

**TALLMADGE TOWNSHIP ZONING ORDINANCE
TABLE OF CONTENTS**

		<u>PAGE</u>
CHAPTER 1	TITLE AND PURPOSE	1
1.01	Title	1
1.02	Purpose	1
1.03	Legal Basis	2
1.04	Scope	2
CHAPTER 2	DEFINITIONS	3
2.01	Rules Applying to Text	3
2.02	Words Not Defined	4
2.03	Definitions	4
CHAPTER 3	GENERAL PROVISIONS	22
3.01	Scope	22
3.02	Accessory Uses and Buildings	22
3.03	Adult Entertainment and Amusement Establishments	26
3.04	Bed and Breakfast Establishments	33
3.05	Condominium Regulations	34
3.06	Damaged or Destroyed Buildings	37
3.07	Demolition	37
3.08	Driveways	38
3.09	Dwelling on Rear of Lot	38
3.10	Dwellings Situated Outside of Mobile Home Parks	39
3.11	Essential Services	42
3.12	Fences, Hedges, Walls and Privacy Screens	42
3.13	Frontage Requirements	43
3.14	Height Exceptions	43
3.15	Home Occupations	43
3.16	Keeping of Animals	44
3.17	Landscaping and Screening Requirements	46
3.18	Major Thoroughfare, Direct Access to	50
3.19	Minimum Floor Area for Dwelling	50
3.20	Moving of Buildings	51
3.21	Noise, Heat, Glare, Fumes, Dust, Erosion, Vibration and Odors	51
3.22	Outdoor Lighting	51
3.23	Outdoor Ponds	51
3.24	Personal Property Sales	54
3.25	Principal Building on a Lot or Parcel of Land	54
3.26	Private Communication Antenna	54
3.27	Substandard Lots	57
3.28	Swimming Pools	58
3.29	Temporary Special Use Permits	59
3.30	Traffic Visibility	61
3.31	Trash Receptacles and Dumpsters	61
3.32	Unclassified Uses	61

TABLE OF CONTENTS (continued)

		<u>PAGE</u>
3.33	Yard, Area, and Lot Requirements	62
3.34	Residential Occupancy Regulations	62
3.35	Wireless Communication Facilities	63
CHAPTER 4	ZONING DISTRICTS AND MAPS	73
4.01	Creation of Zoning Districts	73
4.02	Zoning Map	73
4.03	Interpretation of District Boundaries	73
4.04	Areas Not Included within a Zoning District	74
4.05	Uses Permitted as a Right	74
4.06	Uses Permitted Under Special Approval	74
CHAPTER 5	AG AGRICULTURAL DISTRICT	75
5.01	Description and Purpose	75
5.02	Permitted Uses	76
5.03	Expressly Prohibited Uses	77
5.04	Uses Permitted After Special Approval	77
5.05	Area Regulations	80
5.06	Height Regulations	81
5.07	Development Standards	81
CHAPTER 6	RP RURAL PRESERVE DISTRICT	82
6.01	Description and Purpose	82
6.02	Permitted Uses	82
6.03	Uses Permitted After Special Approval	84
6.04	Area Regulations	86
6.05	Height Regulations	86
6.06	Development Standards	86
CHAPTER 7	R-1 SINGLE FAMILY AND R-2 MEDIUM DENSITY RESIDENTIAL DISTRICT	87
7.01	Description and Purpose	87
7.02	Permitted Uses	87
7.03	Uses Permitted After Special Approval	88
7.04	Area Regulations	89
7.05	Height Regulations	90
7.06	Development Standards	90
CHAPTER 8	R-3 MULTIPLE FAMILY DISTRICT	91
8.01	Description and Purpose	91
8.02	Permitted Uses	91
8.03	Uses Permitted After Special Approval	91
8.04	Area Regulations	91
8.05	Height Regulations	94
8.06	Development Standards	94

TABLE OF CONTENTS (continued)

	<u>PAGE</u>
CHAPTER 9 R-4 MOBILE HOME DISTRICT	95
9.01 Description and Purpose	95
9.02 Permitted Uses	95
9.03 Uses Permitted After Special Approval	95
9.04 Development Requirements	96
CHAPTER 10 C-1 COMMERCIAL/SERVICE DISTRICT	100
10.01 Description and Purpose	100
10.02 Permitted Uses	100
10.03 Uses Permitted After Special Approval	101
10.04 Area Regulations	102
10.05 Height Regulations	103
10.06 Development Standards	103
CHAPTER 11 C-2 GENERAL COMMERCIAL DISTRICT	105
11.01 Description and Purpose	105
11.02 Permitted Uses	105
11.03 Uses Permitted After Special Approval	106
11.04 Area Regulations	110
11.05 Height Regulation	111
11.06 Development Standards	111
CHAPTER 12 I-1 INDUSTRIAL DISTRICT	113
12.01 Description and Purpose	113
12.02 Permitted Uses	113
12.03 Uses Permitted After Special Approval	115
12.04 Area Regulations	116
12.05 Height Regulations	118
12.06 Development Standards	118
CHAPTER 13 F FLOOD PLAIN DISTRICT	120
13.01 Description and Purpose	120
13.02 Scope	120
13.03 Permitted Uses	120
CHAPTER 14 PUD PLANNED UNIT DEVELOPMENT	122
14.01 Description and Purpose	122
14.02 Effect of "Planned Unit Development	122
14.03 PUD Authorization	123
14.04 PUD Development Standards	123
14.05 PUD Design Considerations	125
14.06 Application and Processing Procedures	126
14.07 Planning Commission - Final Action	129

TABLE OF CONTENTS (continued)

	<u>PAGE</u>
14.08 Township Board - Final Action	129
14.09 Performance Guarantees	129
14.10 Phasing and Commencement of Construction	130
14.11 Effect of Approval	130
14.12 Revision of Approved Plans	131
14.13 Appeals/Variances	131
14.14 Other Required Procedures and Approvals	131
CHAPTER 15 PARKING AND LOADING REQUIREMENTS	132
15.01 Description and Purpose	132
15.02 Scope	132
15.03 General Requirements	132
15.04 Required Parking Spaces and Aisles	134
15.05 Parking Lot Layout and Construction	134
15.06 Table of Required Number of Parking Spaces	136
15.07 Off-street Parking for Physically Handicapped Persons	141
15.08 Off-street Stacking Spaces for Drive-thru Facilities	142
15.09 Off-street Loading Space Requirements	142
CHAPTER 16 SIGN REGULATIONS	144
16.01 Purpose and Intent	144
16.02 Signs Prohibited	144
16.03 Sign Definitions	144
16.04 Signs Prohibited	146
16.05 Permit Required	147
16.06 General Provisions	149
16.07 Signs in Agricultural and Residential Districts	151
16.08 Signs in Commercial Districts	151
16.09 Signs in Industrial Districts	152
16.10 Billboard Regulations	153
16.11 Nonconforming Signs	156
CHAPTER 17 NONCONFORMITIES	157
17.01 General	157
17.02 Nonconforming Lots of Record	157
17.03 Nonconforming Uses of Lots	157
17.04 Nonconforming Structures	158
17.05 Nonconforming Uses of Structures	159
17.06 Restoration and Repair	160
17.07 Change of Tenancy or Ownership	160
17.08 Acquisition of Nonconformities	160
17.09 Building or Structure Under Construction on Effective Date of Ordinance	160

TABLE OF CONTENTS (continued)

	<u>PAGE</u>
17.10 Non-Conformity Created by Expansion of Right-of-Way	160
CHAPTER 18 SITE PLAN REVIEW	162
18.01 Purpose	162
18.02 Site Plan Review Required	162
18.03 Application Procedure	162
18.04 Site Plan Content	166
18.05 Review Procedure and Authorization	164
18.06 Standards	165
18.07 Issuance of Building Permit	167
18.08 Amendment of Approved Site Plan	167
18.09 Modification of Plan During Construction	167
18.10 As-built Drawings	167
18.11 Phasing of Development	167
18.12 Performance Guarantee	168
18.13 Fees	168
18.14 Violations	168
CHAPTER 19 SPECIAL USES	169
19.01 Statement of Intent	169
19.02 Authority to Grant Permits	169
19.03 Application and Fee	170
19.04 Information Required	170
19.05 Public Hearing	170
19.06 Required Standards and Findings	170
19.07 Planning Commission Action	171
19.08 Conditions of Approval	171
19.09 Reapplication	171
CHAPTER 20 ADMINISTRATION AND ENFORCEMENT	172
20.01 Zoning Administration	172
20.02 Certificate of Zoning Ordinance	172
20.03 Penalties	174
20.04 Procedure	174
CHAPTER 21 ZONING BOARD OF APPEALS	175
21.01 Board Established	175
21.02 Membership and Terms	175
21.03 General Regulations for the Board of Appeals	176
21.04 Powers and Duties of Board of Appeals	176
21.05 Hearings	177
21.06 Appeals Procedures	177
21.07 Variances Procedures	178
21.08 Conditions of Approval	180
21.09 Time Limitations	180
21.10 Fees	180

TABLE OF CONTENTS (continued)

	<u>PAGE</u>
21.11 Appeals to Courts	180
CHAPTER 22 ORDINANCE AMENDMENT	181
22.01 Amendment Procedure	181
22.02 Amendment Petition Procedure	182
CHAPTER 23 VALIDITY, INTERPRETATION AND ADOPTION	183
23.01 Repeal of Prior Ordinance	183
23.02 Validity and Severability	183
23.03 Interpretation	183
23.04 Adoption	183

**RESTATEMENT OF
TALLMADGE CHARTER TOWNSHIP
ZONING ORDINANCE**

(Incorporating All Zoning Text Amendment Ordinances Prior to 08/24/2010)

Adopted: April 13, 1999

TALLMADGE TOWNSHIP ZONING ORDINANCE

AN ORDINANCE to amend the Zoning Ordinance of Tallmadge Charter Township adopted November 10, 1998, with amendments, and to establish zoning districts and regulations governing the unincorporated portions of Tallmadge Charter Township, Ottawa County, Michigan; to regulate nonconforming uses and structures; to establish a Board of Appeals and delineate its duties and powers; to provide for the issuance of permits and the collection of fees therefor; to provide for the administration and enforcement of this ordinance; to provide penalties for the violation of this Ordinance; and to provide for conflicts with other ordinances or regulations; all in accordance with Michigan Public Act 168 of 1959, as amended.

THE CHARTER TOWNSHIP OF TALLMADGE, COUNTY OF OTTAWA, MICHIGAN ORDAINS:

CHAPTER 1

TITLE AND PURPOSE

SECTION 1.01. TITLE. This ordinance shall be known as the "Tallmadge Charter Township Zoning Ordinance".

SECTION 1.02. PURPOSE. The purpose of this Ordinance is to establish zoning districts throughout the Charter Township of Tallmadge within which the use of land; the use, size, type and location of structures; and the use of natural resources are regulated to promote the health, safety and general welfare of the public and of the Township. To these ends, these provisions are based upon the Township Master Plan and designed to accomplish the following:

- (a) To promote the public health, safety, morals, and general welfare;
- (b) To encourage the use of lands and natural resources in the Township in accordance with their character and adaptability;
- (c) To limit the improper use of land;
- (d) To provide for the orderly development of the Township;
- (e) To reduce hazards to life, property and environment;
- (f) To establish the location, size of, and specific use for which dwellings, buildings, and structures that may hereafter be erected or altered, and the minimum open spaces, sanitary, safety and protective measures that shall be required for such dwellings, buildings and structures;

- (g) To lessen congestion on streets;
- (h) To provide safety in traffic and vehicular parking;
- (i) To facilitate the development of an adequate system of transportation, education, recreation, sewage disposal, safe and adequate water supply, and other public requirements;
- (j) To conserve life, property and natural resources, and the expenditures of funds for public improvements and services;
- (k) And to encourage the most advantageous use of land, resources, and properties.

SECTION 1.03. LEGAL BASIS. This Ordinance is enacted pursuant to Michigan Public Act 110 of 2006, as amended.

SECTION 1.04. SCOPE. This ordinance shall not repeal, abrogate, annul, or in any way impair or interfere with existing provisions of other laws, ordinances or regulations, except those repealed herein by specific reference, or with private restrictions placed upon property by deed or other private agreement, or with restrictive covenants running with the land, to which the Township is a party.

The provisions of this Ordinance shall control where this Ordinance imposes greater restrictions, limitations or requirements upon the following:

- (a) The use of buildings, structures, or land.
- (b) The height of buildings or structures.
- (c) Lot coverage.
- (d) Lot area.
- (e) Yards or other open spaces.
- (f) Any other use of land than those imposed or required by existing laws, ordinances, regulations, private restrictions, or restrictive covenants.

CHAPTER 2

DEFINITIONS

SECTION 2.01. RULES APPLYING TO TEXT. The following listed rules of construction shall apply to the text of this Ordinance:

- (a) The particular shall control the general.
- (b) Except with respect to the definitions which follow in Section 2.3, the headings which title a Chapter, Section, or Subsection are for convenience only, and are not to be considered in any construction or interpretation of this Ordinance or considered as enlarging or restricting the terms and provisions of this Ordinance in any respect.
- (c) The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
- (d) Unless the context clearly indicates to the contrary:
 - 1. Words used in the present tense shall include the future tense.
 - 2. Words used in the singular number shall include the plural number.
 - 3. Words used in the plural number shall include the singular number.
- (e) A "building" or "structure" includes any part thereof.
- (f) The word "person" includes a firm, association, partnership, joint venture, corporation, trust, municipal or public entities, or equivalent entity or a combination of any of them as well as a natural person.
- (g) The words "used" or "occupied", as applied to any land, building, or structure, shall be constructed to include the words "intended", "arranged", or "designed to be used".
- (h) The word "Township" means the Charter Township of Tallmadge, County of Ottawa, State of Michigan.
- (i) The words "erected" or "erection" as applied to any building or structure shall be constructed to include the words "built", "constructed", "reconstructed", "moved upon", or any physical operation or work on the land on which the building or structure is to be built, constructed, or moved upon, such as excavation, filling, drainage, or the like.
- (j) The words "legal record" mean the circumstances where the legal description of a lot or parcel of land has been recorded as part of a document on record in the office of the Register of Deeds, Ottawa County, Michigan.

SECTION 2.02. WORDS NOT DEFINED. For the purpose of their use in this ordinance, the following terms and words are hereinafter defined. Any word or term not defined herein shall be considered to be defined in accordance with its common or standard definition.

SECTION 2.03. DEFINITIONS. For the purpose of this Ordinance, the following terms shall be defined as follows:

ACCESSORY BUILDING OR STRUCTURE: A structure, building, or portion of a principal building or structure on the same lot or parcel of land as the principal building or buildings, the use of which is of a nature customarily or clearly incidental and subordinate to that of the main building or structure.

ACCESSORY USE: See USE, ACCESSORY.

ADULT ENTERTAINMENT ESTABLISHMENT: For the purpose of this Ordinance, Adult Entertainment Establishments shall include adult book stores, adult cabarets, adult motion picture theaters, massage establishments, and nude artist and photography studios as defined and regulated under Section 3.03.

AGRICULTURE: Any of the following activities which are entered into for commercial purposes.

- (a) Cultivation of the soil for the production of crops.
- (b) Horticulture.
- (c) Nurseries.
- (d) Hatcheries.
- (e) Poultry Farms.
- (f) Dairy Farms.
- (g) Apiaries.
- (h) Animal husbandry.
- (i) Similar related operations as defined in Michigan Public Act 116 of 1974, as amended. HOWEVER, the term SHALL NOT be used to define, nor shall its meaning include "feed lot" which is defined elsewhere in this Ordinance.

ALLEY: A publicly controlled right-of-way, not more than thirty (30) feet wide, affording only secondary means of vehicular access to abutting lots and land and which is not intended for general traffic circulation.

ALTERATION: Any change, addition, modification, or diminution of a building or structure, including any change in the structural members of a building such as the walls or partitions, columns, beams or girders, or roof structure, windows or doors; OR the change of or addition to any use or type of occupancy of a building or structure; OR the removal of a building or structure from one location to another.

AMUSEMENT DEVICE: Any device, table, board, or machine which may be operated for a fee or change as a game, contest or amusement. This definition shall not include juke boxes, music machines, telephone devices, or machines which dispense merchandise; but shall include any machine or device in which the customer/user is engaged in a form of competition against the machine or another customer/user.

ANIMAL HOSPITAL: See CLINIC, VETERINARY.

APARTMENT: See DWELLING, MULTIPLE FAMILY.

ARCADE: Any building, structure, premises, or part thereof used solely or primarily for the operation of amusement devices. Any building, structure, premises or part thereof containing six (6) or more amusement devices shall be considered an arcade.

AUTOMOBILE: Unless specifically indicated otherwise, "automobile" shall mean any vehicle including, by way of example, cars, trucks, vans, motorcycles, and the like.

AUTOMOBILE REPAIR: Major or minor repair of automobiles shall be defined as follows:

- (a) **Minor Repair:** Engine tune-ups and servicing of brakes, air conditioning or exhaust systems; oil change or lubrication; wheel alignment or balancing; or similar servicing or repairs that do not normally require any significant disassembly or storing of automobiles on the premises overnight.
- (b) **Major Repair:** Engine and transmission rebuilding and general repairs, rebuilding or reconditioning; collision service such as body, frame or fender straightening or repair; steam cleaning, undercoating and rust proofing; similar servicing, rebuilding or repairs that normally do require significant disassembly or storing the automobiles on the premises overnight and any minor repair services as defined above which are offered additional to any services included in this definition.

AUTOMOBILE REPAIR GARAGE: An enclosed building where major automobile repair services may be carried out.

AUTOMOBILE SERVICE STATION: A place where gasoline or other vehicle engine fuel, kerosene, motor oil and lubricants, and grease are sold directly to the public on the premises for the purposes of operation of motor vehicles; including the sale of minor accessories (such as tires, batteries, brakes, shock absorbers, window glass) and the servicing of and minor repair of motor vehicles. Automobile service stations may also incorporate a convenience store operation as an accessory use, provided it is clearly incidental to the service station use. Parking requirements for service station/convenience store operations shall be computed by adding together the parking space requirements for each separate use.

AUTOMOBILE OR VEHICLE DEALERSHIP: A building or premises used primarily for the sale of new and used automobiles and other motor vehicles. Automobile dealerships may provide servicing of and minor repair to vehicles provided such operations are clearly incidental to the automobile dealership.

AUTOMOBILE WASH OR CAR WASH ESTABLISHMENT: A building or premises or portion thereof where automobiles are washed.

BASEMENT: That portion of a building which is partly or wholly below grade but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling. A basement shall not be counted as a story.

BED-N-BREAKFAST: A dwelling in which overnight accommodations are provided for or offered for transient guests for compensation, including provisions for a morning meal for overnight guests only.

BERM: See LANDSCAPING.

BILLBOARD: Any non-accessory advertising sign, device, design, words, letters, numbers or trademark which makes anything known to the general public regarding a business, entertainment, or service not conducted on the lot or panel upon which the sign is located or products not primarily sold, manufactured, or processed on such parcel. (Refer to Section 16.10).

BOARD OF APPEALS: The Zoning Board of Appeals of the Charter Township of Tallmadge, Ottawa County, Michigan.

BUILDING: Any structure, either temporary or permanent, having a roof or other covering and used or built for the shelter or enclosure of persons, animals, chattels, or property or materials of any kind. A building shall include tents, awnings, semi-trailers, or vehicles situated on a parcel and used for the purposes of a building. A building shall not include such structures as signs, fences or smokestacks, but shall include structures such as storage tanks, grain elevators, coal bunkers, oil cracking towers, or similar structures. The term building shall include component parts of buildings intended to be incorporated into a finished building, whether or not the structure is roofed over.

BUILDING, ACCESSORY: See ACCESSORY, BUILDING OR STRUCTURE.

BUILDING HEIGHT: The vertical distance from the established grade level to the highest point of the roof surface, not to include vents, chimneys, or other attachments. Where a building is located on sloping terrain, the height shall be measured from the average ground level of the building wall.

BUILDING INSPECTOR: The Tallmadge Charter Township Building Inspector.

BUILDING, LINE: A line parallel to the front lot line located at the minimum required front setback.

BUILDING, PRINCIPAL: A building or, where the context so indicates, a group of buildings which are permanently affixed to the land and which are built, used, designed or intended for the shelter or enclosure of the principal use of the parcel.

BUILDING, TEMPORARY: A building which is not permanently affixed to the property, and is permitted to exist for a specific reason for a specific period of time. An example of a temporary building is a trailer used on construction site.

CAMP: Temporary or permanent buildings, tents, or other structures, together with the appurtenances, established or maintained as living quarters for children or adults, or both, operated continuously for a period of five (5) days or more, for recreation, education of vacation purposes, whether operated on a profit or nonprofit basis; provided, however, the buildings, tents, or other structures maintained by the owner or occupant of a farm to house his farm labor shall NOT be considered as a camp (See DWELLING).

CAR WASH: See AUTOMOBILE WASH.

CHILD CARE CENTER: An establishment where three (3) or more children, not related by bonds of consanguinity or fostership to the family residing on the same premises, are cared for in return for remuneration. Such child care centers may not have a resident family on the premises. A child care center may also sometimes be referred to as a NURSERY, DAY NURSERY, NURSERY SCHOOL or DAY CARE CENTER.

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

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

CLUB OR FRATERNAL ORGANIZATION: An organization of persons for special purposes or for the organization of sports, arts, science, agriculture, literature, politics, or similar activities, but not operated for profit or to espouse beliefs or further activity that is not in conformance with the Constitution of the United States or any laws or ordinances. The facilities owned or used by such organization may be referred to as a CLUB in this Ordinance.

CONDOMINIUM: Ownership in common with others of a parcel of land and certain parts of a building thereon which would normally be used by all of the occupants, such as yards, foundations, basements, floors, walls, hallways, stairways, elevations, and all other related common elements, together with individual ownership in fee of a particular dwelling unit in such building. Condominiums shall be subject to the regulations set forth in Michigan Public Act 59 of 1978, as amended.

DETENTION BASIN: A reservoir wherein water is stored for a relatively brief period of time, part of it being retained until the outlet can safely carry the ordinary flow plus the related water. Such reservoirs have outlets usually without control gates, and are used for flood regulation.

DRIVE-IN: A business establishment so developed that its retail or service character is dependent on providing a driveway approach or parking spaces for vehicles to serve patrons while in or on the vehicle, rather than within a building or structure. (Also see RESTAURANT, DRIVE-IN).

DWELLING: Any building, or part thereof, containing sleeping, kitchen, and bathroom facilities designed for and occupied by one family. In no case shall a recreational vehicle, travel trailer, motor home, automobile, tent or other portable building be considered a dwelling. In the case of mixed occupancy where a building is occupied in part as a dwelling unit, the part so occupied shall be deemed a dwelling unit for the purposes of this Ordinance.

DWELLING, EARTH SHELTERED: A dwelling where the walls and/or roof are partially covered with earth to conserve energy or provide noise, safety, or climatic protection. Such dwelling shall meet all requirements of the Township Housing Code and Construction code, as amended.

DWELLING, EFFICIENCY: An efficiency unit is a type of multiple-family or apartment unit consisting of one (1) principal room, plus bathroom and kitchen facilities, hallways, closets, and/or a dining alcove located directly off the principal room.

DWELLING, MANUFACTURED (MODULAR): A building or portion of a building designed for long-term residential use and characterized by the following:

- (a) The structure is produced in a factory in accordance with the National Manufactured Housing Construction and Safety Standards Act, as amended,
- (b) The structure is designed to be transported to the site in a nearly complete form, where it is placed on a foundation and connected to utilities, and
- (c) The structure is designed to be used as either an independent building or as a module to be combined with other elements to form a complete building on the site.

DWELLING, MOBILE HOME: A structure, transportable in one (1) or more sections, which is built upon a chassis and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. Recreational vehicles as described and regulated herein shall not be considered "mobile homes" for the purposes of this Ordinance.

DWELLING, MULTIPLE FAMILY: A building designed for and occupied by three (3) or more families living independently, with separate housekeeping, cooking, and bathroom facilities for each. Multiple-family dwelling units often include those commonly known as apartments.

DWELLING, ONE-FAMILY OR SINGLE-FAMILY: An independent, detached residential dwelling designed for and used or held ready for use by one (1) family only. Single-family dwellings are commonly the only principal use on a parcel or lot.

DWELLING, TWO-FAMILY OR DUPLEX: A detached building, designed exclusively for and occupied by two (2) families living independently of each other, with separate housekeeping, cooking, and bathroom facilities for each.

DWELLING UNIT: One or more rooms, along with bathroom and kitchen facilities, designed as a self-contained unit for occupancy by one family for living, cooking, and sleeping purposes.

EASEMENT: Any private or dedicated public way that provides a means of access to property. The term "easement" may also refer to utility easements which give public or private utility companies the right to use land for the construction and maintenance of utilities.

ERECT: Any physical change on a site, including construction, reconstruction, or alteration of buildings or structures thereon. Excavation, fill, drainage, and the like shall be considered part of an erection.

ESSENTIAL SERVICES: The term "essential services" shall mean the erection, construction, alteration or maintenance by public or quasi-public utilities or municipal departments or Township-certified cable television companies of underground, surface or overhead gas, steam, electrical, fuel or water systems for the purpose of transmission, distribution, collection, communication, supply, or disposal; including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar equipment, which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general health, safety, and welfare of the public. Essential services shall not include storage yards, sales or business offices, commercial buildings or activities, public utility substations, power generation plants, or sanitary landfills.

EXCAVATION: The removal or movement of soil, sand, stone, gravel, or fill dirt except for common household gardening, farming, and general ground care.

FAMILY:

- (a) One (1) or more persons related by blood, marriage, or legal adoption, plus up to a total of three (3) additional persons not so related who are either domestic servants or gratuitous guests, occupying a single dwelling unit and living as a single nonprofit housekeeping unit; OR
- (b) A collective number of individuals occupying a single dwelling unit under one head whose relationship is of a permanent non-transitory and distinct domestic character and cooking and living together as a single and separate non-profit housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, combine, federation, group, coterie, group of students, or

organization which is not a recognized religious order nor include a group of individuals whose association is temporary and/or resort seasonal in nature nor include state licensed residential facilities as defined by the Township Rural Zoning Act, being Michigan Public Act 184 of 1943, as amended.

FARM: All of the contiguous, neighboring or associated land operated as a single unit for an agricultural enterprise as defined in this Chapter for commercial purposes. A farm may include related dwelling units, buildings, activities, and equipment customary to such farm activities. Infrequent casual sales shall not be construed as "general commercial purposes" under this definition. Types of farms are defined as follows:

- (a) **General Farm.** Any tract of land devoted to general agricultural activities not involving animals for general commercial purposes, such as field crops, truck farming and orchards.
- (b) **Specialized Farms.** Any tract of land used for specialized farm operations such as nurseries, chicken hatcheries, poultry farms, dairying, beef farms, animal husbandry, stockyards, livestock feed lots, swine farms or establishments, the keeping of fur-bearing animals or game, or the operation of fish hatcheries.

A farm permitted by this Ordinance is not intended nor implied to permit trucking, equipment and/or vehicle repairs or sales, contractor yards, refuse composting operations, or any other activities than those incidental to the bona fide farm.

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

FARM BUILDING: Any building or structure, other than a dwelling, which is customarily used in connection with the agricultural activities conducted on the farm. Such as, but not limited to, a barn, grain bin, silo, farm implement storage building, or milkhouse.

FEED LOT: A feed lot shall include any of the following facilities: (1) any tract of land or structure wherein any type of fowl or the by-products thereof are raised for sale at wholesale or retail; or (2) any structure, pen, or corral where cattle, horses, sheep goats, or swine are maintained in close quarters for the purpose of fattening such livestock for final shipment to market.

FILL, FILLING: The deposit or dumping of any matter onto or into the ground, except for common household gardening, farming, and general ground care.

FLOOD PLAIN: That area which typically is adjacent to a river, stream, or other body of water, and is designated as subject to flooding from the 100-year base flood indicated on the "Flood Boundary and Floodway Map" prepared by the Federal Emergency Management Agency, a copy of which is on file in the Township offices.

FLOOR AREA:

- (a) **Residential.** The area of all floors computed by measuring the dimensions of the outside walls of a building excluding enclosed or unenclosed porches, patios, terraces, breezeways, carports, verandas, garages, unfinished attics, attic floor area with less than five feet vertical distance from the floor to finished ceiling, and basements.
- (b) **Non-Residential.** The sum of the horizontal areas of each floor, measured from the interior faces of the exterior walls, including all areas used for, intended to be used for, and accessible for the sale of merchandise, provision of services, or service to patrons, clients or customers. Floor area which issued for or intended to be used for the storage or processing of merchandise, or for utilities shall be excluded from the computations of floor area of nonresidential buildings.

In cases where floor plans are unavailable, the floor area of non-residential buildings shall equal eighty percent (80%) of the sum of the horizontal areas of each floor, measured from the interior faces of the exterior walls.

FOSTER CARE HOME: See STATE LICENSED RESIDENTIAL FACILITY.

FRATERNAL ORGANIZATION: See CLUB.

GARAGE, PRIVATE: An accessory building for parking or storage of motor vehicles owned and used by the occupants of the building to which it is accessory. Private garages shall not have public repair facilities. A private garage may be either attached to or detached from the principal structure.

GARAGE, PUBLIC: See AUTOMOBILE OR VEHICLE REPAIR GARAGE.

GAS STATION: See AUTOMOBILE FILLING STATION OR AUTOMOBILE SERVICE STATION.

GRADE: The term "grade" shall mean the ground elevation established for the purpose of regulating the number of stories or height of a building. The building grade shall be the level of the earth or finished material located adjacent to the walls of the building. If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the building.

GREENBELT: See LANDSCAPING.

GROUP HOMES: See STATE LICENSED RESIDENTIAL FACILITY.

HAZARDOUS USES: All uses which involve the storage, sale, manufacture, or processing of materials which are dangerous and combustible and are likely to burn immediately, and from which either poisonous fumes or explosions are to be anticipated in the event of fire. These uses include all high hazard uses listed in Section 306 of the Basic Building Code/1987 as amended, prepared by the Building Officials Conference of America, Inc.

HEIGHT: See BUILDING HEIGHT.

HOME OCCUPATION: An occupation carried on in the home by members of the family only, as a use clearly incidental and secondary to the use of the home as a dwelling place; provided that no article is sold or personal service rendered except those that are produced or performed by the home occupation itself, and that the home occupation is conducted entirely within the dwelling. Home occupations may include beauty shops, nursery schools, day care centers, photographer's studios, and similar uses. (Refer to Section 3.15).

JUNK: Waste, used, or second-hand materials, including but not limited to scrap iron, scrap metal, scrap paper, scrap rags, scrap tires, scrap glass, scrap building materials, abandoned machinery, or unseaworthy water craft.

JUNK YARD: An open area where waste, used, or second-hand materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including but not limited to scrap iron, metals, paper rags, tires, bottles, inoperable vehicles.

A junk yard shall include any lot on which four (4) or more inoperable vehicles are kept, or any outdoor area of more than two hundred (200) square feet used for storage, keeping or abandonment of junk. As broadly applied in the context of this Ordinance, a junk or salvage yard shall also apply to solid waste processing plants, transfer stations, and resource recovery facilities as defined in Public Act 641 of 1978, as amended.

KENNEL: Any land, building or structure where three (3) or more adult cats, dogs, or other domestic animals over six (6) months of age are either permanently or temporarily boarded, bred, sold, or trained.

LAKE: Any body of water, natural or artificial, defined as an "inland lake or stream" in the Inlake Lake and Stream Act of 1972, P.A. 1972, No. 346, as amended.

LANDFILL: Any disposal area, tract of land, building, unit or appurtenance or combination thereof that is used to collect, store, handle, dispose of, bury, cover over, or otherwise accept or retain refuse as herein defined.

LANDSCAPING: The treatment of the ground surface with live plant materials such as, but not limited to, grass, ground cover, trees, shrubs, vines, and other live plant material. In addition, a landscape design may include decorative man-made materials such as wood chips, crushed stone and boulders, or such features as fountains, pools, statues, and benches, but only if provided in combination with live plant material. Artificial plant materials shall not be counted toward meeting the requirements for landscaping. Various landscaping-related terms are defined as follows:

- (a) **Berms:** A continuous, raised earthen mound with a flattened top and sloped sides, capable of supporting live landscaping materials, and with a height and width that complies with the requirements of this Ordinance.

- (b) **Greenbelt:** A strip of land of definite width and location reserved for the planting of a combination of shrubs, trees, and ground cover to serve as an obscuring screen or buffer for noise or visual enhancement in accordance with the requirements of this ordinance.
- (c) **Hedge:** A row of closely planted shrubs or low-growing trees which commonly form a continuous visual screen, boundary, or fence.
- (d) **Shrub:** A self-supporting, deciduous or evergreen woody plant, normally branched near the base, bushy, and less than fifteen (15) feet in height.
- (e) **Tree:** A self-supporting woody, deciduous or evergreen plant with a well-defined central stem which normally grows to a mature height of fifteen (15) feet or more in Ottawa County, Michigan.
 - 1. **Deciduous Tree:** A variety of tree that has foliage that is shed at the end of the growing season.
 - 2. **Evergreen Tree:** A variety of tree that has foliage that persists and remains green throughout the year.
- (f) **Ornamental Tree:** A deciduous tree which is typically grown because of its shape, flowering characteristics, or other attractive features, and which grows to a mature height of about twenty-five (25) feet or less.
- (g) **Shade Tree:** For the purposes of this Ordinance, a shade tree is a deciduous tree which has a mature crown spread of fifteen (15) feet or greater in Ottawa County, Michigan, and has a trunk with at least five (5) feet of clear stem at maturity.

LOADING SPACE, OFF-STREET: A designated off-street space which is safely and conveniently located on the same lot as the building or buildings being served, for the temporary parking of delivery vehicles while loading and unloading merchandise and materials.

LOT, CORNER: A lot located at the intersection of two (2) or more streets where the corner interior angle formed by the intersection of the streets is one hundred thirty-five degrees (135°) or less; or a lot abutting upon a curved street or streets if tangents to the curve form an interior angle of one hundred thirty-five degrees (135°) or less.

LOT, INTERIOR: A lot other than a corner lot.

LOT LINES: The lines bounding a lot as follows:

- (a) **Front Lot Line:** In the case of a lot not located on a corner, the line separating said lot from the street right-of-way. In the case of a corner lot or double frontage lot, the Front Lot Line shall be that line that separates said lot from the street

which is designated as the front street on the site plan, or which is designated as the front street on the site plan review application or request for a building permit.

- (b) **Rear Lot Line:** Ordinarily, that lot line which is opposite and most distant from the front lot line. In the case of irregular, triangular, wedge shaped, or lots that are pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten (10) feet in length, lying farthest from the front lot line and wholly within the lot.
- (c) **Side Lot Line:** Any lot line other than the front or rear lot lines. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

LOT, THROUGH: An interior lot having frontage on two (2) or more streets.

LOT WIDTH: The horizontal distance between the side lot lines of a lot measured at right angles to its depth along a straight line parallel to the front lot line at the minimum required building setback line.

MAJOR THOROUGHFARE: See STREET.

MASTER PLAN: The master plan is a document which is prepared under the guidance of the Planning Commission and consists of graphic and written materials which indicate the general location for streets, parks, schools, public buildings, various land use types, and all physical development of the Township that is intended for the future.

MINI-STORAGE: A building or group of buildings, each of which consists of several individual storage units, each with a separate door and lock which can be leased on an individual basis. Mini-storage establishments are typically contained within a fenced, controlled access compound.

MOBILE HOME: See DWELLING, MOBILE HOME.

MOBILE HOME PARK: A parcel or track of land under the control of a person, firm or corporation upon which three (3) or more mobile homes are located on a continual non-recreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefor, together with any buildings, structures, enclosures, streets, equipment, or facilities which are accessory to such park, subject to conditions set forth in the Mobile Home Commission Rules and Michigan Public Act 419 of 1976, as amended.

MODEL HOUSE: Any house or apartment which is utilized to show for the purpose of selling a like house or apartment.

MOTEL: A building or series of buildings designed, used, or offered for residential occupancy on a temporary basis and designed primarily to accommodate the traveling public.

NONCONFORMING BUILDING: A building or portion thereof that was lawfully in existence at the effective date of this Ordinance, or amendments thereto, and which does not now conform to the minimum building height, area, setback, lot coverage or other provision of this Ordinance pertaining to buildings in the zoning district in which it is located.

NONCONFORMING LOT: A lot which was lawfully in existence at the effective date of this Ordinance, or amendments thereto, and which does not now conform to the lot size, lot width, or other provisions of this Ordinance pertaining to lots in the zoning district in which it is located.

NONCONFORMING USE: A use which was lawfully in existence at the effective date of this Ordinance, or amendment thereto, and which does not now conform to the use regulations of this Ordinance for the zoning district in which it is located.

NUISANCE: An offensive, annoying, or disturbing practice or object, which prevents the free use of one's property, or which renders its ordinary use or physical occupation uncomfortable. Nuisance commonly involves continuous or recurrent acts which gives offense to the senses, violates the laws of decency, obstructs reasonable and comfortable use of property, or endangers life and health.

NURSING HOME, CONVALESCENT HOME, OR REST HOME: A home for the care of the aged, infirm, or those suffering from bodily disorders, where two or more persons are housed or lodged and furnished with nursing care. Such facilities are licensed in accordance with Michigan Public Acts 139 of 1956, as amended.

OCCUPANCY, CHANGE OF: The term "change of occupancy" shall mean a discontinuance of an existing use and the substitution of a use of a different kind or class, or the expansion of a use.

OCCUPIED: Used in any way at the time in question.

OPEN AIR BUSINESS: Any business that is conducted primarily out-of-doors. Unless otherwise specified herein, open air business shall include:

- (a) Retail sales of garden supplies and equipment, including but not limited to: trees, shrubbery, plants, flowers, seed, topsoil, trellises, and lawn furniture.
- (b) Various outdoor recreation uses, including but not limited to: tennis courts, archery fields, shuffleboards, horseshoe courts, miniature golf, golf driving ranges, and children's amusement parks.
- (c) Outdoor display and sale of garages, swimming pools, playground equipment, and similar uses.

PARKING LOT: An off-street area, usually surfaced and improved, which provides vehicular parking spaces along with adequate drives and aisles for maneuvering in compliance with Chapter 15, so as to provide safe and convenient access for entrance and exit.

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

PERSONAL FITNESS CENTER: A facility which provides indoor exercise facilities, such as exercise machines and weight-lifting equipment, usually in a structured physical activity program supervised by professional physical fitness instructors. As defined herein, "personal fitness center" shall not include court sports facilities or spectator seating for sports events. A personnel fitness center may or may not be enclosed within a gym.

PET: A domesticated dog, cat, bird, gerbil, hamster, guinea pig, turtle, fish, rabbit, or other animal that is commonly available and is kept for pleasure or companionship.

PLANNED UNIT DEVELOPMENT: A planned unit development may include such concepts as cluster development, planned development, community unit development, planned residential development, and other terminology denoting special zoning requirements and review procedures. These requirements and procedures are intended to provide design and regulatory flexibility, so as to accomplish the objectives of this Ordinance using innovative and effective planning approaches.

PLANNING COMMISSION: The Planning Commission of the Charter Township of Tallmadge, County of Ottawa, State of Michigan.

POND, FARM: Any excavation, or the altering of a watercourse by damming or excavations, or combinations thereof, for the purpose of creating thereby a body of water greater than fifty (50) square feet in area, and eighteen (18) inches in depth, except for detention or retention basins.

PRINCIPAL USE: See USE, PRINCIPAL.

PRIVATE COMMUNICATION ANTENNA: Private communication antenna shall mean any apparatus installed out-of-doors which is capable of receiving or transmitting communications for radio and/or television, including satellite dish reception antennas, amateur radio transmitting and receiving antennas but excluding such antennas as commercial radio and television and microwave communication towers. Excluded are such other facilities as have been preempted from Township regulation by applicable State or Federal laws and regulations.

PRIVATE STREET OR ROAD: See STREET.

PUBLIC UTILITY: Any governmental unit, board, or commission, or any person (under public regulation if a private agency) furnishing to the public:

- (a) Transportation,
- (b) Water,
- (c) Gas,
- (d) Electricity,
- (e) Telephone,
- (f) Steam,
- (g) Telegraph,

- (h) Sewage disposal, or
- (i) Other essential public service.

RECREATIONAL LAND OR FACILITY: Any public or privately owned land or facility that is used for recreation activities such as, but not limited to, camping, swimming, hiking, boating, fishing, golfing, miniature golf, driving ranges, down-hill or cross-country skiing, baseball, football, soccer, tennis, indoor racquetball or squash, or any combination of such uses.

RECREATIONAL VEHICLE: Any house car, motor home, travel trailer, bus, trailer home, camper, trailer coach, or similar item used or designed for use as a conveyance on streets and intended for occasional or short-term occupancy during travel, recreation, or vacation use.

REFUSE: The miscellaneous waste materials resulting from housekeeping, mercantile enterprises, trades, manufacturing and offices, including other waste matter such as slag, stone, broken concrete, fly ash, sashes, tin cans, glass, scrap metal, rubber, paper, rugs, chemical or any other similar or related combinations thereof.

RESTAURANT: A restaurant is any establishment whose principal business is the sale of food and beverages to the customer in a ready-to-consume state.

Specific types of restaurants are defined as follows:

- (a) **Restaurant, Carry-Out:** A carry-out restaurant is a restaurant whose method of operation involves sale of food, beverages, and/or frozen deserts in disposable or edible containers or wrappers in a ready-to-consume state for consumption primarily off the premises.
- (b) **Restaurant, Drive-In:** A drive-in restaurant is a restaurant whose method of operation involves delivery of prepared food so as to allow its consumption in a motor vehicle or elsewhere on the premises, but outside of an enclosed building.
- (c) **Restaurant, Drive-Through.** A drive-through restaurant is a restaurant whose method of operation involves the delivery of the prepared food to the customer in a motor vehicle, typically through a drive-through window, for consumption off of the premises.
- (d) **Bar/Lounge:** A bar or lounge is a type of restaurant which is operated primarily for the dispensing of alcoholic beverages, although the sale of prepared food or snacks may also be permitted. If a bar or lounge is part of a larger dining facility, it shall be defined as that part of the structure so designated or operated.

RETENTION BASIN: A reservoir wherein water is stored for a period of time until the outlet can safely carry the released water. Such reservoirs have control gates which can be released at a given time. This type of reservoir is used for flood regulation.

RIGHT-OF-WAY: The strip of land over which an easement exists to allow facilities such as streets, roads, sidewalks, highways, and power lines to be built.

ROADSIDE STAND: A farm building or structure used solely by the owner or tenant of the farm on which it is located for the sale of agricultural products produced on the farm where the roadside stand is located.

SATELLITE DISH ANTENNA: See PRIVATE COMMUNICATION ANTENNA.

SCREEN, OBSCURING: A wall, fence, or combination of plantings of sufficient height, length, and opacity to form a visual barrier. If the screen is composed of nonliving material, such material shall be compatible with materials used in construction of the principal building.

SETBACK: The distance between a front, side or rear lot line and the nearest supporting member of a structure on the lot. The MINIMUM REQUIRED SETBACK is the minimum distance between a front, side or rear lot line and the nearest supporting member of a structure in order to conform to the required yard setback provisions of this Ordinance (see definition of YARD).

SIGN: Any display, device, figure, painting, use of words, design, trademark, drawing, message, placard, poster, or any other thing designed, intended or used to advise, inform, or attract attention.

SITE PLAN: A drawing or print, drawn to scale, which shows the intended layout of a proposed development, showing the location and dimension of all existing or proposed improvements or structures upon a parcel including driveways, parking areas, landscaping, sidewalks, signs, drainways, fences, utilities, and all other features and information necessary to determine whether the proposed development meets the provisions of this Ordinance.

SPECIAL USE: An authorized use of land, buildings, or structures, which have unique characteristics that are potentially discordant with other uses in the district and must meet certain requirements and performance standards before being authorized and before any development or use begins. Such special uses may be permitted following a public hearing, review and action by the Planning Commission, including denial, approval or approval with conditions, subject to the terms of this Ordinance.

STABLE, PRIVATE: A private stable is an enclosed building intended for the keeping of horses or other large domestic animals, for the noncommercial use of the residents of the principal residential use on the site.

STABLE, PUBLIC: A public stable is an enclosed building intended for the keeping of horses or other domestic animals, in which any such animals are kept for remuneration, hire, or sale.

STATE LICENSED RESIDENTIAL FACILITY: Any structure constructed for residential purposes that is licensed by the State of Michigan pursuant to Public Act 287 of 1972, Public Act 11 of 1972, or Public Act 218 of 1979.

STORY: That portion of a building, other than a basement as defined herein, included between the upper surface of any floor and the upper surface of the floor or roof next above it. A basement shall be deemed a full story when the vertical distance from the average grade to the floor below is less than the vertical distance from the average grade to the ceiling.

STREET: A right-of-way which affords traffic circulation and principal means of access to abutting property including any avenue, place, way, drive, lane, boulevard, highway, road, or other thoroughfare, except an alley. Various types of streets are defined as follow:

- (a) **Major Thoroughfare:** An arterial street which is intended to serve a large volume of traffic for both the immediate area and the region beyond. Any street with a width, existing or proposed, of one hundred twenty (120) feet or more, or any street proposed as a major thoroughfare in the Master Plan shall be considered a major thoroughfare.
- (b) **Collector Street:** A street whose principal function is to carry traffic between minor or local streets and arterial streets, but may also provide direct access to abutting properties.
- (c) **Cul-De-Sac:** A street that terminates in a vehicular turnaround.
- (d) **Local or Minor Street:** A street whose sole function is to provide access to abutting properties.
- (e) **Private Street or Road:** A street or road under private ownership which has been constructed for the purposes of providing access to adjoining property, and which is normally open to the public so that persons other than the occupants of adjoining property may travel thereon, but which has not been accepted for maintenance by the Township, County, State or Federal Government.
- (f) **Public Street or Road:** A street or road, the right-of-way and improvements of which have been accepted for maintenance by the Township, County, State or Federal Government.

STREET LINE: A dividing line between the street and a lot, also known as the right-of-way line.

STRUCTURE: Anything constructed or erected which requires permanent location on the ground or attachment to something having such location. The term "building" shall mean the same. Structures shall include, but not be limited to, fences, walls, swimming pools and signs or signboards; but shall exclude sidewalks and surfaces or streets, driveways, parking areas, and patios.

SUBDIVISION PLAT: A tract of land divided into two or more lots, building sites, or other divisions for the purpose of sale or building development, in accordance with the Subdivision Control Act, Michigan Public Act 288 of 1967, as amended.

SWIMMING POOL: Any non-portable structure or container located either above or below grade designed to hold water to a depth of greater than two (2) feet when filled, and intended for swimming, bathing, or aquatic recreation. A swimming pool does not include plastic, canvas or rubber portable pools temporarily erected upon the ground holding less than three hundred (300) gallons of water nor decorative pools with less than two feet of water depth. A swimming pool shall be considered an accessory structure for purposes of computing lot coverage and setbacks.

TEMPORARY: See BUILDING, TEMPORARY.

TOWNSHIP: The Charter Township of Tallmadge, Ottawa County, Michigan.

TOWNSHIP BOARD: The Board of Trustees of the Charter Township of Tallmadge, Ottawa County, Michigan.

TOXIC OR HAZARDOUS WASTE: Waste or a combination of waste and other discarded material including solid, liquid, semisolid, or contained gaseous material which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause or significantly contribute to the following if improperly treated, stored, transported, disposed of, or otherwise managed:

- (a) An increase in mortality, or
- (b) An increase in serious irreversible illness, or
- (c) Serious incapacitating, but reversible illness, or
- (d) Substantial present or potential hazard to human health or the environment.

USABLE FLOOR AREA: See FLOOR AREA, USABLE.

USE: Any purpose for which a structure or a parcel may be designed, arranged, intended, maintained, or occupied; or any activity, occupation, business, or operation carried on, or intended to be carried on, in a structure or on land.

- (a) **Accessory Use** - A use of a structure or premises which is customarily incidental and subordinate to the principal use of the structure or premises.
- (b) **Use Permitted by Right** - A use or uses which, by their very nature, are allowed within the specified Zoning District, provided all applicable regulations of the Township are met. Permitted use includes the principal use of the land or structure, as well as accessory uses, unless specifically stated to the contrary within the provisions of this Ordinance.
- (c) **Principal Use** - The primary purpose for which land or a structure or building is used.

- (d) **Temporary Use** - A use or activity which is permitted only for a limited time and subject to specific regulations.

VARIANCE: A modification of the literal provisions of the Zoning Ordinance granted when strict enforcement of the Zoning Ordinance would cause undue hardship owing to circumstances unique to the individual property on which the variance is granted. A variance may be granted by the Zoning Board of Appeals under the provisions of Section 21.07.

VEHICLE: Every device in, upon, or by which any person, or property, is or may be transported or drawn upon a street, except devices propelled by human power, or used exclusively upon stationary rails or tracks.

YARD: An open space on the same lot with a building, unoccupied and unobstructed from the ground upward, provided however, that fences, walls, poles, posts, and other customary yard accessories, ornaments, and furniture may be permitted in any yard subject to height limitations and requirements limiting obstruction of visibility. The Minimum Required Setback is the minimum depth of a front, rear or side yard necessary to conform to the required yard setback provisions of this ordinance.

- (a) **Yard, Front:** An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest line of the principal building. Unless otherwise specified, on corner lots there shall be maintained a front yard along each street frontage.

In the case of the waterfront lots, the yard of the street side shall be the front yard.

- (b) **Yard, Rear:** An open space, except permitted accessory structures, extending the full width of the lot, the depth of which shall be the minimum horizontal distance between the rear lot line and the nearest line of the principal building. On corner lots, the rear yard shall be opposite from the street which is designated as the front street on the site plan, site plan review application, or request for a building permit.
- (c) **Yard, Side:** An open space between a principal building and the side lot line, extending from the front yard to the rear yard, the width of which shall be the horizontal distance from the nearest point of the side lot line to the nearest point on the principal building.

ZONING ADMINISTRATOR: This Ordinance is administered by the Zoning Administrator as provided under Section 20.01. Such official is appointed the Township Board.

ZONING BOARD OF APPEALS: The Tallmadge Charter Township Zoning Board of Appeals, created pursuant to the provisions of Michigan Public Act 110 of 2006, as amended.

CHAPTER 3

GENERAL PROVISIONS

SECTION 3.01. SCOPE. The provisions of this Ordinance apply to all lots and parcels of land and to every building, structure, or use, and extends vertically. No lot, building, structure, or part thereof, shall hereafter be located, erected, altered, occupied, or used except in conformity with the provisions of this Ordinance.

The general provisions of this Chapter shall apply unless specifically stated otherwise.

SECTION 3.02. ACCESSORY USES AND BUILDINGS.

- (a) In any zoning district, accessory uses incidental to a permitted use are permitted when located on the same lot.
- (b) No accessory building may be built on any lot on which there is no principal building.
- (c) In any zoning district, an accessory building may be erected detached from the permitted principal building or as an integral part of the permitted principal building. When erected as an integral part of the permitted principal building, it shall comply in all height, setback, and other requirements of this Ordinance applicable to the permitted principal building.
- (d) **Architecture/Siding.** The architectural character of all accessory buildings shall be compatible with that of the principal building.

All accessory buildings in all zones except the AG District, shall be sided with residential siding compatible with the principal building and adjacent principal buildings and shall be roofed with asphalt-type shingles or wood shingles or other material similar to and compatible with that of the principal building. In the RP District, all accessory building shall be sided with material compatible in color with the principal building and adjacent principal buildings and shall be roofed with asphalt-type shingles or wood shingles or other material similar to and compatible with that of the principal building.

- (e) **Distance Between Accessory Buildings.** The distance between a detached accessory building and any principal building shall not be less than ten (10) feet. Accessory buildings shall be considered as attached to a principal building when the distance between two (2) buildings is solidly covered by a breezeway, portico, covered colonnade or similar architectural device.
- (f) **Minimum Setbacks.**
 - 1. Accessory buildings may be located in the rear yard or side yard.

If the applicant desires to place the proposed accessory building between the street and the dwelling due to unusual property circumstances, application must be made to the Zoning Board of Appeals for consideration. In such a request, the Zoning Board of Appeals shall consider the following standards in lieu of Section 21.07(d).

- a. An existing natural feature makes it impractical to locate an accessory building in the rear or side yard without drastically modifying the natural feature itself. For the purposes of this section, natural features shall only include a creek, ravine or steep slope.
 - b. The proposed location of the accessory building shall comply with the setback requirements of a principal building.
 - c. The proposed location of the building on the parcel will take maximum advantage of natural screening provided by existing vegetation. Natural vegetative screening of the accessory building from adjoining properties is a major consideration for front yard locations.
 - d. The variance granted shall be the minimum variance that will make possible a reasonable placement of the accessory building.
 - e. The variance granted shall be in harmony with the intent of this ordinance and will not be injurious to the neighborhood, and otherwise detrimental to the public interest.
2. Detached accessory buildings shall not be located closer than five feet (5') to any rear lot line. Detached accessory buildings shall maintain the same side yard set back as principal structures. Detached accessory buildings shall not be closer than forty feet (40') to the water's edge in the case of a waterfront lot, except that pump houses may be located within forty feet (40') of the water's edge if they do not exceed three feet (3') in height. Detached accessory buildings shall not occupy more than thirty percent (30%) of any required rear yard area.
 3. A detached accessory building may be constructed, erected, or placed in the front yard of any waterfront lot which is platted or otherwise of record as of the effective date of this Ordinance, if it is located not less than twenty (20) feet from the edge of the street.
- (g) **Height.** For all accessory buildings, the maximum height shall not exceed that of the principal building, but in no case be higher than twenty-four (24) feet; except in the AG District on parcels of more than ten (10) acres used as farms, as defined in Section 2.3.
- (h) **Private Garage - Customary.** A customary private garage may consist of any one (1) private garage attached to a principal dwelling unit, or in its place, any one (1) detached private garage.

Provided the regulations of this Section are met, one customary private garage is permitted by right on any lot or parcel occupied for residential purposes, upon approval of the Building Inspector. However, private garages are regulated in the AG, RP, R-1, and R-2 Districts as follows:

1. If size of lot is less than two-and-one-half (2-1/2) acres, the size of the private garage shall not exceed eight hundred sixty-four (864) square feet.

2. If lot size is two-and-one-half (2-1/2) acres or more, the size of the private garage shall not exceed one thousand forty (1,040) square feet.
- (i) **Other Accessory Buildings.** Detached accessory buildings in addition to a private garage (refer to subsection (h) above) shall be permitted as follows:
1. On residential lots only one accessory building in addition to an attached or detached private garage is permitted, except for a pool building or children's playhouse. Such accessory buildings shall be used for storage, a bonafide hobby, or recreational activities only and shall not involve the conduct of any business, trade, or industry.
 2. In R-1, R-2, RP and AG Districts, the total ground coverage of an accessory building, which includes lean-tos, other than a garage shall not exceed the following:
 - If the parcel is located in the R-1 or R-2 Districts, the maximum accessory building shall not exceed 1,200 square feet or three percent (3%) of the lot area, whichever is smaller.
 - If the parcel is located in the AG or RP Districts, the maximum accessory building shall not exceed 1,000 square feet per acre or 2,400 square feet, whichever is smaller.
 - In the AG and RP Districts, if the size of the parcel is greater than five (5) acres, two accessory buildings can be erected with a combined size not to exceed two thousand four hundred (2,400) square feet.
 - In the AG District, if the size of the parcel is more than ten (10) acres and used for farm purposes (as defined in Section 2.03), there is no size limitation for an accessory building.
 3. For purposes of determining square footage of accessory buildings, the measurement shall be length times width of the interior of the building measured from the inside corners of the building frame.
- (j) **Sleeping Quarters.** With the exception of one family dwelling accessory to a farm, no portion of an accessory building shall be utilized as a dwelling or as sleeping quarters for human beings.
- (k) **Mobile Homes.** Mobile homes are not permitted as an accessory use to a permitted principle use. Mobile homes are permitted only as specified in Chapter 10 and Section 3.10.
- (l) **Guest Houses.** Guest houses are prohibited in all Zoning Districts.
- (m) **Determining "Customary" Status.** In those cases where the Building Inspector questions whether an accessory building is usual and customary to a permitted use, a determination

shall be made by the Planning Commission based on information presented by the Building Inspector and applicant, utilizing the following criteria:

1. Whether the proposed building is consistent with the permitted use.
 2. Whether the proposed size and location of the proposed building is consistent with existing permitted uses.
 3. Whether the proposed building will affect the light and air circulation of any adjoining buildings or properties.
 4. Whether the proposed building will adversely affect the view of any adjoining property.
 5. Whether the proposed building can be located such that it meets the yard and other requirements.
- (n) **Subdivision of Lots.** No parcel or lot shall be subdivided unless and until all detached accessory buildings comply with the Ordinance with respect to allowable size for the proposed lot size on which that building is located.

SECTION 3.03. ADULT ENTERTAINMENT AND AMUSEMENT ESTABLISHMENTS.

- (a) **Description and Purpose.** It is recognized that there are some uses which, because of their very nature, have serious objectionable operational characteristics, particularly when several of them are concentrated in near proximity to a residential zone, thereby having a deleterious effect upon the adjacent areas. Special regulation of these uses is necessary to insure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. These special regulations are itemized in this Section. These controls are for the purpose of preventing a concentration of these uses within any one area, or to prevent deterioration or blighting of a nearby residential neighborhood. These controls do not legitimize activities which are prohibited in other sections of this Ordinance.

Uses subject to these controls are as follows:

- * Adult arcades
- * Adult book stores or video stores
- * Adult cabarets
- * Adult entertainment booking agencies
- * Adult motels
- * Adult motion picture theaters
- * Adult theaters
- * Dating services
- * Escorts
- * Escort agencies
- * Massage establishments
- * Nude artist and photography studios
- * Sexual encounter centers

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

1. **Adult Arcades:** A commercial establishment that offers coin-operated (or operation by any other form of consideration) electronically, electrically, or mechanically controlled still or motion picture machines, projectors, video or laser disc players, or other image-producing devices to show images to five (5) or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting of specified anatomical areas or specified sexual activities.
2. **Adult Bookstores or Adult Video Stores:** A commercial establishment that has as a substantial or significant portion of its stock in trade, and as one of its principal business purposes offers for sale or rental for any form of consideration, any one or more of the items set forth below. A commercial establishment may have other principal business purposes that do not involve offering for sale or rental the material identified below and still be categorized as an adult bookstore or adult video store.
 - * Books, magazines, periodicals or other printed matter, photographs, films, motion pictures, video cassettes or video reproductions, slides, or any other visual representations or media which depict or describe specified anatomical areas or specified sexual activities; or
 - * Instruments, devices, or paraphernalia that are designed for use in connection with specified sexual activities.
3. **Adult Cabaret:** A nightclub, bar, restaurant, or similar commercial establishment that regularly features:
 - * Persons who appear in a state of nudity;
 - * Live performances that are characterized by the exposure of specified anatomical areas or by specified sexual activities;
 - * Films, motion pictures, video cassettes, slides, other photographic reproductions or visual media that are characterized by the depiction or description of specified anatomical areas or specified sexual activities; or
 - * Persons who engage in lewd, lascivious or erotic dancing or performances that are intended for the sexual interests or titillation of an audience or customers.
4. **Adult Entertainment Booking Agency:** A business engaged in for financial remuneration, either directly or indirectly, wherein the owner, operator or agent

books performances for dancers, comedians, musicians, entertainers or burlesque performers, taking a fee, commission or percentage of any money from the patron or performer for services rendered, when the performances are characterized by exposure of specified anatomical areas or by specified sexual activities.

5. **Adult Motel:** A hotel, motel or similar commercial establishment that does any of the following:
 - * Offers accommodations to the public for any form of consideration and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, other photographic reproductions or visual media that are characterized by the depiction or description of specified anatomical areas or specified sexual activities and has a sign visible from the public right of way that advertises the availability of any of the above;
 - * Offers a sleeping room for rent for a period of time that is less than twelve (12) hours; or
 - * Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than twelve (12) hours.
6. **Adult Motion Picture Theater:** A commercial establishment that, for any form of consideration, regularly shows films, motion pictures, video cassettes, slides, other photographic reproductions or visual media, that are characterized by the depiction or description of specified anatomical areas or specified sexual activities.
7. **Adult Theater:** A theater, concert hall, auditorium, or similar commercial establishment that regularly features a person or persons who appear in a state of nudity or live performances that are characterized by exposure of specified anatomical areas or by specified sexual activities.
8. **Dating Service:** A business engaged in for financial remuneration, either directly or indirectly, where arrangements are made to match a person of the same or opposite sex to a patron or patrons, for social or entertainment purposes, either on or off the premises of the dating service.
9. **Escort:** A person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.
10. **Escort Agency:** A person or business who furnishes, offers to furnish, or advertises the furnishing of escorts for a fee, tip, or other consideration.
11. **Massage:** The performance of manipulative exercises upon the human body of another by rubbing, kneading, stroking or tapping with the hand or hands, or with

any mechanical or bathing device, with or without supplementary aids, for non-therapeutic purposes. The systematic and scientific manipulation of the soft tissues of the human body by a health care professional for therapeutic and/or rehabilitative purposes shall be considered a therapeutic massage and not restricted by this Section.

12. **Massage Parlor:** Any commercial establishment where non-therapeutic massage is made available for any form of consideration.
13. **Massage School:** Any place, establishment or facility which provides instruction in the theory, method and practice of non-therapeutic massage.
14. **Nude Model Studio:** Any place where a person who displays specified anatomical areas is provided in order to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration, but not including:
 - * An educational institution funded, chartered, licensed or recognized by the State of Michigan; or
 - * A private artist's studio where the private artist employs or contracts with the model to be observed and depicted solely by the private artist.
15. **Nudity or a State of Nudity:** Knowingly or intentionally displaying in a public place, or for payment or promise of payment by any person including, but not limited to, payment or promise of payment of an admission fee, any individual's genitals or anus with less than a fully opaque covering, or a female individual's breast with less than a fully opaque covering of the nipple and areola. Public nudity does not include:
 - * A woman's breastfeeding of a baby whether or not the nipple or areola is exposed during or incidental to the feeding;
 - * Material as defined in section 2 of Act No. 343 of the Public Acts of 1984, as amended, being MCL 752.362, or any similar successor statute; or
 - * Sexually explicit visual material as defined in section 3 of Act No. 33 of the Public Acts of 1978, as amended, being MCL 722.673, or any similar successor statute.
16. **Public Place:** Any real property or an appurtenance to real property that is owned or leased by the State of Michigan, any local unit of government of the State of Michigan, a public agency, or by a college or university of the State of Michigan and may include a structure, enclosure, facility, or complex, including a court, mall, park, or other area, feature, or element; a public place shall also mean a business or

an educational, refreshment, entertainment, recreation, health, or transportation facility, or institution of any kind, whether licensed by any agency of government or not, whose goods, services, facilities, privileges, advantages, or accommodations are extended, offered, sold, or otherwise made available to the public.

17. **Sexual Encounter Center:** A commercial establishment that, as one of its principal business purposes, offers for any form of consideration:

- * Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
- * Activities between male and female persons or persons of the same sex when one or more of the persons is in a state of nudity.

18. **Sexually Oriented Business:** Any of the following: (1) adult arcade; (2) adult bookstore or adult video store; (3) adult entertainment booking agency; (4) adult cabaret; (5) adult motel; (6) adult motion picture theater; (7) adult theater; (8) dating service; (9) escort agency; (10) massage parlor; (11) massage school; (12) nude model studio; and (13) sexual encounter center.

19. **Specified Anatomical Areas:** Either of the following:

- * Less than completely and opaquely covered human genitals, pubic region, buttock, anus and female breast below a point immediately above the top of the areola; or
- * Human male genitals in a discernible turgid state, even if completely and opaquely covered.

20. **Specified Sexual Activities:** Include any of the following:

- * The erotic fondling or erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;
- * Sex acts, normal or perverted, actual or simulated, including, but not limited to, intercourse, oral copulation, sodomy, and/or masturbation;
- * Sexual arousal or gratification using animals or violence, actual or simulated;
- * Excretory functions as part of or in connection with any of the activities set forth above.

(c) **Approval.** A sexually oriented business shall be permitted as a special use only if the following standards are satisfied.

1. The use shall be permitted only within a C-2 General Commercial District.
2. No sexually oriented business shall be located on a parcel that is within one thousand (1000) feet of another sexually oriented business.

For purposes of this subsection (2), and subsections (3) and (4) below, the distance between a proposed sexually oriented business and (1) another sexually oriented business, (2) the boundary of any land in the agricultural or any residential zoning district or approved as a planned unit development for residential purposes, or (3) land used for any single-family, two-family or multiple-family dwelling; Township, County or State park; school; library; licensed childcare facility; playground; church or place of worship, shall be measured in a straight line from the nearest property line of the parcel of land upon which the proposed sexually oriented business is to be located to (1) the nearest property line of the parcel of land used for the other sexually oriented business, (2) the nearest boundary of the land in the agricultural or any residential zoning district or approved as a planned unit development for residential purposes, or (3) the nearest property line of the parcel of land used for a single-family, two-family or multiple-family dwelling; Township, County or State park; school; library; licensed childcare facility; playground; church or place of worship.

3. No sexually oriented business shall be located on a parcel that is within two hundred fifteen (215) feet of the boundary of any land in the agricultural or any residential zoning district, or approved as a planned unit development for residential purposes.
4. No sexually oriented business shall be located on a parcel within two hundred fifteen (215) feet of any single-family, two-family or multiple-family dwelling; any Township, County or State park; school; library; licensed child care facility; playground; church or place of worship.
5. No sexually oriented business shall be located within any principal or accessory building or structure already containing another sexually oriented business.
6. The proposed use shall conform to all requirements of the zoning district in which it is located.
7. The proposed use shall be in compliance with all other ordinances of the Township and with all statutes, laws, rules and regulations of the County, State and Federal government and, to the extent required, all governmental approvals must be obtained.

8. The outdoor storage of garbage and refuse shall be contained, screened from view and located so as not to be visible from neighboring properties or the adjacent right-of-way of a public street or private street.
9. Any sign or signs proposed for the sexually oriented business shall comply with the provisions of this Ordinance; may not otherwise include photographs, silhouettes, drawings, or pictorial representations of specified anatomical areas, specified sexual activities or obscene representations of the human form; and may not include animated or flashing illumination.
10. Entrances to the proposed sexually oriented business must be posted on both the exterior and interior walls, in a location clearly visible to those entering and exiting the business, and using clearly marked lettering no less than two (2) inches in height stating that: (1) "Persons under the age of 18 are not permitted to enter the premises," and (2) "No alcoholic beverages of any type are permitted within the premises unless specifically allowed pursuant to a license duly issued by the Michigan Liquor Control Commission."
11. No product or service for sale or gift, or any picture or other representation of any product or service for sale or gift, shall be displayed so as to be visible by a person of normal visual acuity from the nearest adjoining right-of-way of a public street or private street or a neighboring property.
12. Hours of operation shall be limited to 10:00 AM to 10:00 PM, Monday through Saturday. All sexually oriented businesses shall remain closed on Sundays and legal holidays.
13. All off-street parking areas shall comply with this Ordinance and shall be illuminated after sunset during all hours of operation of the sexually oriented business, and until one (1) hour after the business closes. The illumination shall be designed to provide a minimum level of brightness of one (1) foot candle, with a 3:1 uniformity ratio. The illumination shall not reflect on and shall be screened from adjoining properties.
14. Any booth, room or cubicle available in any sexually oriented business, except an adult motel, that is used by patrons for the viewing of any entertainment characterized by the showing of specified anatomical areas or specified sexual activities shall:
 - * Be handicap accessible to the extent required by law;
 - * Be unobstructed by any floor, lock or other entrance and exit control device;

- * Have at least one (1) side totally open to a public, lighted aisle so that there is an unobstructed view of any occupant at all times from the adjoining aisle;
- * Be illuminated such that a person of normal visual acuity can, by looking into the booth, room or cubicle from its entrance adjoining the public lighted aisle, clearly determine the number of people within; and
- * Have no holes or openings in any side or rear walls not relating to utility, ventilation or temperature control services or otherwise required by any governmental building code authority.

(d) **Special Use Process.** Any special use application for a sexually oriented business shall be processed under the provisions of Chapter 19 of this Ordinance. The public hearing before the Township Board must be held not more than forty-five (45) days after the filing of a completed application with the Township.

(e) **Decision on Special Use Application.** Notwithstanding any provisions of this Ordinance to the contrary, a final decision on the special use application shall be made by the Township Board within seventy-five (75) days of the receipt of the completed application by the Township.

The Township Board may impose reasonable conditions in conjunction with the approval of a special use permit for a sexually oriented business. The conditions imposed shall be limited to conditions necessary to ensure that the sexually oriented business will not be unreasonably detrimental to the public health, safety, or general welfare of the Township; nor unreasonably injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted; nor unreasonably impede the normal and orderly development and improvement of the surrounding property for uses permitted under this Ordinance.

The Township Board shall incorporate its decision in a written statement containing the conclusions that specify the basis of the decision and any conditions imposed.

(f) **Appeals.** The decision of the Township Board shall be final. Notwithstanding any provisions of this Ordinance to the contrary, in the event the Township Board denies an application for a special use permit for a sexually oriented business, the applicant shall not be allowed to appeal the Township Board's decision to the Zoning Board of Appeals. The applicant shall be entitled to prompt judicial review of the Township Board's decision in any court of competent jurisdiction.

SECTION 3.04. BED AND BREAKFAST ESTABLISHMENTS. Bed and Breakfast establishments shall be subject to the following regulations:

- (a) The bed and breakfast operation shall be clearly incidental to the principal residence on the site. Accordingly, the bed and breakfast operations shall be confined to the single-family dwelling unit which is the principal dwelling on the site. Not more than twenty-five percent (25%) of the total floor area of the dwelling unit shall be used for bed and breakfast sleeping rooms. Food may be served only to those persons who rent a room in the bed and breakfast facility.
- (b) The dwelling unit shall be the principal residence of the operator, and the operator shall live in the dwelling unit when the bed and breakfast facility is in operation.
- (c) A building used for bed and breakfast operations shall have at least two (2) exits to the outdoors. Rooms used for sleeping shall have a minimum size of one hundred (100) square feet for two (2) occupants, plus an additional thirty (30) square feet for each additional occupant. Rooms shall be designed to accommodate no more than four (4) occupants. Each sleeping room shall be equipped with a smoke detector.
- (d) Adequate off-street parking shall be provided for bed and breakfast patrons, in accordance with Chapter 15. Off-street parking in the front yard shall be prohibited.

SECTION 3.05. CONDOMINIUM REGULATIONS. The following regulations shall apply to all condominium projects within Tallmadge Township:

- (a) **Initial Information:** Pursuant to Section 71 of Public Act 59 of 1978, as amended (MCL 559.171), a person, firm or corporation intending to develop a condominium project shall provide to the Township the following information with respect to the project:
 1. The name, address and telephone number of the following:
 - All persons, firms or corporations with an ownership interest in the land on which the condominium project will be located together with a description of the nature of each entity's interest (for example: fee owner, optionee, or land contract vendee).
 - All engineers, attorneys, architects or registered land surveyors associated with the project.
 - The developer or proprietor of the condominium project.
 2. The legal description of the land on which the condominium project will be developed, together with appropriate tax identification numbers.
 3. The acreage content of the land on which the condominium project will be developed.
 4. The purpose of the project (for example: residential, commercial, industrial, etc.).

5. Approximate number of condominium units to be developed on the subject parcel.
6. What type of water supply and sewage disposal systems are proposed.

The information shall be furnished to the Zoning Administrator and shall be kept updated until such time as a Certificate of Occupancy has been issued.

- (b) **Site Plans, Engineering, and Inspections.** Prior to recording of the Master Deed required by Section 72 of Public Act of 59 of 1978, as amended (MCL 559.108), the condominium project shall undergo site plan review and approval by the Planning Commission in accordance with Chapter 18 of this Ordinance. Prior to approving the site plan, the condominium project developer shall furnish the Planning Commission with one (1) copy of all restrictive covenants. All single family detached condominium projects shall comply with the provisions of Subsection (h) below. The Township shall require appropriate engineering plans and inspections prior to the issuance of any Certificate of Occupancy.
- (c) **Change or Expansion of Project.** Prior to the expansion or a change in a condominium project which has been approved by the Planning Commission, the new phase or change shall undergo site plan review in accordance with Chapter 18.
- (d) **Master Deed and "As Built" Survey.** The condominium project developer or proprietor shall furnish the Zoning Administrator with the following: One (1) copy of the recorded Master Deed, one (1) copy of all restrictive covenants, and two (2) copies of an "as built survey". The "as built survey" shall be reviewed by the Township Engineer for compliance with Township ordinances. Fees for this review shall be established by resolution of the Township Board.
- (e) **Monuments Required.** All condominium projects which consist in whole or in part of condominium units which are building sites, mobile home sites, or recreational sites shall be marked with monuments as provided in this subsection:
 1. Monuments shall be located in the ground and made according to the following requirements, but it is not intended or required that monuments be placed within the traveled portion of a street to mark angles in the boundary of the condominium project if the angle points can be readily re-established by reference to monuments along the sidelines of the streets.
 2. All Monuments used shall be made of solid iron or steel bars at least one-half (1/2) inch in diameter and thirty-six (36) inches long and completely encased in concrete at least four (4) inches in diameter.
 3. Monuments shall be located in the ground at all angles in the boundaries of the condominium project; at the intersection of the lines of streets with the boundaries of the condominium project, and at the intersection of alleys with the boundaries of the condominium project; at all points of curvature, points of tangency, points of compound curvature, points of reverse curvature, and angle points in the side

lines of streets and alleys; at all angles of an intermediate traverse line; and at the intersection of all limited common elements and all common elements.

4. If the required location of a monument is an inaccessible place, or where the locating of a monument would be clearly impractical, it is sufficient to place a reference monument nearby and the precise location thereof be clearly indicated on the plans and referenced to the true point.
 5. All required monuments shall be placed flush with the ground where practical.
 6. All unit corners shall be monumented in the field by iron or steel bars or iron pipes at least eighteen (18) inches long and one-half (1/2) inch in diameter, or other approved markers.
 7. The Township Board may waive the placing of any of the required monuments and markers for a reasonable time, not to exceed one (1) year, on the condition that the proprietor deposits with the Township Clerk cash, a certified check, or an irrevocable bank letter of credit running to the Township of Tallmadge, in an amount not less than one hundred dollars (\$100), the total amount of which shall be figured at the rate of twenty-five dollars (\$25) per monument. Such cash, certified check, or irrevocable bank letter of credit shall be returned to the proprietor upon receipt of a certificate by a surveyor that the monuments and markers have been placed as required within the time specified.
- (f) **Federal, State, and Local Laws.** All condominium projects shall comply with all Federal and State Statutes and local Ordinances.
- (g) **State and County Approval.** The developer or proprietor of the condominium projects shall provide proof that all appropriate State, County, and Township approvals have been received with regard to the water supply and sewage disposal systems for the proposed project.
- (h) **Single Family Detached Condominium.:**
1. Single family detached condominiums shall be subject to all requirements and standards of the Zoning District including minimum floor area, lot size, and setback requirements.
 2. There shall be maintained a minimum distance of one hundred twenty (120) feet from the center of one (1) residential dwelling unit to the center of another residential dwelling unit. This one hundred twenty (120) foot requirements shall be computed along the front building line. In addition, building envelopes shall be depicted on the site plan to assure that the minimum seventy-five (75) foot yard adjacent to all streets, forty (40) foot rear yard, ten (10) foot side yard (least side), and total of two (2) side yards of twenty-five (25) feet can be met. A minimum of twenty (20) feet shall be maintained between buildings.

- (i) **Mobile Home Projects.** Mobile home condominium projects shall conform to all requirements of this ordinance and shall be located only in the R-4 mobile home park district.
- (j) **Streets and Roadways.** All streets and roadways shall meet the minimum standard set for such facilities by the Ottawa County Road Commission.

SECTION 3.06. DAMAGED OR DESTROYED BUILDINGS. The owner of any building or structure which has been damaged or destroyed by fire, windstorm, or other casualty shall repair such damage within one (1) year after its occurrence. However, nonconforming buildings and structures shall only be repaired when in conformance with Sections 17.03 and 17.04.

In the event the building or structure is damaged beyond repair, or repairs are not permitted by the terms of this Ordinance, then any part left standing after such damage or destruction shall be demolished pursuant to a permit therefore to be granted pursuant to Section 3.07.

SECTION 3.07. DEMOLITION.

- (a) Unless otherwise excepted under the provisions of this section, no building or structure may be razed, demolished or torn down without first obtaining a demolition permit from the Building Inspector.
- (b) The Building Inspector shall issue a demolition permit only after the applicant has shown that he has complied with the following requirements:
 - 1. A certificate is obtained from the Ottawa County Treasurer and from the Township Treasurer that all property taxes and special assessments on the subject property are paid.
 - 2. A fee as established by the Township Board shall be paid to the Township for the issuance of such permit.
 - 3. The Building Inspector may, in his discretion, require that a cash bond, surety bond, or irrevocable letter of credit is posted with the Township Clerk in the amount of five hundred dollars (\$500) or twenty-five percent (25%) of the contracted price of demolition whichever is greater. The surety bond shall be forfeited in the event the requirements of this section are not met and can be used in the Township's discretion to enforce this Ordinance, bring the property into compliance with the Ordinance, or to be placed in the general fund of the Township.
- (c) The manner of razing, demolishing or tearing down of a structure or building hereby regulated shall comply with the following:
 - 1. Prior to any demolition, all utilities connecting to such building or structure including but not limited to water, gas, electricity, telephones, sanitary sewer and

storm sewer, shall be disconnected and capped in such a manner that it is acceptable to the company, municipality or entity controlling such utility. Electrical lines and gas lines shall be capped at least at the street adjacent to the subject parcel. No bond shall be released until written evidence from such company, municipality and/or entity is given stating that the disconnection and capping is acceptable.

2. The demolition of any structure or building shall be completed in such a manner as not to be obnoxious to occupants of surrounding properties on account of dust, noise, vibration, traffic, and the like; and to make adequate provision for the safety of persons and property.
 3. No materials used in the construction of the structure or building shall be buried or left upon the subject premises, but shall be disposed of in a licensed sanitary landfill.
 4. Any concrete or like material that is part of the basement and/or foundation of the structure or building shall either be removed in conformance with the above paragraph 3, or shall be broken up in pieces no larger than 24 inches by 24 inches by 24 inches and be placed at least four (4) feet below the surface of the ground in such a way as to allow free percolation of water.
 5. Any septic or other underground storage tank or tanks shall have their contents removed and disposed off the premises in accordance with statutes of the State of Michigan and rules promulgated by the agencies of the State of Michigan. The tanks shall subsequently be removed from the premises or broken up and arranged in the same manner as stated in the above paragraph 4.
 6. Such quantity of clean fill dirt as is necessary to level off the premises after such demolition shall be brought on the premises and the premises, shall be leveled off to the grade existing prior to such demolishing, tearing down or razing.
- (d) The Building Inspector shall inspect before, during, and after the demolition and verify that there has been compliance herewith prior to the release of any bond. The applicant must allow such inspection and not proceed with any part of the demolition in such a way that any of the requirements hereof cannot be visually inspected for compliance and shall not proceed before actual inspection and approval is made on any of such requirements. In the event that a building or structure is demolished by a natural disaster (accidental fire, wind, flood, snowload, etc.), the demolition permit is required but the fee shall be waived. A clean-up of ninety (90) days is allowed.

SECTION 3.08. DRIVEWAYS. Prior to issuance of a Building Permit, an approved driveway permit shall be submitted from the State Highway Department or the County Road Commission.

SECTION 3.09. DWELLING ON REAR OF LOT. No dwelling shall be constructed or moved into the area behind a building situated on the same lot, nor shall any building be constructed or moved in front of a dwelling situated on the same lot.

SECTION 3.10. DWELLINGS SITUATED OUTSIDE OF MOBILE HOME PARKS, MINIMUM REQUIREMENTS. All dwelling units located outside of mobile home parks shall comply with the following requirements:

- (a) Prior to issuance of a building permit for any dwelling unit, construction plans, including a plot plan adequate to illustrate compliance with the requirements of this Ordinance, shall be submitted to the Building Inspector. If the dwelling unit is a manufactured mobile home or prefabricated housing, there shall also be submitted adequate evidence to assure that the dwelling complies with the applicable standards set forth in this section.

The Building Inspector shall have a minimum of three (3) working days to review plans prior to issuing a Building Permit.

- (b) All dwelling units must conform to minimum floor area requirements in accordance with Section 3.19. The lots on which they are located must comply with the area and yard requirements for the applicable district.
- (c) The minimum width of any single family dwelling unit shall be twenty-four (24) feet for its entire length, measured between the exterior part of the walls.
- (d) Manufactured mobile homes shall be allowed in all districts in which conventional site-built single family, two family or multiple family dwellings are allowed, provided, that such manufactured mobile homes or prefabricated housing must comply with the design and manufacturing standards of the United States Department of Housing and Urban Development, as contained at 24 Code of Federal Regulations 3280, in effect at the time of manufacture of the dwelling. However, any dwelling manufactured prior to January 1, 1976, must comply with the regulations adopted in 1976 if it is to be located in the Township at a location other than in a manufactured mobile home park. If the above-mentioned federal standards are not applicable, then the dwelling must comply with the regulations of the State of Michigan Construction Code, as promulgated by the Michigan State Construction Code Commission under provisions of Public Act 30 of 1972, as amended (i.e., MCL 125.1501 et seq.).
- (e) The dwelling must be firmly attached to a permanent foundation constructed on the site in accordance with the State of Michigan Construction Code and shall have walls of the same perimeter dimensions as the dwelling. The foundation and walls shall be constructed of the materials and type as required by applicable building codes for single family dwellings. If the dwelling is a manufactured mobile home, the following standards shall apply, in addition to any manufacturer's instructions.
 - 1. Each manufactured mobile home shall be situated on a continuous concrete pad, not less than four (4) inches thick, and reinforced with wire mesh (6" x 6", 10-10 gauge, minimum). The size of the pad shall be at least equal to the perimeter dimensions of the manufactured mobile home.

2. Each manufactured mobile home shall be supported under the trailer frame by concrete piers or concrete block piers which are spaced and located as recommended by the manufacturer.
 3. Each manufactured mobile home shall be secured to the pad by an anchoring system or device, which complies with the rules and regulations of the Michigan Mobile Home Park Commission pursuant to Public Act 419 of 1976, as amended.
 4. When installed on-site, the manufactured mobile home shall not have any towing mechanisms, wheels, undercarriage, or chassis.
 5. The foundation shall continue to the point on the manufactured mobile home where its siding begins. No fiberglass, plastic, metal, or other skirting material is permitted.
 6. The roof of the manufactured mobile home must have a snow load capacity which equals or exceeds the applicable minimum snow load capacity.
- (f) Each section of the dwelling must be completed in a workman-like manner with quality products.
- (g) All dwellings without basements, except slab on-grade construction, shall provide a crawl space below the entire floor of the dwelling four (4) feet in depth, with a vapor barrier consisting of two (2) inches of concrete on the floor of the crawl space. The crawl space shall also be provided with adequate drains to drain any accumulation of water in the crawl space. The Building Inspector may allow an alternative building plan to be utilized if consistent with the State of Michigan Construction Code.
- (h) The addition of rooms or other areas shall be constructed with similar quality workmanship as an original building. Permanent attachment to a principal building shall include the construction of a foundation, and no addition shall involve placing a bearing load on a mobile home.
- (i) All dwellings shall provide steps or porch areas, permanently attached to the foundation where there exists an elevation differential of more than eight (8) inches between any door and the surrounding grade.
- (j) A minimum of one hundred (100) square feet of enclosed storage space, excluding closets, shall be provided for each dwelling. The enclosed storage space may consist of a basement, garage, shed, or other structure approved by the Building Inspector.
- (k) All dwellings shall have a double pitched roof of not less than four (4) feet of rise for each twelve (12) feet of run. However, if twenty (20) percent of the single family dwellings within one-half (1/2) mile have a lesser pitched roof, then a pitch equal to no less than an average of those twenty (20) percent single family dwellings shall be provided. In any event, the roof shall be covered by either asphalt, fiberglass, or shake shingles.

- (l) The dwelling must be connected to a public sanitary sewer and a public water supply, or to private septic and water well facilities approved by the Ottawa County Environmental Health Department.
- (m) The dwelling shall be compatible in design, appearance, and condition with the design, appearance, and condition of other dwellings in the general vicinity of its proposed location.
 - (1) The Building Inspector shall determine whether or not a dwelling is compatible by reviewing the plans submitted for a particular dwelling, photographs or drawings of it (if available), and even by inspecting the actual dwelling prior to location on-site (if reasonably available).
 - (2) The Building Inspector shall review the design, appearance, and condition of other dwellings in the general vicinity of the proposed location.
 - (3) The comparison area shall be the area within one-half (1/2) mile radius of the proposed location, provided that at least twenty (20) percent of the lots in this area are developed with dwellings, excluding any manufactured mobile home parks from the twenty (20) percent calculation. If at least twenty (20) percent of the lots in the comparison area are not developed with dwellings, then the comparison area shall be the area within one (1) mile radius of the proposed location. If at least twenty (20) percent of the lots in this larger comparison area are not developed with dwellings, then the comparison area shall be the entire Township.
 - (4) A proposed dwelling shall be compatible in design, appearance and condition if it satisfies all of the following.
 - a. Design. The proposed dwelling has a design which is the same as or substantially similar to the design of another dwelling in the comparison area (excluding any dwelling located in a manufactured mobile home park).
 - b. Appearance. The proposed dwelling has architectural features such as roof, roof overhang, window treatment, door arrangement, and similar features which are the same as or substantially similar to the architectural features of another dwelling in the comparison area (excluding any dwelling located in a manufactured mobile home park).
 - c. Condition. The overall exterior condition of the proposed dwelling is the same as or substantially similar to the overall exterior condition of any other dwelling in the comparison area (excluding any dwelling located in a manufactured mobile home park).
 - d. Appeal. The decision of the Building Inspector shall be appealable to the Zoning Board of Appeals as in the case of any other appealable decision.
- (n) All dwellings shall have a minimum of two (2) points of ingress and egress.

SECTION 3.11. ESSENTIAL SERVICES

- (a) **General Provisions.** Essential services, as defined in Section 2.03, which are located underground or involve the customary placing of utility poles in public rights-of-way or public easements, and which are reasonably necessary for the furnishing of adequate services for the public health, safety, or welfare shall be permitted as authorized and regulated by law and other ordinances of the Township in any zoning district.
- (b) **Construction Above Grade.** After the effective date of this Ordinance, all construction above grade pursuant to this Section shall conform harmoniously with the general architecture and plan of the neighborhood in which it is located.
- (c) **Public Utility Buildings.** The Township Board upon recommendation of the Planning Commission may authorize the erection, maintenance, and use of a building, or an alteration or addition to an existing building by a public utility as a special use in any zoning district, including a building with a height greater than otherwise permitted in the zoning district; provided that the Township Board upon recommendation of the Planning Commission finds that such building is necessary at a selected location. Where possible, such buildings, including waste treatment facilities shall be located in a commercially or industrially zoned district rather than residential or agricultural district. In considering authorization of such building, the Township Board upon recommendation of the Planning Commission shall consider the following:
 - 1. The size, proposed location, type, and kind of construction, landscaping and general architectural character of the building.
 - 2. The effect, if any, of the building on the light and air circulation of adjoining lands.
 - 3. Whether the building will adversely affect the view of any adjoining lands.
 - 4. The reason and necessity for the construction of the building.
 - 5. The effect of the building on adjoining lands in the surrounding neighborhood.

SECTION 3.12. FENCES, HEDGES, WALLS AND PRIVACY SCREENS.

- a. The area between the closest right-of-way and the front setback line shall be unobstructed, except for fences which do not obstruct view.
- b. No fence shall contain barbed wire or shall be electrical except in conjunction with a permitted agricultural use.
- c. No fence or hedge exceeding six feet six inches in height shall be erected or maintained in districts R-1, R-2, R-4, or RP except as required by the Planning Commission for a specific site plan.

SECTION 3.13. FRONTAGE REQUIREMENTS. A building, dwelling unit, or structure shall be erected only on a lot or condominium building site which abuts a public or private street containing a minimum of sixty-six (66) feet of right-of-way or easement as defined herein; except that accessory buildings in AG Districts shall be exempt from this requirement.

SECTION 3.14. HEIGHT EXCEPTIONS. The height requirements of all zoning districts may be exceeded by chimneys, silos and farm barns, roof mounted television and radio antennas when in accordance with Section 3.26, cupolas, spires or other ornamental projections, water towers, fire towers, grain elevators, flour mills, monuments, or windmills. In the Industrial Zones, chimneys, cooling and fire towers, elevator buildings, parapets, roof storage tanks, communication towers and other necessary appurtenances are permitted above the height limitations provided they are located the same distance as their height from any adjoining property line.

SECTION 3.15. HOME OCCUPATIONS. All home occupations shall be subject to the following restrictions and regulations:

- (a) The home occupation shall be conducted wholly within the home building by members of the family residing in such building.
- (b) The home occupation shall occupy no more than twenty (20) percent of the usable floor area of the home building; provided, however, that in no event shall the home occupation occupy more than three hundred (300) square feet.
- (c) No rooms which are constructed or erected as an addition to a home building, or constructed or erected by the conversion of a garage or other part of a home building not included in the usable floor area of the home building, shall be considered as part of the usable floor area until two (2) years after the date of the completion thereof as shown by the records of the Zoning Inspector.
- (d) For purposes of identification, one (1) non-illuminated name plate not exceeding four (4) square foot in area shall be permitted in connection with the home occupation. Such identification name plate shall identify only the name and profession, vocation or trade of the person or persons operating the home occupation. No other sign shall be utilized in connection with such home occupation.
- (e) No motors other than electrically operated motors shall be used in conjunction with the home occupation. The total horsepower of all electrical motors utilized in the home occupation shall not exceed three (3) horsepower. No single electrical motor used in the home occupation shall exceed one (1) horsepower. All electrical motors and equipment used in the conduct of the home occupation shall be shielded so as not to cause radio or television interference for adjoining properties.
- (f) In no event shall the use of a home building for a home occupation alter the residential character of the home building .

- (g) No merchandise or articles for sale shall be displayed on the lot utilized for the home occupation.
- (h) No article or material used in connection with the home occupation shall be stored other than in the home building.
- (i) The home occupation may increase vehicular traffic flow and parking by no more than two (2) additional vehicles at a time. Any need for parking generated by the conduct of such home occupation shall be met off the street and in areas other than in the required front yard.
- (j) There shall be no deliveries to or from a home occupation with a vehicle having more than two (2) axles.
- (k) In no case shall a home occupation be open to the public earlier than 7:00 AM in the morning nor later than 9:00 PM at night.
- (l) A home occupation shall not create noise, dust, vibration, smell, smoke, glare, electrical interference, fire hazard, or any other hazard or nuisance to any greater or more frequent extent than would normally be generated in the zoning district in which it is located.
- (m) Certain uses, by the nature of their operation, have a pronounced tendency to increase in intensity beyond the limits permitted for home occupations, thereby impairing the reasonable use and value of surrounding residential properties. Therefore, the following uses shall not be permitted as home occupations: hospitals and medical clinics, nursing homes, mortuaries and funeral homes, tea rooms, barber shops, antique shops, bed-n-breakfast establishments, restaurants, private clubs, veterinary clinics, vehicle repair shops, landscape installation and maintenance businesses, snow removal businesses, construction contractors, trailer rentals, and repair shops in general.
- (n) Home occupations, when approved by the Township Board upon recommendation of the Planning Commission. In considering such authorization, the Township Board upon recommendation of Planning Commission shall consider the following standards:
 - (1) the nature of the home occupation;
 - (2) the effect of the home occupation on the surrounding neighborhood;
 - (3) the environmental effects of the home occupation;
 - (4) the nature of the surrounding neighborhood;
 - (5) potential traffic congestion caused by the home occupation; and
 - (6) adequacy of parking for customers or clients of the home occupation.

SECTION 3.16. KEEPING OF ANIMALS.

- (a) **Household Pets.** The keeping of household pets for pleasure or companionship, including cats, dogs, gerbils, hamsters, guinea pigs, rabbits, or household fish and birds, is expressly permitted as an accessory use in any Zoning District; provided, however, that no more than

three (3) adult dogs, cats or other household pets (except fish), or any combination thereof, six months of age or older, shall be kept or housed in or at one (1) dwelling unit.

(b) **Farm Animals.** The keeping of farm animals ~ including beef and dairy cattle, horses, goats, hogs, poultry, sheep, or other fur-bearing farm animals ~ is prohibited in all districts except the AG, RP and R-1 Districts, as follows.

1. The keeping of poultry and fowl is permitted in the AG District without limitation.
2. The keeping of poultry and fowl is permitted in the RP and R-1 Districts as an accessory use, provided that the number of such animals does not exceed ten (10) animals for the first two and one half (2 1/2) acres and one (1) additional animal for each additional one quarter (1/4) acre thereafter.
 - a) Poultry and fowl in the RP and R-1 Districts shall not be free range and shall be securely contained within a fenced area so as to restrict such animals to the lot on which they are kept.
 - b) The fenced area where the poultry and fowl are kept shall be located within the rear yard and shall be at least 20 feet from any side or rear lot line.
 - c) Roosters shall not be permitted in the RP and R-1 Districts.
3. In both the AG and RP Districts, the number of horses and cattle, including foals and calves, is limited to two (2) such animals for the first two and one-half (2-1/2) acres of land and one (1) additional such animal for each additional acre of land.

Any barn, stable or other building which houses horses or cattle shall be setback a minimum of one hundred fifty (150) from any road right-of-way line and one hundred feet from any side or rear property line.

Private and commercial stables for the keeping of horses and other large domestic animals shall be regulated in accordance with Chapter 5 and 6.

4. In the R-1 District, the keeping of horses, cattle, including foals and calves, goats, hogs, sheep or other large farm animals is prohibited.
- (c) **Special Uses.** The keeping of livestock, poultry, reptiles, or any large or exotic fish or other animal in any district other than the AG or RP Districts is prohibited unless authorized as a Special Use by the Township Board upon recommendation of the Planning Commission. Also, the keeping of dangerous animals of any kind is prohibited in all zoning districts unless authorized as a Special Use by the Township Board upon recommendation of the Planning Commission. Dangerous animals include, but are not limited to, apes, bears, bobcats, cougars, jaguars, leopards, lions, panthers, poisonous snakes, tigers and wolves. In considering such authorization, the Township Board upon recommendation of the Planning Commission shall consider the following:

1. The land area where the animals are to be kept.
2. The density of land uses in the vicinity of the site.
3. Whether or not noise or odors are likely to adversely affect the use of adjoining properties or the surrounding neighborhood.
4. Methods by which such animals will be sheltered, fed, and restrained from leaving the premises.
5. The number of horses or cattle (including foals and calves) is limited to two (2) such animals for the first two and one half (2-1/2) acres of land and one (1) additional such animal for each additional one (1) acre of land.
6. Outdoor exercise or grazing areas shall be located no closer than one hundred fifty (150) feet from the front lot line and one hundred (100) feet from any other lot line.
7. In addition to initial authorization from the Township Board, the housing of non household pets in any zoning district, except the Agricultural and Rural Preserve Zoning Districts, shall require a nontransferable permit to be issued by the Building Inspector for an initial period of three (3) years and renewable for succeeding periods of three (3) years each thereafter.

In granting such permit, or renewing same, the Building Inspector shall determine whether or not the permit holder or applicant is in compliance with all requirements of this Ordinance and any requirements, conditions, or restrictions established by the Township Board when authorization was granted.

Failure to comply with the terms and provisions of the permit or with the requirements of this Section shall be grounds for revocation of such permit at any time during the term or said permit. The revocation will take effect forty-five (45) days after notice of the revocation unless the revocation is vacated by the Township Board, upon petition by the permit holder.

- (d) **Veterinary Clinics.** The keeping of animals for medical treatment is permitted as regulated under the various zoning district regulations.

SECTION 3.17. LANDSCAPING AND SCREENING REQUIREMENTS.

- (a) **General Landscaping Requirements.** For all developed portions of a site, all unpaved portions shall be planted with grass, ground cover, shrubbery, trees, or other suitable plant material, which shall extend to any abutting street. Plastic or otherwise artificial plants shall not be considered acceptable to meet the landscape requirements of this Ordinance.

- (b) **Landscaping Adjacent to Roads.** Where required, landscaping adjacent to roads shall comply with the following planting requirements and the provisions of subsection (g) below:

A minimum of one (1) deciduous or evergreen tree shall be planted for each forty lineal feet or portion thereof of road frontage, PLUS a minimum of one (1) ornamental tree shall be planted for each one hundred (100) lineal feet or portion thereof of road frontage, PLUS a minimum of two (2) shrubs shall be planted for each forty (40) lineal feet or portion thereof of road frontage. All trees shall be ten (10) feet or more in height or a minimum caliper of one and one-half (1-1/2) inches at the time of planting. For the purposes of computing length of road frontage, openings for driveways and sidewalks shall not be counted. Trees and shrubs may be planted at uniform intervals, at random, or in groupings. Such landscaping shall be located so as not to obstruct the vision of drivers at street intersections (refer to Section 3) or entering or leaving the site.

- (c) **Required Fences or Greenbelts for Transitional Purposes.** Fences, berms, greenbelts or combinations thereof shall be required to provide various forms of transition which contribute to a more compatible, safe, attractive, and functional community as follows:

1. For those Zoning Districts and uses listed below there shall be provided and maintained on those sides abutting or adjacent to any AG, RP, R1, R2, R3, or R4 districts or residentially used property a decorative obscuring fence or wall as required below. An earthen berm or obscuring greenbelt may be utilized in place of a wall, subject to the review and approval of the Planning Commission. See items (d) and (e) of this Section for berm and greenbelt requirements.

<u>Use</u>	<u>Height Requirements</u>
Off-street parking lot, loading and unloading areas, and service areas.	4'6" high fence or wall.
C-1 and C-2 Districts.	6'0" high fence or wall.
I-1 Districts and open storage areas when permitted.	6'0" to 8'0" high fence or wall. (Height shall provide the most complete obscuring possible).
Auto wash, hospital-ambulance, and delivery areas.	6'0" high fence or wall.
Utility buildings, and/or substations.	6'0" high fence or wall.

2. Required fences or walls shall be located on the lot line except where underground utilities interfere with such location, or where this Ordinance requires conformance with front yard setback lines in abutting residential districts.
 3. The Zoning Board of Appeals may waive or modify the foregoing requirements where cause can be shown that no good purpose would be served.
- (d) **Berms.** When berms are used as part of the required transitional areas, they shall be subject to the following conditions:
1. Required berms shall be constructed as landscaped earth mounds with a crest area of at least four (4) feet in width. The exterior face of the berm shall be constructed as an earthen slope. The interior face of the berm may be constructed as an earthen slope, or retained by means of a wall, terrace, or other means acceptable to the Planning Commission. Whenever an earthen slope is provided, it shall be constructed with an incline not to exceed one (1) foot vertical rise to three (3) feet of horizontal distance.
 2. Berm slopes shall be protected from erosion by sodding or seeding. Seeded slopes shall be protected with a straw mulch held in place by jute netting or other measures until the seed germinates and a permanent lawn is established.
 3. A planting plan and grading plan shall be prepared for the berm. Plant materials within the berm area shall be installed in accordance with the requirements for greenbelts and plant material contained in Section (g) below.
 4. The height of the berm shall be equivalent to the height of any required wall. A combination of berms and plantings may be approved if they equal the height of the required wall at the time of planting and will provide a complete obscuring screen year round. In granting approval, the Planning Commission shall determine that the proposed berm is at least comparable to a wall in affording necessary screening.
 5. The berm area shall be kept free from refuse and debris, and shall be planted with living shrubs, trees or lawn, and maintained in a healthy, growing condition.
- (e) **Obscuring Greenbelt.** Whenever an obscuring greenbelt is required by this Ordinance, or if an applicant wishes to substitute an obscuring greenbelt or a combination of an obscuring greenbelt and berm for a fence required under Section 3.17(c), a detailed landscape plan shall be submitted for review and approval of the Planning Commission. The basic requirements for review and approval are as follows:
1. The height at time of planting of the plant materials shall equal the height of the fence required. If integrated into the design, a berm may be utilized in meeting the height requirement.

2. The selection, spacing, and size of plant material shall create, within a three (3) year period from the date of planting, a horizontal obscuring effect for the entire length of the required greenbelt area equal in height as specified under Section 3.17(c).
 3. The mix and spacing of deciduous and evergreen plant materials shall insure that a maximum obscuring effect will be maintained throughout all seasons. Staggering of plant materials is generally necessary to obtain the obscuring effect.
- (f) **Nonobscuring Greenbelts.** Wherever Nonobscuring greenbelts are required by this Ordinance, such greenbelts shall comply with the following requirements:
1. Nonobscuring greenbelts shall not be considered as a substitute for an obscuring fence or wall as required elsewhere in this Ordinance.
 2. Any such greenbelt shall contain at least one (1) tree for each thirty (30) lineal feet of greenbelt. All such trees shall be ten (10) feet or more in height or a minimum caliper of one and one-half (1-1/2) inches at the time of planting. The remaining ground surface area shall be seeded, sodded or planted with ground cover. Innovation and design of landscaping, berm placement and use of flowering trees is encouraged.
 3. Greenbelts shall be so designed as to avoid creating obstacles to proper sight distance between vehicles and vehicles and pedestrians.
- (g) **General Landscaping or Greenbelt Requirements.** All required landscaping or greenbelt areas shall meet the following basic conditions.
1. Whenever in this Ordinance a greenbelt or landscaping is required, it shall be planted within six (6) months from the date of issuance of a temporary certificate of occupancy. In the instance where such completion is not possible, a cash bond, letter of credit or corporate surety bond in an amount equal to the estimated cost of the landscape plan or portion thereof will be deposited in accordance with Section 18.12.
 2. A detailed plan for the landscaping together with an accurate cost estimate shall be approved prior to the issuance of a building permit. The plan shall include the following items: plant list detailing the species, number, size or height at time of planting; location and spacing of plant materials; ground cover or grass (specify whether seed or sod); cross sections of any berms, and a maintenance plan and schedule for pruning, mowing, watering, fertilizing, and replacement of dead and diseased materials.
 3. All required planting materials shall be maintained in good condition by mowing and watering, by tilling and watering, or by mulching and watering, so as to present a healthy, neat, and orderly appearance free from refuse and debris. All unhealthy and dead materials shall be replaced within one (1) year or the next appropriate

planting season. Suitable materials equal in characteristics to the plant materials listed with the spacing as required shall be provided.

4. Plant materials shall be selected so as to insure that the root system will not interfere with public utilities, and that fruit and other debris (other than leaves) will not constitute a nuisance within public rights-of-way or to abutting property owners.
5. The following trees shall not be permitted in required greenbelts:
 - a) Box Elder
 - b) Silver Maples
 - c) Elms
 - d) Poplars
 - e) Willows
 - f) Horse Chestnut (nut bearing)
 - g) Tree of Heaven
 - h) Catalpa
 - i) Black Locust
 - j) Osage Orange
 - k) Cottonwood

SECTION 3.18. MAJOR THOROUGHFARE, DIRECT ACCESS TO. Whenever this Ordinance requires that direct access to a major thoroughfare be provided, one of the following provisions shall be met:

- (a) Direct driveway ingress and egress is provided from the site to a major thoroughfare, as defined under STREET in Section 2.03.
- (b) Access to the site from a major thoroughfare does not traverse through or abut any land zoned as RP, R-1, R-2, R-3 or R-4.

SECTION 3.19. MINIMUM FLOOR AREA FOR DWELLINGS. Each dwelling unit, except for migratory housing for temporary occupancy, shall have the following minimum floor areas:

- (a) One (1) story dwelling with two (2) bedrooms or less shall have a minimum floor area of nine hundred sixty (960) square feet.
- (b) One (1) story dwelling with three (3) or more bedrooms shall have a minimum floor area of one thousand one hundred twenty (1,120) square feet.
- (c) One and one-half (1-1/2) story dwelling shall have a minimum floor area of one thousand two hundred sixty (1,260) square feet, and the first floor of the dwelling must have a minimum floor area of eight hundred forty (840) square feet.

- (d) Dwelling in excess of one and one-half (1-1/2) stories shall have a minimum floor area of one thousand four hundred (1,400) square feet, and the first floor must have a minimum floor area of seven hundred eighty (780) square feet.

SECTION 3.20. MOVING OF BUILDINGS. The moving of a building to a different location shall be considered as the erection of a new building and all provisions, regulations, and requirements relative to the erection of a new building shall be applicable thereto. A performance bond may be required prior to such moving as provided in Section 18.12. The provisions of this Section shall apply to structures and building components, and to such structures and buildings as are moved into the Township from other municipalities.

SECTION 3.21. NOISE, HEAT, GLARE, FUMES, DUST, EROSION, VIBRATION, AND ODORS.

- (a) Every use of land shall be so conducted and operated that it is not obnoxious or dangerous by reason of heat, glare, fumes, odors, dust, noise, or vibration beyond the lot or parcel of land on which the use is located.
- (b) All land shall be stabilized in such manner as is necessary to prevent erosion, sand blows, or other soil conditions which cause dust, sand, dirt or other materials to be blown, washed, or otherwise transported to adjoining lots or parcels of land.
- (c) Noise levels shall not exceed sixty (60) decibels measured at the property line during the hours of 7:00 AM through 9:00 PM and shall not exceed forty-five (45) decibels during the hours of 9:00 PM through 7:00 AM.

SECTION 3.22. OUTDOOR LIGHTING.

- (a) All outdoor lighting shall be so designed and arranged so as not to shine on adjacent properties or occupied dwellings, or adversely impact vehicular or pedestrian traffic on nearby streets, drives, walkways, or general right-of-ways.
- (b) Outdoor lighting fixtures shall not exceed a height of twenty-five (25) feet or the height of the principle building on the site, whichever is less.

The Planning Commission may modify the height restrictions in commercial and industrial districts, based on consideration of the following: the position and height of buildings, the character of the proposed use, and the character of surrounding land use. In no case shall the lighting exceed the maximum building height in the district in which it is located.

SECTION 3.23. OUTDOOR PONDS. No person shall erect, install, locate or construct an outdoor pond, unless it has first been approved by the Township Board upon recommendation of the Planning Commission as a special use, subject to the following:

- (a) The pond shall be installed for recreation, pleasure, or agricultural uses only. The creation of any ponds for the purpose and result of sand, gravel, soil, or other mineral extraction shall be regulated under the Township Soil Removal Ordinance.
- (b) Application for approval of a Special Use Permit for a pond shall include:
1. The name of the person who is or will be the owner of the pond.
 2. The location of the proposed or existing pond.
 3. The safety precautions to be taken to protect persons using or who might be endangered by the pond.
 4. The size, depth, and water capacity of the pond.
 5. Source of water and method of water discharge.
 6. The method of filtration and treatment of the water, if required.
 7. A plot plan, drawn to scale, of the land on which the pond is to be located, showing the following:
 - Lot lines.
 - Location of pond.
 - Location of any wall, fence, or enclosure around the pond.
 - Location of gates or doors in the fence, wall, or enclosure.
 - Location of all buildings on the premises and their relation to the pond.
 8. A description and sketch of the construction of the pond itself and of any wall, fence, or enclosure.
- (c) A pond may be located in any zoning district and may be considered as a principal or an accessory use.
- (d) At a minimum, a pond shall comply with all the yard requirements for the zoning district in which it is located, except that any pond used as a farm manure lagoon shall not be located less than three hundred (300) feet from any lot lines or road right-of-way lines. The Township Board upon recommendation of Planning Commission may increase the minimum setbacks for ponds when in its discretion such is determined to be necessary to minimize potential public health and safety concerns or nuisance conflicts with adjoining properties.
- As part of its authorization of a pond, the Township Board upon recommendation of Planning Commission may approve the location of a pond in a front yard.
- (e) If the Township Board upon recommendation of Planning Commission determines in the course of its approval of a pond that the protection of the general public requires that the pond be enclosed, the Township Board upon recommendation of Planning Commission shall require that the pond be enclosed by a wall, fence, or other type of enclosure.

The wall, fence, or other enclosure shall:

1. Be not less than four (4) feet above the grade line;
2. Be designed so that a child cannot pass through, or under, or climb over the fence, wall, or other enclosure except through a gate or doorway.

All gates or doors leading to a pond, except a door in any building forming part of the enclosure, shall be kept closed and locked when the pond is not in actual use or when the proprietor is absent or away. The gates and doors shall be fitted with a positive latching device which automatically latches when the gate or door is closed.

(f) The pond or lagoon shall be constructed according to the specifications and under the direction of the Ottawa County Soil and Water Conservation District and the following:

1. The discharge pipe from any pond without a direct outlet to an established drain shall exceed two (2) inches in diameter and shall be constructed with galvanized iron or such other standard and durable material as may be approved by the Building Inspector.
2. No pond shall be wholly or partially emptied in any manner that will cause water to flow upon the land of another, and no pond shall be wholly or partially emptied upon any land if a storm drain is readily accessible to the premises on which the pond is located. Discharge into the public sanitary sewer is prohibited.
3. No public water shall be used in connection with the filling or operation of a pond when limitations on the consumption and use of public water are in effect.
4. The slopes of the banks or sides of the pond shall be constructed so that for each one (1) foot of rise there shall be a minimum of three (3) feet of run. This minimum slope angle must be maintained and extended into the pond water to a depth of five (5) feet.

If, after consultation with the Ottawa County Soil and Water Conservation District, the Township Board upon recommendation of Planning Commission determines that adherence to one or more of the above construction standards is unnecessary or contrary to the public interest, the Township Board may waive or modify such standard. In addition, the Township Board may waive or modify one or more of the above standards if the pond is for use as part of a bonafide agricultural operation carried out in an AG-1 District or the pond is a detention/retention facility required for stormwater management purposes.

(g) No pond shall be constructed, installed, or maintained which either causes or contributes to the erosion of any adjacent, abutting, or nearby lands.

- (h) In the case of farm manure lagoons, no special use permit shall be issued unless the applicant demonstrates compliance with the permitting requirements of the Michigan Department of Natural Resources for discharge into surface and/or groundwaters.
- (i) No pond shall be used or maintained unless adequate public health measures are periodically taken to insure that the pond or use thereof does not cause the spread of disease, stagnation, or otherwise provide conditions dangerous or injurious to public health.

SECTION 3.24. PERSONAL PROPERTY SALES. Personal property sales such as garage sales, yard sales, basement sales, or any other sales of a similar nature of personal property, shall be allowed only within the AG, RP, R-1, R-2, and R-3 Districts; subject to the following:

- (a) The sale has a duration of not longer than three (3) days.
- (b) The sale does not occur within one hundred twenty (120) days of the last personal property sale held on or at the same location or parcel of property.
- (c) All articles or property that are offered for sale shall be totally enclosed within a lawful structure or building between the hours of 9:30 PM and 8:30 AM.
- (d) All articles or property that were offered for sale after the sale has been completed shall be removed from display so that they cannot be seen from the outside of any lawful structure; and further, any sign or signs that may have been used to advertise the personal property sale shall be removed upon completion of the sale.

SECTION 3.25. PRINCIPAL BUILDING ON A LOT OR PARCEL OF LAND. No more than one (1) principal building shall be placed on a lot or parcel of land in any Zoning District.

SECTION 3.26. PRIVATE COMMUNICATION ANTENNA.

- (a) It is the intent of this Section to provide reasonable regulations for the mounting of private communication antennas. The objectives of these regulations are as follows:
 - 1. To promote safety and prevent dangers to persons and property resulting from accidents involving antenna facilities which become dislodged in whole or in part and fall from building or structural mountings due to wind load, snow load, or other factors which may reasonably be expected to impact upon such facilities when so mounted.
 - 2. To promote the utilization of ground mounting for antennas where reasonably feasible.
 - 3. In the interest of maintaining and promoting the aesthetic and architectural quality of property improvements and in the interest of preserving property values, to

minimize the visibility of antennas through the use of screening and/or locational requirements.

4. To balance the Township's authority and duty to regulate the placement and manner of antenna installation in relation to the right of the public to construct and use private antennas to receive or transmit signals without unreasonable restrictions.
5. To conditionally exclude from the operation of this Section certain conventional VHF and UHF television and antennas meeting the criteria of Subsection 3.26(k), based upon the following findings: there is relatively small concern for wind and snow load issues, there has been a long demonstrated safety record, there has been a historical acceptance of such facilities from an architectural and aesthetic standpoint, and the cost of compliance with the procedure for application and review would be great in relation to the cost of purchasing and installing such antennas.

- (b) In all zoning districts, the installation or use of private communication antennas shall be permitted as an accessory use, provided a building permit is obtained from the Building Inspector.

Prior to the issuance of a building permit for the erection of a private communication antenna in any zoning district, the applicant shall submit a site plan showing to scale the proposed location and the elevation of the antenna, buildings located on the site, roads, and natural features. In addition, the site plan shall also provide foundation and/or mounting detail as appropriate for the Building Inspector to determine safety and building code compliance.

- (c) No portion of any antenna shall display any advertising message or other graphic representation other than a manufacturer's logo or nameplate or warning signs; provided such logo or letters are of a size and character that is not legible from adjacent properties.
- (d) All antennas shall be located on the same lot or premises as the use to which it is accessory.
- (e) All antennas shall be of a color and texture so as not to be conspicuous and to promote its visual blending into the adjacent background.
- (f) Unless an additional satellite dish antenna or antennas are authorized by the Township Board upon recommendation of the Planning Commission as a special use, only one satellite dish antenna shall be permitted per lot or premises.
- (g) A satellite dish antenna shall not exceed fifteen (15) feet in height or twelve (12) feet in diameter.
- (h) Ground Mounted Antennas:

1. No antenna shall be constructed in any side or front yard area but shall be constructed to the rear of the principal structure.
2. No antenna shall be located closer to a property line than its height as measured from the ground elevation at the base of the antenna structure.
3. All antennas not mounted on a principal or accessory building shall be permanently anchored to a foundation located on the ground.
4. All antennas which are visible from adjacent properties and/or by pedestrian and vehicular passersby shall be screened by landscaping around the structure in such a manner that the antenna is reasonably concealed as determined and required by the Building Inspector.
5. Ground mounted satellite dish antennas shall not exceed a height of fifteen (15) feet or a diameter of twelve (12) feet. Conventional noncommercial radio and television antennas and amateur radio antennas shall not exceed the building height limitation of the zoning district.

(i) Roof and/or Building-Mounted Antennas:

1. Antennas mounted on the roof or side of a building shall not exceed the height limitations for the district and, further, no satellite dish antenna shall extend higher than four (4) feet above the ridge or peak of the building's roof.
2. An antenna mounted on the roof or side roof of a building shall be located on that portion of the building located adjacent to the rear of the property unless it is demonstrated that an alternative location is as safe or safer and the visibility of the antenna from the adjacent properties and by pedestrian or vehicular passers-by is reduced or equal in comparison to a rear yard orientation/location.

(j) Transmitting satellite dish antennas shall not be located on a lot or premises unless first approved by the Township Board upon recommendation of the Planning Commission as a special use. In granting such approval, the Township Board upon recommendation of the Planning Commission shall consider the following standards:

1. The potential danger presented by the proposed transmitting satellite dish antenna,
2. The measures proposed for protection of the safety of the public from injury or harm from the proposed transmitting satellite dish antenna, and
3. The proximity of the proposed transmitting satellite dish antenna to adjoining properties.

(k) Conventional VHF and/or UHF television antennas which have width and height dimensions of not more than one hundred thirty-five (135) inches and ten (10) feet

respectively, which are situated on the portion of the roof adjacent to the rear yard on the property, and which do not extend higher than eight feet above the ridge and/or peak of the roof, shall be exempt from the requirement of applying for and receiving approval under this Section.

- (l) The provisions of this Section will be interpreted to carry out the stated objectives of this Section and shall not be interpreted so as to impose costs upon the applicant which are excessive in light of the purchase and installation cost of the antenna and accessory equipment.

SECTION 3.27. SUBSTANDARD LOTS.

- (a) **General Provisions.** Any lot in single ownership at the time of adoption of this Ordinance that fails to comply with the area and lot size requirements of this Ordinance may be used for a permitted use if ninety percent (90%) or more of each yard requirement are complied with. No Board of Appeals action is required.

- (b) **Planning Commission/Building Inspector Approval.** For development proposals where site plan review is required by this Ordinance, no substandard lot shall be used for a permitted use unless Planning Commission approval is obtained. In cases where site review is not required, no substandard lot shall be used for a permitted use unless the approval of the Building Inspector is obtained. In making such decisions, the following factors shall be considered:

1. Side and rear yards may be reduced to the same percentage that the lot area bears to the district requirements. However, no side yard shall be less than one half of the height of any principal building.
2. All off-street parking requirements of the district shall be met.
3. Structures for human use and habitation must be connected to public utilities, if available.
4. Environmental impact statements pertaining to lot size, topography, slope, soils and their internal drainage characteristics, etc. must be obtained from the Ottawa County Health Department concerning lots located in areas where public utilities are not available.
5. Proof sufficient to establish that the lot was in existence at the time of adoption of this Ordinance shall be submitted.

- (c) **Lots in Common Ownership:**

1. Any lots in common ownership with adjacent lots at the time of adoption of this Ordinance may be used as separate lots if each lot contains ninety percent (90%) or more of the required lot area.

2. Lots in common ownership which do not contain ninety percent (90%) or more of the required lot area shall be combined or re-divided to conform to this Ordinance.

SECTION 3.28. SWIMMING POOLS. Prior to the issuance of a building permit for the construction of an outdoor swimming pool in any zoning district, the following provisions must be satisfied:

- (a) An application for a permit shall be submitted to the Building Inspector, accompanied by a complete and detailed set of plans and specifications of the swimming pool, including type of construction, size, location on lot in relation to lot lines and buildings on the site, fencing, and related equipment, at a minimum, the following standards shall be met:
 1. The swimming pool shall not be closer than ten (10) feet to any side or rear lot line, and no part of any pool shall be constructed within a front yard or required side yard adjacent to a street.
 2. Any electrical wiring within twenty-five (25) feet of the water's edge of the pool shall be placed underground and in an appropriate conduit approved for such purposes. No electric wires of any kind shall cross or be over the water surface. Any underwater lighting shall be accomplished by the use of methods and materials approved for such purposes. All electrical equipment and related components shall conform to the current National Electrical Code adopted by the Township Board, as amended from time to time.
 3. There shall be no cross-connections of any public water supply with any other source of water supply for the pool. The line from the public water supply to the pool shall be protected against back flow of water by means of an air gap and shall discharge at least six (6) inches above the maximum high-water level of the makeup tank or the pool.
 4. The drain line for the pool shall be connected to a storm sewer if one is available. Where a storm sewer is not available, the pool drain may be drained in a manner approved by the Township's Building Inspector. No pools shall drain into public or private sanitary sewer or septic systems. All drain connections shall be approved by the Building Inspector before final approval is given.
 5. All swimming pools shall be enclosed by a fence of a type not readily climbed by children, which shall be at four to six (4 to 6) feet in height from the ground level. However, if the entire yard of the residence is enclosed, then this provision may be waived by the Building Inspector upon inspection and approval of the yard's enclosure, or if the pool is of a portable and or above ground type, with a wall height of at least four (4) feet above the surrounding ground surface, and it contains a removable ladder. Gates shall be of self-closing latch type with the latch on the inside of the gate, not readily available for children to open. Pools shall be enclosed by such a fence before water is placed in the pool.

- (b) Before a permit shall be issued, the plans and specifications shall be approved by the Building Inspector and Electrical Inspector and before any swimming pool shall be used, a final inspection and approval must be obtained from the Building Inspector. The Building Inspector shall have the right at any reasonable hour to inspect any swimming pool for the purpose of determining that all provisions of this Ordinance are fulfilled and complied with.
- (c) Any such outdoor swimming pool installed, operated or maintained in violation of provisions of this Section shall constitute a nuisance, and the Township may, in addition to the penalties herein set forth in Section 20.10, maintain any proper action for the abatement of such nuisance.

SECTION 3.29. TEMPORARY SPECIAL USE PERMITS. The Building Inspector may issue Temporary Use Permits for the following uses after determining that such uses will meet the standards under Section 3.29(g). A second Temporary Use Permit may be issued by the Building Inspector at the end of such time limit for good cause shown. A third Temporary Special Use Permit may only be authorized by the Township Board upon recommendation of the Planning Commission as a special use under the procedures of Chapter 19. The Building Inspector, at his/her discretion, may defer any request for a Temporary Use Permit to the Township Board.

- (a) **Temporary Dwelling.** An individual mobile home or other temporary structure may be used as temporary living or working quarters for up to sixty (60) days while a dwelling or structure is being constructed on the same premises. A Temporary Use Permit must be issued prior to any such use.
- (b) **Construction Buildings.** Temporary buildings for uses incidental to construction work may be authorized for a period of up to twelve (12) months. Such buildings shall be removed within fifteen (15) days after completion or abandonment of construction work.
- (c) **Signs and Supplies.** The storage of building supplies and machinery; temporary storage buildings; the assembly of materials and customary trade; and contractor, architect, and identification signs in connection with a construction project may be authorized by the Building Inspector for a period of up to twelve (12) months.
- (d) **Seasonal Uses.** The Building Inspector may authorize a Temporary Special Permit for up to thirty (30) days for seasonal or unusual non-recurrent temporary uses and signs.
- (e) **Parking Areas.** Temporary special permits may be issued by the Building Inspector for the use of unimproved parking areas for a period of up to thirty (30) days.
- (f) **Sales Office for Subdivision.** A temporary office which is both incidental and necessary for the sale or rental property in a new subdivision or housing project by the Building Inspector for a period of up to six (6) months.
- (g) **Standards.** A Temporary Use Permit shall not be authorized until the following standards are met:

1. The location and erection of any temporary structure shall conform to all the regulations of the zoning district in which it is situated and all other applicable regulations of this Ordinance.
2. The location of such use shall not be injurious to adjacent properties or the surrounding neighborhood.
3. The water supply and sanitary facilities of any temporary dwelling shall conform to all applicable requirements of the Michigan Health Department, Ottawa County Health Department, Township Plumbing Code, and all other Township ordinance and regulations.
4. The following shall be taken into consideration:
 - The reasons and necessity for the temporary use or structure.
 - The nature of the use or structure.
 - The proposed location of the use or structure.
5. The Building Inspector or Township Board may request a plot plan, drawn to scale, showing the location of the proposed temporary use in relation to the lot lines and other structures on the lot.
6. A fee shall be paid as determined by the Township Board.

(h) **Conditions.** Reasonable conditions may be required with the approval of a Temporary Special Permit by the Building Inspector. The conditions may include, but are not limited to, conditions necessary to insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to insure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall meet all of the following requirements:

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

The conditions imposed with respect to the approval of a Temporary Special Permit shall be recorded in the record of the approval action, and shall remain unchanged except upon

the mutual consent of the Building Inspector and the landowners, in writing. The Building Inspector shall maintain a record of conditions which are changed.

- (i) **Extensions.** A request for an extension of the time period for a Temporary Use Permit shall be made at least thirty (30) days prior to the expiration of the authorized time period.

SECTION 3.30. TRAFFIC VISIBILITY. No structure, wall, fence, vehicle, shrubbery, or trees shall be erected, parked, planted or maintained on any lot which will obstruct the view of the driver of a vehicle approaching an intersection; excepting that shrubbery and low retaining walls not exceeding two and one-half (2-1/2) feet in height above the curb level and trees where all branches are not less than eight (8) feet above the street level will be permitted. This shall mean that there shall be provided an unobstructed triangular area formed by the street property lines and a line connecting them at points twenty-five (25) feet from the intersection of the pavement edge lines, or in the case of a rounded corner, from the intersection of the street property lines extended.

SECTION 3.31. TRASH RECEPTACLES AND DUMPSTERS.

- (a) In no instance shall any outdoor trash or storage area be located in any front yard or any required side yard adjacent to a street.
- (b) Except for property used as farms, any new or altered use which requires site plan review under Section 18.02 and has an outdoor trash storage area shall comply with the following requirements:
 - 1. Any outdoor trash storage area shall be limited to normal refuse which is collected on a regular basis and shall be maintained in a neat, orderly and sanitary condition. This maintenance shall be the responsibility of the owner of the premises on which the containers are placed.
 - 2. A decorative wall or fence of six (6) feet in height shall enclose three (3) sides of the storage area. Bollards and/or other protective devices shall be installed at the opening and to the rear of any storage area to prevent damage to the screening walls. Screening gates may be required by the Planning Commission when deemed necessary to obscure a trash receptacle from view from a public right-of-way. The surface under any such storage area shall be constructed of concrete which complies with local building requirements.
 - 3. In no instance shall any such refuse be visible above the required enclosure.
 - 4. Adequate vehicular access shall be provided to such containers for truck pickup either via a public alley or vehicular access aisle which does not conflict with the use of off-street parking areas or entrances to or exits from principal buildings nearby.

SECTION 3.32. UNCLASSIFIED USES. Where a proposed use of land or use of building is not contemplated or specified by this Ordinance or where the Building Inspector has a question as

to the appropriateness of a use which, although basically permitted, involves other features which were not contemplated or specified by this Ordinance, the Building Inspector shall request a determination by the Planning Commission. If the Planning Commission determines that such use is not contemplated or specified by this Ordinance, or that it involves features which were not contemplated or specified herein, then the Township Board upon recommendation of the Planning Commission may permit such use as a special use only after it determines that it will have no adverse effect upon adjacent property, that the use is similar to other uses in the district in which it is proposed to be placed, and the spirit, purpose and intent of the Zoning Ordinance and master plan are not impaired by permitting such use at the proposed location.

SECTION 3.33. YARD, AREA, AND LOT REQUIREMENTS.

- (a) No more than one (1) single family dwelling, with accessory buildings and structures, shall be erected on any lot or parcel of land, unless such lot or parcel of land is to be used for agricultural purposes in accordance with the zoning requirements for that zone in which it is located.
- (b) No lot or parcel of land shall be divided, altered or reduced by sale, gift, or other disposition so that the yards, parking area, or other open spaces, or the land area thereof is less than the minimum requirements of this ordinance.

No lot, parcel of land, parking area, or other open space shall be divided, altered or reduced by sale, gift or other disposition so as to increase its noncompliance with the minimum requirements of this ordinance.

- (c) In determining lot, land, yard, parking area or other open space requirements, no area shall serve to meet such requirements for more than one (1) main building or use, and no area necessary for compliance with the space requirements for one (1) main building or use shall be included in the calculation of the space requirements for any other building, structure, or use.
- (d) Pursuant to the authority granted the Township to regulate the division of a lot or parcel of land in a recorded plat, the division of a lot or other parcel of land in a recorded plat is prohibited unless first approved by the Township Board, after review by the Planning Commission in accordance with the State Subdivision Act, Michigan Public Act 288 of 1967, as amended.
- (e) No more than thirty-five percent (35%) of the total land area of a lot or parcel of land shall be covered with buildings or structures.

SECTION 3.34. RESIDENTIAL OCCUPANCY REGULATIONS

- (a) Intent: This section is intended to reasonable regulate the occupancy of dwelling units. The Township finds that occupancy regulations are needed to provide density control, preserve and enhance residential neighborhoods as stable, quiet places for citizens to live and raise children and protect safety and welfare of township citizens. Such regulations are

also needed to insure that there are adequate public and private facilities including off-street parking, utilities, and lot size to accommodate the residents of each dwelling unit. This section is also intended to accommodate alternative living arrangements.

- (b) A dwelling unit may be occupied only by one of the following household living arrangements only:
 - 1. One person, in all districts where residential use is allowed by ordinance.
 - 2. Two persons living as a single housekeeping unit, in all districts where residential use is allowed by ordinance.
 - 3. Two or more persons all related by blood, marriage, adoption, or guardianship living as a single housekeeping unit, in all districts where residential use is allowed by ordinance.
 - 4. Two persons per bedroom up to the maximum occupancy permitted under the building code, if the property is in the R-2 zoning district.
 - 5. A functional family living as a single housekeeping unit, as a special use in the agricultural or any residential zoning district.

An owner occupied dwelling occupied by a household described in 1 or 4 above may also include two additional persons as boarders, exchange students, or similar temporary residents.

- (c) In this section, “offspring” means descendants, including natural offspring, adopted children, foster children and legal wards.
- (d) In this section, “functional family” means a group of people plus their offspring, if any, having a relationship which is functionally equivalent to a family. The relationship must be of a permanent and distinct character with a demonstrable and recognizable bond characteristic of a cohesive unit. Functional family does not include any society, club, fraternity, sorority, association, lodge, organization or group of students or other individuals where the common living arrangement or basis for the establishment of the housekeeping unit is temporary, such as during a school year or series of school years. Occupancy of a structure by a functional family shall not exceed the occupancy limits of the Building Code, as amended, as adopted from time to time by Township Ordinance, a limit of two persons per bedroom, whichever is less.

SECTION 3.35 WIRELESS COMMUNICATION FACILITIES

- (a) In the following circumstances, a proposal to establish a new wireless communication facility shall be deemed a principal permitted use, subject to site plan and the conditions set forth in paragraph (c) below, and if approved, constructed and maintained in accordance with the standards and conditions of this Section.

1. Attached wireless communication facilities within all C-1, C-2, and I-1 districts only, where the existing structure is not, in the determination of the Planning Commission, proposed to be either materially altered or materially changed in appearance.
 2. Collocation of an attached wireless communication facility which has been pre-approved for such collocation as part of an earlier approval by the Planning Commission.
 3. Attached wireless communication facilities consisting of a utility pole located within a public right-of-way, where the existing pole is not proposed to be modified in a manner which, in the determination of the Planning Commission, would materially alter the structure and/or result in an impairment of sight lines or other safety interests.
 4. Monopole wireless communication support structures in all C-1, C-2, and I-1 districts only.
- (b) If it is demonstrated to the satisfaction of the Planning Commission by an applicant that a wireless communication facility may not reasonably be established as principal permitted use under paragraph (a). above and is required to be established outside of a district identified in paragraph (a). in order to operate a wireless communication service, then wireless communication facilities may be permitted elsewhere in the Township by special use approval only subject to the requirements set forth in paragraph (c)., and subject further to the special approval procedures of Chapter 19 and if approved, constructed and maintained in accordance with the standards and conditions of this Section, and also subject to the following criteria and standards:
1. At the time of the submittal, the applicant shall demonstrate that a location within an allowable district cannot reasonably meet the coverage and/or capacity needs of the applicant.
 2. Wireless communication facilities shall be of a design such as a steeple, bell tower, or other form which is compatible with the existing character of the proposed site, neighborhood, and general area, as approved by the Township Board upon recommendation of the Planning Commission, and shall comply with the collocation requirements of this section.
 3. In A, RP, R-1, R-2, and R-4 districts, site locations shall be permitted on a priority basis upon the following sites, subject to application of all other standards contained with this Section:
 - A. Municipally owned sites.
 - B. Other governmentally owned sites.
 - C. Religious or other institutional sites.
 - D. Public parks and other large permanent open space areas when compatible.

- E. Public or private school sites.
- F. Other sites.

(c). General Requirements

All applications for wireless communication facilities shall be reviewed, in accordance with the following standards and conditions, and if approved shall be constructed and maintained in accordance with such standards and conditions. In addition, if a facility is approved, it shall be constructed and maintained with any additional conditions imposed by the Planning Commission at its discretion.

- 1. All applications for the required permit to place, construct or modify any part or component of a wireless communication facility shall include the following:
 - A. A site plan prepared, showing the location, size, screening and design of all buildings and structures, including fences, and the location and size of outdoor equipment, and the location, number, and species of proposed landscaping.
 - B. A disclosure of what is proposed, demonstrating the need for the proposed wireless communication support structure to be located as proposed based upon the presence of one or more of the following factors:
 - i. Proximity to an interstate highway or major thoroughfare.
 - ii. Areas of population concentration.
 - iii. Concentration of commercial, industrial and/or other business centers.
 - iv. Areas where signal interference has occurred due to buildings, masses of trees or other obstructions.
 - v. Topography of the proposed facility location in relation to other facilities within which the proposed facility is to operate.
 - vi. Other specifically identified reason(s) creating need for the facility.
 - C. The reason or purpose for the placement, construction or modification with specific reference to the provider's coverage, capacity and/or quality needs, goals and objectives.
 - D. The existing form of technology being used and any changes proposed to that technology.
 - E. As applicable, the planned or proposed and existing service area of the facility and the attached wireless communication facility, and wireless communication support structure height and type, and signal power expressed in ERP upon which the service area has been planned.

- F. The nature and extent of the applicant/provider's ownership or lease interest in the property, building or structure upon which facilities are proposed for placement, construction or modification.
- G. The identity and address of all owners and other persons with a real property interest in the property, building or structure upon which facilities are proposed for placement, construction or modification.
- H. A map showing existing and known proposed wireless communication facilities within Tallmadge Charter Township, and further showing existing and known proposed wireless communication facilities within areas surrounding the borders of the Township in the location, and in the area, which are relevant in terms of potential collocation or in demonstrating the need for the proposed facility. The map shall also show existing buildings and/or other structures of the same approximate height within a one-half (½) mile radius of the proposed site which could accommodate a feasible collocation of the applicant's proposed attached wireless communication facility.

If and to the extent the information in question is on file with the Township, the applicant shall be required only to update as needed. Any such information which is trade secret and/or other confidential commercial information which, if released would result in commercial disadvantage to the applicant, may be submitted with a request for confidentiality in connection with the development of governmental policy. MCL 15.243(l)(g). This ordinance shall serve as the promise to maintain confidentiality to the extent permitted by law. The request for confidentiality must be prominently stated in order to bring it to the attention of the Township.

- I. For each location identified in the applicant/provider's survey maps and drawings, the application shall include the following information, if known, with the applicant/provider expected to exercise reasonable due diligence in attempting to obtain information through lawful means prior to application:
 - i. The structural capacity and whether it can accommodate the applicant's facility, as proposed or modified.
 - ii. Whether property owner approvals exist or have been requested and obtained.
 - iii. Whether the location could be used by the applicant/provider for placement of its attached wireless communication facility, or if not, a disclosure of the technological considerations involved, with specific

reference to how use of the location would prohibit the applicant/provider from providing wireless communication services.

- J. A certification by a State of Michigan licensed and registered professional engineer regarding the manner in which the proposed structure will fall. The certification will be utilized, along with other criteria such as applicable regulations for the district in question, in determining appropriate setbacks to be required for the structure and other facilities.
 - K. A description of the security to be posted at the time of receiving a building permit for the wireless telecommunication support structure to ensure removal of the structure when it has been abandoned or is no longer needed as provided in paragraph (c)16 below. The security shall, at the election of the applicant, be in the form of cash, surety bond, letter of credit, or an agreement in a form approved by the Township Attorney and recordable at the office of the Ottawa County Register of Deeds, a promise of the applicant and owner of the property to remove the facility in a timely manner as required under this Section, with the further provision that the applicant and owner shall be responsible for payment of any costs and attorney's fees incurred by the Township in securing approval.
 - L. The site plan shall include a landscape plan where the wireless communication support structure is being placed at a location which is not otherwise part of another site plan with landscaping requirements. The purpose of landscaping is to provide screening for the wireless communication support structure base, accessory buildings and enclosures. In all cases there shall be fencing of at least six (6) feet in height, which is required for the protection of the tower.
 - M. Evidence of site plan approval from the Federal Aviation Administration, if required due to a site's proximity to any local airport, or evidence that such approval is not required.
 - N. The name, address and telephone number of the person to contact for engineering, maintenance and other notice purposes. This information shall be continuously updated during all times the facility is on the premises.
2. The wireless communication support structure shall not be injurious to the neighborhood or otherwise detrimental to the public safety and welfare. The wireless communication support structure shall be located and designed to be harmonious with the surrounding areas, and to be aesthetically and architecturally compatible with the natural environment, as well as the environment as altered by development.

3. The maximum height of all new or modified attached wireless communication facilities and wireless communication support structures shall be one hundred seventy-five (175) feet, or such lower maximum heights as approved and/or allowed by the Federal Aviation Administration under CFR 14 Part 77. The accessory building contemplated to enclose such things as switching equipment shall be limited to the maximum height for accessory structures within the respective district.
4. The setback of a monopole wireless communication support structure from any lot line shall be in accordance with the required setbacks for main or principal buildings as provided in the schedule of regulations for the zoning district in which the monopole is located. The setback of all other wireless communication support structures from any lot line shall be no less than the height of the structure, unless it can be demonstrated and certified by a registered professional engineer, to the satisfaction of the Township Engineer, that the wireless communication support structure has a shorter fall-zone distance.
5. Where the wireless communication support structure abuts a parcel of land zoned for other than residential purposes, the minimum setback of the wireless communication support structure and accessory structures shall be in accordance with the required setbacks for the main or principal buildings as provided in the schedule of regulations for the zoning district in which the wireless communication support structure is located. See paragraph (c)1.J..
6. There shall be an unobstructed access to the wireless communication support structure for operation, maintenance, repair and inspection purposes, which may be provided through an easement. This access shall have a width and location determined by such factors as: the location of adjacent thoroughfares and traffic circulation within the site; utilities needed to service the wireless communication support structure and any attendant facilities; the location of buildings and parking facilities; proximity to residential districts and minimizing disturbances to the natural landscape; and the type of equipment which will need to access the site.
7. The division of property for the purposes of locating a wireless communication support structure is prohibited unless all zoning requirements and conditions are met.
8. The Zoning Board of Appeals may grant variances only for (1) the setback requirements of a wireless communication support structure, provided that the proposed location will reduce its visual impact on the surrounding area; (2) the maximum height requirement; and (3) the collocation requirements of subparagraph (c)14.
9. Where a wireless communication facility is proposed on the roof of a building, if the equipment enclosure is proposed as a roof appliance or penthouse on the building, it shall be designed, constructed and maintained to be architecturally

compatible with the principal building. The equipment enclosure may be located within the principal building or may be an accessory building, provided that an accessory building conforms with all district requirements for accessory buildings, including yard setbacks and building height.

10. The Planning Commission shall, with respect to the color of the wireless communication support structure and all accessory buildings, review and approve so as to minimize distraction, reduce visibility, maximize aesthetic appearance, and ensure compatibility with surroundings. It shall be the responsibility of the applicant to maintain the wireless communication facility in a neat and orderly condition.
11. Wireless communication support structures shall be constructed in accordance with all applicable building codes and shall include the submission of a professional soils report from a geotechnical engineer licensed in the State of Michigan. This soils report shall include soil borings and statements confirming the suitability of soil conditions for the proposed use. The requirements of the Federal Aviation Administration, Federal Communication Commission, and Michigan Aeronautics Commission shall be noted.
12. A maintenance plan, and any applicable maintenance agreement, shall be presented as part of the site plan for the proposed facility. Such plan shall be designed to ensure the long term, continuous maintenance to a reasonably prudent standard.
13. If a provider fails or refuses to permit collocation on a facility owned or otherwise controlled by it, where collocation is feasible, the result will be that a new and unnecessary additional structure will be compelled, in direct violation of and in direct contradiction to the basic policy, intent and purpose of Tallmadge Charter Township. The provisions of this subsection are designed by carry out and encourage conformity with the policy of the Township.

Any proposed commercial wireless communication support structures shall be designed, structurally, electrically and in all respects, to accommodate both the applicant's attached wireless communication facility and comparable attached wireless communication facilities for additional users. Wireless communication support structures must be designed to allow for future rearrangement of attached wireless communication facilities upon the wireless communication support structure and to accept attached wireless communication facilities mounted at varying heights.

A proposal for a new wireless communication support structure shall not be approved unless and until it can be documented by the applicant that the communications equipment planned for the proposed wireless communication support structure cannot be feasibly collocated and accommodated on an existing

or approved wireless communication support structure or other existing structure due to one or more of the following reasons:

- A. The planned equipment would exceed the structural capacity of the existing or approved wireless communication support structure or building, as documented by a qualified and licensed professional engineer, and the existing or approved wireless communication support structure cannot be reinforced, modified or replaced to accommodate planned or equivalent equipment.
- B. The planned equipment would cause interference materially impacting the usability of other existing or planned equipment at the wireless communication support structure or other existing structure as documented by a qualified and licensed professional engineer and the interference cannot be prevented by any other means.
- C. Existing or approved wireless communication support structures and buildings within the search radius cannot accommodate the planned equipment at a height necessary for the coverage area and capacity needs to reasonably function as documented by a qualified and licensed professional engineer.
- D. Other unforeseen reasons that make it infeasible to locate the planned communications equipment upon an existing wireless communication support structure or building.

Collocation shall be deemed to be “feasible” for the purposes of this Section where all of the following are met:

- E. The wireless communication provider entity under consideration for collocation will undertake to pay market rent or other market compensation for collocation.
- F. The site on which collocation is being considered, taking into consideration reasonable modification or replacement of a facility, is able to provide structural support.
- G. The collocation being considered is technologically reasonable, e.g., the collocation will not result in unreasonable interference, given appropriate physical and other adjustments in relation to the structure, antennae, and the like.
- H. The height of the structure necessary for collocation will not be increased beyond a point deemed to be permissible by the Township, taking into consideration the several standards contained within this subsection.

14. If a party who owns or otherwise controls a wireless telecommunication support structure shall fail or refuse to alter a structure so as to accommodate a proposed and otherwise feasible collocation, such facility shall thereupon and thereafter be deemed to be a nonconforming structure and use, and shall not be altered, expanded or extended in any respect.

If a party who owns or otherwise controls a wireless telecommunication facility shall fail or refuse to permit a feasible collocation, and this requires the construction and/or use of a new wireless communication support structure, the party failing or refusing to permit a feasible collocation shall be deemed to be in direct violation and contradiction of the policy, intent and purpose of this Section of the Zoning Ordinance and, consequently, such party shall take responsibility for the violation and be subject to any and all penalties applicable to a violation of the Zoning Ordinance, and shall also be prohibited from receiving approval for a new wireless communication support structure with Tallmadge Charter Township for a period of five (5) years from the date of the failure or refusal to permit the collocation. Such a party may seek and obtain a variance from the Zoning Board of Appeals if and to the limited extent the applicant demonstrates entitlement to variance relief which, in this context, shall mean a demonstration that enforcement of the five (5) year prohibition would unreasonably discriminate among providers of functionally equivalent wireless communication services, or that such enforcement would have the effect of prohibiting the provision of personal wireless communication service.

15. Review of an application for collocation, and review of an application for a permit for use of a facility permitted under subparagraph (a)2., above, shall be expedited by Tallmadge Charter Township.
16. When a wireless communications facility has not been used for one hundred eighty (180) days or more, or six (6) months after new technology is available which permits the operation of a wireless communication facility without the requirement of a wireless communication support structure, the entire wireless communications facility, or that portion of the wireless communications facility made obsolete by the new technology, shall be removed by the users and/or owners of the wireless communications facility. For the purposes of this Section, the removal of antennae or other equipment from the facility, or the cessation of operations (transmission and/or reception of radio signals) shall be considered as the beginning of a period of nouns. The situation(s) in which removal of a wireless communications facility is required may be applied and limited to a portion of the facility.
 - A. Upon the occurrence of one or more of the events requiring removal, the property owner or persons who had used the wireless communications facility shall immediately apply for and secure the application for any required demolition or removal permits, and immediately proceed with and complete the demolition/removal, restoring the condition which existed prior to the construction of the wireless communications facility.

- B. If the required removal of the wireless communications facility or a portion thereof has not been lawfully completed within sixty (60) days of the applicable deadline, and after at least thirty (30) days' written notice, the Township may remove or secure the removal of the facility, or required portions thereof, with its actual costs and reasonable administrative charges to be drawn or collected and/or enforced from or under the security posted at the time application was made for establishing the wireless communications facility.
17. Wireless communication facilities shall comply with applicable federal and state standards relative to the environmental effects of radio frequency emissions.

CHAPTER 4

ZONING DISTRICTS AND MAP

SECTION 4.01. CREATION OF ZONING DISTRICTS. The Charter Township of Tallmadge is hereby divided into the following zoning districts:

AG	Agricultural District
RP	Rural Preservation District
R-1	Low Density Single Family Residential District
R-2	Medium Density Single Family Residential District
R-3	Multiple Family Residential
R-4	Mobile Home District
C-1	Office, Services, Commercial District
C-2	General Commercial District
I-1	Light Industrial District
F	Flood Plain District

SECTION 4.02. ZONING MAP. The location and boundaries of the zoning districts are shown on a map adopted by the Township Board. The map is entitled the "Zoning Map of Tallmadge Charter Township, Ottawa County, Michigan", which bears the date it was adopted or amended, and accompanies and is hereby made a part of this Ordinance. The zoning map shall be kept on public display at the Township Hall.

SECTION 4.03. INTERPRETATION OF DISTRICT BOUNDARIES. Where uncertainty exists as to the boundaries of zoning districts as shown on the zoning map, the following rules of interpretation shall apply:

- (a) Boundaries indicated as approximately following the centerline of streets, highways, or alleys shall be construed to follow such centerlines.
- (b) Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- (c) Boundaries indicated as approximately following Township boundaries shall be construed as following Township boundaries.
- (d) Boundaries indicated as approximately following shorelines of lakes, rivers, creeks, or lake, or stream beds, shall be construed as following such shorelines or lake or stream beds; and in the event of natural change in the location of a shoreline, lake, or stream bed, the boundary shall be construed as moving with such shoreline and lake or stream bed.
- (e) Lines parallel to streets without indication of the depth from the street line shall be construed as having a depth of three hundred (300) feet from the street right-of-way line.
- (f) Boundaries indicated as approximately following property lines, section lines, or other lines of a government survey shall be construed as following such property lines, section lines, or

other lines of a government survey as they exist as of the effective date of this Ordinance or applicable amendment.

SECTION 4.04. AREAS NOT INCLUDED WITHIN A ZONING DISTRICT. In every case where land has not been specifically included within a zoning district, such land shall be included in an AG Agricultural District.

SECTION 4.05. USES PERMITTED AS A RIGHT. Permitted uses, as identified in the chapters covering each district, are recognized as uses of land and buildings in certain districts which are harmonious with other such uses which may lawfully exist within the same district. A permitted use is subject to the general provisions, parking regulations, district intent, permit, certificate, and site plan requirements found elsewhere in this Ordinance, but otherwise is considered to be a lawful use not requiring special or extraordinary controls or conditions, unless otherwise indicated in this Ordinance.

SECTION 4.06. USES PERMITTED UNDER SPECIAL APPROVAL. The uses identified as special approval uses in the chapters covering each district are recognized as possessing characteristics of such unique and special nature (relative to location, off-site impacts, design, size, public service, and utility needs, and other similar characteristics) as necessitating individual standards and conditions in order to safeguard the general health, safety, and welfare of the community. Chapter 19, regarding procedure and requirements for special approval uses, shall apply to these uses.

CHAPTER 5

AG AGRICULTURAL DISTRICT

SECTION 5.01. DESCRIPTION AND PURPOSE. It is recognized that the public health and welfare of the citizens of Tallmadge Charter Township, Ottawa County, the State of Michigan, and the United States are greatly dependent upon the sustenance and economic benefits provided by a viable agriculture industry. The regulations of the Agricultural District are intended to ensure that land areas within Tallmadge Charter Township which are well suited for production of food and fiber are retained for such production, unimpeded by the establishment of incompatible uses which would hinder farm operations and irretrievably deplete agricultural lands. People contemplating building a residence in the agricultural zone should be aware of the unusual and specific conditions normally associated with land uses in farming such as, but not limited to, odors, noise, sprays, and dust.

Specific purposes for which this district is established include:

- (a) To prevent the conversion of agricultural land to nonfarm development which, when unregulated, unnecessarily increases the cost of public services to all citizens and results in the premature disinvestment in agriculture.
- (b) To preserve woodlands and wetlands associated with farms which, because of their natural physical features, are useful as water retention, surface water purification and ground water recharge areas, and as habitat for plant and animal life; and which have an important aesthetic and scenic value which contributes to the unique character of the Township.
- (c) To provide the basis for land tax assessment which reflect its existing agricultural nature and, owing to these regulations, its limited use for other purposes.
- (d) To protect farmland from speculative increases in land values.
- (e) To prevent conflicts between agricultural activities and residences.
- (f) To prevent intrusion of uses into farm areas which are incompatible with general farming activities.
- (g) To prevent encroachment of urban and suburban services into agricultural areas.
- (h) To encourage long-term investment in improvements needed to maintain and expand agricultural production by creating a stable environment for such production.
- (i) To prevent loss of farmland.

SECTION 5.02. PERMITTED USES. In the AG Agricultural District, no uses shall be permitted except the following:

- (a) All platted land and lands of less than ten (10) acres in area shall be regulated by the provisions of the RP District (Chapter 6), unless such land is used as part of, or in conjunction with, an otherwise permitted agricultural operation.
- (b) Generalized and specialized farm operations, including the raising or growing of crops, livestock, poultry, bees, and other farm animals, products, and food stuffs, together with farm buildings and other installations customary and necessary to farms or agricultural operations including, but not limited to, grain dryers and storage, hay storage, and similar facilities used to store products produced on the premises.
- (c) Commercial "u-pick" farms with sufficient off-street parking provided.
- (d) Dairy farms, including storage and cooling facilities used to store milk produced on the premises but stored no longer than five (5) days.
- (e) Green houses, nurseries, tree and sod farms, or other similar uses, but not including retail sales on the premises.
- (f) Detached single family dwelling.
- (g) Churches and public, parochial, and other private elementary, intermediate, or high schools, provided the principle means of ingress or egress to the site is from a major thoroughfare or collector road as defined in Section 2.03.
- (h) Cemeteries.
- (i) All parks and recreation facilities and campgrounds which are publicly owned; provided that all principal and accessory buildings shall be setback at least seventy-five (75) feet from all property lines, and that the layout and operation of such park shall not impair the continued use and enjoyment of adjacent or nearby properties.
- (j) Private stables, as defined in Section 2.03, and which is accessory to a residential use, subject to the following conditions:
 - 1. All animals shall be owned by the occupants of the residence.
 - 2. The numbers of animals and all buildings in which animals are kept, shall meet the provisions of Section 3.16(b).
 - 3. The area on which the horses are kept shall be completely enclosed by a fence or similar barrier to prevent animals from trespassing on adjoining property or roadways.

4. The premises shall be kept in a sanitary condition and the keeping of horses shall not result in objectionable odors, dust, noise, or other nuisance which would pose a nuisance to nearby residents.
 5. The storage of manure shall be a minimum of one-hundred (100) feet from any property line.
- (k) Roadside stands which are operated on a seasonal basis and are otherwise removed during the majority of the year, subject to the following provisions:
1. Only fruits and vegetables grown on the premises are sold.
 2. The sales area shall not exceed thirty-two (32) square feet in area.
 3. No part of the roadside stand or sales area shall be located within a road right-of-way.
 4. Only one (1) stand per premises shall be permitted.
- (l) Accessory buildings and uses customarily incidental to any of the above permitted uses, subject to the provisions of Section 3.02.

SECTION 5.03. EXPRESSLY PROHIBITED USES. Public food storage lockers, slaughter houses, meat processing plants, and canning and freezing activities are expressly forbidden in the AG Agricultural District.

SECTION 5.04. USES PERMITTED AFTER SPECIAL APPROVAL. The following uses may be permitted by the Township Board, following the review and recommendation by the Planning Commission, subject to the conditions specified for each use below, and further subject to the provisions of Chapter 19.

- (a) Veterinary clinics, subject to the following:
1. Veterinary clinics shall have direct access to a paved road.
 2. An office area shall be permitted only as an accessory use to the clinic and shall be structurally attached to treatment facilities.
 3. No building or treatment area shall be within one hundred (100) feet to any dwelling unit nor seventy-five (75) feet to any property line.
- (b) Kennels, provided that no buildings, animal runs, or exercise areas shall be located within five hundred (500) feet of a dwelling unit; and all animal runs and exercise areas shall be located within a rear yard. Kennels shall be licensed as required by the Ottawa County Treasurer's Office.

- (c) The raising of fur bearing animals or commercial game birds.
- (d) Farm labor housing of any size as an accessory use to a farm, provided the following conditions are met in addition to the other requirements of the AG District:
 - 1. Compliance 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.
 - 2. The occupants are employed for farm labor at sometime by the owner of the property while they occupy the housing.
 - 3. Farm labor housing must be at least one hundred (100) feet from all side and rear property lines and must be at least seventy-five (75) feet from the street right-of-way on which the property fronts. Farm labor housing must also be at least one hundred fifty (150) feet from any single family residence located on a separate parcel of property. Farm labor housing existing as of the adoption date of this ordinance that does not meet these setback requirements may be expanded or enlarged provided such expansion or enlargement does not reduce the existing distance of such farm labor housing from said property lines and single family dwelling.
- (f) Roadside stands with a sales area which exceeds thirty-two (32) square feet, but not more than two hundred (200) square feet, subject to the following:
 - 1. Only fruits, vegetables, and flowers produced on the premises are sold.
 - 2. No part of the roadside stand shall be located within a road right-of-way. Sufficient off-street parking shall be provided.
 - 3. All structures are portable and are removed during off-season periods. There shall be only one roadside stand per premises.
- (g) Home occupations, subject to the provisions of Section 3.15.
- (h) Public stables as defined in Section 2.03, subject to the following:
 - 1. Public stables shall be a minimum of twenty (20) acres in size.
 - 2. All buildings in which animals are kept shall meet the provisions of Section 3.16.
 - 3. Persons renting horses shall be adequately supervised so as to avoid conflict with nearby property owners.
 - 4. The area on which the horses are kept shall be completely enclosed by a fence or similar barrier to prevent animals from trespassing on adjoining property or roadways.

5. The premises shall be kept in a sanitary condition and the keeping of horses shall not result in objectionable odors, dust, noise, or other nuisance which would pose a nuisance to nearby residents.
 6. The storage of manure shall be a minimum of one-hundred (100) feet from any property line.
- (i) Storing, packaging, and processing of farm produce, provided such activities are done on a farm consisting of at least forty (40) acres and that such storage, packaging, or processing includes farm products grown on that parcel. Canning and freezing activities are prohibited.
- (j) Feed lots, subject to the following conditions:
1. Animal wastes must be confined to within the perimeter of the feed lot. Animal waste management practices shall follow the guidelines established by the Michigan Department of Agriculture for runoff control, odor control, manure storage and treatment, and manure application to land.
 2. The perimeter of the feedlot shall be at least two hundred (200) feet from any lot line, three hundred (300) feet from existing residences, and one thousand (1,000) feet from any RP, R-1, R-2, R-3 or R-4 zoning district.
 3. Feedlots located within five hundred (500) feet of residences on adjoining properties shall be screened by an obscuring greenbelt in accordance with Section 3.17(e).
- (k) Governmental or non-governmental public service buildings and facilities when in character with the surrounding area, provided that outside storage of vehicles or materials is visually obscured by a fence, greenbelt, or building on all sides.
- (l) Golf courses, subject to the following conditions:
1. All principal and accessory buildings shall be setback at least seventy-five (75) feet from all property lines. Fairways and driving ranges shall be oriented in such a manner and setback a sufficient distance to prevent golf balls from being hit outside the perimeter of the golf course.
 2. Golf courses and country clubs shall have direct access onto a thoroughfare.
 3. At least one (1) shelter building with toilet facilities shall be provided.
 4. Engineering data shall be submitted to document the impact of the golf course watering system on groundwater supply.

- (m) Commercial composting operations which receive wastes generated off the premises, subject to the following provisions:
 - 1. The composting of yard wastes only shall be permitted, such as leaves, grass, brush, and wood products.
 - 2. The size of the site shall be a minimum of twenty (20) acres.
 - 3. All composting areas, operations, and related loading and storage areas shall be no closer than one hundred (100) feet to any property line.
 - 4. No retail sales of composting products shall occur on the premises.
 - 5. The operator shall install wells to monitor, on a semi-annual basis, the impacts of the operation on groundwater supply.
 - 6. A site plan shall be provided for the proposed compost operation showing the location, type, and boundaries of all composting areas and processing buildings; the internal road system; and site drainage patterns. In addition, the following information shall be provided: type of equipment to be utilized, source of water supply, operation processes, use of end product, truck routes to and from the site, types of haulers utilized, hours of operation, odor and dust control, and experience of operator.
- (n) All parks and recreation facilities, and campgrounds which are privately owned; provided that all principal and accessory buildings shall be setback at least seventy-five (75) feet from all property lines, and that the layout and operation of such park shall not impair the continued use and enjoyment of adjacent or nearby properties.
- (o) Sportsmen Clubs

SECTION 5.05. AREA REGULATIONS. No building, or structure, nor any enlargement thereof, shall be hereafter erected in an AG District except in conformance with the following area regulations:

- (a) **Lot Area and Width.** The minimum lot area and width for all uses in this district, unless otherwise specified, shall be ten (10) acres and three hundred thirty (330) feet respectively.

Any lot or parcel of record which, as of the effective date of this Ordinance, was less than ten (10) acres in area may be subdivided, pursuant to all applicable subdivision laws and regulations, into lots or parcels having an area of not less than two and one-half (2-1/2) acres; provided that each such lot or parcel resulting from such subdivision meets all applicable requirements for a lot or parcel in an RP District.

- (b) **Front Yard.** There shall be a front yard of not less than seventy-five (75) feet.

- (c) **Side Yards.** There shall be side yards of not less than twenty (20) feet. Side yard adjacent to the street shall not be less than seventy-five (75) feet.
- (d) **Rear Yard.** There shall be a rear yard of not less than fifty (50) feet.
- (e) **Abutting the Grand River.** Along all sides of the property which abut the Grand River, a yard of one hundred fifty (150) feet shall be maintained. Further, the provisions of the Flood Plain Overlay District (Chapter 13) may apply.
- (f) **Lot coverage.** No more than thirty-five percent (35%) of the total land area off a lot or parcel of land shall be covered with buildings or structures.

SECTION 5.06. HEIGHT REGULATIONS. No residential or non-farm building or structure shall exceed two and one-half (2-1/2) stories or thirty-five (35) feet in height, whichever is less. See Section 3.14 for exceptions to height regulations.

SECTION 5.07. DEVELOPMENT STANDARDS.

- (a) **Site Plan Review.** Site plan review and approval is required for all uses within the AG Agricultural District except detached single family dwelling, and residential and agricultural accessory buildings. Site plan review shall be required for all uses permitted by special approval (Section 5.04).
- (b) **General Standards.** Buildings and uses in the AG Agricultural District shall be subject to all applicable standards and requirements in this Ordinance including the General Provisions (Chapter 3), Minimum Floor Standards (Chapter 3), Nonconformities (Chapter 17), Off-Street Parking (Chapter 15), and Sign regulations (Chapter 16).

CHAPTER 6

RP RURAL PRESERVE DISTRICT

SECTION 6.01 - DESCRIPTION AND PURPOSE. The RP Rural Preserve District is intended to provide for residential land uses in a rural setting that is near to agricultural land uses and zoning districts. With a minimum density two and one half (2-1/2) acres per one (1) dwelling unit, this zoning district will also permit general farming activities but on a smaller scale than the activities allowed in the Agricultural District. To minimize the detrimental impacts of farming practices on residential properties, intensive specialized farming operations are prohibited.

The larger residential lot sizes and limited agricultural activities permitted in the RP District are intended to satisfy a desire for a semi-rural lifestyle within areas which for the most part is not considered prime for agricultural uses do to soil limitations or land fragmentation, but which is also not suitable for intensive residential land uses as a result of topography or on-site septic system limitations. Residential subdivisions are deemed incompatible with the intent of this district, except as might be desirable or necessary to accommodate the in-filling of existing parcels. Primary objectives in establishing this district are to:

- (a) provide an appropriate transition between the Agricultural District and higher density single-family residential districts.
- (b) preserve woodlands and wetlands which are necessary as water retention and ground water recharge areas and which have important ecological value.
- (c) encourage residential development at low densities where soil conditions, topography, vegetation and the lack of public sewer and/or water service preclude more intensive land uses.

SECTION 6.02 - PERMITTED USES. In the RP District, the following uses shall be permitted:

- (a) Generalized farming as defined in Section 2.03, provided the number of animals meet the provisions of Section 3.16.
- (b) Single-family dwelling unit.
- (c) Churches and public, parochial and other private elementary, intermediate or high schools, provided that the principle means of ingress to or egress from the site is via a road classified as a major or minor arterial road in the Township Master Plan, or Ottawa County.
- (d) Publicly-owned parks and recreation facilities.

- (e) Cemeteries.
- (f) Roadside stands not larger than thirty-two (32) square feet in area which are operated on a seasonal basis and are otherwise removed during the majority of the year, subject to the following provisions:
 - 1. Only fruits, cut flowers and vegetables that have been grown on the premises are sold.
 - 2. No part of the roadside stand, sales area or parking area shall be located within a road right-of-way.
 - 3. Only one (1) stand per premises shall be permitted.
- (g) Private stables, as defined in Section 2.03 and which is accessory to a residential use, subject to the following conditions:
 - 1. All animals shall be owned by the occupants of the residence.
 - 2. The numbers of animals shall meet the provisions of Section 3.16.
 - 3. All buildings in which animals are kept shall meet the provisions of Section 3.16.
 - 4. The area on which the horses are kept shall be completely enclosed by a fence or similar barrier to prevent trespass on adjoining property or roadways.
 - 5. The premises shall be kept in a sanitary condition and the keeping of horses shall not result in objectionable odors, dust, noise, or other nuisances which would pose a nuisance to nearby residents.
 - 6. The storage of manure shall be a minimum of one-hundred (100) feet from any property line.
- (h) Accessory buildings and uses customarily incidental to any of the above permitted uses, subject to the provisions of Sections 3.02.

SECTION 6.03 - USES PERMITTED AFTER SPECIAL APPROVAL. The following uses may be permitted by the Township Board, following the review and recommendation by the Planning Commission, subject to the conditions specified for each use below, and further subject to the provisions of Chapter 19.

- (a) Roadside stands with a sales area which exceeds thirty-two (32) square feet, but not more than two hundred (200) square feet, subject to the following:
 - 1. Only fruits, cut flowers and vegetables that have been grown on the premises are sold.
 - 2. No part of the roadside stand, sales area or parking area shall be located within a road right-of-way.
 - 3. All structures are portable and are removed during off-season periods. There shall be only one roadside stand per premises.

- (b) Home Occupations. When considering authorizing such use the Planning Commission and the Township Board shall consider each of the following standards and Section 3.15 and 19.06:
 - 1. The nature of the home occupation.
 - 2. The effect of the home occupation on the surrounding neighborhood, such as:
 - i. environmental effects.
 - ii. traffic patterns.
 - iii. potential for traffic congestion.
 - iv. provisions for adequate off-street parking.
 - 3. Type, number, size and location of signs.
 - 4. Number of persons to be employed.
 - 5. General nuisances

- (c) Public stables (boarding stables) as defined in Section 2.03, subject to the following:
 - 1. Public stables shall be a minimum of twenty (20) acres in size.
 - 2. All buildings in which animals are kept shall meet the provisions of Section 3.16.

3. Persons renting horses shall be adequately supervised so as to avoid conflict with nearby property owners.
4. The area on which the horses are kept shall be completely enclosed by a fence or similar barrier to prevent trespass on adjoining property or roadways.
5. The premises shall be kept in a sanitary condition and the keeping of horses shall not result in objectionable odors, dust, noise, or other nuisances which would pose a nuisance to nearby residents.
6. The storage of manure shall be a minimum of one-hundred (100) feet from any property line.

(d) Governmental or non-governmental public service buildings and facilities when in character with the surrounding area, provided that outside storage of vehicles or materials is visually and aesthetically obscured by a fence, greenbelt, or building on all sides.

(e) Greenhouses and nurseries, subject to the following:

1. No retail sales of products grown on-site shall be permitted, unless on a roadside stand.
2. All such uses shall be located on sites which are a minimum of twenty (20) acres in size.
3. The principal access to such use shall be from a paved road.
4. All storage areas for plants, fertilizers, and other materials shall comply with the minimum setback requirements for this district.
5. Off-street parking shall be provided as per ordinance requirements.
6. A clear sight distance of five hundred (500) feet shall be provided from the main entrance for traffic safety purposes.
7. All associated buildings and structures shall be setback a minimum of twice the setback requirements of this district for the front and side yards.

SECTION 6.04. AREA REGULATIONS. No building or structure nor any enlargement thereof shall be hereafter erected within an RP District, except in conformance with the following area regulations:

- (a) **Lot Area and Width.** The minimum lot area and width for all uses in this district, unless otherwise specified, shall be two and one-half (2-1/2) acres and one hundred sixty five (165) feet respectively.
- (b) **Front Yard.** There shall be a front yard of not less than seventy-five (75) feet. The only exception to this requirement shall be roadside stands as specified under Sections 6.02 (f) and 6.03 (a).
- (c) **Side Yards.** There shall be side yards of not less than twenty (20) feet. For corner lots, the side yard adjacent to the street shall not be less than seventy-five (75) feet.
- (d) **Rear Yard.** There shall be a rear yard of not less than fifty (50) feet.
- (e) **Abutting the Grand River.** Along any property lines which abut the Grand River, a yard of one hundred fifty (150) feet shall be maintained. Further, the provisions of the Flood Plain Overlay District (Chapter 13) may apply.
- (e) **Lot Coverage.** No more than thirty-five percent (35%) of the total land area of a lot or parcel of land shall be covered with buildings or structures.

SECTION 6.05. HEIGHT REGULATIONS. No residential building or structure shall exceed two and one-half (2-1/2) stories or thirty-five (35) feet in height, whichever is less. See Section 3.14 for exceptions to height regulations.

SECTION 6.06. DEVELOPMENT STANDARDS.

- (a) **Site Plan Review.** Site plan review and approval is required for all uses within the RP Rural Preservation District except detached single and two-family dwelling, and residential and agricultural buildings which are accessory to farms. Site plan review shall be required for all uses permitted by special approval (Section 6.03).
- (b) **General Standards.** Buildings and uses in the Rural Preservation District shall be subject to all applicable standards and requirements in this Ordinance including the General Provisions (Chapter 3), Minimum Floor Standards (Chapter 3), Nonconformities (Chapter 17), Off-Street Parking (Chapter 15), and Sign Regulations (Chapter 16).

CHAPTER 7

R-1 SINGLE FAMILY AND R-2 MEDIUM DENSITY RESIDENTIAL DISTRICTS

SECTION 7.01. DESCRIPTION AND PURPOSE.

- (a) The intent of the R-1 Single Family Residential District is to create and maintain stable single family neighborhoods within the Township. It is intended that the principal use of land is for single-family dwelling. Recreational, religious, and educational facilities which are both compatible with and convenient to residents are also permitted.
- (b) The intent of the R-2 Medium Density Residential District is to permit housing development at higher densities than permitted in the R-1 District, in order to accommodate the varied housing needs of the population. The principal land use in this district is detached single family dwelling units, although two-family dwelling are permitted along major roads.
- (c) In both the R-1 and R-2 Districts, multiple family, business, commercial, industrial, and any other uses which would substantially interfere with the development or continuation of single and two-family dwelling are prohibited.

SECTION 7.02. PERMITTED USES.

- (a) In R-1 Districts, no uses shall be permitted except the following:
 - 1. Single family detached dwelling units.
 - 2. Child and adult day care facilities and foster homes, which care for no more than six (6) persons.
- (b) In R-2 Districts, no uses shall be permitted except the following:
 - 1. Any use permitted by right in the R-1 Districts.
 - 2. Two-family dwelling, if the principle means of ingress and egress to the site is from a major thoroughfare as defined in Section 2.03, OR if the lot or parcel of land on which the two-family dwelling is to be located abuts, for the full length of one of its property lines, land included in an industrial or commercial zoning district.

SECTION 7.03. USES PERMITTED AFTER SPECIAL APPROVAL. The following uses may be permitted by the Township Board, following the review and recommendation by the Planning Commission, subject to the conditions specified for each use below, and further subject to the provisions of Chapter 19.

- (a) Churches and public, parochial, or other private elementary, intermediate or high schools, subject to the following:
 - 1. All primary ingress and egress from said site shall be directly onto a major thoroughfare, in accordance with Section 3.18.
 - 2. All side yards shall be a minimum of twenty-five (25) feet in width.
 - 3. Buildings of greater than the maximum height allowed in the district may be allowed provided that the front, side, and rear yards are increased above the minimum required yards by ten (10) feet for each foot of building height that exceeds the maximum height allowed.
 - 4. Off-street parking shall be prohibited in the front yard setback area. Where any off-street parking area abuts a lot in a residential district, a wall, fence or obscuring greenbelt shall be provided in accordance with Section 3.17.
 - 5. In order to mitigate any negative off-site impacts (such as noise, glare, trespassing, or odors) on residential uses, the Township Board may require adequate fencing, screening, or landscaping on the site. Accessory uses, such as a social service center or banquet facilities for a church, shall be prohibited unless the Township Board shall find that adverse impacts will be mitigated.
- (b) Home occupations, subject to the provisions of Section 3.15.
- (c) Parks, playgrounds, community centers, swimming pool clubs, and other recreational facilities, but excluding campgrounds or sportsmen clubs, subject to the following:
 - 1. Principal and accessory buildings shall be setback at least seventy-five (75) feet from all property lines, unless otherwise specified herein. Off-street parking areas shall be prohibited in the front yard setback area.
 - 2. Such uses shall have direct access onto a major thoroughfare or collector road, as per Section 2.03.
 - 3. The location, layout, design, or operation of outdoor recreation facilities shall not impair the continued enjoyment, use, and future orderly development of adjacent and nearby properties. The Township Board may specify the hours of operation to assure compatibility with adjacent uses.

4. An obscuring greenbelt in accordance with Section 3.17(e) shall be required wherever recreation facility abuts directly upon a residential district. The Township Board may require additional fencing, screening or landscaping to mitigate impacts such as noise, trespassing, or odors.
5. The proposed site would attract, or is intended to serve, persons from the immediate neighborhood.
6. Side yards shall be at least forty (40) feet wide, and shall be landscaped in trees, shrubs, and grass. All such landscaping shall be maintained in a healthy condition.
7. Off-street parking shall be provided so as to accommodate not less than one-half (1/2) of the member families and/or individual members. The Township Board may modify the off-street parking requirements in those instances wherein it is specifically determined that the users will originate from the immediately adjacent areas and will therefore be pedestrian.

SECTION 7.04. AREA REGULATIONS. No building or structure nor any enlargement thereof shall be hereafter erected in an R-1 or R-2 District except in conformance with the following area regulations:

(a) **Lot Area and Width.**

1. For single family dwellings and non-residential uses, the minimum lot area shall be twenty-two thousand five hundred (22,500) square feet, with a minimum lot width of one hundred (100) feet. A corner lot should be larger to accommodate the front and side yard setback requirements.
2. For two family dwellings, the minimum lot area shall be thirty-three thousand seven hundred fifty (33,750) square feet, with a minimum lot width of one hundred (100) feet. A corner lot should be larger to accommodate the front and side yard setback requirements.
3. In all cases, the minimum lot area and the minimum lot width for lots not served with public water and public sanitary sewer shall be one (1) acre and one hundred twenty feet (120'), respectively.

(b) **Front Yard.** There shall be a front yard of not less than fifty (50) feet.

(c) **Side Yards.** There shall be side yards of not less than ten (10) feet. For corner lots, the side yard adjacent to the street shall not be less than fifty (50) feet.

(d) **Rear Yard.** There shall be a rear yard of not less than fifty (50) feet.

- (e) **Abutting the Grand River.** Along any property lines which abut the Grand River, a yard of one hundred fifty (150) feet shall be maintained. Further, the provisions of the Flood Plain Overlay District (Chapter 13) may apply.
- (f) **Lot coverage.** No more than thirty-five percent (35%) of the total land area of a lot or parcel of land shall be covered with buildings or structures.

SECTION 7.05. HEIGHT REGULATIONS. No building or structure shall exceed two and one-half (2-1/2) stories or thirty-five (35) feet in height, whichever is less. See Section 3.14 for exceptions to height regulations.

SECTION 7.06. DEVELOPMENT STANDARDS.

- (a) **Site Plan Review.** Site Plan Review and approval is required for all uses within R-1 and R-2 Districts except detached single-family dwelling, two-family dwelling, and buildings accessory to residential uses see Chapter 18.
- (b) **Minimum Floor Standards.** Each single and two-family dwelling unit shall meet the minimum floor area requirements as established in Section 3.19.
- (c) **General Standards.** Buildings and uses in R-1 and R-2 Districts shall be subject to all other applicable standards and requirements of this Ordinance including the General Provisions (Chapter 3), Nonconformities (Chapter 17), Off-street Parking (Chapter 15), and Sign Regulations (Chapter 16).

CHAPTER 8

R-3 MULTIPLE FAMILY DISTRICT

SECTION 8.01. DESCRIPTION AND PURPOSE. It is the intent of the R-3 District to provide areas for single and multiple family structures. This District recognizes the limited needs for townhouses, row houses, and attached single-family housing in the Township. Residential uses with more than two (2) dwelling units per structure shall be served by public water and sewer service. This district is designed to serve as transition zones between non-residential uses and low or medium density residential or rural preservation areas. Provision is made to accommodate planned unit developments. While this district is intended to provide for higher densities than the R-1 and R-2 districts, it is also intended that developments with R-3 Districts be compatible in housing style and appearance as those in lower density areas.

SECTION 8.02. PERMITTED USES. In R-3 Districts, no uses shall be permitted except the following:

- (a) Any use permitted by right in the R-1 and R-2 districts.
- (b) Multiple-family dwellings.

SECTION 8.03. USES PERMITTED AFTER SPECIAL APPROVAL. The following uses may be permitted by the Township Board, following the review and recommendation by the Planning Commission, subject to the conditions specified for each use below, and further subject to the provisions of Chapter 19.

- (a) Any uses permitted by special approval in the R-1 and R-2 Districts, except cemeteries, subject to the same conditions and requirements.
- (b) Child care centers and nursery schools, subject to the following:
 - 1. All child care facilities shall be registered with or licensed by the Michigan State Department of Social Services and shall comply with the minimum State Standards outlined for such facilities.
 - 2. For each child cared for, there shall be provided and maintained a minimum of one hundred and fifty (150) square feet of outdoor play area. Such play space shall have a total minimum of not less than three thousand (3,000) square feet and shall be fenced and screened from any adjoining lot in any residential district.
 - 3. Such facilities shall have minimum side yard setbacks of at least twenty (20) feet.
 - 4. In case any off-street parking area abuts a lot in any residential district, an obscuring fence or greenbelt shall be provided, as per Section 3.17.

- (c) Nursing homes, convalescent homes, rest homes, orphanages, and adult foster care homes with seven (7) or more residents (see definition in Chapter 2), subject to the following:
1. Such facilities shall be constructed, maintained, and operated in conformance with applicable state and federal laws.
 2. The site plan shall be so planned as to provide ingress and egress directly onto a major thoroughfare, as per Section 3.18.
 3. The principal building and all accessory buildings shall be setback a minimum distance of thirty (30) feet from all property lines.
 4. Such facility shall provide a minimum of one hundred fifty (150) square feet of outdoor open space for every bed used or intended to be used. Such space shall have a total minimum area of not less than three thousand (3,000) square feet. The open space shall be landscaped and shall include places for walking, sitting, and recreation. Off-street parking areas, driveways, and accessory uses or areas shall not be counted as required open space.
 5. Off-street parking shall be prohibited in the front setback area. Any off-street parking area which abuts a lot in any residential district, a fence or greenbelt shall be provided as per Section 3.17(e).
- (d) Non-profit public service facilities, subject to the following:
1. All ingress and egress from said site shall be directly onto a major thoroughfare, as per Section 3.18.
 2. Off-street parking shall be prohibited in the front setback area. Any off-street parking area which abuts a lot in any residential district, a fence or greenbelt shall be provided as per Section 3.17(e).
 3. There shall be no outside storage of materials and vehicles.

SECTION 8.04. AREA REGULATIONS. No building or structure nor any enlargement thereof shall be hereafter erected except in conformance with the following:

(a) **Lot Area and Width.**

1. For single-family dwellings, the minimum lot area shall be twenty-two thousand five hundred (22,500) square feet, with a minimum lot width of one hundred (100) feet. However, if the property is not served by public sewer, the minimum lot area shall be one (1) acre, with a minimum lot width of one-hundred twenty (120) feet.

2. For two-family dwellings, the minimum lot area shall be thirty-three thousand seven hundred fifty (33,750) square feet, with a minimum lot width of one hundred forty (140) feet. However, if the property is not serviced by public sewer, the minimum lot area shall be one (1).
 3. All Multiple dwellings of more than four (4) units per parcel shall be subject to the following:
 - a. Service by public sewer
 - b. A minimum lot width of one hundred forty (140) feet.
 - c. A minimum lot area of four thousand eight hundred (4,800) square feet, exclusive of streets, for each dwelling unit.
 - d. The minimum total area of a lot shall be twelve thousand five hundred (12,500) square feet.
 4. For non-residential uses, the minimum lot area shall be twenty-two thousand five hundred (22,500) square feet, and the minimum lot width shall be one hundred (100) feet; provided that sites not serviced by public sewer are approved by the Ottawa County Health Department.
- (b) **Front Yard.** There shall be a front yard of not less than seventy-five (75) feet.
- (c) **Side Yards.**
1. For single and two-family dwellings, there shall be side yards totaling not less than thirty-five (35) feet, provided no one (1) side shall be less than ten (10) feet. For corner lots, the side yard adjacent to the street shall not be less than seventy-five (75) feet.
 2. For multiple-family and non-residential uses, there shall be side yards totaling fifty (50) feet, provided no one (1) yard shall be less than twenty (20) feet. For corner lots, the side adjacent to the street shall not be less than seventy-five (75) feet.
- (d) **Rear Yard.** There shall be a rear yard of not less than fifty (50) feet.
- (e) **Distance between Buildings.** Where there is more than one (1) residential building on a lot, the minimum distance between any two (2) such buildings shall be twenty (20) feet; provided that there shall be a minimum fifty (50) foot yard at the front of each building, and a minimum one hundred (100) foot yard at the rear of each building. Two (2) buildings may share required yard space. However, every building shall have a minimum thirty (30) foot landscaped yard at either the front or rear of the building, which is unobstructed by any accessory building or parking area.
- (f) **Obscuring Greenbelt or Fence.** Wherever a multiple-family use abuts an AG, RP, R-1, or R-2 District, an obscuring greenbelt or fence shall be provided and maintained in accordance with Section 3.17.

- (g) **Abutting the Grand River.** Along any property lines which abut the Grand River, a yard of one hundred fifty (150) feet shall be maintained. Further, the provisions of the Flood Plain Overlay District (Chapter 13) may apply.
- (h) **Lot Coverage.** No more than thirty-five percent (35%) of the total land area of a lot or parcel of land shall be covered with buildings or structures.

SECTION 8.05. HEIGHT REGULATIONS. No building or structure shall exceed thirty-five (35) feet in height. See Section 3.14 for exceptions to height regulations.

SECTION 8.06. DEVELOPMENT STANDARDS.

- (a) **Site Plan Review.** Site Plan Review and approval is required for all uses within R-3 Districts except detached single-family dwellings, two-family dwellings, and buildings accessory to residential uses.
- (b) **Minimum Floor Standards.** Each single and two-family dwelling unit shall meet the minimum floor area requirements as established in Section 3.19.

Minimum floor areas for apartments shall be as follows:

Efficiency Apartment: The term "Efficiency Apartment" shall mean a dwelling unit containing not over five hundred (500) square feet of floor area, and consisting of not more than two (2) rooms in addition to kitchen, dining and necessary sanitary facilities.

Two-Bedroom Unit: The term "Two-Bedroom Unit" shall mean a dwelling unit containing a minimum floor area of at least seven hundred and fifty (750) square feet per unit, consisting of not more than three (3) rooms in addition to kitchen, dining, and necessary sanitary facilities.

Three or More Bedroom Unit: The term "Three or More Bedroom Unit" shall mean a dwelling unit wherein for each room in addition to the three (3) rooms permitted in a two (2) bedroom unit, there shall be provided an additional area of one hundred and fifty (150) square feet to the minimum floor area of seven hundred and fifty (750) square feet.

- (c) **General Standards.** Buildings and uses in R-3 Districts shall be subject to all other applicable standards and requirements of this Ordinance including the General Provisions (Chapter 3), Nonconformity's (Chapter 17), Off-street Parking (Chapter 15), and Sign Regulations (Chapter 16).

CHAPTER 9

R-4 MOBILE HOME DISTRICT

SECTION 9.01. DESCRIPTION AND PURPOSE. This district is established to provide areas for mobile home dwellings in licensed mobile home parks, and to create mobile home parks with the character of residential neighborhoods. This district is to be used only in those parts of the Township which are designated in the adopted Master Plan for high density residential use and within such areas designated for mobile home park use. It is the intent of this district that mobile homes be considered and regulated as urban, single-family detached dwelling which deserve and require services and facilities similar to other single-family dwelling. Consideration is given to the special needs of mobile homes with regard to lot size, public utilities, construction standards, streets, access to schools, and other factors.

SECTION 9.02. PERMITTED USES. In the R-4 District, mobile home parks are permitted provided they are in conformance with all applicable State laws, rules and regulations governing mobile home developments, including P.A. 419 of 1976, as amended, and this Ordinance.

No uses shall be permitted except mobile home parks. No trailer, recreational vehicle, or dwelling other than a mobile home shall be permitted to be used as a dwelling in a mobile home park. This Section shall not preclude the construction of a building or structure to be used solely for an office, maintenance building, or recreational facility in connection with the operation of a mobile home park.

SECTION 9.03. USES PERMITTED AFTER SPECIAL APPROVAL. The following uses may be permitted by the Township Board, following the review and recommendation by the Planning Commission, subject to the conditions specified for each use below, and further subject to the provisions of Chapter 19.

- (a) Churches, synagogues, and other religious institutions; subject to the same conditions under Section 7.03 (a).
- (b) Child care centers, subject to the same conditions under Section 8.03 (b).
- (c) Private non-commercial recreation areas, or centers, non-profit, swimming pools, or community centers; subject to the same condition under Section 7.03 (c).
- (d) Model mobile homes, when in conjunction with sales within a specific mobile home park for a specific time period not to exceed one (1) year, with at least four (4) off-street parking spaces provided. Model mobile homes shall not be used as a residence.
- (e) Home occupations, subject to the provisions under Section 3.15.
- (f) Government service or administrative buildings and uses which do not require outside storage of materials or vehicles.

- (g) Non-profit public service facilities, subject to the same conditions under Section 8.03 (d).

SECTION 9.04. DEVELOPMENT REQUIREMENTS. In addition to the State rules and regulations, the following requirements shall be met:

- (a) **Ownership.** Each mobile home park shall be owned and operated as one (1) entity or on a condominium basis.
- (b) **Minimum Area.** Mobile home developments shall contain a minimum of fifteen (15) acres.
- (c) **Buffer Zones.** All mobile home developments shall provide and maintain a one hundred (100) foot setback from any street that borders the mobile home development and a thirty (30) foot buffer zone along all other boundary lines of the mobile home development.

When a buffer strip zone adjoins any residential zoning district, a landscaped greenbelt shall be provided, as described below.

1. The buffer strip shall be graded with a continuous berm at least three (3) feet above the grade elevation at the common property line, with a width of at least twelve (12) feet. The berm need not be provided when adjacent to an existing mobile home park.
 2. All portions of the buffer strip shall be planted with grass, ground cover, shrubbery, or other suitable plant material.
 3. A minimum of one (1) deciduous tree shall be planted, plus one (1) additional deciduous tree for each thirty (30) lineal feet of required buffer strip length. Required trees shall be planted at approximately thirty (30) foot intervals.
 4. A minimum of one (1) evergreen tree shall be planted, plus one (1) additional evergreen tree for every twenty (20) lineal feet of required buffer strip length.
 5. A minimum of three (3) intermediate shrubs shall be planted for every ten (10) lineal feet of required buffer strip length.
 6. The greenbelt shall be maintained and kept free of trash and debris.
- (d) **Utilities.** Connection shall be made to any public water or sewer system which is available within five hundred (500) feet of the mobile home park. All utility services shall be located underground.
 - (e) **Streets.** All mobile home sites shall face on an internal paved street not less than twenty-four (24) feet wide where there is two-way traffic. One-way traffic on a street is prohibited. The streets shall be paved with concrete or bituminous asphalt.

- (f) **Minimum Site Area.** All mobile or modular home sites shall have a minimum of five thousand, five hundred (5,500) square feet in area.
- (g) **Yard Requirements.** Mobile homes located upon a mobile home site shall be at least twenty (20) feet from the front line of the site and ten (10) feet from the rear line of the site. No mobile home shall be closer than twenty (20) feet from any other mobile home.

Mobile homes on corner lots shall be located at least twenty (20) feet from the street lines. The rear of the site shall be determined by the mobile home orientation on the site and shall meet the requirement stated above.

- (h) **Minimum Floor Area.** No mobile or modular home shall have less than six hundred (600) square feet of floor area.
- (i) **Height.** No structure shall be taller than thirty-five (35) feet. See Section 3.14 for height exceptions.
- (j) **Landscaping and Open Space.** The mobile home park shall be landscaped and regularly maintained and shall conform to all State regulations. At least twenty-five thousand (25,000) square feet or two percent (2%) of the gross acreage, whichever is greater, of the mobile home park area shall be devoted to a landscaped open space for the residents of the park.
- (k) **Clear Corner Clearance.** No fence or structure over thirty (30) inches in height and no plantings whatsoever shall be located on any corner lot within the required front yards. No driveway for the parking of motor vehicles shall run the length of any front yard on either of the two front yards on a corner lot.
- (l) **Parking.** Parking shall be provided in off-street parking bays or on mobile home sites, with two (2) parking spaces for each mobile home and one visitor parking space for every three (3) mobile home sites. Each parking space shall be paved and be no less than nine and one-half (9-1/2) feet by twenty (20) feet in area.
- (m) **Access from Major Streets.** For mobile home developments containing more than fifty (50) sites, a minimum of two (2) entrances from a major thoroughfare shall be provided. If two (2) entrances are required, there must be at least one hundred fifty (150) feet between the entrances.
- (n) **Sales Prohibited.** The business of selling new and/or used mobile homes as a commercial operation in connection with the operation of a mobile home development is prohibited. New or used mobile homes located on lots within the mobile home development to be used and occupied on that site may be sold by a licensed dealer and/or broker. This section shall not prohibit the sale of a new or used mobile home by a resident of the mobile home development provided the development permits the sale.

- (o) **Pad and Skirting.** Each mobile home shall be provided with a continuous pad of four (4) inch-thick concrete running the full length and width of the mobile home or pier at least forty-two (42) inches deep below grade. Each pad shall be equipped with anchors or tie-down equipment meeting the requirements of an approved Construction Code anchoring system. Skirting shall be installed along the base of each mobile home sufficient to hide the undercarriage and supports from view and shall meet the requirements of the rules of the State Mobile Home Commission.
- (p) **Sidewalks.** Paved sidewalks shall be provided on one side of collector streets within the mobile home development. The sidewalks shall be a minimum of five (5) feet in width and be adjacent to each street.
- (q) **Refuse Disposal.** Each mobile home development shall provide an effective system of garbage and rubbish storage, collection, and disposal in accordance with the rules and regulations of the Michigan Department of Public Health.
- (r) **Lighting.** Each mobile home development shall be provided with sufficient lighting to meet the rules of the Mobile Home Commission.
- (s) **Central Antenna.** Each mobile home development may have a master underground television antenna system. Exterior television and radio reception and transmission antennas and towers are not permitted on individual mobile homes or on individual mobile home sites.
- (t) **Ground Cover.** All exposed ground surfaces in the mobile home development, in order to prevent erosion, must be sodded, seeded or covered with ornamental stone and shall be in accordance with the Ottawa County soil erosion criteria.
- (u) **Drainage.** In the event a storage drain system for water leaving the mobile home park is necessary, construction of storm drainage systems shall be in accordance with the standards and specifications adopted by the Ottawa County Drain Commission. All proposed storm drainage construction plans for such systems for water leaving the site shall be approved by the Ottawa County Drain Commissioner and shall be in accordance with all the rules and regulations thereof.
- (v) **Outside Storage.** No storage of any personal property except licensed operable motor vehicles shall be stored outside or under any mobile home. Storage sheds may be utilized for any such storage.
- (w) **Recreation Vehicle Storage.** The storage or parking of recreational vehicles, motor homes, boats, snowmobiles, or other vehicles or items ordinarily towed, driven or used for a special purpose, is specifically prohibited except within a designated storage area. The storage area shall be screened by solid-type fence five (5) feet in height around its perimeter or by some other similar screening device.

- (x) **Storm Shelter.** A storm shelter or shelters of sufficient size to provide safe refuge for all inhabitants of mobile home park shall be provided.
- (y) **Site Development Plan.** A Site Development Plan must be approved by the Planning Commission and shall show that all of the requirements of the Township Zoning Ordinance and the State Mobile Home Commission are met.
- (z) **Zoning Permit.** Prior to the placement of a mobile home on any site within a mobile home park, a zoning permit must be obtained by the owner of the mobile home from the Township Zoning Administrator, as provided for in Section 20.02.

CHAPTER 10

C-1 COMMERCIAL/SERVICE DISTRICT

SECTION 10.01. DESCRIPTION AND PURPOSE. The intent of the C-1 Commercial/Service District is to provide areas in the Township where local services, offices, and convenience shopping facilities can be clustered together so as to serve the day-to-day needs of Township residents.

These regulations are intended to promote development of a pedestrian-accessible mixed-use district, consisting of a variety of retail, office, and service uses. Because of the variety of uses permitted in the C-2 District, special attention must be focused on site layout, building design, vehicular circulation, and coordination of site features between adjoining sites. Permitted uses should be complementary to each other and should not have an adverse impact on street capacity, public utilities and services, or the overall image and function of the district. It is the further intent of this district to prohibit automotive related services and other intensive uses which tend to interfere with the continuity and character of the district.

SECTION 10.02. PERMITTED USES. In C-1 Districts, no uses shall be permitted except the following:

- (a) Retail businesses which supply commodities on the premises for persons residing in adjacent residential areas such as: groceries, meats, dairy products, alcoholic beverages, baked goods or other foods, ice cream, drugs, dry goods, notions, hardware, paint and wallpaper, books, stationery and school supplies, records and video cassette sales, flowers, periodicals, shoes, sporting goods, small household articles, and tobacco products.
- (b) Retail or service establishments which offer comparison goods for residents such as: bicycle sales, jewelry stores, hobby shops, music stores, clothing and shoe stores, notions, bookstores, sporting goods stores, office supply stores, carpet stores, furniture stores, building material sales (including hardware, glass and paint), household appliance stores, paint and wallpaper stores, auto equipment sales stores, and similar specialty retail stores.
- (c) Specialty shops, "five and ten" stores, and other variety stores including notions.
- (e) Establishments which perform services within a completely enclosed building such as: beauty and barber shops; watch, radio, television, clothing and shoe repair; locksmiths; photo processing outlets; and similar establishments.
- (f) Office buildings and uses, including offices for administrative services, accounting, clerical, drafting, education, executive, insurance, professional, real estate, research, sales agent, stock broker, technical training, stenographic, writing, and medical and dental practices.
- (g) Restaurants and cafes, including carry-out restaurants, but excluding drive-in or drive-through restaurants.

- (h) Financial institutions, including banks, credit unions, and savings and loan associations, provided that no drive-through facilities are permitted.
- (i) Municipal, county, or state service buildings without storage yards; and community buildings such as libraries, museums, post offices, and recreational, educational, and human service centers.
- (j) Newspaper offices and printing shops.
- (k) Photographers.
- (l) Video rental establishments.
- (m) Laundromats and dry cleaning outlets, provided that all services performed on the premises shall be sold at retail on the premises where performed.

SECTION 10.03. USES PERMITTED AFTER SPECIAL APPROVAL. The following uses may be permitted by the Township Board, following the review and recommendation by the Planning Commission, subject to the conditions specified for each use below, and further subject to the provisions of Chapter 19.

- (a) Churches and other religious buildings and facilities customarily incidental thereto, provided all primary ingress and egress from said sites shall be directly onto a major thoroughfare, as per Section 3.18.
- (b) Outdoor cafe's or eating areas where patrons are served while seated in the open air, subject to the following conditions:
 1. The outdoor eating area shall not exceed fifteen (15) percent of the gross floor area of the principal building; and shall not be located in any required front, side or rear setback area.
 2. The outdoor eating area shall be located no closer than fifteen (15) feet from any vehicular parking or maneuvering areas. Such eating areas shall be separated from all vehicular parking and maneuvering areas by means of a greenbelt, wall, or architectural feature.
 3. The outdoor eating area shall not be located within fifty (50) feet of any properties used or zoned for residential purposes. The area shall be completely screened from view from all residential properties by an obscuring fence or greenbelt, in compliance with Section 3.17.
 4. The outdoor eating area shall be kept clean and void of litter at all times.
 5. All vending machines shall be located within a completely enclosed.

- (c) Small "pocket" parks for outdoor sitting and strolling, subject to the following:
 - 1. Such parks shall not exceed six thousand five hundred (6,500) square feet in area.
 - 2. Such parks shall be used for passive recreation only, such as walking, sitting, and picnicking. Facilities for active sports such as softball, basketball, or tennis shall not be permitted.
 - 3. A landscape plan shall be provided for review by the Planning Commission. The character of the park shall be in keeping with and enhance commercial uses within the district. Park facilities and activities shall not hinder business traffic.

SECTION 10.04. AREA REGULATIONS. No building or structure nor any enlargement thereof shall be hereafter erected except in conformance with the following area regulations:

- (a) **Lot Area and Width.** The minimum lot area shall be determined by the use and the required off-street parking, loading, screening or greenbelts, and yard setbacks, in accordance with this Ordinance.

Every lot or parcel hereafter divided, subdivided, or otherwise created within this district shall have a width of not less than eighty (80) feet.

- (b) **Front Yard.** There shall be a front yard of not less than seventy-five (75) feet. No accessory building or uses other than parking or authorized signs shall be permitted in the front yard; provided that no parking areas are located closer than thirty-five (35) feet of any road right-of-way line. Landscaping is required in this area subject to the provisions of Section 3. 17 (b).

- (c) **Side Yards.**

- 1. Whenever a lot within this district abuts another lot within the C-1 or C-2 district, no side shall be required, provided building walls are built of fire-retardant construction. If walls of structures facing such interior side lot lines contain windows or other openings, side yards of not less than twenty (20) feet shall be required.
- 2. Whenever a lot within this district lies contiguous to any zoning district, other than a C-1 or C-2 district, there shall be a side yard along such district of not less than twenty-five (25) feet.
- 3. Whenever a lot is a corner lot, there shall be a side yard along the street of not less than seventy-five (75) feet.

- (d) **Rear Yard.** Where a rear yard abuts a commercial or industrial zoning district, the rear yard shall be not less than twenty (20) feet in depth. In all other cases, a rear yard of fifty (50) feet shall be provided.
- (e) **Obscuring Greenbelt or Fence.** Wherever a commercial use abuts an AG, RP, or any residential zoning district, an obscuring greenbelt or fence shall be provided and maintained in accordance with Section 3.17(c).
- (f) **Abutting the Grand River.** Along all sides of a property which abuts the Grand River, a yard of one hundred fifty (150) feet shall be maintained. Further, the provisions of the Flood Plain Overlay District (Chapter 13) may apply.
- (g) **Lot Coverage.** No more than thirty-five percent (35%) of the total land area of a lot or parcel of land shall be covered with buildings or structures.

SECTION 10.05. HEIGHT REGULATIONS. No building or structure shall exceed two and one-half (2-1/2) stories or thirty-five (35) feet in height, whichever is less. See Section 3.14 for exceptions to height regulations.

SECTION 10.06. DEVELOPMENT STANDARDS.

- (a) **Required Conditions.** Except as otherwise noted for specific uses, buildings and uses in the C-1 District shall comply with the following required conditions:
 - 1. Seventy-five (75) percent of all goods produced and services performed on the premises shall be sold at retail on the premises where produced.
 - 2. The facade of all buildings shall be finished with face brick, wood, glass, stone, fluted cement, or stucco-like material. Cement or cinder block facades shall not be permitted. In recognition of developing technologies in building materials, the Planning Commission may agree to approve other materials provided they are compatible with surrounding properties, and further provided that such materials meet appropriate architectural, aesthetic, and safety concerns.
 - 3. Exterior walls facing all public or private rights-of-way or customer parking areas, shall have a finished appearance, using the same materials as used on the front of the building. Wherever possible, meter boxes, dumpsters, and mechanical equipment should not be located on a side of the building that faces residentially-zoned or used property, or public street rights-of-ways.
 - 4. There shall be no outside storage or processing of any goods, display inventory, or equipment.
- (b) **Site Plan Review.** Site plan review and approval is required for all uses in the C-1 District in accordance with Chapter 18.

- (c) **General Standards.** Buildings and uses in C-1 Districts shall be subject to all other applicable standards and requirements of this Ordinance including the General Provisions (Chapter 3), Nonconformities (Chapter 17), Off-Street Parking (Chapter 15), Landscaping (Chapter 3), and Sign Regulations (Chapter 16).

CHAPTER 11

C-2 GENERAL COMMERCIAL DISTRICT

SECTION 11.01. DESCRIPTION AND PURPOSE. The intent of the C-2 General Commercial District is to provide suitable locations for a variety of retail, service, and office uses, including more intensive commercial uses not permitted in the C-1 District and which may be incompatible with pedestrian movement. The district is intended to permit commercial establishments that cater to the convenience and comparison shopping needs of the entire Township as well as areas beyond the Township limits.

It is the intent of this district to encourage the consolidation of permitted uses so as to avoid strip commercial development and lessen traffic congestion by reducing the number of commercial driveways opening onto major streets. Because of the variety of business types permitted in this district, attention must be focused on site layout, vehicular circulation, and coordination of site features between adjoining sites. The design of commercial facilities should be compatible with surrounding development. This district should be so located as not to encroach upon any residential, agricultural, or rural preserve areas.

SECTION 11.02. PERMITTED USES. In C-2 Districts, no uses shall be permitted except the following:

- (a) All permitted uses in the C-1 District, subject to the same condition, as permitted under Section 10.02.
- (b) Offices and showrooms of a plumber, electrician, building contractor, upholsterer, caterer, decorator, taxidermist, exterminator, or similar trade subject to the following conditions:
 - All services performed on the premises, including fabrication, repair, cleaning or other processing of goods, shall be sold at retail on the premises where produced.
 - The ground floor premises facing upon and visible from any abutting streets shall be used only for entrances, offices, sales, or display.
 - There shall be no outside storage and/or display of materials or goods of any kind.
- (c) Schools for occupations, professional, or technical training, such as dance schools, music and voice schools, art studios, secretarial training, and similar schools.
- (d) Hotels and motels.
- (e) Funeral homes, provided there is adequate assembly area for vehicles to be used in funeral processions and such assembly area shall be provided in addition to any required off-street parking area. A caretaker's residence may be provided within the main building of the funeral home.

- (f) Private service clubs, fraternal organizations, banquet and dance halls, meeting halls, and similar places of assembly.
- (g) Indoor theaters.
- (h) Private indoor recreation uses, such as bowling alleys, billiard halls, gymnasium or court sports facilities, tennis clubs, roller or ice skating rinks, personal fitness centers, and similar recreation uses, subject to the following:
 - 1. Indoor recreation uses shall be set back a minimum of one hundred (100) feet from any AG, RP, or any residentially zoned property.
 - 2. Indoor recreation uses shall have direct access to a major thoroughfare in accordance with Section 3.18.
- (i) Banks with drive-thru windows, provided adequate stacking spaces are provided in accordance with Section 15.08.
- (j) Office supplies and office machine service stores.
- (k) Professional studios.
- (l) Kennels
- (m) Other uses similar to the above and consistent with the intent and general character of the district.

SECTION 11.03. USES PERMITTED AFTER SPECIAL APPROVAL. The following uses may be permitted by the Township Board, following the review and recommendation by the Planning Commission, subject to the conditions specified for each use below, and further subject to the provisions of Chapter 19.

- (a) All uses permitted after special approval in the C-1 District, subject to the same conditions, as permitted under Section 10.03.
- (b) Automobile filling and service stations, including oil changes and minor repairs (see definitions under Section 2.03), subject to the following:
 - 1. The minimum lot area shall be fifteen thousand (15,000) square feet for automobile filling stations and twelve thousand (12,000) square feet for automobile service stations. All such facilities shall not be located within five hundred (500) feet of any place of public assembly.

2. Entrances shall be no less than twenty-five (25) feet from a street intersection (measured along the road right-of-way or from any residentially zoned districts). Drives shall be no less than twenty (20) feet wide nor wider than thirty (30) feet at the right-of-way line. No more than one (1) such drive or curb opening shall be permitted for every fifty (50) feet of frontage along any street.
 3. Quick oil change facilities shall provide off-street waiting spaces equal to five (5) times the number of oil change stalls for automobiles awaiting entrance. Each off-street waiting space shall be ten (10) feet wide by twenty (20) feet long.
 4. The entire lot, excluding areas occupied by landscaping and buildings, shall be hard-surfaced with concrete or bituminous material. Curbs of at least six (6) inches in height shall be installed around the perimeter of all surfaced areas.
 5. All lubrication equipment, automobile wash equipment, hoists, and pits shall be enclosed entirely within a building. All gasoline pumps shall be located not less than fifteen (15) feet from any lot line.
 6. The storage, sale or rental of new or used cars, trucks, trailers, and any other vehicles on the premises is prohibited. Inoperable, wrecked or partially dismantled vehicles shall not be stored or parked outside for a period exceeding four (4) days.
- (c) New and used automobile, truck and tractor, boat, mobile home, recreation vehicle and trailer sales, subject to the following:
1. Outdoor sales lots, parking areas, and other vehicle maneuvering areas shall be hard-surfaced with concrete or bituminous material, and shall be graded and drained so as to dispose of all surface water accumulated within the area. The nearest edge of any driveway serving an outdoor vehicle sales area shall be located at least sixty (60) feet from any street or road intersection (as measured along the road right-of-way line).
 2. Any servicing of vehicles shall be subject to the following requirements:
 - All vehicle service activities, partially dismantled vehicles, and new and discarded parts shall be completely enclosed within a building.
 - The building containing service operations shall be located a minimum of fifty (50) feet from any property line.
 3. Devices for the transmission or broadcasting of voice or music shall be prohibited outside of any building.

- (d) Automobile or car wash establishments, subject to the following:
1. All washing activities shall be carried out within a building. Vacuuming activities shall be permitted in the rear yard only, provided such activities are located at least fifty (50) feet from adjacent residentially zoned or used property.
 2. Sufficient space shall be provided on the lot so that vehicles do not enter or exit the wash building directly from an adjacent street or alley. Off-street waiting spaces shall be provided as per Section 15.08. Streets and alleys shall not be used for maneuvering or parking by vehicles to be serviced by the automobile wash.
 3. Buildings should be oriented so that open bays, particularly for self-serve automobile washes, do not face onto adjacent thoroughfares unless screened by an adjoining lot or building.
- (e) Drive-in or drive-through restaurants, as defined in Section 2.03, subject to the following:
1. Drive-through windows, drive-in spaces, and waiting lanes shall not be located closer than one hundred (100) feet to any AG, RP, R-1, R-2, R-3 or R-4 District.
 2. Ingress and egress to the site shall be located at least sixty (60) feet from the intersection of any two (2) streets (measured along the road right-of-way line).
 3. Off-street waiting spaces shall be provided as per Section 15.08.
 4. Devices for the transmission of voices shall not be audible beyond the boundaries of the site.
- (f) Open-air businesses such as sales of plant materials not grown on the site, nurseries, lumber yards, outdoor display areas, playground equipment, and home garden supplies subject to the following:
1. The minimum lot width for these uses shall be one hundred (100) feet, except for temporary roadside stands. All display and loading areas shall meet the setback requirements of this district.
 2. The nearest edge of any entrance or exit drive shall be located no closer than sixty (60) feet from any street or road intersection as measured along the road intersection right-of-way line.
 3. All loading and parking areas for these uses shall be confined within the boundaries of the site and shall not be permitted to spill over onto adjacent roads.
 4. The storage of soil, fertilizer, and similar loosely packaged materials shall be contained or covered to prevent it from blowing onto adjacent properties.

5. Unless Christmas tree sales are accessory to the principal use of the site, a permit shall be obtained from the Building Official to allow temporary use of the site for such sales.
 6. All fenced in areas are subject to the provisions of Section 3.12.
- (g) Outdoor amusement or recreation activities, subject to the following:
1. Such activities shall not be located within five hundred 500 feet of any AG, RP, or residentially zoned land.
 2. All access to such site shall be from a major thoroughfare, as per Section 3.18.
 3. All sides of the development not abutting a major thoroughfare shall be provided with a six (6) foot high wall or fence and a twenty (20) foot wide obscuring greenbelt, in accordance with Section 3.17.
 4. Such use shall not cause or create unreasonable site pollution, noise, nuisance, traffic or disturbance on adjacent or surrounding properties.
- (h) Drive-in theaters, subject to the following:
1. Drive-in theaters shall be designed and constructed in accordance with an internal site plan which shall be subject to the site plan approval by the Planning Commission. Particular consideration shall be given to drainage, lighting, and internal vehicular circulation.
 2. The face of the theater screen shall not be closer than five hundred (500) feet to any public road or highway right-of-way, and shall be constructed so it is not visible from any road, highway, or residentially-zoned district.
 3. Driveways serving drive-in establishments shall be off of a major street as per Section 3.18. The nearest edge of any entrance or exit drive shall be located no closer than two hundred and fifty (250) feet from any street or road intersection (as measured along the road right-of-way line).
 4. A minimum of thirty (30) stacking spaces shall be provided on the premises for vehicles waiting to enter the theater. No vehicle shall be permitted to wait or stand within a dedicated right-of-way.
 5. An eight (8) foot high obscuring wall or fence shall be provided along all property lines.

- (i) Educational or health related institutions such as schools, colleges, hospitals, and treatment facilities, but not including prisons, subject to the following:
 - 1. All ingress and egress from said site shall be directly onto a major thoroughfare, as per Section 3.18.
 - 2. Buildings which exceed height limitations for this district may be allowed, provided front, side, and rear yards are increased above the minimum required yards by one (1) foot for each foot of building height that exceeds the maximum height allowed.
 - 3. Ambulance and emergency entrance areas shall be screened from view from adjacent residences by the building design or by a six (6) foot high masonry wall.
- (j) Veterinary clinics, provided all treatment and housing of animals are within a wholly enclosed building. Veterinary clinics shall not be located within five hundred (500) feet of any residentially zoned property. The boarding of animals without need of medical treatment shall be prohibited.
- (k) Roadside stands not larger than thirty-two (32) square feet in an area which are operated on a seasonal basis and are otherwise removed during the majority of the year, subject to the following provisions:
 - 1. Only fruit, cut flowers and vegetables that have been grown on the premises are sold.
 - 2. No part of the roadside stand, sales or parking area shall be located within a road right-of-way.
 - 3. Only one (1) stand premises shall be permitted.
- (l) Other uses similar to the above and consistent with the intent and general character of the district.

SECTION 11.04. AREA REGULATIONS. No building or structure nor any enlargement thereof shall be hereafter erected except in conformance with the following area regulations:

- (a) **Lot Area and Width.** The minimum lot area shall be determined by the use and the required off-street parking, loading, screening or greenbelts, and yard setbacks, in accordance with this Ordinance.

Every lot or parcel hereafter divided, subdivided, or otherwise created within this district shall have a width of not less than eighty (80) feet.

- (b) **Front Yard.** There shall be a front yard of not less than seventy-five (75) feet. No accessory building or uses other than parking or authorized signs shall be permitted in the front yard; provided that no parking areas are located closer than thirty (30) feet of any road right-of-way line.
- (c) **Side Yards.**
 - 1. Whenever a lot within this district abuts another lot within the C-1 or C-2 district, no side shall be required, provided building walls are built of fire-retardant construction. If walls of structures facing such interior side lot lines contain windows or other openings, side yards of not less than ten (10) feet shall be required.
 - 2. Whenever a lot within this district lies contiguous to any zoning district, other than a C-1 or C-2 district, there shall be a side yard along such district of not less than twenty-five (25) feet.
 - 3. Whenever a lot is a corner lot, there shall be a side yard along the street of not less than seventy-five (75) feet.
- (d) **Rear Yard.** Where a rear yard abuts a commercial or industrial zoning district, the rear yard shall be not less than twenty (20) feet in depth. In all other cases, a rear yard of fifty (50) feet shall be provided.
- (e) **Obscuring Fence or Greenbelt.** Wherever a commercial use abuts an AG, RP, or any residential zoning district, an obscuring fence or greenbelt shall be provided and maintained in accordance with Section 3.17.
- (f) **Abutting the Grand River.** Along all sides of a property which abuts the Grand River, a yard of one hundred fifty (150) feet shall be maintained. Further, the provisions of the Flood Plain Overlay District (Chapter 13) may apply.
- (g) **Lot Coverage.** No more than thirty-five percent (35%) of the total land area of lot or parcel of land shall be covered with buildings or structures.

SECTION 11.05. HEIGHT REGULATION. No building or structure shall exceed two and one-half (2-1/2) stories or thirty-five (35) feet in height, whichever is less. See Section 3.14 for exceptions to height regulations.

SECTION 11.06. DEVELOPMENT STANDARDS.

- (a) **Required Conditions.** Except as otherwise noted for specific uses, buildings and uses in the C-2 District shall comply with the following required conditions:
 - 1. Seventy-five (75) percent of all goods produced and services performed on the premises shall be sold at retail on the premises where produced.

2. The facade of all buildings shall be finished with face brick, wood, glass, stone, fluted cement, or stucco-like material. Cement or cinder block facades shall not be permitted. In recognition of developing technologies in building materials, the Planning Commission may agree to approve other materials provided they are compatible with surrounding properties, and further provided that such materials meet appropriate architectural, aesthetic, and safety concerns.
 3. Exterior walls facing all public or private rights-of-way or customer parking areas, shall have a finished appearance, using the same materials as used on the front of the building. Wherever possible, meter boxes, dumpsters, and mechanical equipment should not be located on a side of the building that faces residentially-zoned or used property, or public street rights-of-ways.
 4. There shall be no outside storage or processing of any goods, inventory, or equipment.
- (b) **Site Plan Review.** Site plan review and approval is required for all uses in accordance with Chapter 18.
- (c) **General Standards.** Buildings and uses in C-2 Districts shall be subject to all other applicable standards and requirements of this Ordinance including the General Provisions (Chapter 3), Nonconformities (Chapter 17), Off-Street Parking (Chapter 15), Landscaping (Chapter 3), and Sign Regulations (Chapter 16).

CHAPTER 12

I-1 INDUSTRIAL DISTRICT

SECTION 12.01. DESCRIPTION AND PURPOSE. The intent of the I-1 Industrial District is to provide locations for industrial development, including development within planned industrial park subdivisions and on independent parcels. It is intended that permitted activities or operations produce no external impacts that are detrimental in any way to other uses in the district or properties in adjoining districts. Permitted uses should be compatible with surrounding residential or commercial uses.

Accordingly, permitted manufacturing, distribution warehousing, and industrial uses permitted in this district should be fully contained within well-designed buildings on amply-landscaped sites, with adequate off-street parking and loading areas, and with proper screening around outside storage areas.

SECTION 12.02. PERMITTED USES. In I-1 Districts, no uses shall be permitted except the following:

- (a) Compounding, processing, packaging, and assembling of manufactured materials in the production of any of the following when carried out entirely within an enclosed building:
1. Food products, including meat, dairy, fruit, vegetable, seafood, grain, bakery, confectionery, and beverage foods.
 2. Textile mill products, including woven or knit goods, dyeing or finishing, and floor coverings.
 3. Finished products made from fabrics, leather, fur, canvas, plastics, paper, and similar materials.
 4. Lumber and wood products, including millwork, prefabricated structural wood products; and other products, but excluding products or processes involving the use, manufacture, or production of wood pulp unless it is used in a dry form and in a manner that does not produce objectionable odors.
 5. Articles or merchandise from previously prepared materials such as, but not limited to: bone, canvas, cellophane, cloth, cork, elastomers, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastic, rubber, precious or semi-precious metals or stone, sheet metal, shell, textiles, tobacco, wax, wire, wood, and yarns.
 6. Pottery and figurines or other similar ceramic product using only previously pulverized clay, and kilns fired only by electricity or gas.

7. Musical instruments, toys, novelties, and metal or rubber stamps or other molded rubber products, electrical appliances, electronic instruments and devices, radios, phonographs, televisions, hardware, and cutlery.
- (b) Printing, lithography, blueprinting, and similar uses.
- (c) Warehousing and wholesale establishments and trucking facilities.
- (d) Frozen food lockers.
- (e) Tool, die, gauge, metal polishing, and machine shops.
- (f) Storage facilities for materials, sand, gravel, stone, lumber, and contractor's equipment and supplies. However, outdoor storage of any materials and supplies is regulated under Section 12.03(e).
- (g) Vehicular repair garages, auto engine and body repair, and undercoating shops subject to the following:
 1. All operations and storage of supplies and new and discarded automobile parts shall take place within a wholly enclosed building and no such building shall be located within two hundred (200) feet of any AG, RP, R-1, R-2, R-3 or R-4 District.
 2. The entire lot, excluding areas occupied by landscaping and buildings, shall be hard-surfaced with concrete or bituminous material.
 3. No vehicle shall be stored on the premises for more than five (5) business days. The sale or rental of new or used cars, trucks, trailers, and any other vehicles on the premises is prohibited.
- (h) Central dry cleaning plants or laundries.
- (i) Mini-warehouses and self-storage facilities subject to the following:
 - (1) All storage shall be contained within a wholly enclosed building.
 - (2) The entire site, exclusive of access drives, shall be enclosed with a six (6) foot fence or masonry wall, constructed in accordance with the Building Code.
 - (3) A greenbelt with a minimum width of twenty (20) feet shall be required adjacent to any street. Landscaping shall be provided in conformance with Section 3.17(b).
 - (4) The exterior of any mini-warehouse or self-storage facility shall be of finished quality and design, compatible with the design of structures on surrounding property.

- (5) Where a drive serves storage units, one-way driveways shall be designed with one ten (10) foot wide loading/unloading lane and one ten (10) foot travel lane, and all two-way driveways shall be designed with one ten (10) foot wide loading/unloading lane and two (2) ten (10) foot travel lanes.
- (j) Experimental, testing, or film laboratories but excluding any use which involves or utilizes materials, processes, or substances which are radioactive, explosive, volatile, or corrosive as a substantial portion of the finished product. This subparagraph shall not preclude the use of paints, thinners, chemicals, or products normally associated with manufacturing, if appropriate provisions are made for their storage, handling, use, and disposal.
- (k) Veterinary hospitals and kennels subject to the provisions under Section 5.04(b).
- (l) Trade schools, training centers, and industrial clinics.
- (m) Motor freight terminal buildings, freight forwarding buildings, including storage or parking of related vehicles. Maintenance and repair of vehicles is regulated under Section 12.02(g).

SECTION 12.03. USES PERMITTED AFTER SPECIAL APPROVAL. The following uses may be permitted by the Township Board following the review and recommendation by the Planning Commission, subject to the conditions specified for each use below, and further subject to the provisions of Chapter 19.

- (a) Airports or landing fields, subject to the following:
 - 1. Such use will not adversely affect existing or future development of the district, or the safety of the citizens of the Township.
 - 2. Such facility complies with all applicable state and federal aviation safety requirements.
 - 3. Such facility shall be located no closer than one thousand (1,000) feet to any schools, churches, hospitals, lodges, civic buildings, or other public meeting place.
 - 4. The takeoff and landing pattern within one thousand (1,000) feet of the end of the runway does not pass over an occupied structure and is secured by right of ownership or easement to ensure that future structures shall not be located within the area prescribed one thousand (1,000) feet.
 - 5. All landing strips shall be at least two hundred (200) feet from any property line.
- (b) Electric and gas service building and yards, public utility buildings, telephone exchange buildings, electrical transformer stations and substations, and gas regulator stations, water supply and sewage disposal plants, water and propane tank holders, railroad buildings transfer and storage tracks, loading and storage facilities, and off-street vehicular parking.

- (c) Storage within enclosures of liquid and solid fuels, subject to the following:
1. All storage tanks for flammable liquid above ground shall be located at least fifty (50) feet from all property lines, and shall be completely surrounded by earth embankments, dikes, or other type of approved retaining wall capable of containing the total capacity of all tanks involved.
 2. Below-ground storage tanks shall be located no closer than fifty (50) feet from any property line, and shall be registered with the Michigan Department of Natural Resources in accordance with Michigan P.A. 165 of 1985, as amended.
 3. The storage and handling of all flammable liquids and liquefied petroleum gases shall comply with the State Fire Prevention Act, Michigan P.A. 207 of 1941, as amended.
- (d) Outdoor storage of equipment, raw materials and supplies, or finished or semi-finished products, subject to the following:
1. All such storage shall be located within a rear yard and screened with fencing in accordance with Section 3.17(c). No material shall be stored above the height of the principal building.
 2. All storage areas shall conform to all setback requirements for buildings in the I-1 District, but in no case shall outside storage be located closer than fifty (50) feet to residentially zoned property.
 3. Property access to all parts of the storage areas shall be provided for fire and emergency services.
- (e) Radio and television towers, public utility microwaves, and public utility T.V. transmitting towers, and their attendant facilities, provided that the distance from the base of any tower to all exterior property lines is not less than the height of the tower. Adequate fencing and security shall be provided to keep unauthorized persons from climbing any tower.
- (f) The manufacture or processing of any raw materials; the use of planing or rolling mills, drop hammers, forging or heat treating equipment, or any other heavy industrial equipment; the production or refining of petroleum; or any operation or process that results in excessive noise, vibration, light, dust, truck traffic, or similar conditions.
- (g) The storage of inoperable vehicles, scrap metal, old iron, paper, rags, and junk; auto salvage and metal reclamation yards; and ore and coal dumps; subject to the following:
1. The minimum lot size for junk yards shall be three (3) acre.

2. The portions of the lot on which junk materials are placed or stored shall conform to all setback requirements for buildings in the I-1 District, but in no case shall junk yards be located within three hundred (300) feet of any residentially zoned district.
 3. All roads, driveways, parking lots, and loading and unloading areas shall be paved or treated in a manner approved by the Township Building Inspector so as to confine any wind-borne dust to within the boundaries of the site.
 4. No entrance to such sites shall be located closer than one hundred (100) feet to the intersection of any two (2) streets as measured along the road right-of-way line.
- (h) Heating and electric generation plants.
- (i) Any other use which shall be determined by the Township Board after recommendation from the Planning Commission, to be of the same general character as the above permitted uses. The Township may impose any required setback and/or performance standards so as to ensure public health, safety, and general welfare.

SECTION 12.04. AREA REGULATIONS. No building or structure, nor any enlargement thereof shall be hereafter erected except in conformance with the following area regulations:

- (a) **Lot Area and Width.** There shall be a minimum lot width of eighty (80) feet. The minimum lot area shall be determined by the use and the required off-street parking, loading, screening, or greenbelts, and yard setbacks in accordance with this Ordinance.
- (b) **Front Yard.** There shall be a front yard of not less than seventy-five (75) feet. Such front yard may be used for driveways, parking, and permitted signs; provided that no parking areas are located closer than fifteen (15) feet to the street right-of-way line.
- (c) **Side Yards.**
1. Whenever a lot within this district is contiguous to another zoning district, there shall be a side yard along such district of not less than twenty-five (25) feet.
 2. Whenever a lot is a corner lot, there shall be a side yard along the street of not less than seventy-five (75) feet.
 3. In all other cases, side yards shall not be less than ten (10) feet.
 4. Notwithstanding Item 3 above, the Planning Commission may authorize, upon proper application, the construction of a building or structure with its wall located on the lot line and no side yard shall be required; provided that building walls are built of fire-retardant construction.

- (d) **Rear Yard.** Where a rear yard abuts a commercial or industrial zoning district, the rear yard shall be not less than twenty (20) feet in depth. In all other cases, a rear yard of fifty (50) feet shall be provided.
- (e) **Obscuring Greenbelt or Fence.** Wherever a commercial use abuts an AG, RP, or any residential zoning district, an obscuring greenbelt or fence shall be provided and maintained in accordance with Section 3.17(c).
- (f) **Abutting the Grand River.** Along all sides of a property which abuts the Grand River, a yard of one hundred fifty (150) feet shall be maintained. Further, the provisions of the Flood Plain Overlay District (Chapter 13) may apply.

SECTION 12.05. HEIGHT REGULATIONS. No building or structure shall exceed two and one-half (2-1/2) stories or thirty-five (35) feet in height, whichever is less. See Section 3.14 for exceptions to height regulations.

SECTION 12.06. DEVELOPMENT STANDARDS.

- (a) **Required Conditions.** Except as otherwise noted for specific uses, buildings and uses in the I-1 District shall comply with the following required conditions:
 1. All manufacturing, compounding, assembling, processing, packaging, or other industrial or business activity shall comply with Section 3.21.
 2. All manufacturing, compounding, assembling, processing, packaging, or other industrial or business activity shall be conducted within a completely enclosed building, except as otherwise specified.
 3. The facade of all buildings shall be finished with face brick wood, glass, stone, fluted cement, or stucco-like material. Cement or cinder block facades shall not be permitted. In recognition of developing technologies in building materials, the Planning Commission may agree to approve other materials provided they are compatible with surrounding properties, and further provided that such materials meet appropriate aesthetic and safety concerns.
 4. Exterior walls facing all public or private rights-of-way or customer parking areas, shall have a finished appearance, using the same materials as used on the front of the building. Wherever possible, meter boxes, dumpsters, and mechanical equipment should not be located on a side of the building that faces residentially-zoned or used property, or public street rights-of-ways.
- (b) **Site Plan Review.** Site plan review and approval is required for all uses in accordance with Chapter 18.

- (c) **General Standards.** Buildings and uses in I-1 Districts shall be subject to all other applicable standards and requirements of this Ordinance including the General Provisions (Chapter 3), Nonconformities (Chapter 17), Off-Street Parking (Chapter 15), Landscaping (Chapter 3), and Sign Regulations (Chapter 16).

CHAPTER 13

F FLOOD PLAIN DISTRICT

SECTION 13.01. DESCRIPTION AND PURPOSE. This zoning district is intended to control the placement and modification of buildings and structures and the use of land in areas subject to periodic inundation. The district is located as designated on the Flood Insurance Rate Map (FIRM) as prepared by the Federal Emergency Management Agency, or its successor, as amended from time to time.

As the density of the population in the Township increases and rural areas develop, the replacement of open land with streets and buildings will likely increase the amount of water runoff. It is, therefore, the purpose of this zoning district to preserve drainage basins in the Township; prevent building in areas subject to flooding; reduce loss of life, damage to property, and disruption to economic activities as a result of flooding; and generally minimize the adverse effect of flooding on the general welfare of the community. The purposes of this district will be accomplished by requiring compliance with all permitting requirements of the State of Michigan (generally enforced by the Michigan Department of Environmental Quality, or successor agency) and the United States Government (generally enforced by the United States Army Corps of Engineers and/or the Michigan Department of Environmental Quality, or successor agencies) including the requirements of the State of Michigan and the United States Government concerning areas designated as floodplains or floodways on FIRMs.

SECTION 13.02. SCOPE. This chapter shall be deemed to apply in addition to, and where applicable to take precedence over, the provisions, conditions, and restrictions of other resolutions, ordinances, codes or zoning districts of the Township sufficient to fulfill the purpose and intent of this chapter. All other such resolutions, ordinances or codes as are in conflict with this Chapter are repealed to the extent of such conflict.

SECTION 13.03. PERMITTED USES. For all real property located in whole or in part in the F District, the underlying zoning classifications and requirements shall continue to apply. In addition to the underlying zoning classifications and requirements, for all real property located in whole or in part in the F District, no building permits shall be issued unless the owner of the real property provides to the Township Supervisor or the Supervisor's designee either (1) valid permits issued by the MDEQ or its successor agency (for State of Michigan requirements) and the United States Army Corps of Engineers or successor agency (for Federal requirements) for the construction that is the subject of the requested building permit which permits allow the proposed construction in the F District, or (2) written statements from the MDEQ and the United States Army Corps of Engineers (or successor agencies) (may be single joint statement) stating that MDEQ and the United States Army Corps of Engineers do not have any authority over the construction that is the subject of the requested building permit or that the construction does not require a permit from the MDEQ or the United States Army Corps of Engineers. Nothing in this Section shall be interpreted to lessen, replace or supplant the existing requirements of the Building Code of the State of Michigan as those requirements are

enforced by the Township through Ordinance No. 2. The requirements of this Section are in addition to the requirements of the Building Code of the State of Michigan.

CHAPTER 14

PUD PLANNED UNIT DEVELOPMENT DISTRICT

SECTION 14.01. DESCRIPTION AND PURPOSE. This Chapter provides enabling authority and standards for the submission, review, and approval of applications for Planned Unit Developments (PUD). It is the intent of this Chapter to authorize the consideration and use of Planned Unit Development Regulations for the following purposes:

- (a) To encourage the use of land in accordance with its character and adaptability.
- (b) To promote the preservation and conservation of natural features and resources.
- (c) To encourage innovation in land use planning and development.
- (d) To promote the enhancement of housing, employment, shopping, traffic circulation, and recreational opportunities for the people of the Township.
- (e) To promote and ensure greater compatibility of design and use between neighboring properties and to coordinate architectural styles, building form, and structural relationships within developments.
- (f) To provide for the regulation of legal land uses not otherwise authorized within this Ordinance.
- (g) To encourage underground utilities which can be more efficiently designed when master planning a larger area.
- (h) To facilitate phased construction with the knowledge that subsequent phases will be approved as originally planned and approved by the Township.

The provisions of this Chapter are not intended as a device for ignoring the Zoning Ordinance or the planning upon which it has been based. To that end, provisions of this Chapter are intended to result in land use development substantially consistent with the underlying zoning, with modifications and departures from generally applicable requirements made in accordance with standards provided in this Chapter to ensure appropriate, fair, and consistent decision-making. A Planned Unit Development must comply with this Chapter.

SECTION 14.02. EFFECT OF "PLANNED UNIT DEVELOPMENT" DESIGNATION. The approval of a Planned Unit Development application shall require an amendment to the Zoning Ordinance to revise the zoning map and designate the subject property "PUD, Planned Unit Development." An approval granted under this Chapter, including all aspects of the final site development plan and conditions imposed on it, shall constitute an inseparable part of the zoning ordinance.

SECTION 14.03. PUD AUTHORIZATION. A Planned Unit Development may be approved by the Township Board in any location within Tallmadge Township. Any land use authorized in this Ordinance may be included in a Planned Unit Development, as a principal or accessory use, as well as any other legal land use not otherwise authorized in this Ordinance, provided that the purpose and requirements of this Chapter are met; that adequate public health, safety, and welfare protection mechanisms are designed into the development; and further subject to the following qualifying conditions:

- (a) **Minimum Size.** In order to be eligible for PUD rezoning, the proposed area shall consist of a minimum of ten (10) acres except in the case of a two-family dwelling project for which the minimum area requirement shall be one (1) acre.
- (b) **Conditions for Consideration and Approval.** A proposed Planned Unit development must demonstrate the following:
 - 1. The Planned Unit Development will result in a recognizable and substantial benefit to the ultimate users of the project and to the Township in general where such benefit would otherwise be unfeasible or unlikely to be achieved.
 - 2. In relation to underlying zoning, the proposed type and density of use shall not result in a material increase in the need for public services, facilities, and utilities, and shall not place a material burden upon the subject or surrounding land or property owners and occupants or the natural environment.
 - 3. The proposed development shall be compatible with the Master Plan of the Township and shall be consistent with the intent and spirit of this Ordinance.
 - 4. In relation to underlying zoning, the proposed development shall not result in an unreasonable negative economic impact upon surrounding properties.
 - 5. The proposed development shall contain at least as much green area and usable open space as would otherwise be required by this Ordinance with respect to the most dominant use in the development.
 - 6. The proposed development shall be under single ownership or control such that there is a single person or entity having responsibility for completing the project in conformity with this Ordinance. This provision shall not prohibit a transfer of ownership or control upon due notice to the Township Clerk.

SECTION 14.04. PUD DEVELOPMENT STANDARDS.

- (a) **Density.** In each case, the maximum number of dwelling units and development density allowed within a PUD project shall be determined by the Township Board after review by the Planning Commission. Such determination shall be consistent with the Township's Master Plan, the standards contained in this ordinance, and the impact such density would have upon the water supply and sewer service, storm drainage, road capacity, traffic, parks and recreation, fire and police services, schools, character of the area, and any planned

public and private improvements in the area. However, in no case shall the density of dwelling units or other uses be increased by more than the density which would be permitted on the subject property based on the 'Land Use Recommendations' found in the Township's Master Plan.

- (b) **Mixed Uses.** In any PUD, non-residential uses in underlying areas zoned for residential purposes may be permitted with a residential component to the extent the applicant demonstrates by expert analysis and the Township Board finds, at its discretion, that such uses are compatible. Non-residential uses, including parking lots and driveways serving them, shall be separated and buffered from residential units in a manner consistent with Section 3.17(c). In addition, a greenbelt of at least thirty (30) feet wide shall be required when nonresidential uses abut a residential area, school site, park, or similar area.
- (c) **Street Provisions and Vehicular Access.** Each lot, main building, and principal use within the Planned Development district shall have vehicular access from a public street. Adequate provision shall be made for dedications of land for streets and essential services.
- (d) **Required Yards and Common Areas.** All required yards and common areas shall be landscaped and adequately and permanently maintained by the property owner, tenant, or organization responsible for maintaining common areas.

Through an irrevocable conveyance, such as deed restrictions or covenants that run with the land, the developer shall assure that all yards and common areas will be developed in accordance to the site plan and never changed to another use. Such conveyance shall:

1. Provide for the privately-owned open space to be maintained by private property owners with an interest in the open space. Maintenance standards and a maintenance schedule shall be included.
 2. Provide for assessment of the private property owners by the Township for the cost of maintenance of the open space in the event that it is inadequately maintained and becomes a public nuisance.
- (e) **Natural Resources and Features.** The development shall be designed to incorporate and promote the preservation of natural resources and features. Natural resources and features may not be impaired or destroyed unless it is in the public interest to do so. The removal or extraction of sand, gravel, soil, rock, minerals, and similar natural resources or the reshaping, enlarging, straightening, damming or diminution of lakes, waterways, ponds, or other bodies of water may only be permitted when such action will prepare or render the premises suitable for an ultimate use permitted under the terms of this Section. In determining whether such action is in the public interest, the benefit which would reasonably be expected shall be balanced against the reasonably foreseeable detriments of the activity. The extent to which the proposal is able to replace or ameliorate impaired or lost resources and features shall be considered in making this determination. Also, all soils and mineral extraction shall take place in conformance with the Township's Soil Removal Ordinance.

(f) **Underlying Zoning Regulations.**

1. Unless specifically waived by the Township Board, upon the recommendation of the Planning Commission under the provisions of subsection 2 below, the regulations of the underlying zoning district relative to lot size, lot width, yard area, structure height, setback, parking and loading, landscaping, general provisions, and to other improvements and facilities shall apply; except that for projects within an underlying residential district which are proposed to contain mixed uses, the most restrictive district regulations within this Ordinance under which each non-residential use would otherwise be permitted shall apply.
2. Consistent with the Planned Unit Development concept and to encourage flexibility and creativity in development, departures from compliance with the regulations outlined in subsection 1 above may be granted at the discretion of the Township Board as part of the approval of a Planned Unit Development. Such departures may be authorized only if there are alternate features or planning mechanisms designed into the project for the purpose of achieving the objectives intended to be accomplished by each of the regulations from which a departure is sought.

SECTION 14.05. PUD DESIGN CONSIDERATIONS.

A proposed Planned Unit Development shall take into account the following specific design considerations, as they are necessary to ensure compliance with all applicable regulations and to ensure the compatibility of the project with adjoining properties and the general area in which the property is located.

- (a) Perimeter setbacks.
- (b) Street drainage and utility design with respect to location, availability, ownership, and compatibility.
- (c) Underground installation of utilities.
- (d) Insulation of pedestrian ways from vehicular streets and ways.
- (e) Achievement of integrated and harmonious development with respect to signs, lighting, landscaping, and construction materials.
- (f) Noise reduction and visual screening mechanisms for adjoining residential uses.
- (g) Ingress and egress to the property with respect to automotive and pedestrian safety and convenience, traffic flow and control, street capacity, and emergency access.
- (h) Off-street parking, loading, refuse, and other service areas with respect to ingress and egress and the potential effects of noise, glare, vibration, and odor emanating from such facilities on adjoining properties and uses.
- (i) Screening and buffering with respect to dimensions and character.
- (j) Yard areas and other open space.

- (k) Density and intensity of development expressed in terms of percent of gross and net land area coverage and gross and net housing units per acre and the height of buildings and other structures.
- (l) The preservation of natural resources and natural features.
- (m) Architectural design and transitional use techniques incorporated into the proposal to minimize or ameliorate potential land use conflicts thereby facilitating the integration of the proposed use with surrounding uses.

SECTION 14.06. APPLICATION AND PROCESSING PROCEDURES.

- (a) **Preapplication Conference.** Prior to the submission of an application for Planned Unit Development, the applicant shall meet with the Township Supervisor, Building Inspector, and such consultants as either deemed appropriate. The applicant shall present at such conference, or conferences, a sketch plan of the Planned Unit Development, and the following information:
 1. A legal description of the property in question.
 2. The total number of acres to be included in the project.
 3. A statement of the approximate number of residential units and/or the approximate number, type, and square footage of non-residential units.
 4. The approximate number of acres to be occupied and/or devoted to or by each type of use.
 5. Departures from the regulations of the Ordinance which will be requested.
 6. The number of acres to be preserved as open space or recreation space.
 7. All known natural resources and features (wetlands, trees, scenic views, etc.) to be preserved, lost, or replaced.

The purpose of the meeting is to inform Township and other officials of the concept of the proposed development and provide the potential applicant with information regarding land development policies, procedures, and requirements of the Township in terms of the proposed development. To this end, the applicant is encouraged to present schematic plans, site data, and any other information that will explain the proposed development.

Statements made at the pre-application conference shall not be legally binding commitments.

- (b) **Preliminary Development Plan - Submission and Content.** Following the above conference or conferences, copies of a preliminary site development plan and application for a PUD rezoning request shall be submitted. The submission shall be made to the Township Supervisor who shall present it to the Planning Commission for consideration at a regular or special meeting. The plan shall be accompanied by an application form and fee as determined by the Township Board. The Preliminary Development Plan shall contain the following information unless specifically waived by the Township Supervisor:

1. Applicant's name and address.
2. The name of the proposed development.
3. Common description of property and complete legal description.
4. Dimensions of land: width, length, acreage, and frontage.
5. Existing zoning and land use of the proposed site and all adjacent properties.
6. Statement of intent of proposed use of land and any phasing of the project.
7. Name, address, and phone number of: firm or individual who prepared the plan; owner of the property; and applicant, if other than owner.
8. Existing and proposed right-of-way width of all adjoining and internal roads, and layout of all internal roads.
9. Proposed acceleration, deceleration, and passing lanes.
10. Location of existing drainage courses, floodplains, lakes, streams, and wetlands.
11. Intentions with respect to water, sewer, and storm drainage.
12. All parking areas and number of spaces by size.
13. The number and location of areas to be preserved as open or recreational space.
14. All known natural resources and natural features and those to be preserved.
15. Gross and net density calculations, number, and types of units, and habitable floor area per unit (if applicable).
16. Concept Plan illustrating PUD concept, including each proposed use, square footage, or acreage allocated to each use, approximate locations of each principal structure and use, setbacks, and typical floor plan and elevation for each building.
17. Specifications of each deviation from the applicable ordinance regulations which will be sought to be approved, and the safeguards, features, and/or planning mechanisms proposed to achieve the objectives intended to be accomplished by the regulations from which a deviation is being sought.

- (c) **Preliminary Development Plan - Planning Commission Review.** The Planning Commission shall review the preliminary development plan and shall make reasonable inquiries of the applicant. This review shall begin within thirty (30) days of receipt of all materials required in the application unless an extension is mutually agreed upon between the Planning Commission and the applicant.

Following review of the preliminary development plan, the Planning Commission shall make its recommendations on findings of fact relative to Section 14.03 of this Chapter, along with any comments and recommended modifications to the plan relative to Sections 14.04 and 14.05. These shall be made part of the official minutes of the Planning Commission.

- (d) **Transmittal of Planning Commission Recommendations.** The Planning Commission shall transmit its recommendation and comments relative to the preliminary development plan to the applicant. A copy of the Planning Commission recommendations, together

with the Preliminary Development Plan, shall also be forwarded to the Township Clerk who shall notice the preliminary plan for public hearing as provided in Section 19.05 of this Ordinance, except that such hearing shall be held by the Township Board.

- (e) **Preliminary Development Plan - Township Board Review - Required Public Hearing.** Within a reasonable time following the required public hearing, the Township Board shall approve, approve with conditions, or deny the preliminary plan. The effect of the approval, or approval with conditions, shall be to authorize the concept embodied in the preliminary plan, subject to submission, review, and approval of the final plan as provided below. In reviewing the preliminary plan, the Township Board shall make a finding and determination with respect to compliance with the PUD Standards set forth in Sections 14.03, 14.04 and 14.05 of this Chapter, and generally review and determine whether the basic concept of the proposal is consistent with the intent and spirit of this Chapter. Inasmuch as the specific details of a project plan are at the very essence of the concept of Planned Unit Development, approval of the preliminary plan shall not constitute a final approval, and preliminary plan approval shall be subject to review and approval of the final plan as further provided for in this Chapter.
- (f) **Final Development Plan Submission.** Within six (6) months following receipt of Preliminary Plan Approval, the applicant shall submit to the Planning Commission five (5) copies of a final plan, conforming with Section 14.06 (g) below. This plan shall constitute an application to amend this Ordinance and shall be noticed for public hearing before the Planning Commission pursuant to Section 22.01. If the final plan has not been submitted within such period, the preliminary plan approval shall lapse and the applicant must recommence the review process. The Township Board may extend the time for submission of the final plan upon a showing by the applicant that no material change of circumstance has occurred.
- (g) **Contents of Final Plan Application.** An application for final PUD approval shall include all of the information required in Section 14.06 (b)(1) through (17) and the following:
1. A final site plan meeting all the requirements for site plan contents under Chapter 18 of this Ordinance.
 2. All open spaces, including preserves and recreational areas, and each proposed use for such areas.
 3. Summary of all deviations from this Ordinance which would otherwise be applicable to the uses and development proposed in the absence of this Planned Unit Development Chapter. This shall include ordinance provisions from which deviations are sought, and if the applicant elects to be governed by Section 14.04(f)(2), the reasons and mechanisms to be utilized for the protection of the public health, safety, and welfare in lieu of the regulations from which deviations are sought shall be specified.
 4. The Township Board may, after recommendation of the Planning Commission, require one or more of the following as part of final Development plan submission:
 - Evidence of market need for the use(s) and economic feasibility of the project.

- A Traffic Impact Assessment.
- An Environmental Impact Assessment.
- A Fiscal Impact Assessment.

Any of the above studies, if required, shall be conducted by consultants retained by the Township. The applicant shall be required to reimburse the Township for any expenses incurred in the preparation of the study(s).

SECTION 14.07. PLANNING COMMISSION - FINAL ACTION. After a public hearing, the Planning Commission shall recommend that the proposed project be approved, denied, or approved with conditions. The recommendation shall be based on review and findings of fact with respect to the standards and guidelines included in or referenced in this Chapter.

SECTION 14.08. TOWNSHIP BOARD - FINAL ACTION. After receiving the recommendation of the Planning Commission, the Township Board shall either approve, deny, or approve with conditions the PUD application and final site plan.

(a) **Conditions.** In approving a Planned Unit Development, the Township Board may impose reasonable conditions which include but are not limited to conditions necessary to ensure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, protect the natural environment and conserve natural resources and energy, ensure compatibility with adjacent uses of land, and promote the use of land in a socially and economically desirable manner. Conditions imposed shall meet all of the following requirements:

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

(b) **Record of Conditions.** The conditions imposed with respect to the approval of a PUD shall be recorded in the record of the approval action and shall remain unchanged except upon the mutual consent of the Township Board and the applicant. The approving Township Board shall maintain a record of conditions which are changed. The final development plan, as approved, shall act as a restriction upon the development. The development must conform with the final development plan.

SECTION 14.09. PERFORMANCE GUARANTEES. The Township Board, after recommendation from the Planning Commission or at its own discretion, may require a performance bond or similar guarantee in accordance with Section 18.12.

SECTION 14.10. PHASING AND COMMENCEMENT OF CONSTRUCTION.

- (a) **Phasing.** If a project is proposed for construction in phases, the planning and design shall be such that, upon completion, each phase shall be capable of standing on its own in terms of the presence of services, facilities, and open space and shall contain the necessary components to ensure protection of natural resources and the health, safety, and welfare of the users of the Planned Unit Development and the residents of the surrounding area. In addition, in developments which include residential and non-residential uses, phasing shall provide that at least thirty-five (35) percent of all proposed residential units are completed concurrent with the first phase of any non-residential construction; completion of at least seventy-five (75) percent of all proposed residential construction prior to the second phase of non-residential construction; and completion of one hundred (100) percent of all residential construction prior to the third or final phase of non-residential construction. The percentages shall be approximations and determined at the discretion of the Township Board. The percentages may be significantly varied should the Township Board determine that the applicant has presented adequate assurances that the residential component or components of the project shall be completed within a specified period.

- (b) **Commencement and Completion of Construction.** Construction shall be commenced within one (1) year following final approval of a Planned Unit Development or within one (1) year of any other necessary governmental approval for commencement of the project, whichever is later, provided all other necessary approvals have been actively pursued. If construction is not commenced within such time, approval of the final plan for the project shall expire. An extension for a specified period may be granted by the Township Board upon good cause shown if such request is made to the Township Board prior to the expiration of the initial period. Moreover, in the event a final plan has expired, the Township Board may rezone the property in any reasonable manner following Planning Commission recommendation and a public hearing in accordance with Section 20.07. If a final plan has expired and, at the discretion of the Township Board, the property remains classified as Planned Unit Development, prior to the commencement of construction, a new application shall be required and shall be reviewed in light of the then prevailing conditions and applicable law and ordinance provisions.

SECTION 14.11. EFFECT OF APPROVAL. The Planned Unit Development amendment and all conditions imposed, if any, shall constitute the land use authorization for the property. All improvements and uses shall be in conformity with this amendment. The applicant shall record an affidavit with the Ottawa County Register of Deeds which shall contain the following:

- (a) Date of approval of the PUD by the Township Board.
- (b) Legal description of the property.
- (c) Legal description of the required open space along with a plan stating how this open space is to be maintained.
- (d) A statement that the property will be developed in accordance with an approved PUD site plan and any conditions imposed by the Township Board unless an amendment thereto is duly approved by the Township upon the request and/or approval of the applicant or

applicant's transferee's and/or assigns. Notice of any amendments shall be similarly recorded.

SECTION 14.12. REVISION OF APPROVED PLANS.

- (a) **General Revisions.** Approved final plans for a Planned Unit Development may be revised in accordance with the procedures set forth in Section 14.06 and 14.07.

Major changes include, but are not limited to, increases in density, land area, or building size; the addition of uses not authorized by the original Planned Unit Development approval; the rearrangement of lots, blocks, or building tracts; changes in the character or function of a street; and changes in the concept of the development.

- (b) **Minor Changes.** Notwithstanding sub-section (a) above, minor changes may be approved by mutual agreement of the applicants or successors in interest and the Planning Commission, provided the changes comply with all applicable requirements of the Zoning Ordinance and all other Township regulations or State law, and subject to a finding by the Planning Commission that:

1. Such changes will not adversely affect the initial basis for granting approval.
2. Such minor changes will comply with all applicable requirements of this Zoning Ordinance and all other Township regulations or state law, and will not adversely affect the overall Planned Unit Development in light of the description and purpose of such development as set forth in Section 14.01.

SECTION 14.13. APPEALS/VARIANCES. The Board of Appeals is without jurisdiction to accept appeals or grant variances with respect to an approved Planned Unit Development or from the regulations of the PUD Planned Unit Development District.

SECTION 14.14. OTHER REQUIRED PROCEDURES AND APPROVALS.

- (a) **Platting.** Where provisions of Michigan Public Act 288 of 1967 as amended (Subdivision Control act and the Tallmadge Township Subdivision Control Ordinance) apply to PUD projects, the proprietor shall be required to make application for plat approval subsequent to final PUD approval.
- (b) **Site Condominium Subdivision Proposals.** Where a Planned Unit Development is to involve the technique of Site Condominium Subdivision, approval of the site condominium subdivision may be accomplished through the application, review, and approval process outlined in this Chapter as part of the PUD application for rezoning.
- (c) **Issuance of a Building Permit.** To insure conformance to an approved Planned Unit Development Plan, each principle structure or use indicated on an approved Planned Unit Development Plan shall be subject to review and approval under the provisions of Section 20.04, prior to the issuance of a building permit.

CHAPTER 15
OFF-STREET PARKING AND LOADING REQUIREMENTS

SECTION 15.01. DESCRIPTION AND PURPOSE. The purpose of this chapter is to recognize that automobile and motor vehicles, while necessary to the social and economic development and well-being of the community, often cause conditions and problems of parking and storage which can have negative impact on the safety, appearance, health, and welfare of the community. It is the purpose of this chapter to provide minimum standards for the parking and storage of automobiles and motor vehicles to minimize their negative impacts on the community.

SECTION 15.02. SCOPE. The conditions and requirements of this chapter are minimum and apply to all zoning districts.

In all zoning districts, off-street parking facilities shall be provided for the storage and parking of motor vehicles and automobiles for the use of occupants, employees, and patrons of all residences, buildings, structures, businesses, or other establishments erected, constructed, or commenced after the effective date of this Ordinance. Such space (or spaces) shall be maintained and not be encroached upon so long as the building, structure, business, or enterprise remains, unless an equivalent number of such spaces are provided elsewhere, in conformance with this Ordinance.

SECTION 15.03. GENERAL REQUIREMENTS. In all zoning districts, off-street vehicle parking facilities shall be provided and maintained as follows:

- (a) **Off-Street Parking for One and two-family Dwellings.** Off-street parking facilities required for one and two-family dwellings shall consist of a parking strip, driveway, garage, or combination thereof and shall be located on the premises they are intended to serve subject to the provisions of Section 3.02 (Accessory Uses). No parking shall be permitted in the required front yard except on a driveway which leads to an approved parking space.
- (b) **Off-Street Parking for Non-Residential Uses.** Off-street parking facilities required for non-residential uses shall be located on the same lot or parcel as the building or use they are intended to serve, or within three hundred (300) feet of such building or use measured from the nearest point of the building to the nearest point of the off-street parking lot. Ownership or a use easement, duly recorded with the County Register of Deeds, shall be shown for all land areas intended for use as parking by the applicant.
- (c) **Location on Site.** Any public or private parking area located in the C-1, C-2 or I-1 Zoning Districts, regardless of the number of spaces provided, shall be set back from all road right of way lines according to the minimum setback requirements of the applicable zoning district.

In the RP, R-1, R-2, R-3 and R-4 zoning districts, off-street parking may be located only within a side or rear yard. In the AG, C-1, C-2, and I-1 zoning districts, off-street parking may be permitted in a front, side, and rear yard. A parking area may be paved to the property line in a side yard in the C-1, C-2 or I-1 Districts.

- (d) **Designated Parking Facilities.** Any area once designated as required off-street parking shall never be changed to any other use, unless or until equal facilities are provided elsewhere. Off-street parking facilities in existence at the effective date of this Ordinance shall not be reduced below the requirements for the use or building served as set forth in this Ordinance.
- (e) **Collective Off-Street Parking.** Two or more buildings or uses may collectively provide the required off-street parking; in which case, the required number of parking spaces shall not be less than the sum of the requirements for the individual uses computed separately.
- (f) **Non-Overlapping Operating Hours.** In the instance of land uses requiring off-street parking spaces where operating hours of the uses do not overlap, the Zoning Board of Appeals may grant an exception to the individual provisions of Section 15.06.
- (g) **Storage:**
 - 1. Except as provided under subsection 2 below, a parking lot may not be used for the storage or parking of trailers, mobile homes, travel trailers, boats, boat trailers, or junked or wrecked vehicles of any type; for the storage of merchandise or industrial equipment or material; or as a dump for refuse of any description.
 - 2. The parking out-of-doors of motor vehicles which are used as part of a permitted commercial or industrial use, including automobiles, trucks, or trailers, are permitted outside normal business hours of such commercial or industrial use; provided no more than a total of six (6) automobiles and four (4) commercial trucks or trailers shall be permitted. The outdoor storage of more than six (6) automobiles and four (4) trucks or trailers shall be permitted only after special use approval by the Township Board after review and recommendation by the Planning Commission in accordance to the provisions of Chapter 19.
- (h) **Repair Prohibited.** No repairs or service to vehicles shall be permitted on areas designated as required off-street parking.
- (i) **Display of Vehicles for Sale.** The parking of motor vehicles, recreational vehicles, and trailers which are possessed expressly and solely for sale by persons or businesses licensed by the State of Michigan for such sales is permitted when in accordance with the provisions of Section 11.03(c). Otherwise, the display of vehicles for sale in designated off-street parking areas is prohibited.
- (j) **Duration.** Except when land is used as permitted storage space in direct connection with a business, a twenty-four (24) hour time limit for the parking of vehicles in non-residential off-street parking areas shall prevail.
- (k) **Use of Loading Space.** Loading spaces, as required under Section 15.09, shall not be counted or used for required parking.

- (l) **Fractional Requirements.** When units or measurements determining number of required parking spaces result in requirement of a fractional space, any fraction up to and including one-half shall be disregarded and fractions over one-half shall required one (1) parking space.
- (m) **Uses Not Specified.** For those uses not specifically mentioned under Section 15.06, the requirements for off-street parking facilities shall be in accord with a use which the Planning Commission considers to be similar in type.

SECTION 15.04. REQUIRED PARKING SPACES AND AISLES. All off-street parking facilities required by this Ordinance shall be of adequate size and design to provide safe and reasonably direct ingress and egress from an alley or street. The minimum standards for parking spaces and aisles are indicated in the table below. The average parking area, consisting of one parking space with maneuvering aisle, shall be three hundred (300) square feet.

MINIMUM PARKING SPACE AND MANEUVERING AISLE STANDARDS

Parking Pattern	Lane Width		Parking Space Width ¹ (ft)	Parking Space Length ² (ft)	Total Width of Two Tiers Plus Lane	
	One-way (ft)	Two-way (ft)			One-way (ft)	Two-way (ft)
Parallel	12	18	9	25	30	36
30°-53°	12	20	9	21	47	55
54°-74°	13	24	9	21	49	60
75°-90°	15	26	9	20	55	66

¹ Measured Perpendicular to the space centerline.

² Measured along the space centerline.

SECTION 15.05. PARKING LOT LAYOUT AND CONSTRUCTION. Off-street parking facilities containing five (5) or more spaces shall be designed, constructed, and maintained in accordance with the following requirements:

- (a) **Review and Approval Requirements.** Plans for the construction of any parking lot in conjunction with a new development shall be submitted for review and approval according to the normal site plan review procedures of Chapter 18. Plans shall be drawn at a scale showing existing and proposed grades, drainage, watermains and sewers, surfacing and base materials, and the proposed parking layout. The plans shall conform to the construction and design standards formally established by the Township Engineer.

Upon completion of construction, the parking lot must be inspected and approved by the Building Inspector, before a Certificate of Occupancy can be issued for the parking lot and for the building or use for which the parking is intended to serve.

In the event that required parking cannot be constructed because of cold or inclement weather, a temporary Certificate of Occupancy may be issued by the Building Inspector, provided the applicant first deposits a performance guarantee in accordance with Section 18.12.

- (b) **Access.** All spaces shall be provided adequate access by means of maneuvering aisles. Backing directly onto a street or alley shall be prohibited.
- (c) **Ingress and Egress.** Adequate ingress and egress to a parking lot shall be provided by means of clearly defined and limited drives, and such drives shall be located so as to minimize traffic congestion. Ingress and egress to a parking lot in a non-residential district shall not cross through land zoned for single-family residential use. No entrance or exit from any parking lot in a non-residential district or from a non-residential use shall be nearer than twenty (20) feet to any residentially zoned district. All driveway entrances shall conform to the minimum standards of the Ottawa County Road Commission or State Department of Transportation.
- (d) **Internal Maneuvering Drives.** Each internal maneuvering drive providing access to parking areas shall be a minimum of ten (10) feet in width. Where a turning radius is necessary, it shall be an arc that allows unobstructed vehicle flow.
- (e) **Surfacing.** All parking and loading facilities and access drives for uses other than one and two family residential uses, active farms, and accessory farm produce sales shall be provided with a pavement surface consisting of bituminous concrete or concrete. Commercial driveways shall be constructed with materials equal to or better than the standards set forth by the Ottawa County Road Commission for driveways.
- (f) **Drainage.** All off-street parking and loading areas shall be graded and drained to dispose of surface water. No surface water shall be permitted to drain onto adjoining properties, unless there is a common engineered drainage system shared with the adjoining property or an appropriate watershed easement has been obtained. No surface water drainage shall be permitted to drain across a public sidewalk.

All drainage plans shall be approved by the Ottawa County Drain Commission, the Ottawa County Road Commission, or the Township Engineer.

- (g) **Obscuring Fences or Greenbelts, and Landscaping.**
 - 1. Except when accessory to one or two family dwelling and permitted agricultural uses, each off-street parking area which abuts an RP, R-1, R-2, R-3 or R-4 zoning district shall be provided with a continuous and obscuring fence, wall, or greenbelt in accordance with the requirements of Section 3.17(c).
 - 2. Where a parking lot lies adjacent to a road right-of-way, a three (3) foot high obscuring fence, wall, or greenbelt shall be provided.

3. All land between a parking lot and the front property line or street right-of-way shall be kept free from refuse and debris and shall be landscaped with deciduous shrubs, evergreen material, and ornamental trees as per Section 3.17(b). The ground area shall be planted and kept in lawn or other live ground covering. All such landscaping and plantings shall be maintained in a healthy, growing condition, neat and orderly in appearance.
 4. In the R-3, R-4, C-1, and C-2 zoning districts, whenever a parking lot contains fifty (50) or more parking spaces, a minimum of twenty (20) square feet of internal landscaped areas for each parking space shall be provided within the parking lot, designed to break up the expanse of parking. Landscaped areas may be combined or dispersed throughout the parking lot, and shall include ornamental trees, shrubs, and other plant materials in accordance with Section 3.17(g).
- (h) **Wheel Stops.** Wheel stops or curbing shall be provided for all parking spaces to prevent any vehicle from projecting beyond the parking lot area, bumping any wall or fence, or encroaching upon any landscaping.
- In all cases where parking lots abut public or private sidewalks, continuous concrete curbing or bumper stops, at least six (6) inches high, shall be placed so that a motor vehicle cannot be driven or parked on, or hang over, any part of the sidewalk.
- (i) **Striping.** All spaces shall be outlined with three (3) inch wide strips of paint, the color of which contrasts with the parking lot surface.
 - (j) **Lighting.** With the exception of facilities for one and two-family dwellings and permitted agricultural uses, the parking and loading facilities utilized during night-time hours shall be artificially illuminated. All lighting used to illuminate any off-street area shall not exceed twenty (20) feet in height above the parking surface grade and shall be directed or shielded so as not to shine onto any adjacent properties or public rights-of-way.
 - (k) **Signs.** Accessory directional signs shall be permitted in parking areas in accordance to Chapter 16.
 - (l) **Maintenance.** All parking areas shall be maintained in good condition, free of dust, trash, debris, and refuse.
 - (m) **Additional Requirements.** In addition to the above requirements, parking areas shall comply with additional requirements or conditions which may be deemed as reasonably necessary by the Planning Commission for the protection of abutting properties in a residential district.

SECTION 15.06. TABLE OF REQUIRED NUMBER OF PARKING SPACES. The minimum number of off-street parking spaces by type of use in all zoning districts shall be determined in accordance with the following schedule:

Use	Spaces Per Unit of Measure
(a) Residential	
1. Residential one-family and two-family dwelling, including mobile homes.	Two (2) for each dwelling unit.
2. Residential, multiple-family senior citizen housing.	One (1) for each dwelling unit plus one (1) for each employee. If units revert to general occupancy, then Section 15.06(a)2 above applies.
3. Boarding, rooming, or lodging houses.	Two (2) for each three (3) guest rooms or each six (6) beds for guests, whichever amount is greater.
(b) Institutional	
1. Churches, temples, or synagogues.	One (1) for each four (4) seats, based on maximum seating capacity in the main unit of worship.
2. Hospitals.	Two (2) for each patient bed.
3. Homes for the aged, convalescent homes, sanitariums, and foster care homes.	One (1) for every two (2) beds.
4. Elementary and junior high schools.	One (1) for each teacher, employee, or administrator, in addition to the requirements for the auditorium, if provided.
5. Senior high schools and institutions of higher learning.	One (1) for each teacher, employee, or administrator and one (1) for each four (4) students, in addition to the requirements for the auditorium and stadium, if provided.
6. Community center.	One (1) for each two (2) persons who may be legally admitted at one time based on the occupancy load established by local codes, plus one (1) for each employee on the largest employment shift.

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| 7. Civic or social clubs, private clubs, or lodge halls. | One (1) for each three (3) persons allowed within the maximum occupancy load as established by local, county, or state fire, building, or health codes, whichever is greater. |
| 8. Theaters, auditoriums, and stadiums. | One (1) for each three (3) seats or each six (6) feet of bench, plus one (1) for each employee on the largest shift. |
| 9. Libraries, museums, cultural centers, or similar facilities. | One (1) for each two hundred (200) square feet of gross floor area. |
| 10. Nursery, day care, or child care centers. | One (1) for each two hundred fifty (250) square feet of usable floor space. |

Use

Spaces Per Unit of Measure

(c) Recreational

For each use below, additional spaces shall also be provided as required for restaurants, bars, clubhouses, pro shops or other affiliated facilities.

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| 1. Softball, baseball fields. | Twenty-five (25) for each playing field. |
| 2. Bowling establishments. | Six (6) for each lane plus extra spaces required for lounges, restaurants, or other accessory uses. |
| 3. Skating rinks, dance halls, banquet halls, meeting rooms, health spas, pool or billiard parlors. | One (1) for each two (2) persons who may be legally admitted at one time based on the occupancy load established by local codes, plus one (1) for each employee on the largest employment shift. |
| 4. Football and soccer fields. | Thirty (30) for each field. |
| 5. Golf course, public or private. | Five (5) for each golf hole, plus one (1) for each employee on the largest employment shift. |
| 6. Golf course, miniature. | Two (2) for each golf hole, plus one (1) for each employee in the largest employment shift. |

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| 7. Tennis clubs and court-type recreation uses. | One (1) for each one (1) person admitted based on the capacity of the courts, plus (1) for each employee in the largest employment shift. |
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Use

Spaces Per Unit of Measure

(d) Business and Commercial

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| 1. Automobile service stations. | Two (2) for each lubrication stall, rack or pit; and one (1) for each employee on the largest employment shift.

For quick oil change facilities, one (1) for each employee on the largest employment shift. In addition, stacking spaces for automobiles awaiting entrance to a service station shall be provided as required by Section 15.08. |
| 2. Auto washes. | One (1) for each employee on the largest employment shift. In addition, stacking spaces for automobiles awaiting entrance to the auto wash shall be provided as required by Section 15.08. |
| 3. Drive-in or drive-thru establishments, except banks and automobile related services. | One (1) for each thirty (30) square feet of usable floor area, plus stacking spaces for each drive-in or drive-thru transaction station as required by Section 15.08. |
| 4. Restaurants, grills, taverns, or bars, and other establishments where beverages, food, or refreshments are sold for consumption on the premises. | One (1) for each seventy-five (75) square feet of usable floor area, or one (1) for each two (2) persons allowed within the maximum occupancy load as established by local, county, or state fire, building or health codes, whichever is greater. |
| 5. Restaurants, carry-out. | One (1) for each one hundred (100) square feet of gross floor area. |
| 6. Furniture, appliance, and household equipment, stores; repair shops; showrooms of a plumber, decorator, electrician or similar trade; and other similar uses. | One (1) for each eight hundred (800) square feet of usable floor area, exclusive of the floor area occupied in processing or manufacturing for which requirements see industrial establishments below. One (1) additional space shall be provided for each one (1) person employed on the largest employment shift. |

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| 7. Ice cream parlors. | One (1) for each seventy-five (75) square feet of gross floor area, with a minimum of six (6) spaces. |
| 8. Laundromats and coin-operated dry cleaners. | One (1) for each two (2) washing machines. |
| 9. Mortuaries or funeral homes. | One (1) for each fifty (50) square feet of assembly room parlor. |
| 10. Motel, hotel, or other commercial lodging establishments. | One (1) for each occupancy unit, PLUS one (1) for each employee on the largest shift, PLUS extra spaces for dining rooms, ballrooms, or meeting rooms as required based upon maximum occupancy load. |
| 11. Motor vehicle sales and service establishments, trailer sales and rental, boat showrooms. | One (1) for each two hundred (200) square feet of usable floor space used for sales purposes and one (1) for each auto service stall in the service areas, plus one (1) space per employee on the largest employment shift. |
| 12. Open air businesses. | One (1) for each six hundred (600) square feet of lot area used for open air business. |
| 13. Shopping centers, supermarkets, department stores, or clustered commercial centers. | One (1) for every one hundred (100) square feet of usable floor area in the basement and on the first floor used for retail sales, one (1) for each four hundred (400) square feet of floor area on the second floor used for retail sales, one (1) for each six hundred (600) square feet of floor area on the third floor used for retail sales, and one (1) for each eight hundred (800) square feet of floor area on any additional floors used for retail sales. |
| 14. Retail stores, except as otherwise specified herein. | One (1) for each one hundred and fifty (150) square feet of usable floor area. |
| 15. Veterinary clinics. | One (1) for each four hundred (400) square feet of usable floor area, plus one (1) for each employee in the largest employment shift. |
| 16. Marinas. | Two (2) for every slip or mooring. |

Use	Spaces Per Unit of Measure
<u>(e) Offices</u>	
1. Banks, savings and loan offices.	One (1) for each one hundred (100) square feet of usable floor area, plus stacking spaces for each drive-in or drive-thru transaction station as required by Section 15.08.
2. Business or professional offices, except as indicated in the following item (3).	One (1) for each two hundred (200) square feet of usable floor area.
3. Medical or dental clinics and professional offices of doctors, dentists, or similar professions.	One (1) for each one hundred (100) square feet of usable floor area in waiting rooms, PLUS one (1) for each examining room, dental chair, or similar use area.

Use	Spaces Per Unit of Measure
<u>(f) Industrial</u>	
1. Industrial or research establishments.	Five (5) plus one (1) for every one employee in the largest working shift. Parking spaces on the site shall be provided for all construction workers during the period of plant construction.
2. Wholesale or warehouse establishments.	Five (5) plus one (1) for every employee in the largest working shift; or one (1) for every one thousand, seven hundred (1,700) square feet of gross floor area, whichever is greater. Any retail or service area shall be in addition to the above.

SECTION 15.07 OFF-STREET PARKING FOR PHYSICALLY HANDICAPPED PERSONS.

Off-street parking facilities as required under this Ordinance shall include parking spaces which are reserved for physically challenged persons in accordance with the following table as established by State regulations. Signs identifying such spaces shall be provided, and located approximately six (6) feet above grade. Each reserved parking space shall have not more than a nominal three (3) percent grade and shall be not less than twelve (12) feet wide. Where a curb exists between a parking lot surface and a sidewalk surface, an inclined approach or a curb cut with a gradient of not more than one (1) foot in twelve (12) feet and a width of not less than four (4) feet shall be provided for wheelchair access. Parking spaces for the physically challenged shall be located as

close as possible to walkways and building entrances. Signs shall be provided when necessary to indicate the direction to a barrier-free entranceway into a building. Designated handicapped parking spaces may be counted toward meeting off-street parking space requirements specified under Section 15.06.

<u>Total Parking Spaces in Lot</u>	<u>Required Number of Handicapped Spaces</u>
Up to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2% of total
Over 1,000	20 plus 1 for each 100 over 1,000

SECTION 15.08. OFF-STREET STACKING SPACES FOR DRIVE-THRU FACILITIES.

- (a) **Drive-In or Drive-Through.** On the same premises with every building, structure, or part thereof, erected or occupied for the purpose of serving customers in their automobiles by means of a service window or similar arrangement, such as drive-in banks or cleaning establishments, there shall be provided four (4) off-street stacking spaces for each service window or transaction station. Eight (8) off-street stacking shall be provided for each drive-thru transaction station of a restaurant.
- (b) **Automobile Servicing.** Self-service motor vehicle car wash establishments shall provide four (4) off-street stacking spaces for each washing stall. Quick oil change facilities and motor vehicle car wash establishments, other than self-service, shall provide stacking spaces equal in number to five (5) times the maximum capacity of the motor vehicle wash for automobiles awaiting entrance. "Maximum capacity" shall mean the greatest number possible of automobiles undergoing some phase of washing at the same time.
- (c) **Stacking Space Dimensions.** Each stacking space shall be a minimum dimension of ten (10) feet in width and twenty (20) feet in length.

SECTION 15.09. OFF-STREET LOADING SPACE REQUIREMENTS. Except for agricultural uses, there shall be provided and maintained adequate space for standing, loading, and unloading on the same premises with every building, structure, or part thereof, involving the receipt or distribution of vehicles or materials or merchandise, including but not limited to, department stores, restaurants, wholesale stores, markets, hotels, offices, hospitals, mortuaries, industry, laundries, and dry cleaning establishments. Such loading and unloading spaces are

required in order to avoid undue interference with public use of dedicated rights-of-way and vehicular circulation on the site.

- (a) Such loading spaces shall be provided as follows:

<u>Gross Floor Area</u> <u>(in square feet)</u>	<u>Loading and Unloading Spaces</u>	
	<u>10'x25' space</u>	<u>10'x50' space</u>
<u>Office Uses</u>		
0-99,999	~	~
100,000 - 149,999	~	1
150,000 and over	~	2
<u>Other Uses</u>		
0 - 1,499	~	~
1,500 - 4,900	1	~
5,000 - 19,999	~	1
20,000 - 49,999	~	2
50,000 - 79,999	~	3
80,000 - 99,999	~	4
100,000 - 149,999	~	5
150,000 and over	~	5*

* One additional space for each fifty thousand (50,000) square feet of floor area in excess of one hundred fifty thousand (150,000) square feet.

- (b) Except in I-1 Zoning Districts, all loading spaces shall be located in the non-required rear yard and meet all minimum yard setback requirements.

Within an I-1 District, all loading spaces shall be provided in a rear yard or a side yard which does not lie adjacent a public right-of-way and shall in no instance be permitted in a front yard. In those instances where exterior side yards have a common relationship with an industrial district across a public thoroughfare, loading and unloading may take place in said side yard when setback is at least fifty (50) feet.

- (c) No loading space shall be located closer than fifty (50) feet to any residentially zoned district unless located within a completely enclosed building or enclosed on all sides facing the residential zoning district by a solid masonry wall not less than six (6) feet in height.
- (d) Loading space areas shall be provided with a pavement having an asphaltic or Portland cement binder so as to provide a permanent, durable and dustless surface. All loading spaces shall have a minimum of fourteen (14) foot high clearance.
- (e) Loading areas shall not utilize any required area for maneuvering to parking spaces or block general vehicular circulation.

CHAPTER 16

SIGN REGULATIONS

SECTION 16.01. PURPOSE AND INTENT. It is the intent of this Chapter to establish specific guidelines for the installation, construction, maintenance, and design of signs within each of the zoning districts; and to provide for the removal, renovation, or modification of non-conforming signs.

Further, it is the purpose of this Chapter to provide for the orderly deployment of signs that meet the needs of residents, businesses, and property owners of the Township; while preventing the disorderly proliferation of signs which, by nature of their size, configuration, location, illumination, motion, or similar factors, are hazardous, obnoxious, or depilatory to the Township or the zoning district in which they are located.

SECTION 16.02. SIGNS PROHIBITED. Any sign not expressly permitted by this Ordinance is prohibited.

SECTION 16.03. SIGN DEFINITIONS. For purposes of their use in this Chapter only, the following terms and phrases are hereinafter defined and their meaning is included in the word "signs":

- (a) **Abandoned Sign.** A sign which no longer identifies or advertises a currently operating business, lessee, service, owner, product, or activity, or for which no legal owner can be found.
- (b) **Awning/Canopy Sign.** Letters, numerals, or other drawings painted on, printed on, or attached flat against the surface of an awning/canopy.
- (c) **Balloon Sign.** A sign which is made of a nonporous bag of tough light material filled with heated air or a gas lighter than air used to convey advertising copy or announce a special event on a temporary basis.
- (d) **Banner Sign.** A sign intended to be hung either with or without frames, possessing characters, letters, illustrations, or ornamentations applied to paper, plastic, or fabric of any kind. National flags, flags of political subdivisions, and symbolic flags of any institution or business shall not be considered banners for the purpose of this Ordinance.
- (e) **Bench Sign.** A sign located on any part of the surface of a bench or seat placed on or adjacent to a right-of-way.
- (f) **Billboard.** An outdoor sign advertising services or products, activities, persons or events which are not made, produced, assembled, stored, distributed, leased, sold, or conducted upon the premises upon which the billboard is located.
- (g) **Building Sign - See Wall Sign.**

- (h) **Changeable Copy Sign.** A sign upon which a display or message can be changed from time to time by either physical replacement of the display or message or by electronic modification of a light display or message.
- (i) **Construction Sign.** A sign which displays the name or names of principal contractors, architects, and lending institutions responsible for the construction on the site where the sign is placed.
- (j) **Directional Sign.** A sign giving directions or instructions which provides direction for vehicular or pedestrian circulation in or out of a development. A directional sign shall not contain advertising display copy.
- (k) **Directory Sign.** A sign which displays the names and locations of occupants or the use of a building.
- (l) **Festoons.** A string of ribbons, tinsel, flags, pennants, or pinwheels.
- (m) **Flashing Sign.** A sign which contains an intermittent or sequential flashing light source used to attract attention.
- (n) **Freestanding Sign.** A sign structurally separated from a building being supported by one or more poles or braces, or attached directly to the ground.
- (o) **Government Sign.** A sign erected and maintained by Tallmadge Township or the county, state, or federal government for traffic direction or for designation of or direction to any school, hospital, historical site, or public service, property, or facility.
- (p) **Height (of a Sign).** The vertical distance measured from the highest point of the sign, including any decorative embellishments, to the grade of the adjacent street or the surface grade beneath the sign, whichever is less.
- (q) **Identification Sign.** A sign which identifies a development or building by its recognized name, not including a product or service.
- (r) **Illegal Sign.** A sign which does not meet the requirements of this Ordinance and which has not received legal nonconforming status.
- (s) **Illuminated Sign.** A sign with an artificial light source incorporated internally or externally for the purpose of illuminating the sign.
- (t) **Marquee Sign.** A sign attached to or supported by a marquee structure.
- (u) **Nameplate.** A nonelectric on-premise sign giving only the name, address, and/or occupation of an occupant or group of occupants.

- (v) **Nonconforming Sign.** A sign which was legally erected prior to this Ordinance but which does not conform to this Ordinance.
- (w) **Permanent Sign.** A sign which is permanently affixed into the ground or a building and meets the requirements of a structure under the BOCA Building Code.
- (x) **Political Sign.** A sign used in connection with a local, state, or national election or referendum.
- (y) **Portable Sign.** Any sign not permanently attached to a building, structure, fixed footing or foundation, with or without wheels, lighted or unlighted, which by nature of its design is intended for temporary use. Such signs are generally characterized as being transportable. Included are signs attached to or painted on trucks, trailers or any other vehicle.
- (z) **Pylon or Pole Sign.** A freestanding sign mounted on a pole or poles, braces, or other support structure.
- (aa) **Real Estate Sign.** A sign advertising the real estate upon which the sign is located for the purpose of offering the property for sale, lease, or rent, and is temporary in nature.
- (bb) **Roof Sign.** A sign erected or constructed wholly upon or over the roof of a building and supported on the roof structure.
- (cc) **Sign Area.** The area shall be measured within a single, continuous perimeter composed of any straight line geometric figure which encloses the extreme limits of the advertising message, together with any frame or other material or color forming an integral part of the display, message, drawing, or similar device, or used to differentiate same from the background against which it is placed, excluding the necessary supports, braces, or uprights of the sign.
- (dd) **Wall Sign.** A sign which is painted directly on a wall of a building; or an individual letter sign, cabinet sign, or a sign on a mansard which is attached parallel to and extending not more than fifteen (15) inches from a wall of a building.
- (ee) **Window Sign.** A sign placed inside or upon a window facing the outside which is intended to be seen from the right-of-way or exterior.

SECTION 16.04. SIGNS PROHIBITED. The following are prohibited in all zoning districts.

- (a) Abandoned signs.
- (b) Banners, flags, pennants, balloons, light strings, flashing or blinking lights, search lights, or other similar devices used to attract the attention of the public except as permitted under Section 16.05(b)(14); provided however, that this provision shall not prohibit the display of a governmental or organizational flag in the manner prescribed by law for such display.

- (c) Animated signs, flashing signs, or signs with motion of any type.
- (d) Bench signs, except at bus stops.
- (e) Portable signs.
- (f) Roof signs.
- (g) Signs imitating or resembling official traffic or government signs or signals.

SECTION 16.05. PERMIT REQUIRED.

- (a) Except as specifically excused in subsection (b) below, no sign shall be constructed, erected, attached to a building, installed, structurally altered, relocated, or displayed prior to the issuance of a permit therefor by the Zoning Administrator.
- (b) **Exempt Signs.** No permit shall be required for any of the following signs:
 1. Normal maintenance and repair of an otherwise authorized sign.
 2. Change of lettering or display panels which do not substantially alter the character or nature of the sign.
 3. Real estate signs on any premises for not more than ninety (90) days, provided such signs do not exceed six (6) square feet in area.
 4. Highway or street signs erected by any governmental agency authorized to erect such signs.
 5. Signs erected by governmental agencies to designate hours of activity or conditions for the use of parks, parking lots, recreational areas, governmental buildings, or other public areas; provided that the signs meet all of the conditions and requirements for the zoning district in which they are located.
 6. Directional signs erected in conjunction with private off-street parking areas and drives, provided each sign does not exceed four (4) square feet in area and is limited to traffic control functions only.
 7. Historic signs designating sites recognized by the State Historical Commission as centennial farms and historic landmarks, provided that the signs meet all the conditions and requirements for the zoning district in which they are located.
 8. Signs posted to control or prohibit hunting or trespassing within the boundaries of the land on which they are located, provided no such sign shall exceed four (4) square feet in area.

9. Essential public service signs denoting utility lines, railroad lines, hazards, and precautions.
 10. Memorial signs or tablets which are either cut into the face of a masonry surface, or constructed of bronze or other similar material, when located flat on the face of a building.
 11. One (1) construction sign per project denoting architects, engineers, contractors, owners, or financial institutions connected with the work under construction; provided such signs do not exceed thirty-two (32) square feet in area, and meet all of the conditions and requirements for the zoning district in which they are located.
 12. Signs which are used to publicize church events, school events, civic events, public gatherings, picnics, and similar events; provided that such signs are erected for a period not to exceed ten (10) days and do not exceed twenty (20) square feet in area.
 13. Accessory professional or nameplate signs less than four (4) square feet in area.
 14. Banners, pennants, or light strings (but not flashing or blinking lights) when used as temporary decorations in connection with a holiday. Such decorations shall be removed within fourteen (14) days following the holiday with which they are connected.
- (c) **Application Process.** The application for a sign permit shall be in writing to the Zoning Administrator and shall include the following:
1. The name and address of the applicant, and the owner of the sign.
 2. The size of the sign, including the dimensions and area of all surfaces intended, suited, or designed for display.
 3. A scaled drawing of the total sign structure, and a plot plan showing the proposed location of the sign structure on the premises in relation to property lines, right-of-way lines, existing and proposed buildings and structures, and landscaping.
 4. Plans and specifications for the sign.
 5. The proposed method of construction, illumination, erection, structural alteration, or relocation of the sign.
 6. A description of the equipment to be used for the work.

SECTION 16.06. GENERAL PROVISIONS. The following general provisions shall apply to all signs in all zoning districts within Tallmadge Township.

- (a) No sign, temporary or permanent, regardless of its intent, purpose, or nature, shall be erected, constructed, installed, located, or placed upon private property without the written consent of the owner of such property.
- (b) No sign, other than a billboard sign, shall exceed seventy-five (75) square feet in area per side. Further, no such sign shall exceed twelve (12) feet from its top edge to its lowest edge, and no more than ten (10) feet in its width or length, exclusive of support structures.
- (c) No free-standing sign shall exceed twenty (20) feet in height. Signs which are an integral part of, affixed to, or located upon any building may not extend more than four (4) feet above the roof line or sidewall of the building whichever is higher.
- (d) Any free-standing sign whose lowest edge, exclusive of support structures, is less than five (5) feet above grade level shall not have a top edge which exceeds five (5) feet above grade level. Any free-standing sign whose lowest edge, exclusive of support structures is higher than five (5) feet above grade level shall have a top edge not exceeding twenty (20) feet above grade level.
- (e) All signs shall be stationary without moving components.
- (f) No sign, temporary or permanent, shall be constructed, erected, reconstructed, placed, or located upon or hang over any sidewalk, street, alley, or other public right-of-way, except in the unique circumstances where the sign has first been authorized by the Township Board after review and recommendation by the Planning Commission as a Special Use. In considering Special Use authorization, the Township Board shall consider the following:
 - 1. The type and nature of the sign to be constructed.
 - 2. The reasons why the applicant has requested that the sign be constructed or located upon or over the public right-of-way.
 - 3. Whether or not the construction or location of the sign upon or over the public right-of-way is necessary for the sign to be viewed by potential viewers.

This subsection shall not be construed to limit the placement of normal traffic or direction signs by authorized governmental agencies concerned with the management or regulation of traffic. Further, the provisions of this Article are not intended to conflict with provisions controlling signs regulated under the authority of Public Act 106, 1972, the Highway Advertising Act, as amended.

- (g) Except for street or highway right-of-way lines, no sign or sign part shall be located closer than ten (10) feet of any other property line.

- (h) No sign shall be erected, constructed, reconstructed, placed, or located in any location, or in any manner, where it may interfere with, obscure the view of, or be confused with any authorized traffic control sign or signal.
- (i) No exterior sign shall be located or erected in such a manner as to interfere with traffic visibility. In determining whether a sign may interfere with traffic visibility, the Building Inspector shall consider the following:
 - 1. Height, area, supporting structure, and distance from ground level of the sign.
 - 2. Lighting of the sign.
 - 3. Location of the sign in relation to roads, drives, points of ingress and egress, parking areas, sidewalks, and other vehicular or pedestrian access ways.
 - 4. Location of the sign in relation to nearby buildings and structures.
 - 5. The clear corner provisions under Section 3.30 are met.
- (j) No sign, including, without limitation, political or real estate signs, shall be attached to a utility pole, traffic control device, tree, fence, another sign or sign support, or any other similar object located on public or private property.
- (k) All sign illumination shall be employed in such manner so as to prevent intense or brilliant glares or rays of light from being directed or reflected at any street or nearby residence, or at any adjoining property.

Illumination of signs shall not be oscillating, flashing, blinking, intermittent, or of an on-and-off type, and shall not be directional except for otherwise authorized traffic control signs placed, constructed, or located by, or authorized for temporary use of, any governmental agency concerned with the management or regulation of traffic.

All signs which are to be illuminated by electric power shall be in conformance with the National Electric Code and state and local electrical codes as amended from time to time.

Open neon lights are prohibited.

- (l) All signs shall be securely affixed to the premises where located.
- (m) All signs shall be maintained in good condition and repair including, but not limited to, maintenance of supports and fastenings to prevent the sign from falling or becoming hazardous in any manner. All signs must be maintained in conformity with the requirements and conditions of the zoning district in which they are located.

- (n) Portable or temporary signs may be authorized by the Zoning Administrator for a period of time not to exceed forty-five (45) days.

Authorized temporary or portable signs must meet all other requirements and conditions for the zoning district in which it is located.

- (o) Signs for political advertising are permitted in all zoning districts provided that they are not illuminated, do not exceed twelve (12) square feet in area; are limited to one (1) sign per property, residence, or premise; and meet all other requirements and conditions for the zoning district in which they are located.

All such political signs shall be removed within five (5) days after the election with which the sign is concerned, and in no case shall any political sign be permitted for a period of more than sixty (60) days.

SECTION 16.07. SIGNS IN AGRICULTURAL AND RESIDENTIAL DISTRICTS. In the AG, RP, R-1, R-2, R-3 and R-4 Zoning Districts, only the following exterior signs shall be permitted.

- (a) One (1) accessory professional nameplate sign not more than four (4) square feet in area.
- (b) In off-street parking areas, no signs other than directional or regulatory signs not more than four (4) square feet in area shall be permitted, as per Section 16.05(b)(6). If such signs are shown in connection with a Site Development Plan, the Planning Commission shall determine whether or not they are the correct size and if they are necessary for the public welfare. In all other cases, such determination shall be made by the Building Inspector.
- (c) Signs for residential subdivisions, apartment complexes, and permitted non-residential uses advertising the name and activities of a permitted nonresidential use or apartment. No one (1) such sign shall exceed thirty-two (32) square feet in area. Such signs shall be located on the same parcel as the use or apartment it is advertising. No more than one (1) sign for each five hundred (500) feet of road frontage shall be permitted.
- (d) Customary farm and crop signs on active farms.
- (e) One (1) sign of not more than thirty-two (32) square feet in area, advertising the name and activities of a legal nonconforming use.

SECTION 16.08. SIGNS IN COMMERCIAL DISTRICTS. In the C-1 and C-2 zoning districts, only the following signs shall be permitted:

- (a) One (1) accessory professional nameplate sign not more than four (4) square feet in area.

- (b) In parking areas, no signs other than directional or regulatory signs not more than four (4) square feet in area shall be permitted, as per Section 16.05(b)(6). If such signs are shown in connection with a Site Development Plan, the Planning Commission shall determine whether or not they are the correct size and if they are necessary for the public welfare. In all other cases, such determination shall be made by the Building Inspector.
- (c) One (1) wall sign for every one hundred (100) feet of road frontage. The height of the lowest point of all wall signs shall not be less than four (4) feet nor more than eighteen (18) feet above the established grade.
- (d) For each premises, one (1) free standing sign erected in compliance with Section 16.06.
- (e) In addition to the signs allowed in subsections (c) and (d) above, one (1) wall sign may be erected on a rear or parking lot side of a premises, not exceeding thirty-two (32) square feet in area.
- (f) For each premises, an additional area of interior window signs shall be permitted. No one (1) window sign shall exceed twenty (20) square feet in area, and the total of all window signs shall not exceed more than twenty-five (25) percent of the surface area of a given window.
- (g) Gasoline service stations shall be permitted signs on each pump island indicating the prices and types of gasoline and the type of service. The aggregate area of such signs shall not exceed twenty (20) square feet per pump island. In no event shall the total area of all such signs exceed one hundred twenty (120) square feet.
- (h) Theaters, except for adult uses, shall be permitted one hundred (100) square feet of sign area in addition to the district provisions of this Section for changeable-message type marquee signs.
- (j) Temporary pennants, flags or banners are permitted for a period as per Section 16.06(b)(n), provided they are kept in a state of good repair.

SECTION 16.09. SIGNS IN INDUSTRIAL DISTRICTS. In the I-1 and I-2 Zoning Districts, only the following signs shall be permitted:

- (a) All signs as regulated under Section 16.08.
- (b) Directional signs up to thirty-two (32) square feet in area, designating entrances, exits, parking and loading areas, shipping docks or similar traffic control purposes.
- (c) Billboards, subject to the provisions under Section 16.10.
- (d) Interior window signs which are visible from any public right-of-way, alley, or adjacent property are prohibited.

SECTION 16.10. BILLBOARD REGULATIONS.

- (a) All billboard signs shall be located as follows:
1. No closer than one thousand three hundred twenty (1,320) feet from any other billboard sign on the same side of the street.
 2. No closer than six hundred sixty (660) feet from an existing billboard sign on the other side of the street.
 3. No closer than five hundred (500) feet from any street intersection of a major arterial or primary collector street or from expressway access or exit ramps.
 4. No closer than one hundred (100) feet to a street right-of-way.
 5. No closer than three hundred (300) feet to any property zoned RP, R-1, R-2, R-3, R-4, or used as a residence fronting on the same street.
- (b) No billboard sign shall be stacked or placed one above the other (or another). A "V" shaped billboard shall be considered as one (1) double-faced billboard sign.
- (c) No billboard sign shall have an area in excess of two hundred and fifty (250) square feet per face side including border and trim, but excluding uprights and supports. No double-faced or "V" shaped billboard sign shall have an area in excess of five hundred (500) square feet total including border and trim.
- (d) No billboard sign shall exceed the following dimensions:
1. Thirty five (35) feet in height above grade level including border, trim, lighting, or any other appendage.
 2. Forty eight (48) feet in width or length including border, trim, or any other appendage, except catwalks that are used for the purpose of performing maintenance to the billboard and are not used for advertising, which shall not exceed a width or length of 52 feet.
- (e) A billboard may be illuminated, provided such illumination is concentrated on the surface of the sign and is so located as to avoid glare or reflection onto any portion of an adjacent street or highway, the path of on-coming vehicles, or any adjacent premises. In no event shall any billboard have flashing or intermittent lights, nor shall the lights be permitted to rotate or oscillate.
- (f) A billboard must be constructed in such a fashion that it will withstand all wind and vibration forces which can normally be expected to occur in the vicinity. A billboard must be maintained so as to assure proper alignment of structure, continued structural soundness, and continued readability of message.

(g) A billboard established within a business, commercial, or industrial area, as defined in the "Highway Advertising Act of 1972" (1972 PA 106, as amended) bordering interstate highways, freeways or primary highways as defined in said Act shall, in addition to complying with the above conditions, also comply with all applicable provisions of said Act and the regulations promulgated thereunder, as such may from time to time be amended.

1. The following exceptions shall apply to properties bordering Interstate I-96 expressway only:

- a. The maximum dimensions of each billboard face shall not exceed 14 feet in height and 48 feet in width. The maximum size of each billboard face shall not exceed 672 square feet.
- b. No billboard shall be located within 300 feet of any single family dwelling.

(h) **Permits.** In addition to, and notwithstanding all other provisions of this Chapter, the Zoning Administrator may, when considering the issuance of, or the renewal of, a permit for a billboard sign, consider the following factors in making a determination or reaching a decision whether or not to issue a permit or renewal of a permit:

1. Environmental impact resulting from the placement or continued placement of the sign, including any or all of the following:

- Impact upon topography of the billboard location and surrounding topography.
- Impact upon soil conditions such as, but not limited to, erosion resulting from existing drainage, resulting drainage, altered drainage, erosion resulting from wind deflection, or the ability of the soil to support a billboard of the type applied for.
- Impact upon traffic patterns, both vehicular and pedestrian, resulting from the placement of such sign.
- Impact on the use, future use, or continued use of the location of such billboard sign and surrounding area for residences, businesses, recreation, or other planned or proposed uses.
- Impact of the billboard sign on the aesthetic environment of the Township.

2. The demonstrated effects of the billboard sign on persons living, owning property, or doing business within the Township which may include, but are not limited to, any or all of the following:

- Interruption of view.
- Effect of illumination.

- Alteration of vehicular or pedestrian traffic.
 - Negative effect on property values.
 - Effect on, or interruption of, ability to use property in customary and usual manner.
 - Public nuisance.
3. The effect of the sign on public safety, including, but not limited to, attractive hazard, damage or threat of damage resulting from wind or storm effects upon the billboard sign, or any other demonstrated threat to the public safety resulting from the placement or continued placement of the billboard sign.
- (i) **Planning Commission Review.** When any factor, related factor, or consideration, resulting from the provisions under subsection (h) above is at issue, either the Zoning Administrator, the applicant for a permit, or a party affected by such application or permit may bring the matter before the Planning Commission upon written application to the Zoning Administrator.

The Planning Commission, in accordance with established procedures, shall hear arguments from all parties concerned and shall apply the standards as prescribed in this Ordinance. The Planning Commission, at its discretion, may hold public hearings on the application. The Planning Commission shall make a written recommendation to the Township Board within one hundred twenty (120) days of receipt of the application for a hearing by the Zoning Administrator.

- (j) No permit for the erection or construction of any billboard sign shall be issued or considered valid unless and until a written and signed consent of the owner of the property on which the billboard sign is to be located has been filed with the Zoning Administrator.
- (k) All permits for the erection, construction, location and maintenance of a billboard sign shall expire on January first (1st) in the fifth (5th) year following the granting of such permit. The owner of the sign shall make written application for renewal of such permit not less than ninety (90) days prior to expiration. The Zoning Administrator may renew the permit for a billboard sign for an additional term of five (5) years provided that he determines, prior to the issuance of the renewal, that the billboard sign has been maintained in good condition and repair and has been maintained, utilized, and located at all times in full conformance with all of the terms and provisions of this Ordinance, and that the billboard sign is, on the date of such renewal, in compliance with all of the terms and provisions of this Ordinance.
- (l) To the extent that they are not specifically inconsistent with the terms and provisions of this Section pertaining specifically to billboard signs, all other terms, provisions, and conditions of this Chapter pertaining to signs shall be applicable to billboards.

SECTION 16.11. NONCONFORMING SIGNS. Notwithstanding the provisions of Chapter 17 pertaining to nonconforming use, buildings, or structures, all nonconforming signs may continue after the effective date of adoption or amendment of this Ordinance. A non-conforming sign which is damaged by any means whatsoever to an extent of more than fifty (50%) percent of its replacement cost shall not be reconstructed except in conformity with the provisions of this Chapter. Any sign which is damaged to an extent of fifty (50%) percent or less of its replacement cost may be restored in its location existing prior to such damage, provided such construction is commenced within three (3) years of the date of damage and is diligently pursued to completion. Failure to complete reconstruction shall result in the loss of legal, nonconforming status.

CHAPTER 17

NONCONFORMITIES

SECTION 17.01. GENERAL. Certain existing lots, structures and uses of lots and structures were lawful before this Ordinance was adopted, but have become nonconformities under the terms of this Ordinance and its amendments. It is the intent of this Ordinance to permit such nonconformities to remain until they are discontinued or removed, but not to encourage their survival or, where discontinuance or removal is not feasible, to gradually upgrade such nonconformities to conforming status. Nonconformities shall not be enlarged, expanded, or extended, except as provided herein and shall not be used as grounds for adding other structures and uses of lots and structures which are prohibited. Nonconformities are declared by this Ordinance to be incompatible with the structures and uses permitted in the various districts.

SECTION 17.02. NONCONFORMING LOTS OF RECORD.

- (a) A principal structure and customary accessory structures may be erected on any single lot of record at the effective date of adoption or amendment of this Ordinance, notwithstanding limitations imposed by other provisions of this Ordinance. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lots fails to meet the requirements for area or width or both, that are generally applicable in the district, provided that yard dimensions and requirements other than these applying to area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Variance of yard requirements shall be obtained only through action of the Zoning Board of Appeals.
- (b) If two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of adoption or amendment of this Ordinance, and if all or part of the lots do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purposes of this Ordinance, and no portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this Ordinance, nor shall any division of any parcel be made which creates a lot width or area below the requirements state in this Ordinance.

SECTION 17.03. NONCONFORMING USES OF LOTS. A nonconforming use of a lot may be continued so long as it remains otherwise lawful subject to the following provisions:

- (a) The nonconforming use shall not be enlarged, expanded, or extended, to occupy a greater area of land than was occupied on the effective date of adoption or amendment of this Ordinance and no accessory use building or structure shall be established therewith.
- (b) The nonconforming use shall not be moved in whole or in part to any other portion of the lot which was not occupied on the effective date of adoption or amendment of this Ordinance.

- (c) If the nonconforming use ceases for any reason for a period of more than three hundred sixty-five (365) consecutive days, such use shall not be re-established. Subsequent use of the lot shall conform to the regulations of the districts in which it is located.

SECTION 17.04. NONCONFORMING STRUCTURES.

- (a) A nonconforming structure shall be a structure which was lawful on the effective date of adoption or amendment of this Ordinance and which does not conform to the new Ordinance regulation for lot area, lot area per dwelling unit, lot width, lot coverage, floor area, height, greenbelts or screening, off-street parking, loading space, yard, or other requirements of the zoning district in which it is located.
- (b) A nonconforming structure may continue after the effective date of adoption or amendment of this Ordinance. A nonconforming structure which is damaged by any means whatsoever to an extent of more than fifty (50%) percent of its replacement cost shall not be reconstructed except in conformity with the provisions of the district in which it is located, unless the lot is a nonconforming lot of record, in which case Section 17.02 herein will apply. Any structure which is damaged to an extent of fifty (50%) percent or less of its replacement cost may be restored in its location existing prior to such damage, provided such construction is commenced within three (3) years of the date of damage and is diligently pursued to completion. Failure to complete reconstruction shall result in the loss of legal, nonconforming status.
- (c) A nonconforming structure which is moved within a site or to another site shall thereafter conform to the regulations of the district in which it is located.
- (d) Nonconforming structures may be expanded in compliance with the following regulations:
 - 1. Nonconforming buildings used in farm operations may be expanded if approved by the Township Zoning Inspector subject to the following requirements:
 - Farming shall be a permitted use, and the intended use of the structure shall be a permitted use in the district in which it is located.
 - The expansion shall meet all requirements of the zoning district in which it is located, including lot coverage, heights, yard requirements, and off-street parking.
 - 2. A single-family detached residential dwelling unit and accessory buildings may be expanded if approved by the Zoning Inspector, subject to the following requirements:
 - The single-family residence shall be a permitted use in the district in which it is located.

- The expansion shall meet all yard and height requirements of the zoning district in which is located, and be compatible with the architectural character of the area.
- 3. All other nonconforming structures, in any zoning district, may be expanded only after a variance is obtained from the Zoning Board of Appeals, as provided in Section 21.07.
- (e) A nonconforming structure may be altered to decrease its nonconformity.

SECTION 17.05. NONCONFORMING USES OF STRUCTURES. A nonconforming use may be continued subject to the following provisions:

- (a) In Commercial and Industrial Districts, a nonconforming residential use of a structure may be expanded to occupy the floor area necessary for living purposes, provided no increase in the number of families residing therein results.
- (b) A nonconforming use of a structure in any zoning district may be expanded into a part of the building originally designed and constructed for such use, provided that no structural alterations are made, the floor area of the building is not increased, and such use shall not be extended to occupy any land outside such building.
- (c) An existing structure containing a nonconforming use shall not be enlarged, constructed, reconstructed, moved or structurally altered or extended, unless the use is changed to a use which is permitted in the district in which the structure is located. This provision does not intend to preclude customary maintenance and repair of an existing structure containing a nonconforming use.
- (d) When a nonconforming use of a structure, or structure and premises in combination, is discontinued for more than one (1) year, the building structure shall not thereafter be used except in conformance with regulations of the district in which it is located.
- (e) Any structure, or structure and lot in combination, in or on which a nonconforming use is replaced by a permitted use, shall thereafter conform to the regulations of the district in which it is located and the nonconforming use may thereafter be resumed.
- (f) A nonconforming use of any building, structure or land shall not be changed to any other nonconforming use unless authorized by the Township Board after review and recommendation by the Planning Commission as a special use. In considering such authorization, the Township Board shall consider the following:
 - 1. Whether the proposed use is equally or more appropriate than the present nonconforming use to the zoning district in which the building, structure or land is located. No change to a less appropriate use may be authorized by the Township Board.

2. Whether the proposed use will substantially extend the probable duration of the nonconforming structure, building, or use.
3. Whether the proposed use will interfere with the use of adjoining lands or other properties in the surrounding neighborhood for the uses for which they have been zoned pursuant to the provisions of this Ordinance.
4. The effect of the proposed use on adjoining lands and the surrounding neighborhood.

SECTION 17.06. RESTORATION AND REPAIR

- (a) All repairs and maintenance work required to keep a nonconforming building or structure in sound condition may be made, but it shall not be structurally altered to permit the use of such building or structure beyond its natural life.
- (b) If a nonconforming structure or a structure housing a nonconforming use becomes physically unsafe or unlawful or poses a threat to the public health, safety, and welfare due to a lack of repairs or maintenance, the structure shall be declared by the Building Official to be unsafe or unlawful by reason of physical condition. Such structure shall not thereafter be restored, repaired, or rebuilt except in conformity with the provisions of this Ordinance.
- (c) Should any nonconforming structure be destroyed by any means whatsoever to an extent of more than fifty percent (50%) of its replacement costs, exclusive of the foundation, at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this Ordinance.

SECTION 17.07. CHANGE OF TENANCY OR OWNERSHIP. There may be a change in tenancy, ownership or management of an existing nonconformity.

SECTION 17.08. ACQUISITION OF NONCONFORMITIES. The Township may acquire private property to remove a nonconformity, as provided in Michigan Public Act 184 of 1943, as amended.

SECTION 17.09. BUILDING OR STRUCTURE UNDER CONSTRUCTION ON EFFECTIVE DATE OF ORDINANCE. Any building or structure shall be considered existing and lawful for the purposes of this Chapter if on the effective date of this Ordinance, a building permit has been obtained therefore, if required; or if no building permit is required, a substantial start has been made toward construction and construction is thereafter pursued diligently to conclusion.

SECTION 17.10. NONCONFORMITY CREATED BY EXPANSION OF RIGHT OF WAY. For purposes of street construction, street widening, street relocation or utility location, additional right of way has been acquired, by purchase or by exercise of the power of eminent

domain, from certain lots which may have an existing building or structure on them and which are located along the State Trunk line of M-45 (Lake Michigan Drive). The additional right of way may result in nonconformance with the required minimum setbacks or yard requirements, lot width or lot area requirements, or parking requirements of this ordinance. Existing buildings or structures which are so rendered nonconforming shall, notwithstanding other Sections of this Ordinance to the contrary, be permitted to be extended, enlarged, altered, remodeled, modernized, rebuilt, or restored. However, the specific nonconformity created when the right of way was acquired may not be increased; and all such extended, enlarged, altered, remodeled, modernized, rebuilt, or restored buildings and structures shall conform to all other requirements of this Ordinance.

CHAPTER 18

SITE PLAN REVIEW

SECTION 18.01 PURPOSE. The purposes of Site Plan Review are as follows: to determine compliance with the provisions of this Ordinance, to promote the orderly development of the Township, to prevent the depreciation of land values through uses or structures which do not give proper attention to siting or area protection, and to provide consultation and cooperation between the applicant and the Township Planning Commission in order that applicants may accomplish their objectives in the utilization of their land within the regulations of this Zoning Ordinance.

SECTION 18.02. SITE PLAN REVIEW REQUIRED. A site plan shall be submitted for review according to the provisions of this chapter for all land uses except the following:

- (a) Single and two-family dwelling units on individual lots.
- (b) Residential and agricultural accessory buildings.
- (c) Home occupations which do not require the construction or enlargement of any building. For home occupations, a sketch plan drawn to scale shall be provided. The sketch plan shall include the location, dimensions, and area of all structures and parking areas on the site; scale, north arrow, and date of drawing; property owner's name and address; and description of the nature of the home occupation.
- (d) A change of use in the commercial or industrial districts provided the Building Inspector finds that the proposed use meets the requirements of this Ordinance.

SECTION 18.03. APPLICATION PROCEDURE.

- (a) Nine (9) copies of an application for site plan review shall be made to the Building Inspector along with a fee as required by Township Board resolution. The application shall, at a minimum, contain the following information:
 - 1. The applicant's name, address and phone number.
 - 2. Proof that the applicant is the owner of the property or has a legal or financial interest in the property, such as a purchase agreement.
 - 3. The name, address and phone number of the owner(s) of record if different than the applicant.
 - 4. The address and/or parcel number of the property.
 - 5. Project description, including number of structures and dwelling units, square footage of each building, number of parking spaces, estimated number of employees, and any unique features of the site or proposed development.
 - 6. Area of the parcel in acres, excluding road right-of-ways.
 - 7. A site plan for the project containing all of the information listed in Section 18.04, below.
- (b) The Building Inspector shall forward copies of the application and site plan to the Planning Commission within seven (7) days after the receipt of the application.

SECTION 18.04. SITE PLAN CONTENT. Each site plan submitted for review under this chapter shall be drawn at a minimum scale of 1" = 200 and shall contain the following information:

- (a) Name of development and general location sketch showing major thoroughfares and site location.
- (b) Name, address and phone number of site owner(s), developer and designer, including professional seal of designer.
- (c) North arrow, scale, and date of original drawing and any revisions.
- (d) The area of the site in square feet and acres, excluding all existing and proposed rights-of-way. Property lines, dimensions, and building setback distances and dimensions of all structures and lot lines within one hundred (100) feet of the site shall also be indicated. If the parcel is a part of a larger parcel, boundaries of the total land holding shall be shown.
- (f) Existing zoning of the site and all adjacent properties.
- (g) Existing and proposed topographic elevations at two (2) foot intervals on the site and to a distance of ten (10) feet outside the boundary lines of the site. Ground elevations of all existing buildings, drives and parking lots, and any unusual surface conditions shall be provided.
- (h) Direction of storm water drainage and indication as to how storm water runoff will be handled.
- (i) Location of existing and proposed buildings; their intended use; the length, width and height of each building; and the square footage of each building.
- (j) Location of abutting streets, existing and proposed rights-of-way, service drives, curb cuts, and access easements serving the site, as well as driveways opposite the site and all driveways within one hundred (100) feet of the site. The centerline of road rights-of-way shall be shown.
- (k) Location and size of all water and sanitary sewer lines, storm drainage lines, fire hydrants, catch basins, septic tanks and drainfields and utility easements.
- (l) Proposed parking areas and access drives, showing the number and size of spaces, aisles, loading areas, and handicapped access ramps. Also, the method of surfacing such areas shall be noted.
- (m) Location of all sidewalks, bike paths, and other pathways.
- (n) Location and size of any walls, fences, greenbelts, or other screening provisions.

- (o) Landscape plan indicating type and size of all plant material, including all areas to be sod or seeded for grass. Provide cross sections of all berms.
- (p) Location and type of significant existing vegetation, water courses, and water bodies including county drains and manmade surface drainage ways, floodplains, and wetlands. Vegetation which is to be retained on the site shall be illustrated.
- (q) Building floor plans and architectural wall elevations. The height of all buildings or structures shall be indicated.
- (r) Location of all proposed accessory structures, including outdoor lighting fixtures, flagpoles, storage sheds, transformers, dumpsters or trash removal areas or devices, signs, and existing and proposed utility poles. Indicate screening for trash receptacles.
- (s) Location of all outdoor storage areas for materials and the manner in which materials shall be screened or covered.
- (t) Location and specifications for any existing or proposed above or below ground storage facilities for any chemicals, salts, flammable materials, or hazardous materials as well as any containment structures or clear zones required by this Ordinance or other state or federal agencies.
- (u) If phased construction is to be used, each phase must be noted and each phase must stand on its own.
- (v) Notation of any variances or conditional use permits which are required, any legal non-conforming uses or structures, and any State or Federal permits which have been secured or may be necessary to secure.
- (w) Other data which the Planning Commission may reasonably deem necessary for adequate review.

SECTION 18.05. REVIEW PROCEDURE AND AUTHORIZATION. All site plans required under this Chapter shall be subject to review as follows:

- (a) **Authorization.** The Planning Commission shall have the power to approve, deny, modify, or approve with conditions all site plans submitted to it under this Ordinance. The Planning Commission shall advise the applicant of its action in writing. A building permit shall not be issued until a site plan has been approved as required herein.
- (b) **Review Period.** The Planning Commission shall render a decision on a site plan within sixty-five (65) days of its initial review of the site plan, unless an extension of time is agreed to by the Planning Commission and the applicant.
- (c) **Review Standards.** The Planning Commission shall review each site plan according to the standards for site plan review as contained in Section 18.06 of this chapter and any other

applicable regulations of this Ordinance. In addition, the Planning Commission is empowered to seek the review and recommendation of appropriate county, state or federal agencies, the Township Engineer or Planner, or other professionals, consultants, or agencies as the Commission deems necessary to assist it in its review.

- (d) **Approval.** Upon approval of a site plan, two copies of the plan shall be signed and dated by the Planning Commission. One copy of the plan shall be retained by the applicant and the chairperson of the applicant and one shall be submitted to the Building Inspector as part of the building permit review process.
- (e) **Effect of Approval.** Approval of a final site plan authorizes issuance of a certificate of zoning compliance and issuance of a building permit, provided all other requirements for a building permit have been met. In the case of uses without buildings or structures, approval of a final site plan authorizes issuance of a certificate of zoning compliance and issuance of a certificate of occupancy, provided all other requirements for such certificate have been met.
- (f) **Expiration of Approval.** Approval of a final site plan shall expire and be of no effect unless a building permit shall have been issued within one hundred eighty (180) days of the date of the site plan approval. Approval of a final site plan shall expire and be of no effect five hundred thirty-five (535) days following the date of approval unless construction has begun on the property and is diligently pursued to completion in conformance with the approved site plan.

SECTION 18.06. STANDARDS. The Planning Commission shall review the site plan for compliance with the requirements of this Ordinance and conformance with the following general standards:

- (a) The applicant may legally apply for site plan review.
- (b) All required information has been provided.
- (c) The proposed development conforms to all regulations of the zoning district in which it is located.
- (d) All elements of the site plan shall be harmoniously and efficiently organized in relation to topography, the size and type of the lot, the character of adjoining property, and the type and size of buildings. The site shall be so developed as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Ordinance.
- (e) The landscape shall be preserved in its natural state, insofar as practical, by minimizing tree and soil removal, and by topographic modifications which result in maximum harmony with adjacent areas.

- (f) Natural resources will be preserved to and protected to the maximum feasible extent and organic, wet, or other soils which are not suitable for development will be undisturbed or will be modified in an acceptable manner.
- (g) The proposed development will not cause soil erosion or sedimentation problems.
- (h) The drainage plan for the proposed development is adequate to handle anticipated storm water runoff and will not cause undue runoff onto neighboring property or overloading of water courses in the area.
- (i) The proposed development properly respects floodways and floodplains on or in the vicinity of the subject property.
- (j) The plan meets the specifications of the Tallmadge Township for water supply, sewage disposal or treatment, storm drainage, and other public facilities.
- (k) With respect to vehicular and pedestrian circulation on the site, including walkways, interior drives, and parking; special attention shall be given to the location, number and spacing of access points; general interior circulation; separation of pedestrian and vehicular traffic; the avoidance of building corners next to access drives; and the arrangement of parking areas that are safe and convenient, and insofar as practicable, do not detract from the design of the proposed buildings and structures, neighboring properties and flow of traffic on adjacent streets.
- (l) All buildings or groups of buildings shall be so arranged as to permit emergency vehicle access by some practical means as required by the Township fire department.
- (m) The site plan shall provide reasonable, visual, and sound privacy for all dwelling units located therein. Fences, walls, barriers, and landscaping shall be used, as appropriate, for the protection and enhancement of property and for the privacy of its occupants.
- (n) All loading and unloading areas and outside storage of materials which face or are visible from residential districts or public thoroughfares, shall be screened by a vertical screen consisting of structural or plant materials. Also, outdoor storage of garbage and refuse shall be contained, screened from view, and located so as not to be a nuisance to the subject property or neighboring properties.
- (o) All lighting shall be shielded from adjacent properties and public right-of-way.
- (p) Phases of development are in logical sequence so that any phase will not depend upon a subsequent phase for adequate access, public utility services, drainage, or erosion control.
- (q) Site plans shall conform to all applicable requirements of state and federal statutes and approval may be conditioned on the applicant receiving necessary state and federal permits before a building permit or occupancy permit is granted.

SECTION 18.07. ISSUANCE OF BUILDING PERMIT. The Building Inspector shall, upon receipt of notice of approval from the Planning Commission and upon application by the applicant, issue a building permit provided all other applicable Township regulations have been met.

SECTION 18.08. AMENDMENT OF APPROVED SITE PLAN. A site plan may be amended upon application and in accordance with the procedures and requirements provided in Section 18.05 herein. Minor changes to a site plan may be made without following the procedures of Section 18.05 at the discretion of the Planning Commission . The Planning Commission may require, in case of minor changes to an approved site plan, that a revised site plan drawing(s) be submitted showing such minor changes for purposes of record. The Planning Commission shall have the authority to determine if a proposed change is minor or major and if such change requires an amendment to an approved site plan. The Planning Commission shall record its determinations and reasons for allowing amendment in the minutes of the meeting at which the action is taken.

SECTION 18.09. MODIFICATION OF PLAN DURING CONSTRUCTION. All site improvements shall conform to the approved site plan. If the applicant makes any changes during construction in the development in relation to the approved site plan, such changes shall be made at the applicant's risk, without any assurances that the Planning Commission will approve the changes. It shall be the responsibility of the applicant to notify the Building Official and the Planning Commission of any changes. The Building Official or the Planning Commission, whichever is applicable, may require the applicant to correct the changes so as to conform to the approved site plan.

SECTION 18.10. AS-BUILT DRAWINGS.

- (a) The applicant shall provide as-built drawings of all sanitary sewer, water, and storm sewer lines and all appurtenances which were installed on a site for which a site plan was approved. The drawings shall be submitted to the Building Inspector.
- (b) The as-built drawings shall show, but shall not be limited to, such information as the exact size, type and location of pipes; location and size of manholes and catch basins; location and size of valves, fire hydrants, tees and crosses; depth and slopes of retention basins; and location and type of other utility installations. The drawings shall show plan and profile views of all sanitary and storm sewer lines and plan views of all water lines.
- (c) The as-built drawings shall show all work as actually installed and as field verified by a professional engineer or a representative thereof. The drawings shall be identified as "As-Built Drawings" in the title block of each drawing and shall be signed and dated by the owner of the development or the owner's legal representative and shall bear the seal of a professional engineer.

SECTION 18.11. PHASING OF DEVELOPMENT. The applicant may divide the proposed development into two or more phases. In such case, the site plan shall show the entire property involved and shall clearly indicate the location, size, and character of each phase. However,

complete site plans for all phases of a project need not be provided at once. Subsequent site plans may be submitted for review and approval for each phase as the project proceeds.

Each phase of a project shall stand on its own; no phase shall rely on the completion of any subsequent phases of the project for parking, utilities, landscaping, or any other element required by this Ordinance.

SECTION 18.12. PERFORMANCE GUARANTEE. The Planning Commission may require a performance bond, letter of credit, or certified check in an amount equal to the estimated cost of a road, lighting, utility, sidewalk, landscaping, drainage, and other required improvements associated with the project. The estimated amount shall be determined by the applicant and the Planning Commission. Such performance guarantee shall be deposited with the Township Clerk at the time of the issuance of the permit authorizing the activity or project to ensure faithful completion of the improvements indicated with the approved site plan. If not, the performance guarantee shall be forfeited. The Township shall rebate a proportional share of cash deposits only when requested by the depositor, based on the percent of improvements completed, as attested to by the depositor and verified by the Building Inspector. In cases where the provisions of this Chapter have not been met, the amount of the aforementioned performance guarantee shall be used by the Township to complete the required improvements and the balance, if any, shall be returned to the applicant.

SECTION 18.13. FEES. Fees for the review of site plans and inspections as required by this Chapter shall be established and may be amended by resolution of the Township Board.

SECTION 18.14. VIOLATIONS. An approved site plan shall become part of the record of approval, and subsequent action relating to a site in question shall be consistent with the approved site plan, unless the Planning Commission agrees to such changes as provided in this Chapter. Any violation of the provisions of this Chapter, including any improvement not in conformance with the approved final site plan, shall be deemed a violation of this Ordinance and shall be subject to all penalties therein.

CHAPTER 19

SPECIAL USES

SECTION 19.01. STATEMENT OF INTENT. The formulation and enactment of this Ordinance is based upon the division of unincorporated portions of Tallmadge Charter Township into districts, in each of which certain specified, mutually compatible uses are permitted by right. In addition to such uses, however, there are certain other uses which are essential or desirable for the welfare of the community and its citizenry or substantial parts of it. Such uses are entirely appropriate and not essentially incompatible with the uses permitted by right in a zoning district, but not at every or any location therein, or without restrictions or conditions being imposed by reason of special problems presented by the use or its particular location in relation to neighboring properties.

This Ordinance, therefore, requires approval of special uses of each use listed in the several zoning districts as special uses and specifies in this Chapter the procedures and standards to be followed.

SECTION 19.02. AUTHORITY TO GRANT PERMITS.

- (a) Except as permitted in (b) below, the Planning Commission shall have the authority to approve special uses and to attach conditions to any approved special use. Only those uses listed in each zoning district as special uses shall be considered for special use review and approval.
- (b) If, prior to the Planning Commission approving or denying a special use application, the Supervisor, the Treasurer, or the Clerk specifies in writing that the particular special use application in question should be decided by the Township Board, then the Planning Commission shall hold a public hearing and make a recommendation to the Township Board. In that event, the Township Board shall hold a second public hearing in accordance with Section 19.05 and make the final decision on the application.

In deciding whether or not to require a particular special use application to be decided by the Township Board rather than the Planning Commission, the Supervisor, the Treasurer, or the Clerk, as the case may be, shall consider the following factors:

1. The impact of the proposed special use on the surrounding area;
2. The compatibility of the proposed special use with the Township Master Plan;
3. The capacity of existing infrastructure to accommodate the proposed special use; and
4. The size of the proposed special use.

SECTION 19.03. APPLICATION AND FEE. An application for a special use permit shall be made by filing the completed application form, all required information, and the required fee with the Clerk. The fee shall be set by resolution of the Township Board. No part of the fee shall be returnable to the applicant, unless the Township requires an escrow deposit, in which event any unspent funds deposited shall be returned to the applicant. The Clerk shall transmit a copy of the application and the submitted information to the Chairman of the Township Planning Commission within seven (7) days of the filing date.

SECTION 19.04. INFORMATION REQUIRED. An application for a special use permit shall contain the following information:

- (a) The applicant's name, address, and telephone number;
- (b) The names and addresses of all record owners of the property and proof of ownership;
- (c) The applicant's interest in the property and, if not the fee simple owner, a signed authorization from the owner(s) for the application;
- (d) Legal description, address, and tax parcel number of the property;
- (e) A sealed and accurate survey drawing, correlated with the legal description, showing all existing buildings, drives, and other improvements;
- (f) A detailed description of the proposed use; and
- (g) A site plan, meeting the requirements set forth in Section 18.04 herein.

SECTION 19.05. PUBLIC HEARING. The Planning Commission, and possibly the Township Board, shall hold a public hearing on an application for a special use permit. Notice for the hearing shall be given in the manner required by law.

SECTION 19.06. REQUIRED STANDARDS AND FINDINGS. The Planning Commission or the Township Board, as the case may be, shall review the particular circumstances and facts of each proposed special use in terms of the following standards and required findings, and with respect to any additional standards set forth in the zoning districts and general provisions herein. The Planning Commission or the Township Board, as the case may be, shall find adequate evidence showing that the proposed use on the proposed lot generally satisfies the following:

- (a) Will be harmonious, and in accordance with objectives, intent, and purposes of this Ordinance;
- (b) Will be compatible with the natural environment and existing and future land uses in the vicinity;
- (c) Will be compatible with the Township Master Plan;

- (d) Will be served adequately by essential public facilities and services, such as but not limited to highways, streets, police and fire protection, drainageways and structures, and refuse disposal, unless the persons or agencies responsible for the establishment of the proposed use will be able to provide adequately any such service;
- (e) Will not be detrimental, hazardous, or disturbing to existing and future neighboring uses, persons, property, or the public welfare; and
- (f) Will not create additional requirements at public cost for public facilities and services that will be detrimental to the economic welfare of the community.

SECTION 19.07. FINAL ACTION. The Planning Commission or the Township Board, as the case may be, shall review and decide to either approve, approve with conditions, or deny the special use permit application. The decision, the basis for the decision, and all conditions imposed, shall be described in a written statement which shall be made a part of the record of the meeting.

SECTION 19.08. CONDITIONS OF APPROVAL. If a special use application is granted, the Planning Commission or the Township Board, as the case may be, shall require such conditions as deemed necessary to achieve the objectives and standards of this Ordinance; the standards of the Michigan Zoning Enabling Act, as amended or restated; and the public health, safety, and welfare of the Township. Failure to comply with any such conditions shall be considered a violation of this Ordinance. Conditions of approval shall remain unchanged except upon mutual consent of the Township Board and the landowner. Any such changes shall be entered into Township records and recorded in the minutes of the Township Board meeting at which the final action occurred.

SECTION 19.09. REAPPLICATION. No application for a special use permit which has been denied wholly or in part by the Township Board shall be resubmitted for a period of three hundred sixty-five (365) days from the date of such denial, except on grounds of new evidence or proof of changed conditions found by the Township Board to be valid.

CHAPTER 20

ADMINISTRATION AND ENFORCEMENT

SECTION 20.01. ZONING ADMINISTRATION.

- (a) Zoning Administrator. The Township Board shall appoint a Zoning Administrator who shall enforce and administer this Ordinance. The Zoning Administrator may be provided with the assistance of such other persons as the Township Board may direct. The Township Board shall determine compensation for the Zoning Administrator.
- (b) Duties and Responsibilities.
 - (1) The Zoning Administrator or the appointed agent shall have the power to grant certificates of zoning compliance and to make necessary inspections of premises in the enforcement of this Ordinance.
 - (2) It shall be unlawful for the Zoning Administrator to approve plans or issue certificates of zoning compliance for any construction or use until the Administrator has inspected such plans and found them to conform with this Ordinance.
 - (3) If the Zoning Administrator shall find that any of the provisions of this Ordinance are being violated, the Administrator shall notify in writing the persons responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. The Administrator shall order discontinuation of illegal uses of land, buildings, or structures; removal of illegal buildings or structures; discontinuation of any illegal work being done; or shall take any other action authorized by this Ordinance to insure compliance with, or prevent violations of, its provisions.
 - (4) The Zoning Administrator or an official appointed by the Zoning Administrator shall be authorized to issue and serve appearance tickets on any person with respect to any violation of the Tallmadge Township Zoning Ordinance when there is reasonable cause to believe that the person has committed such an offense. This authority is granted pursuant to Section 9c(2) of Public Act 147 of 1967, as amended.

SECTION 20.02. CERTIFICATE OF ZONING COMPLIANCE.

- (a) Certificate Required. It shall be unlawful to construct, enlarge, alter or permit the use or occupancy of a building or structure or change the use of a building until a Certificate of Zoning Compliance has been issued by the Zoning Administrator. The Certificate shall state that the building structure and lot and use thereof conform to the requirements of the Ordinance.

- (b) Application for a Certificate of Zoning Compliance shall be filed by the Owner or agent and it shall state the intended use of the land, structure, or building. In order to determine whether a proposed use, building, or structure complies with the requirements of this Ordinance, the Zoning Administrator may require at a minimum the following information as applicable be submitted with the application:
- (1) Proof of ownership of the lot or premises.
 - (2) Location, dimensions, and size of the lot or premises.
 - (3) A drawing illustrating the location of the building or structure, the distance from all lot lines, the right-of-way of abutting streets, the location and number of parking spaces, and the location and type of use of buildings on adjacent land.
- (c) Issuance of Permit. Within ten (10) days after the receipt of any application, the Zoning Administrator shall either (1) issue a permit if the proposed work is in conformance with the terms and provisions of this Ordinance; or (2) deny issuance of a permit and state the reason(s) or cause(s) for such denial in writing. In each case, the permit or the written reason(s) or cause(s) for denial shall be transmitted to the owner or his agent. A copy of the permit shall also be transmitted to the Township Clerk.
- (d) Planning Commission Approval. When the terms and provisions of this Ordinance require authorization by the Planning Commission as a site plan or the Township Board as a Special Use and such authorization is given, then the application shall be marked approved by the appropriate Secretary and a copy given to the applicant and a copy provided to the Township Clerk.
- (e) In cases where development authorized by a Certificate of Zoning Compliance has not commenced within one (1) year of issuance, the certificate shall automatically become void and all rights thereunder shall terminate. A single one (1) year extension may be granted by the Zoning Administrator upon written application. Expiration of this extension shall require resubmittal of all applicable information as was submitted for the initial development proposal, including any required fees.
- (f) Fees. Fees shall be charged and collected by the Zoning Administrator in accordance with the fee schedule adopted by the Township Board. Failure to obtain a Certificate of Zoning compliance before commencing construction or alteration or occupying land or a building or other activities for which a Certificate is required shall cause the fee to be doubled.

In the event that a building permit is also required by the Township Building Code, then the fee for the Certificate of Zoning Compliance shall be credited toward the building permit fee.

- (g) A building permit for erection, alteration, moving or repair of any building or structure shall not be issued until a Certificate of Zoning compliance has first been issued.

SECTION 20.03. PENALTIES. Any building or structure which is erected, moved, placed, reconstructed, razed, extended, enlarged, altered, maintained or used, or any use of a lot or land which is begun, maintained or changed, in violation of any term of provision of this Ordinance is a nuisance per se. Any person who violates, disobeys, omits, neglects or refuses to comply with, or resists the enforcement or any term or provision of this Ordinance or any amendment to it shall be guilty of a misdemeanor and upon conviction shall be fined not more than five hundred dollars (\$500.00) or shall be imprisoned in the Ottawa County Jail for not more than ninety-three (93) days or both such fine and imprisonment in the discretion of the Court. Each day during which any violation continues shall be deemed a separate offense. The attorney for the Township is empowered to prosecute such violations.

SECTION 20.04. PROCEDURE. The Township Board or the Township Supervisor may institute injunction, mandamus, abatement or any other appropriate action or proceedings to prevent, enjoin, abate or remove any violation of this Ordinance. The rights and remedies provided in this Ordinance are cumulative and in addition to all other remedies provided by law.

CHAPTER 21

ZONING BOARD OF APPEALS

SECTION 21.01. BOARD ESTABLISHED. A Zoning Board of Appeals, hereinafter referred to as the Board of Appeals, is hereby established in accordance with Act 110 of the Public Acts of 2006, as amended.

SECTION 21.02. MEMBERSHIP AND TERMS.

- (a) The Board of Appeals shall consist of five (5) members appointed by the Township Board. The first member shall be a member of the Township Planning Commission. The next member selected may be a member of the Township Board. The remaining members shall be selected from the electors of the Township residing in the unincorporated area of the Township. The members selected shall be representative of the population distribution and of the various interests present in the Township.
- (b) The term of office of each member shall be for three (3) years, except for members serving because of their membership on the Planning Commission or Township Board whose terms shall be limited to the time they are members of the Planning Commission or Township Board, respectively, and the period stated in the resolution appointing them. A successor shall be appointed not more than one (1) month after the term of the preceding member has expired. All vacancies for unexpired terms shall be filled for the remainder of the term.
- (c) A member shall abstain from voting on any question on which the member has a conflict of interest. Failure of a member to abstain in such cases shall constitute malfeasance of office and shall require a revote of the question by the Board of Appeals.
- (d) Members of the Board of Appeals shall be removable by the Township Board for misfeasance, malfeasance or nonfeasance in office upon written charges and after a public hearing.
- (e) The Township Board may appoint to the Board of Appeals not more than two (2) alternate members for the same term as regular members of the Board of Appeals. An alternate member may be called as specified to serve as a member of the Board of Appeals in the absence of a regular member if the regular member will be unable to attend one (1) or more meetings. An alternate member may also be called to serve as a member for the purpose of reaching a decision on a case in which a regular member has abstained for reasons of conflict of interest. The alternate member appointed shall serve in the case until a final decision is made. When filling in for a regular member, an alternate member has the same voting rights as a regular member of the Board of Appeals.

SECTION 21.03. GENERAL REGULATIONS FOR THE BOARD OF APPEALS.

- (a) Rules. The Board of Appeals shall adopt bylaws and rules to govern its procedures; provided however that such by-laws and rules must be approved by the Township Board and must be maintained in written form to be made available to the general public upon request. The Board of Appeals shall elect a Chair, Vice-Chair, and Secretary from its membership.
- (b) Votes. Except as otherwise indicated in this Chapter, a concurring vote of a majority of the entire membership of the Board of Appeals shall be necessary for any decision. The Board of Appeals shall not conduct business unless a majority of its members is present.
- (c) Representation. A person may appear on that person's own behalf at a hearing or may be represented by an agent or attorney.
- (d) Time Limit. The Board of Appeals shall decide upon all matters within a reasonable time, generally not to exceed ninety (90) days from the filing date. The decision of the Board of Appeals shall be in the form of a resolution or motion containing a full record of its findings and determinations in each case.
- (e) Meetings. Meetings of the Board of Appeals shall be held at the call of the Chair and at such times as the Board of Appeals in its bylaws and rules might specify. Minutes shall be kept of each meeting and the Board of Appeals shall record into the minutes all findings, conditions of approval, facts, other relevant factors, and all its official actions. The vote of each member upon a question, or a member's absence or abstention, shall be recorded into the minutes of the meeting. All meetings and records shall be open to the public, except as otherwise provided by law. All minutes shall be filed in the office of the Township Clerk.
- (f) Distribution. A copy of the decision of the Board of Appeals shall be transmitted to the applicant/appellant, the Planning Commission, and to the Zoning Administrator. No building permit shall be issued until the copy has been received by the Zoning Administrator.

SECTION 21.04. POWERS AND DUTIES OF BOARD OF APPEALS.

- (a) The Board of Appeals shall perform its duties and exercise its powers as provided in Act 110 of the Public Acts of 2006, as amended, so that the objectives of this Ordinance shall be attained; the public health, safety, and welfare shall be secured; and substantial justice shall be done.
- (b) The Board of Appeals shall hear and decide, as provided herein, all questions and decisions regarding the following:

1. Interpretation of the official Township Zoning Map, including the interpretation of the location of zoning district boundaries when in doubt;
 2. The interpretation of the language of this Ordinance when its meaning is unclear, or when there is uncertainty as to whether the language applies to a particular situation;
 3. Requests for appeals from any order, requirement, decision, or determination made by an administrative body or official charged with the enforcement of this Ordinance;
 4. The hearing of and deciding on requests for variances; and
 5. The determination of nonconforming uses, structures, or lots, when questions are at issue.
- (c) The Board of Appeals shall not change the zoning district classification of any property or make any change in the terms of this Ordinance, and shall not take any action which would, as a result, make legislative changes in or negate any provisions of this Ordinance.
- (d) The Board of Appeals shall not have authority to grant variances from the decisions of the Planning Commission or Township Board regarding Special Use or Planned Unit Development applications.

SECTION 21.05. HEARINGS. The Board of Appeals shall hold a public hearing on each question submitted to it for decision. The Chair shall fix a reasonable time and date for the hearing; the date shall generally not exceed forty-five (45) days from the filing date. The Board of Appeals shall also give notice of the hearing in the manner required by law.

SECTION 21.06. APPEALS PROCEDURES.

- (a) All questions concerning administrative decisions under this Ordinance shall first be presented to the applicable Township official or agency. Such questions shall be presented to the Board of Appeals only on appeal from the decisions of the applicable Township official or agency. Recourse from decisions of the Board of Appeals shall be to the courts as provided by law.
- (b) Appeals shall be filed within sixty (60) days of the decision in question. The appeal shall be filed with the Zoning Administrator and the Board of Appeals. The appellant shall submit a clear description of the order, requirement, decision, or determination for which the appeal is made and the grounds of the appeal. The appellant may be required by the Board of Appeals to submit additional information to clarify the appeal. The Zoning Administrator shall transmit to the Board of Appeals copies of all papers constituting the record upon which the action appealed from was taken, generally within seven (7) days of the filing date.

- (c) Appeals may be taken by the person aggrieved or by any officer, department, board, agency or bureau of the Township, county, state, or federal governments.
- (d) The fee shall be paid to the Township Treasurer at the time of filing the appeal and shall be deposited in the Township's general fund or in an escrow fund established for the appeal.
- (e) An appeal stays all proceedings in furtherance of the action appealed from unless the Zoning Administrator certifies to the Board of Appeals after the appeal is filed that, by reason of facts stated in the certificate, a stay would cause imminent peril to persons or property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by the Board of Appeals or by a court of record on application, on notice to the Zoning Administrator from whom the appeal is taken, and on due cause shown.
- (f) The Board of Appeals may, so long as such action is in conformity with the terms of this Ordinance, reverse or affirm, wholly or partly, or modify, the order, requirements, decision, or determination as ought to be done. To that end, the Board of Appeals shall have the powers of the public official or agency from whom or which the appeal is taken.

SECTION 21.07. VARIANCES PROCEDURES.

- (a) Filing. An application for a variance to the provisions of this Ordinance shall be filed with the Township Clerk by the record owner of the property in question or by a person authorized to act on the record owner's behalf. The application shall consist of a completed application form, fee, and the information required. The Township Clerk shall transmit the application and information to each member of the Board of Appeals and to the Zoning Administrator within three (3) days of the filing date.
- (b) Information Required. An application for a variance shall contain the following information:
 - 1. Legal description, address, and tax parcel number of the subject property;
 - 2. An accurate, scaled drawing of the property, showing all property lines, dimensions, and bearings or angles correlated with the legal description; all existing and proposed structures and uses on the property; dimensions of structures and their dimensioned locations; lot area calculations necessary to show compliance with the regulations of this Ordinance;
 - 3. Name and address of the applicant, property owner, and the interest of the applicant in the property; and

4. Other reasonable information deemed necessary by the Board of Appeals in order to make a decision.
- (c) Fee. The fee shall be paid to the Township Treasurer at the time of the filing of the appeal and shall be deposited in the Township's general fund or in an escrow fund established for the appeal.
- (d) Standards for Review - Dimension Variance. For a dimension variance, the Board of Appeals must find that all of the following facts and conditions exist.
1. There are exceptional or extraordinary circumstances or conditions applying to the property in question, as to its intended use, that do not apply generally to other properties or classes of uses in the same zone.
 2. The variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties or classes of uses in the same zone. The possibility of increased financial return shall not of itself be deemed sufficient to warrant the granting of a variance.
 3. The variance, if granted, will not be of substantial detriment to adjacent property and will not materially impair the intent and purpose of this Ordinance or the public interest.
 4. The condition or situation of the property or its intended use is not of so general or recurrent a nature as to make reasonably practicable a general regulation for the condition or situation.
 5. Any exceptional or extraordinary circumstances applying to the property in question are not self-created.
- (e) Standards for Review - Use Variance. For a use variance, two-thirds of the members of the Board of Appeals must find that all of the following facts and conditions exist.
1. There are exceptional or extraordinary circumstances or conditions applying to the property in question, as to its intended use, that do not apply generally to other properties or classes of uses in the same zone.
 2. The variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties or classes of uses in the same zone. The possibility of increased financial return shall not of itself be deemed sufficient to warrant the granting of a variance.

3. The variance, if granted, will not be of substantial detriment to adjacent property and will not materially impair the intent and purpose of this Ordinance or the public interest.
4. The condition or situation of the property or its intended use is not of so general or recurrent a nature as to make reasonably practicable a general regulation for the condition or situation.
5. Any exceptional or extraordinary circumstances applying to the property in question are not self-created.
6. The property in question cannot be reasonably used as zoned and therefore a use variance is necessary.

(f) **Variations - Reapplication.** An application for a variance which has been denied wholly or in part by the Board of Appeals shall not be resubmitted for a period of three hundred sixty-five (365) days from the date of denial, except on grounds of new evidence of changed conditions found by the Board of Appeals to be valid.

SECTION 21.08. CONDITIONS OF APPROVAL. The Board of Appeals may attach conditions to any affirmative decision, provided such conditions are in accordance with the requirements of this Ordinance and Act 110, PA 2006, as amended. The conditions shall be consistent with procedures, requirements, standards, and policies of the Township Board, the Township Planning Commission, and other Township agencies, where applicable. Violation of any condition imposed shall be deemed a violation of this Ordinance and punishable under Section 20.10 herein.

SECTION 21.09. TIME LIMITATIONS. If a variance or other requested action is granted or authorized, the necessary permits shall be obtained and any authorized actions shall be begun within six (6) months following the date of the variance or authorization and shall be completed as authorized by the permit or elsewhere in this Ordinance. Should the applicant/appellant fail to obtain the permits or fail to commence work within the subsequent period, it shall be presumed that the applicant/appellant has waived, withdrawn, and abandoned the appeal and all permissions, authorizations, variances, and permits shall be deemed to be rescinded.

SECTION 21.10. FEES. A schedule of fees for the Board of Appeals shall be established by resolution of the Township Board.

SECTION 21.11. APPEALS TO COURTS. Any decision of the Board of Appeals may be appealed through the courts, as provided in Act 110, PA 2006, as amended.

CHAPTER 22

ORDINANCE AMENDMENT

SECTION 22.01 AMENDMENT PROCEDURE. The Planning Commission may initiate, or any interested person or public body may make, written request to the Planning Commission for initiating a zoning map change or amendment to this Zoning Ordinance. If such request shows just cause, or if the applicant specifically requests, the following procedure shall be followed:

- (a) The applicant shall submit a formal application to the Zoning Administrator, together with a fee as determined by the Township Board, at least two (2) weeks prior to a regular Planning Commission meeting to be considered at that meeting.
- (b) The Zoning Administrator shall cause the application to be placed on the next Planning Commission agenda if received as noted above.
- (c) The Planning Commission shall hold a public hearing on any proposed amendment to this Ordinance. Notice for the hearing shall be given in the manner required by law.
- (d) At said hearing, the Planning Commission shall establish that the applicant has paid to the Township the fee established by the Township Board and that proper notices have been made.
- (e) The Planning Commission shall hold said public hearing, noting all comments and reports requested, or noting the absence of such.
- (g) Prior to voted approval, the Planning Commission may make minor changes in the amendment to reflect objections raised at the hearing or to correct typographical or grammatical errors. The changed text shall be forwarded as above without further hearing.
- (h) If the Planning Commission desires to make major changes in the proposed amendment, it shall either adjourn the hearing, announcing at that time the time and place of the continuation thereof, or set a time and place for a new public hearing as called for above.
- (i) If the Planning Commission votes to approve such amendment without change, it shall forward the amendment to the Township Board and County Planning Commission with recommendation for approval or denial and shall be accompanied by a summary of the comments made at the public hearing.
- (j) The County Planning Commission shall have thirty (30) days to review and comment upon the amendment prior to the Township Board taking a final action. The County function is merely advisory.
- (k) Following said hearing and recommendation from the Planning Commission, the Township Board may adopt or deny said amendment with a concurring vote of a majority

of its members, with or without any amendments that have been previously considered at a public hearing.

- (l) If the Township Board considers amendment changes, additions or departures advisable to the proposed text or Zoning Ordinance Map, it shall refer the same to the Planning Commission for a report thereon within a time specified by the Township Board. After review of such report, the Township Board may then proceed to consider the adoption of any such amendment.

SECTION 22.02. AMENDMENT PETITION PROCEDURE. All petitions for amendment to this Ordinance shall be in writing, signed, and filed in triplicate with the Zoning Administrator for presentation to the Planning Commission. Such petitions shall include the following:

- (a) The petitioner's name, address, and interest in the petition, as well as the name, address, and interest of every person having a legal or equitable interest in any land which is to be rezoned;
- (b) The nature and effect of the proposed amendment;
- (c) If the proposed amendment would require a change in the Zoning Map, a fully dimensioned map showing the land which would be affected by the proposed amendment, a legal description of such land, the present zoning district of the land, the zoning district of all abutting lands, and all public and private rights-of-ways and easements bounding and intersecting the land to be rezoned;
- (d) The alleged error in the ordinance which would be corrected by the proposed amendment, with a detailed explanation of such alleged error and detailed reason why the proposed amendment will correct the same;
- (e) The changed or changing conditions in the area or in the Township that make the proposed amendment reasonably necessary to the promotion of the public health, safety, and general welfare;
- (f) All other circumstances, factors, and reasons which the petitioner offers in support of the proposed amendment.

CHAPTER 23

VALIDITY, INTERPRETATION AND ADOPTION

SECTION 23.01. REPEAL OF PRIOR ORDINANCE. The Zoning Ordinance previously adopted by Tallmadge Township, and all amendments thereto, are hereby repealed.

The repeal of the above Ordinance and its amendments does not affect or impair any act done, offense committed, or right accruing, or accrued, or acquired, or liability, penalty, forfeiture, or punishment incurred prior to the time enforced, prosecuted or inflicted.

SECTION 23.02. VALIDITY AND SEVERABILITY. This Ordinance and the various parts, chapters, sections, subsections, sentences, paragraphs, and clauses are hereby declared to be severable. If any part, chapter, section, subsection, sentence, paragraph or clause is adjudged unconstitutional or invalid, it is hereby provided the remainder of this Ordinance shall not be affected thereby.

SECTION 23.03. INTERPRETATION. The provisions of the Ordinance shall be considered to be the minimum requirements necessary for the promotion of the public health, morals, safety, comfort, convenience, or general welfare.

It is not intended by this Ordinance to repeal, abrogate, annul, or in any way to impair or interfere with any existing provision of any Ordinance other than the above-described Zoning Ordinance or with any rules, regulations, or permits previously adopted or issued or which shall be adopted or issued pursuant to the law relating to the use of buildings, structures, or premises; provided, however, that where this Ordinance imposes a greater restriction than is required by existing Ordinance, or by rules, regulations, or permits, the provisions of this Ordinance shall control.

Nothing in this Ordinance shall be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, district zoning classification, or any permissible activities therein; they are hereby declared to be subject to subsequent amendment, change or modification as may be necessary to the preservation or protection of public health, safety and welfare.

SECTION 23.04. ADOPTION. This Ordinance was approved by the Township Board on April 13, 1999 and is ordered to take effect thirty (30) days after notice publication.