than six bedrooms are permitted to be operated within a licensed Bed & Breakfast Operation.
- B. The dwelling unit in which the operation takes place shall be the operator's principal residence and said operator shall live on the premises while the operation is active.
- C. No separate cooking facilities shall be used for the bed and breakfast patron or guest.
- D. Sufficient off-street parking shall be provided in addition to that required for residential purposes at the rate of one (1) space per bed and breakfast sleeping room.
- E. All bed and breakfast operations shall also meet the provisions required by this Ordinance for home occupations.
- F. The bed and breakfast shall comply with all Newaygo County Health Department requirements and meet all applicable building code requirements.

Section 9.12 Migrant Housing (Farm labor housing) - Agricultural District Only:

Farm labor housing is allowed as either a primary or accessory use in the Agricultural zoning district. In addition, the following specific standards, requirements, and conditions shall also apply:

- A. Farm labor housing is required to comply with the Michigan Public Health Code being Act 368 of the Public Acts of Michigan of 1978, as amended, including any rules promulgated pursuant thereto.
- B. Occupants of the farm labor housing must be employed for farm or agricultural labor. Members of a qualifying occupant's immediate family may also reside in the farm labor housing with the working occupant even if those family members are not employed for farm or agricultural labor.
- C. Mobile homes may be used to provide such housing but must meet the size limitations of the State of Michigan and as provided in subsection G hereof. There shall be no more than five (5) mobile homes per lot.

- D. Farm labor housing shall not be placed or installed within 100 feet of any property line (including the street or road right-of-way or easement). These limitations as to distance from a property line shall not apply to an area presently and lawfully used for farm labor housing at the adoption of this Ordinance, but in no case will an existing area used for farm labor housing be allowed to expand closer to any property line, which is within 100 feet.
- E. Farm labor housing may be permitted on a lot that contains a minimum of five (5) acres and which complies with all other requirements of this Section. For a principal use, such lot shall be adjacent to a lot being actively farmed, and both lots shall be under the same or substantially similar ownership.
- F. Farm labor housing (and occupancy) within the Agricultural zoning district shall not exceed 75 persons per lot (as the lot existed as of November 1, 2023). However, the 75-person occupancy limit per lot contained in this Subsection F may be varied by the Planning Commission to allow more farm labor workers inhabitation or occupancy on a particular lot via a special land use approval utilizing the special land use standards contained elsewhere in this Ordinance together with the application of all of the following additional standards:
 - 1. The landowner is actively engaged in substantial commercial farming within Grant Township.
 - 2. Whether the consolidation of new or expanded farm labor housing on the lot which is the subject of the special land use request would help preserve prime and productive farm land on another lot or lots elsewhere within the Township owned by the same landowner involved, which would or could otherwise be developed for farm labor housing.
 - 3. Whether the lot which is the subject of the special land use request is located on a county public road accessible during all seasons and will the proposed farm labor housing be readily and safely accessible not only for its occupants (and their transportation uses) but also for the fire department and emergency services.
 - 4. Will consolidating new or expanded farm labor housing and allowing more farm labor workers to inhabit or occupy the lot for which the special land use is being requested result in a more efficient, safe, and reasonable location for such occupancy of farm labor workers than would multiple new or expanded farm labor housing facilities on other separate lots owned by the landowner involved within the Township.
 - 5. Such consolidation is reasonably necessary for the operation of one or more farms within Grant Township.

* * *

In deciding whether a special land use will be approved for farm labor housing on a lot to exceed 75 persons, the Planning Commission shall also consider the following:

- a. Whether the farm labor housing facilities will be partially or fully screened from view by trees or topography from all adjoining or nearby public roads and houses on other lots.
 - b. Any recommendations made by the Grant Township Fire Chief or Fire Department.
 - c. Any potential noise that may be caused by the occupants of the farm labor housing facility or vehicles or equipment associated with such housing.
- G. Minimum dwelling size requirements and density for farm labor dwellings shall fully comply with any applicable federal and State of Michigan laws and requirements.
- H. This Section shall not apply to a situation involving a single family in one lawful single-family dwelling on a lot where one or more members of the family are farm or migrant laborers.
- I. This Section applies where two or more farm labor families reside (whether seasonally, temporarily, or permanently) on the same lot. Where two or more farm labor families reside (whether seasonally, temporarily, or permanently) on the same lot, it constitutes a multi-family use and activity.
- J. If any farm labor housing (1) is abandoned, (2) is used for more than 36 months for any purpose other than farm labor housing, or (3) is vacant for over 36 months, then the housing or dwelling and related structures shall be fully removed or converted to conventional multi-family housing which fully complies with all then-applicable requirements of this Ordinance and the building codes.

Section 9.13 Off-Road Vehicle Trails & Parks:

Off-Road Vehicle Trails and Parks for persons other than the immediate members of the family may be permitted as a special land use only in the A - Agricultural District if the Planning Commission finds:

- A. There is no residence other than that owned by the proprietor within one thousand (1,000) feet of the site.

- B. That the noise to be generated by the use of the off-road vehicle will not be or become a nuisance.

**Section 9.14 Automobile Service Stations, Automobile Repair Shops,
Automobile Sales Areas:**

Allowed only as special land uses in the General Commercial District and in addition to the requirements outlined in Section 9.4(E), they shall also meet the following criteria:

- A. The lot has a street frontage of at least one hundred (100) feet, and the average depth will be at least one hundred fifty (150) feet.
- B. The walls of any structure where oils, fuels, lubricants, gases, or other flammable materials are used or stored are to be set back at least fifty (50) feet from every property line.
- C. All structures requiring the storage of fuels, gases, or other highly flammable materials shall be at least three hundred (300) feet from any school, church, hospital, public building, theater, and other buildings of public congregation.

**Section 9.15 Confined Animal Feeding Operations and Intensive Non-
Traditional Agricultural Operations (CAFO):**

As a protected commercial farming land use under the Michigan Right to Farm Act (PA 93 of 1981), confined animal feeding operations shall be regulated by the Michigan Department of Agriculture and Rural Development's Generally Accepted Agricultural and Management Practices, as amended.

Section 9.16 Mobile Home Parks:

Mobile home parks may only be permitted in the General Commercial District by the Planning Commission or as a PUD (Planned Unit Development) project, provided that all of the following conditions are met. In addition, such use shall comply with all requirements of the "Mobile Home Park Act of 1959" and the "Mobile Home Commission Act of 1976" as amended and also pursuant to any rules or regulations published pursuant to said Acts.

Section 9.17 Group Child Care Homes and Foster Care Group Homes

- A. Group Child Care Homes shall be issued a special land use permit, conditional use permit, or another similar permit if the group child care home is 1,500 feet from any of the following:
 - 1. Another licensed group child care home.

2. An adult foster care small group home or adult foster care large group home is licensed under the adult foster care facility licensing act (PA 218 of 1979).
 3. A facility offering substance abuse treatment and rehabilitation services to seven (7) or more people licensed under Article 6 of the Public Health Code (PA 368 of 1978).
 4. A community correction center, resident home, halfway house, or other similar facilities which house an inmate population under the jurisdiction of the Michigan Department of Corrections.
 5. All distances required under this Section will be measured along a road, street, or place maintained by the State of Michigan, Newaygo County, or Grant Township and generally open to the public as a matter of right for the purposes of vehicular traffic, not including alleyways.
- B. A Group Child Care Home must have appropriate fencing for the safety of the children in the group child care home as determined by the fencing regulations of the Grant Township Walls and Fence Ordinance (Section 3.48).
- C. Maintains the property consistent with the visible characteristics of the neighborhood.
- D. Does not exceed sixteen (16) hours of operation during a 24-hour period.
- E. Meets all signage regulations per Article 7 of the Grant Township Zoning Ordinance.
- F. Meets all off-street parking requirements per Section 8.3 of the Grant Township Zoning Ordinance.
- G. Any licensed or registered family or group child care home that operated before March 30, 1989, is not required to comply with the requirements of this section.

ARTICLE 10 - PLANNED UNIT DEVELOPMENT DISTRICT [PUD]

Section 10.1 Description and Purpose:

The use, area, height, bulk, and placement regulations of this Ordinance primarily apply to the usual situation of one (1) principal building per lot. In particular, more significant, or unusual developments, those requirements may result in a less desirable outcome for achieving the purposes of this Ordinance than if a controlled degree of flexibility is allowed. For example, a large-scale residential development might better achieve the objectives of this Ordinance if a portion of the open space requirements were consolidated into small community parks rather than on an individual, lot-for-lot basis. A development may be of such a large size or unusual nature to justify specific incidental uses not generally permitted in the zoning district. For example, a multiple-family development might include a coffee shop, food store, or barbershop primarily for the development's residents. Permitting these uses within the development can, in some instances, increase convenience, be compatible with the development's overall character, and not be detrimental to adjoining properties. The Planned Unit Development (PUD) Zoning District is intended to permit and control the development of preplanned areas as Planned Unit Developments (PUD) for various compatible uses permitted by this Ordinance in other zoning districts and for other special land uses not so permitted. A degree of flexibility is allowed in use, area, height, bulk, and placement regulations for a PUD. However, a PUD district also intends to afford each type of use reasonable protection from encroachment or interference by other incompatible land uses. That appropriate protection is afforded to uses adjacent to the PUD zoning district. All zoning according to this Article shall give due consideration to maintenance of reasonable conditions regarding emission and transmission of harmful or obnoxious noise, vibration, gas, smoke, dust, dirt, litter, odor, light glare, traffic congestion, ease of police and fire protection, drainage, property values, light and air, overcrowding of persons, sanitation, surface, and groundwater quality, water supply, and sewage disposal, general appearance and character of the area, and other similar considerations affecting the achievement of the purposes of this Ordinance.

Section 10.2 Permitted Uses:

Land in the PUD zoning district may be used for all or any of the uses permitted by this Ordinance in other zoning districts and other special land uses not so permitted, including, without limiting the generality of the preceding, the following specific uses:

- A. Airports
- B. Camps and campgrounds

- C. Cemeteries
- D. Children's homes
- E. Public and private colleges
- F. Community swimming pools and other recreation facilities and clinics
- G. Golf courses and country clubs
- H. Hospitals and clinics
- I. Housing for senior citizens
- J. Industrial parks and/or research parks
- K. Junkyards, landfills, recycling centers, and dumping grounds.
- L. Mobile-modular home sales lots
- M. Mobile-modular home development or parks
- N. Nursing homes
- O. Offices and office parks
- P. Philanthropic institutions
- Q. Private clubs
- R. Public and private schools
- S. Resorts, including motels, restaurants, and similar associated uses.
- T. Malls or shopping centers
- U. Drive-in theaters
- V. Recreational or entertainment facilities
- W. Condominiums
- X. Site condominiums

- Y. Single-family, two-family, and multiple-family dwellings
- Z. Mineral extraction operations
- AA. Sanitary landfill

Section 10.3 Procedures:

Any land in the Township may be zoned or rezoned as a PUD zoning district under the specified procedures and requirements.

Section 10.4 Preliminary Plan - Submissions and Content:

Applicants for the PUD zoning district shall prepare and submit three (3) copies of a preliminary plan for the PUD to the Zoning Administrator. The Zoning Administrator shall promptly transmit two (2) copies of this plan to the Planning Commission, and one (1) copy to the Township Board. This plan shall set forth, in general terms, the proposed uses to be developed in the PUD and the following specific information:

- A. A legal description of the land is included in the PUD application.
- B. Small-scale sketch of properties, streets, zoning districts, and land uses within one-half (1/2) mile of the PUD.
- C. A map to scale showing any existing or proposed arrangement of:
 - 1. streets,
 - 2. lots and buildings,
 - 3. access points,
 - 4. other transportation arrangements,
 - 5. off-street parking,
 - 6. buffer strips.
- D. A narrative describing:
 - 1. The overall objectives of the PUD,
 - 2. method of financing,
 - 3. number of acres allocated to each use,

4. gross dwelling unit densities,
 5. the proposed method of providing sewer and water service as well as other necessary public and private utilities, and
 6. The proposed method of providing stormwater drainage.
- E. All information submitted shall be of sufficient scale, clarity, and quality to permit a determination of compliance with the standards of this Article.

Section 10.5 Planning Commission Review of Preliminary Plan (Step 1):

The Planning Commission shall review the preliminary plan and make recommendations to the applicant based on the requirements of this Ordinance and the following specific considerations where applicable:

- A. Ingress and egress to the property and proposed buildings and structures thereon, with particular reference to vehicle and pedestrian safety and convenience, traffic flow, traffic control, and access in case of fire or catastrophe.
- B. Off-street parking and loading areas where required, with particular reference to the items in paragraph (A) and the economic, noise, glare, or odor effects of each use in the proposed PUD.
- C. Refuse and service areas, with particular reference to the items in paragraphs (A) and (B) above.
- D. Utilities concerning locations, availability, and compatibility.
- E. Screening and buffering concerning type, dimensions, and character.
- F. Signs, if any, and proposed exterior lighting concerning glare, traffic safety, economic effect, and the compatibility and harmony with adjoining properties and properties in the proposed PUD.
- G. Required yards and other open spaces.
- H. General compatibility with adjoining properties and properties in the proposed PUD.
- I. The purpose of this Ordinance and its compatibility with other ordinances and statutes and compatibility with other regulations and statutes that regulate land development.

- J. Consistency of the project with the Grant Township Master Plan.

Section 10.6 Transmittal of Planning Commission's Recommendation:

The Planning Commission shall transmit their recommendations and any recommended changes or modifications thereof to the applicant. In addition, a copy of the Planning Commission's recommendations shall be transmitted to the Township Board. In considering the preliminary plan, the Planning Commission may call a public advisory hearing and give such notice as required by the Zoning Enabling Act (PA 110 of 2006).

Section 10.7 Final Plan Submission (Step 2):

- A. After receiving the recommendations of the Planning Commission on the preliminary plan, the applicant for the PUD district zoning shall submit five (5) copies of a final development plan to the Zoning Administrator. The Zoning Administrator shall promptly transmit two (2) copies to the Planning commission, two (2) copies to the Township Board, and retain one (1) copy for review.
- B. Simultaneously with submitting a final development plan, the applicant shall submit an application for rezoning to the Zoning Administrator that the land included in the final development plan for the PUD be zoned in the PUD zoning district. Consideration of the requested zoning amendment shall proceed under the ordinance amendment Chapter hereof and the Zoning Enabling Act (PA 110 of 2006).

Section 10.8 Final Plan Content:

The final plan shall include all the following information unless the same, as determined by the Township, is unnecessary for the PUD's consideration.

- A. A plan based on an accurate certified land survey showing:
 - 1. Location, size, and type of existing buildings or structures to be retained or removed; and
 - 2. location of all proposed buildings, structures, or other improvements; and
 - 3. location of existing and proposed streets, easements, rights-of-way, drives, and parking lots; and
 - 4. location of water and sewer lines; and
 - 5. stormwater drainage; and

6. topographical features, including contour elevation intervals no greater than five (5) feet and all bodies of water; and
 7. ditches and watercourses; and
 8. ground cover and other pertinent physical features of the site, such as trees, berms, and fencing; and
 9. proposed landscaping; and
 10. location of existing improvements; and
 11. location of lot lines; and
 12. loading and unloading facilities; and
 13. wetlands; and
 14. all exterior lighting and signs.
- B. Preliminary architectural sketches and a general statement about the construction type and materials used in the proposed buildings or structures. The overall height and area of buildings and structures shall be described.
- C. The time within which the project will be completed.
- D. Proposed staging of the project, if any.
- E. Gross areas of buildings and parking.
- F. Delineation of the one hundred (100) year flood plain, if applicable, and any proposed uses therein.
- G. A description of all aspects of such a plan that may harm public health, safety, and welfare.
- H. An environmental impact statement or assessment, if requested by the Planning Commission.
- I. Current proof of ownership of the land to be utilized or evidence of a contractual ability to acquire such land as an option or purchase contract.
- J. Method of financing and commitments or other proof of ability to obtain the funding.

K. The Township Board may request additional reasonably necessary information to evaluate the proposed PUD and its effect on the surrounding neighborhood and the Township in general.

L. Such other data or information as required by the Planning Commission.

Section 10.9 Public Hearing:

The Planning Commission shall hold a public hearing according to the Zoning Enabling Act (PA 110 of 2006) and the Open Meetings Act (PA 267 of 1976), and the provisions of this Ordinance to receive comments relative to the final development plan and the proposed rezoning.

Section 10.10 Final Planning Commission Recommendations:

The Planning Commission shall transmit its recommendations concerning the final development plan, proposed zoning change, and recommended changes, conditions, or modifications to the Township Board.

Section 10.11 Final Approval by Township Board (Step 3):

Final approval (together with conditions of approval) or disapproval of the zoning change shall be by the Township Board after a public hearing, held following the requirements of the Zoning Enabling Act (PA 110 of 2006) and the Open Meetings Act (PA 267 of 1976). If finally approved, a copy of said final zoning change shall be forwarded to the Township Clerk for filing with the Township Zoning Ordinance and shall be an official amendment to that Ordinance by the procedure required therein. If all conditions and requirements of this Chapter are fulfilled, the Township Board may approve the Planned Unit Development. The Township Board may approve the Planned Unit Development. The Township Board may attach conditions to any PUD approval.

Section 10.12 General Provisions “PUD” - Planned Unit Development Districts:

A. Minimum Size, Modification of Standards, and Project Design Review Standards:

1. **Size** – To be zoned as a PUD zoning district, the proposed land area shall be no less than five (5) acres.
2. **Project Design and Review Standards** – Unless expressly specified otherwise, the Planning Commission may recommend deviations to the dimensional standards generally required for projects developed traditionally. These include modifications to building setbacks, building density, dwelling unit density, customary building placement, parking and

access, and similar changes. In recommending approval of the PUD, including any modifications, the Planning Commission shall find the following:

- a. There will be no adverse effect on public health, safety, or general welfare.
- b. The modifications are consistent with the Grant Township Master Plan.
- c. The PUD will be designed, constructed, operated, and maintained harmoniously with the character of adjacent properties and the surrounding area.
- d. The proposed use and modifications will not change the essential character of the surrounding area and the neighborhood.
- e. The proposed use and modifications will not place demands on public services, roads, and facilities above their current capacities.
- f. The proposed use and modifications will not establish a precedent for developments or uses which could adversely affect the long-term goals of the Township Zoning Ordinance or Master Plan.
- g. The proposed use and modifications shall be designed to preserve environmental features, such as lakes, streams, flood plains, agricultural areas, groundwater, and natural areas.

- B. **Time Limitations on Development** – Each development shall begin substantial construction within one (1) year after the date of rezoning by the Township Board. If this requirement is not met, the Township Board may grant an extension provided the developers present reasonable evidence that the said development has encountered unforeseen difficulties but is now ready to proceed. Should the requirements mentioned above not be fulfilled within one (1) year after final approval by the Township Board, any building permit issued for the said development shall be invalid and void, and the Township Board may initiate proceedings to hold a public hearing for rezoning said property.
- C. **Financial Guarantee** – The Township Board, in connection with reviewing any application for a final development plan, may require reasonable undertakings by the applicant to guarantee and assure by agreement, including a performance bond or irrevocable letter of credit, such bond or security to be posted by the applicant to ensure that the development will be executed following the approved plan.

- D. **Required Improvements Prior to Issuance of Occupancy Permit –** The Township Board is hereby empowered to stipulate that all required improvements be constructed and completed before issuing an occupancy permit. If said improvements are partially completed to the point where occupancy would not impair the health, safety, and general welfare of the residents but are not fully completed, the Building Inspector may, upon the recommendation of the Township Board, grant an occupancy permit so long as the developer deposits a financial guarantee with the Township Clerk in an amount equal to the cost of improvements yet to be made, said improvements are to be completed within one (1) year of the date of this occupancy permit.
- E. **Additional Provisions –** All provisions of this Ordinance and other ordinances of the Township shall apply to the PUD district except where inconsistent therewith, in which case the provisions of this Chapter shall control.
- F. **Mobile Home Condominium Project.** Mobile home condominium projects shall conform to all requirements of this Ordinance.
- G. **Site Condominium Subdivision Layout - Design and Approval.** The Township Board may require site condominium plans to conform to the plan preparation requirements, review and approval procedures, design, layout, and improvement standards. In addition, a deposit in the form of cash, certified check, or irrevocable bank letter of credit shall be made with the Township of Grant to guarantee the installation and completion of any required public sanitary sewer, water supply, and drainage facilities within a length of time agreed upon from the date of final approval of the site condominium subdivision plan by the Township Board. Nothing in this Section shall be construed as requiring a site condominium subdivision to obtain plat approval under the Subdivision Control Act.
- H. **Master Deed - Contents.** All provisions of the site condominium plan which the Township Board approves must be incorporated, as approved, in the Master Deed for the site condominium subdivision. Any proposed changes to the approved site condominium plans must be reviewed and approved by the Township according to the procedure set forth herein for the approval of site condominium plans. A copy of the Master Deed filed with the Newaygo County Register of Deeds for recording must be provided to the Township within ten (10) days after such filing with the County.

Section 10.14 Modification of PUD Plans:

Minor changes to a PUD site plan may be approved administratively in writing by the Zoning Administrator, provided the changes comply with all applicable requirements of this Ordinance and all other Township regulations and state laws. Any other changes shall require a formal amendment to the PUD Ordinance or approval.

ARTICLE 11 - ZONING BOARD OF APPEALS

Section 11.1 Creation and Membership:

- A. Creation: There is hereby established and confirmed a Zoning Board of Appeals in accordance with Act 110 of the Public Acts of Michigan of 2006, as amended, being the Michigan Zoning Enabling Act. The Zoning Board of Appeals shall perform its duties and exercise its powers as provided by said Act, as amended, and in such a way that the objectives of this Ordinance may be met.

- B. Composition and Terms. The Zoning Board of Appeals shall consist of five (5) members appointed by the Township Board. Not more than one member shall be a member of the Planning Commission, and one shall be a member of the Township Board. Members shall be qualified electors of the Township. Members shall be appointed for three-year staggered terms.

- C. Alternate Members.
 - 1. Up to two alternate members may be appointed by the Township Board for three-year terms. If two alternate members have been appointed, they may be called on a rotating basis, as they are available, to sit as regular members of the Zoning Board of Appeals in the absence of a regular member. An alternate member may also be called to serve in the place of a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest.

 - 2. The alternate member having been appointed shall serve on the case until a final decision has been made. The alternate member shall have the same voting rights as a regular member of the Zoning Appeals shall Board of Appeals.

- D. Vacancies. Appointment by the Township Board shall fill any vacancies on the Zoning Board of Appeals. The appointed member shall serve out the term of the vacated position.

- E. Elections. The Zoning Board of Appeals shall annually elect its own Chairperson, Vice Chairperson, and Secretary. A member of the Township Board shall not serve as Chairperson of said Zoning Appeals Board of Appeals.

F. Meetings.

1. The Zoning Board of Appeals shall meet once at least four times per year at dates determined unless no business is pending for the scheduled meeting. Special meetings may be held at the call of and at such time as the Chairperson or two members may determine. At a minimum, the Zoning Board of Appeals shall meet at least twice each calendar year.
2. The Secretary or his/her designee shall keep minutes of the proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall also keep records of hearings and other official actions.
3. Three members of the Zoning Board of Appeals shall constitute a quorum for the conduct of its business.
4. The Zoning Board of Appeals shall have the power to subpoena and require the attendance of witnesses, administer oaths, compel testimony, and the production of books, papers, files, and other evidence pertinent to the matters before it.

- G. Public Hearings. The Zoning Board of Appeals shall make no decision regarding any application until after a public hearing is conducted pursuant to the Zoning Act.

Section 11.2 Jurisdiction and Powers:

- A. The Zoning Board of Appeals shall not have the power to make any change in terms of this Ordinance but does have the power to act on those matters where this Ordinance provides for an administrative appeal, interpretation, or to authorize a variance as defined in this Section and granted by the Michigan Zoning Enabling Act, as amended.
- B. The powers of the Zoning Board of Appeals include the following:
1. Appeals. Upon request, the Zoning Board of Appeals may hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, permit, decision, or refusal made by the Zoning Administrator or any other administrative official in carrying out or enforcing any provisions of this Ordinance.

2. Variances. Upon request, a variance from the strict requirements of the Zoning Ordinance may be granted by the Zoning Board of Appeals in accordance with the standards, requirements, and procedures of this Article.
- B. Zoning Ordinance Interpretation. Upon request, the Zoning Board of Appeals may interpret the provisions of this Ordinance to carry out the intent and purposes of the Zoning Ordinance where the meaning of the provisions is uncertain.
1. Any other matters referred to them or upon which they are required to consider under the terms of this Ordinance.
 2. The Zoning Board of Appeals shall have no authority to consider any appeal from decisions related to Planned Unit Developments, Site Plans, Special Land Uses, Rezoning, or Zoning Ordinance amendments.

Section 11.3 Application and Review Procedures:

A. Applications.

1. An application for an appeal may be submitted by a person aggrieved. Such written application shall be submitted to the Township within 21 days of the date of the decision being appealed. The application shall be filed with the Zoning Board of Appeals and shall specify the grounds for the appeal.
2. Variances and other actions requiring a decision by the Zoning Board of Appeals shall be submitted to the Township on a form provided for that purpose and shall include a fee or fees as may be determined by the Township Board from time to time.
3. Applications shall be transmitted to the Zoning Board of Appeals along with all the papers constituting the record upon which the action appealed was taken, and a hearing shall be scheduled in accordance with the procedures of this Chapter.
4. Applications shall not be accepted unless all of the following information is submitted:
 - a. A completed application form (provided by the Township).

- b. An accurate, scaled site plan with enough information to clearly indicate the nature of the issue being considered. The Zoning Administrator shall determine the completeness of such plans.
 - c. An application fee (and zoning escrow fee where applicable) as may be determined by the Township Board from time to time.
 - d. A written explanation from the applicant indicating why the application meets the applicable standards.
- 5. An application for an appeal or variance or any other action requiring Board approval shall stay all proceedings in furtherance of the matter to which the application applies unless the Zoning Administrator certifies to the Zoning Board of Appeals after the application of appeal is filed that by reason of facts present a would stay, in the opinion of the Zoning Administrator, cause imminent peril to life or property, in which case proceedings shall not be stayed other than by a restraining order. This restraining order may be granted by the Zoning Board of Appeals or Circuit Court upon application and with due cause shown.

B. Decisions.

- 1. The concurring vote of a majority of the entire membership of the Zoning Board of Appeals (three votes) shall be necessary to decide in favor of the applicant, except use variances shall not be granted without the approval of at least four (4) members of the Zoning Board of Appeals.
- 2. All decisions of the Zoning Board of Appeals are final as provided by law.
- 3. No request that the Zoning Board of Appeals has denied shall be submitted for reconsideration within two years from the date of the original application unless the Zoning Board of Appeals or the Zoning Administrator finds that at least one of the following conditions exist:
 - a. The conditions involving all of the reasons for the original denial have been significantly altered; or
 - b. New conditions or circumstances exist that change the nature of the original request.
- 4. A record shall be prepared for each decision of the Zoning Board of Appeals. Such record shall include, at a minimum, the following items:

- a. Description of the applicant's request; and
- b. The Zoning Board of Appeals' motion and vote, including a written justification for the decision in accordance with each of the applicable standards; and
- c. A summary or transcription of all competent material and evidence presented at the hearing; and
- d. Any conditions attached to an approved decision.

C. Appeals.

- 1. The decision of the Zoning Board of Appeals shall be final. However, an aggrieved party may appeal to the Circuit Court. Upon appeal, the Circuit Court shall review the record in accordance with the requirements of the Michigan Zoning Enabling Act. The Court may affirm, reverse, or modify the decision of the Zoning Board of Appeals or may remand the decision to the Zoning Board of Appeals for further hearings or action.

Section 11.4 Variance Review Standards:

- A. The Zoning Board of Appeals, after a public hearing, shall have the power to grant requests for variances from the provisions of this Ordinance where it is proved by the applicant that there are practical difficulties or undue hardship in the way of carrying out the strict letter of the Ordinance relating to the construction, equipment, or alteration of buildings or structures or of uses so that the spirit of the Ordinance shall be observed, public safety secured, and substantial justice is done.

- 1. Dimensional Non-Use Variance. The Zoning Board of Appeals may approve a non-use variance only in cases where there is reasonable evidence of practical difficulty in the official record of the hearing and that all of the following standards are met:
 - a. There are exceptional or extraordinary circumstances or conditions applying to the property in question that does not generally apply to other properties in the same Zoning District. Exceptional or extraordinary circumstances or conditions include:
 - i. Exceptional narrowness, shallowness, or shape of a specific property on the effective date of this Ordinance; or

- ii. By reason of exceptional topographic conditions or other extraordinary situations on the land, building, or structure; or
 - iii. By reason of the use or development of the property immediately adjoining the property in question, whereby the literal enforcement of the requirements of this Ordinance would involve practical difficulties.
 - b. That the condition or situation of the specific piece of property for which the variance is sought is not of so general or recurrent a nature as to make reasonably practical the formulation of a general regulation for such conditions or situations.
 - c. That such variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district and in the vicinity. The possibility of increased financial return shall not of itself be deemed sufficient to warrant a variance.
 - d. The variance will not be significantly detrimental to adjacent property and the surrounding neighborhood.
 - e. The variance will not impair the intent and purpose of this Ordinance or the Master Plan.
 - f. The practical difficulty causing the need for the variance request was not created by any affirmative action of the applicant or the applicant's predecessors.
 - g. The variance request is reasonable.
 - h. The variance request made is the least modification of the Ordinance provision necessary to grant appropriate relief.
2. Use Variances. Subject to other provisions of this Ordinance, the Zoning Board of Appeals shall have the jurisdiction to decide applications for use variances. The Zoning Board of Appeals shall not grant a use variance unless it finds that unnecessary hardship will occur unless the variance is granted. Additionally, the Zoning Board of Appeals shall not grant a use variance unless it also finds that all of the following standards below are met:

- a. The variance request, if granted, will be the minimum variance (e.g., the least variation or change from the particular requirement of the Ordinance involved) that will make possible the reasonable use of the land, structure, or building involved.
- b. The granting of the variance will not be injurious or detrimental to neighboring properties or residents.
- c. The variance will not be detrimental to the public welfare or change the neighborhood's essential character.
- d. The variance will not impair the intent or purpose of this Ordinance or the Master Plan.
- e. The problem or condition for which the variance is requested is not a self-created problem by the applicant or property owner (or their predecessors in title) regarding the property involved.
- f. The condition or situation involved is not of so general or recurrent a nature that it would be more reasonable or practical for the Township to amend the provision of the Ordinance involved rather than to grant a variance for the condition or situation.
- g. There are exceptional, unique, or extraordinary physical conditions or circumstances that directly relate to the property itself (including the land or a structure or building thereon) rather than the individual situation or desire of the applicant or property owner. In other words, the problem or exception or extraordinary circumstances or conditions must be inherent in the land, structure, or building involved.
- h. The variance must be necessary for the preservation and enjoyment of a substantial property right, which is similar to that possessed by other properties in the same zoning district and vicinity. (NOTE-a possible increased financial return shall not, of itself, be deemed sufficient to warrant a variance.)
- i. The property cannot be reasonably used as currently zoned.

- j. As specified above, the Zoning Board of Appeals must also find that unnecessary hardship will occur if a use variance is not granted.

No use variance shall be granted unless at least two-thirds (2/3) of all members of the Zoning Board of Appeals vote in favor of such use variance. Furthermore, before the members of the Zoning Board of Appeals may vote on a given use variance request, the matter shall be referred to the Planning Commission. The Planning Commission shall be asked for its recommendation regarding the proposed use variance request. The Zoning Board of Appeals may take final action regarding such a use variance request once the Planning Commission has forwarded its recommendation on the particular use variance request to the Zoning Board of Appeals or 45 days have elapsed since the referral to the Planning Commission, whichever occurs first.

- 3. Period of Validity. No variance granted by the Zoning Board of Appeals shall be valid for a period longer than 24 months from the date of its issuance unless the construction and/or use associated with said variance is completed or has been started with completion being diligently pursued. However, the applicant may, upon application, request up to one six-month extension of said variance. The Zoning Administrator may grant such an extension provided that the original circumstances authorizing the variance have not changed and that the circumstances creating the need for the extension were beyond the applicant's control. The Zoning Administrator may refer any request for an extension to the Zoning Board of Appeals for a decision.

Section 11.5 Conditions of Approval:

- A. The Zoning Board of Appeals may impose reasonable conditions in conjunction with approval of an appeal, variance, or any other decision which they are required to make.
- B. Conditions imposed shall be those necessary to ensure that the decision meets the standards of this Chapter.

Section 11.6 Rules of Procedure:

- A. The Zoning Board of Appeals may adopt rules and regulations for the conduct of its meetings. The Zoning Board of Appeals shall annually elect from its membership a Chairperson, Vice-Chairperson, Secretary, and other officers as deemed necessary. The Zoning Board of Appeals shall not conduct business unless a majority of its members are present.
- B. The regular place and time of meetings of the Zoning Board of Appeals may be established by the Zoning Board of Appeals in its rules and regulations. Except as otherwise specified in the rules and regulations of the Zoning Board of Appeals, the procedure in meetings of the Zoning Board of Appeals shall be governed by Robert's Rules of Order.
- C. Minutes of proceedings shall be kept for all Zoning Board of Appeals meetings. These minutes shall list the members absent and present and shall show the action taken by the Zoning Board of Appeals, as well as the vote of each member upon each matter presented to the Zoning Board of Appeals.

Section 11.7 Conflict of Interest:

- A. A member of the Zoning Board of Appeals shall not participate or vote with respect to a matter in which the member has a conflict of interest. Failure of a member to refrain from participating or voting in a matter in which the member has a known conflict of interest shall constitute misconduct in office. A conflict of interest exists whenever a member of the Zoning Board of Appeals owns land within the Township, which is significantly affected by a matter presented to the Zoning Board of Appeals, or a member has a direct financial interest in the matter presented to the Zoning Board of Appeals. A conflict of interest may exist in other circumstances as well.
- B. The members of the Zoning Board of Appeals should strive to avoid even the appearance of impropriety. Whenever a member of the Zoning Board of Appeals has a conflict of interest or appears to have a conflict of interest with respect to a matter presented to the Zoning Board of Appeals, the member shall state on the record the nature of the conflict of interest or the circumstances that exist that could be perceived to be a conflict of interest. If the member has a conflict of interest, the member shall not participate in the Zoning Board of Appeals' consideration of the matter. If circumstances exist which could be perceived to be a conflict of interest, the member, after disclosure of these circumstances, may continue to participate in the Zoning Board of Appeals' consideration of the matter if the member can be fair, objective, and impartial, subject to the vote of the other members of the Zoning Board of Appeals.

- C. Nondisclosure of a known conflict of interest shall constitute misconduct in office, and nondisclosure of circumstances that exist which could be perceived to be a conflict of interest may also constitute misconduct in office.
- D. If a member of the Zoning Board of Appeals fails to disclose any circumstances which could be perceived to be a conflict of interest and the Zoning Board of Appeals later becomes aware of such circumstances, or if a member of the Zoning Board of Appeals participates in consideration of a matter in which the member has a known conflict of interest, the Zoning Board of Appeals may, upon the vote of a majority of the regular members of the Zoning Board of Appeals (other than the member who has failed to make the disclosure or who participated in consideration of a matter in which the member had a conflict of interest), the Zoning Board of Appeals may make a recommendation to the Township Board that the member be removed from the Zoning Board of Appeals for misconduct in office. If the Zoning Board of Appeals makes such a recommendation to the Township Board, the Township Board shall hold a public hearing to consider the recommendation.

Section 11.8 No Advisory Opinions:

The Zoning Board of Appeals shall not give advisory, informal, or hypothetical opinions or decisions.

ARTICLE 12 - ADMINISTRATION AND ENFORCEMENT

Section 12.1 Zoning Administrator:

This Ordinance shall be administered, interpreted, and enforced by the Zoning Administrator (also called the “Administrator”), who shall be appointed by the Township Board of the Township of Grant for such term and at such rate of compensation and subject to such conditions as the said Board shall determine.

Section 12.2 Eligibility:

The Zoning Administrator shall make all required inspections. If the Administrator is interested in a particular application or absent, then the Township Board may appoint a substitute Administrator to discharge the duties of such a case. The Administrator shall be physically fit and competent for the position and shall not directly or indirectly be interested in selling any material, plan, process, or device used in connection with the building construction or the use of property involved.

Section 12.3 Zoning Permits:

No building, use, activity, fixture, or structure, subject to the provisions of this Ordinance, shall be commenced, erected, altered, enlarged, or moved upon any land, either in whole or in part, or shall any use be commenced, nor shall any lands or top-soils be sold or otherwise disposed of for this purpose covered by the terms hereof, until the Township shall have issued a zoning permit.

- A. Application for Permit. All zoning permit applications shall be made to the Township Zoning Administrator. Such applications shall be executed in triplicate upon forms prescribed by the Township Board. Such application shall contain complete information showing the lot area, location of considered buildings and structure, sewage disposal facilities, street widths, and such information as the Township Board may, by resolution, require. Scale drawings shall be filed in duplicate with such application.
- B. Reference to Administrator. The Township Zoning Administrator shall properly make such investigation and inspection as he/she shall determine necessary. The Zoning Administrator shall issue the zoning permit if the same has been approved. If reasons are set forth for rejection, the applicant shall be notified.
- C. Disposal of Application Copies. The Township Clerk shall have one (1) copy thereof for their files. The Zoning Administrator shall have one (1) copy for their files. In addition, the applicant shall have one (1) copy duly endorsed by the Zoning Administrator as authorized to proceed.
- D. Nontransferable. Zoning permits are nontransferable except by written permission of the Zoning Administrator, endorsed upon all copies of such permit.

- E. Expiration of Zoning Permit. Any zoning permit issued hereunder, under which no work has been done above the foundation walls within one (1) year, shall expire by limitation, provided; however, such zoning permit may be renewed by the Zoning Administrator or an additional period of one (1) year upon payment of one-half (½) of the original license fee, and subject to provisions of this Ordinance in force at the date of the renewal.
- F. Cancellation of a Zoning Permit. The Administrator is empowered to cancel such permit for violation of the provisions of this Ordinance or for fraud or misrepresentation in the procurement thereof, by notification in writing, by registered mail, to the address of the owner or his attorney or agent, as shown on the application for such permit.
- G. The Zoning Administrator may attach reasonable conditions to a zoning permit.

Section 12.5 Inspections and Notifications:

As work progresses under a Zoning Permit, the holder thereof or his or her authorized agent shall cause the Building Inspector to be notified at the following stages of construction:

- A. Upon completion of the footings and the foundation walls.
- B. Upon the completion of the structure's rough frame, including applying the roof shingles and sidewall sheeting and installing wiring and rough plumbing and chimneys before occupancy.
- C. Upon completion of the work authorized by the Zoning Permit and before occupancy.
- D. Upon completion of the installation of the septic tank and drain field systems.
 - 1. Inspections of the building or structures shall be made within three (3) days following receipt of notification; and
 - 2. Should the permit holder fail to comply with the requirements at any stage of construction, the Zoning Administrator is now authorized to cancel the permit issued and shall cause notice of such cancellation to be securely posted upon said construction. Such posting shall be considered service upon notice to the permit holder of the cancellation thereof. No further work shall be undertaken or permitted upon such construction until a valid permit has been issued.

Section 12.6 Certificate of Compliance:

- A. No property, dwelling, building, or structure subject to the provisions of this Ordinance shall be occupied or used before the issuance of a Certificate of Compliance. Such certificate is applied for coincidentally with, and as a part of, the original application and shall be issued by the Zoning Administrator or Building Inspector after the final inspection shows full compliance. The Administrator shall state the date of issuance of such certificate upon the copies of the application.
- B. The Zoning Administrator or Building Inspector may issue a temporary Certificate of Occupancy for a part of the building, or the whole thereof, before the completion thereof, for three (3) months and may issue a renewal thereof for one (1) additional like three (3) month period, upon a showing of substantial compliance and circumstances establishing a need for such certificate.

Section 12.7 Stop Work Orders:

- A. Notice to Owner. Upon notice from the Zoning Administrator or Building Inspector that any use is being conducted or that any work on any building or structure is being prosecuted contrary to the provisions of this Ordinance or in an unsafe and dangerous manner, such work order shall be in writing and shall be given to the owner of the property involved, or to the owner's agent, or the person doing the work; and shall state the conditions (if any) under which work, or use will be permitted to resume.
- B. Unlawful Continuance. Any person who shall continue to work in or about the structure or building or use it after being served with a stop-work order, except such work as that person is directed to perform to remove a violation or unsafe conditions, shall violate this Ordinance.

Section 12.8 Violation and Penalties:

- A. Except as otherwise provided below, a violation of this Ordinance shall be a municipal civil infraction. In addition, any person who violates, disobeys, omits, neglects, or refuses to comply with any provision of this Ordinance, or any amendment thereof, or any person who knowingly or intentionally aids or abets another person in violation of this Ordinance shall be in violation of this Ordinance and shall be responsible for a civil infraction. The fines for a municipal civil infraction shall be as follows:

1. Not less than \$100 nor more than \$500 for the first offense.
 2. Not less than \$250 nor more than \$1,000 for the second or other subsequent offense.
 3. 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 or other provision of this Ordinance for which said person admitted responsibility or was adjudicated to be responsible.
- B. Separate Offense. Each act of violation and every day during which any violation continues shall be deemed a separate offense.
- C. Compliance Required. The imposition of any sentence, fine, penalty, or remedy shall not exempt or excuse an offender from compliance with the provisions of this Ordinance.
- D. Relief. The penalties herein shall not prohibit Grant Township from seeking injunctive relief against a violator or such other appropriate relief as may be provided by law.
- E. Any building or structure that is erected, altered, or converted or any use of premises or land that is begun or changed after the time of passage of this Ordinance and is in violation of any of the provisions thereof is hereby declared to be a public nuisance *per se* and may be abated by order of any court of competent jurisdiction.
- F. The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law. In addition to the above remedies, the Township or any person may institute a civil lawsuit to abate any violation of this Ordinance. Any violation of this Ordinance is a nuisance *per se*. The Township’s remedies are cumulative and not exclusive. Should the Township prevail in any court action to enforce this Ordinance, either in whole or in part, then the Township shall also be awarded its attorney fees and costs.
- G. The prohibitions and penalties of this Ordinance shall apply not only to the landowner or owners and to any person, firm, entity, corporation, or association who or which does anything prohibited by this Ordinance and those who aid and abet such acts, but also to any owner, co-owner, lessee, tenant, licensee, part-owner, occupant or person, firm, corporation, or entity owning or having control of any premises or property in violation of this Ordinance.
- H. Should the Township prevail in a Newaygo County Circuit Court lawsuit (either in full or in part) or in a municipal civil infraction proceeding in the District Court (either in full or in part), then the defendant or defendants (or plaintiff or plaintiffs

where the Township is a defendant) shall reimburse the Township for its reasonable attorney fees and costs pursuant to any such court action or proceeding (including the Township's attorney fees and costs before the court proceedings, during the trial or formal hearing stage and through any appeals).

- I. Any judgment, lien, or the equivalent ordered in favor of the Township by the Newaygo County Circuit Court or the District Court and against a party who is in violation of this Ordinance shall be a lien on any and all properties within the Township owned by the party who lost to the Township and any such lien shall also be secured by and paid for via one lot or parcel special assessment district and being placed on the property tax roll for the property in violation of this Ordinance.
- J. Except as otherwise provided below for the violation of a stop work order, any violation or infraction of this Ordinance constitutes a municipal civil infraction for which a municipal infraction citation/ticket may be issued.
- K. Any person or property owner who violates a stop work order issued pursuant to this Ordinance is guilty of a criminal misdemeanor which is punishable upon conviction by a fine not to exceed \$500 (plus the imposition of court costs, attorney fees, and other expenses) and may be imprisoned in jail (or other penal institution) for a time period not to exceed 93 days.
- L. Municipal civil infraction citations/tickets (or, where applicable, criminal misdemeanor appearance tickets or warrants) may be issued or pursued for any violation or infraction of this Ordinance by the Zoning Administrator, the assistant, deputy, or interim Zoning Administrator (if there is one), the Township Supervisor, the Newaygo County Sheriff (or any deputies thereof), the Michigan State Police and any enforcement officer of the Michigan Department of Natural Resources (or similar state agency).
- M. Where a lot or property is in violation of this Ordinance, every person, corporation, entity, association, limited liability company, or other entity with any ownership interest, lease, possessory interest, or other interest in or to the property or lot involved (apart from a mere mortgage or lien) shall be jointly and severally liable and responsible for any such violation of this Ordinance for the lot or property involved. Where a lot, parcel, building, or structure is subject to a lease, rental agreement, or similar agreement or contract, both the tenant (or the renter or occupier) and the landlord shall be jointly and severally responsible and liable for a violation of this Ordinance.
- N. No person or entity shall aid or abet anyone else in any violation of this Ordinance.

Section 12.9 Surveys:

The Zoning Administrator, Planning Commission, Zoning Board of Appeals, or Township Board may require that the applicant or property owner obtain a survey by a registered surveyor or engineer (with appropriate on-site stake locations as required by the Zoning Administrator, Planning Commission, Zoning Board of Appeals, or Township Board) if it is reasonably necessary to ensure the applicable dimensional and/or requirements of this Ordinance will be met, including, but not limited to, setback requirements.

Section 12.10 Time Limits:

If a zoning approval or permit under this Ordinance has been granted with a specific time limit and the use has not commenced, or substantial construction has not begun pursuant to that approval within the time limit specified, the zoning approval or permit shall automatically expire (and be void) at the end of that time limit. No extension to that time limit shall be granted except by the Township body, commission, or official which granted the initial zoning approval or permit. If a zoning approval or permit is silent with regard to a time limitation, the time limitation shall be deemed to be one (1) year, and the zoning approval or permit shall expire (and be void) after one (1) year if the use has not been commenced or substantial construction has not begun within said one (1) year time limitation. A time extension may be granted only by the body, commission, or official that granted the initial zoning approval or permit.

Section 12.11 Proof of Ownership:

The Zoning Administrator or Building Official may require proof of ownership from an applicant (including copies of a recorded deed or land contract) before the issuance of a Zoning Permit or a Building Permit if it appears that the applicant may not be the owner (or sole owner) of the property involved. The Township may also require that all owners of a particular property join in and sign the application or applications for any zoning or building request or application, including a Building Permit, variances, special land use requests, site plan review, Zoning Permits, and any other zoning or building code action.

Section 12.12 Representations and Promises of Developers and Property Owners:

If pursuant to any zoning approval (including, but not limited to, the granting of a zoning permit or variance or the approval of a rezoning, special use, PUD, site plan, or other zoning approval), the property owner or applicant makes any representation, promise, or offer of a condition or voluntary restriction should the zoning approval be approved or granted, such promise, condition, or representation shall be deemed to be an enforceable condition of any such zoning approval in writing, and whether or not it is reflected in the zoning approval motion, resolution, permit, or other Township approval document) if the Township deems such promise, representation, or condition to have

been a consideration by the official or Township body which granted the zoning approval and the Township also deems such promise, representation, or condition to be consistent with the zoning approval. In such case, the promise, condition, or representation shall be deemed an express and enforceable condition of the zoning approval.

Section 12.13 Revocation or Termination of Zoning Approvals:

If a property owner or applicant violates any of the conditions or requirements attached to a zoning approval or zoning permit, then the Township body, board, or official that granted the zoning approval or permit may terminate the zoning approval or zoning Permit. However, where a special land use, PUD, variance, or site plan approval was involved, no such revocation shall occur until and unless the property owner or applicant has been given reasonable notice and a public hearing has been held regarding the revocation.

Section 12.14 No Administrative Liability:

No officer, agent, employee, Building Official, Zoning Administrator, or member of the Planning Commission, Township Board, or Zoning Board of Appeals shall be personally liable for any damage that may accrue to any Person as the result of any act, decision, or other consequence or occurrence arising out of the discharge of duties and responsibilities pursuant to this Ordinance.

Section 12.15 Non-Estoppel and Non-Waiver:

If any provision of this Ordinance is not enforced against a particular lot, parcel, or property or throughout the Township in general, that shall not be deemed to be a waiver (or constitute laches) regarding the ability of the Township to enforce that provision (or any other provision) of this Ordinance against a particular lot, parcel, or property involved or throughout the Township in general. Furthermore, should any Township official, body, board, or commission render any zoning approval or opinion or undertake (or not undertake) any other action pursuant to this Ordinance, and it is determined that any such opinion, interpretation, approval, action, or inaction was done in error or in an ultra vires or other mistaken fashion, that shall not preclude the Township from reversing, revoking, or revising any such zoning approval, interpretation, opinion, action, or inaction which was done in error and to thereafter enforce the provision or provisions of this Ordinance involved. The Michigan common law "rule of municipal non-estoppel" shall benefit the Township, as well as its officials, officers, bodies, and commissions.

Section 12.16 Reapplying:

Unless provided otherwise in this Ordinance, where a discretionary zoning approval has been turned down (such as a variance, special land use, PUD, or rezoning request), the applicant or property owner (or successor) shall not apply for a zoning approval which is the same or substantially similar to the zoning request that was turned down unless at least 24 months has passed before the new application or re-application.

Section 12.17 Conditions:

Should the Zoning Administrator, Planning Commission, Township Board, or Zoning Board of Appeals issue any type of zoning approval, zoning permit, or similar approval, then such person or body may attach reasonable conditions to any such zoning approval, zoning permit, or similar zoning approval. A violation of any such condition shall also constitute a violation of this Ordinance and shall be deemed a nuisance *per se*.

Section 12.18 Eligibility of Lots:

- A. Any lot, building, fixture, or structure that is in substantial violation of this Ordinance shall not be used, inhabited, or occupied unless and until such violation ceases and is remediated, cured, or fixed.
- B. No lot, structure, fixture, or building that is in violation of this Ordinance shall be eligible for any zoning application, building permit, certificate of occupancy, zoning approval, or other Township approval unless and until such violation ceases and it is cured, remediated, or fixed. Such prohibition shall not apply to any zoning application and Township approval that is necessary to enable the property owner or person to fix, cure, remediate, or eliminate the Ordinance violation involved.

ARTICLE 13 - AMENDMENTS AND ADOPTION

Section 13.1 Amendments in General:

Rezoning and other amendments to this Ordinance shall comply with the Zoning Act.

Section 13.2 Contractual or Conditional Rezoning:

- A. The Township Board recognizes that there are certain instances where it would be in the best interest of the Township, as well as advantageous to property owners seeking a change in zoning boundaries if certain conditions and limitations could be proposed by an applicant as part of an application for a rezoning. Therefore, it is the intent of this section to provide a process by which an applicant seeking a change in zoning districts may propose a Zoning Agreement, with conditions and commitments attached thereto, as part of the application for the requested rezoning. These provisions shall be in accordance with the provisions of the Zoning Act, as amended.
- B. The following definitions shall apply to this section:
 - 1. Rezoning Offer - shall mean conditions proposed by the applicant and approved by the Township that are processed as part of an approval under this section. These conditions shall constitute permanent requirements for and in connection with the development and/or use of the property approved with a Zoning Agreement.
 - 2. Zoning Agreement - shall mean a written agreement offered by the applicant and approved and executed by the applicant and the Township and recorded with the Newaygo County Register of Deeds, incorporating the Rezoning Offer along with any requirements necessary to implement the Rezoning Offer. When necessary, the Zoning Agreement shall also include and incorporate, by reference, a site plan that illustrates the implementation of the Rezoning Offer. This plan shall not replace the requirement for a site plan or other approvals that may be required by this Ordinance.
- C. Eligibility: An applicant for rezoning may submit a proposed Zoning Agreement with an application for rezoning.
- D. Zoning Agreement.
 - 1. The Zoning Agreement shall set forth the Rezoning Offer and shall include those terms necessary to implement the Agreement. In addition, the Zoning Agreement shall include the following acknowledgments and understandings that:
 - a. The Zoning Agreement and the Rezoning Offer were proposed voluntarily by the applicant, and that the Township relied upon the

Agreement and may not grant the rezoning without the Rezoning Offer and terms spelled out in the Zoning Agreement.

- b. The Zoning Agreement and its terms and conditions are authorized by all applicable state and federal laws and constitutions, and that the Zoning Agreement is valid and was entered into on a voluntary basis and represents a permissible exercise of authority by the Township.
 - c. The property shall not be developed and/or used in any manner that is not consistent with the Zoning Agreement.
 - d. The approval and the Zoning Agreement shall be binding upon the property owner and the Township and their respective heirs, successors, assigns, receivers, or transferees.
 - e. If a rezoning with a Zoning Agreement becomes void in accordance with the Zoning Act, no development shall take place, and no permits shall be issued unless and until a new zoning district classification for the property has been established or a new rezoning with a Zoning Agreement has been approved.
2. Each of the requirements and conditions in the Zoning Agreement represents a necessary and reasonable measure which, when considered with all other conditions and requirements, is roughly proportional to the increased impact or other condition created by the uses, activities, or conditions represented in the approved rezoning and Zoning Agreement, taking into consideration the changed zoning district classification and the specific use(s), structures, activities, or conditions authorized.
3. No part of the Zoning Agreement shall permit any activity, use, structure, or condition that would otherwise violate any requirement or standard that is otherwise applicable in the new Zoning District.

E. Rezoning Offer (Conditional Rezoning/Contractual Rezoning).

- 1. The Zoning Agreement shall specify the Rezoning Offer and any requirements necessary to implement it. However, the Rezoning Offer may not authorize uses or developments of greater intensity or density and/or which are not allowed in the new zoning district, nor may any variances from height, area, setback, or similar dimensional requirements in this Ordinance be allowed unless the Zoning Board of Appeals has previously granted a variance.
- 2. Any uses proposed as part of a Zoning Agreement that would otherwise require approval of a special land use permit and/or site plan shall be

approved as required in this Ordinance prior to the establishment of or commencement of development of the use.

F. Procedure for Application, Review, and Approval.

1. An application for rezoning shall be the same as specified in the Zoning Act. In addition to the required materials listed, a Zoning Agreement in a recordable format acceptable to the Township shall be submitted, along with any plans necessary to illustrate the Rezoning Offer.
2. The application may be amended during the process of Township consideration, provided that any amended or additional Rezoning Offers are entered voluntarily by the applicant.
3. The Zoning Agreement shall be reviewed by the Township Attorney prior to the required Planning Commission public hearing. The Township Attorney shall determine that the Zoning Agreement conforms to the requirements of this section and the Zoning Act, as amended, and shall confirm that the Zoning Agreement is a form acceptable for recording with the Newaygo County Register of Deeds.
4. An escrow fee deposit may be required by the Township to cover any and all costs incurred for addressing the Zoning Agreement request.

G. Approval.

1. If the rezoning and Zoning Agreement is approved, the zoning classification of the rezoned property shall consist of the district to which the property has been rezoned plus a reference to the Zoning Agreement. The Zoning Map shall specify the new district, plus a small letter "a" to indicate that the property is subject to a Zoning Agreement. The Township Clerk shall maintain a listing of all properties subject to Zoning Agreements and shall provide copies of the Agreements upon request.
2. Upon rezoning, the use of the property in question shall conform to all the requirements regulating use and development within the new zoning district as well as the Zoning Agreement; however, the more restrictive requirements of the Zoning Agreement shall apply, and the Zoning Agreement shall supersede all inconsistent regulations otherwise applicable under the Zoning Ordinance.
3. The approved Zoning Agreement shall be recorded with the Newaygo County Register of Deeds by the applicant, with proof of recording provided to the Township.
4. Prior to development, a site plan shall be approved in accordance with this Ordinance if otherwise required.

H. Continuation.

1. Provided that all development and/or use of the property in question is in compliance with the Zoning Agreement, a use or development authorized under the agreement may continue indefinitely, provided that all terms of the Rezoning Offer and the Zoning Agreement continue to be adhered to.
2. Failure to comply with the Zoning Agreement at any time after approval may constitute a breach of agreement, and further use of the property may be subject to legal remedies available to the Township.

I. Amendment.

1. During the initial two (2) year period, or during any extension granted by the Township as permitted above, the Township shall not add to or alter the Rezoning Offer in the Zoning Agreement.
2. The Zoning Agreement may be amended after the expiration of the initial two (2) year period and any extensions in the same manner as was prescribed for the original rezoning and Zoning Agreement.

Section 13.3 Rezoning Standards:

The following standards and criteria shall be considered regarding any rezoning request:

1. Whether the requested rezoning will meet the Grant Township Master Plan.
2. Whether the requested rezoning will meet any standards contained in the zoning district chapter for the proposed rezoning.
3. Whether there have been sufficient changed conditions or circumstances since the property was initially given its current zoning district designation to justify a rezoning.
4. Whether the rezoning would be reasonable.
5. Whether the rezoning would constitute a prohibited "spot rezoning."
6. Whether a mistake or error was made in the original zoning district designation.
7. Whether the rezoning would be compatible with the surrounding area and nearby properties.

ARTICLE 14 - MISCELLANEOUS PROVISIONS

Section 14.1 Severability:

In case any article, section, portion, or provision of this Ordinance shall be held to be invalid by a court of contempt jurisdiction, the same shall not affect any other provision of this Ordinance (which shall remain effective), except so far as the provision declared to be involved shall be inseparable from the remainder of any provision.

ARTICLE 15 - EFFECTIVE DATE

Section 15.1 Effective Date:

This Ordinance shall become effective upon the expiration of seven (7) days after publication of the notice of adoption in the newspaper as required by law.

Section 15.2 Repeal of Prior Ordinance:

The prior Grant Township Zoning Ordinance, as amended, is hereby repealed effective coincident with the effective date of this new Zoning Ordinance.