

**DOUGLASS TOWNSHIP
ZONING ORDINANCE
2025**

**Douglass Township
Montcalm County
Michigan**

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CHAPTER ONE

TITLE, LEGAL BASIS & PURPOSE

SECTION 1.01 TITLE

This ordinance shall be known and may be cited as the "Douglass Township Zoning Ordinance".

SECTION 1.02 LEGAL BASIS

This ordinance is enacted in accordance with the authority granted to Townships under Public Act 110 of 2006 as amended, being the Michigan Zoning Enabling Act.

SECTION 1.03 PURPOSE

The fundamental purpose of this ordinance is to promote the public health, safety, morals and general welfare in and of the Township; to encourage the use of lands and natural resources in the Township in accordance with their character and adaptability; to limit and discourage the improper use of lands, buildings and other structures; to provide for the orderly development of the Township; to reduce hazards to life and property; to establish the location, size of, and the specific uses for which dwellings, buildings and other structures may hereafter be erected, altered or moved into the Township; to regulate the minimum open spaces, sanitary, safety and protective measures that shall be required for such dwellings, buildings and structures; to lessen congestion on the public roads, streets and other public places; to provide safety in traffic and in vehicular parking; to facilitate the development of adequate systems of transportation, education, recreation, sewage disposal, safe and adequate water supply and other public requirements; and to conserve life, property values and natural resources and the expenditure of funds for public improvements and services to conform with the most advantageous uses of land resources and properties.

CHAPTER TWO

DEFINITIONS

SECTION 2.01 RULES APPLYING TO TEXT

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

- A.** The particular shall control the general.
- B.** In the case of any difference in meaning or implication between the text of this ordinance and any caption or illustration, the text shall control.
- C.** The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
- D.** Words used in the present tense shall include the future; and words used in the singular number shall include the plural; and the plural the singular, unless the context clearly indicates the contrary.
- E.** A "building" or "structure" includes any part thereof.
- F.** The word "person" includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity.
- G.** Unless the context clearly indicates the contrary, the conjunctions noted below shall be interpreted as follows:
 - 1. "And" indicates that all connected items, conditions, provisions, or events shall apply.
 - 2. "Or" indicates that the connected items, conditions, provisions, or events may apply singularly or in any combination.
 - 3. "Either...or" indicates that the connected items, conditions, provisions or events shall apply singularly but not in combination.
- H.** Terms not herein defined shall have the meaning customarily assigned to them.

SECTION 2.02 A

Abandoned Principle Building

Any building which has been used or was intended for use as a residential dwelling or other principle use as permitted by the Douglass Township Zoning Ordinance, in whole or part, which has become vacant or abandoned for a period of at least 60 consecutive days and which also meets at least one of the following conditions:

- A.** Is the subject of a foreclosure and has been repossessed by the holder of the mortgage.
- B.** Is open to casual entry or trespass.
- C.** Is dangerous or dilapidated.
- D.** Demonstrates a lack of property maintenance and upkeep as evidenced by one or more violations of the Township Building or Construction Code.
- E.** Has been secured or boarded up for at least 60 days.
- F.** Has taxes in arrears to the Township for a period of time exceeding 365 days.
- G.** Has utilities disconnected or not in use.
- H.** Is under a condemnation notice or legal order to vacate.
- I.** Is structurally unsound.
- J.** Is a potential hazard or danger to persons.

ACCESSORY BUILDING

A building or portion of a building subordinate to a main building on the same lot occupied by or devoted exclusively to an accessory use; a building occupied by or devoted exclusively to an accessory use on an otherwise vacant lot, that is at least 10 acres, provided a main building may still be built on the front side of the accessory building on the same parcel; or a building occupied by or devoted exclusively to an accessory use on an otherwise vacant backlot in a Lake Residential District that is incidental to the primary building of a waterfront lot.

ACCESSORY USE

A use naturally and normally incidental and subordinate to, and devoted exclusively to the main use of the premises.

ADULT BOOK STORE

Any establishment, or part thereof, having as a substantial or significant portion of its stock in trade, books, magazines, or other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to "specific sexual activities" or "specific anatomical areas" as defined herein, or an establishment with a segment or section devoted to the sale or display of such material.

ADULT DAY CARE FACILITY

An establishment having as its principal function the receiving of one (1) or more persons eighteen (18) years of age or older for the provision of supervision, personal care, and protection for periods of less than twenty-four (24) hours per day, four (4) or more days per week, for two (2) or more consecutive weeks. Adult day care facilities may be further defined as follows:

- A. Adult Day Care Center:** A facility other than a private residence, receiving more than six (6) adults for group care periods of less than twenty-four (24) hours per day.
- B. Adult Family Day Care Home:** A private residence in which one (1) but less than seven (7) adults are given care and supervision for periods of less than twenty-four (24) hours per day except adults related to the family by blood, marriage or adoption.
- C. Adult Family Group Day Care Home:** A private residence in which more than six (6) but not more than twelve (12) adults are given care and supervision for periods of less than twenty-four (24) hours per day except adults related to the family by blood, marriage or adoption.

*Adult day care facilities do not include adult foster care facilities or child care organizations as defined in this chapter.

ADULT ENTERTAINMENT ESTABLISHMENT

A commercial establishment open to the public which:

- A.** Displays, distributes, issues, gives, provides, lends, delivers, transfers, transmits, distributes, circulates, disseminates, presents, exhibits, advertises, sells, rents, or leases a substantial or significant portion of its stock in trade, materials distinguished or characterized by specified anatomical areas; or which

- B. Utilizes a substantial or significant portion of its display areas, including, but not limited to, floor, shelf, rack, table, stand, or case, for the display of such material; or which
- C. Exhibits for a substantial or significant portion of the total presentation time, such material; or which
- D. Involves employees or customers who engage in conduct which is distinguished or characterized by specified sexual activities or specified anatomical areas.

ADULT FOSTER CARE FACILITY

An establishment having as its principal function the receiving of persons eighteen (18) years of age or older for the provision of supervision, personal care and protection, in addition to room and board, for twenty-four (24) hours per day, five (5) or more day per week, and for two (2) or more consecutive weeks for compensation, as licensed and regulated by the State under Act No. 218 of the Public Acts of 1979 and the associated rules promulgated by the State Department of Social Services. Such facilities may be further defined as follows:

- A. **Adult Foster Care Camp or Adult Camp:** An adult foster care facility with the approved capacity to receive more than four (4) adults who shall be provided foster care located in a natural or rural environment.
- B. **Adult Foster Care Congregate Facility:** An adult foster care facility with the approved capacity to receive more than twenty (20) adults who shall be provided foster care.
- C. **Adult Foster Care Family Home:** A private residence with the approved capacity to receive not more than six (6) adults who shall be provided foster care for five (5) or more days per week and two (2) or more consecutive weeks. The adult foster care family home licensee shall be a member of the household and an occupant of the residence.
- D. **Adult Foster Care Large Group Home:** An adult foster care facility with the approved capacity to receive at least thirteen (13) but not more than twenty (20) adults who shall be provided foster care.
- E. **Adult Foster Care Small Group Home:** An adult foster care facility with the approved capacity of not more than twelve (12) adults who shall be provided foster care.
- F. Adult foster care facility does not include any of the following:
 - 1. Adult day care facilities as defined in this chapter.
 - 2. Nursing homes, homes for the aged, or hospitals as defined in this chapter and as licensed under Article 17 of the Public Health Code, Act No. 368 of the Public Acts of 1978, as amended, or facilities operated under the Mental Health Code and Social Welfare Acts, being Act No. 258 of the Public Acts of 1974 and Act No. 28 of the Public acts of 1939, respectively.
 - 3. A child care organization as defined in this chapter if the number of residents who become eighteen (18) years of age while residing in the facility does not exceed the following:
 - a. Two (2), if the total number of residents is ten (10) or fewer.
 - b. Three (3), if the total number of residents is not less than eleven (11) and not more than fourteen (14).
 - c. Four (4), if the total number of residents is not less than fifteen (15) and not more than twenty (20).

- d. Five (5), if the total number of residents is twenty-one (21) or more.
- 4. An establishment commonly described as an alcohol or a substance abuse rehabilitation center, a residential facility for persons released from or assigned to adult correctional institutions, a maternity home, or a hotel or rooming house which does not provide or offer to provide foster care.
- 5. A veterans facility created under Act No. 152 of the Michigan Public Acts of 1885, as amended.

AGRICULTURE

The cultivation, raising, and storage of crops, animals, and animal products carried out by a farming operation or on a farm as defined in this chapter.

AIRPORT

An area of land that is used for or incidental to the landing, take off, and parking of aircraft, including buildings and facilities. For the purpose of this definition, airport related buildings and facilities may include control towers, passenger terminal buildings, fixed base operators, hangars, rental car facilities, aircraft fueling facilities, air cargo facilities, fire and rescue equipment and facilities, visual and electronic navigational aids, meteorological equipment and stations, airport maintenance facilities and buildings, automobile parking for employees and passengers, viewing areas, and contiguous reserve land held for such uses and purposes.

ALLEY

A public way which affords only a secondary means of access to abutting property and not intended for general traffic circulation.

ALTERATION-STRUCTURAL

Any change in the supporting members of any building or structure, including, but not to the exclusion of, other supporting members, bearing walls, columns, posts, beams, girders and any architectural change of the interior or exterior which may affect the structural integrity of the building.

ANIMAL UNIT

An animal unit is defined as:

One (1) horse, cow, donkey, mule

Two (2) pigs

Five (5) goats, alpaca, sheep, llama

Twenty (20) chickens, rabbits, other poultry

APARTMENT BUILDING

See Dwelling - Multiple Family as defined by this chapter.

AUTOMOBILE REPAIR

- A. Major:** General repair, rebuilding, or reconditioning of engines, motor vehicles or trailers, collision service, including body repair and frame straightening; painting and upholstering; vehicle steam cleaning and undercoating.
- B. Minor:** Minor repairs, incidental replacement of parts, and motor service to passenger automobiles and trucks not exceeding two (2) tons capacity, but not including any operation specified under “Automobile Repair - Major”.

AUTOMOBILE SALVAGE

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

AUTOMOBILE SERVICE STATION and GASOLINE SERVICE STATION

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

AUTOMOBILE/CAR WASH ESTABLISHMENT

A building, or portions thereof, the primary purpose of which is that of washing motor vehicles, either manually or automatically.

AVERAGE GRADE

The average finished ground elevation at the center of all walls of a building established for the purpose of regulating the number of stories and the height of buildings. The building grade shall be the level of the ground adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the building or structure being measured.

SECTION 2.03 B

BASEMENT

A portion of a building located totally below, or partly below and partly above grade, where the vertical distance from grade to the floor below is greater than the vertical distance from grade to ceiling.

BATTERY MANAGEMENT SYSTEM

An electronic regulator that manages a Utility-Scale Battery Energy Storage System by monitoring individual battery module voltages and temperatures, container temperature and humidity, off-gassing of combustible gas, fire, ground fault and DC surge, and door access and capable of shutting down the system before operating outside safe parameters.

- A. Utility-scale battery energy storage facilities:** One or more devices, assembled together, capable of storing energy in order to supply electrical energy, including battery

cells used for absorbing, storing, and discharging electrical energy in a Utility-Scale Battery Energy Storage System ("BESS") with a battery management system ("BMS").

- B. Utility-scale battery energy storage system:** A physical container providing secondary containment to battery cells that is equipped with cooling, ventilation, fire suppression, and a battery management system.

BED AND BREAKFAST ESTABLISHMENT

A use which is subordinate to the principal use of a single family dwelling unit, and a use in which transient guests are provided a sleeping room and breakfast in return for payment.

BERM

A mound of earth graded, shaped and improved with landscaping in such a fashion as to be used for visual or audible screening purposes.

BILLBOARDS

See "Signs" as defined in section 2.20 in this chapter.

BOARD OR TOWNSHIP BOARD

The Douglass Township Board.

BOARD OF ZONING APPEALS

The Douglass Township Board of Zoning Appeals or Board of Appeals.

BOARDING HOUSE

Also referred to as a lodging house, rooming house, fraternity house, sorority house or dormitory. A dwelling having one kitchen and used for the purpose of providing lodging, or lodging and meals, for pay or compensation of any kind on a weekly or longer basis to more than two (2) persons other than members of the family occupying such dwellings.

BUILDABLE AREA

The space on a lot remaining after the minimum open space requirements of this ordinance have been satisfied.

BUILDING

Any structure which is constructed or erected, either temporary or permanent, having a roof intended to be impervious to weather, supported by columns, walls, or any other supports, which is used for the purpose of housing, storing, or enclosing persons, animals, or personal property or conducting business activities or other similar uses. The definition includes tents, awnings, and vehicles situated on private property and serving in some way the function of a building, but not including screened enclosures not having a roof impervious to weather.

BUILDING HEIGHT

The vertical distance measured from the reference level to the highest point of the roof surface.

BUILDING INSPECTOR

The Building Inspector of Montcalm County or an authorized representative serving Douglass Township.

BUILDING-MAIN OR PRINCIPAL

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

BUILDING-EXISTING

Any permanent building is considered to be in existence if completed or the foundations of which are complete and the construction of which is being carried out at the time this ordinance takes effect.

BUILDING PERMIT

The written authority of the Building Inspector, issued on behalf of the Township, permitting the construction, moving or alteration of a building or structure in conformity with the provisions of this ordinance and the building code.

BUILDING SETBACK

The distance between the lot line, street right-of-way line, or other reference line established by the provisions of the Front, Rear, Corner, and Side lot lines in section 2.13 and the nearest point of any building or structure located on a lot or parcel.

BUILDING SETBACK LINE

The line situated at ground level being parallel to the street right-of-way line or property line or other reference line established by the provisions of the Front, Rear, Corner, and Side lot lines in section 2.13 which defines the actual distance of the nearest point of a building or structure from a street or property line.

BUILDING SETBACK LINE-MINIMUM

The line situated at ground level, parallel to the street right-of-way or property line or other reference line established by the provisions of the Front, Rear, Corner, and Side lot lines in section 2.13 which defines the area of a lot or parcel within which no part of a building or structure shall project or be located, except as otherwise provided by this ordinance.

SECTION 2.04 C**CAMP OR CAMPGROUND**

Temporary or permanent buildings, tents, or other structures, together with their appurtenances pertaining thereto, established or maintained as temporary living quarters, operated continuously for a period of five (5) days or more for recreation, religious, education, or vacation purposes.

CARPORT

Any roofed structure or shelter or a portion of a building open on two (2) or more sides which may or may not be attached to a dwelling, other than an attached or detached garage, used for the purpose of storing motor vehicles.

CERTIFICATE OF ZONING COMPLIANCE/PERMITS

A permit signifying compliance with the provisions of the ordinance to a use, activity, bulk, and density and with the requirements of all other development codes and ordinances currently in effect.

CHILD CARE ORGANIZATION

A facility for the care of children under eighteen (18) years of age, as licensed and regulated by the State under Act No. 116 of the Public Acts of 1973, and the associated rules promulgated by the State Department of Social Services. Such organizations shall be further defined as follows:

- A. Child Care Center or Day Care Center:** A facility other than a private residence, receiving more than six (6) pre-school or school age children for group care for periods of less than twenty-four (24) hours per day, and where the parents or guardians are not immediately available to the child. It includes a facility which provides care for not less than two (2) consecutive weeks, regardless of the number of hours, described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, or drop-in center. Child Care Center or Day Care Center does not include a Sunday School conducted by a religious institution or a facility operated by a religious organization where children are cared for during short periods of time while persons responsible for such children are attending religious services.
- B. Foster Family Home:** A private home in which one (1) but not more than four (4) minor children, who are not related to an adult member of the household by blood, marriage, or adoption, are given care and supervision for twenty-four (24) hours per day, for four (4) or more days per week, for two (2) or more consecutive weeks, unattended by a parent or legal guardian.
- C. Foster Family Group Home:** A private home in which more than four (4) but less than seven (7) children, who are not related to an adult member of the household by blood, marriage, or adoption, are provided care for twenty-four (24) hours per day for four (4) or more days per week, for two (2) or more consecutive weeks, unattended by a parent or legal guardian.
- D. Family Day Care Home:** A private home in which one (1) but less than seven (7) minor children are received for care and supervision for periods of less than twenty-four (24) hours per day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. It includes a home that gives care to an unrelated child for more than four (4) weeks during a calendar year.
- E. Group Day Care Home:** A private home in which more than six (6) but not more than twelve (12) children are given care and supervision for periods of less than twenty-four (24) hours per day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. It includes a home that gives care to an unrelated child for more than four (4) weeks during a calendar year.

COMMISSION OR PLANNING COMMISSION

The Planning Commission for Douglass Township.

COMMON OPEN SPACE

Any area or space other than required yard areas which is unobstructed and unoccupied by buildings, roads, or other man-made structures and is readily accessible to all those for whom it is required.

COMPOSTING

Any process whatsoever by which organic matter is broken down into humus.

COMPOSTING FACILITY

Any use of land whereby organic matter is broken down into humus by any process whatsoever except a crop farming operation which spreads and discs-in grasses, leaves and/or other organic matter as a soil amendment.

COMPREHENSIVE PLAN/MASTER PLAN/GENERAL DEVELOPMENT PLAN/BASIC PLAN

The plan so designated by the Planning Commission which, among other things, conveys land use policy, a major street plan, and plan for public facilities and which is designed to provide and accomplish the objectives of Act 168 of the Public Acts of Michigan of 1959, as amended.

CONDOMINIUM

A form of ownership which includes a divided interest in a building and/or lot and an undivided interest in all other lands and improvements, which are maintained through an association of co-owners. This form of ownership is most often applied to multi-family residential uses; however, it also can apply to single-family homes, commercial and industrial developments, boat slips, and many other land uses.

CONDOMINIUM ACT

Public Act 59 of 1978, as amended.

CONDOMINIUM DWELLING

The structure built upon a lot or condominium unit which is intended for residential purposes.

CONDOMINIUM PROJECT PLAN

Shall include all of the following as required in Section 66 of the Condominium Act as amended, being PA 59 of 1978:

- A. Cover sheet.
- B. A survey plan.
- C. A floodplain plan if a condominium lies within or abuts a floodplain area.
- D. A Site Plan.
- E. A utility plan.
- F. A floor plan.
- G. The size, location, area and horizontal boundaries of each condominium unit.
- H. A number assigned to each condominium unit.
- I. The vertical boundaries and volume of each unit comprised of enclosed air space.

- J. Building sections showing the existing and proposed structures and improvements, including their location on the land. Any proposed structure and improvement shown shall be labeled either a "must be built" or "need not be built" to the extent that a developer is contractually obligated to deliver utility conduits, buildings, sidewalks, driveways, landscaping and an access road; the same shall be shown and designated as "must be built", but the obligation to deliver such items exists whether or not they are shown and designated.
- K. The nature, location, and approximate size of the common elements.

CONDOMINIUM UNIT

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

CONDOMINIUM COMMON ELEMENTS

The portions of the condominium project other than the condominium units.

CONDOMINIUM LIMITED COMMON ELEMENTS

The portion of the common elements reserved in the Master Deed for the exclusive use of less than all of the co-owners.

CONDOMINIUM LOT

For purposes of determining zoning compliance of condominiums, the term "lot" shall mean an individual condominium unit along with any limited common element or general common element ascribed to the unit.

CONDOMINIUM GENERAL COMMON ELEMENT

The common elements other than the limited common elements.

CONDOMINIUM-MOBILE HOME PROJECT

A condominium project in which mobile homes are intended to be located upon separate sites which constitute individual condominium units.

CONDOMINIUM MASTER DEED

The condominium document recording the condominium project, to which are attached as exhibits and incorporated by reference the approved bylaws for the project and the approved condominium subdivision plan for the project.

CONDOMINIUM SUBDIVISION

A division of land on the basis of condominium partnership which is not subject to the provisions of the Subdivision Control Act, Public Act 288 of 1967, as amended.

CONDOMINIUM-MULTIPLE FAMILY CONDOMINIUM PROJECT

A building or portion thereof which contains two (2) or more dwelling units.

CONDOMINIUM-SINGLE FAMILY CONDOMINIUM PROJECT

A condominium project in which each dwelling unit constitutes a separate and unattached building.

CONVALESCENT HOME-NURSING HOME OR HOME FOR THE AGED

An institutional facility, other than a private home or facility defined in this chapter, having as its principal function the provision of care, and supervision of individuals for twenty-four (24) hours per day and which are licensed under Article 17 of the Public Health Code, Act No. 368 of 1978 as amended.

SECTION 2.05 D**DEVELOPER**

Any individual, firm, association, syndicate, co-partnership, corporation, trust or any other legal entity commencing development.

DEVELOPMENT OR TO DEVELOP

A development includes the construction of any new buildings or other structure on a lot, the relocation of any existing buildings, or the use of a tract of land for any new uses. To develop is to create a development.

DIMENSIONAL NONCONFORMITY

A non-conforming situation that occurs when the height, size, or minimum floor space of a structure or the relationship between an existing building or buildings and other buildings or lot lines does not conform to the regulations applicable to the district in which the property is located.

DISH ANTENNAS

A parabolic type antenna designed to receive radio, television, and microwave communication.

DISTRICT OR ZONE

A portion of the Township under which certain uses of land and/or buildings are permitted and within which certain regulations and requirements apply under the provisions of this ordinance. The terms "zone" and "district" are considered synonymous.

DRIVE-IN AND/OR DRIVE THROUGH ESTABLISHMENT

A commercial business establishment which offers goods or services to customers in vehicles, including an establishment where customers may serve themselves.

DWELLING

Any building used in whole or in part as a home, residence or sleeping place, either permanently or temporarily, including mobile homes, one family, two family, multi-family buildings and boarding houses, but not including hotels, motels, tents, recreational vehicles or other unconventional structures.

DWELLING-SINGLE FAMILY DETACHED

A building which is entirely surrounded by open space on its building lot, used and designed for one (1) family or domestic unit only.

DWELLING-MOBILE HOME

A vehicular portable structure built on a permanent chassis which, in accordance with Section 6.03(6) of the National Manufactured Housing and Safety Standards Act of 1974, cannot be removed, and designed to be used without a permanent foundation as a dwelling when connected to required utilities and which is or is intended to be attached to the ground, to another structure, or to a utility system on the same premises for more than thirty (30) consecutive days; and which is registered with the State of Michigan, for which a certificate of title is granted, and, further, is constructed to the minimum standards as required by the Department of Housing and Urban Development.

DWELLING-PREMANUFACTURED AND MODULAR

Pre-manufactured is an assembly of materials or products intended to comprise all or part of a building or structure, and that is assembled at other than the final location of the unit of the building or structure, by a repetitive process under circumstances intended to insure uniformity of quality and material content. All pre-manufactured units shall be constructed to the minimum construction standards as promulgated by the State of Michigan, State Construction Codes for Pre-Manufactured Units, and shall have a certificate of compliance to those standards affixed to each unit as prescribed by State regulation or, in the alternative, be constructed to the minimum construction codes as adopted by the Township from time to time, prior to placement within the Township unless a pre-manufactured unit meets the definition of a mobile home and is placed within the Township as a mobile home.

DWELLING-MULTIPLE FAMILY

A building used or designed as a residence for three (3) or more families or domestic units living independently of each other.

DWELLING-TWO (2) FAMILY OR DUPLEX

A detached building containing two (2) dwelling units and designed for use by two (2) families or domestic units living independently.

DWELLING-EARTH BERMED

A dwelling where the ground floor area is partly below grade to provide climatic noise or life safety protection, but is so designed not to include any portion of a basement in the floor area calculation.

DWELLING-EARTH SHELTERED

A dwelling where the ground floor is partly below grade to provide climatic noise or life safety protection, but so designed to meet the requirements of the Building Code effective in the Township and may include all or part of a basement in the floor area calculation.

DWELLING UNIT

One (1) or more rooms designed or used as an independent housekeeping establishment for one family or domestic unit and containing kitchen facilities, including a stove or cooking device and a permanently installed sink, bathroom facilities, and sleeping facilities.

SECTION 2.06 E**EASEMENT**

A grant of a right to use land for specified purposes. It is a non-possessory interest in land granted for limited use purposes.

ERECTED

Includes built, constructed, reconstructed, moved upon, or any other physical operation on the premises required for the building. Excavation, fill, drainage, and the like, shall be considered part of erection.

ESSENTIAL SERVICES

The erection, construction, alteration, or maintenance, by public utilities, municipal departments or commissions, or private public utility contractors, of underground or overhead gas, electrical, steam or water transmissions, or distribution systems, collections, communication, supply, or disposal systems (including towers, structures, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, telephone exchange and/or repeater buildings, electric substations, gas regulatory stations, and other similar equipment and accessories in connection therewith) reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions for the public health, safety, or general welfare. This definition shall not include sanitary landfills, recycling centers, or non-public utility transfer stations, or buildings not reasonably necessary to house the forgoing.

SECTION 2.07 F**FAMILY OR DOMESTIC UNIT**

- A.** An individual or group of two (2) or more persons related by blood, marriage, or adoption, together with foster children and servants of the principal occupants, with not more than one (1) additional unrelated person, who are domiciled together as a single domestic housekeeping unit in a dwelling unit or;
- B.** A collective number of individuals domiciled together in one (1) dwelling place whose relationship is of a continuing non-transient domestic character and who are cooking and living as a single non-profit housekeeping unit. This definition shall not include any society, club fraternity, sorority, association, lodge, coterie, organization, or group of students or other individuals whose domestic relationship is of a transitory or seasonal nature or for an anticipated limited duration of a school term or other similar determinable period.

FARM

All contiguous land operated as a single unit on which farming is carried on directly by the owner or his agent or by a tenant farmer. For purposes of this ordinance, farm uses include:

- A.** The cultivation of the soil for purposes of producing crops therefrom, including orchards.
- B.** The operation of greenhouses and nurseries.
- C.** The operation of poultry or livestock farms, except the keeping of fur bearing animals or game.
- D.** Equestrian facilities.
- E.** Buildings necessary for the storage or housing of farm implements, products, or animals or otherwise used for the operation of the farm, excluding dwelling units. A farm shall be further defined as ten (10) or more contiguous acres in one ownership, which has been devoted primarily to farm use. (Parcels of land in one (1) ownership, which are contiguous but which constitute an integral part of a farming operation being conducted on land otherwise qualifying as a farm, shall be considered as one (1) for the purpose of calculating the above acreage).
- F.** The following uses are, for the purposes of this ordinance, specifically enumerated as non-farm uses:
 - 1. The keeping of fur bearing animals.
 - 2. Apiaries when not associated with and secondary to another bona fide farming operation.
 - 3. Fish hatcheries.
 - 4. Stockyards, slaughterhouses, and meat processing operations.
 - 5. Milk pasteurization plants when not associated and secondary to a single farming operation.
 - 6. Stone quarries, gravel or sand pits.
 - 7. Stables.
 - 8. Intensive livestock operations meaning any livestock operation if it involves confined feeding and or production.

FARM-SPECIALIZED

Any tract of land requiring a minimum of twenty (20) contiguous acres used for specialized animal and farm operations such as the keeping of fur bearing animals, fish hatcheries, apiaries or intensive livestock operations. Such farms may include related dwellings, customary barns, and similar buildings.

FARM BUILDINGS

Any non-dwelling building or structure on a farm which is essential and customarily used on farms of that type for the purposes of their agricultural activities.

FENCE

Any permanent barrier, partition, or structure erected as a dividing structure or an enclosure, and not part of a structure requiring a building permit. A fence does not include retaining walls.

FILLING

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

FLAMMABLE WASTE MATERIAL

Any waste or discarded substance that will burn, including but not limited to household items, furniture, refuse, debris, waste shingles, insulation, chemically treated wood, painted wood, wiring, paint, plastics, packaging, rubble, garbage, styrofoam, rubber or rubber-based material, tires, and any discarded synthetic material.

FLOOD PLAIN

Those areas which are subject to inundation at a high flood water level in a flood of one (1) percent yearly probability as determined by an engineer or agency designated by the Township Board.

FLOOD HAZARD AREA

That area subject to flooding on the average of once in every hundred years based on information supplied by the U.S. Geological Survey or the Michigan Department of Natural Resources.

FLOOR AREA-NON DWELLINGS

The area of all floors in a building computed by measuring the dimensions of the outside walls of a building, excluding elevator shafts, stairwells, hallways, bulk heads, floor space used for basic utilities such as lavatories, heating and cooling equipment, mezzanines, attics or portions thereof with headroom of less than seven (7) feet, verandas, porches, patios, carports, parking garages, terraces, atriums, and decks.

FLOOR AREA-HABITABLE DWELLINGS

The area of all floors computed by measuring the dimensions of the outside walls of a building, excluding porches, patios, terraces, breezeways, carports, verandas, garages, basements, or portions thereof not meeting Building Code requirements for ingress and egress, and attics or portions thereof with headroom of less than seven (7) feet.

SECTION 2.08 G

GARAGE-PRIVATE

An accessory building or a portion of a main building used primarily for the storage of not more than three (3) vehicles, each for use of the occupants of the premises and not exceeding seven hundred and sixty-eight (768) square feet in area.

GARAGE-PUBLIC OR COMMERCIAL

Any building not a private garage, used for commercial parking, storing, caring for, renting, servicing, repairing, refinishing, equipping, adjusting for remuneration, hire or sale of any vehicle or for housing more than four (4) motor vehicles.

GRADE-AVERAGE GRADE

A reference plane representing the average of finished ground level adjoining the building at all exterior walls, When the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or, when the lot line is more than six (6) feet from the building, between the building and a point six (6) feet from the building.

GREENBELT OR BUFFER STRIP

A planting strip or buffer strip, at least ten (10) feet in width, which shall consist of deciduous or evergreen trees, or a mixture of both, spaced not more than twenty (20) feet apart and not less than one (1) row of dense shrubs spaced not more than five (5) feet apart and which grow at least five (5) feet wide and five (5) feet or more in height after three (3) full growing seasons, which shall be planted and maintained in a healthy growing condition by the property owner.

Solar Project screening: refer to the Solar Energy Conversion Systems Approval standards 21 and 22.

SECTION 2.09 H HOME OCCUPATION

Any use customarily conducted entirely within a dwelling unit, accessory building or farm building and carried out by the inhabitants thereof, which use is clearly incidental and secondary to the use of the property for dwelling purposes and does not change the character thereof. Provided further, that no article or service is sold or offered for sale on the premises, except such as is produced by such occupation; that such occupation shall not require internal or external alterations or construction features, equipment, machinery or outdoor storage or signs not customary in residential areas.

SECTION 2.10 I RESERVED

SECTION 2.11 J JUNK YARD/SALVAGE YARD

A place where junk, waste, discarded, salvaged, or salvageable materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including but not limited to wrecked motor vehicles, used building materials and equipment, and other manufactured goods that are worn, deteriorated, or obsolete.

SECTION 2.12 K KENNEL

Any place on which five (5) or more dogs, cats, or other household pets, of any combination thereof, four (4) months of age or older are kept, either temporarily or permanently, for any reason other than veterinary medicine, including boarding, breeding, or sale.

SECTION 2.13 L LOT

A plot or parcel of land having a minimum of forty (40) feet of frontage and access upon a public street or approved private street, whether or not the plot or parcel is part of a recorded plat.

LOT AREA

The total area encompassed within the lines of a lot, excluding street or road rights-of-way.

LOT-CORNER

A corner lot shall mean a lot of which the entirety of at least two (2) adjacent sides abut a street, provided that the interior angle at the intersection of such two (2) sides is less than one hundred thirty-five (135) degrees.

LOT COVERAGE

That area of a lot that is covered by all buildings and structures located thereon. This shall be deemed to include all porches, arbors, decks, breezeways, balconies, patio roofs and any other structure or building, whether open, box type or lathe roofs, or fully roofed, but shall not be deemed to include fences, walls, hedges used as fences, or swimming pools.

LOT-INTERIOR

A lot other than a corner lot.

LOT-THROUGH

An interior lot having frontage on two (2) streets.

LOTS-CONTIGUOUS

Lots which are abutting.

LOT LINES

- A. Front:** Front lot line, in the case of a lot abutting only one (1) street, shall mean the line separating such lot from the street right-of-way; in the case of a through lot or a corner lot, any lot line adjacent to a street right-of-way shall be considered a front lot line. Front lot line, in the case of a waterfront lot in a Lake Residential District, shall mean the line separating such lot from the water.
- B. Rear-Interior lots:** That lot line which is opposite and most distant from the front lot line. The rear lot line in any irregular or triangular lot, for the purpose of this ordinance, shall be a line entirely within the lot, at least ten (10) feet long and generally parallel to and most distant from the front lot line.
- C. Rear-Corner lots:** In the case of residential corner lots, the Zoning Administrator shall, at the time of application for a building permit on the principal building, designate a lot line opposite one (1) of the two (2) front lot lines, which shall henceforth be considered the rear lot line, and the remaining lot line, also being opposite a front lot line, shall henceforth be considered a side yard line. In the case of non-residential corner lots, the Planning Commission shall make such determination and designation prior to final Site Plan approval.

D. Side: Any lot line not a front lot line nor a rear lot line.

LOT OF RECORD

A tract of land which is part of a subdivision shown on a plat or map which has been recorded in the Office of the Register of Deeds for Montcalm County, Michigan, prior to the effective date of this ordinance; or a tract of land described by metes and bounds which is the subject of a deed or land contract recorded at the Office of the Register of Deeds prior to the effective date of this ordinance.

LOT WIDTH

The horizontal distance between the side lot lines, measured at the two points where the building line, or setback, intersects the side lot lines.

SECTION 2.14 M

MARIJUANA FACILITIES

The term marijuana, marijuana establishment, and cultivation as used in this ordinance shall have the same meaning as set forth in the Michigan Marijuana Regulation and Taxation of Marijuana Act. Marijuana and Marihuana are synonymous.

MEZZANINE

An intermediate level or levels between the floor and ceiling of any story with an aggregate floor area of not more than fifty (50) percent of the floor area of the story in which the level or levels are located.

MINI-STORAGE RENTAL BUILDINGS OR USES

A building or group of buildings used or intended to be used for the housing of residential or recreational accessory items when leased to an individual or a number of individuals by a single owner. It is not intended nor will it be allowed that commercial or industrial warehousing or storage be permitted, nor shall perishable items, toxic or hazardous chemicals, or agricultural chemicals or supplies be permitted to be stored in mini-storage units. All units shall be completely enclosed, and no dwelling, living, repairs, or work shall be allowed in any of these units.

MOBILE HOME PARK

Mobile home park means a parcel or tract of land under the control of a person upon which two (2) or more mobile homes are located on a continual non-recreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefore, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a mobile home and which is not intended for use as a temporary trailer park in accordance with the Mobile Home Commission Public Act 96 of Michigan Public Acts of 1987, as amended.

MOBILE HOME SUBDIVISION

A mobile home park, except that the mobile home lots are subdivided, surveyed, recorded, and sold in accordance with Public Act 288 of Michigan Public Acts of 1967, as amended.

MOTEL

A building or group of buildings providing transient accommodations with motor vehicle parking contiguous to the building. The term "motel" shall include: drive-in hotel, tourist court, motor hotel, tourist room, motor court, tourist cabin, motor inn, motor lodge, or transient cabin. For the purpose of this ordinance, "Motel" and "Hotel" are considered synonymous.

SECTION 2.15 N

NONCONFORMING CURB CUT OR DRIVEWAY

An existing curb cut or driveway providing access to a lot or parcel from a public or private street which at the time of the effective date of this ordinance does not meet the minimum spacing and/or design requirements applicable to the district in which it is located.

NONCONFORMING LOT

A lot existing at the effective date of this ordinance (and not created for the purpose of evading the restrictions of this ordinance) that does not meet the minimum area requirement of the district in which the lot is located.

NONCONFORMING PROJECT

Any structure, development, or undertaking that is incomplete at the effective date of this ordinance and would be inconsistent with any regulation applicable to the district in which it is located if completed as proposed or planned.

NONCONFORMING SIGN

A sign that does not conform to one or more of the regulations set forth in this ordinance.

NONCONFORMING USE

A non-conforming situation that occurs when property is used for a purpose or in a manner made unlawful by the use regulations applicable to the district in which the property is located. (For example, a commercial office building in a residential district may be a non-conforming use). The term also refers to the activity that constitutes that use made of the property. (For example, all the activity associated with running a bakery in a residentially zoned area is a non-conforming use).

NONCONFORMING SITUATION

A situation that occurs when, on the effective date of this ordinance, an existing lot, structure, or curb cut, or use of an existing lot, structure or curb cut, does not conform to one or more of the regulations applicable to the district in which the lot, structure or curb cut, is located. Among other possibilities, a non-conforming situation may arise if:

- A.** A lot does not meet minimum acreage requirements.
- B.** Structures exceed maximum height limitations.

- C. The relationship between existing buildings and the land (in such matters as density and setback requirements) is not in conformity with this ordinance.
- D. Land or buildings are used for purposes made unlawful by this ordinance.

NOXIOUS WEEDS

Noxious weeds shall include grass or weeds on or comprising the lawn or yard of a parcel which exceed eight inches in height. Noxious weeds shall also include Canada Thistle (*Cirsium Arvense*), Dodders (any species of *Cuscuta*), Mustards (Charlock, Black Mustard and Indian Mustard, species of *Brassica* or *Sinapis*), Wild Carrot (*Daucus Carota*), Bindweed (*Convolvulus Arvensis*), Perennial Sowthistle (*Sonchus Arvensis*), Hoary Alyssum (*Berteroa Incana*), Ragweed (*Ambrosia Elatior*), Poison Ivy (*Rhus Toxicodendron*), Poison Sumac (*Toxicodendron Vernix*) or other similar plants at any location which in the opinion of the Township Board constitutes a common nuisance.

NURSERY (PLANT MATERIAL)

A space, building or structure, or combination thereof, for the storage of live trees, shrubs, or plants offered for wholesale or retail sale including products used for gardening or landscaping. The definition of nursery within the meaning of this ordinance does not include any space, building, or structure used for the sale of fruits, vegetables or Christmas trees.

SECTION 2.16 O

OPEN BURNING

The outdoor burning of materials where the products of combustion are emitted directly into the ambient air without passing through a stack or chimney from an enclosed chamber.

OCCUPIED

Arranged, designed, built, altered, converted to, rented or leased, or intended to be occupied.

OPEN AIR BUSINESS

Includes uses operated for profit substantially in the open air including:

- A. Bicycle, utility truck or trailer, motor vehicle, boats, or home equipment sale, repair or rental services.
- B. Outdoor display and sale of garages, motor homes, mobile homes, snowmobiles, farm implements, swimming pools, and similar activities.
- C. Retail sales of trees, fruits, vegetables, shrubbery, plants, seeds, top soil, humus, fertilizer, trellises, lawn furniture, playground equipment, and other home garden supplies and equipment.
- D. Outdoor recreational establishments consisting of uses for activities such as tennis courts, archery ranges, shuffleboard and horseshoe courts, rifle ranges, miniature golf, golf driving ranges, amusement parks, or similar recreational uses (transient or permanent).

OWNER

Any person or entity with any legal or equitable ownership or possessory interest in the structure and/or building. The word “owner” shall also include a bank, credit union, or financial institution which is in possession (in whole or in part) of the structure and/or building.

SECTION 2.17 P**PARKING AREA**

An off-street open area for the parking of motor vehicles for a fee or as an accommodation for clients, customers, residents, visitors, occupants, or the general public. Parking areas shall include access drives within the actual parking area.

PERSON

A legal entity or individual human being, including a firm, association, co-partnership, partnership, corporation, society, or organization.

POND

An outdoor body of standing water, accumulated in an artificially constructed basin or depression in the earth, either above or below or partly above or partly below grade, capable of holding water in a depth of greater than two (2) feet when filled to capacity.

PORCH-ENCLOSED

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

PORCH-OPEN

A covered entrance to a building or structure which is unenclosed except for columns supporting the porch roof, and projects out from the main wall of said building or structure and has a separate roof or an integral roof with the principal building or structure to which it is attached.

PRIMARY COUNTY ROAD

A main traffic artery as designated by the Montcalm County Road Commission.

PRINCIPAL USE

The primary use to which the premises is devoted.

PUBLIC UTILITY

Any person, firm, corporation, or governmental department, board, or commission duly authorized under Township, State, or Federal regulations to furnish electricity, gas, steam, communications, transportation, water, wastewater removal, or similar essential services to the public; provided, however, that those persons involved in the reception or transmission of radio or television signals shall not be considered a Public Utility.

SECTION 2.18 Q RESERVED

SECTION 2.19 R

RECREATION CENTER

Either buildings or facilities, or both, owned by either a profit or non-profit corporation, association, or person, which are available for use by the general public or on a membership basis. Uses and activities shall include only the following: theaters, exercise facilities, court games (such as tennis, paddle ball, handball, and volleyball), bowling alleys, archery, golf driving ranges, ice arenas, pool and billiards, ping pong, swimming pools, roller skating rinks, and restaurants and taverns when designed as an integral part of the facility and incidental to one (1) or more of the other permitted uses.

RECREATIONAL FIRE

The burning of logs, sticks, branches, small pieces of lumber or other wood fuel items for pleasure, religious, ceremonial, cooking or similar purposes where the fuel being burned is contained in a fire pit.

RECREATION VEHICLE

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

RECREATION VEHICLE PARK

Includes a Campground as regulated in Public Act 368 of 1978, as amended and a Seasonal Mobile Home Park as regulated in Public Act 96 of 1987, as amended, and the provisions of this ordinance.

REFUSE

All items of garbage and rubbish as defined herein:

- A. Garbage:** any putrescible food waste, including, but not limited to accumulations of animal, fruit or vegetable matter used, intended to be used, or resulting from the preparation, handling and consumption of foods, excluding farm animal manure.
- B. Rubbish:** any putrescible solid waste, consisting of both combustible waste, including but not limited to paper, cardboard, metal and plastic waste containers, metal, plastic, wood, glass, ceramic materials, crockery, bedding, furniture, fabric, demolished building materials, waste resulting from the construction, alteration or repair of buildings and structures, vehicle and motor vehicle tires and component parts, and litter of any kind.

RESTAURANT

A public eating place where food is prepared and sold for immediate consumption.

ROADSIDE STAND/FARM MARKET

A facility incidental to a farm for the seasonal sale of farm produce grown or raised within Douglass Township by the owner or proprietor of the roadside stand or farm market.

SECTION 2.20 S

SHORT TERM RENTALS

- A. Single-Family Dwelling Owner:** A person holding legal or equitable title to a Single-Family Dwelling. An Owner may designate an agent to perform duties or receive notice under this Ordinance.
- B. Rent or Rental:** The permission, provision, or offering of possession or occupancy of a Single-Family Dwelling with some type of remuneration paid to the Owner for a period of time to a person who is not the Owner, pursuant to a written or verbal agreement.
- C. Short-Term Rental:** The Rental or subletting of a Single-Family Dwelling for compensation for not more than 27 nights. However, the rental of the following shall not be considered Short-Term Rentals: bed and breakfast establishments, motels, resorts, campgrounds, transitional houses operated by a charitable organization, group homes such as nursing homes and adult-foster-care homes, substance-abuse rehabilitation clinics, mental-health facilities, other similar healthcare related facilities.
- D. Property Owner:** The person or entity who owns the residential dwelling that is being rented.
- E. Resident Agent:** A person who is not the Property Owner and who is authorized to act as the agent of the Property Owner for the receipt of service of notice and remedy of municipal Ordinance violations and for service of process pursuant to this Ordinance.

SIGNS

A sign shall mean any structure, as hereinafter further specifically defined, which generally attempts to convey information or advertising to the general public.

- A. Billboard (advertising sign):** Any sign advertising a business, service, or entertainment which is not conducted on the land upon which the sign is located, or parcels or products not primarily sold, manufactured, processed, or fabricated on such land.
- B. Business Sign:** Any sign advertising a business, service, or entertainment conducted on the land upon which the structure is located, or products primarily sold, manufactured, processed, or fabricated on such land.
- C. Freestanding Sign:** A sign supported on poles or pylons and not attached to a wall or building.
- D. Ground Mounted Sign:** A sign resting on or attached directly to the ground and not attached to a wall or building.
- E. Identifying Sign:** Any structure on the same premises it identifies which serves:
 - 1. Only to tell the name or use of any public or semi-public building or recreation space, club, lodge, church, or institution.
 - 2. Only to tell the name or address of an apartment house, hotel, motel, mobile home park, or subdivision.
 - 3. Only to inform the public as to the use of a parking lot.
- F. Nameplate:** A structure affixed flat against the wall of a building which serves solely to designate the name and profession or business occupation of a person or persons occupying the building.

- G. Permanent Sign:** A sign or advertising display of a permanent nature which is attached to, mounted on, or supported by any building, structure, post, framework, stake, or other means of support which is not readily movable or portable, and which sign is of such nature as to be maintained in one position or location.
- H. Political Sign:** A temporary sign used solely for the purpose of displaying the name, party, or other related information of political candidates running for office in primary or general elections or issues placed upon a ballot to be voted upon in primary or general elections.
- I. Portable Sign:** A sign painted on or in any manner affixed to a supporting structure which is not permanently attached to the ground or another stationary structure.
- J. Real Estate Sign:** Any temporary structure used only to advertise, with pertinent information, the sale, rental, or leasing of the premises upon which it is located.
- K. Signs:** Any device, stationary or portable, permanent or temporary, whether open or closed, having a display area. It shall include such devices, whether supported completely or partially, in or upon the ground surface or in or upon any other structure, or painted, adhered to, or otherwise secured on any other structure, which device is used or intended for use in advertising, display, or publicity purposes. The term "sign" as used in this ordinance, means permanent, temporary, and portable signs except where the language of this ordinance specifically mentions a specific type of sign.
- L. Sign Structure:** The supports, uprights, and bracing and framework for the sign. In the case of a sign structure consisting of two (2) or more facings, where the angle formed between the reverse side of each facing (or the projection thereof) exceeds forty-five (45) degrees, each facing shall be considered a separate sign structure and separate sign surface.
- M. Sign Surface:** The entire area within a single continuous perimeter enclosing all elements of the sign which forms an integral part of the display. As indicated above, if two (2) or more facings create an angle exceeding forty-five (45) degrees, each such sign facing shall constitute a separate sign surface.
- N. Temporary Sign:** A display sign, banner, or other advertising device constructed of cloth, canvas, fabric, or other temporary material, with or without a structural frame, intended for a limited period of display, and shall include decorative displays for holidays and public demonstrations.
- O. Wall Sign:** A sign painted or attached directly to the exterior wall of a building or a permanently attached awning or canopy.

SITE PLAN

A reproducible scale drawing which shows the location and dimensions of all intended and existing buildings, structures, parking, loading facilities, streets, driveways, buildings, planting, landscaping, yard spaces, sidewalks, signs, drainage facilities, water supply, sewage systems and any other items that may be required by this ordinance.

SOIL REMOVAL

Removal of any kind of soil or earth matter, including topsoil, sand, gravel, clay, rock or similar materials to a depth not greater than twelve (12) inches, except common household gardening and general farm care.

SOLAR ENERGY SYSTEMS

Solar collectors, controls, energy storage devices, heat pumps, heat exchangers, and other materials, hardware or equipment necessary to the process by which solar radiation is collected, converted into another form of energy, stored, protected from unnecessary dissipation, and distributed. Solar systems include solar thermal, photovoltaic, and concentrated solar. This definition does not include small devices or equipment such as solar powered lawn or building lights which house both the solar energy generation system and the system which uses that energy to operate.

- A. Array:** Any number of electrically connected photovoltaic (PV) modules providing a single electrical output.
- B. Building Integrated Photovoltaic (BIPV) Systems:** A solar energy system that consists of integrating photovoltaic modules into the building structure, such as the roof or the facade, and which does not alter the relief of the roof.
- C. Catastrophic Event:** A malfunction of the operating system of a Solar Energy System.
- D. Ground-Mounted Solar Energy System:** A solar energy system that is installed directly in the ground and is not attached or affixed to a structure.
- E. Industrial Solar Energy System (ISES):** A solar energy system located on a parcel of 20 acres or more which is designed and constructed primarily to produce electrical energy for off-site uses or wholesale or retail sale back into an electrical energy grid system to generate electricity to any person or entity.
- F. Non-Participating Parcel:** A parcel of land whether or not within the Township that is not subject to a solar lease or easement or other contractual agreement at the time an application is submitted for a Special Land Use Permit for the purposes of developing and constructing a commercial solar energy conversion system.
- G. Onsite Solar System:** A solar energy system mounted on a building or on the ground and located on a parcel containing a principal use and intended to provide energy solely for on-site uses except for surplus energy back to the electrical grid. An onsite solar system is considered an accessory use of the parcel.
- H. Participating Parcel:** A parcel of land within the Township that is subject to a solar lease or easement or other contractual agreement at the time an application is submitted for a Special Land Use Permit for the purposes of developing and constructing a commercial solar energy conversion system.
- I. Photovoltaic (PV) Systems:** A solar energy system that produces electricity by the use of semiconductor devices, called photovoltaic cells, which generate electricity whenever sunlight strikes them.
- J. Qualified Professional:** A third party representative with experience and training in the pertinent discipline who is agreed upon by the Township and the applicant and any owner and operator.
- K. Rooftop Solar System:** A solar energy system in which solar panels are mounted on

top of a roof either as a flush-mounted system or as modules fixed to frames which can be tilted.

- L. Solar access:** The right of a property owner to have sunlight shine onto the property owner's land.
- M. Solar Collector:** A solar photovoltaic cell, panel, or array, or solar hot air or water collector device, which relies upon solar radiation as an energy source for the generation of electricity or transfer of stored heat.
- N. Solar Panel:** A device for the direct conversion of solar energy into electricity.
- O. Solar-Thermal Systems:** A system, which through the use of sunlight, heats water or other liquids for such purposes as space heating and cooling, domestic hot water, and heating pool water.
- P. Wall-mounted Solar Energy System:** A solar energy system that is installed flush to the surface of the wall of a permanent building.

SPECIAL USE

A special procedure wherein certain uses may be permitted after review when the effect of such uses on adjoining lands and the general welfare of the Township may require special consideration and often also conditional regulations to insure compatibility and proper development in accordance with the intent of this ordinance.

SPECIFIED ANATOMICAL AREA

This shall refer to the following:

- A.** Less than completely and opaquely covered:
 - 1. Human genitals, pubic region or pubic hair.
 - 2. Perineum, buttock or anus.
 - 3. Female breast below a point immediately above the top of the areola.
- B.** Human male genitals in a discernible erect or turgid State, even if completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITIES

This shall refer to the following:

- A.** Human genitals in a discernible State of sexual stimulation or arousal.
- B.** Acts or representations of human masturbation, sexual intercourse, sodomy, or bestiality, excretory functions, sadism, masochism, lewd exhibition of genitals.
- C.** Fondling or other erotic touching of human genitals, pubic region or pubic hair, perineum, buttock or anus or female breast.

STABLES

- A. Private:** A building or group of buildings used or to be used for the housing of horses or other domestic animals owned by an individual for the use of himself and his immediate family. A minimum of five (5) acres is required for a private stable. In order to maintain a private stable, the owner of the property must have five (5) acres for the first horse and an additional one (1) acre for each horse or other domestic animal owned thereafter. In order to house more than fifteen (15) horses or other domestic animals, the owner must

comply with all requirements for a public stable. Domestic animals include but are not limited to horses, goats, cows, pigs, or other similarly domesticated farm animals, excluding dogs and cats which can be regulated as a kennel.

- B. Public:** A building used for housing horses or other domestic animals for commercial enterprise.

STORY

That portion of a building, other than a cellar or mezzanine, included between the surface of any floor and the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it.

- A.** A Mezzanine shall be deemed a full story when it covers more than fifty (50) percent of the area of the story underneath said mezzanine, or, if the vertical distance from floor next below it to the floor next above it is twenty-four (24) feet or more.
- B.** For the purpose of this ordinance, a basement or cellar shall be counted as a story if over fifty (50) percent of its height is above the level from which the height of the building is measured, or, if it is used for business purposes, or, if it is used for dwelling purposes by other than a household employee employed in the same building including the family of the same.

STORY-HALF

The part of a building between a pitched roof and the uppermost full story, said part having a floor area which does not exceed one-half (1/2) the floor area of said full story.

STREET

- A. Public Street:** A publicly controlled right-of-way which affords the principal means of access to abutting property, including any avenue, place, way, drive, lane, boulevard, highway, road, or other thoroughfare.
- B. Private Street:** A privately owned and maintained permanent, unobstructed easement which provides direct access to more than one (1) legally described parcel and for which a permit has been issued in accordance with this ordinance.

STREET RIGHT-OF-WAY

A general term denoting land, property, or interest therein, usually in a strip, acquired for or devoted to transportation purposes which has been dedicated for public use or reserved as an approved private street.

STRUCTURE

Any constructed, erected, or placed materials or combination of materials with a fixed location above, on, or below the ground, or attachment to something having such location, including buildings, signs, billboards, light posts, utility poles, radio and television antennas, swimming

pools, gazebos, tennis courts, sheds, and storage bins; but excluding fences, sidewalks, driveways, and streets.

SWIMMING POOL

An artificially constructed basin for the holding of water for swimming and aquatic recreation and does not include any plastic, canvas, or rubber portable pools temporarily erected upon the ground with less than two (2) feet of water.

SECTION 2.21 T

THEATER

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

SECTION 2.22 U

USE

Any purpose for which a building or other structure or a tract of land 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 building or other structure or on a tract of land.

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 Douglass 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.

USE-TEMPORARY

A use or activity which is permitted only for a limited time and subject to specific regulations and permitting procedures.

SECTION 2.23 V

VEHICLES

Every device, moving support or container in, upon or by which any persons, goods or property is or may be transported from one place to another along the ground or upon a highway, excepting devices exclusively moved by human power or used exclusively upon stationary rails. The term vehicle includes, but is not limited to, trailers, travel trailers or trailer coaches, semi-trailers and pole- trailers.

- A. Motor Vehicle:** Every vehicle which is self propelled, but not operating on rails. The term motor vehicle includes, but is not limited to, automobiles, trucks, truck tractors, motor homes, busses, mopeds, snowmobiles, motor cycles, off-road vehicles, earth moving and construction equipment.
- B. Inoperable vehicle or motor vehicle:** Every dismantled or distressed vehicle or motor vehicle which is incapable of performing the function for which it was designed or

fabricated, or is incapable of being propelled and operated along the ground or a highway under its own power, or is incapable of being operated on highways of the State of Michigan by virtue of lacking equipment required by the Michigan Motor Vehicle Code, or which does not bear current and valid license plates. The term inoperable vehicle or motor vehicle does **not** include farm tractors or implements of husbandry.

- C. Dismantled vehicle or motor vehicle:** Every vehicle or motor vehicle from which component vehicle parts have been removed, including but not limited to, a broken window or windshield, wheels and tires, motor, transmission, body panels, etc.
- D. Distressed vehicle or motor vehicle:** Every vehicle or motor vehicle that has been wrecked, destroyed or damaged to the extent that incapable of performing the function for which it was designed or fabricated, or is incapable of being propelled and operated along the ground or a highway under its own power, or is incapable of being operated on highways of the State of Michigan.
- E. Vehicle or motor vehicle component parts:** All parts or accessories of vehicles and motor vehicles including, but not limited to, tires, wheels, body panels, motors and motor parts, transmissions, doors, trim, and axles.

SECTION 2.24 W

WASTE DUMPSTER

A container used for the temporary storage of rubbish and/or materials to be recycled pending collection, having capacity of at least one (1) cubic yard.

WIND ENERGY CONVERSION SYSTEMS

A horizontal or vertical axis wind energy conversion system which converts wind energy into electricity through the use of a wind turbine generator and includes the turbine, blades, and tower as well all related electrical equipment, building or other structures, including wiring to interconnect the wind energy system to the electrical transmission grid.

A. Ambient: The sound pressure level exceeded 90% of the time over a 96-hour measurement period.

B. ANSI: American National Standards Institute.

C. Body of Water: A lake, pond, river, stream, wetland or any other area which is naturally and permanently covered by water but does not include a human-made drainage or irrigation channel, lands that are seasonally covered by water or lands which may be subject to intermittent flooding.

D. Commercial Wind Energy Conversion Systems: A horizontal or vertical axis wind energy conversion system designed and built to provide electricity to the electric utility grid for resale to consumers.

E. dB(A) and dB(C): The sound pressure level in decibels. "A" refers to "A" weighted scale and "C" refers to "C" weighted scale.

F. Decibel: A unit of measure used to express the magnitude of sound pressure and sound intensity.

G. Decommission: To remove or retire from active service.

H. Equivalent Sound Level (or Leq): The sound level measured in decibels and averaged on an energy basis over a specific duration.

I. Height of Structure: The height of the structure is to the highest point on the tip of a fully vertical rotor blade from ground level.

J. IEC: International Electrotechnical Commission. The IEC is the leading global organization that prepares and publishes international standards for all electrical, electronic and related technologies.

K. Instantaneous Sound Pressure: Total instantaneous pressure, in a Stated frequency band, at a point in the presence of a sound wave, minus the atmospheric pressure at that point measured in unit pascal (Pa).

L. ISO: International Organization for Standardization. ISO is a network of the national standards institutes of 156 countries.

M. LMAX is the highest time-weighted sound level measured by the meter during a given period of time.

N. Non-Participating Parcel: A parcel of land whether or not within the Township that is not subject to a wind turbine lease or easement or other contractual agreement at the time an application is submitted for a Special Land Use Permit for the purposes of developing and constructing a commercial wind energy conversion system.

O. Participating Parcel: A parcel of land within the Township that is subject to a wind turbine lease or easement or other contractual agreement at the time an application is submitted for a Special Land Use Permit for the purposes of developing and constructing a commercial wind energy conversion system.

P. Pasquill: An atmospheric stability class to categorize the amount of turbulence present.

Q. Private WECS: A WECS that supplies energy to a structure on the parcel on which it is located and that does not primarily involve the sale of electricity or communication services off the parcel (including to an electric grid).

R. Qualified Professional: A third party representative with experience and training in the pertinent discipline who is agreed upon by the Township and the applicant.

S. Rotor: An element of a wind energy system that acts as a multi bladed airfoil assembly, thereby extracting through rotation, kinetic energy directly from the wind.

T. SCADA (Supervisory Control and Data Acquisition): A computer system that monitors and controls Wind Energy Conversion System units and data.

U. Shadow Flicker: Alternating changes in light intensity caused by the moving blade of a wind energy system casting shadows on the ground and stationary objects, such as a dwelling or other structure.

V. Sound Pressure: Root mean square of the instantaneous sound pressures in a Stated frequency band and during a specified time interval, unless another time-averaging process is indicated measured in units.

W. Stray Voltage: Stray voltage refers to small voltage differences that can exist between two surfaces that are accessible to animals (stanchion, waterer, floor, etc.). When an animal touches both surfaces simultaneously, a small electric current will flow through its body. If the current is high enough, it can be felt by the animal and may cause behavioral changes.

X. Sound Pressure Level (SPL): Twenty times the common logarithm of the ratio of the sound pressure to the reference sound pressure of 20 micropascals measured in decibel

(dB). Unless expressed with reference to a specific weighing network (such as dB(A)), the unit dB refers to an un-weighted measurement.

Y. Tip Height: The height of the turbine with a blade at the highest vertical point, including horizontal and vertical axis turbines.

Z. Wind Site Assessment: An assessment to determine the wind speeds at a specific site and the feasibility of using that site for construction of a wind energy system.

SECTION 2.25 X RESERVED

SECTION 2.26 Y

YARD

An open space of prescribed width or depth on the same land with a building or group of buildings, which open space lies between the building or group of buildings, and the nearest lot line and is unoccupied and unobstructed from the ground upward, except as otherwise provided herein. This regulation shall not exclude eaves, provided that an eight (8) foot height clearance is provided above the adjacent ground level.

YARD

- A. Front:** A yard 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 main building.
- B. Rear:** A yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line, and the nearest line of the main building.
- C. Side:** A yard between a main building and the side lot line, extending from the front yard to the rear yard. The width of the required side yard shall be measured horizontally from the nearest point of the side lot line to the nearest point of the main building.

YARD DEBRIS

Grass clippings, weeds, leaves, vegetables, or other garden debris, but not including shrubbery, brush, tree branches, or tree trimmings.

SECTION 2.27 Z

ZONING BOARD

The Zoning Board of Douglass Township. As used herein, the term Zoning Board is intended to be synonymous with "Planning Commission".

CHAPTER THREE GENERAL PROVISIONS

SECTION 3.01 EFFECT OF ZONING

A. Effect of Regulations.

Except as hereinafter specified, no building, structure, premises or piece and parcel of land in and throughout the Township shall hereafter be used or occupied, and no building or part thereof, or other structure, shall be erected, raised, moved, placed, reconstructed, extended, enlarged, or altered, except in conformity with the regulations and provisions herein specified for the district in which it is located.

B. Extent of Regulations.

These general provisions shall apply to all zoning districts except as otherwise noted.

C. Conflicting Regulations.

Whenever any provision of this ordinance imposes more stringent requirements, regulations, restrictions, or limitations than are imposed or required by the provisions of any other law, or ordinance, then the provisions of this ordinance shall govern.

Whenever the provisions of any other law or ordinance impose more stringent requirements than are imposed or required by this ordinance, then the provisions of such ordinance shall govern.

SECTION 3.02 ACCESSORY BUILDINGS & STRUCTURES-RESIDENTIAL

Accessory Buildings & Structures

For the purposes of maintaining orderliness, aesthetics and property values, in the residential areas, the following provisions are intended to regulate the location and character of accessory buildings and structures normally incidental to permitted principal uses. The following regulations are therefore intended to pertain to all accessory buildings and all accessory structures other than buildings, including but not limited to playground equipment, children's play houses, sports courts, swimming pools, pet accommodations, radio and television antennas, and similar structures. Sidewalks, driveways, fences, light posts, utility poles, and signs are excluded from these regulations unless specifically Stated.

A. Accessory Buildings

1. In any zoning district where single family dwellings are permitted, an attached garage is permitted as an accessory use when erected as an integral part of the permitted principal residential building, provided it complies with the requirements of this ordinance applicable to the principal building.
2. The architectural character of all accessory buildings shall be compatible with the principal building.
3. One detached residential accessory building is permitted on any lot or parcel in addition to an attached or detached garage.
4. An accessory building shall be considered attached to the principal building when the area between the principal building and the accessory building is attached by

a roofed and continuous breezeway, portico, covered colonnade or similar architectural device.

5. No accessory building shall be located within the front yard area of any **non-waterfront** lot or parcel and it shall not be located closer than ten (10) feet to any other building or less than three (3) feet from any rear or side lot line. An accessory building may be located within a front, side or rear yard of a waterfront lot provided that all minimum front, side and rear yard setback requirements are maintained for the zoning district in which the lot is located.
6. An accessory building shall not exceed one (1) story, the peak height shall not exceed twenty-five (25) feet, and the pitch shall be no less than 3/12. In a Lake Residential District or Rural Estate District, an accessory building's side walls shall not exceed sixteen (16) feet.
7. No accessory building shall include living quarters or be occupied as a dwelling.
8. No mobile home or house trailer shall be located on any lot for use as an accessory building.
9. Notwithstanding the provisions of this section, an accessory building on a parcel of 10 acres or larger may be built in the front yard of the parcel so long as it is setback an additional ten (10) feet from any required side yard setback. Such accessory building must be setback ten (10) feet from all sides of the principal residential building.
10. Notwithstanding the provisions of this section, an accessory building is permitted on a vacant backlot in a Lake Residential District so long as the owner of the vacant backlot also owns a dwelling in the Lake Residential District and the accessory building is incidental to the principal structure of a waterfront lot. A backlot in a Lake Residential District is a lot which is on the opposite side of a road from a waterfront lot.
11. Inspections: accessory buildings will be inspected when dug, when foundation is poured, and when being sided.

B. Accessory Structures Other Than Buildings

The following provisions are intended to regulate certain accessory structures other than buildings which for reasons of health, safety, welfare and aesthetics require special attention.

1. Any detached accessory structures, not classified as buildings, may not project closer than ten (10) feet to any side or rear property line except that, boat docks, patios and pump houses may be located at or near the water's edge, provided that the required side yard placement is maintained and all other applicable local and State permits are obtained prior to their erection or placement.

2. Satellite Dish Antennas

- a. A dish antenna may be mounted on the roof of a main or accessory building provided it shall not exceed a height of five (5) feet above the peak of the roof of the building, including the mounting structure.
 - b. Dish antennas are permitted in all districts upon approval of the Zoning Administrator, provided the setback requirements for detached accessory buildings are maintained and the following conditions satisfied:
 1. Any antenna with support structures located on the ground shall be permanently anchored to a foundation.
 2. No portion of the antenna shall display any advertising, message, or other graphic representation intended for commercial purposes other than the manufacturer's name.
 3. No dish antenna with support structures located on the ground shall exceed a height of fifteen (15) feet, including its mounting structure.
 4. No dish antenna shall be located in any front yard.
 - c. If the antenna is to be located in the side yard, or in the rear yard on the street side of a lot, the Zoning Administrator may require that a landscape screen be installed around the antenna to obstruct the view of the antenna from adjoining properties or from the street.
3. Accessory structures mounted on buildings: Unless otherwise regulated, necessary mechanical appurtenances such as air exchange units and elevator bulkheads shall be effectively screened as viewed from an adjoining property line by a parapet wall or similar feature constructed of materials having a similar exterior appearance as materials used on the front exterior of the building.
4. Mechanical Appurtenances: Mechanical Appurtenances such as blowers, ventilation fans and air conditioning units shall not be located closer than twenty (20) feet to any lot line.

SECTION 3.03 BUILDINGS

- A. Health Department Approval:** No permit shall be issued for the construction of a building or structure which is to be served by a private well, septic tank, and drainfield unless the facilities comply with all rules and regulations and a permit has been issued by the Montcalm County Health Department.
- B. Height Exceptions:** Subject to other provisions of law, the height limitations of all districts shall be subject to the following exceptions: chimneys, spires, water tanks, antennas, monuments, agricultural buildings and structures or other appurtenances usually required to be placed above roof level and not intended for human occupancy.
- C. Moving Buildings:** No permit shall be granted for the moving of buildings or structures from without or within the limits of the Township to be placed on property within said limits unless the Zoning Administrator shall have made an inspection of the building to be moved and has found that it is structurally safe, will not adversely affect the character of existing buildings in the neighborhood of the new location and will fully comply with

the building code and other codes regulating the health, safety and general welfare of the Township.

- D. Razing Buildings:** No building shall be razed until a permit has been obtained from the Zoning Administrator who shall be authorized to require a performance guarantee in the amount up to one hundred twenty (120) percent of the cost estimate for the subject demolition. Said guarantee shall be conditioned on the applicant completing the razing within such reasonable period as shall be prescribed in the permit and complying with such reasonable regulations as to health and safety as the Zoning Administrator may reasonably require and this ordinance may, from time to time, prescribe, including filling of excavations and proper termination of utility connections.
- E. Repairing Buildings:** Except as otherwise specified herein, nothing in this ordinance shall prevent the strengthening or restoring of any building or part to a safe condition.
- F. Temporary Buildings & Structures:** Mobile homes, mobile offices, tents or other movable or erected structures intended for temporary use or occupancy incidental to construction work, shall only be situated or erected upon land or premises within the Township provided a permit for a temporary construction trailer, shed, or office is issued by the Zoning Administrator according to the following criteria:
1. No temporary permit may be issued prior to the issuance of a building permit for the permanent building. Temporary permits shall expire with the expiration of the building permit.
 2. Temporary structures shall be located on the same site as the construction.
 3. Temporary structures shall be located on the site such that:
 - a. On and off-site traffic hazards are minimized.
 - b. The aesthetic impacts are reasonably minimized.
 - c. No temporary structure is placed closer than ten (10) feet to any property line.
 - d. All applicable safety, health and fire codes are met.
 4. No final inspection shall be issued until all temporary structures have been removed from the site.
 5. Where alternate on-site locations are available, no temporary structure shall be located next to developed residences.
- G. Temporary Real Estate Sales Offices & Model Units:** The use of a building or dwelling unit as a model for the purpose of selling real estate may be permitted on a temporary basis subject to the following:
1. The building or unit is part of a contiguous development in which the construction of other similar buildings or units is being actively carried out by the individual, firm, partnership or contractor having legal interest in the model building or unit.
 2. No more than four hundred fifty (450) square feet of floor area contained within the model unit is devoted to sales office use, with the remainder being utilized for show or display of salient interior design and architectural features.
 3. The address of the building or unit used as a model is not used as a principal business address for carrying out real estate transactions, or the properties offered, listed and sold from the model/temporary real estate office are contained entirely within the same contiguous development.

4. The use of a building or unit for such purposes shall only be authorized under the provision of Chapter Fifteen, "Special Uses". In approving such use, the Planning Commission may establish a reasonable time limitation.

SECTION 3.04 CONDOMINIUMS

- A. Ownership Permitted:** Condominium ownership is permitted in any zoning district as a form of ownership and as defined in Section 141 of the Condominium Act (MCLA 559.241), being Act No. 59 of the Public Acts of 1978, as amended; provided that they comply with the requirements of the zoning ordinance and Public Act 59 of 1978, as amended.
 1. Prior to the construction of any condominium project, a Site Plan review and approval described in Chapter Sixteen is required. Additionally, prior to construction of any condominium development, all necessary permits required by any other Federal, State or local governmental agency must be secured and approval obtained.
 2. Prior to construction of any condominium project, approval from the Township board is required for all utilities to service said project.
- B. Mobile Home Condominium Development:** Mobile Home Condominium development shall be allowed under the same terms and conditions as any other mobile home park within the applicable zoning districts. A mobile home condominium development shall conform to all requirements of the applicable zone district for which it is proposed as any other mobile home park and further, it shall comply with all applicable requirements of the Mobile Home Commission Act being Act 96 of Public Acts of 1987, as amended and the Mobile Home Code and Rules promulgated thereunder, and this ordinance.
- C. Multiple Dwelling Condominium Development:** Multiple dwelling condominium projects are allowed in any zoning district which allows multiple family dwelling units or apartments, under the same terms and conditions as a multiple dwelling unit or apartment. Additionally, as part of the Site Plan review process for a multiple family condominium project, the Planning Commission has the full right, authority and discretion to approve or disapprove any internal vehicular traffic circulation patterns in its sole discretion.
- D. Single-Family Residential Condominium Development:** Single family condominium projects are allowed in any zoning district which allows single family homes and subdivisions under the same terms and conditions as a single family home or subdivision. Additionally, all area requirements for single family homes contained in the applicable zone shall be maintained in a single family condominium project. For purposes of single family condominium projects, the dwelling unit shall maintain the minimum spatial requirement for yards and setbacks as required by the applicable zone district for single family homes or subdivisions. For purposes of this requirement, the spatial setback or yard may be part of the condominium unit, a limited common element or a general common element. In no instance shall the yard or setback be ascribed to more than one unit.

E. Condominium Subdivision Requirements:

Condominium subdivisions, as defined in Section 2.04 are permitted in any zoning district in accordance with the following conditions:

1. All condominium subdivisions, structures and uses therein shall comply with all use, area, parking, general requirements, and conditions of the zoning district within which the project is located. All mobile home condominium developments shall satisfy the minimum requirements of Section 9.04.E.
2. All information included in a Condominium Project Plan defined in Section 2.04 shall be submitted.
3. A copy of the condominium master deed, all attachments and any amendments thereto as required by Public Act 59 of 1978, as amended, shall be filed with the Douglass Township Clerk within ten (10) days after recording with the Montcalm County Register of Deeds.

SECTION 3.05 DRIVEWAY PERMITS

Prior to the granting of a permit for any construction involving a new driveway opening to a public street, a permit for such driveway from the State and/or County agency shall be submitted to the Zoning Administrator.

SECTION 3.06 DWELLINGS

- A. Basement & Illegal Dwellings:** The use of any portion of a basement excluded from the total floor area computations as a dwelling or as sleeping quarters is prohibited. The use of the basement of a partially completed building as a dwelling unit is prohibited. Buildings erected as garages or other accessory buildings shall not be occupied for dwelling purposes.
- B. Single & Two Family Dwellings:** All single and two family dwelling units located outside of manufactured home parks shall comply with the following requirements:
1. The minimum width of any single family dwelling unit shall be fourteen (14) feet for its entire length, measured between the exterior part of the walls.
 2. All dwellings without basements shall provide a crawl space below the entire floor of the dwelling two (2) feet in depth with a vapor barrier on the floor of the crawl space or shall be constructed on a slab, provided it meets the building code. A crawl space must provide adequate drains to drain any accumulation of water in the crawl space.
 3. All dwellings shall be firmly attached to the foundation so as to be watertight as required by the construction code currently adopted by the Township, or by an anchor system designed and constructed in compliance with the United States Department of Housing and Urban Development Regulations entitled "Mobile Home Construction and Safety Standards".
 4. The wheels, pulling mechanism and tongue of any manufactured home shall be removed prior to placement on a foundation.
 5. All dwellings shall be connected to a public sewer system and water supply system and/or a well or septic system approved by the Montcalm County Health Department.

6. All dwellings shall provide steps or porch areas, where there exists an elevation differential of more than one (1) foot between any door and the surrounding grade. All dwellings shall provide a minimum of two points of ingress and egress.
7. All additions to dwellings shall meet all of the requirements of this ordinance and shall satisfy all requirements of the Montcalm County Building Code.
8. All dwellings shall be aesthetically compatible in design and appearance with other residences in the vicinity and shall satisfy the following minimum requirements:
 - a. Exterior walls must have residential grade steel, wood, aluminum or vinyl siding and/or brick facing for all exterior walls, including all additions.
 - b. All dwelling units shall provide a minimum height between the floor and ceiling of seven and one-half (7-1/2) feet.
 - c. Single-family dwellings shall be located on a lot in such a manner that the longest face of a dwelling, commonly referred to as its length, is parallel, as near as practical, with the front lot line. An alternate placement may be permitted upon a determination by the Zoning Administrator that its placement will be aesthetically compatible with other residences in the vicinity.
 - d. No mobile home, or part thereof, which was not designed at the time of manufacture to be attached to another mobile home shall be placed on a lot and attached to another mobile home or conventionally constructed dwelling unit.
9. The compatibility of design and appearance shall be determined in the first instance by the Township Zoning Administrator upon review of the plans submitted for a particular dwelling, subject to appeal by an aggrieved party to the Zoning Board of Appeals within a period of fifteen (15) days from the receipt of notice of said Zoning Administrator's decision. Any determination of compatibility shall be based upon the standards set forth in this section as well as the character, design and appearance of one or more residential dwellings located within the same zoning district. For purposes of this section, aesthetic compatibility is to be determined by reviewing the assembly of building components, materials or construction practices to insure that they are of a similar and like quality and to provide that all dwelling units within the same zone classification result in no distinguishable categorical differences in appearance and the consistent homogenous appearance will be maintained over protracted periods of time to insure the general health, welfare and safety of the residents of that zone, as well as preserving land values.
10. The foregoing shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, unique land contour, or relief from the common or standard designed home.
11. Prior to issuance of a Zoning Compliance Permit for any dwelling unit, a plot plan and construction plans or a certificate that the dwelling has been or will be constructed in accordance with the Montcalm County Building Code, the State Construction Code for Modular Housing or the standards contained in United

States Department of Housing and Urban Development Regulations entitled "Mobile Home Construction & Safety Standards" effective June 15, 1976, as amended shall be submitted to the Zoning Administrator.

SECTION 3.07 ESSENTIAL PUBLIC SERVICES

- A. The erection, construction, alteration or maintenance by public utilities or governmental units, boards or commissions of essential services as defined in Section 2.06 which are reasonably necessary for the furnishing of adequate service by such public utility or municipal department or commission or for the public health, safety or general welfare is permitted in any district.
- B. Notwithstanding the provisions contained above:
 - 1. **Electrical substations** and/or gas regulator stations shall be enclosed with a fence or wall six (6) feet high and adequate to obstruct passage of persons or materials.
 - 2. **Public utility buildings** when located in any Residential District shall not include maintenance shops, repair garages, or storage yards as a principal or accessory use.
 - 3. **Public utility facilities** in any district are required to be constructed and maintained in a neat and orderly manner. Any building which is constructed shall be landscaped and shall conform with the general character of the architecture of the surrounding neighborhood.

SECTION 3.08 FENCING AND TRAFFIC VISIBILITY

- A. **Fences** in any residential district shall not exceed six (6) feet in height.
- B. **Fences & walls** erected within the required front yard in any district shall not exceed three (3) feet in height, except when used to enclose vacant land or land used for agricultural purposes, which may be up to six (6) feet in height. Fences within the required front yard with a height greater than three (3) feet shall be of a type which is not more than twenty-five percent (25%) solid, so as not to obscure vision at the right-of-way or property line of the lot or parcel on which it is placed.
- C. **Fences** shall not be erected within any public right-of-way in any district.
- D. **Fences, walls and plantings** shall not be erected or maintained in any district in such a way as to obstruct the vision of vehicle drivers within the triangular area formed by the intersection of the street right-of-way lines and a line connecting two points located on those intersecting right-of-way lines twenty-five (25) feet from the point of intersection with the right-of-way lines.
- E. **The use of barbed wire fencing** is prohibited except on a farm or as may be required for security reasons to protect publicly owned buildings or business or industrial operations with approval of the Building Inspector. Razor wire fences are not allowed anywhere within the Township.

SECTION 3.09 GRADING & DRAINAGE

- A. **Establishing lot Grades:** Any building requiring yard space shall be located at such an elevation that a sloping grade shall be maintained to cause the flow of surface water to

run away from the walls of the building. A sloping grade shall be established and maintained from the center of the front or rear lot line to the finished grade line at the front or rear of the building, both grades sloping to the front lot line or both. However, this shall not prevent the grading of a yard space to provide sunken or terraced areas, provided proper means are constructed and maintained to prevent the run-off of surface water from flowing onto the adjacent properties. Grade elevations shall be determined by using the elevation at the centerline of the road in front of the lot as the established grade or such grade determined by the Zoning Administrator. When a new building is constructed on a vacant lot between two existing buildings or adjacent to an existing building, the existing established grade shall be used in determining the grade around the new building and the yard around the new building shall be graded in such a manner as to meet existing grades and not to permit run-off of surface water to flow onto the adjacent property.

B. Site Preparation: Excavation & Extraction: Prior to the commencement of site preparation, the approval of a grading plan and the primary purpose for carrying out the site preparation must be obtained from the Montcalm County Building Inspector. In addition, a building permit must be obtained which specifies the terms and conditions under which the site preparation shall be carried out.

C. Site Preparation: Filling/Excavating: From and after the effective date of this ordinance, it shall be unlawful for any person, firm, corporation, partnership, or other organization or entity to use land for filling with material of any kind or for any excavation in excess of 500 cubic yards without first obtaining a Special Use Permit for soil, sand, clay or similar removal operations in accordance with the provisions of Chapter Sixteen.

SECTION 3.10 INOPERABLE VEHICLES

For the purpose of securing the public health, safety and general welfare by providing standards and regulations for the storage, placement and accumulation of unlicensed and inoperable vehicles and motor vehicles; to reduce blight, blighting factors and causes of blight serving to adversely influence the scenic beauty and attractiveness of neighborhoods; to exercise a valid and reasonable interest in the preservation of property values and the reasonable use and enjoyment of property; and to provide penalties for violations of this ordinance. It is in the public interest as the storage, placement and accumulation of unlicensed and inoperable vehicles and motor vehicles are determined to be a blight or blighting factor adversely influencing the attractiveness and scenic beauty of neighborhoods within the community; not conducive to the reasonable use and enjoyment of adjoining lands and property when viewed from those lands and property; inimical to the preservation of property values because of their blighting influence; an attractive nuisance to children, thus endangering their health, safety and general welfare; attractive to thieves and vandals, thus endangering the safety and welfare of neighborhoods; capable of providing harborage for waste materials and vermin that may be destructive, annoying or injurious to the health, safety and general welfare of neighborhood residents, and; capable of creating or enhancing fire and explosion hazards.

This shall apply to all land in the Township except motor vehicle storage facilities and salvage yards as may be specifically permitted and regulated.

A. No person shall accumulate, place, store, or permit the accumulation, placement or

storage of inoperable vehicles or motor vehicles or vehicle or motor vehicle parts for a period of time exceeding seven (7) consecutive calendar days or 168 consecutive hours on any land in Douglass Township except as specifically permitted by this section.

- B. No inoperable vehicles or motor vehicles may be accumulated, placed or stored outside of a fully enclosed building or an opaquely fenced or landscaped enclosure designed and maintained to screen the view of such vehicles and motor vehicles from adjoining properties during all seasons of the year.
- C. No person shall accumulate, place, store or permit the accumulation, placement or storage of vehicle or motor vehicle component parts outside of a fully enclosed building or an opaquely fenced or landscaped enclosure designed and maintained to screen the view of such vehicles and motor vehicles from adjoining properties during all seasons of the year.
- D. The accumulation, placement and storage of refuse in violation of this ordinance shall constitute a nuisance per se.
- E. A violation of this section of the ordinance is a municipal infraction subject to the terms and conditions set forth in Chapter Twenty Three.

SECTION 3.11 LAND USES

- A. **Ascribed Principal Use of Residential Property:** No more than one principal single-family residential building with the customary accessory buildings and structures shall be erected on any individual lot or parcel of land, except as herein permitted.
- B. **Continuation of Existing Lawful Land Uses:** Any building, structure or use, lawfully in existence at the time of the effective date of this ordinance may be continued except as hereinafter provided in Chapter Four "Nonconforming Uses".
- C. **Motor Vehicle Repair:** Mechanical work on motor vehicles in residential districts shall be permitted, provided such vehicles are not used primarily for racing. Such vehicle must be owned by the occupant of the dwelling on the premises. All work must be performed within a building, and no parts or vehicles not in legally operating condition may be stored outside.
- D. **Unlawful Use Not Authorized:** Nothing in the ordinance or any amendment thereto shall be interpreted as authorization for or approval of the continuance of the unauthorized use of a structure, land or premises in effect at the time of the effective date of this ordinance, or any amendment hereto.
- E. **Yard Sales:** Yard or garage sales, including auctions, are permitted on the same premises not more than two times in any calendar year in all residential districts. Any signs used to advertise such sales shall be removed immediately upon the conclusion of the sale. No such sale shall last longer than three (3) days.

SECTION 3.12 LOTS & PARCELS

- A. **Area or Space Required:** No site, lot, or lots in common ownership shall be so divided, altered, or reduced so that the yard, setbacks, open space area, or parking space is less than the minimum required under this ordinance. In determining lot and yard requirements, no area shall be ascribed to more than one main building, or use, and no

area necessary for compliance with the space requirements for one main building shall be included in the calculation of the space requirements for any other building or use.

B. Corner & Double Frontage Lots: Where a lot is bounded by two (2) or more streets, the front yard requirements of that district shall be maintained for each street frontage.

C. Front, Side & Rear Yard Setback Requirements.

1. Measurement of the front and side yards shall be from the right-of-way line of the abutting street, whether public or private, to the nearest portion of the structure, including unenclosed porches, provided, that on streets with a right-of-way of less than thirty-three (33) feet from the centerline, measurement shall be from a point thirty-three (33) feet from the centerline of the street.
2. When the lot abuts or contains all or a portion of an easement designated for the purpose of stormwater retention or detention, the required yards and setbacks shall be measured from the edge of the easement which shall be described in the legal description of the lot.
3. Lot area computation shall not include a private road or easement providing access to the lot or other lots nor a storm water retention or detention easement located on the lot.

D. Lot Width For Irregular Lots: The minimum lot width for a lot on a cul-de-sac or other irregularly shaped lot shall be measured at the building setback line and shall not be diminished between the building setback line and the rear lot line. Such lots shall have a front lot line of at least forty (40) feet and in no case shall the lot width within the required front yard be less than forty (40) feet.

E. Registration of Property: The description of and the deed for every parcel of land shall be required to be on record with the Montcalm County Register of Deeds, prior to the authorization of any use of the lot or parcel of land by the Township.

SECTION 3.12 MARIJUANA FACILITIES

- A. Medical Marijuana:** In accordance with Section 205(1) of the Medical Marijuana Facilities Licensing Act, MCL 333.27101 et seq., the following marijuana facilities are prohibited from operating within Douglass Township: marijuana grower; marijuana processor; marijuana provisioning center; marijuana secure transporter; and marijuana safety compliance facility. This prohibition does not include or apply to a “primary caregiver” or “caregiver” as that term is defined in the Michigan Medical Marijuana act, MCL 333.26421 et seq.
- B. Recreational Marijuana:** The establishment and/or operation of any and all types of a “marijuana establishment,” as that term is defined and used in Michigan Initiated Law 1 of 2018, commonly known as the Michigan Regulation and Taxation of Marijuana Act. MCL 333.27951, et seq., is prohibited throughout the jurisdictional boundaries of Douglass Township. This prohibition includes, but is not limited to, the following types of marijuana establishments: marijuana grower; marijuana safety compliance facility; marijuana processor; marijuana microbusiness; marijuana retailer; marijuana secure transporter; any other type of marijuana-related business that is subject to licensing by

the State Department of Licensing and Regulatory Affairs (“LARA”) under Michigan Initiated Law 1 of 2018 or the rules promulgated thereunder.

- C. Prohibition of Marijuana Consumption in Public Places:** Marijuana shall not be consumed in a public place or any outdoor location if the location is clearly visible from a public place. The term public place means a place to which the public or a substantial number of the public have access, and includes, but is not limited to, streets and highways, transportation facilities, schools, places of amusement, parks, playgrounds, and the common areas of public and private buildings or facilities.
- D. Prohibition of Marijuana Use in a Motor Vehicle:** Marijuana shall not be consumed in or on a motor vehicle, aircraft, snowmobile, off-road recreational vehicle, or motorboat.
- E. Outdoor Cultivation of Marijuana:** Marijuana plants shall not be cultivated outdoors if the plants are visible from a public place without the use of binoculars, aircraft, or other optical aids. Any outdoor areas devoted to the cultivation of marijuana plants shall comply with the following requirements:
 - 1. The cultivated area shall only be located on a parcel that contains a dwelling unit or other principal use permitted in that zoning district.
 - 2. The area shall only be located in the rear yard and shall be completely enclosed by a solid fence or wall six feet in height.
 - 3. The enclosed area shall be equipped with a locked entrance or the area shall be equipped with other functioning security devices that restrict access to the area.
 - 4. No more than 12 marijuana plants shall be cultivated on the premises at any one time.
- F. Rights Under MMMA Not Impaired:** This ordinance does not limit any privileges, rights, immunities, or defenses of a person as provided in the Michigan Medical Marihuana Act, Michigan Initiated Law 1 of 2008, MCL 333.26421, et seq.
- G. Transportation of Marijuana:** This ordinance does not restrict or prohibit the transportation of marijuana through the Township by a marijuana secure transporter who is licensed by another municipality, or a means otherwise authorized by State law.

SECTION 3.14 NOXIOUS WEEDS

For the purpose of securing the public health, safety and welfare of the residents and property owners by the control and regulation of certain weeds and growth on lots with vacant or abandoned dwellings and principle buildings and in subdivided lands and neighborhoods to prevent blight and nuisance conditions within the Township; to provide penalties for the violation thereof and to repeal all ordinances or parts of ordinances in conflict therewith. This is intended to abate and eliminate situations where property is in a State of actual neglect and shows no distinct plan or pattern of upkeep or maintenance.

- A. Regulations:** It shall be unlawful for the owner or occupant of an abandoned principle building to permit or maintain on any such premises noxious weeds as defined herein.
- B. Notice of Violation:** In the event that a property owner fails to comply with this ordinance, the Township is hereby authorized and empowered to notify the property owner of the violation and to direct the property owner to remove the noxious weeds.

Such notice shall be sent by certified mail with return receipt request to the property owner and shall inform the property owner of the following:

1. The nature of the violation.
2. The time in which the violation may be abated, which time shall not be less than five days, nor more than 10 days from the date of the notice.
3. The Township may act to abate the violation if it is not abated by the owner within the time allowed.
4. In the event the Township abates the nuisance, the cost of abatement plus administrative fees shall be assessed as a lien against the property until paid.
5. The refusal of the property owner to abate the nuisance or to allow the Township to abate a violation or nuisance shall result in prosecution.
6. The failure to receive such notice shall not be a defense to any action brought by a member of the public for injury or by the Township to collect the costs of abatement or impose penalties or other fees as authorized by this ordinance.

C. Abatement: If the owner fails to remove the noxious weeds within 10 days of the date of receipt of such written notice the Township or its authorized contractors or other designee(s) is (are) authorized and empowered to enter the property to abate the nuisance or to provide and to make payment for the abatement of the nuisance maintained.

D. Charge to owner: When the Township abates a nuisance as provided hereunder, the cost of the abatement and the authorized administrative fee shall be billed to the property owner. The cost and fee shall be a debt of the property owner to the Township which may be assessed as a lien against the property, including interest therein, until paid, and enforced and collected in the same manner as ad valorem property taxes.

SECTION 3.15 OUTDOOR BURNING

For the purpose of protecting the health and safety of the people and property in the Township from air pollution and fire hazards which can result from the outdoor burning of combustible materials, particularly in those areas of the Township which are most densely populated.

A. Open burning requirements: Open burning is permitted in all zoning districts subject to the following regulations:

1. A person seeking to conduct open burning must first contact the fire department having jurisdiction for the location where the open burning is to occur.
2. Only the following may be burned: naturally occurring organic substances such as grass clippings, weeds, leaves, vegetables, or other garden debris, crops, plants, shrubbery, brush, tree branches, tree trimmings, logs, stumps, untreated lumber, and fallow land.
3. The following items are specifically prohibited from open burning: flammable waste materials as defined in section 2.07, dead animals, poison ivy, poison oak and poison sumac.

B. Recreational Fires are permitted in all zoning districts without a permit subject to:

1. No yard debris or flammable waste material as defined in section 2.07 shall be burned.

2. All combustible materials and vegetation, except lawn grass must be cleared at least five feet from the fire pit.
3. The fire pit must be at least ten feet from any building or structure.
4. Recreational fires must be contained within a fire pit or ring of four feet or less in diameter and two feet or less in height or in an outdoor fireplace.

SECTION 3.16 OUTDOOR LIGHTING

Outdoor lighting located on privately owned property shall be so arranged that it will not shine directly on streets or occupied dwellings that are not located on the site.

SECTION 3.17 PARKING & STORAGE IN THE LOW DENSITY, LAKE RESIDENTIAL, AND MEDIUM DENSITY RESIDENTIAL DISTRICTS

The outdoor storage or parking of trucks rated at more than three-fourths (3/4) ton or the parking or outdoor storage of any recreational vehicle, such as airplanes, boats, floats, camping or travel trailers, detachable travel equipment of the type adaptable to light duty trucks, snowmobiles, and other equipment of a similar nature, shall be prohibited for a period greater than seven (7) days within any thirty (30) day period in all residential districts except where otherwise permitted by this ordinance, unless the following requirements are met:

- A. All such vehicles and equipment** shall be placed within a completely enclosed building or located behind the front face of the main building, but no closer than five (5) feet to any side or rear lot line. No storage of such vehicles shall be permitted on a corner lot in the required yards adjacent to a street.
- B. Storage or parking** shall be limited to a parcel of land upon which is located an inhabited dwelling unit and the vehicle or equipment so stored or parked is owned by an occupant.
- C. The parking or storage of commercial trucks and/or vehicles** including truck-tractors or semi-trailers is prohibited in all residential districts, provided, however, that this shall not be deemed to prevent the temporary location of any such vehicle in said districts while engaged in a delivery, pick-up or service to the premises where located.

SECTION 3.18 PETS & OTHER ANIMALS

- A.** No more than three (3) dogs, cats or any combination thereof, shall be kept or housed on any parcel within the LDR and LR districts or on any other parcel where there is a dwelling, provided, however, that any litter of dogs or cats which causes the aforesaid limit of three (3) to be exceeded shall not constitute a violation of this provision for a period of four (4) months after birth; and provided further, however, that no more than two (2) such litters shall be allowed within any consecutive twelve (12) month period.
- B. Domesticated animals** such as horses, cattle, goats, hogs, sheep, llamas and fowl, that are not located on farms, shall be permitted under the following conditions:
 1. In the Agricultural/Rural Estate districts, domestic animals shall not exceed one (1) animal unit for the first two (2) acres of lot area, and one additional animal unit for each additional acre of land. In all other districts the number of such animals shall not exceed one (1) animal unit for the first five (5) acres and one (1)

additional animal unit for each additional acre of land. No roosters shall be allowed in the LDR, LR, or MDR districts. See 2.02 A for definition of animal unit.

2. All such animals shall be confined in a suitable fenced area, or paddock, equal in size to sixty (60) percent of the total area required above and the area shall not be located closer than sixty (60) feet from any street right-of-way, dwelling located on the premises or any adjacent lot or parcel that is zoned or primarily used for residential purposes.
3. Any accessory building in which such animals are kept shall be at least one hundred (100) feet from any property line, street right-of-way or dwelling located on the premises.
4. The facility shall be constructed and maintained so that odor, dust, noise or drainage shall not constitute a nuisance or hazard to adjoining premises.

C. Animals of a feral nature such as lions, tigers, bears, wolves, ferrets, poisonous snakes, pythons, boa constrictors or other animals, reptiles, fowl, or living creatures not ordinarily of a domestic nature or tame in their natural environment shall not be kept or placed on private property in any zoning district. Interpretation of whether a particular animal or class of animals and pets falls within this classification shall be made by the Zoning Administrator. All determinations made by the Zoning Administrator relative to the classification of animals may be appealed to the Zoning Board of Appeals as further provided in this ordinance. The Zoning Administrator and Zoning Board of Appeals shall consider the potential danger of keeping particular animals and whether they pose a threat to the health, safety and welfare of the residents of the Township.

SECTION 3.19 PONDS

Ponds, as defined in Section 2.17 are permitted within any zoning district as an accessory use.

SECTION 3.20 REFUSE

For the purpose of securing the public health, safety and welfare by providing standards and regulations for the storage, placement, and accumulation of refuse on premises not properly designated as a disposal area or solid waste transfer facility under PA 641 of 1978; to prevent, reduce or eliminate blight, blighting factors, or causes of blight serving to adversely influence the scenic beauty and attractiveness of neighborhoods; to prevent or eliminate sources capable of containing or conveying infection or contagion or of creating sickness; to prevent or eliminate accumulations of refuse capable of providing habitat or harborage for pests and vermin.

- A. Accumulation, placement and storage of refuse:** It shall be unlawful for any person to accumulate, place, store, or permit the accumulation, placement, or storage of refuse on any premise in the Township for a period of time exceeding 45 consecutive calendar days, except on a premises properly designated as a disposal area or solid waste transfer facility established under PA 641 of 1978.
- B. Nuisance:** The accumulation, placement, and storage of refuse in violation of this ordinance constitutes a nuisance per se.

SECTION 3.21 RIPARIAN ACCESS

The following restrictions are intended to limit and regulate the number of users and types of uses of Clifford Lake frontage in order to preserve the qualities of the waters, minimize conflicting land uses, promote safety and help preserve the quality of recreational use of lands and waters within the Township. All of these provisions apply only to lots created after the date of the adoption of this ordinance.

- A.** For all properties touching or abutting Clifford Lake, there shall be at least fifty (50) feet of lake frontage, as measured along the ordinary high water mark of the lake, for each single-family home, dwelling unit, cottage, condominium unit, site condominium unit or apartment unit utilizing the lake frontage.
- B.** For all properties touching or abutting Clifford Lake, any multiple-unit residential development shall have not more than one (1) dock for each fifty (50) feet of lake frontage, as measured along the normal high water mark of the lake.
- C.** For all properties touching or abutting Clifford Lake, no lake access, boat ramp, shore station, dock, boat launch or shoreline of the lake shall be utilized for commercial business, outdoor recreational (or entertainment) facilities, institutional, non-residential or non-agricultural uses or purposes unless such use complies with the requirements of the zoning district in which it is located.
- D.** In addition to the above limitations, no easement, private park, common area condominium arrangement, lake access device or lot or access property abutting or adjoining Clifford Lake shall be used to permit access to the lake for more than one (1) single-family home, property, dwelling unit, condominium unit, site condominium unit or apartment unless such use is also approved as a special land use.
- E.** No new channel or canal shall be created abutting, enlarging or tied into Clifford Lake, nor shall existing canals or channels be enlarged. Canals or channels which touch or abut Clifford Lake and were lawfully in existence as of the date of enactment of this ordinance may be cleaned and dredged, so long as they are not enlarged beyond their original dimensions.
- F.** The restrictions of this section shall apply to all lots and parcels on or abutting Clifford Lake, regardless of whether access to the lake shoreline or waters shall be by easement, park, common-fee ownership, single-fee ownership, condominium arrangement, license, or lease. The lake access and use regulations contained in this section shall also be fully applicable to all special land use projects or developments.

SECTION 3.22 SOLAR ENERGY SYSTEMS (SES)

- A. General Provisions:** All SES are subject to the following requirements:
 - 1. All SES must conform to the provisions of this ordinance; all County, State, and Federal regulations and safety requirements; all applicable building codes, County codes, and airport area zoning ordinances; and all applicable industry standards, including those of the American National Standards Institute (ANSI).
 - 2. The granting of any permit for a SES does not constitute solar access rights.
 - 3. An SES shall be constructed and placed so it does not create a glare for persons off site.

4. An SES shall be properly maintained at all times in accordance with the requirements of this ordinance. Such maintenance shall include measures to maintain the original appearance of the structures, ensuring that the solar panels do not leak and that the ground cover beneath the panels does not become a visual nuisance or anything deemed catastrophic by the Township Engineer.
5. An SES shall be installed, maintained and used only in accordance with the manufacturer's directions. A copy of such directions shall be submitted to the Township prior to installation.
6. Any SES that is not operated or not producing electricity for a continuous period of six months as determined by the Township shall be considered abandoned or non-functional and subject to removal. Upon a determination by the Township that a SES should be decommissioned and within 90 days of receipt of written notification from the Township, the owner/operator shall begin to remove the SES from the site in accordance with the approved decommissioning plan.
7. The Township may revoke any approvals for, and require the removal of, any SES that does not comply with this ordinance.
8. SES are not permitted on lands enrolled in the PA 116 Farmland and Open Space Preservation Act program or any other farmland/agricultural incentive programs (such as Michigan Agriculture Environmental Assurance Program or Conservation Reserve Program) and any amendments and replacements of such programs.

B. Rooftop and Wall Mounted SES

1. Roof and wall mounted onsite SES are a permitted accessory use in all zoning districts subject to review and approval by the building official and require a building permit. Applicants shall submit an accurate sketch plan to the building official providing the location of the building, location of the SES, the height of the SES including a data sheet and installation instructions from the equipment manufacturer and other information as requested by the building official. The applicant shall provide information on the type of solar panel to be used and any hazardous chemicals contained in the solar panels and measures to prevent leakage.
2. Roof mounted SES shall not project more than five feet above the highest point of the roof, and in any case, shall not exceed the maximum building height limitation for the zoning district in which it is located, and shall not project beyond the eaves of the roof.
3. Roof and wall mounted SES shall be securely and safely attached to a building or structure. Proof of the safety and reliability of the means of such attachment shall be submitted to the building official prior to installation. Such proof shall be subject to the building official's approval.
4. Wall-mounted SES shall not exceed the height of the building wall to which they are attached.
5. Wall-mounted SES may be mounted on a building wall that faces upon a public or private street.

6. Wall and roof mounted SES shall be properly maintained in good repair and condition at all times, so they maintain their original appearance and do not pose a potential safety hazard.

C. Level 1 Onsite Ground Mounted SES (Level 1 SES)

1. **Permitted Zoning Districts and Size:** A Level 1 Onsite Ground Mounted Solar Energy System provides energy solely for onsite uses, except for excess energy sold back to a regulated utility company. This type of system is allowed in all zoning districts except the Lake Residential Zone as a permitted accessory use and structure subject to review and approval by the building official and requires a building permit. The parcel proposed for the Level 1 Onsite SES shall contain an existing main building.

2. **Application:** Applicants shall submit an accurate sketch plan to the building official illustrating property lines of the parcel, buildings on the parcel, wetlands or bodies of water on the site and within 100 feet of the site, the proposed setbacks and height of the SES including a data sheet from the equipment manufacturer and other information as requested by the building official.

3. **Location and Setbacks:** A Level 1 Onsite SES may be located in the front, rear and side yards subject to the following minimum setbacks:

a. **Front:** A minimum of 100 feet from each front lot line.

b. **Side and rear:** A minimum of 20 feet from the side and rear lot lines.

c. The building official may require a greater setback to ensure compatibility with adjacent land uses.

d. Measurement shall be taken from the lot line to the edge of the closest solar panel.

4. **Height:** A Level 1 Onsite SES shall not exceed a height of 8 feet when oriented at maximum tilt.

5. **Screening:** Greenbelt screening is required around any Level 1 Onsite Solar Energy System and around any equipment associated with the system to obscure, to the greatest extent possible, the SES from any adjacent residences. The greenbelt must consist of shrubbery, trees, or other non-invasive plant species that provide a visual screen equal to the height of the solar panels, including the option of combining and/or staggering a fence, berms, trees, with a waiver option for neighbors to sign if they agree to lower height. Any such waiver shall be recorded with the Montcalm County Register of Deeds. All greenbelt items must be maintained for the life of the project, including replacing dead trees. In lieu of a planting greenbelt, a decorative fence that is at least 50% opaque (meeting the requirements of this ordinance applicable to fences) may be used if approved by the Zoning Administrator.

6. **Lot Area Coverage:** No more than 20% of the total lot area or 5,000 square feet, whichever is less, may be included in a Solar Energy Project.

D. Level 2 Ground Mounted SES Allowed by Special Use Permit (Level 2 SES): A Level 2 Onsite Ground Mounted Solar Energy System shall only occupy an area at least 5,000 sq. ft. and is allowed in all zoning districts except the Lake Residential Zone as a permitted accessory use subject to review and approval of a Special Use Permit by the

Planning Commission in accordance with the requirements and procedures of Chapter Fifteen herein and the following requirement: The parcel proposed for the Level 2 Onsite SES shall contain an existing main building. (See Chapter Fifteen, Special Land Uses Approval Standard 21 for Application and Requirements).

E. Industrial Solar Energy Systems (Level 3 ISES): An ISES provides energy exclusively for offsite uses and is permitted only in the Renewable Energy Overlay Zoning District, subject to review and approval of a Special Use Permit by the Planning Commission in accordance with the requirements and procedures of Chapter Fifteen. (See Chapter Fifteen, Special Land Uses Approval Standard 22 for Application and Requirements).

SECTION 3.23 SWIMMING POOLS

- A.** Pools used for swimming or bathing shall be in conformity with the requirements of this section, provided, however, these regulations shall not be applicable to any such pool less than twenty-four (24) inches deep or having a surface area less than two hundred and fifty (250) square feet, except where such pools are permanently equipped with a water recirculating system or involve structural materials.
- B.** A swimming pool or appurtenances thereto shall not be constructed, installed, enlarged, or altered until a Zoning Compliance Permit has been obtained from the Zoning Administrator.
- C.** The outside edge of the pool wall shall not be located closer than ten (10) feet from any side property line, and shall not be located closer than twenty (20) feet from any rear property line. No pool shall be located under any electrical wiring or in a front yard.
- D.** Each swimming pool shall be enclosed by a fence or wall with a height of at least four (4) feet, sufficient to make the swimming pool inaccessible to small children. Such enclosure, including gates, must be not less than four (4) feet above the underlying ground; all gates must be self-latching with latches placed four (4) feet above the underlying ground or otherwise made inaccessible from the outside to small children. A natural barrier, hedge, pool cover, or other protective device approved by the Zoning Administrator may be used as long as the degree of protection afforded by the substituted devices or structures is equal to the protection afforded by the enclosure, gate and latch described herein. Any above ground swimming pool constructed in such a manner that the deck is at least four (4) feet above ground shall not be required to be enclosed by a fence or wall, but any access point such as stairways or ladders shall be enclosed with gates and latches or otherwise made inaccessible from the outside to small children.
- E.** All swimming pool installations shall comply with the following standards:
 - 1. The swimming pool and equipment shall be equipped to be completely emptied of water, and the discharged water shall be disposed of in an approved manner that will not create a nuisance to adjoining property.
 - 2. All swimming pools shall be provided with a recirculating skimming device or overflow gutters to remove scum and foreign matter from the surface of the water.

3. One or more means of egress shall be provided from the pool. Treads of steps or ladders shall have slip resistant surface and handrails on both sides.
4. All appurtenant structures, installations and equipment, such as showers, dressing rooms, equipment houses or other buildings and structures including plumbing, heating and air conditioning, among others, appurtenant to a swimming pool, shall comply with all applicable requirements of this ordinance and the Montcalm County Building Code.
5. The pool structure shall be engineered and designed to withstand the expected forces to which it will be subjected.
6. 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 to prevent electricity from being conducted into the water. 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. In addition, all electrical equipment and related components shall conform to the current National Electrical Code, as adopted by Montcalm County.
7. 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.

SECTION 3.24 UTILITY SCALE BATTERY ENERGY STORAGE SYSTEMS

Utility-Scale Battery Energy Storage Systems are permitted in the Township as a conditional use only in the Renewable Energy Overlay District, (RO), as described in Chapter Fourteen.

Utility-Scale Battery Energy Storage Systems are subject to review and approval of a Special Use Permit by the Planning Commission in accordance with the requirements and procedures of Chapter Fifteen. (See Chapter Fifteen, Special Land Uses Approval Standard 23 for Application and Requirements).

SECTION 3.25 WIND ENERGY CONVERSION SYSTEMS (WECS)

A. General Provisions: All WECS are subject to the following requirements:

1. All WECS must conform to the provisions of this ordinance; all County, State, and Federal regulations and safety requirements; all applicable building codes, County codes, and airport area zoning ordinances; and all applicable industry standards, including those of the American National Standards Institute (ANSI).
2. The Township may revoke any approvals for, and require the removal of, any WECS that does not comply with this ordinance.

B. Private WECS: A building permit is required for the installation of any Private WECS. Private WECS are permitted as an accessory use in all zoning districts.

1. **Noise Control:** Private WECS must comply with the noise limits set forth by the County.
2. **Height; Ground Clearance:** The total height of a Private WECS with the

blade fully extended must not exceed 80 feet. The minimum clearance from ground level to the blade at its lowest point must be 30 feet.

3. **Setback:** The minimum setback of a Private WECS from any property line or road right-of-way must be equal to 3 times the tip height (with the WECS blade at its highest point).

C. Commercial WECS are permitted only in the Renewable Energy Overlay Zoning District subject to review and approval of a Special Use Permit by the Planning Commission in accordance with the requirements and procedures of Chapter Fifteen. (See Chapter Fifteen, Special Land Uses Approval Standard 24 for Application and Requirements).

SECTION 3.26 SHORT-TERM RENTALS

Purpose

Up until the adoption of this Ordinance, Short-Term Rentals of Single-Family Dwellings were not permitted anywhere within Douglass Township. The Township Board finds that the Short-Term Rental of Single-Family Dwellings within Douglass Township is a matter closely connected with the public health, safety, and welfare of the community. The Township Board has enacted this Ordinance in an attempt to strike an appropriate balance between the interests of community residents, community business owners, visitors to the community, and real property owners wishing to engage in Short-Term Rental of Single-Family Dwellings.

While visitors to the community who rent Single-Family Dwellings on a short-term basis bring many benefits to the community, they can simultaneously create concerns surrounding issues of traffic, parking, congestion, litter, noise, and other similar issues. Meanwhile, issues related to fire safety and life safety codes must be considered in order to maximize the safety and well-being of all in the community. This Ordinance is intended to strike a balance between competing interests.

It is not the intent of this Ordinance to legalize any Short-Term Rental activity occurring prior to the effective date of this Ordinance, which is not authorized by any ordinance of the Township. Any Short-Term Rentals in operation prior to the effective date of this Ordinance shall not be considered legal non-conforming uses under the Township's Zoning Ordinance.

A. Applicability: This section shall only apply to Short-Term Rentals on property with deeded lake access including, but not limited to, all properties in the LR Lake Residential zoning district.

B. Registration required:

(a) Annual Registration required. All Short-Term Rentals must be registered with the Township. No Single-Family Dwelling may be used as or advertised for a Short-Term Rental unless registered in accordance with this Ordinance.

(b) Application. To register a Short-Term Rental, the Owner shall satisfy the following requirements:

(1) The Owner shall provide and certify as true the following on a form provided by the Township:

(A) Name, address, and telephone number of the Owner of the

Single-Family Dwelling to be used as a Short-Term Rental (if the Owner does not reside within 75 miles of the Single-Family Dwelling, the Owner shall name a local agent who does reside within 75 miles of the dwelling); the Owner, a local agent, or the designee of either shall be on site within one hour of being contacted by the Township or law enforcement concerning an issue regarding the Short-Term Rental;

(B) The address of the Single-Family Dwelling to be used as a Short-Term Rental (plus additional identification as necessary if there is more than one Single-Family Dwelling at the same address);

(C) The number of bedrooms in the Single-Family Dwelling to be used as a Short-Term Rental;

(D) The Rental Agreement for the Single-Family Dwelling to be used as a Short-Term Rental;

(E) The Single-Family Dwelling to be used as a Short-Term Rental's compliance with all requirements of this Ordinance; and

(F) Such other information as the Township Board deems appropriate.

(2) An Owner who wishes to rent or advertise a Single-Family Dwelling as a Short-Term Rental must file an application for the Single-Family Dwelling for each calendar year during which the rental or advertisement shall occur. The Owner shall pay an annual administrative fee, the amount of which shall be established by motion or resolution of the Township Board. Any Owner who rents or advertises a Single-Family Dwelling as a Short-Term Rental after the effective date of this Ordinance without having registered it pursuant to this Ordinance shall pay an increased fee, the amount of which is also to be set by motion or resolution of the Township Board.

(3) If the Township receives more applications for Short-Term Rentals than would be permitted for any given area under this Ordinance, licenses shall be granted by way of lottery draw. Applications with accompanying documents must be made in person at the Township Hall.

(4) A Short-Term Rental license shall be effective for one year. The annual licensing term begins on April 1st of the calendar year in which it is approved, and is good for one year. A fully completed renewal application and renewal fee must be filed with the Township Clerk at least forty-five (45) days prior to license expiration so that the Township Board or its designee, if required, has adequate time to consider the application. The renewal application shall include any updated information since the filing of the original application. An existing license becomes void, and a new application is required any time the ownership of a residential dwelling licensed for Short-Term Rentals changes. If a license is not renewed or otherwise becomes void, the license will automatically come available for other applicants to apply and seek the license using the same process described in this section. Suspension of a license under this Ordinance will not result in availability of that license for other applicants unless the suspension becomes a revocation, non-renewal or otherwise becomes void pursuant to this Ordinance.

C. Short-Term Rental Regulations: Single-Family Dwellings used as Short-Term Rentals are subject to the following requirements and performance standards:

(a) *Quota:* Only 2% of properties with deeded access to each lake in the Township may be used as Short-Term Rentals.

(b) *Maximum occupancy:* Beginning the effective date of this Ordinance the maximum occupancy of any Single-Family Dwelling used as a Short-Term Rental shall be as follows:

(1) Maximum occupancy in a Single-Family Dwelling used as a Short-Term Rental shall not exceed (2) two occupants per bedroom plus two additional occupants per finished story, which meets the applicable egress requirements for occupancy in the Michigan Construction Code, subject to any other Local, State, or Federal requirements.

(2) In addition to the maximum occupancy specified in subsection (1) above, a Single-Family Dwelling used as a Short-Term Rental may have a total number of people on site, including occupants and day-time guests (allowed to be present at most from sunrise to sunset), up to 1.5 times the maximum number of occupants allowed by subsection (1). A fractional number of people allowed shall be rounded up to the nearest whole number.

(c) *Insurance:* Single-Family Dwellings used as Short-Term Rentals must be insured by a comprehensive rental dwelling insurance policy with coverage of at least \$1,000,000.00. The Owner shall provide to the Township confirmation of the existence of the insurance each time the Short-Term Rental is registered with the Township.

(d) *Notice of Township Rules and Policies.* Renters of Single-Family Dwellings used as Short-Term Rentals must be provided copies of or information regarding the following:

(1) This Township Zoning Ordinance; and

(2) Water safety information and any applicable lake rules.

(e) *Adequate trash receptacles:* Single-Family Dwellings used as Short-Term Rentals must have a minimum of one large container of at least 90 gallons.

(f) *Parking:* Parking shall be clearly marked and limited to the spaces marked with signs on the Dwelling's respected property. All renters must comply with standard parking laws at minimum. (As an example, no parking may occur on single lane roads). Beyond this requirement, for units that hold more than 12 renters, all vehicles of those at the residence must be parked on the property itself during quiet hours. Legal street parking as otherwise allowed by law is allowed for renters.

(g) *Pets:* Pets that accompany a renter are subject to all ordinances and laws, with the following additional requirements:

(1) Pets must be under the control of their owner and on a leash when outside the dwelling. Pets may be tethered securely to a leash or pulley-run on the premises, provided that the tethered pet is at least ten (10) feet inside the premises lot line.

(2) Pet owners must adhere to minimizing pet noise, independent of whether the pet is inside or outside the dwelling.

(3) Renters shall never leave pets outside and unattended. From 11 pm to 6 am, quiet hours shall be enforced. All activities shall be in compliance with the Township Noise Ordinance and other applicable Ordinances.

(h) Owner Access/Resident Agent. The Property Owner must reside within seventy-five (75) miles of the Short-Term Rental during periods in which the Short-Term Rental is rented.

(1) This requirement may be waived if there is a valid Resident Agent (point of contact) located in the 75-mile range. In such a case, the Property Owner shall provide a copy of the Resident Agent contract to the Township and notify the Township within thirty (30) days of termination of any such contract.

(2) The Property Owner and/or Resident Agent must provide the Township with current contact information and must be available twenty-four (24) hours a day, seven (7) days a week by telephone during a rental. The Township must be notified within twenty-four (24) hours of any change in contact information.

D. Violations; revocation of registration:

(a) Violations as municipal civil infractions: Any violation of a provision of this Ordinance shall be a municipal civil infraction. Each day that a violation continues constitutes a separate violation. Notwithstanding any other Township Ordinance, violations of this Ordinance are subject to the following fines:

(1) Short-term rental of unregistered dwellings. Unregistered Short-Term Rentals will receive one notice of noncompliance with a 30-day grace period to become registered pursuant to this Ordinance. If failure to become registered upon expiration of the 30-day grace period, the unregistered Short-Term Rental will be fined \$250 per day.

(2) Maximum occupancy. The fine for exceeding the maximum occupancy permitted for a Short-Term Rental is \$500 for a first offense and \$1,500 for each subsequent offense; and

(3) Other provisions. Fines for other violations of this Ordinance are \$100 for a first offense, \$500 for a second offense, and \$1,500 for each subsequent offense.

(b) Revocation of registration:

(1) Offenses warranting revocation. The Township may revoke the rental registration for any Single-Family Dwelling used as a Short-Term Rental which is the site of at least three separate incidents, occurring on three separate days, within a calendar year resulting in a plea of responsibility (with or without an explanation), a plea of guilty, a plea of no contest, or a court's determination of responsibility or guilt by the Owner or any renter for a violation of one or more of the following:

(A) Any provision of this Ordinance;

(B) Any provision of any other Township Ordinance, including its

Anti-Noise Ordinance, Zoning Ordinance, and any other Township Ordinance, section of the Zoning Ordinance, or permit or approval process; or

(C) Any violation of any other Local, State, or Federal law or regulation.

(2) Revocation procedure: Upon a determination by the Zoning Administrator that the Short-Term Rental registration is subject to revocation, the Zoning Administrator shall issue a notice to the Owner that the Township intends to revoke the rental registration. The notice shall inform the Owner of their right to a hearing to show cause as to why the registration should not be revoked, if a hearing is requested within 14 days of the service of the notice. If a hearing is timely requested, the Township shall schedule the hearing before the Township Board and notify the Owner in writing of a time and place for that hearing. At the hearing, the Owner may present evidence that the requirements for revocation provided in subsection (b)(1) are not satisfied, or that the Owner should not be held responsible for one or more of the three requisite violations due to extenuating circumstances. Extenuating circumstances may include circumstances such as:

- (i) the violation was committed by a non-renter and the renter(s) attempted to prevent or halt the violation;
- (ii) the violation resulted from an act of God; or
- (iii) other circumstances that the Owner could not reasonably anticipate and prevent or could not reasonably control.

(3) Revocation period and effect: Upon revocation of registration, a Dwelling cannot be re-registered as a Short-Term Rental for a period of one year and cannot be used for Short-Term Rentals until re-registered.

(4) In addition to the remedies provided for in this Ordinance, the Township may also (or in the alternative) seek injunctive relief for abatement of the violation in a court of competent jurisdiction.

SECTION 3.27 NOISE

Quiet hours are established between the hours of 11:00 pm and 6:00 am in all districts.

(Exception: Agricultural Operations noise created by agricultural operations to the extent permitted by the Right to Farm Act, being Public Act No. 93 of 1981 (MCL 286.471 et seq.).

During these times, there shall be no construction noise, vehicle noise, amplified music, lawn care equipment, or power tools operating in which can be heard on neighboring properties.

CHAPTER FOUR

NONCONFORMING STRUCTURES, USES OF LAND, & USES of STRUCTURES

SECTION 4.01 NONCONFORMING BUILDINGS, STRUCTURES AND LAND

At the time of the adoption of this ordinance, or any amendment, there exists structures, buildings and uses of land that were lawful prior to the adoption of this ordinance or any amendment, but which do not conform with the requirements of this ordinance or any amendment. It is the intent of this ordinance to permit these nonconformities to continue until they are removed, but not to encourage their survival.

SECTION 4.02 NONCONFORMING STRUCTURES

Where a lawful structure exists at the effective date of adoption of this ordinance that could not be built under the terms of this ordinance by reason of restrictions on area, lot coverage, height, yards, its location on the lot, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- A.** Should such nonconforming structure or non-conforming portion of structure be destroyed by any means to an extent of more than its State equalized value at time of destruction, it shall not be reconstructed except in conformity with the provisions of this ordinance.
- B.** Should such a structure be moved for any reason whatsoever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.
- C.** A nonconforming building or structure which is nonconforming due to failing to meet all required physical standards, (setbacks, lot area, lot width, parking, etc.), may be enlarged or extended only upon approval of a variance by the Zoning Board of Appeals, and further provided that the enlargement or extension complies with all required physical standards. In no event shall the Zoning Board of Appeals approval extend to enlarge the nonconforming structure more than an additional fifty (50) percent of the existing nonconforming structure. In considering the grant or denial or grant with conditions of this variance, the Zoning Board of Appeals shall consider the following:
 - 1. If the enlargement or extension will substantially extend the probable duration of such nonconforming structure and if all enlargements since the structure became nonconforming are upon and limited to the same parcel the nonconforming structure was located on at the time of the adoption of the existing Douglass Township Zoning Ordinance.
 - 2. If the enlargement or extension will likely create requests for variances in the area.
 - 3. If the enlargement or extension will interfere with the use of other properties in the vicinity for the uses for which they have been zoned.
 - 4. The scope of the nonconformity of the existing building or structure in contrast to the minimum physical standards as called for within the zoning classifications, including but not limited to:

- a. Parking
 - b. Setbacks
 - c. Height
 - d. Lighting
 - e. Drainage
 - f. Required public utilities
 - g. Lot area
 - h. Lot width
 - i. Landscaping
 - j. Compatibility with adjacent properties
 - k. Required greenstrips
5. The Zoning Board of Appeals has the discretion to grant with conditions the variance to extend or enlarge a nonconforming building or structure. It is expressly conveyed to the Zoning Board of Appeals the authority or power to make conditions affecting the existing structure, building or parcel, as a condition of granting the permission to extend or enlarge the building or structure. The Zoning Board of Appeals has the discretion to impose conditions on the original nonconforming structure, building, or parcel to make it less nonconforming up to and including all conditions which would be required to make it a conforming building, structure, or parcel.

SECTION 4.03 NONCONFORMING USES OF LAND

Where at the time of passage of this ordinance lawful use of land exists which would not be permitted by the regulations imposed by this ordinance, the use may be continued so long as it remains otherwise lawful provided:

- A.** No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this ordinance.
- B.** No such nonconforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of this ordinance.
- C.** No additional structure not conforming to the requirements of this ordinance shall be erected in connection with such nonconforming use of land.

SECTION 4.04 NONCONFORMING USES OF STRUCTURES

If lawful use involving individual structures or of structures and premises in combination exists at the effective date of adoption of this ordinance that would not be allowed in the district under the terms of this ordinance, the lawful use may be continued so long as it remains otherwise lawful subject to the following provisions:

- A.** An existing structure devoted to a use not permitted by this ordinance in the district in which it is located shall not be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.

- B. Any nonconforming use may be extended throughout any parts of a building that were manifestly arranged or designed for such use at the time of adoption or amendment of this ordinance, but no such use shall be extended to occupy any land outside such building.
- C. If no structural alterations are made, any nonconforming use of a structure, or structures and premises, may be changed to another nonconforming use provided that the proposed use is legally appropriate or more appropriate to the district than the existing nonconforming use. Whenever a nonconforming use has been changed to a conforming use, or to a use permitted in a district of greater restriction it shall not thereafter be changed to a nonconforming use.
- D. Any nonconforming single-family residential structure may be expanded or increased in floor area fifty (50) percent of the size of the structure at the time of adoption of this ordinance
- E. Where nonconforming use applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land. Destruction for the purpose of this section is defined as damage to an extent greater than the State equalized value at time of destruction.

SECTION 4.05 REPAIRS & MAINTENANCE

- A. On any nonconforming structure or portion of a structure containing a nonconforming use, work may be done on ordinary repairs, or on repair or replacement of walls, fixtures, wiring, or plumbing, to an extent not exceeding the State equalized value of the nonconforming structure or nonconforming portion of the structure as the case may be, provided that the cubic content existing when it became nonconforming shall not be increased.
- B. If a nonconforming structure or portion of a structure containing a nonconforming use becomes physically unsafe or unlawful due to lack of repairs and maintenance, and is declared by the Building Inspector to be unsafe or unlawful by reason of physical condition, it shall only thereafter be restored, repaired, or rebuilt in conformity with the regulation of the district in which it is located.

SECTION 4.06 DISCONTINUANCE OF A NONCONFORMING STRUCTURE OR USE

No nonconforming structure or use shall be re-established after abandoned or discontinued for a continuous period of twelve (12) months. A nonconforming structure or use shall be determined to be abandoned if one or more of the following conditions exists, and which shall be deemed to constitute an intent on the part of the property owner to abandon the nonconforming structure or use:

- A. **Utilities**, such as water, gas and electricity to the property, have been disconnected.
- B. The property, buildings, and grounds have fallen into disrepair.
- C. **Signs** or other indications of the existence of the nonconformity have been removed.
- D. **Equipment** or fixtures which are necessary for the operation of the nonconforming structure or use have been removed.
- E. Other actions, which in the opinion of the Zoning Administrator, constitute an intention on the part of the property owner or lessee to abandon the nonconforming structure or use.

SECTION 4.07 NONCONFORMING LOTS OF RECORD

- A.** In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this ordinance, a single-family dwelling and customary accessory building may be erected on any single lot of record at the effective date of adoption or amendment of this ordinance provided that yard dimensions and other requirements not involving area or width or both, of the lot shall conform to the regulations for the district in which such lot is located. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district.
- 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 passage or amendment of this ordinance, and if all or part of the lots do not meet the requirements for lot width and area as established by this ordinance, 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 occupied which does not meet lot width and area requirements established by this ordinance, nor shall any division of the parcel be made which leaves remaining any lot width or area below the requirements Stated in this ordinance.

CHAPTER FIVE MAPPED ZONING DISTRICTS

SECTION 5.01 MAPPED ZONING DISTRICTS

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

Abbreviation	District	Ordinance Chapter
AG/RE	Agricultural/Rural Estate	6
LDR	Low Density Residential	7
LR	Lake Residential	8
MDR	Medium Density Residential	9
NB	Neighborhood Business	10
GB	General Business	11
I	Industrial	12
FR	Flat River	13
RO	Renewable Energy Overlay	14

SECTION 5.02 ZONING MAP

- A.** The locations and boundaries of such districts, shown upon the map, which is incorporated herein by reference, and made a part hereof, are hereby established, said map being designated as the "Zoning Map of Douglass Township, Montcalm County, Michigan." Said map and all the notations, references, and other information thereon shall be as much a part of this ordinance as if the matters and information set forth by said map were all fully described herein. (see appendix C for Map).
- B.** Regardless of the existence of copies of the zoning map which may be made, the official zoning map shall be located in the office of the Township Clerk and, together with official records, shall be the final authority as to the current zoning status in the Township. The official zoning map shall be so identified by the signature of the Township Clerk. Said map is to be maintained in an up-to-date manner, and shall be accessible to the general public.

SECTION 5.03 BOUNDARIES OF DISTRICTS

Where uncertainty exists as to the boundaries of districts as shown on the official map, the following rules shall apply:

- A. Boundaries indicated as approximately following the centerline of streets, railroads or alleys shall be construed to follow such centerline.
- B. Boundaries indicated as following shorelines shall be construed to follow such shorelines, and in the event of change in the shoreline shall be construed as following such change; boundaries indicated as approximately following the centerline of streams or rivers shall be construed as following such centerline.
- C. Boundaries indicated as approximately following lot or property lines shall be construed as following such lines.
- D. Distances not specifically indicated on the zoning map shall be determined by the scale of the map.
- E. Where other circumstances exist, the Board of Appeals shall interpret the district boundaries.
- F. Whenever all or part of a street, alley or other public way is vacated, it shall automatically become a part of the district to which it attaches. If a vacated area is bordered by two different districts, the area is divided along a line half way between them according to the adjacent districts.

SECTION 5.04 AREAS NOT INCLUDED WITHIN A DISTRICT

In every case where land has not been included within a district on the zoning map, such land shall be in the AG/RE district.

CHAPTER SIX

AGRICULTURAL/RURAL ESTATE DISTRICT

SECTION 6.01 STATEMENT OF PURPOSE

- A.** This district is primarily intended for large tracts used for farming or which are idle. It is not intended for any use except agriculture, low-density single family residential use, other rural uses requiring large tracts of land and various related uses. One of the purposes is to preserve the rural character of the area. These areas are not served with public utilities and are likely to remain without such services for an extended period of time into the future. If more intense development and subdividing are to occur it should be preceded by sound planning and rezoning.
- B.** Property within the AG/RE district may be located in the vicinity of a farm or farm operation. Generally accepted agricultural and management practices may be utilized by the farm or farm operation and may generate usual and ordinary noise, dust, odors, and other associated conditions, and these practices are protected by the Michigan Right to Farm Act. Sellers are not required to disclose whether a farm or farm operation is actually located in the vicinity of the property or whether generally accepted agricultural and management practices are being utilized and therefore potential purchasers of property may wish to undertake their own investigations prior to the purchase of property.

SECTION 6.02 PERMITTED USES

Land and/or buildings in the AG/RE district may be used for the following as permitted uses:

- A.** Principal uses permitted by right:
 - 1. **Farms** as defined in Section 2.07.
 - 2. **Dwellings** - Single Family Detached as defined in Section 2.05.
 - 3. **Foster Family Homes** as defined in Section 2.07.
 - 4. **Foster Family Group Homes** as defined in Section 2.07.
 - 5. **Family Day Care Homes** as defined in Section 2.07.
 - 6. **Adult Family Day Care Homes** as defined in Section 2.02.
 - 7. **Adult Foster Care Family Homes** as defined in Section 2.02.
 - 8. **Accessory Buildings, Structures and Uses** customarily incidental to the above permitted uses.
 - 9. **Short-Term Rentals**
- B.** Principal uses permitted subject to the special conditions hereinafter imposed:
 - 1. **Roadside Stands:**
 - a. The parcel on which the roadside stand is located must have a minimum of one-hundred (100) feet of frontage on a State highway or County road as designated by the Montcalm County Road Commission.
 - b. Only one roadside stand shall be located on a parcel or parcels of land held in contiguous ownership.

- c. Any sale or display area shall be located a minimum distance of twenty-five (25) feet from any property line.
- d. A minimum of five (5) off-street parking spaces shall be provided in a manner which permits vehicles to exit the property without backing onto the street.
- e. No permanent buildings, structures or display areas are permitted. Portable buildings, structures or display areas are permitted provided they do not exceed ten (10) feet in height and do not exceed a maximum of three hundred (300) square feet.
- f. Adequate provisions shall be made for the removal and disposal of decaying or rotting produce to prevent odors and as a means of controlling insects.

SECTION 6.03 SPECIAL LAND USES

Land and/or buildings in the AG/RE district may be used for the following purposes provided a Special Use Permit is issued as regulated in Chapter Fifteen:

- A. Publicly and privately owned parks and playgrounds.
- B. Churches.
- C. Schools, Colleges and Libraries.
- D. Specialized Farms as defined in Section 2.20.
- E. Adult Family Group Day Care Homes.
- F. Governmental and Public Utility Administration and Service Building.
- G. Stables, Public.
- H. Kennels.
- I. Home Occupations.
- J. Group Day Care Homes.
- K. Soil, Sand, Clay, Gravel or similar removal operations.
- L. Communication Transmitters, Relay Stations and Towers.
- M. Veterinary Hospitals.
- N. Cemeteries.
- O. Golf Courses.
- P. Sawmills.
- Q. Recreational Vehicle Parks.
- R. Open Space Preservation Developments.
- S. Lake Access Properties or devices where more than one single-family home, property, dwelling unit condominium unit, site condominium unit or apartment unit utilizes property touching or abutting Clifford Lake.

SECTION 6.04 DISTRICT REGULATIONS

No building or structure, nor the enlargement of any building or structure shall be erected unless the following requirements are met and maintained:

Minimum lot area	1 acre
Minimum lot area for farm or farm building	10 acres
Minimum lot width	200 feet
Minimum front yard	60 feet
Minimum front yard for a farm building:	100 feet
Minimum side yard	25 feet
Minimum rear yard	50 feet
Maximum building height	35 feet (excludes agricultural buildings and structures)
Maximum lot coverage	30 percent
Minimum floor area	500 square feet

CHAPTER SEVEN

LOW DENSITY RESIDENTIAL DISTRICT

SECTION 7.01 STATEMENT OF PURPOSE

The primary purpose of this district is to designate certain portions of the Township exclusively for low density, single family dwellings along with complimentary religious, educational and recreational uses. The specific intent is:

- A.** To encourage the construction of, and the continued use of the land for single-family dwellings.
- B.** To prohibit business, commercial or industrial use of the land, and to prohibit any other use which would substantially interfere with development or continuation of single-family dwellings in the district.
- C.** To encourage the discontinuance of existing uses that would not be permitted as new uses under the provisions of this ordinance.
- D.** To discourage any land use which would generate traffic on minor or local streets other than normal traffic to serve the residences on those streets.
- E.** To discourage any use which, because of its character or size, would create requirements and costs for public services, such as fire and police protection, water supply, and sewerage, substantially in excess of such requirements and costs if the district were developed solely for single-family dwellings.

SECTION 7.02 PERMITTED USES

Land and/or buildings in the LDR district may be used for the following permitted uses:

- A. Farms** as defined in Section 2.07.
- B. Single-Family Detached Dwellings** as defined in Section 2.05.
- C. Foster Family Homes** as defined in Section 2.07.
- D. Foster Family Group Homes** as defined in Section 2.07.
- E. Family Day Care Homes** as defined in Section 2.07.
- F. Adult Family Day Care Homes** as defined in Section 2.02.
- G. Adult Foster Care Family Homes** as defined in Section 2.02.
- H. Accessory Buildings, Structures and uses** customarily incidental to the above permitted uses.
- I. Short-Term Rentals**

SECTION 7.03 SPECIAL LAND USES

Land and/or buildings in the LDR district may be used for the following purposes provided a Special Use Permit is issued as regulated in Chapter Fifteen:

- A.** Publicly and privately owned parks and playgrounds.
- B.** Churches.
- C.** Governmental and Public Utility Administration and Service Buildings.
- D.** Home Occupations.
- E.** Group Day Care Homes.

- F. Schools, Colleges and Libraries.
- G. Adult Family Group Day Care Homes.
- H. Ponds.
- I. Soil, Sand, Clay, Gravel or similar removal operations.
- J. Lake Access Properties or devices where more than one single-family home, property, dwelling unit condominium unit, site condominium unit or apartment unit utilizes property touching or abutting Clifford Lake.
- K. Level 2 Solar Energy Systems.

SECTION 7.04 DISTRICT REGULATIONS

No principal building or structure, nor the enlargement of any principal building or structure shall be erected unless the following requirements are met and maintained:

Minimum lot area	12,000 square feet
Minimum lot area for farm/farm building	10 acres
Minimum lot width	80 feet
Minimum front yard	40 feet
Minimum side yard	10 feet
Minimum rear yard	35 feet
Maximum building height	35 feet (excludes agricultural buildings and structures)
Maximum lot coverage	30 percent
Minimum floor area	500 square feet

CHAPTER EIGHT

LAKE RESIDENTIAL DISTRICT

SECTION 8.01 STATEMENT OF PURPOSE

Over 1,200 lakefront and lake access lots have been developed within the Township. Many of these are very small and have been developed with single family homes. Existing homes are located on about one-half of the total lots. The primary purpose of this district is to permit the development, redevelopment and expansion of single family homes on these existing lots. This district is not intended, however, to be used for the development of new lots and subdivisions. Other specific purposes of this district include:

- A. Encouraging the construction of, and the continued use of the land for single-family dwellings.
- B. Prohibiting business, commercial or industrial use of the land, and to prohibit any other use which would substantially interfere with development or continuation of single-family dwellings.
- C. Encouraging the discontinuance of existing uses that would not be permitted as new uses under the provisions of this ordinance.
- D. Discouraging any land use which would generate traffic on minor or local streets other than normal traffic to serve the residences on those streets.
- E. Discouraging any use which, because of its character or size, would create requirements and costs for public services, such as fire and police protection, water supply, and sewerage, substantially in excess of such requirements and costs if the district were developed solely for single-family dwellings.

SECTION 8.02 PERMITTED USES

Land and/or buildings in the LR district may be used for the following as permitted uses:

- A. **Single-Family Detached Dwellings** as defined in Section 2.05.
- B. **Foster Family Homes** as defined in Section 2.07.
- C. **Foster Family Group Homes** as defined in Section 2.07.
- D. **Family Day Care Homes** as defined in Section 2.07.
- E. **Adult Family Day Care Homes** as defined in Section 2.02.
- F. **Adult Foster Care Family Homes** as defined in Section 2.02.
- G. **Accessory Buildings, Structures and uses** customarily incidental to the above permitted uses.
- H. **Short-Term Rentals per section 3.26**

SECTION 8.03 SPECIAL LAND USES

Land and/or buildings in the LR district may be used for the following purposes provided a Special Use Permit is issued as regulated in Chapter Fifteen:

- A. Publicly and privately owned parks and playgrounds.
- B. Lake access properties or devices where more than one single-family home, property, dwelling unit condominium unit, site condominium unit or apartment unit utilizes property touching or abutting Clifford Lake.

SECTION 8.04 DISTRICT REGULATIONS

No principal building or structure, nor the enlargement of any principal building or structure shall be erected unless the following requirements are met and maintained:

Minimum lot area	5,000 square feet
Minimum lot width	50 feet
Minimum front yard	30 feet
Minimum side yard	5 feet
Minimum rear yard	25 feet
Maximum building height	30 feet
Maximum lot coverage	30 percent
Minimum floor area	500 square feet

CHAPTER NINE

MEDIUM DENSITY RESIDENTIAL

SECTION 9.01 STATEMENT OF PURPOSE

The primary purpose of this district is to designate certain portions of the Township for a wide variety of medium density residential uses along with complimentary religious, educational and recreational uses. It is intended that these areas be located along primary roads, in areas that will likely be served with public water and sanitary sewerage systems in the future and in areas that will create a transition or buffer area between industrial and/or commercial districts and lower density residential districts and/or the AG/RE.

SECTION 9.02 PERMITTED USES

Land and/or buildings in the MDR district may be used for all permitted uses in the LDR district, plus the following as permitted uses:

- A. **Two Family Dwellings** as defined in Section 2.05.
- B. **Multiple Family Dwellings** as defined in Section 2.05.
- C. **Mobile Home Parks** as defined in Section 2.05.
- D. **Short-Term Rentals**

SECTION 9.03 SPECIAL LAND USES

Land and/or buildings in the MDR district may be used for all of the Special Land Uses permitted in the LDR district, subject to all of the same conditions and regulations contained within that district.

SECTION 9.04 DISTRICT REGULATIONS

No principal building or structure, nor the enlargement of any principal building or structure unless the following requirements are met and maintained:

- A. Minimum requirements for **two family dwellings** that are **not** served with both public sanitary sewers and water mains:

Minimum lot area	27,000 square feet
Minimum lot width	135 feet
Minimum front yard	40 feet
Minimum side yard	15 feet
Minimum rear yard	50 feet
Maximum building height	35 feet
Maximum lot coverage	30 percent
Minimum floor area	960 square feet

B. Minimum requirements for **two family dwellings that **are** served with both public sanitary sewers and water mains:**

Minimum lot area	16,200 square feet
Minimum lot width	120 feet
Minimum front yard	40 feet
Minimum side yard	10 feet
Minimum rear yard	50 feet
Maximum building height	35 feet
Maximum lot coverage	35 percent
Minimum floor area	960 square feet

C. Minimum requirements for **one multiple family building on **one** lot or parcel of land:**

1. Public sanitary sewers and water mains are required for private systems that are approved by the Montcalm County Health Department or the Michigan Department of Public Health.
2. Not more than four dwelling units shall be contained within any building.
3. Off street parking shall be required in accordance with the requirements of Chapter Eighteen.

Minimum lot area	30,000 square feet
Minimum lot width	150 feet
Minimum front yard	40 feet
Minimum side yard	20 feet
Minimum rear yard	50 feet
Maximum building height	35 feet
Maximum lot coverage	40 percent
Minimum floor area	500 square feet per dwelling

D. Minimum requirements for **more than one multiple family building on a lot or parcel of land:**

1. Public sanitary sewers and water mains are required for private systems that are approved by the Montcalm County Health Department or the Michigan Department of Public Health.
2. Off street parking shall be required in accordance with the requirements of Chapter Eighteen.
3. The minimum distance between a building and any private drive or parking space shall not be less than 10 feet.
4. No construction, of any type, shall commence until a copy of all required State and County permits have been filed with the Planning Commission and Site Plan approval has been granted in accordance with the requirements of Chapter Sixteen.
5. Minimum horizontal distance between buildings or parallel elements of buildings forming courts and courtyards shall not be less than the height of the taller building.

Minimum lot area for each development	3 acres
Minimum lot width	300 feet
Minimum front yard	40 feet
Minimum side yard	40 feet
Minimum rear yard	50 feet
Maximum building height	35 feet
Maximum lot coverage	40 percent
Minimum floor area per dwelling unit	600 square feet

E. Minimum requirements for **mobile home parks:**

1. Public sanitary sewers and water mains are required for private systems that are approved by the Montcalm County Health Department or the Michigan Department of Public Health.
2. All mobile home parks shall have direct access onto a County primary road or a State highway.
3. Every mobile home park shall be owned and operated as a single mobile home development and shall contain a minimum land area of twenty (20) acres and a minimum of fifty (50) mobile home sites.
4. All mobile home parks shall maintain a minimum setback area of forty (40) feet from any mobile home site or street around the entire perimeter of the mobile home park.

5. All mobile home parks and all mobile home spaces shall be designed in accordance with the minimum requirements of Public Act 96, of 1987, as amended and all of the rules promulgated by the Michigan Mobile Home Commission.
6. No construction, of any type, shall commence until a copy of all required State and County permits have been filed with the Planning Commission and Site Plan approval has been granted in accordance with the requirements of Chapter Sixteen.

CHAPTER TEN

NEIGHBORHOOD BUSINESS DISTRICT

SECTION 10.01 STATEMENT OF PURPOSE

The primary purpose of this district is to permit retail business and service uses which are needed to serve the nearby residential areas. In order to promote such business developments so far as is possible and appropriate in each area, uses are prohibited which would create hazards, offensive and loud noises, vibration, smoke, glare, or heavy truck traffic. The intent of this district is also to encourage the concentration of local business areas to the mutual advantage of both the consumers and merchants and thereby to promote the best use of land at certain strategic locations and to avoid marginal strip business development along heavily traveled roads.

SECTION 10.02 PERMITTED USES

Land and/or buildings in the NB district may be used for the following as permitted uses:

A. Principal Uses Permitted by Right:

- 1. Business and Professional Offices.**
- 2. Medical and Dental Clinics.**
- 3. Child Care Centers.**
- 4. Personal Service Establishments** that perform services on the premises such as:
 - a. Banks, Credit Unions and Savings & Loan Associations.
 - b. Business and Private Schools.
 - c. Barber and Beauty Shops.
 - d. Dry Cleaners serving only the local retail outlet.
 - e. Photographic Studios.
 - f. Radio, Television, Watch and Appliance Repair Shops.
 - g. Clothing and Shoe Repair Shops.
 - h. Locksmiths.
 - i. Video Rental Stores.
- 5. Retail Establishments** such as:
 - a. Baked Goods.
 - b. Beverages.
 - c. Bicycles.
 - d. Book, Stationary and Gift Stores.
 - e. Candy, Confections and Ice Cream Stores.
 - f. Clothing Stores.
 - g. Dairy Products.
 - h. Decorator Shops.
 - i. Drug Stores.
 - j. Dry Goods Stores.
 - k. Floral Shops.

- l. Fruits and Vegetables.
- m. Furniture and Appliance Stores.
- n. Groceries.
- o. Hardware Stores.
- p. Jewelry Stores.
- q. Meats, and Fish Markets.

6. Eating/drinking Establishments when food/ beverage is consumed within a completely enclosed building. Drive-in or open front restaurants are prohibited.

7. Signs in accordance with the provisions of Chapter Nineteen.

8. Other Retail and Service Businesses which supply convenience commodities or perform services primarily for residents of the surrounding neighborhood and are determined by the Planning Commission to be similar to those uses permitted in this district.

B. Principal Uses Permitted Subject to Special Conditions:

1. Open Air Business uses in accordance with the following:

- a. Retail sales of plant materials not grown on site and sales of lawn furniture, playground equipment, and other home garden supplies, when not located at the intersection of two (2) major thoroughfares and with a minimum setback of one hundred (100) feet from any residential district unless the district is separated from the use by a public street. No materials or products shall be displayed within any required front or side yard setback area.
- b. Recreational space providing children's amusement park, shuffleboard, miniature golf, golf driving range and other similar recreation, when part of a planned development and not located at the intersection of two (2) major thoroughfares. The recreation space shall have a minimum setback of one hundred (100) feet from any residential district unless the district is separated from the use by a public street. The minimum lot size is two (2) acres. The Planning Commission may require the installation of greenbelts, earth berms or fencing alongside and rear lot lines if it is determined necessary to maintain the privacy of adjoining parcels of land or to prevent paper and other debris from blowing off from the site. The Planning Commission shall determine the necessary side and rear yard setbacks based on such factors as the nature of the specific proposed uses, the hours of operation, the type of equipment to be used and the existing uses and zoning of adjacent parcels of land.

2. Automobile Service Stations subject to the following conditions:

- a. All buildings and structures shall have a minimum setback of one hundred (100) feet from any residential district unless the district is separated from the use by a public street.
- b. Pump islands shall be located no closer than sixty (60) feet from the required front lot line.

- c. The pump island canopies shall be located no closer than forty-five (45) feet from the required front lot line.
- d. All repair, lubrication, and service work shall be done within an enclosed building.
- e. All storage and display of equipment, materials, and merchandise, with the exception of fuel, shall be within the building.
- f. All outside storage areas for trash, used tires, auto parts, and similar items shall be enclosed by a six (6) foot high solid wall or fence.
- g. No more than two (2) curb cuts shall be constructed to provide ingress and egress.

3. Drive-in/Fast Food or Carry-out Restaurants subject to the following:

- a. Vehicular access drives to a drive-in/fast food restaurant shall be located at least one hundred and fifty (150) feet from the right-of-way of any intersecting street.
- b. The lot occupied by such use shall not abut a residential district unless the district is separated from the lot by a public street.

4. Mini-storage rental structures, warehousing and recreational vehicle or boat storage yards subject to the following:

- a. All buildings and outside storage areas shall have a minimum setback of one hundred (100) feet from any residential district unless the district is separated from the use by a public street.
- b. Any outside storage area or access drive shall be constructed in accordance with the provisions Chapter Eighteen for off-street parking lots.
- c. There shall be a minimum distance of thirty (30) feet between buildings.
- d. The entire site shall be enclosed with a six (6) foot high cyclone fence or other type approved by the Zoning Administrator.
- e. Any outside storage area shall be visually screened from any public street right-of-way by the placement of a ten (10) foot wide greenbelt or a six (6) foot high solid fence along the entire length of the street frontage.
- f. There shall be no outdoor storage permitted within any front yard area.

SECTION 10.03 AREA REGULATIONS

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

Minimum lot area	30,000 square feet
Minimum lot width	150 feet
Minimum front yard	100 feet (First 30 feet adjacent to street right of way, except for entrance drives, shall be landscaped)

Minimum side yard	15 feet (Where a side yard is adjacent to any residential district, the minimum shall be 25 feet and a 10 foot wide greenbelt shall be maintained along said abutting property line)
Minimum rear yard	25 feet (Where a rear yard is adjacent to any residential district, a ten (10) foot wide greenbelt shall be maintained along said abutting property line).
Maximum building height	35 feet
Maximum lot coverage	25 percent (including all buildings and structures)

SECTION 10.04 REQUIRED CONDITIONS

- A.** All business, servicing or processing, except for off-street parking, and loading facilities shall be conducted within completely enclosed buildings.
- B.** All exterior lighting shall be arranged to deflect any light away from other properties or street rights-of-way.
- C.** Where the Planning Commission determines that an excessive number of ingress or egress points may occur with relation to major thoroughfares, they may require service roads, and to assure adequate traffic circulation on the site, may require the development of parking so that contiguous lots on abutting properties will allow traffic circulation from one (1) property to another without re-entering the major thoroughfare. The service roads shall have a paved surface, minimum width of twenty-four (24) feet, and shall be either dedicated as public right-of-way or shall be an easement permitting its use for traffic circulation from one property to another. Any easement shall be in a form acceptable to the Planning Commission and approved or denied as part of the required Site Plan Approval process. If an easement is granted, each property owner shall be responsible for maintenance of the easement so that it remains usable as a means of getting from one property to another. The easement shall be recorded with the Montcalm County Register of Deeds prior to the issuance of an occupancy permit. The Site Plan shall indicate the proposed elevation of the service road at all property lines and shall conform to elevations established by the Planning Commission or, if not established, be not more than one (1) foot above or below the elevation of the adjoining property. Paving of the service road shall meet construction specifications set by the Township Board. If adjacent properties are not developed, the Planning Commission may defer the paving of the service road until such time as the adjacent properties become developed. If the paving is deferred, the Planning Commission may approve temporary entrances and exits onto a major thoroughfare until such time as the service road is completed. Further, the Planning Commission may require the escrow of funds, a performance bond, irrevocable bank letter of credit or other means to assure the paving of the service roads and the elimination of temporary entrances and exits.
- D.** The outdoor storage of goods or materials is prohibited.

- E.** More than one principal building or structure can be located on a lot provided that all of the yard requirements are maintained, that there is a minimum distance between buildings or structures equal to the height of the tallest building or structure, that adequate provisions for access to each building is shown on the Site Plan, and that all of the other requirements of the NB district are satisfied for each building or structure.

CHAPTER ELEVEN

GENERAL BUSINESS DISTRICT

SECTION 11.01 STATEMENT OF PURPOSE

The purpose of this district is to permit a wider range of business and entertainment activities than permitted in the NB district. The permitted uses not only serve nearby residential areas, but also customers farther away for types of businesses and services usually found in community shopping centers and freestanding businesses along major highways. These uses generate larger volumes of vehicular traffic, need more off-street parking and loading, and require more planning to integrate such a district with adjacent residential areas.

SECTION 11.02 PERMITTED PRINCIPAL USES

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

A. Principal uses permitted by right:

1. All permitted uses in the NB district subject to all of the same conditions and regulations contained within that district.
2. Any **Retail Business** whose principal activity is the sale or rental of merchandise.
3. **Business Service Establishments** performing services on the premises such as office machine and computer repair.
4. Any **Service Establishment** of an office, showroom or workshop nature such as a taxidermist, decorator, upholsterer, caterer, exterminator, building contractor, (including electrical, glazing, heating, painting, paper hanging, plumbing, roofing and plastering), but excluding outside storage yards.
5. **Hotels and Motels.**
6. **Public and Private Clubs.**
7. **Photographic Film Developing and Processing.**
8. **Physical Culture Establishment**, including gymnasiums, reducing salons, masseurs and steam baths.
9. **Funeral Homes.**
10. **Signs** in accordance with the provisions of Chapter Nineteen.
11. Other uses determined by the Planning Commission to be similar to those uses permitted in this district.

B. Principal uses permitted subject to special conditions hereinafter imposed:

1. **Veterinary Hospital** or clinic for small animals, dogs, cats, birds and the like, subject to the following conditions:
 - a. Such a hospital or clinic, including all treatment rooms, cages, pens or runways, shall be located within a completely enclosed building so that sound will be kept within the building.
 - b. The use shall be operated in such a way as to produce no objectionable odors or noise outside its walls.

- c. Main buildings shall have a minimum setback of one hundred (100) feet from any residential district unless separated from the use by a major or secondary thoroughfare.
- d. Customer service entrances to said use shall not be from an area which serves as a common entrance to other uses, such as a pedestrian mall, (entrances shall be separated from entrances to other uses).

2. Open Air Business uses in accordance with the following:

- a. Retail sales of plant materials not grown on site and sales of lawn furniture, playground equipment, and other home garden supplies, when not located at the intersection of two (2) major thoroughfares and with a minimum setback of one hundred (100) feet from any residential district unless the district is separated from the use by a public street. No materials or products shall be displayed within any required front or side yard setback area.
- b. Recreational space providing children's amusement park, shuffleboard, miniature golf, golf driving range and other similar recreation, when part of a planned development and not located at the intersection of two (2) major thoroughfares. The recreation space shall have a minimum setback of one hundred (100) feet from any residential district unless the district is separated from the use by a public street. The minimum lot size is two (2) acres. The Planning Commission may require the installation of greenbelts, earth berms or fencing alongside and rear lot lines if it is determined necessary to maintain the privacy of adjoining parcels of land or to prevent paper and other debris from blowing off from the site. The Planning Commission shall determine the necessary side and rear yard setbacks based on such factors as the nature of the specific proposed uses, the hours of operation, the type of equipment to be used and the existing uses and zoning of adjacent parcels of land.

3. Automobile Service Stations subject to the following conditions:

- a. All buildings and structures shall have a minimum setback of one hundred (100) feet from any residential district unless the district is separated from the use by a public street.
- b. Pump islands shall be located no closer than sixty (60) feet from the required front lot line.
- c. The pump island canopies shall be located no closer than forty-five (45) feet from the required front lot line.
- d. All repair, lubrication, and service work shall be done within an enclosed building.
- e. All storage and display of equipment, materials, and merchandise, with the exception of fuel, shall be within the building.
- f. All outside storage areas for trash, used tires, auto parts, and similar items shall be enclosed by a six (6) foot high solid wall or fence.
- g. No more than two (2) curb cuts shall be constructed to provide ingress and egress.

4. **Drive-in/Fast food or Carry-out Restaurants** subject to the following:
 - a. Vehicular access drives to a drive-in/fast food restaurant shall be located at least one hundred and fifty (150) feet from the right-of-way of any intersecting street.
 - b. The lot occupied by such use shall not abut a residential district unless the district is separated from the lot by a public street.
5. **Outdoor Space** for sale or rental of new or used automobiles, boats, recreational vehicles, trucks, or other similar products, subject to the following:
 - a. The display of new and used cars, boats, trucks or other similar products shall not be located closer than thirty (30) feet to the front lot line and shall be clearly illustrated on the required Site Plan.
 - b. All outdoor display areas shall be of an improved paved surface.
 - c. Vehicle, boat, or other similar product display or storage shall not be carried out within areas required for visitor, employee, or service parking.
 - d. Vehicle or product service and repair shall be carried out in accordance with the provisions of Section 11.02.B.6 (below).
6. **Automobile Repair, Body Shops and Wrecker service** subject to the following:
 - a. All repair work must be carried out within an enclosed building.
 - b. No outdoor storage of scrap or junk cars, spare parts, or dismantled cars shall be permitted.
 - c. Damaged vehicles awaiting repair may be stored outside of a building provided that the area for storage is enclosed within a six (6) foot high obscuring masonry wall or fence. Such storage areas shall maintain the minimum setback distances for a building within the GB district and shall satisfy all of the requirements for an off-street parking lot within the GB district.
 - d. All buildings shall have a minimum setback of one hundred (100) feet from any residential district unless the district is separated from the use by a public street.
7. **Automobile/Car Wash** subject to the following:
 - a. All washing facilities shall be within a completely enclosed building.
 - b. Vacuuming and drying areas may be located outside the building but shall not be in the required front or side yard areas.
 - c. All cars required to wait for access to the facilities shall be provided space off the street right-of-way.
 - d. Ingress and egress drives shall be located at least two hundred (200) feet from the intersection of any two (2) streets.
 - e. All off-street parking and waiting areas shall satisfy the requirements for an off-street parking lot within the GB district.
 - f. One (1) traffic lane shall be provided as a means of exiting the facility without having to enter the car wash building; such lane to be in addition to those which would be used by customers obtaining gasoline and waiting in line for the car wash. Said lane shall not be counted as part of the required parking space.

- g. All buildings, vehicular stacking space, vacuuming, or other outside use area, except employee parking, shall have a minimum setback of one hundred (100) feet from a residential district, unless the district is separated by a public street.
- 8. **Bowling Alley, indoor Archery Range, indoor Tennis Courts, indoor Skating Rink**, or similar forms of indoor commercial recreation, provided that all buildings shall have a minimum setback of one hundred (100) feet from any residential district unless the district is separated from the use by a public street.
- 9. **Mobile Home, Truck and Farm Implement Sales and Repair**, subject to the following:
 - a. The display of new or used mobile homes, trucks or farm implements shall not be located closer than thirty (30) feet to the front lot line and shall be clearly illustrated on the required Site Plan.
 - b. All outdoor display areas shall be of an improved paved surface or shall be suitably landscaped with paved walkways.
 - c. No product display or storage shall be carried out within areas required for customer, employee or service parking.
 - d. All service and repair work shall be carried out in accordance with the requirements of Section 11.02.B.6.
- 10. **Mini-storage** rental structures, and warehousing and recreational vehicle or boat storage yards subject to the following:
 - a. All buildings and outside storage areas shall have a minimum setback of one hundred (100) feet from any residential district unless the district is separated from the use by a public street.
 - b. Any outside storage area or access drive shall be constructed in accordance with the provisions of Chapter Eighteen for off-street parking lots.
 - c. There shall be a minimum distance of thirty (30) feet between buildings.
 - d. The entire site shall be enclosed with a six (6) foot high cyclone fence or other type approved by the Zoning Administrator.
 - e. Any outside storage area shall be visually screened from any public street right-of-way by the placement of a ten (10) foot wide greenbelt or a six (6) foot high solid fence along the entire length of the street frontage.
 - f. There shall be no outdoor storage permitted within any front yard area.
- 11. **Contractor Storage yards** and Truck Freight Terminals and yards, provided that any outside storage areas shall comply with the following:
 - a. There shall be no outside storage within any required front yard.
 - b. Except for the front yard, the entire site shall be enclosed with a six (6) foot high cyclone fence or other type approved by the Zoning Administrator.
 - c. Any building or storage area shall have a minimum setback of one-hundred (100) feet from any residential district unless the district is separated from the use by a public street.

- d. The outside stacking or stockpiling of materials shall not exceed eight (8) feet above grade and shall be screened from any public street right-of-way by the placement of a ten (10) foot wide greenbelt along the entire length of the street frontage.
- e. A ten (10) foot wide greenbelt shall be placed along any property or street right-of-way line that is adjacent to any residential district.
- f. Any access drives and parking areas shall be constructed in accordance with the off-street parking requirements in Chapter Eighteen, and any storage areas shall be graded, adequately drained, and surfaced or treated to control dust.

SECTION 11.03 SPECIAL LAND USES

Land and/or buildings may be used for the following purposes provided a Special Use Permit is issued as regulated in Chapter Fifteen:

- A. Auction business.**
- B. Propane tank business.**
- C. Shooting range and/or sales of guns.**
- D. Adult entertainment establishment.**
- E. Soil, sand, clay, gravel or similar removal operation.**

SECTION 11.04 AREA REGULATIONS

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

Minimum lot area	1 acre
Minimum lot width	150 ft at the building line
Minimum front yard	100 ft (First 30 ft adjacent to street right of way, except for entrance drives, shall be landscaped).
Minimum side yard	15 ft (If a side yard is adjacent to any residential district, the minimum shall be 25 ft and a 10 ft wide greenbelt shall be maintained along said abutting property line).
Minimum rear yard	25 feet (If a rear yard is adjacent to any residential district, a 10 ft wide greenbelt shall be maintained along said abutting property line).
Maximum building height	35 feet
Maximum lot coverage	25 percent (includes all buildings/structures)

SECTION 11.05 REQUIRED CONDITIONS

- A.** Except as otherwise provided in this chapter, all business, servicing or processing, except for off-street parking and loading facilities shall be conducted within completely enclosed buildings.
- B.** All exterior lighting shall be arranged to deflect any light away from other properties or street rights-of-way.
- C.** Where the Planning Commission determines that an excessive number of ingress or egress points may occur with relation to major thoroughfares, they may require service roads, and to assure adequate traffic circulation on the site, may require the development of parking so that contiguous lots on abutting properties will allow traffic circulation from one (1) property to another without re-entering the major thoroughfare. The service roads shall have a paved surface, minimum width of twenty-four (24) feet, and shall be either dedicated as public right-of-way or shall be an easement permitting its use for traffic circulation from one property to another. Any easement shall be in a form acceptable to the Planning Commission and approved or denied as part of the required Site Plan approval process. If an easement is granted, each property owner shall be responsible for maintenance of the easement so that it remains usable as a means of getting from one property to another. The easement shall be recorded with the Montcalm County Register of Deeds prior to the issuance of an occupancy permit. The Site Plan shall indicate the proposed elevation of the service road at all property lines and shall conform to elevations established by the Planning Commission or, if not established, be not more than one (1) foot above or below the elevation of the adjoining property. Paving of the service road shall meet construction specifications set by the Township Board. If adjacent properties are not developed, the Planning Commission may defer the paving of the service road until such time as the adjacent properties become developed. If the paving is deferred, the Planning Commission may approve temporary entrances and exits onto a major thoroughfare until such time as the service road is completed. Further, the Planning Commission may require the escrow of funds, a performance bond, irrevocable bank letter of credit or other means to assure the paving of the service roads and the elimination of temporary entrances and exits.
- D.** Except as provided in this chapter, the outdoor storage of goods or materials is prohibited.
- E.** More than one principal or accessory building or structure can be located on a lot provided that all of the yard requirements are maintained; that there is a minimum distance between buildings or structures equal to the height of the tallest building or structure; that adequate provisions for access to each building is shown on the Site Plan, and that all of the other requirements of the GB district are satisfied for each building or structure.

CHAPTER TWELVE

INDUSTRIAL DISTRICT

SECTION 12.01 DESCRIPTION & PURPOSE

This district is intended to permit industrial uses which are not unreasonably offensive, hazardous or debilitating to surrounding property or the community through the effects of noise, smoke, odor, dust, dirt, noxious gasses, vibration, glare, heat, fire hazards, industrial waste or traffic. In instances where there may be doubt regarding the effect of the operation, the Planning Commission may require the prospective operator to demonstrate, through the use of qualified technical persons and acceptable testing techniques, that protective devices shall be utilized to assure the control of the questioned factor.

SECTION 12.02 PERMITTED USES

Land and/or buildings in the Industrial district may be used for the following as permitted uses:

- A. Manufacturing**, compounding, processing, packaging or treating of:
 - 1. Textile mill products such as woven fabric, knit goods and floor coverings.
 - 2. Apparel and similar products made from fabrics, leather, fur and canvas.
 - 3. Lumber and wood products including millwork, prefabricated structural wood products and containers.
 - 4. Furniture and fixtures.
 - 5. Paper and paperboard containers and products.
 - 6. Printing, publishing and allied products.
 - 7. Chemical products such as plastics, synthetic fibers and cosmetics.
 - 8. Drugs and pharmaceutical products.
 - 9. Electrical machinery, equipment and supplies.
 - 10. Fabricated metal products.
 - 11. Glass products.
 - 12. Food products.
 - 13. Toys, jewelry, novelties and athletic goods.
 - 14. Signs and displays.
 - 15. Engineering, optical, medical, photographic and similar instruments.
- B. Central Dry Cleaning** or laundry.
- C. Building Trades Contractors.**
- D. Wholesale and Retail building** material sales.
- E. Warehousing** and general storage.
- F. Motor Freight Terminal** including garaging and maintenance of equipment, freight forwarding, packing and crating services.
- G. Truck and Trailer sales** and rental.
- H. Automotive and Truck major repair**, including body shops.
- I. Retail sales** where such use is clearly incidental to the primary use and where the area devoted to retail sales does not exceed twenty-five (25) percent of the total floor area.
- J. Wholesale establishments.**
- K. Mini-warehouses.**

- L. Contractor Storage Yards** and Truck Freight Terminals and Yards.
- M. Municipal buildings**, public service buildings or public utility buildings, telephone exchange buildings and communication or relay facilities.
- N. Medical, Executive, Administrative, Professional, Accounting or Clerical office Facilities and Data Processing Centers.**
- O. Corporate Office Facilities.**
- P. Machine and Tool & Die Shops.**
- Q.** Other industrial types of uses that are determined by the Planning Commission to be similar to those uses permitted in this district.

SECTION 12.03 SPECIAL LAND USES

Land and/or buildings in the Industrial district may be used for the following purposes provided a Special Use Permit is issued as regulated in Chapter Fifteen:

- A. Petroleum** storage facilities.
- B. Private or Public Heliports.**
- C.** The **manufacture or bulk storage** of acetylene gas, alcohol, ammonia, bleaching powder, chlorine, bituminous asphalt, concrete, cement, paint, oil, shellac, turpentine, lacquer or varnish.
- D. Electric power generating plants** and related uses.
- E. Iron or sSteel Foundry** or fabricating plants and heavy weight casting.
- F.** The processing, storage or sale of junk, wasted, discarded or salvaged materials, machinery or equipment including motor vehicles and trailers.
- G. Soil, Sand, Clay, Gravel** or similar operations.
- H.** Other industrial types of uses that are determined by the Planning Commission to be similar to those uses permitted in this district as Special Land Uses.

SECTION 12.04 AREA REGULATIONS

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

Minimum lot area	2 acres
Minimum lot width	200 feet at the building line
Minimum front yard	100 feet (First 30 feet adjacent to street right of way, except for entrance drives shall be landscaped).
Minimum side yard	20 feet (Where a side yard is adjacent to any residential district, the minimum shall be 35 feet and a 10 foot wide greenbelt shall be maintained along said abutting property line).

Minimum rear yard	25 feet (Where a rear yard is adjacent to any residential district, a ten (10) foot wide greenbelt shall be maintained along said abutting property line).
Maximum building height	35 feet
Maximum lot coverage	25 percent (including all buildings and structures).

SECTION 12.05 REQUIRED CONDITIONS

- A.** All operations shall be conducted completely within the confines of a building, however, materials and equipment may be stored outdoors within the rear yard if screened from the view of any public street by a solid uniformly finished wall or fence with solid gates. The wall or fence shall be at least as tall as the materials or equipment being stored. Chain link fencing with interwoven slats is prohibited as a screening wall or fence.
- B.** Heating, ventilation or air conditioning (HVAC) units or similar electrical or mechanical appurtenances shall be properly screened. All roof-mounted heating, ventilation, or air conditioning units and similar electrical or mechanical appurtenances shall be screened from view from street level.
- C.** All exterior lighting shall be arranged to deflect any light away from other properties and street rights-of-way.
- D.** Where the Planning Commission determines that an excessive number of ingress or egress points may occur with relation to major thoroughfares, they may require the development of parking so that contiguous lots on abutting properties will allow traffic circulation from one property to another without re-entering the major thoroughfare.
- E.** Easements may be required in a form acceptable to the Planning Commission and approved or denied as part of the required Site Plan approval process. If an easement is granted, each property owner shall be responsible for maintenance of the easement so that it remains usable as a means of getting from one property to another. The easement shall be recorded with the Montcalm County Register of Deeds prior to the issuance of an occupancy permit.
- F.** The Site Plan shall indicate the proposed elevation of the easement at all property lines and shall conform to elevations established by the Planning Commission or, if not established, be not more than one (1) foot above or below the elevation of the adjoining property. Paving of the easement shall meet construction specifications set by the Township Board. If adjacent properties are not developed, the Planning Commission may defer the paving of the easement until such time as the adjacent properties become developed. If the paving is deferred, the Planning Commission may approve temporary entrances and exits onto a major thoroughfare until such time as the easement is completed. Further, the Planning Commission may require the escrow of funds, a performance bond, irrevocable bank letter of credit or other means to assure the paving of the easements and the elimination of temporary entrances and exits.
- G.** More than one principal or accessory building or structure can be on a lot provided that all of the yard requirements are maintained, that there is a minimum distance between

buildings or structures equal to the height of the tallest building or structure, that adequate provisions for access to each building is shown on the Site Plan and that all of the other requirements of the Industrial district are satisfied for each building or structure.

CHAPTER THIRTEEN

FLAT RIVER DISTRICT

SECTION 13.01 DESCRIPTION & PURPOSE

The purpose of this district is to preserve and enhance the value of the Flat River and its tributaries for water conservation, its free flowing condition and its fish, wildlife, boating, scenic aesthetic, floodplain, ecologic, historic and recreational values and uses. The district boundary includes a strip of land lying within four hundred (400) feet from the ordinary high water mark on each side of and paralleling the Flat River and its tributaries.

SECTION 13.02 PERMITTED USES

Land and/or buildings in the FR district may be used for the following as permitted uses:

- A. Farms** as defined in Section 2.07.
- B. Dwellings:** Single-Family Detached as defined in Section 2.05
- C. Accessory Buildings, Structures & Uses** customarily incidental to the above permitted uses.
- D. Short-Term Rentals**

SECTION 13.03 DISTRICT REGULATIONS

No building or structure, nor the enlargement of any building or structure shall be erected unless the following requirements are met and maintained:

Minimum lot area	1 acre
Minimum lot area for a farm or a farm building	10 acres
Minimum lot width	200 feet
Minimum front yard	60 feet
Minimum front yard for a farm building	100 feet
Minimum side yard	25 feet
Minimum rear yard	50 feet
Maximum building height	35 feet (excludes agricultural buildings and structures)
Maximum lot coverage	30 percent
Minimum floor area	500 square feet

SECTION 13.04 REQUIRED CONDITIONS

- A.** Required building setbacks:
1. The minimum building setback shall not be less than one hundred (100) feet from the ordinary highwater mark of the Flat River and all designated tributaries, or shall not be less than 25 feet from the 100 year floodplain line, whichever is the greater distance from the edge of the river.
 2. A dwelling or other building shall be set back not less than 50 feet from the top of a bluff. A bluff is defined as a bank that rises at a slope of 33 degrees or greater from within 10 feet of the edge of the river. The crest of the bluff is the first riverward facing area (approximately parallel to the river) that breaks to a slope of less than 18 degrees for a distance away from the river of at least 25 feet.
- B.** There shall be a minimum of one-hundred (100) foot setback from the ordinary high water mark of the Flat River and its tributaries or an identified or documented one-hundred (100) year floodplain line, whichever results in the greatest distance from the edge of the river, for the installation of septic tanks, tile fields and other sanitary facilities. The bottom of the absorption field shall meet Health Department requirements but in no case be less than four (4) feet above the high water table.
- C.** A strip twenty-five (25) feet wide on each side of and parallel to the Flat River and its tributaries shall be maintained in trees, vegetation and shrubs in its natural State except that dead, diseased, unsafe or felled trees as well as noxious plants may be removed. Trees, vegetation and shrubs may be selectively pruned or removed for landscaping purposes, harvest of merchantable timber, or to provide a view of the river, as long as a root system remains intact to provide for stream bank stabilization and erosion control, serve as an aid to infiltration of surface runoff and provide cover to shade the water.
- D.** The development of private land for recreational purposes such as hunting, camping and picnicking, shall be at the discretion of and under the control of the property owner in conformance with the restrictions of the Flat River district.
- E.** Access to the Flat River and its tributaries across private land shall be controlled by the property owner.
- F.** Signs within three-hundred (300) feet of the waters edge of the Flat River and its tributaries shall be no greater than 6 square feet (to allow for signs such as “private property” and “no trespassing”).
- G.** Property owners shall have the right to clean the deadfall and logs from the river and land within four hundred (400) feet of the Flat River and its tributaries as deemed necessary, to maintain a safe and clean river.
- H.** Buildings shall not be located on land that is within the 100 year floodplain of the Flat River or its tributaries or in any wetland area. For purposes of this section, a wetland means land characterized by hydric soils or water at a frequency and duration sufficient to support wetland vegetation or aquatic life as defined in Part 303, Wetlands Protection, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA).
- I.** Any new parcel created after the effective date of this amendment shall have sufficient depth and upland area to accommodate the required building setbacks set forth in this

section. Such parcel shall also meet the minimum lot frontage requirements of this ordinance and be accessible by a public street, private street or legal easement.

J. One dock is permitted per parcel subject to the following requirements:

1. The dock shall not be more than 48 square feet in area, with not more than 4 feet of the dock extending into the river.
2. The dock shall be designed, constructed, and maintained to blend with the natural surroundings. The use of natural, native materials is encouraged.

K. A stairway constructed to allow river access is permitted as follows:

1. The stairway shall only be permitted if no other reasonable and safe access to the river exists.
2. The stairway shall be no more than 4 feet wide and constructed so that the stairs are not recessed into the ground surface.
3. A landing for the stairs shall not be constructed unless required by the Township building code, in which case the landing shall be the minimum number and size required by the building codes.
4. The stairway shall have only one handrail.
5. The stairway shall be constructed using only natural materials such as wood or stone.
6. The stairway shall be located and maintained to blend in with the natural surroundings, and where removal of vegetation in the natural vegetation strip can be minimized.

L. A boardwalk associated with a footpath to the river's edge is permitted as follows:

1. The boardwalk shall be placed only in an area that is generally too wet to be traversed without significant disturbance of the soils.
2. The boardwalk and all supports shall be constructed of natural materials.
3. The boardwalk shall not be more than 3 feet wide.
4. A boardwalk shall not include any railing.

CHAPTER FOURTEEN

RENEWABLE ENERGY OVERLAY DISTRICT

SECTION 14.01 STATEMENT OF PURPOSE

The purpose of this district is to designate certain portions of the Township for renewable energy projects. The Township zoning map establishes a Renewable Energy Overlay (RO) zoning district with boundaries depicted as follows, consisting of approximately 516 acres:

Parcel Numbers:

1. 007-003-007-00 (5799 N Derby Rd)
2. 007-003-010-01 (5647 Derby Rd)
3. 007-003-003-30 (5799 N Derby Rd)
4. 007-003-001-00 (N Lk Montcalm/Musson)
5. 007-002-007-00 (N Lk Montcalm/Musson)
6. 007-002-008-01 (5450 N Musson Rd)
7. 007-002-009-00 (5450 N Musson Rd)
8. 007-002-011-00 (N Carlsen Rd)

See Appendix D for Map of Renewable Energy Overlay District.

SECTION 14. 02 SPECIAL LAND USES

Land and or buildings in the RO district may be used according to the requirements in Chapter Fifteen:

- A.** Level 3 Solar Energy Systems
- B.** Commercial Wind Energy Conversion Systems
- C.** Battery Energy Storage Facilities

CHAPTER FIFTEEN SPECIAL LAND USES

SECTION 15.01 INTENT

The provisions of this chapter are intended to set forth the procedures and standards applicable to certain land uses, structures, or activities as identified in the various zoning districts which, because of their unique characteristics, require special consideration in relation to the welfare of adjacent properties and/or the community as a whole. Because of these characteristics, the use of the land for certain purposes in certain districts will not be permitted without first obtaining a Special Use Permit from the Planning Commission.

SECTION 15.02 PROCEDURES

- A.** An application for a Special Use Permit shall be submitted to the Township Clerk on a form for that purpose, together with a Site Plan prepared to the specifications contained in Chapter Fifteen of this ordinance. Each application shall be accompanied by the payment of fee as determined by the Township Board. In the event the allowance of a proposed use requires both a rezoning and a Special Use Permit, the application for rezoning shall be processed in its entirety prior to final action on the special use.
- B.** Upon receipt of an application for a Special Use Permit, a notice that the Planning Commission will hold a public hearing on the application shall be published in a newspaper which circulates in the Township, and sent by mail or by personal delivery to the owners of property for which approval is sought, to all persons to whom real property within three hundred (300) feet of the boundary of the property in question is assessed, and to the occupants of all structures within three hundred (300) feet of the property regardless of whether the property or occupant is located in the zoning jurisdiction. The notice shall be given not less than fifteen (15) days before the date the application will be considered. If the name of the occupant is not known, the term "occupant" may be used in making notification. The notice shall:
 - 1. Describe the nature of the special use request.
 - 2. Indicate the property that is the subject of the special use request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used.
 - 3. State when and where the public hearing will be held.
 - 4. Indicate when and where written comments will be received concerning the request.
- C.** The Planning Commission shall, within a reasonable time after the public hearing, deny, approve, or approve with conditions the request. The decision by the Planning Commission shall be incorporated in a Statement containing the conclusions relative to the special use under consideration, which specifies the basis for the decision and any conditions imposed.

SECTION 15.03 ZONING BOARD OF APPEALS ACTION

Owing to the discretionary nature of the decision to approve or deny a request for special use, the Zoning Board of Appeals is without jurisdiction to accept appeals or grant variances from the general standards of this chapter and the decision of the Planning Commission with respect to the approval or denial of special uses.

SECTION 15.04 SPECIAL USE APPROVAL STANDARDS - GENERAL

In formulating recommendations or approving any special use, the Planning Commission shall require that the following general standards be satisfied:

- A.** Upon review of each application there shall be a determination as to whether each use on the proposed site will:
 - 1. Be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the area in which the use is proposed.
 - 2. Be adequately served by essential facilities and services such as highways, streets, police and fire protection, drainage, refuse disposal, water and sewer facilities, and schools.
 - 3. Not create excessive additional requirements at public cost for public facilities and services.
 - 4. Not cause traffic congestion, conflict, or movement in greater proportion to that normally prevailing for the use in the particular zoning district.
 - 5. Not involve uses, activities, processes, materials, equipment, or conditions of operation that will be detrimental to any persons, property, or the general welfare by reason or noxious or offensive production of noise, smoke, fumes, glare, vibration, odor, or traffic.
- B.** Proof of compliance with all applicable Federal, State and local licensing regulations shall be provided. Initial and annual proof of such compliance shall be a condition of special use approval and the continuance thereof.
- C.** As a minimum, the dimensional standards and landscape, buffering, and parking regulations otherwise applicable to the use and/or zoning district shall be maintained as outlined within the other various applicable chapters of this ordinance. For uses permitted by right in one (1) district but which require special use approval in another district, the standards relating to the district in which the use is permitted by right shall serve as the minimum standards to which the site shall be designed. In such cases where there are conflicting standards, the most restrictive shall apply, unless specifically modified by the Planning Commission.
- D.** Upon review, the Planning Commission may stipulate such additional conditions and safeguards deemed necessary for the protection of individual property rights and values, the general welfare, and for ensuring that the intent and objectives of this ordinance are observed.

SECTION 15.05 PERMITTED SPECIAL USES & SPECIFIC REQUIREMENTS

Special uses are permitted in the various zoning districts as provided in Table 15.05 A and in accordance with the specific requirements of the corresponding approval standard for each use as provided in Section 15.06.

**TABLE 15.05 A
PERMITTED SPECIAL USES**

SPECIAL USES	Approval Standard	AG/RE	LDR	LR	NB	GB	I	RO
Adult Family Group Day Care Home	1	x	x					
Group Day Care Homes	1	x	x					
Schools, Colleges & Libraries	2	x	x					
Churches	2	x	x					
Govt. & Public Utility Administration & Service Buildings	2	x	x					
Public & Private Parks & Playgrounds	3	x	x	x				
Home Occupations	4	x	x					
Kennels	5	x						
Veterinary Hospitals	5	x						
Public Stables	6	x						
Cemeteries	7	x						
Specialized Farms as defined in Section 2	8	x						
Communication Transmitters, Relay Statins & Towers	9	x						
Soil, Sand, Clay, Gravel or Similar Removal Operations	10	x	x			x	x	
Golf Courses	11	x						
Auction Business	12					x		
Propane Tank Business	12					x		
Shooting Range and/or Gun Sales	12					x		
Adult Entertainment Establishment	13					x		
Private or Public Heliports	14						x	

SPECIAL USES	Approval Standard	AG/RE	LDR	LR	NB	GB	I	RO
Electric Power Generating Plants & Related Uses	15						x	
Iron or Steel Foundry or Fabricating Plants & Heavyweight castings	15						x	
Petroleum Storage Facilities	15						x	
Manufacture or Bulk Storage of Acetylene Gas, Alcohol, Ammonia, Bleaching Powder, Chlorine, Bituminous Asphalt, Concrete, Cement,Plastics, Paint, Oil, Shellac, Turpentine, Lacquer or Varnish	15						x	
Processing, Storage or sale of Junk, Wasted, Discarded or Salvaged Materials, Machinery, or Equipment including Motor Vehicles & Trailers	16						x	
Sawmills	17	x						
Recreational Vehicle Parks	18	x						
Open Space Preservation Developments	19	x						
Lake Access Properties or Devices where more than one single family home, property, dwelling unit, condominium unit, site condominium unit, or apartment unit utilizes property touching or abutting Clifford Lake.	20	x	x	x				
Solar Energy Systems level 2	21	x	x	x		x	x	
Solar Energy Systems level 3	22							x
Utility Scale Battery Storage Facilities	23							x
Commercial Wind Energy Conversion Systems	24							x

SECTION 15.06 APPROVAL STANDARDS

Each special use identified in Table 15.05 A must be developed in accordance with the specific approval standard pertaining to the use, as follows:

APPROVAL STANDARD #1 APPLICABLE USES & REQUIREMENTS

USES: Group Day Care Homes

Adult Family Group Day Care Homes

REQUIRED CONDITIONS:

1. The facility shall comply with appropriate State of Michigan licensing requirements.
2. The size, character and architectural nature of the dwelling and associated structures shall be compatible and harmonious with other properties within the vicinity.
3. The hours of operation shall be between 6:00 AM and 9:00 PM.
4. The minimum lot size is one acre.
5. The minimum lot width is 200 feet.
6. The parcel must front on a State highway or County primary or secondary road as designated by the Montcalm County Road Commission.
7. The facility shall be designed and operated in a manner that will minimize any detrimental effects on surrounding properties.
8. Adequate off-street parking must be provided.
9. A drop off/pick up area shall be provided for motorists off the public street which permits vehicles to exit the property without backing onto the street.
10. Any outside play area shall be in the rear yard area and completely enclosed with a fence which is deemed adequate by the Planning Commission.

APPROVAL STANDARD #2 APPLICABLE USES & REQUIREMENTS

USES: Schools, Colleges & Libraries

Churches

Government & Public Utility Administration & Service Buildings

REQUIRED CONDITIONS:

1. The minimum lot size is 3 acres.
2. The minimum lot width is 300 feet.
3. The minimum front, rear and side yard setback is 75 feet.
4. The applicant must be able to demonstrate that the proposed use will not create traffic congestion or undue traffic safety problems.
5. Adequate off-street parking shall be provided in accordance with the requirements of Chapter Eighteen.
6. All uses except elementary schools shall have at least one property line that abuts a State highway or County primary road as designated by the Montcalm County Road Commission and primary access to the facility shall be directly from said streets.
7. Fencing and/or greenbelts may be required alongside and rear property lines if the Planning Commission determines that they are necessary to prevent adverse impacts on adjacent properties.

APPROVAL STANDARD #3 APPLICABLE USES & REQUIREMENTS

USES: Public and Private Parks & Playgrounds

REQUIRED CONDITIONS:

1. The minimum lot size is 2 acres.
2. The minimum lot width is 200 feet.
3. The minimum front, rear and side yard setback is 75 feet.
4. Fencing may be required if deemed necessary by the Planning Commission.

APPROVAL STANDARD #4 APPLICABLE USES & REQUIREMENTS

USES: Home Occupations

REQUIRED CONDITIONS:

1. It is conducted entirely within a dwelling unit, accessory building or farm building.
2. No article is offered for sale or service rendered except as is produced or performed by such home occupation.
3. No more than two persons, both of whom are members of the household, are engaged in such activity on either a part-time or full-time basis.
4. It does not require any internal or external alterations or construction features.
5. It does not change the character of the building in which it is conducted and does not constitute, create or increase a nuisance.
6. It displays no sign not permitted in the zoning district within which it is located.
7. The total area devoted to such home occupation shall not be greater than thirty (30) percent of the gross living area of the dwelling unit.
8. Not more than one home occupation is permitted within any dwelling, accessory building or farm building.
9. It does not require any additional off-street parking spaces
10. The home occupation or any activity created by the home occupation does not change the character of the neighborhood nor adversely affect the uses permitted therein.

APPROVAL STANDARD #5 APPLICABLE USES & REQUIREMENTS

USES: Kennels

Veterinary Hospitals

REQUIRED CONDITIONS:

1. The minimum lot size is 3 acres.
2. The minimum lot width is 300 feet.
3. All buildings, runways, cages, pens and any outside area where animals may be kept or exercised shall not be located closer than 100 feet of any property line. The Planning Commission may require that all animals be kept within a building at all times if it determines that the outside keeping or exercising of animals would have a detrimental effect on other properties in the vicinity.
4. Adequate off-street parking shall be provided in accordance with the requirements of Chapter Eighteen.
5. Fencing and/or greenbelts may be required alongside and rear property lines if the Planning Commission determines that they are necessary to prevent adverse impacts on adjacent properties.

APPROVAL STANDARD #6 APPLICABLE USES & REQUIREMENTS

USES: Public Stables

REQUIRED CONDITIONS:

1. The minimum area devoted to the use shall be 20 acres. Such an area may include pasture and riding trails but shall not include any area devoted to living quarters or other uses not normally incidental to a riding stable. Additional lands may be leased for riding trails only, however, riding areas shall not necessitate riding or leading animals upon or across a public street.
2. The minimum front yard setback is 100 feet.
3. The minimum side and rear yard setback is 50 feet.
4. The premises shall include storage adequate for the disposal of manure and refuse and have adequate insect control methods.
5. Any outdoor area in which animals are kept shall be completely enclosed with a fence which is deemed adequate by the Planning Commission.
6. The facility shall be designed and operated in a manner that will minimize any detrimental effects on surrounding properties.

APPROVAL STANDARD #7 APPLICABLE USES & REQUIREMENTS

USES: Cemeteries

REQUIRED CONDITIONS:

1. The minimum lot size is 20 acres.
2. The minimum lot width is 300 feet.
3. The parcel shall have at least one property line that abuts a State highway or County primary road as designated by the Montcalm County Road Commission and primary access to the facility shall be directly from said streets.
4. The applicant must be able to demonstrate that the proposed use will not create traffic congestion or cause undue traffic safety problems.
5. Adequate off-street parking shall be provided in accordance with the requirements of Chapter Eighteen.
6. Fencing may be required if deemed necessary by the Planning Commission.
7. The minimum front yard setback is 75 feet.
8. The minimum side and rear yard setback is 25 feet.
9. No grave site shall be located in any front, side or rear yard setback area.

APPROVAL STANDARD #8 APPLICABLE USES & REQUIREMENTS

USES: Specialized Farms

REQUIRED CONDITIONS:

1. The minimum lot size is 20 acres.
2. The facility shall be designed and operated in a manner that will minimize any detrimental effects on surrounding properties.
3. The facility shall be designed with adequate provisions for animal waste reduction and removal in order to minimize potential odor and health problems.
4. No building or structure housing animals shall be located within 100 feet of any front, side or rear property line.

APPROVAL STANDARD #9 APPLICABLE USES & REQUIREMENTS

USES: Communication Transmitters, Relay Stations & Towers

REQUIRED CONDITIONS:

1. The minimum lot size shall be 5 acres.
2. The tower shall be completely enclosed by a fence deemed adequate by the Planning Commission to prevent unauthorized access.
3. The applicant shall submit certification from qualified engineers that the design of the tower is sufficient to assure safety.
4. The distance from the base of the tower to all property lines shall equal or exceed the height of the tower unless the engineering plans clearly indicate that the tower is designed to collapse, in which case the setbacks shall be based on the engineering design.
5. The applicant shall demonstrate that the types of signals to be received or transmitted will not cause interference with common household types of appliances such as radios and television sets.

APPROVAL STANDARD #10 APPLICABLE USES & REQUIREMENTS

USES: Soil, Sand, Clay, Gravel or Similar Mining or Removal Operations

REQUIRED CONDITIONS

1. The application and Site Plan shall include:
 - a. A full legal description of the premises wherein the operation is proposed.
 - b. A detailed Statement disclosing the limits of the area proposed for the operation, to include the maximum depth of any excavation, proposed finish grade, and the manner in which the land will be restored following termination of the operations so the land will not remain devaStated beyond any reasonable use.
 - c. Detailed information as to the method of operation, type of machinery and equipment to be used.
 - d. A topographic survey map on a scale not less than one inch equaling one hundred feet, showing on a ten-foot interval, existing grades of the land prior to any removal, grades of the proposed excavation and the finished grades. The perimeter of each phase to be mined shall be specifically defined on the topographic map. No use of land will be allowed outside of agreed upon perimeters, including excavating of any kind or storage of equipment or any debris such as trees or stumps. The topographic map shall be amended annually to include the proposed area to be mined in each phase, and said map to be prepared and sealed by a registered civil engineer or land surveyor.
 - e. An estimated period of time such an operation will take.
 - f. Detailed information regarding the type of material to be removed or deposited.
 - g. Names and addresses of parties of interest in said premises and their legal interest, along with telephone numbers of responsible persons involved in said operations, who may be reached between 8:00 a.m. and 5:00 p.m. daily, as well as hours after daily operations, shall be contained in one document and submitted to the Township Clerk and the Zoning Administrator and the appropriate emergency services.

2. No finished slopes shall at any time exceed 33 $\frac{1}{3}$ percent.
3. No excavation other than those which are incidental to building, structure or public utility construction, shall be permitted below the grade of any adjoining public street or abutting property under different ownership for a distance of not less than 75 feet with final setback determined by the Planning Commission subject to the Site Plan information submitted.
4. A 50 foot wide greenbelt shall be preserved as part of the 75 foot setback, developed and maintained around the perimeter of the mining/composting property to provide noise and dust protection. In the absence of an adequate greenbelt, a combination of shrubs and earth berm of 6-8 ft in height may be required depending on the adjoining property (ies) protection needs and wind direction.
5. The processing plant, if any, and its accessory structures shall not be located closer than 200 feet from property lines and public right-of-way or less than 500 feet from any off-site residence, and shall, where practicable, be as close to the center of the subject property as possible, and at a lower level than the surrounding terrain so as to lessen visual and noise impact. The Planning Commission reserves the right to approve the location of the plant.
6. No dust, dirt or debris emanating from the operation shall at any time be permitted to be deposited upon adjoining premises to such an extent as to be a nuisance or annoyance to the occupants thereof.
7. Mining or processing shall only be permitted between 7:00 a.m. and 7:00 p.m. No operations shall be allowed on Sundays or legal holidays.
8. To avoid being a nuisance or annoyance, noise levels shall not exceed 65 decibels at any off-site residence or permanent dwelling. In no case, shall more than 25 acres be mined at any time before restoration begins and topsoil is applied. All topsoil shall be stockpiled upon the premises and promptly used to resurface areas where operations have been terminated, or have been substantially discontinued for any period in excess of 180 days. Such areas shall then be seeded and planted to lessen erosion and to encourage proper growth within one year of termination of all excavation activity in the area.
9. No natural drainage shall be materially changed or altered in any manner that would adversely affect adjoining premises.
10. No such excavation business shall be located within 500 feet of the margin of any stream or waterway unless previously approved, in writing, by the Michigan Department of Natural Resources. The Planning Commission shall have the right to require an applicant to construct adequate sediment basins if it appears that substantial sediment may be carried into any nearby water course.
11. Any dangerous excavations, pits, pond areas, banks or slopes shall be adequately protected or fenced and posted with signs around the perimeter to prevent uninvited access and shall be eliminated as expeditiously as possible.
12. Truck routing shall be only on streets approved by the County Road Commission under such conditions and securities as may be imposed by the Township or County to protect or repair the roads and to insure the safety of the public.
13. Special Use Permits granted herewith may be limited in time, subject to review by the Planning Commission.

14. No mining/composting operation covered by this ordinance shall be commenced, or shall hereafter continue, until a performance bond has been filed with the Township Clerk in the amount of not less than \$3,000 per acre contained in that portion of the plan required to be filed with the Township under paragraph one being proposed to be excavated, mined or quarried within the ensuing 12 month period, guaranteeing the satisfactory performance of all the regulations herein contained. Such bond shall, at no time, be less than \$3,000. No performance bond filed with the Township shall be released until all ordinance regulations fully complied with, including restoration.
15. All applicants shall be required to carry personal injury property damage insurance, while any reclaimed or non-rehabilitated area exists, in the amount of not less than \$1,000,000 for each occurrence. Such insurance shall cover injury or damage occurrence upon the site of the operations as well as upon properties adjoining thereto, as the result of conditions or activities existing upon the site. Such policies shall be filed with the Township Clerk.
16. Due to the unusual problems and time required for the inspection and monitoring of a mining/composting operation, a reasonable fee may be required to be deposited with the Township Clerk. The fee shall be based on an estimate of the cost to monitor and inspect the site in order to determine if there is compliance with the requirements of the permit. The fee may include the cost of inspectors, surveyors, engineers, attorneys and other required professionals. The Township shall provide the applicant with an accounting of all disbursements. If an additional deposit is required it shall be submitted within 30 days of a written request. Any unused portion of the fee shall be returned to the applicant upon the completion of all mining/composting and restoration activities.
17. Sufficient off-street parking shall be required on the site for trucks servicing the operation. No parking will be allowed on the roadside or road right-of-way. To minimize the potential for fuel spills, and possible soil contamination during equipment and truck refueling, an on-site refueling area shall be required for use with either fuel pumper trucks, or on-site fuel storage tanks. Said area shall be placed as a catch basin, capable of containing any fuel spillage. The basin shall be bermed, rubber lined and equal to the size of the storage tank. A remediation plan shall be submitted to the Township and the appropriate fire department at such time as all criteria have been met and the permit has been issued.
18. Caution or truck crossing signs, approved by the County Road Commission are required.
19. A pre-start-up meeting shall be instituted at least one week prior to the start of operations that shall include the Chairperson of the Planning Commission, a representative of the Township Board, the operations on site foreman and the appointed Township inspector. A pre-start-up meeting shall be required for each phase of the remaining years of a permit to allow review of the permit requirements, zoning ordinances and any other issues. The operator is required to present proof of all documents as determined by the ordinance and the Planning Commission prior to the pre-start-up meeting before receiving the Special Use Permit. No permit shall be granted until the applicant has satisfied all prerequisites and the Douglass Township

Chapter Fifteen Zoning Ordinance Special Land Uses pre-start-up committee has reviewed and approved them. No activity will be allowed on-site until commission approval shall be provided on public roads, measuring at least 3 feet square to identify truck entrances and exits. Said entrances and exits shall be repaired and maintained by the operator to ensure safety and visibility. Dust, loose gravel, mud and chuckholes all create dangerous and hazardous road conditions. If any of these conditions exist, they shall be alleviated daily. A stop sign shall be erected and maintained by the owner/operator at all egress roads of the disposal area. Under no circumstances shall trucks use private drives or private access routes from the applicants' property that are within 150 feet of any off-site residence.

20. The following procedures shall be imposed for violation of the ordinance or conditions of the permit:
- a. **First offense:** a verbal warning followed by a written notice of the violation with a specified time limit in which to comply. Failure to comply in the Stated time results in a second offense.
 - b. **Second offense** of same violation: stop work order followed by a written notice of the violation. Stop work order continues until the violation is corrected or the mining operation submits in writing their plan to remedy the violation.
 - c. **Third offense** of same violation: stop work order followed by written notice of violation. Stop work order continues until the Planning Commission can schedule a hearing. The Chairperson of the Planning Commission will call a special meeting within two days of issuance of the stop work order. No further operations shall take place until there has been full compliance with any conditions imposed by the Planning Commission and the stop work order has been withdrawn by the designated Township inspector.

APPROVAL STANDARD #11 APPLICABLE USES & REQUIREMENTS

USES: Golf Courses

REQUIRED CONDITIONS:

1. The minimum lot size is 40 acres.
2. No building or non-golfing use shall be located closer than 100 feet to any front, side or rear property line.
3. The Planning Commission may require the installation of greenbelts or earth berms to visually screen the golf course from adjacent uses of land.
4. All exterior lighting shall be shielded or designed so as not to extend beyond property lines.
5. A minimum of 6 off-street parking spaces per hole shall be provided, plus one space per employee, plus spaces as required in Chapter Eighteen for each accessory use such as a pro-shop or restaurant.

APPROVAL STANDARD #12 APPLICABLE USES & REQUIREMENTS

USES: Auction Business

Propane Tank Business

Shooting Range And/Or Sale of Guns

REQUIRED CONDITIONS:

1. The application shall include a detailed Statement indicating all Federal, State and County regulations that apply to the particular site or activity, a copy of the regulation and a statement indicating the proposed method of complying with each regulation.
2. The minimum lot size is 3 acres.
3. The minimum lot width is 300 feet.
4. The parcel must front on a State highway or a County primary road as designated by the Montcalm County Road Commission and primary access to the site shall be directly from said streets.
5. No building in which propane tanks or ammunition are kept or stored shall be located closer than 300 feet from any zoning district within which residential dwellings can be located.
6. The minimum front, rear and side yard setback is 100 feet.
7. Fencing and/or greenbelts may be required if the Planning Commission determines that they are necessary to prevent adverse impacts on adjacent properties.
8. The Planning Commission may impose such additional conditions as it determines are necessary to protect the health, safety and welfare of users of the proposed facility and other properties in the vicinity of the proposed use.

APPROVAL STANDARD #13 APPLICABLE USES & REQUIREMENTS

USES: Adult Entertainment Establishment

REQUIRED CONDITIONS:

1. The application shall include a detailed Statement indicating all Federal, State and County regulations that apply to the particular site or activity, a copy of the proposed regulation and a Statement indicating the proposed method of complying with each regulation.
2. The minimum lot size is 2 acres.
3. The minimum lot width is 200 feet.
4. The minimum front yard is 100 feet.
5. The minimum side yard is 50 feet.
6. The minimum rear yard is 50 feet.
7. No part of the proposed site shall be within a 300 foot radius of any zoning district in which single-family dwellings are permitted unless specifically waived by the Planning Commission.
8. The proposed use shall not be located closer than 1000 feet to any existing adult entertainment establishment provided this restriction may be waived by the Planning Commission if:
 - a. The proposed use will not be contrary to the public interest or injurious to nearby properties, and that the spirit and intent of this section will be observed.
 - b. That the proposed use will not enlarge or encourage the development of a blighted or deteriorating area in its immediate surroundings.
9. Fencing and/or greenbelts may be required if the Planning Commission determines that they are necessary to prevent adverse impacts on adjacent properties.
10. The Planning Commission may impose additional conditions necessary to protect

the health, safety and welfare of users & other properties near the proposed facility/use.

APPROVAL STANDARD #14 APPLICABLE USES & REQUIREMENTS

USES: Private or Public Heliports

REQUIRED CONDITIONS:

1. The proposed heliport shall be constructed, operated and maintained in accordance with the published rules and regulations of the Federal Aviation Administration, Michigan Aeronautics Commission and the National Fire Protection Association governing the use of heliports.
2. The application shall include a copy of an approved Michigan Aeronautics Commission application for licensing.
3. The application shall include an aerial photograph at a scale of one inch equals 400 feet, or less, indicating the approach and departure routes, the location of all residences, schools, churches, hospitals and areas used for the open assembly of people as well as other noise sensitive areas within a radius of one-half mile of the proposed heliport site.
4. A description of the purpose for which the heliport is being established and a schedule of proposed activities including:
 - a. Number of monthly operations.
 - b. Hours of operation.
 - c. All support activities such as storage, maintenance and refueling.
5. An environmental assessment showing the expected noise levels and possible odors, fumes and dust that may be caused by the operations of the heliport. It shall also include a Statement of adverse impacts on other properties in the area and the steps that will be taken to minimize those impacts.
6. There is no minimum lot size but the parcel shall be of ample size to accommodate the proposed heliport and related activities.

APPROVAL STANDARD #15 APPLICABLE USES & REQUIREMENTS

USES: Petroleum Storage Facilities

Manufacturer or bulk storage of acetylene gas, alcohol, ammonia, bleaching powder, chlorine, bituminous asphalt, concrete, cement, plastics, paint, oil, shellac, turpentine, lacquer, varnish or similar materials as determined by the Zoning Administrator.

Electric power generating plants and related uses.

Iron or steel foundry or fabricating plants and heavy weight casting.

REQUIRED CONDITIONS:

1. The application shall include a detailed Statement of all Federal, State and County regulations that apply to the particular site or activity, a copy of the regulation and a Statement indicating the proposed method of complying with each regulation.
2. If any hazardous materials are to be stored on the site or used in any manufacturing process, a detailed listing of each substance, and the approximate quantity to be located on-site shall be submitted. A detailed plan of substance storage, hazard control and prevention, and emergency response shall be submitted and reviewed by the Fire Chief and a report made to the Planning Commission.

3. The minimum lot size is 5 acres.
4. No listed use or activity shall be conducted within a building that is closer than 500 feet to any zoning district that permits residential dwellings.
5. If the Planning Commission determines that any proposed use or activity will create discernable noise, dust, vibration, odor, glare or heat beyond any property line a detailed Statement shall be provided by the applicant which addresses and quantifies each concern and addresses how each concern will be minimized.

APPROVAL STANDARD #16 APPLICABLE USES & REQUIREMENTS

USES: Processing, Storage or Sale of Junk, Wasted, Discarded or Salvaged Materials, Machinery or Equipment including Motor Vehicles and Trailers.

REQUIRED CONDITIONS:

1. Requests for a Special Use approval for establishment of a salvage or junkyard shall also require submission of a detailed proposal identifying the predominant type of salvage or junk to be received, the methods of separation and/or recycling, and ultimate destination of waste materials. The applicant shall be required to submit written materials outlining measures taken to comply with all necessary State, County, and local laws.
2. The site shall be provided with suitable access to a State highway or County primary road as designated by the Montcalm County Road Commission to ensure safe, direct transport of salvage to and from the site.
3. No portion of the storage area shall be located within two hundred (200) feet of any residential district or property used for residential purposes.
4. Any outdoor storage area shall be completely enclosed by a fence or wall at least six (6) feet in height constructed of a sturdy, durable material and sufficiently opaque to ensure that salvage is not visible from outside the storage area. The fence or wall shall have a minimum of two (2) non-transparent gates not exceeding forty-eight (48) feet in width providing access to the storage area for vehicles but shall not allow direct view of the storage area from adjacent properties or streets. Said fence or wall shall be continuously maintained in good condition and shall contain only approved signs.
5. Stored materials shall not be stacked higher than ten (10) feet and shall be stored in a manner so as not to be visible from adjoining properties or rights-of-way. In no case shall salvage or junk be stored at a height exceeding the height of the storage area fence or wall.
6. The fence or wall enclosing the storage area shall meet the applicable building setback requirements.
7. Conditions within the storage area shall be controlled to minimize the hazards of fire and other threats to health and safety.
8. All portions of the storage area shall be accessible to emergency vehicles.
9. Vehicles or vehicle bodies shall be stored in rows with a minimum of twenty (20) foot continuous loop drives separating each row of vehicles.
10. All batteries shall be removed from any vehicle, and all radiator and fuel tanks shall be drained prior to the vehicle being placed in the storage yard. Salvaged batteries, oil and other such substances shall be removed by a licensed disposal company or be stored in a manner which prevents leakage of battery fluid. No fluids removed from vehicles shall

be applied as a dust control method. Vehicle parts shall not be stored, loaded, unloaded, or dismantled outside the fence enclosing the salvage yard.

11. The minimum lot size is ten (10) acres.
12. All fences shall be setback a minimum of fifty (50) feet from any residential district or use property line.
13. In order to protect surrounding areas, the crushing of vehicles or any part thereof shall be limited to daylight hours.

APPROVAL STANDARD #17 APPLICABLE USES & REQUIREMENTS

USES: Sawmills.

REQUIRED CONDITIONS:

1. There shall be a minimum lot area of ten (10) acres.
2. All parcels must have direct access onto a State highway. A County primary road or other improved road having a minimum paved surface of twenty (20) feet.
3. There shall be minimum front, rear and side setbacks of one-hundred (100) feet from any street right-of-way line or property line if the sawmill, including carriage, headgear and power source is all within a complete building. If all operations are not within a completely enclosed building, the setbacks from any street right-of-way line shall be increased to a minimum of two-hundred (200) feet. In addition, the outlets of any blower pipes shall be oriented downward and away from habitable structures located on adjacent and nearby properties.
4. Stockpiles of sawdust, slab wood and other wood by-products shall not be located within the front yard and not closer than one-hundred (100) feet to any property line. The total amount of by-products stored outside on the site shall not exceed 1,000 cubic yards at any time.
5. All machinery shall have noise suppression equipment installed to prevent or minimize any adverse noise impacts.
6. The Planning Commission may require earth berms and/or greenbelts along any property line where it is deemed necessary to prevent or minimize any adverse noise or visual impacts with respect to adjacent or nearby properties.
7. The Planning Commission may require fencing if it is deemed necessary to discourage uninvited guests from having access to the site.
8. The Planning Commission may limit hours of operation to 8:00 a.m. to 6:00 p.m., Monday through Friday and 8:00 a.m. to 12:00 p.m. on Saturdays or such other reasonable hours as may be necessary to minimize any adverse impacts on neighboring properties. In any event, no operations shall be conducted on Sundays or Christmas Day, New Year's Day, Memorial Day, 4th of July, Labor Day and Thanksgiving Day.
9. The applicant shall submit a copy of a driveway curb cut permit approved by the Montcalm County Road Commission if the parcel has access onto a County road or the Michigan Department of Transportation if the parcel has access onto a State highway.
10. The Planning Commission may stipulate additional conditions if they are deemed to be necessary to further protect the public health, safety and welfare of adjacent and nearby residents.

APPROVAL STANDARD #18 APPLICABLE USES & REQUIREMENTS

USES: Recreational Vehicle Parks

REQUIRED CONDITIONS:

1. The total area of the Recreational Vehicle Park shall be a minimum of ten (10) acres.
2. All recreational vehicle parks must meet the applicable requirements of the Michigan Campground Act No. 171 of 1970, as amended, and such rules and regulations as may be promulgated thereunder by the Michigan Department of Public Health and the Montcalm County Health Department.
3. There shall be a required buffer area of not less than fifty (50) feet wide around the entire perimeter of the recreational vehicle park except on any side that is adjacent to a lake, river or stream. Any portion of the site that is adjacent to any residentially zoned property or existing residential use shall be screened from view by tree plantings, berms, fencing, or other means deemed appropriate by the Planning Commission.
4. Vehicular circulation systems shall consist of drives or roads that are properly graded and drained with direct access onto a public street.
5. There shall be a maximum density of ten (10) recreational vehicles or campsites per acre.
6. All public and semi-public utilities within a recreational vehicle park shall be located underground within the park.
7. The retail sale of groceries, sundries and camping supplies is permitted provided that it is incidental to the operation of the recreational vehicle park.
8. Every recreational vehicle park shall be equipped with sanitary dumping facilities for travel trailers and motorhomes that are approved by the Montcalm County Health Department.
9. Any exterior lighting shall be arranged to reflect light away from any adjoining premises or streets.
10. All site drainage shall be approved by the Montcalm County Drain Commissioner.
11. All driveways entering the facility from an existing County road shall be approved by the Montcalm County Road Commission.
12. The Planning Commission may impose additional regulations deemed necessary to protect the safety, health and general welfare of Township residents and users of the recreational vehicle park and shall have the authority to make any change or alterations in such plans and modify any requirements herein prescribed, provided they are in the best public interest and such that the property may be developed in a reasonable manner.

APPROVAL STANDARD #19 APPLICABLE USES & REQUIREMENTS

USES: Open Space Preservation Developments

(Cluster Development Option)

REQUIRED CONDITIONS:

1. Land may be developed, at the option of the landowner, with the same number of single-family detached dwellings that could otherwise be developed on the land in accordance with the provisions of Section 6.04, on not more than 50 percent of the land area, if all of the following apply:

- a. Not less than 50 percent of the land area will remain in an “undeveloped State” by means of a conservation easement, plat dedication, restrictive covenant, or other legal means that runs with the land.
 - b. The development does not depend upon the extension of a public sewer or public water supply system, unless development of the land without the exercise of the development option provided by this provision would also depend upon such extension.
 - c. The development option provided pursuant to this section has not previously been exercised with respect to the subject property.
2. The development of land under this section is subject to all other applicable ordinances, laws, and rules, including but not limited to:
 - a. The provisions of the Zoning Ordinance that are not in conflict with and preempted by Section 16.h of the Township Zoning Act as added by 2001 Public Act 177 (MCL 125.286h).
 - b. The Land Division Act (formerly the Subdivision Control Act, MCL 560.101, et seq.).
 - c. Any ordinance regulating the division of land, the platting of land into subdivisions, or the creation of a site condominium.
 - d. Rules relating to suitability of groundwater for on-site water supply for land not served by public water.
 - e. Rules relating to suitability of soils for on-site sewage disposal for land not served by public sewers.
3. The term “undeveloped State”, as used above, includes all land area within the Open Space Preservation Development, not individually owned or part of a limited common area which is designed and intended to preserve environmental features for the common use and development for any of the following uses; active and passive recreation, forestry and/or open space conservation, community gardens or agricultural uses. It does not include golf courses or other exclusionary commercial recreational uses, lot area within setbacks for each specific lot, and ponds, lakes, streams or Michigan Department of Environment, Great Lakes, and Energy regulated wetlands.
4. In order for the Planning Commission to determine the number of dwelling units that will be permitted, a parallel or yield plan shall be submitted showing a feasible development under the requirements of Section 6.04 and the requirements of any and all State, County and Township subdivision regulations. All lots, roads and other improvements shall be designed so that they do not adversely impact wetlands, floodplains, or drainage ways, as regulated by Federal, State, County or local agencies.
5. It must be determined by the Planning Commission that this parallel plan or conventional subdivision is able to be physically constructed and meet all current subdivision regulations, should the Open Space Preservation Development be denied or not constructed. If there is a question regarding water, septic, wetlands or floodplains, the Planning Commission may request validation from the proper regulatory authority. If it is determined, through these responses, that the number of

lots proposed is unfeasible, the parallel or yield plan shall be revised and resubmitted, minus that number of lots. Detailed engineering is not required at this stage, but the plan must be drawn to scale.

6. The Planning Commission may also waive the submission of a parallel or yield plan if it is determined that the number of dwelling units proposed for Open Space Preservation Development is, without question, well below what would be feasible for the site. Such waivers must be detailed in writing and recorded as part of the motion in the minutes of the Planning Commission meeting. Waivers may only be granted if it is determined by the Planning Commission that the proposed Open Space Preservation Development will be a major benefit to the Township and achieve all the goals and objectives of the Township.
7. Open Space Preservation Developments shall satisfy all of the following requirements:
 - a. All lots or home sites shall satisfy all of the minimum requirements contained in Section 7.04.
 - b. The maximum number of dwelling units permitted in an Open Space Preservation Development is the number contained in a parallel or yield plan approved by the Planning Commission or the number approved by the Planning Commission in a waiver of the parallel or yield plan.
 - c. A natural buffer with a minimum width of 150 feet shall be provided along any agricultural uses that are being preserved and abut proposed home sites and along any County road or State highway that is adjacent to an Open Space Preservation Development.
 - d. A minimum of 50 percent of all dwelling units shall abut dedicated open space.
 - e. A sufficient number of access points or paths shall be provided to afford convenient access to dedicated open space from home sites that do not abut dedicated open space.
 - f. All dwelling units within a proposed Open Space Preservation Development shall be provided with vehicular access from proposed internal roads. No dwelling units shall have direct vehicular access onto an existing County road or State highway.

APPROVAL STANDARD #20 APPLICABLE USES & REQUIREMENTS

USES: Lake access properties or devices where more than one single-family home, property, dwelling unit, condominium unit, site condominium unit or apartment unit utilizes property touching or abutting Clifford Lake.

REQUIRED CONDITIONS

1. As provided in Section 3.21.
2. All of the general standards contained in Section 15.04.

APPROVAL STANDARD #21 APPLICABLE USES & REQUIREMENTS

USES: Level 2 Ground Mounted Solar Energy Systems

REQUIRED CONDITIONS

1. **Permitted Zoning Districts and Size.** A Level 2 Onsite Ground Mounted Solar Energy System provides energy for onsite and off-site uses. A Level 2 Onsite Ground Mounted Solar Energy System shall only occupy an area at least 5,000 sq. ft. and is allowed in all zoning districts except the Lake Residential Zone as a permitted accessory use subject to review and approval of a Special Use Permit by the Planning Commission in accordance with the requirements and procedures of Chapter Fifteen herein and the following requirement: The parcel proposed for the Level 2 Onsite SES shall contain an existing main building.
2. **Location and Setbacks:** A Level 2 Onsite SES may be located in the front, rear and side yards subject to the following minimum setbacks:
 - a. **Front setback:** A minimum of 100 feet from each front lot line.
 - b. **Side and rear setback:** A minimum of 100 feet from the side and rear lot lines.
 - c. The Planning Commission may require a greater setback to ensure compatibility with adjacent land uses.
 - d. **Wetlands and bodies of water:** A minimum setback of 500 ft.
 - e. Measurement shall be taken around and at the outer edge of solar panel closest to lot line.
3. **Height:** Level 2 Onsite SES shall not exceed height of 10 feet when oriented at maximum tilt.
4. **Surface Material:** The portion of the premises on which the array of collector panel structures is located shall not be paved with asphalt or covered with any other surface material that is impervious to rainwater.
5. **Type of Panel:** The applicant shall provide information on the type of solar panel to be used and any hazardous chemicals contained in the solar panels and measures to prevent leakage.
6. **Electrical Interconnections:** All electrical interconnection or distribution lines shall comply with all applicable codes. The applicant shall provide evidence to the Township of approval from the applicable utility company.
7. **Transmission Lines:** Use of above ground transmission lines for interconnections with a public utility shall be prohibited within the site unless required by the offsite public utility company which is receiving the energy produced by the Level 2 Onsite SES.
8. **Decommissioning:** A decommissioning and land reclamation plan describing the actions to be taken following the abandonment or discontinuation of the SES, including evidence of proposed commitments with property owners to ensure proper final reclamation, repairs to roads, and other steps necessary to fully remove the SES and restore the subject parcels, which is subject to the Township's review and approval shall be provided as required by this ordinance. This plan shall not exceed 6 months.
9. **Lot area coverage:** No more than 20% of the total lot area or 5 acres, whichever is less, may be included in a Solar Energy Project.
10. **Screening:** Greenbelt screening is required around any Level 2 Onsite Solar Energy System and around any equipment associated with the system to obscure, to the greatest extent possible, the SES from any adjacent residences. The greenbelt must consist of shrubbery, trees, or other non-invasive plant species that provide a visual screen equal to the height of the solar panels, including the option of combining and/or staggering a fence, berms, trees, with a waiver option for neighbors to sign if they agree to lower height. Any such waiver shall be recorded with the Montcalm County Register of Deeds. All greenbelt items must be maintained for the life of the project, including replacing dead trees.

11. Maximum Noise Levels:

- a. **Nonparticipating parcel:** Maximum noise/sound levels must not exceed 30 dB(A) LMAX from 10:00 p.m. to 7:00 a.m. or 40 dB(A) LMAX from 7:00 a.m. to 10:00 p.m. The Township Board may, in its sole discretion, allow a higher noise level only if the owner of the non-participating parcel signs a waiver consenting to a specific higher noise level and the waiver is recorded with the Montcalm County Register of Deeds
- b. **Participating parcel:** Maximum noise/sound levels must not exceed 40 dB(A) LMAX from 10:00 p.m. to 7:00 a.m. or 45 dB(A) LMAX from 7:00 a.m. to 10:00 p.m. at the exterior of an inhabited structure. The Township Board may, in its sole discretion, allow a 5 db higher noise level only if the owner of the participating parcel signs a waiver consenting to the higher noise level and the waiver is recorded with the Montcalm County Register of Deeds.
- c. **Measurable Infrasonic Acoustic Sound Pressure Levels** from the SES must be less than 30 dB(A) from 10:00 p.m. to 7:00 a.m. and 40 dB(A) from 7:00 a.m. to 10:00 p.m. on a **non-participating parcel** and 40 dB(A) from 10:00 p.m. to 7:00 a.m. and 45 dB(A) from 7:00 a.m. to 10:00 p.m. on a **participating parcel** as totalized in the range of 0.1-20 Hz, using low-pass filtering, or by computing the log-subtraction of the Fast, C-weighted (dB(C) level from the Fast, unweighted SPL, at any location, outdoors or indoors, on any non-participating parcel. Time-level-averaging, if used, must be limited to 1-second or faster sampling. A minimum sampling rate of at least 10 times per second is required.

12. **Complaint Resolution Plan:** A plan for resolving complaints from the public or other property owners concerning the construction and operation of the SES in compliance with this ordinance is required.

APPROVAL STANDARD #22 APPLICABLE USES & REQUIREMENTS

USES: Level 3 Industrial Solar Energy Systems

REQUIRED CONDITIONS:

1. **Permitted Zoning Districts:** An ISES provides energy exclusively for offsite uses and is permitted in the Renewable Energy zoning district subject to review and approval of a Special Use Permit by the Planning Commission in accordance with the requirements and procedures of Chapter Fifteen herein.

2. **Application Requirements:** In addition to the Site Plan required by this ordinance, the applicant and the ISES must provide and meet the following requirements:

- a. **Proof of lease, option, easement or purchase agreement** for the parcel containing the proposed ISES.
- b. **Type of solar panel** to be used and any hazardous chemicals contained in the solar panels and measures to prevent leakage.
- c. **Characteristics:** Identify the type, size, rated power output, performance, safety and noise characteristics of the system.
- d. **Name and address of the manufacturer, and model of the ISES.**
- e. **Permits:** A list of all permits such as soil erosion, drainage, building, electrical and other permits required by County, State and Federal agencies to install the ISES.

- f. **Project details:** Identify installation time frame, project life, development phases, likely markets for the generated energy, and possible future expansions.
- g. **Elevation drawings, detailed computer and/or photographic simulations** and other models and visual aids showing the ISES with all related facilities as they will appear on the proposed site.
- h. **Maintenance:** A written description of the maintenance program to be used to maintain the ISES, type of ground cover and necessary maintenance, and the anticipated construction schedule.
- i. **Digital versions of all planning and construction documents** required pursuant to Chapter Sixteen, Site Plan Review. Digital submittals are in addition to paper plans and do not replace any current submission requirements. Digital versions shall be submitted in PDF (Adobe Acrobat/Portable Document File) format.
- j. **Glare:** Evidence that the ISES will not create a glare for persons off site or airplane operators.
- k. **Distance from the proposed ISES** solar panels to the nearest habitable dwelling unit on a parcel which does not contain the ISES.
- l. **Security:** A security plan detailing on-site security provisions which may include fencing, full-time security guards, video surveillance, and similar methods.
- m. **Construction waste:** A construction waste management plan detailing the methods of waste disposal of the cardboard, wood, scrap metal, and scrap wire resulting from construction of the ISES.
- n. **Landscaping:** A landscaping plan illustrating the number, size, type and spacing of trees proposed to screen the ISES from nearby roadways.
- o. **Additional information** as required by this ordinance, or as may be required by the Planning Commission.
- p. **The Planning Commission** may waive or modify the above requirements at the request of the applicant/owner/operator if the commission determines that those items would not be needed to properly review the project.
- q. **Complaint Resolution Plan:** A plan for resolving complaints from the public or other property owners concerning the construction and operation of the ISES in compliance with this ordinance is required. A three-member committee consisting of the Township's Zoning Administrator and two members of the Planning Commission as appointed by the Township Board will investigate each complaint, with all expenses (including professional fees) drawn from the escrow account.
- r. **Decommissioning:** A decommissioning and land reclamation plan describing the actions to be taken following the abandonment or discontinuation of the ISES, including evidence of proposed commitments with property owners to ensure proper final reclamation, repairs to roads, and other steps necessary to fully remove the ISES and restore the subject parcels, which is subject to the Township's review and approval. This plan shall not exceed 6 months.
- s. **Financial security** that meets the requirements of this section, which is subject to the Township's review and approval.

- t. **A transportation plan** for construction and operation phases, including any applicable agreements with the County Road Commission and Michigan Department of Transportation, which is subject to the Township's review and approval.
- u. **Indemnification:** An attestation that the applicant/owner/operator will indemnify and hold the Township harmless from any costs or liability arising from the approval, installation, construction, maintenance, use, repair, or removal of the ISES, which is subject to the Township's review and approval.
- v. **Hydrologic, Groundwater, and Soils Impact Study and testing:** A hydrologic, groundwater, and soils impact study and report and soil erosion plan, all prepared by a Qualified Professional must be submitted with the application. The soil erosion plan, and the hydrologic, groundwater, and soils studies must be approved before the construction can start. In addition, the owner or operator shall thereafter obtain annual ground water and soils testing as recommended and prepared by a Qualified Professional and the results shall be included in the annual report required under this section. Such test results shall also be obtained and provided to the Township by the owner or operator of the ISES immediately following an Extraordinary Event, as defined in Section 3.z of this approval standard, and at such other times as the Township may reasonably require. The ISES company shall make reasonable efforts to minimize adverse impacts on water quality and soil erosion, during the construction phase and the life of the project. The construction, installation, operation, use, maintenance, repair and decommissioning of an ISES shall be in complete compliance with all applicable State and Federal environmental laws and regulations. Any environmental contamination, whether to the soils, ground water or otherwise, shall be promptly remediated as required under such laws and regulations. Should the owner or operator fail to do so, the Township shall have the right to pursue any and all remedies, including but not limited to, the revocation of permits and requiring the immediate removal of the entire ISES.
- w. **Environmental Assessment:** A written environmental assessment or impact study conducted by a Qualified Professional, which must evaluate the impact of the proposed ISES on rare or endangered species, eagles, birds, wildlife, rare or endangered plant species, and waterways. The study must be based on data from within a three-mile radius of the Township's boundaries.
- x. **Economic Impact Study:** A written economic impact study for the area affected by the ISES, including a forecast of the impact on jobs, tax revenue, lease payments, property values, and the growth of residential and business areas within the Township.
- y. **Fire and Emergency Plan:** A written fire suppression and emergency response plan, as well as safety data sheets that include the type and quantity of all materials used in the operation of all equipment, including all lubricants and coolants. The fire and emergency plan shall also include information establishing that there is adequate access to local fire and emergency vehicle resources and/or fire suppression equipment at each ISES project to suppress any fire or emergency including fires at the ISES project.
- z. **Stray Voltage Assessment:** A written report of stray voltage analyses, which must include a pre-construction stray voltage test performed by a Qualified Professional on all Michigan Department of Agriculture & Rural Development (MDARD) registered livestock facilities located within a one-mile radius of the parcels on which the ISES will be

constructed. The applicant must seek written permission from property owners prior to conducting testing on their property. The applicant is not required to perform testing on property for which the owners have refused to grant permission to conduct the testing.

- aa. **Application fee** in an amount set by resolution or fee schedule approved by the Township Board.
- bb. **A deposit for an escrow account** in an amount set by resolution or fee approved by the Township Board. The escrow account is used to cover all costs and expenses associated with the special land use review and/or approval process, which costs can include, but are not limited to, review fees of the Township Attorney, Township Planner, and Township Engineer, as well as any reports or studies which the Township anticipates will be required during the review and/or approval process for the application. At any point during the review process, the Township may require that the applicant place additional monies into escrow with the Township if the existing escrowed funds on account with the Township will be insufficient, in the determination of the Township, to cover any remaining costs or expenses with the review and/or approval process. If additional funds are required by the Township to be placed in escrow and the applicant refuses to do so within 14 days after receiving notice, the Township will cease the zoning review and/or approval process until and unless the applicant makes the required escrow deposit. Any escrow amounts in excess of actual cost will be returned to the applicant.
- cc. **A copy of any power purchase agreement** or other written agreement that the applicant has with an electric utility or any agreement or approval for interconnection between the proposed ISES and an electric utility or transmission company.

3. Requirements for Industrial SES

- a. **Mounting:** Industrial ISES shall be ground mounted.
- b. **Parcel size:** The minimum parcel size for an ISES shall be 40 acres. A parcel containing an ISES shall not require frontage on a public street.
- c. **Setbacks:** The solar panels in an ISES shall comply with the following minimum setbacks:
 - i. **Front:** 500 feet from each front lot line.
 - ii. **Side and rear:** 500 feet from the side and rear lot lines.
 - iii. **Wetlands** (includes creek bottoms measuring more than 5 acres): 2640 feet.
 - iv. **From any lake and the Flat River:** 1 mile.
 - v. **From drains:** 100 feet.
 - vi. The ISES must be accessible by one or more access driveways to allow emergency vehicles in the event of a fire or other emergency. Access driveways/roads must be located at least 450 feet from any non-participating parcel, unless the owner of the non-participating parcel has signed a waiver that is recorded with the County Register of Deeds. Access drives are subject to the approval of the County Road Commission to the extent of the Road Commission's jurisdiction. All access drives and roads within the site shall be adequately maintained for emergency vehicle use, including winter maintenance.
 - vi. **From drains:** 100 feet.

- vii. The Planning Commission may require a greater setback to ensure compatibility with adjacent land uses.
- viii. If a single ISES is located on more than one lot, or if the adjacent parcel is owned by the same owner as the property on which the ISES is located, then the lot line setbacks of this subsection do not apply to the lot lines shared by those lots.
- d. **Height:** Shall not exceed a height of 12 feet when oriented at maximum tilt.
- e. **Transmission lines:** Use of above ground transmission lines for interconnections with a public utility shall be prohibited within the site unless required by the offsite public utility company which is receiving the energy produced by the ISES.
- f. **Safety/Access:** A security fence shall be placed around the perimeter of the ISES with a locked gate. Knox boxes and keys shall be provided at locked entrances for emergency personnel access subject to approval of the Township Fire Chief. The fence shall be chain link with three strands of barbed wire at the top and be at least six feet high.
- g. **Interconnection:** The facility shall be designed for interconnection to a public utility electrical power grid and shall be operated with such interconnection. All electrical interconnection or distribution lines shall comply with all applicable codes. The applicant shall provide evidence to the Township of approval from the applicable utility company.
- h. **Surface Materials:** The portion of the premises on which the array of collector panel structures is located shall not be paved with asphalt or covered with any other surface material that is impervious to rainwater.
- i. **Drainage:** System shall include lined retention pond(s) designed to prevent potential contamination from reaching the nearest wetlands or bodies of water.
- j. **Greenbelt Screening:** Plantings shall be installed around the perimeter of the parcel or parcels containing the ISES within 90 days or as otherwise approved by the Planning Commission. Two staggered rows running the length of the property line (where solar panels are present) that are 15 feet apart containing deciduous or conifer trees that are 15 feet apart (trunk to trunk) is required. The Planning Commission may modify the landscaping requirement depending upon the location of existing plant material on the site or if additional plantings are needed to buffer existing land uses. Trees shall be of a species native to the area and shall be a minimum of 6 feet tall when planted and remain in good condition for the life of the project, including replacing dead trees.
- k. **Lot Area Coverage:** No more than 20% of the total lot area may be included in a Solar Energy Project.
- l. **Noise.** The noise generated by an ISES must not exceed the following limits:
 - i. **Nonparticipating parcel:** Noise levels produced by the ISES must not exceed maximum sound levels: 30 dB(A) LMAX from 10:00 p.m. to 7:00 a.m. or 40 dB(A) LMAX from 7:00 a.m. to 10:00 p.m. The Township Board may, in its sole discretion, allow a higher noise level only if the owner of the non-participating parcel signs a waiver consenting to a specific higher noise level and the waiver is recorded with the Montcalm County Register of Deeds.
 - ii. **Participating parcel:** Noise levels must not exceed 40 dB(A) LMAX from 10:00 p.m. to 7:00 a.m. or 45 dB(A) LMAX from 7:00 a.m. to 10:00 p.m. at the exterior of an inhabited structure. The Township Board may, in its sole discretion,

allow a 5 db higher noise level only if the owner of the participating parcel signs a waiver consenting to the higher noise level and the waiver is recorded with the Montcalm County Register of Deeds.

iii. Measurable Infrasonic Acoustic Sound Pressure Levels from the ISES must be less than 30 dB(A) from 10:00 p.m. to 7:00 a.m. and 40 dB(A) from 7:00 a.m. to 10:00 p.m. on a **non-participating parcel** and 40 dB(A) from 10:00 p.m. to 7:00 a.m. and 45dB(A) from 7:00 a.m. to 10:00 p.m. on a **participating parcel** as totaled in the range of 0.1-20 Hz, using low-pass filtering, or by computing the log-subtraction of the Fast, C-weighted (dB(C) level from the Fast, unweighted SPL, at any location, outdoors or indoors, on any non-participating parcel.

Time-level-averaging, if used, must be limited to 1-second or faster sampling. A minimum sampling rate of at least 10 times per second is required.

- m. **Noise Compliance:** The Township may, from time to time, measure whether the ISES is complying with the maximum noise levels under this ordinance. Compliance measurements are the financial responsibility of the applicant or operator and must be independently performed by a Qualified Professional selected by the Township.
- n. **Inverter barrier:** In addition to the above limitations, a sound barrier of a solid decorative masonry wall or evergreen tree berm, with trees spaced not more than 10 feet apart, must be constructed to reduce noise levels surrounding all inverters. The berm must be no more than ten (10) feet from all inverters, must be at least as tall as all inverters but not more than three (3) feet taller than the height of all inverters.
- o. **Drain Tile Inspections:** The ISES must be maintained in working condition at all times while in operation. The applicant or operator must inspect all drain tiles at least once every three years by means of a robotic camera, with the first inspection occurring before the ISES is in operation. The applicant or operator must submit proof of the inspection to the Township. The owner or operator must repair any damage or failure of the drain tile within sixty (60) days after discovery and submit proof of the repair to the Township. The Township is entitled, but not required, to have a representative present at each inspection or to conduct an independent inspection.
- p. **Road Repairs:** If any public or private roads are damaged as a result of the construction or operation of the SES, the applicant or operator must repair the damage at their expense pursuant to all County Road Commission requirements. Repairs must be performed within 90 days after construction is complete (but no more than 365 days after the damage occurs) or within 90 days after the damage occurs if the construction is already complete.
- q. **Stray Voltage Assessments:** No stray voltage originating from an ISES may be detected on any participating or non-participating property. A preconstruction stray voltage test shall be conducted on all Michigan Department of Agriculture & Rural Development (MDARD) registered livestock facilities located within a one-mile radius of the Participating Properties. The tests shall be performed by an investigator approved by the Township. A report of the tests shall be provided to the owners of all property included in the study area. The applicant/landowner shall seek written permission from the property owners prior to conducting testing on such owners' property. Applicants/landowners shall not be required to perform testing on property where the

owners have refused to grant permission to conduct the testing. The owner of any participating property included in the list of project parcels shall not refuse the stray voltage testing if they have a MDARD registered livestock facility on the participating property.

- r. **Decommissioning Plan:** The applicant/owner/operator shall submit a decommissioning plan which shall address the following:
 - i. **Defined conditions** upon which decommissioning will be initiated (i.e., end of land lease, no power production for six months, obsolete equipment and similar circumstances).
 - ii. **Useful life:** A description as to how the useful life of the system will be determined and who will make this determination.
 - iii. **Removal** of all non-utility owned equipment, conduit, structures, fencing, roads, and building foundations.
 - iv. **Restoration** of property to the condition prior to development of the ISES including measures to ensure that soils are not contaminated, as determined by an independent third party chosen by the Township at the expense of the applicant, during decommissioning.
 - v. **Timeframe** for completion of decommissioning activities in accordance with this ordinance, not to exceed 6 months.
 - vi. **Cost Estimate:** An engineer's cost estimate for all aspects of the decommissioning plan kept current and updated every two years.
 - vii. **Additional Agreements:** Description of any additional agreement with the landowner regarding decommissioning.
 - viii. **Provisions** for updating the decommissioning plan.
 - ix. **Responsibility:** A Statement signed by the owner or operator that they take full responsibility for reclaiming the site in accordance with the decommissioning plan and the Special Land Use Permit upon cessation of use.
 - x. **Financial Guarantee:** The Planning Commission shall require that the applicant/owner/operator provide a financial guarantee to cover the costs of decommissioning the site in accordance with this section.
 - xi. **Fill /Cover:** The site must be filled and covered with clean, screened topsoil, free from contaminants and restored with a suitable cover crop, and restored to a State compatible with the surrounding vegetation.
 - xii. The Township shall have the right to seek injunctive relief to effect or complete decommissioning, as well as the right to seek reimbursement from the owner/operator or landowner for decommissioning costs in excess of the amount deposited in escrow and to file a lien against any real property owned by the owner/operator or landowner for the amount of the excess, and to take all steps allowed by law to enforce said lien.
- s. **Insurance:**
 - i. **Indemnification:** The applicant/owner/operator/landowners shall indemnify, defend and hold harmless the applicant, owner, operator, landowners and Douglass Township, all as additional named insureds, against any and all claims arising out of the existence, operation or failure of the ISES.

- ii. **Liability:** The applicant/owner/operator/ shall procure comprehensive general liability, casualty, wrongful acts insurance policies, and any other policies customary to the solar energy system industry. This insurance shall be in the amount of \$10 million per occurrence. The Planning Commission may adjust these amounts periodically to reflect inflation.
 - iii. **Maintenance:** The applicant/owner/operator/ shall maintain these insurances for the duration of the construction, operation, decommissioning, removal and site restoration of the ISES. The insurance carrier shall be instructed to provide Douglass Township with certificates of the existence of such insurances within 30 days (during which time the Township shall not be responsible for any liability, casualty, or wrongful acts) and shall be instructed to notify the Township if such insurances expire for any reason. Failure of the applicant/owner/operator to maintain these insurances at all times may result in termination of the permit.
- t. **Certification of Compliance:** The applicant/owner/operator shall provide certification to the Township that the applicant/owner/operator has complied or will comply with all applicable County, State and Federal laws and regulations before a building permit is issued by the Township.
- u. **Administration Costs Initial Application and Ongoing:**
 - i. **Escrow:** For each ISES application, the applicant/owner/operator shall deposit into an escrow account the amount of \$25,000. The purpose of this joint escrow account is to reimburse Douglass Township for its costs incurred to hire consultants and experts as the Township, at its sole discretion, deems desirable to examine, evaluate and verify the data and Statements presented by the applicant/owner/operator and:
 - ii. **For the life of each ISES,** to cover the administrative and legal costs incurred by Douglass Township in monitoring and enforcing the applicant/owner/operator and landowner's ongoing compliance with the ordinance.
- v. **Management:**
 - i. funds can be withdrawn from this account only by the signature of a Township designee.
 - ii. if at any time the balance of this account shall fall below \$10,000, the applicant/owner/operator shall deposit additional funds to restore the account to a \$25,000 balance.
 - iii. if at any time the balance of this fund shall fall below \$10,000 for a continuous period of thirty days, the application shall be considered to have been withdrawn, or the permit for the ISES may be terminated.
 - iv. the Township Clerk or Township designee shall be charged with monitoring the escrow account and giving quarterly reports to the Planning Commission. After the ISES has been removed and site restoration has been completed, as defined in this ordinance, any balance remaining in this account shall be returned to the applicant/owner/operator.
- w. **Removal Cost Guarantee:** Cost of removal and site restoration is the full responsibility of the applicant and/or owner/operator. In order to provide the greatest possible financial

assurance that there will be sufficient funds to remove the ISES and to restore the site, the following steps shall be followed:

- i. for each ISES, the applicant/owner/operator shall determine an amount of money equal to the estimated removal and restoration cost. The Planning Commission shall require independent verification of the adequacy of this amount which shall be reviewed every two years and is subject to change per recommendation of the Planning Commission.
 - ii. this money shall be deposited in an escrow account specified by Douglass Township, which may be an interest-bearing account. A surety bond, letter of credit, or other financial promise shall not be accepted.
 - iii. withdrawals will be made from this account, solely by Douglass Township or its designee, only to pay for removal and site restoration of the ISES as provided for in this ordinance.
 - iv. any funds left in the account for each ISES after removal and site restoration shall be returned by Douglass Township to the applicant/owner/operator.
 - v. this financial security must be posted within fifteen (15) business days after approval of the special land use application.
- x. **Transferability:** A Special Use Permit for an ISES is transferable to a new owner. The new owner must register its name and business address with the Township and must comply with this ordinance and all approvals and conditions issued by the Township.
- y. **Landowner Responsibility:** In the event the ISES owner, operator, parent company, performance bond defaults on any or all of the previously outlined decommissioning requirements, the landowner of the participating parcel upon which each ISES is located (the "participating landowner") shall be responsible and liable for the removal of each ISES in accordance with this ordinance. In the event the participating landowner fails to comply with the removal and decommissioning requirements, the Township shall have the right to remove the ISES at the expense of the participating landowner. If funding is not available to cover the costs of removal by the participating landowner, the Township is authorized to take legal action to pursue the seizure of participating landowner property(ies) to cover such costs.
- z. **Extraordinary Events:** If the ISES experiences a failure, fire, storm damage, leakage of hazardous materials, vandalism, property damage, personal injury, or other extraordinary or catastrophic event, (an "Extraordinary Event"), the applicant or operator must notify the Township as soon as reasonably possible after the occurrence of any such event but not later than 24 hours thereafter.
- aa. **Annual Report:** The applicant or operator must submit a written report on or before January 1 of each year that includes all of the following:
 - i. Current proof of insurance
 - ii. Verification of financial security
 - iii. Summary of all complaints, complaint resolutions, and extraordinary events
 - iv. Description of how the applicant or operator has complied with the written plans submitted in connection with its application.
 - v. Results of the environmental testing required under this section.

bb. Violations of Ordinance:

- i. Following notice and an opportunity to be heard, the Township may revoke any approvals for, and require the removal of, any ISES that does not comply with this section or Chapter Fifteen.
- ii. **Violations:** In addition to any other remedies in this section, violations of this section or Chapter Fifteen also constitute a municipal civil infraction in accordance with Chapter Twenty Three of this ordinance. Each day that a violation occurs or continues constitutes a separate offense and is subject to penalties or sanctions as a separate offense under Chapter Twenty Three.
- iii. In addition to any other remedies set forth in this ordinance, the Township may bring an action for damages or for an injunction or other action to restrain, prevent, or abate any violation of this section and recover any and all costs, including the Township's actual attorney fees and costs.

4. Solar Energy Systems under PA 233:

On or after November 29, 2024, once PA 233 of 2023 is in effect, the following provisions apply to Solar Energy Systems with a nameplate capacity of 50 megawatts or more. To the extent these provisions conflict with the provisions in the subsections above (regulating Solar Energy Systems), the provisions below control as to such Solar Energy Systems. All provisions in the subsections above that do not conflict with this subsection remain in full force and effect. This subsection does not apply if PA 233 of 2023 is repealed, enjoined, or otherwise not in effect, and does not apply to Solar Energy Systems with a nameplate capacity of less than 50 megawatts.

- A. Setbacks:** Solar Energy Systems must comply with the following minimum setback requirements, with setback distances measured from the nearest edge of the perimeter fencing of the facility:

Setback description	Setback distance
Occupied community buildings and dwellings on nonparticipating properties	300 feet from the nearest point on the outer wall
Public road right of way	50 measured from the nearest edge of a public road right of way
nonparticipating properties	50 measured from the nearest shared property line

- B. Fencing:** Fencing for the Solar Energy Systems must comply with the latest version of the National Electric Code as November 29, 2024, or as subsequently amended.
- C. Height:** Solar panel components must not exceed a maximum height of 25 feet above ground when the arrays are at full tilt.
- D. Noise:** The Solar Energy Systems must not generate a maximum sound in excess of 55 average hourly decibels as modeled at the nearest outer wall of the nearest dwelling

located on an adjacent nonparticipating property. Decibel modeling shall use the A-weighted scale as designed by the American National Standards Institute.

- E. Lighting:** The Solar Energy Systems must implement dark sky friendly lighting solutions.
- F. Environmental regulations:** The Solar Energy Systems must comply with applicable State or Federal environmental regulations.
- G. Host community agreement:** The applicant shall enter into a host community agreement with the Township. The host community agreement shall require that, upon commencement of any operation, the Solar Energy Systems owner must pay the Township \$2,000.00 per megawatt of nameplate capacity. The payment shall be used as determined by the Township for police, fire, public safety, or other infrastructure, or for other projects as agreed to by the local unit and the applicant.

APPROVAL STANDARD #23 APPLICABLE USES & REQUIREMENTS

USES: Utility Scale Battery Storage Facilities

REQUIRED CONDITIONS:

General Provisions: All Utility-Scale Battery Energy Storage Systems are subject to the following requirements:

- A.** All Utility-Scale Battery Energy Storage Systems must conform to the provisions of this ordinance and all County, State, and Federal regulations and safety requirements, including applicable building codes, applicable industry standards, and NFPA 855 “Standard for the Installation of Stationary Energy Storage Systems”.
- B.** The Township may enforce any remedy or enforcement, including but not limited to the removal of any Utility-Scale Battery Energy Storage System pursuant to the Zoning Ordinance or as otherwise authorized by law if the Utility-Scale Battery Energy Storage System does not comply with this ordinance.
- C.** Utility-Scale Battery Energy Storage Systems are permitted in the Township as a conditional use only in the RO – Renewable Energy Overlay District (Chapter Fourteen).

1. Requirements: The applicant for a Utility-Scale Battery Energy Storage System must provide the Township with all of the following:

- A. Application fee** in an amount set by resolution of the Township Board.
- B. A list of all parcel numbers** that will be used by the Utility-Scale Battery Energy Storage System; documentation establishing ownership of each parcel; and any lease agreements, easements, or purchase agreements for the subject parcels.
- C. An operations agreement** setting forth the operations parameters, the name and contact information of the operator, the applicant’s inspection protocol, emergency procedures, and general safety documentation.
- D. Current photographs** of the subject property.

E. A Site Plan that includes all proposed structures and the location of all equipment, as well as all setbacks, the location of property lines, signage, fences, greenbelts and screening, drain tiles, easements, floodplains, bodies of water, proposed access routes, and road right of ways. The Site Plan must be drawn to scale and must indicate how the Utility-Scale Battery Energy Storage System will be connected to the power grid.

F. A copy of the applicant's power purchase agreement or other written agreement with an electric utility showing approval of an interconnection with the proposed Utility-Scale Battery Energy Storage System.

G. A written plan for maintaining the subject property, including a plan for maintaining and inspecting drain tiles and addressing stormwater management, which is subject to the Township's review and approval.

H. A decommissioning and land reclamation plan describing the actions to be taken following the abandonment or discontinuation of the Utility-Scale Battery Energy Storage System, including evidence of proposed commitments with property owners to ensure proper final reclamation, repairs to roads, and other steps necessary to fully remove the Utility-Scale Battery Energy Storage System and restore the subject parcels, which is subject to the Township's review and approval.

I. Financial security that meets the requirements of this section, which is subject to the Township's review and approval.

J. A plan for resolving complaints from the public or other property owners concerning the construction and operation of the Utility-Scale Battery Energy Storage System, which is subject to the Township's review and approval.

K. A plan for managing any hazardous waste, which is subject to the Township's review and approval.

L. A fire protection plan, which identifies the fire risks associated with the Utility-Scale Battery Energy Storage System; describes the fire suppression system that will be implemented; describes what measures will be used to reduce the risk of fires re-igniting (i.e., implementing a "fire watch"); identifies the water sources that will be available for the local fire department to protect adjacent properties; identifies a system for continuous monitoring, early detection sensors, and appropriate venting; and explains all other measures that will be implemented to prevent, detect, control, and suppress fires and explosions.

M. A transportation plan for construction and operation phases, including any applicable agreements with the Montcalm County Road Commission and Michigan Department of Transportation, which is subject to the Township's review and approval.

N. An attestation that the applicant will indemnify and hold the Township harmless from any costs or liability arising from the approval, installation, construction,

maintenance, use, repair, or removal of the Utility-Scale Battery Energy Storage System, which is subject to the Township's review and approval.

O. Proof of environmental compliance, including compliance with Part 31, Water Resources Protection, of the Natural Resources and Environmental Protection Act; (MCL 324.3101 et. seq.; Part 91, Soil Erosion and Sedimentation Control (MCL 324.9101 et. seq.) and any corresponding County ordinances; Part 301, Inland Lakes and Streams, (MCL 324.30101 et. seq.); Part 303, Wetlands (MCL 324.30301 et. seq.); Part 365, Endangered Species Protection (MCL 324.36501 et. seq.); and any other applicable laws and rules in force at the time the application is considered by the Township.

P. Any additional information or documentation requested by the Planning Commission, Township Board, or other Township Representative.

2. System and Location Requirements: The site development requirements shall meet or exceed all of the requirements in the underlying district and all of the following:

A. Lighting of the Utility-Scale Battery Energy Storage System is limited to the minimum light necessary for safe operation. Illumination from any lighting must not extend beyond the perimeter of the lot(s) used for the Utility-Scale Battery Energy Storage System. The Utility-Scale Battery Energy Storage System must not produce any glare that is visible to neighboring lots or to persons traveling on public or private roads.

B. Security Fencing must be installed around all electrical equipment related to the Utility-Scale Battery Energy Storage System. Appropriate warning signs must be posted at safe intervals at the entrance and around the perimeter of the Utility-Scale Battery Energy Storage System.

C. Noise generated by a Utility-Scale Battery Energy Storage System must not exceed 45 dB(A) LMAX, as measured at the property line of any adjacent parcel.

D. Underground Transmission: All power transmission or other lines, wires, or conduits from a Utility-Scale Battery Energy Storage System to any building or other structure must be located underground at a depth that complies with current National Electrical Code standards, except for power switchyards or the area within a substation.

E. Drain Tile Inspections: The Utility-Scale Battery Energy Storage System must be maintained in working condition at all times while in operation. The applicant or operator must inspect all drain tiles at least once every three years by means of robotic camera, with the first inspection occurring before the Utility-Scale Battery Energy Storage System is in operation. The applicant or operator must submit proof of the inspection to the Township. The owner or operator must repair any damage or failure of the drain tiles within sixty (60) days after discovery and submit proof of the repair to the Township. The Township is entitled, but not required, to have a representative present at each inspection or to conduct an independent inspection.

F. Fire Protection:

- a. Before any construction of the Utility-Scale Battery Energy Storage System begins, the Township's fire department (or fire department with which the Township contracts for fire service) will review the fire protection plan submitted with the application. The Fire Chief will determine whether the fire protection plan adequately protects the Township's residents and property and whether there is sufficient water supply to comply with the fire protection plan and to respond to fire or explosion incidents. If the Fire Chief determines that the plan is adequate, then the Fire Chief will notify the Township Supervisor or his or her designee of that determination. If the Fire Chief determines that the plan is inadequate, then the Fire Chief may propose modifications to the plan, which the applicant or operator of the Utility-Scale Battery Energy Storage System must implement. The Fire Chief's decision may be appealed to the Township Board, and the Township Board will hear the appeal at an open meeting. The Township Board may affirm, reverse, or modify the Fire Chief's determination. The Township Board's decision is final, subject to any appellate rights available under applicable law.
- b. The applicant or operator may amend the fire protection plan from time-to-time in light of changing technology or other factors. Any proposed amendment must be submitted to the fire department for review and approval under subsection (a), above.
- c. The Utility-Scale Battery Energy Storage System must comply with the fire protection plan as approved by the Fire Chief (or as approved by the Township Board in the event of an appeal).

G. Insurance: The applicant or operator will maintain property/casualty insurance and general commercial liability insurance in an amount of at least \$5 million per occurrence. Douglass Township shall be listed as an additional insured on the policy at all times.

H. Permits: All required County, State, and Federal permits must be obtained before the Utility-Scale Battery Energy Storage System begins operating. A building permit is required for construction of a Utility-Scale Battery Energy Storage System, regardless of whether the applicant or operator is otherwise exempt under State law.

I. Decommissioning: If a Utility-Scale Battery Energy Storage System is abandoned or otherwise non operational for a period of one year, the property owner or the operator must notify the Township and must remove the system within six (6) months after the date of abandonment. Removal requires receipt of a demolition permit from the building official and full restoration of the site to the satisfaction of the Zoning Administrator. The site must be filled and covered with topsoil and restored to a State compatible with the surrounding vegetation. The requirements of this subsection also apply to a Utility-Scale Battery Energy Storage System that is never fully completed or operational if construction has been halted for a period of one (1) year.

J. Financial Security: To ensure proper decommissioning of a Utility-Scale Battery Energy Storage System upon abandonment, the applicant must post financial security in the form of a security bond or escrow payment in an amount equal to 125% of the total estimated cost of decommissioning, code enforcement, and reclamation, which cost estimate must be approved by the Township. The operator and the Township will review

the amount of the financial security every two (2) years to ensure that the amount remains adequate. This financial security must be posted within fifteen (15) business days after approval of the special use application.

K. Extraordinary Events: If the Utility-Scale Battery Energy Storage System experiences a failure, fire, leakage of hazardous materials, personal injury, or other extraordinary or catastrophic event, the applicant or operator must notify the Township within 24 hours.

L. Annual Report: The applicant or operator must submit a report on or before January 1st of each year that includes all of the following:

1. Current proof of insurance;
2. Verification of financial security; and
3. A summary of all complaints, complaint resolutions, and extraordinary events.

M. Inspections: The Township may inspect a Utility-Scale Battery Energy Storage System at any time by providing 24 hours advance notice to the applicant or operator.

N. Transferability: A Special Use Permit for a Utility-Scale Battery Energy Storage System is transferable to a new owner. The new owner must register its name and business address with the Township and must comply with this ordinance and all approvals and conditions issued by the Township.

O. Remedies: If an applicant or operator fails to comply with this ordinance, the Township may pursue any remedy or enforcement, including but not limited to the removal of any Utility-Scale Battery Energy Storage System pursuant to the Zoning Ordinance or as otherwise authorized by law. Additionally, the Township may pursue any legal or equitable action to abate a violation and recover any and all costs, including the Township's actual attorney fees and costs.

3. Utility-Scale Battery Energy Storage Systems under PA 233

On or after November 29, 2024, once PA 233 of 2023 is in effect, the following provisions apply to Utility-Scale Battery Energy Storage Systems with a nameplate capacity of 50 megawatts or more and an energy discharge capability of 200 megawatt hours or more. To the extent these provisions conflict with the provisions in subsections 1-4 above, these provisions control such Utility-Scale Battery Energy Storage Systems. This subsection does not apply if PA 233 of 2023 is repealed, enjoined, or otherwise not in effect, and does not apply to Battery Energy Storage Systems with a nameplate capacity of less than 50 megawatts. All provisions in subsections 1-4 above that do not conflict with this subsection remain in full force and effect.

A. Setbacks: Utility-Scale Battery Energy Storage Systems must comply with the

following minimum setback requirements, with setback distances measured from the nearest edge of the perimeter fencing of the facility:

Setback description	Setback distance
Occupied community buildings and dwellings on nonparticipating properties	300 feet from the nearest point on the outer wall
Public road right-of-way	50 feet measured from the nearest edge of a public road right-of-way
Nonparticipating properties	50 feet measured from the nearest shared property line

- B. Installation:** The Utility-Scale Battery Energy Storage System must comply with the version of NFPA 855 “Standard for the Installation of Stationary Energy Storage Systems” in effect on the effective date of the amendatory act that added this section or any applicable successor standard.
- C. Noise:** The Utility-Scale Battery Energy Storage System must not generate a maximum sound in excess of 55 average hourly decibels as modeled at the nearest outer wall of the nearest dwelling located on an adjacent nonparticipating property. Decibel modeling shall use the A-weighted scale as designed by the American National Standards Institute.
- D. Lighting:** The Utility-Scale Battery Energy Storage System must implement dark sky-friendly lighting solutions.
- E. Environmental Regulations:** The Utility-Scale Battery Energy Storage System must comply with applicable State or Federal environmental regulations.
- F. Host community agreement:** The applicant shall enter into a host community agreement with the Township. The host community agreement shall require that, upon commencement of any operation, the Utility-Scale Battery Energy Storage System owner must pay the Township \$2,000.00 per megawatt of nameplate capacity. The payment shall be used as determined by the Township for police, fire, public safety, or other infrastructure, or for other projects as agreed to by the local unit and the applicant.

APPROVAL STANDARD #24 APPLICABLE USES & REQUIREMENTS

USES: Commercial WECS

REQUIRED CONDITIONS & APPLICATION REQUIREMENTS

1. Applicability: The requirements in this Subsection apply to all Commercial WECS and WECS Testing Facilities. Any reference to “Commercial WECS” in this subsection also includes WECS Testing Facilities. Commercial WECS are permitted in the Renewable Energy Overlay District.

2. Township approvals required: A special land use permit and Site Plan approval are required for all Commercial WECS.

3. Application contents: The Township is not required to accept or process an incomplete or facially insufficient application. An application for a special land use permit for a Commercial WECS must include all of the following:

- A. Fee:** Application fee in an amount set by resolution of the board.
- B. Parcel Information:** A list of all parcel numbers that will be used by the Commercial WECS; documentation establishing ownership of each parcel; and any lease agreements, land contracts, licenses, easements, or purchase agreements for the subject parcels.
- C. Operations Agreement:** An operations agreement setting forth the operations parameters, the name and contact information of the certified operator, the applicant's inspection protocol, emergency procedures, and general safety documentation.
- D. Visual Depiction:** Current photographs of the subject property and a visual depiction (computer generated) of the subject property with the Commercial WECS installed, viewed from multiple perspectives.
- E. Site Plan:** A Site Plan that complies with Chapter Sixteen of the Zoning Ordinance and that includes:
 - i. the locations and heights of all proposed structures and the location of all equipment, transformers, substations, towers, electrical lines (underground), guy wires, guy wire anchors, and other structures.
 - ii. the locations and height of all adjacent buildings, structures, and above-ground utilities.
 - iii. the location, dimensions, composition, and proposed maintenance plan for all access driveways.
 - iv. all setbacks and the location of property lines, signage, fences, greenbelts and screening, drain tiles, easements, floodplains, bodies of water, and road rights of way.
 - v. a depiction of how the Commercial WECS will be connected to the power grid.
- F. Power Purchase Agreement:** A copy of the applicant's power purchase agreement or other written agreement with an electric utility showing approval of an interconnection with the proposed Commercial WECS.
- G. Maintenance Plan:** A written plan for maintaining the subject property, including a plan for maintaining and inspecting drain tiles and addressing stormwater management.
- H. Decommissioning Plan:** A decommissioning and land reclamation plan describing the actions to be taken following the abandonment or discontinuation of the

Commercial WECS, including evidence of proposed commitments with property owners to ensure proper final reclamation, repairs to roads, and other steps necessary to fully remove the Commercial WECS and restore the subject parcels. The decommissioning plan must include a Decommissioning Report which includes the following information and the information required under Subsection 9 (d):

- i. the useful life of each type and size of turbine in the project;
- ii. the anticipated life of the project
- iii. a method of ensuring that funds will be available for decommissioning and restoration;
- iv. the anticipated manner in which the project will be decommissioned and the site restored to original condition; and
- v. a detailed policy and process book for the repair, replacement, and removal of malfunctioning, defective, worn, or non-compliant WECS components.

I. Waste: A plan for managing any hazardous waste and other refuse from the construction or operation of the Commercial WECS, including a description of the disposal plan for obsolete, damaged, or retired equipment (including turbines). No such materials shall be stored or maintained on any property for longer than 30 days.

J. Security Plan: A description of the security system that will be used to protect the Commercial WECS from trespassing and vandalism and to protect the public health, safety, and welfare.

K. Transportation Plan for construction and operation phases, including any applicable agreements with the Montcalm County Road Commission and Michigan Department of Transportation, which is subject to the Township's review and approval.

L. Environmental Assessment: A written environmental assessment and impact study conducted by a Qualified Professional, which must evaluate the impact of the proposed Commercial WECS on rare or endangered species, eagles, birds, wildlife, rare or endangered plant species, and waterways. The study must be based on data from within a three-mile radius of the Township's boundaries.

M. Hydrologic and Groundwater Impact Study and Report prepared by a Qualified Professional is required. A soil erosion plan must be submitted with the application. The soil erosion plan, hydrologic study and groundwater impact study must be approved before the construction can start. The Commercial WECS shall make reasonable efforts to minimize adverse impacts on water quality and soil erosion, particularly during the construction phase of the project. Any soil erosion must be mitigated within five (5) working days.

N. Sound Modeling Report for the project, which must include a map with sound contour lines for dB(A) Leq 1 second and dB(C) Leq 1 second sound emitted from the proposed WECS is required. The study must include a map (at 1:8000 scale or bigger) showing sound contours at 5 dB intervals, proposed wind turbine locations, participating and non-participating properties, and all occupied and unoccupied buildings. The applicant must identify each operational component of a wind turbine that will produce sound that will be audible at the property line of a non-participating parcel. The predicted values must include cumulative sound levels created by all existing, approved, and proposed turbines. The sound model and accompanying map must extend out to the 30 dB sound pressure contour line or 1 mile from a wind turbine generator, whichever is furthest from the nearest wind turbine. The modeling and analysis must confirm that the Commercial WECS will not exceed the maximum permitted sound pressure levels or the maximum permitted infrasonic acoustic pressure oscillations. Modeling and analysis must:

- i. comply with IEC 61400 and ISO 9613.
- ii. be set for the worst-case environment, such as high humidity (90%), frozen ground (non-porous), no ground cover ($G=0$), low temperature (below 0°C), and stable wind (Pasquill stability classes E and F).
- iii. include the WECS Manufacturer's uncertainty factor (minimum 2 dB) and the ISO 9613 uncertainty factor (minimum 3 dB).
- iv. modeling can be based on the WECS manufacturer data. However, measured data from existing and similar WECS facilities must be submitted with the modeling report.

O. Background Sound Study: A written pre-construction (ambient) sound study performed by a Qualified Professional, which must indicate the Leq 1, Leq 10, and Leq 90 sound levels using A-weighting and C-weighting, with data collected at the nearest non-participating property line. Measurement procedures must follow the most recent versions of ANSI S12.18 and ANSI S12.9, Part 3 guidelines (with an approved Qualified Professional present). Measurements must be taken using an ANSI or IEC Type 1 Precision Integrating Sound Level Meter. The study must include a minimum of a four-day (96 hour) testing period, including one Sunday, and produce data that includes a variety of ground and hub height wind speeds, at low (between 6-9 mph) medium (between 9-22 mph), and high (greater than 22 mph). The sound study must report for the period of the monitoring all topography, temperature, weather patterns, sources of ambient sound, and prevailing wind direction.

P. Economic Impact Study: A written study for the area affected by the Commercial WECS, including a forecast of the impact on jobs, tax revenue, lease payments, property values, and the growth of residential & business areas within the Township.

Q. Fire suppression and Emergency response plan: A written plan which must include an unredacted safety manual for each type and size of turbine proposed in the project, as well as safety data sheets that include the type and quantity of all materials used in the operation of all equipment, including all lubricants and coolants. The fire and emergency plan shall also include information establishing that there is adequate access to local fire and emergency vehicle resources and/or fire suppression equipment on each turbine to suppress any fire or emergency including fires within the frame and housing at the top of the turbine.

R. Stray Voltage Assessment: A written analyses, which must include a pre-construction stray voltage test performed by a Qualified Professional on all Michigan Department of Agriculture & Rural Development (MDARD) registered livestock facilities located within a one-mile radius of the parcels on which the Commercial WECS will be constructed. The applicant must seek written permission from property owners prior to conducting testing on their property. The applicant is not required to perform testing on property for which the owners have refused to grant permission to conduct the testing.

S. Lighting Plan: A written plan identifying the planned number and location of lights, light color, activation methods, and whether any lights blink. The lighting plan must comply with lighting requirements in this Ordinance.

T. Shadow Flicker Analysis: A written report describing potential shadow flicker created by each proposed wind turbine on public roads and at all non-participating parcel property lines with direct line-of-sight to a wind turbine.

U. Automatic De-Icing System: A description of the automatic de-icing system that the Commercial WECS will use to detect, heat, and melt ice on all turbine blades.

V. Security and Escrow: Deposit of the financial security and escrow accounts as required by this ordinance.

W. Proof of the insurance required under this ordinance.

X. Complaint Resolution Plan: A plan for resolving complaints from the public or other property owners concerning the construction and operation of the Commercial WECS in compliance with this ordinance.

Y. Compliance Certification that the applicant has complied or will comply with all applicable State and Federal laws and regulations. The applicant must provide a list of all permits, approvals, or authorizations required for the WECS by any local, County, State, or Federal government or their agencies. The applicant must submit copies of all permits and approvals that have been obtained or applied for at the time of the application. Note: Land enrolled in Michigan Farmland Preservation Program

through Part 361 of the Natural Resources and Environmental Protection Act, 1994 Act 451 as amended, more commonly known as PA 116, must receive approval from MDARD to locate a WECS on the property and provide documentation to the Township prior to construction. **All permits and approvals must be obtained before the applicant or operator begins any phase of construction**, as further set forth in this ordinance.

Z. Indemnification: An attestation that the applicant will indemnify and hold the Township harmless from any costs or liability arising from the approval, installation, construction, maintenance, use, repair, or removal of the Commercial WECS.

aa. Additional Compliance Information: To the extent not already provided in the items above, a description of how the Commercial WECS will comply with the standards and requirements of this ordinance.

4. Duty to supplement: The applicant has a continuing duty to supplement its application with information or documents that fulfill any of the application requirements. The applicant must also provide any additional information or documentation requested by the Planning Commission, Township Board, or other Township representative at any time, including after approval of the Commercial WECS.

5. Adequate review time: The applicant must submit all application materials at least 30 days before any Planning Commission meeting at which the application is to be discussed. The Planning Commission and Township Board are not obligated to consider any material that is not timely submitted. The Planning Commission or Township staff may, however, require the applicant to provide additional or supplemental information or documents at any time.

6. Facially insufficient applications: The Planning Commission is not obligated to consider or hold a public hearing on an application if the proposed Commercial WECS, based on the application and supporting materials, does not meet the requirements of this ordinance as determined by the Township Zoning Administrator. By way of example, and not limitation, if a proposed Commercial WECS will not include automatic de-icing systems on all turbines as required under this ordinance, then the Zoning Administrator may determine that the application is facially insufficient. The applicant may appeal the Township Zoning Administrator's decision of facial insufficiency to the Zoning Board of Appeals.

7. Commercial WECS: Noise Regulations:

A. Maximum Noise Levels must not exceed maximum sound levels as follows:

- i. on a **non-participating parcel**: 30 dB(A) LMAX from 10:00 p.m. to 7:00 a.m. or 40 dB(A) LMAX from 7:00 a.m. to 10:00 p.m. The Township Board may, in its sole discretion, allow a higher noise level only if the owner of the non-participating parcel signs a waiver consenting to a specific higher noise level and the waiver is recorded with

the Montcalm County Register of Deeds.

ii. **on a participating parcel:** 40 dB(A) LMAX from 10:00 p.m. to 7 a.m. or 45 dB(A) LMAX from 7:00 a.m. to 10:00 p.m. at the exterior of an inhabited structure. The Township Board may, in its sole discretion, allow a 5 db higher noise level only if the owner of the participating parcel signs a waiver consenting to the higher noise level and the waiver is recorded with the Montcalm County Register of Deeds.

- B. Noise Compliance:** The Township may, from time to time, measure whether the Commercial WECS is complying with the maximum noise levels under this ordinance. Compliance measurements are the financial responsibility of the applicant or operator and must be independently performed by a Qualified Professional selected by the Township.
- C. Noise Measurement:** The measurements require a Qualified Professional to be present. All noise measurements will exclude contributions from wind on microphone, tree/leaf rustle, flowing water, and natural sounds such as tree frogs and insects. The wind velocity at the sound measurement microphone must be between 2m/s (4.5 mph) and 4.5m/s (9 mph) during measurements. During testing of elevated sources, including WECS systems, the atmospheric profile must be relatively calm, Pasquill Stability Class D or calmer during the day and Class E or calmer during the night.
- D. Noise Level During Measurements:** Noise measurements will be conducted consistent with ANSI S12.18 Procedures for Outdoor Measurement of Sound Pressure Level ANSI S12.9 Part 3 (Quantities and Procedures for Description and Measurement of Environmental Sound – Part 3: Short-term Measurements with a Qualified Professional Present), using Type 1 meter, A-weighting, Fast Response.
- E. Tonal Noise:** Tonal noise will be assessed using unweighted (linear) 1/3 octave band noise measurements with time-series, level-versus-time data acquisition. A measurement constitutes prima facie evidence of a tonal noise condition if at any time (single sample or time interval) the noise spectrum of the noise source under investigation shows a 1/3 octave band exceeding the average of the two adjacent bands by 15 dB in low one-third octave bands (10–125 Hz), 8 dB in middle-frequency bands (160–400 Hz), or 5 dB in high-frequency bands (500– 10,000 Hz).
- F. Sample Metric and Rate:** Noise level measurements for essentially continuous non-time-varying noise sources will be acquired using the Leq (Fast) metric at a sample rate of 1-per-second. For fluctuating or modulating noise sources, including wind turbines, a 10-per-second sample rate will be used. These sample rates apply to dB(A), dB(C) and unweighted 1/3 octave band measurements.
- G. Reporting:** Measurements of time-varying dB(A) and dB(C) noise levels and 1/3 octave band levels will be reported with time-series level-versus-time graphs and tables. Graphs will show the sound levels graphed as level-versus-time over a period of time sufficient to characterize the noise signature of the noise source being measured. For 1-per-second sampling, a 5-minute-or-longer graph will be produced. For 10-per-second sampling, a 30-second-or-longer graph will be produced. Reporting and graphs must clearly identify what was heard and when the noise

source is dominating the measurement. The report must include all noise data and information on weather conditions and Pasquill Class if an elevated source is measured. All measured data must be accompanied by SCADA data confirming full power operation during testing of the WECS systems.

H. Measurable Infrasonic Acoustic Sound Pressure Levels must be less than:

- i. on a non-participating parcel: 30 dB(A) from 10:00 p.m. to 7:00 a.m. and 40 dB(A) from 7:00 a.m. to 10:00 p.m.
- ii. on a participating parcel: 40 dB(A) from 10:00 p.m. to 7:00 a.m. and 45 dB(A) from 7:00 a.m. to 10:00 p.m.
- iii. measurements as totalized in the range of 0.1-20 Hz, using low-pass filtering, or by computing the log-subtraction of the Fast, C-weighted (dB(C) level from the Fast, unweighted SPL, at any location, outdoors or indoors, on non-participating property (ies). Time-level-averaging, if used, must be limited to 1-second or faster sampling. A minimum sampling rate of at least 10 times per second is required.

I. Post-Construction Sound Survey: At least two months after the Commercial WECS is operational, the Township may select a third-party Qualified Professional to survey the sound pressure levels of the Commercial WECS. The applicant and operator must cooperate with the survey. All costs of the survey, including the professional's fees, will be paid by the applicant or operator. The Township will determine the locations at which sound levels are to be measured. To the extent possible, the study will follow the procedures for Type 1 Sound Level Testing and ANSI S12.9 Part 3 (with a Qualified Professional present) and ANSI S12.18. All sound pressure levels will be measured with instruments that meet ANSI or IEC Type 1 Precision integrating sound level meter performance specifications. The applicator or operator must supply all data requested by the Township or the third party conducting the survey, specifically including one-second interval SCADA data and any other SCADA data that is requested.

8. Commercial WECS: Site & Use Standards and Requirements

A. Setbacks from Property (ies): The minimum setbacks are as follows:

- i. From a property line of a **non-participating parcel** or any road right of way: 1640 feet or 5 times the tip height of each turbine in the Commercial WECS, whichever is greater.
- ii. From any inhabited structure on a participating parcel: 1640 feet.
- iii. Non-participating parcel property line setbacks may be waived by the owners of non-participating parcels if such record owners have signed a release, which must be recorded with the Montcalm County Register of Deeds. For safety, there is no waiver option for inhabited structures on participating parcels.
- iv. Setback from the city of Stanton: one mile.

- B. Setbacks from Bodies of Water:** The minimum setbacks are as follows:
- i. From any lake: 2.5 miles.
 - ii. From the Flat River: 1 mile.
 - iii. From wetlands, including creek bottoms, measuring more than 5 acres: 2640 feet.
- C. Maximum Height** of a Commercial WECS with the blade fully extended must not exceed 350 feet.
- D. Shadow Flicker:** A Commercial WECS must not produce any shadow flicker on public roads; or non-participating parcels unless the record owners of the non-participating parcels have signed a release, which must be recorded with the Montcalm County Register of Deeds.
- E. Ground Clearance:** The minimum clearance from ground level to the blade at its lowest point must be at least 100 feet.
- F. Blade Clearance:** Blade arcs created by a Commercial WECS must have a minimum of 200 feet of clearance over and away from any structure.
- G. Braking:** Each WECS must be equipped with a braking or equivalent device, capable of stopping the WECS operation in high winds with or without SCADA control. The braking system must be effective during complete grid power failure when WECS are unable to communicate with SCADA control or receive power.
- H. Appearance:** All turbines and towers must be painted a non-obtrusive, neutral color, such as beige, gray, or off-white and must be non-reflective. All turbine bases and blades must be the same color and must be consistent with the color of other Commercial WECS in the Township. No advertisements, graphics, or striping are permitted on the blades or towers. The applicant is encouraged to select anti-icing paint that prevents the formation of ice on the surface of the turbine's blades.
- I. Automatic De-Icing System:** All turbines must be equipped with technology that automatically de-ices the turbine blades. The system must detect ice and heat the blades, such as through the use of built-in carbon heating mats or through the circulation of hot air.
- J. Signage:** The site of the Commercial WECS must have a sign for each turbine or tower posted near a public road right-of-way (on security fencing near any fence entryway); and a sign attached to the base of each turbine or tower. The signs must be at least two square feet in area and must include the following information:
- i. A warning of high voltage.
 - ii. A warning of loud noise.
 - iii. Notice of potential health risks.
 - iv. Names of the applicant, operator, and real property owner.

v. Emergency and alternate telephone number, and web address.

vi. Unique identification, such as an address. If more than one Commercial WECS is on an access drive, units must have further identification so they can be easily identified by emergency responders.

- K. Security Fencing** must be installed around all turbines and all electrical equipment related to the Commercial WECS, including any transformers and transfer stations. The applicant and operator must comply with the security plan filed with the special land use applications, with any amendments required by the Planning Commission at the time of approval of the special land use permit.
- L. No Communication Interference:** A Commercial WECS must not interfere with any radio, television, or other communication systems. If the Township or the applicant or operator of the Commercial WECS receives a complaint about communication interference, the applicant or operator must resolve the interference immediately and provide proof that the interference has been resolved within 90 days.
- M. Underground Lines:** All electrical connection systems and lines from the Commercial WECS to the electrical grid connection must be located underground at a depth of at least 20 feet below grade and at such deeper depth as may be required by applicable industry standards. The Planning Commission may grant exceptions to this requirement if the topography of the site makes underground lines impossible or unreasonably impracticable. The cost of locating lines underground is not a factor in determining impossibility or impracticability.
- N. Maintenance:** All Commercial WECS must be maintained in good repair and good condition at all times. The applicant or operator must maintain a maintenance log and allow the Township to review the maintenance log at any time upon request.
- O. Lighting:** Towers may be lit only to the minimum extent required by the FAA. All tower lighting required by the FAA must be shielded to the extent possible to reduce glare and visibility from the ground. The tower shaft must not be illuminated unless required by the FAA. RADAR activated lighting must be used.
- P. Access Driveways:** The Commercial WECS must be accessible by one or more access driveways to allow emergency vehicles in the event of a fire or other emergency. Access driveways must be located at least 1000 feet from any non-participating parcel, unless the owner of the non-participating parcel has signed a waiver that is recorded with the County Register of Deeds.
- Q. Road Repairs:** If any public or private roads are damaged as a result of the construction or operation of the Commercial WECS, the applicant or operator must repair the damage at their expense pursuant to all County Road Commission requirements. Repairs must be performed within 90 days after construction is complete (but no more than 365 days after the damage occurs) or within 90 days after the damage occurs if the construction is already complete.
- R. Compliance with Plans:** The applicant and operator must comply with all written plans submitted with the special land use application, with any modifications or additions required by the Planning Commission as part of its approval.

- S. Substations and accessory buildings** related to a Commercial WECS shall be subject to the dimensional and locational standards of structures in the zoning district. Where structures are visible from adjacent properties, vegetation or manmade screening shall be required to minimize visual impact off-site.

9. Commercial WECS: Additional Requirements:

- A. Permits Required Before Construction Begins:** All Federal, State, County, and local permits and approvals must be obtained before the applicant or operator begins any phase of construction, including breaking ground or initiating construction on any portion of the WECS, such as the construction of turbine bases. By way of example and not limitation, all FAA approvals and permits for the turbines must be issued and in effect before any construction of turbine bases may begin, even if FAA approval is not required for the bases. Copies of these approvals must be provided to the Township as they are obtained.
- B. Insurance:** The applicant or operator must obtain and maintain insurance in an amount of at least \$10,000,000 for the Commercial WECS, which must cover, at a minimum, liability, property damage, environmental damage and livestock damage. The applicant or operator must provide proof of insurance to the Township on an annual basis.
- C. Financial Security:** To ensure available funding for the removal of the Commercial WECS when it is abandoned or non-operational and restoration of the property, the applicant must post acceptable financial security. The security must be in the form of a cash deposit, or performance (surety) bond selected by the Township Board, and is subject to all of the following requirements:
- i. The security must remain in effect until the Commercial WECS is decommissioned.
 - ii. The amount of the cash deposit or surety bond is to be calculated as follows:
 - a. At the time of the application for a special land use permit, the applicant must deposit a minimum of \$650,000 for each turbine and provide a report ("Decommissioning Report") prepared by a Qualified Professional estimating the cost of decommissioning the Commercial WECS, including all turbines and related structures and equipment, and the cost of restoring the real property, with such costs reduced by the net salvage value of the Commercial WECS ("Estimated Decommissioning Cost").
 - b. The Township's engineer will review the applicant's Decommissioning Report and may propose amendments to the applicant. The Planning Commission will not approve a special land use permit for the Commercial WECS unless the Township's engineer approves the applicant's Decommissioning Report, either as submitted or as amended.
 - c. Within 10 days after approval of the Commercial WECS, the applicant or operator must post financial security in an amount equal to the Estimated

Decommissioning Cost, plus an additional amount equal to the CPI (consumer price index) increase for the preceding year.

d. The financial security must be renewed on or before January 1st of each year thereafter.

e. Every three years, beginning on the first January 1st that is three years after approval of the Commercial WECS, the applicant or operator must update the Decommissioning Report to reflect the current Estimated Decommissioning Cost and provide the updated report to the Township. If the updated Estimated Decommissioning Cost is higher than the amount of existing financial security posted with the Township, then the applicant or operator must post the amount of the updated Estimated Decommissioning Cost as its financial security and continue to pay that amount annually, plus an additional amount equal to the CPI increase for the preceding year. This three-year process will continue for so long as the Commercial WECS is located in the Township.

iii. The amount of the security will be updated every five years at the rate of 1.5 times CPI (consumer price index) for each year.

iv. The security must be deposited or filed with the Township Clerk no later than 10 business days after a special land use permit has been approved.

v. Failure to keep financial security in full force and effect at all times while the Commercial WECS exists constitutes a material violation of the special land use permit for which the Township may pursue any remedies available under this ordinance, including revocation of the special land use permit.

D. Decommissioning:

1. When any turbine or other component of the Commercial WECS ceases to actively produce power for 180 days or longer, the applicant, operator, or real property owner must remove the turbine or component and restore the property in accordance with the decommissioning plan filed with the Township as part of the special land use application. Upon request, the Township may grant a 90-day extension if the applicant or operator demonstrates that the turbine will be put back into use. The removal and restoration must be complete within 180 days after non-operation of the turbine.
2. The applicant, operator, or owner must obtain all permits necessary for the removal of a decommissioned turbine or component, including any necessary demolition permits.
3. All underground wiring for the removed turbine or components must be cut off at a depth of at least seven (7) feet below grade and the land restored with topsoil upon decommissioning.
4. If the applicant, operator, or owner fails to timely complete removal and restoration when required under this section, then the Township may have the turbine or other components removed and the property restored at the expense of the applicant or operator, drawing first from the financial security

posted under this section. If the financial security is insufficient to fully fund removal and restoration, then the applicant, operator, and real property owner are jointly and severally liable for the remaining costs.

5. In addition to the Township's costs of removal and restoration, the Township is also entitled to recover from the application, operator, and real property owner all fees and expenses of the Township's attorneys, engineers, consultants, and other professionals whose services are used in connection with removal and restoration.
6. Failure by the applicant, operator, or owner to timely complete removal and restoration when required under this section constitutes a violation of this ordinance. The Township may pursue all remedies, including enforcement action, fines, and revocation of the special land use permit.
7. In the event the WECS owner's, operator's, parent company's performance bond defaults on any or all of the previously outlined decommissioning requirements, the landowner of the participating parcel upon which each WECS is located (the "participating landowner") shall be responsible and liable for the removal of each WECS in accordance with this ordinance. In the event the participating landowner fails to comply with the removal and decommissioning requirements, the Township shall have the right to remove the WECS at the expense of the participating landowner. If funding is not available to cover the costs of removal by the participating landowner, the Township is authorized to take legal action to pursue the seizure of participating landowner property(ies) to cover such costs.

E. Escrow account: The applicant must establish an escrow account when it submits its application for a Commercial WECS. The amount must equal an estimate of the total costs of reviewing and processing the Special Use Permit application and Site Plan, including publication and administrative costs and costs of the Township Attorney, Township Planner, and Township Engineer; and any professional studies or report prepared by the Township or on the Township's behalf to assist with its evaluation of the application. The Township may draw from the escrow account to reimburse any of its costs or expenses incurred in reviewing, processing, and evaluating the application. The Township may require the applicant to replenish the escrow account at any time to ensure a sufficient balance. If the Township instructs the applicant to replenish the escrow account and the applicant fails to do so within 14 days after receiving notice, then the Township has no further obligation to process the applicant's application until the escrow account is replenished. Any funds in the escrow account that exceed the Township's actual costs after the application is approved or denied, (and after any and all appeals have been exhausted), will be returned to the applicant. The Township will provide an itemized Statement to the applicant upon applicant's request.

F. Complaint Resolution: Subject to the Township's review and approval during the special land use approval process, the applicant or operator must comply with a complaint resolution process. At a minimum, the complaint resolution process must include the following:

- i. The applicant or operator will, at its expense, use a website, telephone line, or

third-party service to receive complaints about the Commercial WECS.

ii. The applicant or operator will use its best efforts to respond to and resolve any complaints.

iii. The applicant or operator will establish an escrow account with the Township with a minimum of \$20,000 and replenished whenever the balance falls below \$5,000. There shall be a \$5,000 balance at all times to pay the cost of investigating complaints.

iv. The applicant or operator will forward each complaint, along with the applicant's or operator's response to each complaint, to the Township within 15 days after each complaint is received.

v. A three-member committee consisting of the Township's Zoning Administrator and two members of the Planning Commission as appointed by the Township Board will investigate each complaint, with all expenses, (including professional fees), drawn from the escrow account.

vi. At the Township's request, the applicant or operator must provide the Township with SCADA data from any turbine related to the complaint, which must include meteorological and performance data such as temperature, humidity, power output, wind velocities, and nacelle vector.

vii. Following its investigation, if the Township has reason to believe that the applicant or owner has violated this ordinance, the Township may take any actions permitted by law, including revoking the special land use permit following notice and an opportunity to be heard.

G. Change in Ownership: A special land use permit granted for a Commercial WECS is transferable. The proposed new WECS owner/operator must register with the Township Clerk before the transfer of ownership or operation of the WECS. The new WECS owner/operator must comply with all requirements of this ordinance and any special land use permit issued pursuant to this section and must maintain a financial security guarantee as required under this section.

H. Extraordinary Events: If the Commercial WECS experiences a failure, fire, blade detachment, ice throw, leakage of hazardous materials, vandalism, property damage, personal injury, or other extraordinary or catastrophic event, the applicant or operator must notify the Township as soon as reasonably possible after the occurrence of any such event but not later than 24 hours thereafter.

I. Annual Report: The applicant or operator must submit a written report on or before January 1 of each year that includes all of the following:

i. current proof of insurance.

- ii. verification of financial security.
- iii. a summary of all complaints, complaint resolutions, and extraordinary events.
- iv. a description of how the applicant or operator has complied with the written plans submitted in connection with its application.

J. Violations of Ordinance

1. Following notice and an opportunity to be heard, the Township may revoke any approval for, and require the removal of, any WECS that does not comply with this section.
2. In addition to any other remedies in this section, violations of this section also constitute a municipal civil infraction in accordance with Chapter Twenty Three of this ordinance. Each day that a violation occurs or continues constitutes a separate offense and is subject to penalties or sanctions as a separate offense under Chapter Twenty Three.
3. In addition to any other remedies set forth in this ordinance, the Township may bring an action for damages or for an injunction or other action to restrain, prevent, or abate any violation of this section.

10. WECS under PA 233

On or after November 29, 2024, once PA 233 of 2023 is in effect, then the following provisions apply to WECS with a nameplate capacity of 100 megawatts or more. To the extent these provisions conflict with the provisions in the subsections above, these provisions control such Wind Energy Systems. All provisions in the subsections above that do not conflict with this subsection remain in full force and effect. This subsection does not apply if PA 233 of 2023 is repealed, enjoined, or otherwise not in effect and does not apply to WECS with a nameplate capacity of less than 100 megawatts.

- A. Setbacks:** WECS must comply with the following minimum setback requirements, with setback distances measured from the center of the base of the wind tower:

Setback description	Setback distance
Occupied community buildings and dwellings on nonparticipating properties	2.1 times the maximum blade tip height to the nearest point on the outside wall of the structure
Residences and other structures on participating properties	1.1 times the maximum blade tip height to the nearest point on the outside wall of the structure

Nonparticipating property lines	1.1 times the maximum blade tip height
Public road right of way	1.1 times the maximum blade tip height to the centerline of the public road right of way
Overhead communication and electric transmission, not including utility service lines to individual houses or outbuildings	1.1 times the maximum blade tip height to the center line of the easement containing the overhead line

B. Shadow Flicker: Each wind tower must be sited such that any occupied community building or nonparticipating residence will not experience more than 30 hours per year of shadow flicker under planned operating conditions as indicated by industry standard computer modeling.

C. Height: Each wind tower blade tip must not exceed the height allowed under the Determination of No Hazard to Air Navigation by the Federal Aviation Administration under 14 CFR part 77.

D. Noise: The WECS must not generate a maximum sound in excess of 55 average hourly decibels as modeled at the nearest outer wall of the nearest dwelling located on an adjacent nonparticipating property. Decibel modeling shall use the A-weighted scale as designed by the American National Standards Institute.

E. Lighting: The WECS must be equipped with a functioning light-mitigating technology. To allow proper conspicuity of a wind turbine at night during construction, a turbine may be lighted with temporary lighting until the permanent lighting configuration, including the light-mitigating technology, is implemented. The Township may grant a temporary exemption from the requirements of this subparagraph if installation of appropriate light-mitigating technology is not feasible. A request for a temporary exemption must be in writing and state all of the following:

- (i) The purpose of the exemption.
- (ii) The proposed length of the exemption.
- (iii) A description of the light-mitigating technologies submitted to the Federal Aviation Administration.
- (iv) The technical or economic reason a light-mitigating technology is not feasible.
- (v) Any other relevant information requested by the Township.

F. Radar Interference: The WECS must meet any standards concerning radar interference, lighting (subject to subparagraph (v)), or other relevant issues as determined by the Township.

G. Environmental Regulations: The Wind Energy System must comply with applicable state or federal environmental regulations.

H. Host community agreement: The applicant shall enter into a host community agreement with the Township. The host community agreement shall require that, upon commencement of any operation, the WECS owner must pay the Township \$2,000.00 per megawatt of nameplate capacity. The payment shall be used as determined by the Township for police, fire, public safety, or other infrastructure, or for other projects as agreed to by the local unit and the applicant.

SECTION 15.07 APPROVAL TERM AND EXPIRATION

A. A Special Land Use approval shall be valid for one (1) year from the date of approval, unless the Special Land Use has been initiated, or construction necessary for such use has been initiated and is proceeding meaningfully toward completion, in which case the approval shall remain valid indefinitely unless a Special Use Permit is specifically issued for a limited time period.

B. If, by the end of this (1) year period, the Special Land Use has not been initiated or construction necessary for such use has not been initiated or, if construction has been initiated but is not proceeding meaningfully toward completion, then the Special Land Use shall be deemed expired and no longer valid.

C. A Special Land Use approval, including conditions imposed, is attached to and shall run with the land for which the approval is granted, and shall be binding upon subsequent owners and all occupants of the subject land.

D. Reapplication for approval of an expired Special Land Use approval shall be considered in the same manner as the original application.

CHAPTER SIXTEEN

SITE PLAN REVIEW

SECTION 16.01 STATEMENT OF PURPOSE

It is the purpose of this chapter to require Site Plan review approval for certain buildings, structures and uses that can be expected to have a significant impact on natural resources, traffic patterns, adjacent parcels and the character of future development. The regulations contained in this chapter are intended to promote:

- A.** Safe and convenient traffic movement, both within a site and in relation to access streets.
- B.** Harmonious relationships of buildings, structures and uses, both within a site and with adjacent sites.
- C.** Conservation of natural amenities and resources.
- D.** Compliance with the provisions of this ordinance and all other applicable Township, State and Federal laws.

SECTION 16.02 SITE PLAN APPROVAL

- A.** Site Plan reviews shall be done by the Planning Commission for the following uses or activities:
 - 1. Any principal use or activity that requires more than four (4) off-street parking spaces.
 - 2. Any change of use or expansion of a use or activity which requires more than four (4) additional off-street parking spaces.
 - 3. Any condominium or site condominium project.
 - 4. Any Special Use.
 - 5. Any other use for which the submission of a Site Plan is required by any provision of this ordinance.
- B.** Required Site Plan Information: Site Plans shall contain the following:
 - 1. Name of applicant and owner, if not the same.
 - 2. Name of development (if any).
 - 3. North arrow.
 - 4. Legend.
 - 5. A location map that shows the location of the project in broad context of the Township.
 - 6. Site Plans shall be drawn to a scale so that all features required to be shown on the plan are readily discernible. The Zoning Administrator shall make the final determination whether the plans are drawn to a suitable scale.
 - 7. Existing natural features:
 - a. Treeline or wooded areas.
 - b. Streams, ponds, drainage ditches, swamps and floodplains.
 - c. Contour lines with no larger than two (2) foot contour intervals if earth changes requiring more than two (2) feet of cut or fill are proposed.

8. Existing man-made features:
 - a. Curb-cuts access roads and parking lots.
 - b. Existing storm water drainage facilities.
 - c. Underground utility lines, including water, sewer and storm drainage.
 - d. Buildings, structures and signs.
 - e. Location of exterior light fixtures.
 - f. Location of waste dumpsters.
9. Existing legal features:
 - a. Existing zoning district lines.
 - b. Property lines with dimensions.
 - c. Street right-of-way lines.
 - d. Utility or other types of easements.
10. New features:
 - a. Lot dimensions.
 - b. The location and dimensions of all buildings, structures and signs.
 - c. Areas intended to remain as open space.
 - d. Street rights-of-way, street paving, street names and curbs and gutters.
 - e. All storm water drainage improvements.
 - f. Sidewalks and walkways.
 - g. Any outdoor illumination.
 - h. Underground sewer and water lines.
 - i. Waste dumpsters.
 - j. Proposed contour lines at two-foot intervals if earth changes requiring more than two (2) feet of cut or fill are proposed.
 - k. All curb-cuts, access drives and off-street parking facilities including the delineation of individual parking spaces.
 - l. Proposed plantings to comply with screening requirements.
11. Documents and Written Information: The following is a representative list of types of information that may be requested:
 - a. Certifications from appropriate agencies that proposed utility systems are or will be adequate to handle the proposed development.
 - b. Legal documentation establishing property owner associations or other legal entities responsible for control over required common areas and facilities
 - c. Bonds, letters of credit or other surety devices.
 - d. Time schedules for the completion of phases in staged developments.
 - e. The environmental impact of proposed development.
 - f. A fiscal impact analysis of the development indicating any effects on the Township and other governmental units.

- g. The Planning Commission may also request any other information it deems necessary to determine compliance with all zoning requirements
- 12. The Planning Commission may, at its option, waive any of the submittal requirements listed above if it determines that any specific information is not necessary for reviewing the Site Plan for the purposes intended.

C. Site Plan Approval Procedure:

The applicant shall submit eight (8) copies of the required Site Plan and related documentation to the Planning Commission for review. The Planning Commission shall review the Site Plan to determine compliance with permitted land use, density of development, general circulation, and other provisions of this ordinance. Within sixty (60) days from the date of submittal, the Planning Commission shall either approve, approve with conditions or deny the Site Plan. If denied the Planning Commission shall cite the reasons for denial. If approved, the Chairman of the Planning Commission shall sign and date all copies of the Site Plan and return one signed copy to the applicant.

D. Modifications to an Approved Site Plan:

A minor change to a Site Plan may be approved administratively by the Zoning Administrator, provided the plan complies with all applicable requirements of this ordinance and all other Township regulations and State law. The Zoning Administrator may approve modifications of a Site Plan for the following:

1. Shape, lighting, or appearance of signs.
2. Change of location or type of landscape materials.
3. Internal rearrangement of parking lots.
4. Additions to parking areas provided such addition is for not more than 10 parking spaces.
5. Decrease in building size.
6. Moving a building no more than ten (10) feet or five (5) percent of the distance to the closest property line, whichever is smaller.
7. An increase in building size that does not exceed 5,000 square feet or ten (10) percent of the floor area, whichever is smaller.
8. Any approvals delegated by the Planning Commission.
9. Any other change or modification to an approved Site Plan requires resubmission to the Planning Commission for review and approval and the payment of an additional fee as established by the Township Board.

SECTION 16.03 CRITERIA FOR EVALUATING SITE PLANS

The Planning Commission or Zoning Administrator shall use the following criteria in evaluating a Site Plan submittal:

- A. Whether the required information has been furnished in sufficiently complete and understandable form to allow an accurate description of the proposed uses(s) and structure(s) in terms of density, location, area, height, bulk, placement, setbacks, performance characteristics, parking, and traffic circulation.
- B. Whether there are ways in which the configuration of uses and structures can be changed which would improve the impact of the development on adjoining and nearby

properties, persons, and activities, and on the community, while allowing reasonable use of the property within the scope of district regulations and other regulations of this ordinance that are applicable to the property and proposed use and structures.

- C. The extent to which natural features and characteristics of the land will be preserved; the regard given to existing large trees, natural groves, watercourses, and similar natural features that would add attractiveness to the property and environs if they were preserved; the preservation of natural drainage systems, the dedication and/or provision, where appropriate, of scenic easements, natural buffering, and other techniques for preservation and enhancement of the physical environment.

SECTION 16.04 POSTING OF FINANCIAL GUARANTEE

The Planning Commission is empowered to require a performance bond, letter of credit or certified check in an amount equal to the estimated cost of road, lighting, utility, sidewalk, landscaping and drainage improvements associated with the project. Such performance guarantee shall be deposited with the Township Clerk at the time of issuance of the permit authorizing the activity or project to insure faithful completion of the improvements indicated with the approved Site Plan; if not, said 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 Zoning Administrator. 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 16.05 CONDITIONS OF SITE PLAN APPROVALS

- A. When an applicant receives Site Plan approval, the site must be developed exactly as approved.
- B. An approved Site Plan shall become null and void if a building permit for the proposed construction is not taken out within one (1) year from the date the Site Plan was approved. If a Site Plan becomes null and void a building permit cannot be issued until a new Site Plan has been approved.
- C. Before a Site Plan is marked "approved", it shall be revised to reflect any conditions attached to the approval, or changes or corrections required to obtain approval.
- D. All requirements of this ordinance, and any other applicable Township ordinance, standard, specification, or regulation shall be complied with even if not specifically included in an approved Site Plan.

CHAPTER SEVENTEEN

INGRESS & EGRESS PROVISIONS

SECTION 17.01 INTENT

It is the intent and purpose of this chapter to establish guidelines for the location and design of driveways that can be used for new construction in undeveloped areas and for redevelopment of existing developed areas. The primary objectives are to preserve the carrying capacity of roads within the Township, increase traffic safety, assist in the efficient movement of traffic throughout the Township and to assure the provision of adequate access to adjoining properties.

As part of the Site Plan Review process provided in Chapter Sixteen and in accordance with the following guidelines, the Planning Commission is given discretion to regulate the location of driveways. Authority is also granted to waive or modify certain standards with respect to the regulation of individual parcels of land when strict adherence to the standards would be impossible, impractical or no clear benefit would be derived.

SECTION 17.02 GENERAL PROVISIONS

- A.** Adequate sight distance shall be ensured for all vehicles exiting from a proposed development. If certain movements cannot be made safely then they shall be prohibited or joint access with adjoining property shall be encouraged.
- B.** Prior to the granting of a Site Plan approval for any construction involving a new or expanded driveway opening to a public street, a permit for such driveway from the State and/or County agency having jurisdiction over the public street shall be submitted.

SECTION 17.03 PROVISIONS IN BUSINESS & INDUSTRIAL DISTRICTS

- A.** In order to prevent left turn conflicts, driveways on one side of the street shall be aligned with those across the street in accordance with the minimum spacing standards as provided in this section.
- B.** The minimum distance between any side lot line and the nearest edge of the driveway shall be twenty-five (25) feet unless a joint driveway is being provided to serve both properties.
- C.** Where corner lots or parcels of land have frontage on a major road and a less traveled side street, the access to the parcel should be provided from the side street.
- D.** The minimum distance between the centerline of a proposed driveway and the nearest right-of-way line of an intersecting street shall normally be one hundred and twenty-five (125) feet. Two hundred and fifty (250) feet is required from any existing signalized intersection or location designated for a future traffic signal. Seventy-five (75) feet is required for driveways designed and signed for right turn ingress and egress only, excluding tapers or parallel lanes.
- E.** Minimum and desirable distances between driveways is primarily based on posted speed limits along the parcel frontage, as follows:

DRIVEWAY SPACING

Posted Speed Desirable (mph)	Minimum (feet)	Desirable (feet)
30	125	260
35	150	350
40	185	440
45	230	570
50	275	700
55	350	875

The "Desirable" values are based on the sight distance necessary to allow an egressing vehicle to enter the traffic stream without causing oncoming traffic to decrease their speed by more than ten (10) miles per hour, and should be required, to the extent feasible, where parcel size permits. The "Minimum" values are based on the distances required to avoid conflicts between vehicles turning right or left from adjacent driveways. In order to maintain minimum distances, sharing or joint use of a driveway by two or more property owners may be necessary. This will require a written easement or reciprocal easements from all affected property owners during the Site Plan approval process.

CHAPTER EIGHTEEN

OFF STREET PARKING & LOADING REQUIREMENTS

SECTION 18.01 GENERAL REQUIREMENTS

- A. Existing Off-Street parking facilities at the effective date of this ordinance, which serves an existing building or use, shall not be reduced in size to less than that required under the terms of this ordinance.
- B. Area: For the purpose of this section three hundred (300) square feet of parking lot area shall be deemed a parking space for one (1) vehicle, including access aisles.
- C. Fractional requirements: When units or measurements determining the number of required parking spaces result in the requirement of a fractional space, any fraction up to, and including one-half shall be disregarded and fractions over one-half require one (1) parking space.
- D. Location of Off-street parking spaces for **one and two-family** dwellings shall be on the same lot or plot of ground as the building they are intended to serve, and shall consist of a parking strip, parking apron, and/or garage.
- E. Location of Off-street parking spaces for other land uses shall be located on the lot or within three hundred (300) feet of the permitted uses requiring such off-street parking. Such distance to be measured along lines of public access between the nearest point of the parking facility to the building to be served.
- F. Seating capacity of seats: As used in this section for parking requirements, seats shall mean that each twenty-four (24) inches of seating facilities shall be counted as one (1) seat.
- G. Collective provisions: Nothing in this section shall be construed to prevent collective provisions of off-street parking facilities for two or more buildings or uses, provided such facilities collectively shall not be less than the sum of the requirements for the various individual uses computed separately in accordance with Section 18.03.
- H. Restriction: It shall be unlawful for any person, firm, or corporation to park any motor vehicle on any private off-street parking facility, or use said private facility for vehicle storage, or use any portion of any private property as parking space, without the expressed or implied consent, authorization, or ratification of the owner, holder, occupant, lessee, agent, or trustee of such property.
- I. The storage of merchandise or products, motor vehicles displayed for sale, or the repair of vehicles is prohibited on any off-street parking lot.

SECTION 18.02 DESIGN STANDARDS

Wherever the off-street parking requirements in Section 18.03 require the construction of an off-street parking facility, such off-street parking lots shall be laid out, constructed and maintained in accordance with the following standards and regulations:

- A. The construction of any parking lot shall be in accordance with the requirements and provisions of this ordinance and such construction shall be completed and approved by the Zoning Administrator before actual use of the property as a parking lot commences. Plans for the development of any parking lot must be submitted to the Zoning

Administrator, prepared at a scale of not greater than fifty (50) feet equals one (1) inch indicating the layout of the proposed parking lot including existing and proposed grades, drainage, water mains, sewers, surfacing and base materials. The plans are to be accurately prepared by a person or persons competent in such work.

- B. All such parking lots shall be hard-surfaced with a pavement having an asphalt or concrete binder, and shall be graded and drained so as to dispose of surface water which might accumulate within or upon such area. No surface water from such parking area shall be permitted to drain onto adjoining property, except through a public drain.
- C. All parking lots shall be provided with adequate lighting and all lighting shall be arranged and shielded so as to prevent light from spilling onto adjacent streets and residential districts or uses.
- D. Off-street parking areas shall be enclosed with fences, walls, curbing or barriers as are necessary to insure that motor vehicles may not enter or exit at points other than those expressly provided for such purpose and so that motor vehicles may not encroach on public rights-of-way or private property.
- E. All non-residential parking and loading facilities shall have entrances and exits within the zoning district in which the principal use is located.
- F. When a required non-residential parking facility is situated on a parcel adjoining a residential district or use, the parking facility shall be set back a minimum of thirty (30) feet from the adjoining residential district or use.
- G. If the use of a building or premises change, the minimum parking requirements shall apply to the new use. If a building or premises is enlarged, the minimum parking requirements shall be applicable to the total area of the building or premises.
- H. The off-street parking lot shall be provided with entrances and exits so located to minimize traffic congestion.
- I. The minimum dimensions of parking spaces and maneuvering aisles shall be in accordance with the requirements of Section 18.03.

SECTION 18.03 OFF-STREET PARKING REQUIREMENTS

The amount of required off-street parking space for new uses or buildings, additions thereto, and additions to existing buildings shall be determined in accordance with the following table. For uses not specifically mentioned therein, off-street parking requirements shall be determined by the Zoning Administrator from requirements for similar uses.

MINIMUM OFF-STREET PARKING REQUIREMENTS

USE	# MINIMUM PARKING SPACES
RESIDENTIAL	
Residential, One-Family and Two-Family	2 for each dwelling unit.
Residential, Multiple-Family	2 for each dwelling unit.
Mobile Home Parks	2 for each mobile home site

Boarding and Rooming House	1 for each sleeping room
INSTITUTIONAL	
Churches or Temples	1 for each 6 seats or 12 linear feet of pew
Hospitals	1 for each bed
Homes for the aged and convalescent homes	1 for each 2 beds
Elementary and Junior High Schools	1 for each teacher and administrator in addition to auditorium requirement
Senior High Schools	1 for each teacher and administrator, and 1 for each ten students in addition to auditorium requirement
Private Clubs or Lodge Halls	1 for each 3 persons allowed within the max. occupancy load as established by County or State fire or health codes
Private clubs, swimming pool clubs, tennis clubs, or other similar uses	1 for each 2 member families or individuals
Golf courses open to the general public (Except miniature or Par 3 courses)	6 for each 1 golf hole and 1 for each 1 employee
Stadium, Sports Arena, or similar place of outdoor assembly	1 for each 3 seats or 6 lineal feet of benches
Theaters and Auditoriums	1 for each 4 seats plus 1 for each 2 employees
Day Care Centers	1 per employee plus 1 for each 10 students
BUSINESS & COMMERCIAL	
Auto Wash - Self Wash	5 per premises plus waiting space to accommodate 5 vehicles for each wash bay
Auto Wash - Automatic	7 per premises plus waiting space to accommodate 20 vehicles awaiting entry into the automatic car wash
Beauty parlor or barber shop	3 spaces for each of the first 2 beauty or barber chairs, and 1 ½ spaces for each additional chair
Bowling alleys	5 for each 1 bowling lane

Dance halls, pool or billiard parlors, roller or ice skating rinks, exhibition halls, and assembly halls without fixed seats	1 for each 3 persons allowed as 1 for each 3 persons allowed as established by applicable fire, building or health codes
Establishments for sale and consumption on the premises of beverages, food or refreshments	1 for each 60 square feet of usable floor space
Furniture and appliance, household equipment, repair shops, showroom of plumber, decorator, electrician or similar trade, shoe repair and other similar uses	1 for each 800 square feet of usable floor area. (For that floor area used in processing, 1 additional space shall be provided for each 2 persons employed therein).
Automobile service stations	2 for each lubrication stall, rack or pit; 1 for each gasoline pump
Laundromats and coin-operated dry cleaners	1 for each 2 washing machines
Miniature or "par-3" golf courses	3 for each 1 hole plus 1 for each 1 employee
Mortuary establishments	1 for each 50 square feet of usable floor space
Motel, hotel, or other commercial lodging establishments	1 for each 1 occupancy unit plus 1 for each 1 employee, plus extra spaces for dining rooms, ballrooms, or meeting rooms.
Motor vehicle sales and service establishments	1 for each 200 square feet of usable floor space of sales room and 1 for each auto service stall in the service room
Video Rental & Arcade Establishments	1 ½ for each 100 square feet of floor area
Retail stores except as otherwise specified herein	1 for each 150 square feet of usable floor space
OFFICES	
Banks	1 for each 150 square feet of usable floor space
Business offices or professional offices	1 for each 300 square feet of usable floor space
Professional offices of Doctors, Dentists, or similar professions	1 for each 100 square feet of usable floor area in waiting rooms, and 1 for each examining room, dental chair or similar use area
INDUSTRIAL	
Industrial or research establishments	5 plus 1 for every 1 ½ employees in the largest working shift, or 1 for every 550 square feet of usable floor space, whichever is greater

Wholesale establishments	5 plus 1 for every 1 employee on the largest working shift, or 1 for every 1700 square feet of usable floor space, whichever is greater
Mini-storage	5 per premises plus 1 for each 5 storage bays

SECTION 18.04 LOADING REQUIREMENTS

- A.** In all districts, every building which is to be occupied for manufacturing, storage, retail sales, warehousing, or other uses similarly requiring the receipt or distribution of materials or merchandise shall provide and maintain on the same premises, paved off-street loading spaces as follows:

MINIMUM LOADING REQUIREMENTS

Floor area in square feet	Required number of Loading Spaces
Less than 5,000 square feet	none
5,000-20,000 square feet	One (1)
20,000-50,000 square feet	Two (2)
50,000-100,000 square feet	Three (3)
Over 100,000 square feet	Three (3) plus one for each 100,000 square feet over 100,000 square feet

- B.** Each loading space shall be at least ten (10) feet in width and fifty (50) feet in length and fourteen (14) feet in height. No such space shall be located within any front yard area and shall not be located closer than fifty (50) feet to any lot within a residential district unless wholly within a completely enclosed building or enclosed on all sides by a building, wall or a uniformly painted solid fence not less than six (6) feet in height.

SECTION 18.05 DEFERRED PARKING (NON-RESIDENTIAL USES)

As a means of avoiding construction of greater amounts of parking spaces than are reasonably needed to serve a particular use while still ensuring site adequacy for a broad range of potential changes in the use of a building or premises, the Planning Commission may defer construction of the required number of spaces for any industrial, commercial, office or other non-residential use if the following conditions are satisfied:

- A.** An application is filed in writing with the Planning Commission, accompanied by a Site Plan of the entire project showing the design and layout of all required parking areas, including areas proposed for deferred parking. An application for deferred parking plan approval shall be accompanied by a fee as established by the Township Board.
- B.** The design of the parking area, as indicated on the Site Plan, includes sufficient space to provide for the total parking area as required by this chapter, Section 18.03.

- C. The area designated for deferred parking shall not include areas required for setbacks, side or rear yards, greenstrips or greenbelts or land otherwise unsuitable for parking due to environmental or physical conditions.
- D. The Planning Commission, in acting upon a Deferred Parking Plan, may modify the requirements of Section 18.03. The Planning Commission may also impose reasonably necessary conditions to protect the public interest and may require the provision of surety to assure completion of any related improvements required as a condition of Deferred Parking Plan Approval. At any time subsequent to the approval and construction of a deferred parking plan, the Planning Commission may, based on a review of the current parking needs, require the construction of additional parking spaces as required in Section 18.03.

SECTION 18.06 WAIVER OF PAVING REQUIREMENTS

- A. Upon a request by the applicant, the Planning Commission, in the exercise of its discretion, may decide to waive, defer for a specified period of time, or require paving and paving requirements in certain cases based upon a review of the following factors:
 - 1. The size, character and nature of the involved use.
 - 2. The size, character and nature of the involved building/structures and accessory buildings structures already constructed or to be constructed.
 - 3. The location of the proposed/existing use.
 - 4. The distance of the proposed/existing use from neighboring uses.
 - 5. The development density in the surrounding area.
 - 6. The number of required parking spaces.
 - 7. The effect of the parking area on adjoining properties and the surrounding neighborhood.
 - 8. The effect of the parking area on adjoining roadways.
 - 9. The design of the parking area to minimize traffic congestion and hazards.
 - 10. The design of the parking area to maximize safety.
 - 11. On-site circulation of both vehicular and pedestrian traffic to achieve both safety and convenience of persons and vehicles using or visiting the site.
 - 12. The days/hours of operation of the proposed use.
- B. The Planning Commission shall make specific findings and shall clearly State the reasons why paving requirements should be enforced, deferred or permanently waived.

CHAPTER NINETEEN

SIGNS

SECTION 19.01 DESCRIPTION AND PURPOSE

These regulations are intended to control and regulate the placement of signs within the various zoning districts.

SECTION 19.02 EXCEPTIONS

No signs shall be erected without obtaining a zoning permit except for the following signs which are exempt from the provisions of this ordinance with respect to permits, heights, area and location:

- A.** Historical markers or historic signs designating sites recognized by the State Historical Commission as Centennial Farms or Historic Landmarks.
- B.** Devices on the inside of a commercial or industrial building visible through a transparent portion of the building unless the devices are both permanent and lighted.
- C.** Governmental use signs erected by governmental agencies to designate hours of activity or conditions for use of parks, parking lots, recreational areas, other public space, or for governmental buildings.
- D.** Directional signs erected in conjunction with drives or off-street parking lots, provided any such sign does not exceed four (4) square feet in area and three (3) feet in height and is limited to traffic control functions only.
- E.** Placards posted to control and prohibit hunting or trespassing within the Township.
- F.** Essential service signs denoting utility lines, railroad lines, hazards and precautions.
- G.** Customary farm and crop signs less than ten (10) square feet in area.
- H.** Special decorative displays, signs, pennants, flags or banners used for holidays or public demonstrations for promotion of civic welfare or charitable purposes. All decorative displays, signs, pennants, flags or banners referred to in this subsection shall be maintained in good condition and shall not be torn, faded or dirty.
- I.** The following temporary signs:
 - 1. Construction signs which identify the name of the building, the owner, architect, engineer, contractor and other individuals involved with the construction, including the advertisement of a product or service during the period of construction. Signs shall not exceed two (2) in number nor have a maximum sign surface area exceeding thirty-two (32) square feet. They shall be confined to the site of construction and shall be removed within fourteen days following completion of construction activities.
 - 2. Yard sale signs of six (6) square feet or less in size and which are placed for less than seven (7) consecutive days.
 - 3. Real estate signs advertising the sale, rental or lease of the premises or part of the premises on which the signs are displayed, provided the sign surface of such signs does not exceed ten (10) square feet. Such signs shall be removed within fourteen (14) days after the sale, rental or lease.

4. Election campaign signs announcing a candidate or election issue. Such signs shall be confined to private property and shall be removed within fourteen (14) days following the election which they announce.
5. Special event signs, subject to the following conditions:
 - a. They do not exceed fifty (50) square feet in area on any side.
 - b. They are not placed in a street right-of-way, unless a permit from the Montcalm County Road Commission is obtained.
 - c. They may be illuminated provided such lights are not flashing or intermittent and are not placed or designed such that they can be confused with or appear similar to a highway sign or traffic safety device.
 - d. No special event sign shall be located in such a manner as to interfere with vehicular or pedestrian traffic flow or visibility.
 - e. No special event sign shall be allowed to remain for more than fourteen (14) days after the event.

SECTION 19.03 SIGN PERMITS

Before any sign is constructed, erected, installed, structurally altered or relocated, an application must be submitted to the Zoning Administrator for a sign permit. The application shall include the following:

- A.** The payment of the required fee as established by the Township Board.
- B.** The name and address of the owner and the legal description of the property on which the sign is to be located.
- C.** Three sets of plans and specifications of the sign and the proposed method of erection or alteration.
- D.** If the sign includes any electrical equipment it shall also be approved by the Township's electrical inspector.
- E.** Each sign shall be inspected by the Zoning Administrator immediately after all work has been completed.
- F.** Except as otherwise provided, permits for temporary signs shall be limited to a maximum of fifteen (15) days and no more than three (3) permits shall be issued for the location of temporary or portable signs on any parcel of land during any one (1) year.
- G.** In issuing a permit for a temporary sign the Zoning Administrator may require a reasonable cash deposit to insure the removal of such sign within the time limit prescribed in the permit. If the sign is not removed within the specified time, the deposit will be forfeited.
- H.** No sign permit will be approved until it is signed by the owner of the property on which the sign is to be located.

SECTION 19.04 GENERAL PROVISIONS

- A. Maintenance:** All signs and advertising displays now erected and maintained or hereafter to be erected and maintained shall be maintained in a neat and orderly condition and with secure supports and fastenings to prevent the same from falling. Any person or firm erecting or maintaining such signs or displays shall, within forty-eight (48)

hours after being notified by the Zoning Administrator, repair or replace supports for any sign and comply with said order in a manner satisfactory to the Building Inspector.

- B. Traffic Hazards:** It shall be unlawful for any person or firm to place a sign, advertising device, or display in a location where it will cause a hazard to vehicular or pedestrian traffic. If any such sign is determined to be a hazard by the County or State Traffic Engineers or the Township Board, notice thereof shall be given to the Zoning Administrator who shall thereupon notify the owner to remove the same in the interest of public safety.
- C. Public nuisance:** The Zoning Administrator shall notify the owner to alter or remove any sign, device, or display which is deemed a public nuisance by being neglected, in poor repair, hazardous to the public, or which may cause a nuisance or harassment to residents nearby, either by way of light glare or by vision, interference with radio or television reception, or by blocking the natural flow of air currents.
- D. Failure to Comply:** When a person or firm has been notified by the Zoning Administrator to remove or repair a sign and shall fail to comply within the time specified in the notice, the Zoning Administrator is authorized to have the sign removed by Township, County, or State employees. The cost thereof to the governmental agency performing the removal shall become a lien against the property from which the sign is removed, to the extent such costs are not covered by the bond required by this chapter.
- E. Unauthorized Signs:** The following types of signs are prohibited:
 - 1. Any sign, signal, marking or device which purports to be or is an imitation of or resembles an official traffic control device, railroad sign or signal or an emergency vehicle blinker.
 - 2. Any sign, signal, marking or device which attempts to direct the movement of traffic on public streets, or which obstructs or interferes with the effective operation of any traffic control device or any railroad sign or signal or the normal flow of traffic which is determined by the Zoning Administrator to cause or to be likely to cause distraction to motorists.
 - 3. Any sign of any kind which has been erected or installed on private property without the consent of the owner of such property.
 - 4. Any sign projecting into a public right-of-way or dedicated easement, except those erected by the Township, County, State or Federal government.
 - 5. Signs painted on or attached to operable or inoperable automobiles, trucks or truck trailers, farm or industrial machinery, airplanes or other vehicles of any sort which do not have current registration certificates and plates or signs painted on rocks or other natural features.
 - 6. Commercial motor vehicles parked in the required front yard of any premise or establishment used primarily for advertising purposes and not being used in the normal conduct of business.
 - 7. Any sign, except authorized billboards, which do not pertain to the business or activity conducted on the premises.
 - 8. Balloons, pennants, string lights or streamers used to draw attention to a business or its merchandise on display.

- F. Electrical signs:** All electrical signs shall be approved by the Township's electrical inspector to assure that they satisfy the electrical code before a permit will be issued. No exterior sign shall be illuminated by flashing or intermittent lights of a duration of less than twenty (20) seconds. All lighting used for the illumination of signs, business buildings, or areas surrounding them shall be completely shielded from the view of vehicular traffic and adjacent parcels, except for diffused lighting within translucent signs. No illumination or sign shall be so placed or designed to be confused with or appear similar to a highway sign or traffic safety device.
- G. Portable signs:** Portable signs can be substituted for permanent signs provided they comply with all of the following conditions:
1. They shall satisfy all the requirements for the particular zoning district in which the portable sign is to be located except as modified by this section.
 2. No portable sign shall exceed ten (10) feet in height.
 3. No portable sign shall be located in such a manner as to interfere with vehicular or pedestrian traffic flow or visibility.
 4. They are securely anchored to resist winds.
 5. They are maintained in good condition.
 6. The power-supply, installation and wiring of any portable sign which is illuminated and/or contains electrical wiring shall comply in all respects with applicable provisions of the current electrical code being enforced within the Township.

SECTION 19.05 USE REGULATIONS

- A. Signs permitted in the AG/RE, LDR and LR districts:**
1. Signs that are excepted from regulation in Section 19.02.
 2. Non-conforming signs in accordance with the provisions of Section 19.06.
 3. One (1) nameplate on any parcel, provided the sign surface does not exceed four (4) square feet.
 4. One (1) freestanding, ground mounted or portable identifying sign with a maximum of two (2) sign surfaces for a subdivision, apartment complex, mobile home park, condominium project and any permitted or approved special use except single-family or two-family dwellings and farms provided that any sign surface does not exceed thirty-two (32) square feet and it is located a minimum of ten (10) feet from any property line or street right-of-way line.
 5. One (1) temporary real estate sign for a subdivision, apartment complex, mobile home park, or condominium project with a maximum of two (2) sign surfaces, provided that any sign surface does not exceed seventy (70) square feet, it is located a minimum of ten (10) feet from any property line or street right-of-way line and is not located within fifty (50) feet of an entrance road.
 6. One (1) temporary construction sign with a maximum of two (2) sign surfaces per project denoting architects, engineers, contractors, or financial institutions associated with the project, provided that any sign surface does not exceed sixty-four (64) square feet and it is located a minimum of ten (10) feet from any property line or street right-of-way line. A temporary construction sign can be

located on a site as long as work is progressing in accordance with a valid building permit.

7. Portable signs as regulated in Section 19.04
8. Any other sign that is specifically permitted by the provisions of this ordinance.

B. Signs permitted in the NB, GB and I district:

1. Signs that are excepted from regulation in Section 19.02.
2. Non-conforming signs in accordance with the provisions of Section 19.06.
3. Portable signs as regulated in Section 19.04 G.
4. Wall mounted business signs shall be attached to a building parallel to the side on which it is attached and cannot project above the building roof line. Wall signs can be placed on two (2) sides of a building, provided the total sign surfaces do not exceed one hundred and fifty (150) square feet and any sign surface does not exceed ten (10) percent of the wall area to which it is attached.
5. One (1) freestanding or one (1) ground mounted business sign is permitted along each street frontage of a parcel in accordance with the following:
 - a. Freestanding Sign:
 - i. The nearest portion of a sign cannot be located closer than ten (10) feet to any street right-of-way line or driveway.
 - ii. The nearest portion of a sign cannot be located closer than twenty-five (25) feet to any side or rear lot line.
 - iii. No sign surface area shall exceed two (2) square feet for each five (5) feet of lot frontage measured at the front lot line, provided that no sign surface can exceed one hundred (100) square feet for a single use. If the sign serves more than one (1) use on a single parcel, the surface area requirements are increased by fifty (50) percent.
 - iv. No freestanding sign can exceed thirty (30) feet in height.
 - v. The bottom of the sign surface shall be at least eight (8) feet above grade.
 - a. Ground Mounted Sign:
 - i. The maximum height of any sign is five (5) feet.
 - ii. The nearest portion of the sign cannot be located closer than ten (10) feet to any front lot line and a minimum of one hundred (100) feet from the point of intersection of two (2) street right-of-way lines.
 - iii. The nearest portion of the sign cannot be located closer than twenty-five (25) feet to any side or rear lot line or the nearest part of any driveway.
 - iv. No sign surface area shall exceed eighty (80) square feet.
 - v. A portable sign can be used instead of a ground sign, provided it satisfies all of the requirements for a ground sign.

C. Additional signs permitted in any Industrial district, any NB, or any GB district that has road frontage along Sheridan Road (M-66): Billboards are permitted, provided they comply with all provisions regulating billboards in the Highway Advertising Act (P.A. 106,

1972, as amended), no sign surface exceeds four hundred (400) square feet, they are not located within three hundred (300) feet of any residential district, and they shall not be located closer than one thousand (1000) feet from any other billboard located on the same side of the street.

- D. Sign surfaces shall not be stacked one above another and the maximum height of any sign structure shall not exceed twenty-five (25) feet.
- E. Billboards are permitted within the AG/RE, NB, and GB districts subject to the issuance of a Special Use Permit in accordance with the procedures contained in Chapter Fifteen and in accordance with the following minimum requirements:
 - 1. No sign surface shall exceed two-hundred (200) square feet.
 - 2. The nearest portion of the sign cannot be located closer than twenty-five (25) to any street right-of-way.
 - 3. The nearest portion of the sign cannot be located closer than one-hundred (100) feet to any side or rear property line.
 - 4. The nearest portion of the sign cannot be located closer than fifty (50) feet to the nearest part of any driveway.

SECTION 19.06 NONCONFORMING SIGNS

- A. It is the intent of this section to permit the continuance of a lawful use of any sign existing at the effective date of this section, although such sign may not conform with the provisions of Chapter Nineteen, as amended. It is the intent of this section that nonconforming signs shall not be enlarged upon, expanded or extended. Further, it is the intent of this section that non-conforming signs shall be gradually eliminated and terminated upon their natural deterioration or accidental destruction. The continuance of all non-conforming signs within the Township shall be subject to the conditions and requirements set forth herein.
- B. The faces, supports, or other parts of any nonconforming sign, shall not be structurally changed, altered, substituted, or enlarged unless the resultant changed, outdoor advertising structure conforms to the provisions of Chapter Nineteen for the district in which it is located, except as otherwise provided for in this section.
- C. Nothing in this section shall prohibit the repair, reinforcement, alteration, improvement, or modernizing of a lawful nonconforming sign, provided that such repair, reinforcement, alteration, improvement, or modernizing does not exceed an aggregate cost of fifty (50) percent of its estimated value on the effective date of this section, as determined by the Zoning Administrator unless the subject sign is changed by such repair, reinforcement, alteration, improvement or modernizing to a conforming structure.
- D. Any lawful nonconforming sign damaged by fire, explosion or an act of God, or by other accidental causes, may be restored, rebuilt or repaired provided that the estimated expense of reconstruction does not exceed fifty (50) percent of the estimated replacement cost thereof, as determined by the Zoning Administrator.
- E. Whenever the activity, business or usage of a parcel of land on which a sign is located or related has been discontinued for a period of one (1) year or longer, such discontinuance shall be considered conclusive evidence of an intention to legally abandon the nonconforming sign located on or related thereto. At the end of this period of

abandonment, the nonconforming sign shall either be removed or altered to conform with the provisions of Chapter Nineteen.

- F.** The Township Board may acquire any nonconforming sign with or without acquiring the property on which such sign or structure is located, by condemnation or other means, and may remove such sign.

CHAPTER TWENTY

ADMINISTRATION & ENFORCEMENT

SECTION 20.01 ZONING ADMINISTRATOR

The provisions of this ordinance shall be administered and enforced by the Zoning Administrator, who shall be appointed by the Township Board.

SECTION 20.02 MUNICIPAL CIVIL INFRACTION CITATIONS AND PROCEDURES

- A.** The following Township officials are authorized to issue citations for violation of provisions of the Zoning Ordinance which are designated to be municipal civil infractions, if they have reasonable cause to believe that an infraction has occurred, based upon personal observation or the report of a person who has allegedly witnessed the infraction:
 - 1. The Township Supervisor.
 - 2. The Township Zoning Administrator.
 - 3. Other persons authorized by the Township Board.
- B.** If a citation is based solely upon the complaint of someone who allegedly witnessed the violation, and not upon the personal observation of the official, then the citation must be approved in writing by the Township Supervisor.
- C.** Citations shall be numbered consecutively and shall be in a form approved by the State Court Administrator's office.
- D.** Citations shall be served upon the alleged violator as provided by law.
- E.** Citations shall require the appearance at the District Court within a reasonable time after the citation has been issued.
- F.** The procedures for the admission or denial of responsibility, request for informal or formal hearings, and all other matters related to processing of citations for civil infractions shall be as provided by law.

SECTION 20.03 ZONING COMPLIANCE PERMITS

- A.** No non-agricultural building or part thereof shall be constructed, reconstructed, erected, moved, enlarged, or altered, nor shall any use on any property be changed to another use, until a Zoning Compliance Permit has been granted by the Zoning Administrator. Application for a Zoning Compliance Permit shall be filed by the owner or an agent of the owner and it shall State the existing and intended use of the structure and land. The application shall be accompanied by building plans and specifications, a plot plan, a Site Plan where required, and such other information concerning the lot, adjoining lots or other matters as may be necessary for determining if the provisions of this ordinance are being met.
- B.** Plans shall be drawn to scale and shall show dimensions in figures.
- C.** Plans shall be signed by the person preparing them and by the owner of the property or building involved.
- D.** The application and plans filed by an applicant for a permit shall be checked by the Zoning Administrator. Such plans may be reviewed by other Township officials to check

compliance with the laws and ordinances under their jurisdiction. If the Zoning Administrator is satisfied that the work described in an application for a permit and the plans filed therewith conform with the requirements of this ordinance a permit shall be issued, however:

1. Issuance of a permit shall in no case be construed as waiving any provision of this ordinance or the applicable construction codes.
 2. The Zoning Administrator, under no circumstances, is permitted to grant exceptions to the actual meaning of any clause, order or regulation contained in this ordinance to any person making application to excavate, erect, construct, enlarge, move, alter, improve, remove, convert, demolish or use either buildings, structures or land.
 3. The Zoning Administrator is not permitted to make changes in this ordinance or to vary the terms of this ordinance in carrying out the duties of Zoning Administrator.
 4. The Zoning Administrator shall issue a permit when the imposed conditions of this ordinance are met by the applicant, regardless of the effect of such a permit on contracts, such as deed covenants or private agreements.
 5. If any application for such permit is not approved, the Zoning Administrator shall State in writing the reason for such disapproval.
- E.** The Zoning Administrator shall have a reasonable period of time, not to exceed thirty (30) days to review all plans prior to taking appropriate action thereon.
- F.** A Zoning Compliance Permit shall be displayed so as to be visible from a public street at the site where the authorized action is being undertaken.
- G.** All Zoning Compliance Permits shall expire one year from their date of issuance.

SECTION 20.04 BUILDING PERMITS & CERTIFICATES OF OCCUPANCY

In addition to a Zoning Compliance Permit any person, firm or corporation shall not excavate, erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish any building or structure in Douglass Township without first obtaining a building permit from the Montcalm County Building Official or a determination is made that a building permit is not required. Further, no building, for which a building permit has been issued, shall be occupied until an occupancy permit has been issued by the Montcalm County Building Official.

SECTION 20.05 SCHEDULE OF FEES

- A.** No action shall be taken on any application for any variance, ordinance amendment, Site Plan Review, Special Land Use, or any other review required by this ordinance by the Township Board, Planning Commission, or Board of Appeals, unless or until fees connected with such application, as determined from time to time by the Township Board, have been paid.
- B.** Where structures have begun construction or are occupied before any required approval is granted, the fees for such application approval shall be doubled. Payment of such fees shall not relieve any person from fully complying with the requirements of this ordinance.

SECTION 20.06 PERFORMANCE GUARANTEES

- A.** The Planning Commission, Zoning Board of Appeals and Township Board are empowered to require a performance bond or cashier's check, or other suitable negotiable security, in an amount equal to the estimated cost of improvements associated with the project.
- B.** 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 insure faithful completion of the improvements indicated with the approved Site Plan, if not, said performance bond or cashier's check shall be forfeited.
- C.** 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 Zoning Administrator.
- D.** In cases where the improvements indicated with the approved Site Plan have not been completed in accordance with the approval granted, the amount of the aforementioned performance guarantee may be used by the Township to complete the required improvements. The balance, if any, shall be returned to the applicant.

SECTION 20.07 AMENDMENTS TO THE ORDINANCE

- A.** Initiation of Amendments: This ordinance may be amended or supplemented from time to time in accordance with Section 2.02 of Public Act 110 of 2006, as amended, being the Michigan Zoning Enabling Act. Amendments to this ordinance may be initiated by the Township Board, the Planning Commission, or by any landowner or agent acting on the landowner's behalf by petition to the Planning Commission.
- B.** Amendment petition procedure: Individuals submitting petitions for amendment to this ordinance shall be in writing, signed and filed with the Township Clerk for presentation to the Planning Commission. Such petitions shall include the following:
 - 1. The petitioner's name, address and interest in the petition and, if applicable, the name, address and interest of each person having a legal or equitable interest in any land which is to be rezoned.
 - 2. The nature and effect of the proposed amendment.
 - 3. 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-way and easements bounding and intersecting the land to be rezoned.
 - 4. The alleged error, if any, 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.
 - 5. 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.
 - 6. All other circumstances, factors, and reasons which the petitioner offers in support of the proposed amendment.

7. A remittance to cover the cost encountered in notifying and conducting a public hearing, such fee to be determined from time to time by the Township Board.
- C. Amendment procedure: After initiation, amendments to this ordinance shall be considered as follows:
1. The Planning Commission shall authorize the preparation of the proposed amendment to be considered.
 2. Prior to the Planning Commission submitting its recommendations for a proposed zoning ordinance amendment to the Township Board, the Planning Commission shall hold at least one public hearing. The Planning Commission shall fix a reasonable time for the hearing of the request and a notice that a request has been received shall be published in a newspaper that circulates in the Township. The notice shall be given not less than 15 days before the date the application will be considered.
 3. If an individual property or 10 or fewer adjacent properties are proposed for rezoning, the Planning Commission shall fix a reasonable time for the hearing of the zoning request and a notice that a request has been received shall be published in a newspaper that circulates in the Township, and sent by mail or personal delivery to the property owners of property for which approval is being considered, to all persons to whom real property is assessed within 300 feet of the boundary of the property(s) in question, and to the occupants of all structures within 300 feet of the property regardless of whether the property or occupant is located in the zoning jurisdiction. The notice shall be given not less than 15 days before the date the application will be considered. If the name of the occupant is not known, the term "occupant" may be used in making notification. The notice shall:
 - a. Describe the nature of the rezoning request.
 - b. Indicate the property(ies) that is the subject of the rezoning request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such street addresses currently exist within the property. If there are no street addresses, other means of identification may be used.
 - c. State when and where the rezoning will be considered.
 - d. Indicate when and where written comments will be received concerning the rezoning request.
 4. If 11 or more adjacent properties are proposed for rezoning, the Planning Commission shall fix a reasonable time for the hearing of the rezoning request and a notice that a request has been received shall be published in a newspaper that circulates in the Township. The notice shall be given not less than 15 days before the date the application will be considered. The notice shall:
 - a. Describe the nature of the rezoning request.
 - b. State when and where the rezoning request will be considered.
 - c. Indicate when and where written comments will be received concerning the rezoning request.
 5. 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.

6. The Planning Commission shall hold a public hearing, noting all comments and reports requested, or noting the absence of such.
7. 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 omission of the name of any owner or occupant of property who may, in the opinion of the Township Planning Commission, be affected by such amendment or change shall not invalidate any ordinance amendment passed hereunder; it being the intention of this section to provide reasonable notice to the persons substantially interested in the proposed change that an ordinance is pending before the Township Board, proposing to make a change in the zoning map or the regulations set forth in this ordinance, the changed text shall be forwarded as above without further hearing.
8. 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.
9. The Planning Commission shall forward the proposed amendment to the Township Board with recommendation for approval or denial. Any decision or recommendation shall contain the reasons therefore.
10. If the Township Board shall deem any amendments, changes, additions, or departures advisable as to the proposed amendment, it shall refer the same back to the Planning Commission for a report thereon within a time specified by the board. After receiving the report, the board shall grant a hearing on any proposed ordinance provision to any property owner who, by certified mail addressed to the Township Clerk, requests to be so heard and shall request the Planning Commission to attend any such hearing.
11. The Township Board shall publish the ordinance amendment in a newspaper of general circulation within the Township within fifteen (15) days after adoption.
12. The Township Board shall then file the ordinance in the official ordinance book of the Township within seven (7) days after publication, with a certification of the Township Clerk stating the vote on passage, date published, and date filed.

CHAPTER TWENTY ONE

PLANNING COMMISSION

SECTION 21.01 TOWNSHIP PLANNING COMMISSION

The Douglass Township Planning Commission has been established as specified in Public Act 168 of the Public Acts of 1959, as amended, being the Township Planning Commission Act. All powers, duties, and responsibilities provided by Public Act 110 of 2006, as amended, being the Michigan Zoning Enabling Act for a zoning commission created there under, are transferred to the Planning Commission by resolution of the Township Board as provided in Section 11 of Public Act 168 of the Public Acts of 1959, as amended and this ordinance. The Planning Commission shall perform the duties of said Zoning Commission as provided in these acts, together with such other powers and duties as are given to such Planning Commission by the provisions of this ordinance, including authority to act on all matters requiring the approval or recommendation of such Planning Commission.

SECTION 21.02 MEMBERSHIP, COMPENSATION AND FUNDING

- A.** The Planning Commission shall consist of not less than five (5) nor more than nine (9) members, who shall be representative of major interests as they exist in the Township, such as agriculture, recreation, education, public health, government, commerce, transportation and industry. All members shall be qualified electors and property owners of the Township. One (1) member of the Township Board shall be a member of the Planning Commission.
- B.** All members of the Planning Commission shall be appointed by the Township Supervisor with the approval of the Township Board. The Township Board shall provide for the removal of a member of the Planning Commission for misfeasance or nonfeasance in office upon written charges and after a public hearing pursuant to Public Act 110 of 2006, as amended.
- C.** The term of each member shall be for three (3) years, except that of the members first appointed, one-third (1/3) shall serve for one (1) year, one-third (1/3) for two (2) years, and one-third (1/3) for three (3) years. All vacancies for unexpired terms shall be filled for the remainder of such term. If no appointment is made, then members shall continue to hold office until replaced.
- D.** Members of the Planning Commission may be compensated for their services as provided by the Township Board. The board annually shall appropriate and make funds available for carrying out the purposes and functions permitted under this act, and may match Township funds with Federal, State, County or other local government or private grants. The Township Board may accept and use gifts and grants, for Planning Commission purposes. Money so accepted shall be deposited with the Township Treasurer in a special non-reverting Planning Commission fund for expenditure by the Planning Commission for the purpose designated by the donor. The expenditures of the Planning Commission, exclusive of gifts and grants, shall be within the amounts appropriated by the Township Board.

- E. An elected official of the Township or an employee of the legislative body shall not serve simultaneously as a member or an employee of the Planning Commission, except that one member of the Planning Commission may be a member of the legislative body.

SECTION 21.03 OFFICERS, MEETINGS PROFESSIONAL ADVISORS, AND RULES

- A. The Planning Commission shall elect a Chairman, Vice Chairman, and Secretary from its members, and create and fill such other offices or committees as it may deem advisable. The commission may appoint advisory committees outside of its membership. The terms of all officers shall be one (1) year.
- B. The Planning Commission shall hold at least four (4) regular meetings each year and, by resolution, shall determine the time and place of such meetings. Special meetings may be called by two (2) members upon written request to the Secretary or by the Chairman.
- C. The Township Board, upon recommendation of the Planning Commission, may employ a planning director or other planning personnel, contract for the part-time or full-time services of planning and other technicians, and pay or authorize the payment of expenses within the funds budgeted and provided for planning purposes.
- D. The Planning Commission shall adopt rules for the transaction of business, and shall keep a public record of its resolutions, transactions, findings and determinations. It shall make an annual written report to the Township Board concerning its operations and the status of planning activities, including recommendations regarding actions by the Township Board related to planning and development.

SECTION 21.04 RESPONSIBILITY FOR PREPARATION AND ADOPTION OF THE LAND USE PLAN: PLAN CONTENT

The Planning Commission shall make and adopt a land use plan as a guide for the development of unincorporated portions of the Township. The land use plan shall include maps, plats, charts, and descriptive, explanatory and other related matter, and shall show the Planning Commission's recommendations for the physical development of the unincorporated area of the Township.

SECTION 21.05 APPROVAL OF PUBLIC IMPROVEMENTS

- A. After the Planning Commission has adopted a Land Use Plan for the Township, no street, square, park or other public way, ground or open space, or public building or structure, shall be constructed or authorized in the Township or in the planned section and district until the location, character, and extent thereof shall have been submitted to, and approved by, the Planning Commission.
- B. The Planning Commission shall communicate its reasons for approval or disapproval to the Township Board, which shall have the power to overrule the Planning Commission by a recorded vote of not less than a majority of its entire membership.
- C. If the authorization or financing of the public way, ground, space, building, structure or utility is one which does not fall within the province of the Township Board, then the submission to the Planning Commission shall be by the board, commission or body having jurisdiction, and the Planning Commission's disapproval may be overruled by

resolution of the board, commission or body by a vote of not less than a majority of its membership.

- D. The failure of the Planning Commission to act within sixty (60) days after the official submission to the commission shall be deemed approval.
- E. The Planning Commission shall promote public understanding of an interest in the land use plan and shall publish and distribute copies of the plan and of any report, and may employ such other means of publicity and education as it determines necessary.

SECTION 21.06 APPROVAL OF PLATS

The Township Board shall refer plats or other matters relating to land development to the Planning Commission before final action is taken by the Township Board.

SECTION 21.07 SPECIAL USE PERMITS

The Planning Commission shall have the authority to issue Special Use Permits as required by this ordinance pursuant to Chapter Fifteen.

CHAPTER TWENTY TWO

BOARD OF APPEALS

SECTION 22.01 CREATION, MEMBERSHIP, OFFICE TERM, OFFICERS & RULES

- A.** There is hereby created a Board of Appeals consisting of three (3) members: the first member of such Board of Appeals shall be a member of the Planning Commission appointed by the Township Board; the second member shall be a member of the Township Board appointed by the Township Board; and the third member shall be selected and appointed by the Township Board from among the electors residing in the unincorporated area of the Township, provided that no elected officer of the Township nor any employee of the Township Board shall serve simultaneously as the third member or as an employee of the Township Board of Appeals.
- B.** Initially, one (1) member of the Board of Appeals shall be appointed for a term of three (3) years; one (1) member shall be appointed for a term of two (2) years; and one (1) member shall be appointed for a term of one (1) year. Thereafter, each member, when appointed, shall have a term of three (3) years. Terms of members serving because of their membership on the Planning Commission or Township Board shall be limited to the time they are members of the Planning Commission or Township Board and the periods Stated in the resolution appointing them.
- C.** The Board of Appeals shall elect one (1) of its members as its Chairman and one (1) of its members as Secretary, and shall prescribe rules for the conduct of its affairs. The member of the Township Board who is a member of the Board of Appeals shall not serve as the Chairman of the Board of Appeals. Copies of the rules shall be made available to the public at the Office of the Township Clerk.
- D.** Alternate Members:
 - 1. The Township Board may appoint not more than two (2) alternate members to the Zoning Board of Appeals for the same term as regular members. If two (2) alternate members have been appointed, they may be called on a rotating basis, as they are available to sit as regular members of the Zoning Board of Appeals in the absence of a regular member.
 - 2. An alternate member may also be called to serve in the place of a regular member when such member has abstained for reasons of conflict of interest. The alternate member having been appointed shall serve in the case until a final decision has been made.
 - 3. An alternate member shall only serve to discuss or vote upon a case in the absence of a regular member or upon the conflict of interest of a regular member. The alternate member shall have the same voting rights as a regular member of the Zoning Board of Appeals.

SECTION 22.02 POWERS AND DUTIES

The Zoning Board of Appeals shall have all the powers and duties prescribed by law and by this chapter which are more particularly specified as follows:

- A. Interpretation:** Decide any question involving the interpretation of any provisions of this ordinance, including determination of the exact location of any district boundary of the zoning map if there is uncertainty with respect thereto.
- B. Variances:** Grant variances from the terms and provisions of this ordinance as provided in this chapter.
- C. Appeals:** Hear and decide appeals of decisions made by the Zoning Administrator in the enforcement of this ordinance.

SECTION 22.03 COMPENSATION

Each member shall receive a reasonable sum as determined by the Township Board for services in attending each regular or special meeting of said Board of Appeals.

SECTION 22.04 REMOVAL

Members of the Board of Appeals may be removed by the Township Board for nonperformance of duty or misconduct in office upon written charges and after public hearing.

SECTION 22.05 MEETINGS-RECORDS

Meetings of the Board of Appeals shall be held at the call of the Chairman and at such other times as the Board of Appeals, in the rules of procedure, may specify. The Chairman, or in his absence the acting Chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board of Appeals shall be open to the public. The Board of Appeals shall maintain a record of its proceedings which shall be filed in the office of the Township Clerk and which shall be a public record.

SECTION 22.06 PROCEDURE

- A.** The presence of two (2) members shall constitute a quorum, and the concurring vote of a majority of all members of the Board of Appeals shall be necessary to reverse any order, requirement, decision or determination of the administrative official or body, or to decide on any matter upon which it is required to pass under this ordinance or to effect any variation in such ordinance.
- B.** Applications or appeals shall be taken within such time as shall be prescribed by the Zoning Board of Appeals, by general rule, by filing with the Zoning Administrator and with the Zoning Board of Appeals a notice of application or appeal specifying the grounds thereof. The Zoning Administrator shall forthwith transmit to the Zoning Board of Appeals all of the papers constituting the record from which the application or appeal was taken.
- C.** Following receipt of a written request concerning a request for a variance, the Zoning Board of Appeals shall fix a reasonable time for the hearing of the request and a notice that a request for a variance has been received shall be published in a newspaper that circulates in the Township, and sent by mail or personal delivery to the owners of property for which approval is being considered, to all persons to whom real property is assessed within 300 feet of the boundary of the property in question, and to the occupants of all structures within 300 feet of the property regardless of whether the property or occupant is located in the zoning jurisdiction. The notice shall be given not

less than 15 days before the date the application will be considered. If the name of the occupant is not known, the term “occupant” may be used in making notification. The notice shall:

1. Describe the nature of the variance request.
 2. Indicate the property that is the subject of the variance request.
 3. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used.
 4. State when and where the variance request will be considered.
 5. Indicate when and where written comments will be received concerning the variance request.
- D.** Upon receipt of a written request seeking an interpretation of the zoning ordinance or an appeal of an administrative decision, a notice stating the time, date, and place of the public hearing shall be published in a newspaper of general circulation within the Township and shall be sent to the person requesting the interpretation not less than 15 days before the public hearing. In addition, if the request for an interpretation or appeal of an administrative decision involves a specific parcel, written notice stating the nature of the interpretation request and the time, date, and place of the public hearing on the interpretation request shall be sent by first-class mail or personal delivery to all persons to whom real property is assessed within 300 feet of the boundary of the property in question regardless of whether the property or occupant is located in the zoning jurisdiction. If the person's name is not known, the term “occupant” may be used.
- E.** Upon the day of the hearing for any application or appeal, the Zoning Board of Appeals may adjourn the hearing in order to permit the obtaining of additional information or to cause such further notice, as it deems proper, to be served upon such other property owners as it decides may be interested in said application or appeal. In the case of an adjourned hearing, persons previously notified and persons already heard need not be notified of the time of resumption of said hearing.
- F.** At the hearing, any party may be heard in person or by agent or attorney.
- G.** The Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirements, decision, or determination as, in its opinion, ought to be made in the premises and, to that end, shall have all the powers of the officer from whom the appeal was taken and may issue or direct the issuance of a permit.
- H.** The decision of the Zoning Board of Appeals shall be final. A party aggrieved by the decision may appeal to the Circuit Court for Montcalm County, as provided in Public Act 110 of 2006. An appeal to the Circuit Court for Montcalm County shall be filed within 30 days after the Zoning Board of Appeals certifies its decision in writing or approves the minutes of its decision.
- I.** Each appeal or application for variance shall be accompanied by a filing fee according to the fee schedule adopted by the Township Board. When a matter is referred by the Planning Commission, as required by the Zoning Ordinance, to the Board of Appeals for consideration, no fee shall be charged.

SECTION 22.07 STAY OF PROCEEDINGS

An appeal stays all proceedings in furtherance of the action appealed from unless the Zoning Administrator certifies to the Board of Appeals, after the notice of appeal shall have been filed, that, by reason of facts Stated in the certificate, a stay would, in the opinion of the Zoning Administrator, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Appeals or by the Circuit Court on application, on notice to the Zoning Administrator, and on due cause shown.

SECTION 22.08 TIME LIMIT ON VARIANCES

Any variance or exception granted by the Board of Appeals shall automatically become null and void after a period of twelve (12) months from the date granted unless the applicant shall have taken substantial steps toward affecting the variance within said period; provided, however, that the Board of Appeals may extend such period for a further period of time not exceeding one (1) year upon application and without further notice.

SECTION 22.09 VARIANCES PERMITTED

Where there are practical difficulties or unnecessary hardships in carrying out the strict letter of this ordinance, the Board of Appeals shall have power to vary or modify any of the provisions hereof so that the spirit of the ordinance shall be observed, public safety promoted, and substantial justice done. The Board of Appeals may grant such variances only upon finding that all of the following conditions exist:

- A.** That there are exceptional or extraordinary circumstances or conditions applying to the property in question that do not apply generally to other properties in the same district.
- B.** That the condition or situation of the specific piece of property for which the variance is sought is not of so general or recurrent a nature as to make reasonably practical the formulation of a general regulation for such conditions or situations. Unique circumstances include exceptional narrowness, shallowness or shape of a specific property on the effective date of this chapter, or by reason of exceptional topographic conditions or other extraordinary situation on the land, building or structure or by reason of the use or development of the property immediately adjoining the property in question, the literal enforcement of the requirements of this chapter would involve practical difficulties.
- C.** That such variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same district and in the vicinity. The possibility of increased financial return shall not of itself be deemed sufficient to warrant a variance.
- D.** The variance will not be significantly detrimental to adjacent property and the surrounding neighborhood.
- E.** The variance will not impair the intent and purpose of this ordinance.
- F.** That the immediate practical difficulty causing the need for the variance request was not created by any action of the applicant.

SECTION 22.10 VARIANCES PROHIBITED

No variance granted under this ordinance shall permit a use not otherwise permitted within the zoning district wherein the subject property is located.

SECTION 22.11 SPECIAL CONDITIONS

In considering any applications, the Board of Appeals shall review the case within the intent of the ordinance. Before granting a variance, the Board of Appeals shall determine whether the variance would be unduly hazardous or a nuisance to the surrounding neighborhood by reason of noise, atmospheric pollution, vibration, glare, fire potential, parking, traffic, aesthetic effect, devaluation of property values, or psychological effects. For such purposes, the Board of Appeals may require the applicant to enlist experts, technicians and consultants. In authorizing a variance or exception, the Board of Appeals may, in addition to the conditions of approval called for in this ordinance, attach thereto such other conditions regarding the location, character, landscaping or treatment reasonably necessary to the furtherance of the intent and spirit of this ordinance and the protection of the public interest.

SECTION 22.12 RESUBMISSION

- A.** No variance request which has been decided by the Zoning Board of Appeals shall be submitted for reconsideration within a one (1) year period from the date of the original application unless the Zoning Board of Appeals finds that at least one of the following conditions exist:
 - 1. That the conditions involving all of the reasons for the original denial have been significantly altered.
 - 2. That new conditions or circumstances exist which change the nature of the original request.

CHAPTER TWENTY THREE VIOLATIONS & PENALTIES

SECTION 23.01 VIOLATIONS & PENALTIES

- A. Any use of land which is commenced or conducted, or any building or structure which is erected, moved, placed, reconstructed, raised, extended, enlarged, altered, maintained or changed, in violation of any provision of this ordinance is hereby declared to be a nuisance, per se. Any person who disobeys, omits, neglects or refuses to comply with any provision of this ordinance or any permit, license or exception granted hereunder, or any lawful order of the Zoning Administrator, Zoning Board of Appeals, or the Township Board issued in pursuance of this ordinance shall be a violation of this ordinance. Any such violation is hereby declared to be a nuisance, per se. A violation of any part of this ordinance is a municipal civil infraction, for which the **finest shall not be less than \$150.00 nor more than \$500.00 for the first offense and not less than \$500.00 nor more than \$1,000.00 for subsequent offenses**, in the discretion of the Court, and in addition to all other costs, damages, attorney's fees, and expenses. The Zoning Administrator shall issue a citation, and the **recipient of citation shall have 21 days** to rectify the situation. For purposes of this section, "subsequent offense" means a violation of the same provision of this ordinance for which said person admitted responsibility or was adjudicated to be responsible. Each day during which any violation continues shall be deemed a separate offense.
- B. The foregoing penalties shall not prohibit the Township from instituting civil proceedings for injunctive relief against a violator or such other appropriate relief as may be provided by law.

SECTION 23.02 VIOLATION DECLARED NUISANCES

Any building or structure erected, altered, enlarged, rebuilt, or moved, or any use carried on in violation of any provisions of this ordinance is hereby declared to be a nuisance per se. Any court of competent jurisdiction may order such nuisance abated and the owner guilty of maintaining a nuisance per se.

SECTION 23.03 PROCEDURE

The Township Board, the Board of Appeals, the duly authorized Attorney for the Township, the Prosecuting Attorney for Montcalm County, or any owners or occupants of any real estate within the Township 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 herein are cumulative and in addition to all other remedies provided by law.

SECTION 23. 04 ADMINISTRATION & ENFORCEMENT OF STATE CONSTRUCTION CODE (enacted 1974)

Failure to comply with a stop work order issued by the enforcing agency shall be a misdemeanor punishable by a fine of not more than \$500.00 or imprisonment for no more than 90 days, or both. Violation of any other provision of this ordinance is a municipal civil infraction and subject to the terms outlined in this chapter.

CHAPTER TWENTY-FOUR MISCELLANEOUS PROVISIONS

SECTION 24.01 VALIDITY & SEVERABILITY

- A.** If any portion of this ordinance is found invalid for any reason, such holding will not affect the validity of the remaining portions of this ordinance.
- B.** The provisions of this ordinance are severable and it is the intention of the Douglass Township Board to confer the whole or any part of the powers herein provided. If any of the provisions of this ordinance shall be held unconstitutional by any court of competent jurisdiction, the decision of the court shall not affect or impair any remaining provisions of this ordinance. It is hereby declared to be the legislative intent of the Township Board that this ordinance would have been adopted had such unconstitutional provisions not been included therein.

SECTION 24.02 CODIFICATION

It is the intention of the Township Board that the provisions of this ordinance shall become and be made a part of a Douglass Township Development Code; and that sections of this ordinance may be renumbered or relettered and the word "ordinance" may be changed to "section," "article," or such other appropriate word or phrase in order to accomplish such intentions; and regardless of whether such inclusion in the code is accomplished, sections of this ordinance may be renumbered or relettered and typographical errors which do not affect the intent may be corrected by the Township Board without need of public hearing by filing a corrected or codified copy of same with the Township Clerk and publishing such changes in a newspaper of general distribution within the Township within fifteen (15) days of such authorization.

SECTION 24.03 ADMINISTRATIVE LIABILITY

No officer, agent, employee, or member of the Planning Commission, Township Board, or Board of Appeals shall render himself personally liable for any damage that may accrue to any person as the result of any act, decision, or other consequence or occurrence arising out of the discharge of his duties and responsibilities pursuant to this ordinance.

SECTION 24.04 REPEALER

All other ordinances inconsistent with the provisions of this ordinance are hereby repealed to the extent necessary to give this ordinance full force and effect.

SECTION 24.05 EFFECTIVE DATE

This ordinance is hereby declared to have been adopted by the Township Board of the Township of Douglass, Montcalm County, Michigan at a meeting held thereof, duly called and held on the 19th day of February, 2025 in order to be given publication in the manner prescribed by law and takes effect seven days after publication as provided by law.

AYES: 5

NAYS: 0

Ordinance declared adopted.

STATE OF MICHIGAN

COUNTY OF MONTCALM

I, the undersigned, the duly qualified and acting Clerk of the Township of Douglass, Montcalm County, Michigan (the "Township"), do hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the Township Board at a regular meeting on February 19th, 2025, the original of which is on file in my office. Public notice of said meeting was given pursuant to and in compliance with Act No. 267, Public Acts of Michigan, 1976, as amended.

IN WITNESS WHEREOF, I have hereto affixed by official signature on this _____ day of _____.

Holly Huff

Clerk of Douglass Township

APPENDIX A

DISTRICT REGULATIONS QUICK GUIDE

This is for quick reference only. Please see appropriate chapters for exceptions, conditions, and details.

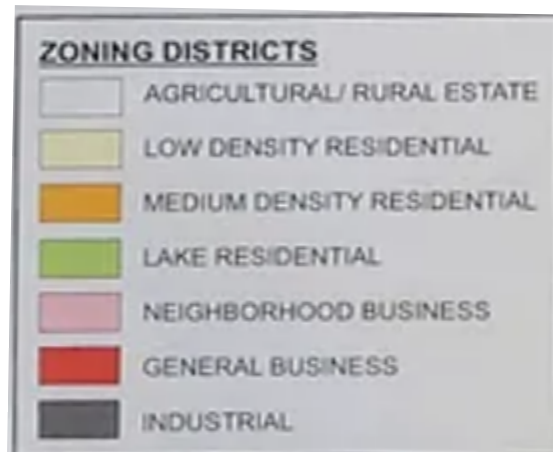
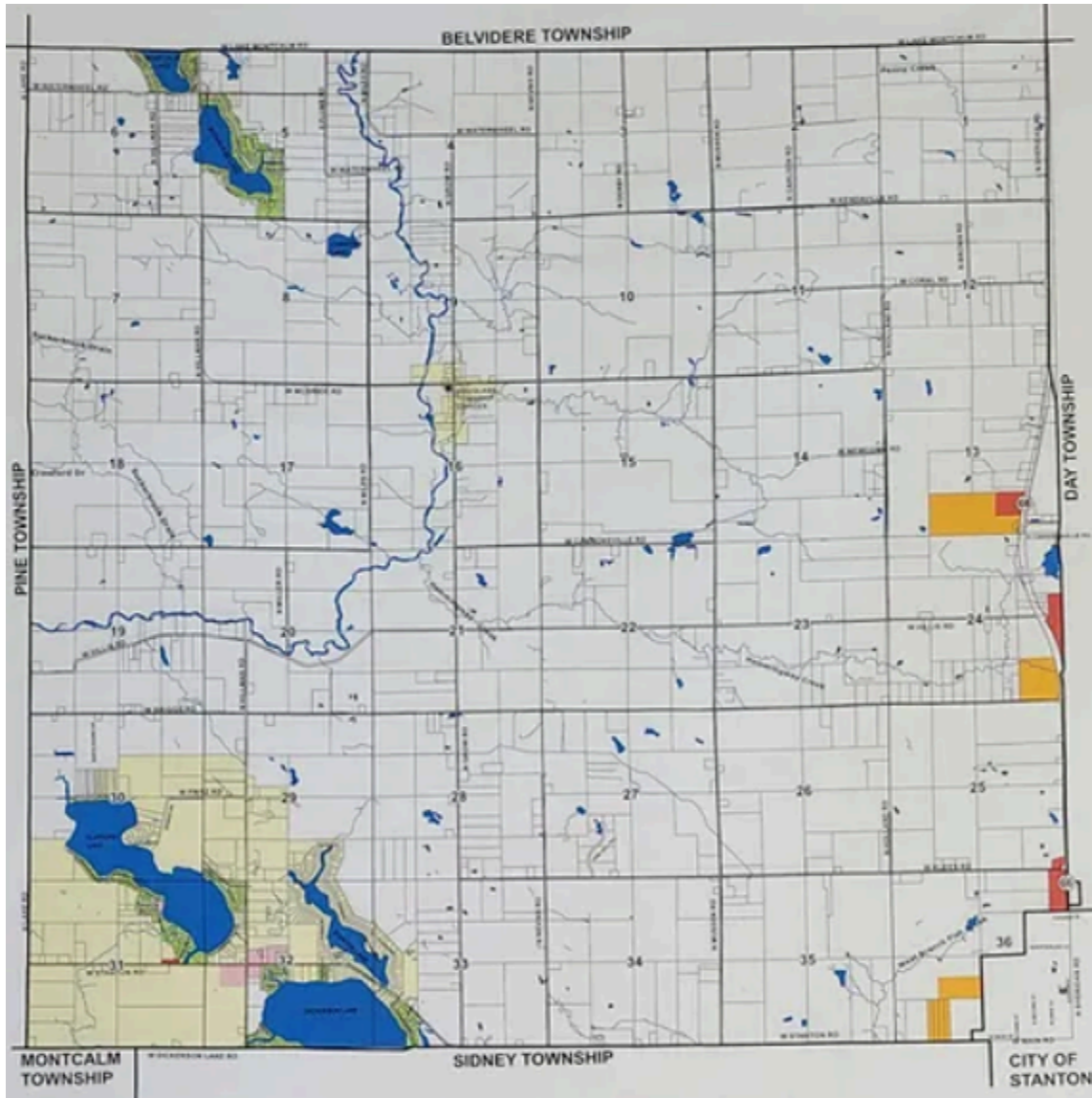
District	Min. Area (sq. ft.)	Min. Width (ft.)	Front Setback (ft.)	Side Setback (ft.)	Rear Setback (ft.)	Max Height (ft.)	Lot Coverage (%)	Min. Dwelling (Sq. ft.)
AG/RE	1 acre	200	60	25	50	35	30	500
LDR	12, 000	80	40	10	35	35	30	500
LR	5,000	50	30	5	25	30	30	500
MDR	See Ch. 9	See Ch. 9	See Ch. 9	See Ch. 9	See Ch. 9	See Ch. 9	See Ch. 9	See Ch. 9
NB	30,000	150	100	15	25	35	25	
GB	1 acre	150	100	15	25	35	25	
I	2 acres	200	100	20	25	35	25	
FR	1 acre	200	60	25	50	35	30	500
RO	See ch. 14	See ch. 14	See ch. 14	See ch. 14	See ch. 14	See ch. 14	See ch. 14	

APPENDIX B

See website: Forms, Zoning Permit Application

APPENDIX C

Zoning Map of Douglass Township Montcalm County, Michigan



[illegible]