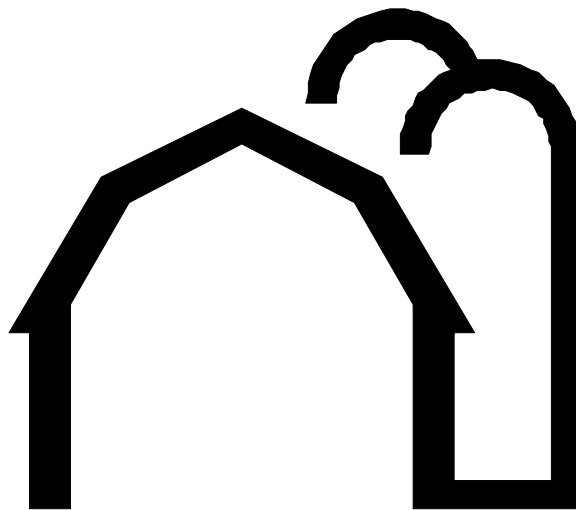


ZONING ORDINANCE
GRANT TOWNSHIP
NEWAYGO COUNTY, MICHIGAN
1999
As amended through //2008



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GRANT TOWNSHIP
NEWAYGO COUNTY, MICHIGAN

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**ZONING ORDINANCE
GRANT TOWNSHIP
NEWAYGO COUNTY, MICHIGAN**

Grant Township, Newaygo County, Michigan ordains as follows:

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

**ARTICLE 1
TITLE, PURPOSE, SCOPE**

Section 1.1 Short Title:

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

Section 1.2 Purpose:

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

Section 1.3 Interpretation:

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

Section 1.4 Scope:

This Ordinance shall affect and regulate the use and occupancy of all land and every structure in the unincorporated portion of the Township. Where this Ordinance imposes greater restrictions than those imposed or required by provisions of other laws, ordinances, private restrictions, covenants, deed or other agreements, the provisions of this Ordinance shall control.

Section 1.5 Zoning Affects All Structure and Land Use:

No structure, land or premises shall hereafter be used or occupied and no building shall be erected, moved, reconstructed or altered except in conformity with the regulations and provisions of this Ordinance. Furthermore, no lot shall be created or altered except in conformity with the regulations and provisions of this Ordinance and amendments thereto.

**ARTICLE 2
DEFINITIONS**

The following terms shall have the following meanings for purposes of this Ordinance:

Section 2.1 Accessory Structure:

A subordinate structure devoted to an accessory use and located on the same premises on which the main building is located. An accessory structure attached to a main structure shall be considered part of the main structure.

Section 2.2 Accessory Use:

A use naturally and normally incidental which is subordinate to a principal use and located on the same premises with the principal use.

Section 2.3 Alteration of Structures:

A change in the supporting members of a structure, an addition, removal, conversation or moving of a structure from one location to another.

Section 2.4 Agriculture:

The cultivation, raising, and storage of crops, animals, and related products, including nurseries, hatcheries, apiaries, forestry, floriculture, viticulture, pasturage and dairying. See also Greenhouse.

Section 2.5 Agriculture Service Establishments:

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

Section 2.6 Agricultural Labor Housing:

A tract of land and all tents, vehicles, buildings and other structures pertaining thereto which is established, occupied or used as living quarters for five (5) or more migratory workers engaged in agricultural activities including related food processing, as licensed under the provisions of P.A. 289 of 1965, as amended.

Section 2.7 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.

Section 2.8 Automobile 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 distribution as listed below:

Major Automobile Repair: General repair, rebuilding or reconditioning of engines, motor vehicles or trailers, collision service, including body repair and frame strengthening, painting, upholstering, vehicle steam cleaning, and undercoating rust proofing.

Section 2.9 Basement:

A portion of a building or a portion of a room located wholly or partially below grade.

Section 2.10 Basement, Walkout:

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

Section 2.11 Board or Board of Appeals:

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

Section 2.12 Boarding House, Rooming House:

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

Section 2.13 Building:

Anything which is constructed or erected, either temporary or permanent, having a roof 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 carrying on business activities or other similar uses, including tents, cabins, and mobile homes.

Section 2.14 Building - Height Of:

The elevation at the front of a building measured from the average finished lot grade to the highest point of the roof.

Section 2.15 Building - Principal Use:

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

Section 2.16 Building Setback:

The minimum required setback distance as measured from a lot line to the nearest point of a building or structure. In the case of a waterfront lot, setback from the water shall be measured from the high water line to the nearest point of a building or structure. Unless

otherwise provided for by this Ordinance, setbacks shall be unoccupied from the ground up.

Section 2.17 Communication Tower and Antenna:

A public or private device used for the transmission and/or receipt of Commercial Wireless Telecommunication Services including radio, television, sonar, satellite, or other such communication signals. A communication tower is characterized by, but not necessarily limited to, a narrow spire type metal structure anchored to a concrete pad which is permanently affixed to the ground. The tower is maintained in place by said anchorage and may include guy wires, expanded base, and/or other such characteristics for support of the tower. A communication tower may or may not be regulated by the Federal Communications Commission

Section 2.18 Communication Tower Building:

A building accessory to a communication tower and used to house equipment necessary for the operation of the tower.

Section 2.19 Commercial Wireless Telecommunication Services:

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

Section 2.20 Confined Feed Lot:

A parcel of land, use, or operation involving the concentrated breeding, keeping, or feeding of farm animals, the density of which is defined below:

Density Standards for Determining Confined Feed Lot - Section 2.20		
Types of Animals	Animals Per Contiguous Acre of Land (Column 1)	Total Animals (Column 2)
Dairy cattle	2	600
Slaughter or feeder cattle	2	600
Hogs, pigs, swine	5	500
Sheep, goats	3	300
Poultry	50	1,000
Horses	1	75
Others	5	200

A use or operation shall constitute a “confined feed lot” if the density standards of **either** Column 1 (Animals Per Acre) or Column 2 (Total Animals) are met.

Section 2.21 Commission or Planning Commission:
The Planning Commission of Grant Township, Newaygo County.

Section 2.22 Dwelling:
A building used as a permanent residence or sleeping place by one or more persons. Dwelling shall include, but is not limited to, single, two and multiple family dwellings, modular home and mobile homes. Hotels, motels, tourist cabin or units defined below are excluded.

Section 2.23 Dwelling Farm:
A dwelling unit located on a farm which is used or intended for the use by the farm's owner, operator, or person employed thereon.

Section 2.24 Single Family, Detached:
A building which is entirely surrounded by open space on its building lot, used and designed for one (1) family only.

Section 2.25 Dwelling, Multiple Family:
A building used or designed as a residence for three (3) or more families living independently of each other.

Section 2.26 Two (2) Family or Duplex:
A detached building containing two (2) dwelling units and designed for use by two (2) families living independently.

Section 2.27 Essential Services:
The erection, construction, alteration or maintenance of public utilities, including gas, electrical, steam, communication systems and sewage disposal systems. This definition shall not include sanitary landfills, recycling centers, nonpublic utility transfer stations, communication towers and antennas, and communication tower buildings.

Section 2.28 Family (See also regulations for Day Care and Foster Care):
One (1) or more persons living together in a single nonprofit housekeeping unit, organized as a single entity in which the members share common kitchen facilities in a domestic relationship based on consanguinity, marriage, adoption or other domestic bond, as distinguished from any society, clubs, association or any other group whose domestic relationship is of a transitional or seasonal nature or for an anticipated limited duration.

Section 2.29 Farm:
Except as provided below, a farm is real property used for commercial agriculture comprising at least forty (40) contiguous acres which may contain other noncontiguous acreage, all of which is operated by a sole proprietorship, partnership, or corporation and including all necessary farm buildings, structures and machinery.

A. A tract may be considered a farm if it is between four (4) and forty (40) acres,

provided it is devoted primarily to agricultural use, and has produced a gross annual income from agriculture of \$100.00 per year or more per acre of cleared and tillable land.

- B. A smaller tract of land may be considered a farm if designated by the Department of Agriculture as a specialty farm in one ownership which has produced a gross annual income from agriculture of \$2,000.00 or more.

Section 2.30 Floodplain:

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

Section 2.31 Floor Area:

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

Section 2.32 Garage, Private:

An accessory building or portion of a main building used for parking or temporary storage of not more than three (3) automobiles, including not more than one (1) light delivery or pickup truck used by the occupants and not exceeding a rated capacity of one and one-half (1-1/2) tons.

Section 2.33 Garage, Public:

A building used for commercial repair or storage of vehicles.

Section 2.34 Greenbelt:

A planting or buffer strip at least twenty-five (25) feet in width composed of deciduous and/or evergreen trees spaced not more than thirty (30) feet apart and not less than one (1) row of dense evergreen shrubs not less than three (3) feet in height and spaced not more than five (5) feet apart.

Section 2.35 Greenhouse:

A structure enclosed by glass, plastic, or other such translucent material which is used for the cultivation and/or protection of plants.

Section 2.36 Greenhouse, Commercial:

A greenhouse which is used in connection with the on-site retail or wholesale of plants, either seasonally or year-round. A commercial greenhouse may serve as the principal structure and use of a parcel in a commercial district, or may be constructed as an acceptable farm structure in conjunction with a single-family dwelling if located in an

Agricultural District. As such, the greenhouse and site shall meet the access, off-site parking, and other standards required by this Ordinance.

Section 2.37 Greenhouse, Hobby:

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

Section 2.38 Hotel:

A building in which transient lodging or boarding and lodgings are offered to the public for compensation. Boarding houses, motels, motor hotels, and apartments are excluded.

Section 2.39 Institutional or Public Uses:

Churches, school teaching academic subjects, hospitals, convalescent and nursing homes, parks, civic center, libraries and governmental structures.

Section 2.40 Junk Yard:

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

Section 2.41 Kennel:

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

Section 2.42 Livestock, Farm Animals:

Livestock, including dairy cattle, slaughter and feeder cattle, hogs, pigs, swine, sheep, goats, poultry, horses, and fur-bearing animals historically and traditionally associated with farms such as rabbits.

Section 2.43 Lot/Lot Area:

- A. A lawful parcel of land adjoining a dedicated public street or a recorded private street, and separated from other parcels by legal description, deed, or subdivision plat. The word "lot" shall include "plot" or "parcel." In the case of

development or use of land on the basis of condominium ownership (e.g. site condominium), "lot" shall also include the portion of the condominium project designed and intended for separate ownership and use and described in the master deed.

- B. For purpose of this Ordinance, the legal description of a lot may include adjoining street right-of-ways and other legal easements.
- C. Lot area shall include all lands within the boundaries of all lot lines, including area used for rights-of-way or legal easements used for public or private streets.

Section 2.44 Lot, Corner:

A lot situated at the intersection of two (2) or more streets.

Section 2.45 Lot Coverage:

The percentage of a lot which is covered by structures including porches, arbors, breezeways and patio roofs (whether open or closed). Fences, walls, hedges, and swimming pools are excluded.

Section 2.46 Lot, Front:

That size of a lot, other than a corner lot, abutting on a street or right-of-way. The front of a lot abutting lakes or streams shall be that portion of the lot nearest the water.

Section 2.47 Lot Lines:

The lines bounding any lot.

Section 2.48 Lot, Lawfully Created (Lot of Record):

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

Section 2.49 Mobile Home:

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

Section 2.50 Mobile Home Lot:

A designated site within a mobile home park for the exclusive use of the occupants of a single mobile home.

Section 2.51 Mobile Home Park:

A residential development designed and constructed for the placement of mobile homes, including homes commonly referred to as single-wide and double-wide. Said park being subject to the regulations of the Michigan mobile Home Commission and this Ordinance. A mobile home park does not include a recreational vehicle park or similar park, facility, or operation in which recreational vehicles, tents, and other such

temporary living quarters are placed on a seasonal or temporary basis.

Section 2.52 Modular Home:

A prefabricated dwelling meeting the floor area requirements of this Ordinance, which meets other applicable codes.

Section 2.53 Motel, Tourist Cabin, Motor Hotel:

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

Section 2.54 Nonconforming Structure:

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

Section 2.55 Nonconforming Use:

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

Section 2.56 Pet (Household):

A domesticated animal such as a dog or cat historically and traditionally kept for companionship and typically housed within the principal dwelling unit or in an accessory building within close proximity to the dwelling unit. A pet shall not include an animal classified as exotic or wild or an animal which, according to state or federal regulation, shall be unlawful to possess.

Section 2.57 Principal or Main Use:

The primary or predominant use of the premises.

Section 2.58 Recreational Vehicles:

Recreational vehicles including the following:

- A. A “**travel trailer**” which is a vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational and vacation use, and which is permanently identified as a “travel trailer” by the manufacturer.

- B. A “**pickup camper**” which is a structure designed primarily to be mounted on a pickup or truck chassis and with sufficient equipment to render it suitable for use as a temporary dwelling for travel, recreational and vacation use.

- C. A “**motorized home**” which is a portable dwelling designed and constructed as an integral part of a self-propelled vehicle.

- D. A **“folding tent trailer”** which is a canvas or plastic folding structure mounted on wheels and designed for travel and vacation.
- E. **“Boats”** and **“boat trailers”** Which shall include boats, floats and rafts, plus the normal equipment to transport the same on the highway.
- F. **“Snowmobiles”** and **“all terrain vehicles”**, plus the normal equipment to transport the same on the highway.

Section 2.59 Sign:

Any announcement, declaration, illustration, or insignia which is accessory to a principal use.

Section 2.60 Site Development Plan:

A scale drawing which shows the location and dimensions of existing and proposed improvements upon a parcel of land, including buildings, driveways, parking areas, landscaping lighting, sidewalks, signs, sewage systems and drainage facilities, and any other items that may be required therein.

Section 2.61 Single Ownership:

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

Section 2.62 Story:

The portion of a building between the surface of any floor at grade level and the surface of the floor next above it, or if there be no floor above, then the space between such floor and the ceiling next above it.

Section 2.63 Story - Half:

The portion of a building between the eaves and ridge lines of a pitched roof, whether or not used for dwelling purposes.

Section 2.64 Street:

A dedicated and accepted public thoroughfare or private road which complies with all Grant Township Ordinances, including the right-of-way and roadway.

Section 2.65 Structure:

Anything constructed, erected or to be moved to, or from any premises which is permanently located above or below the ground, including signs, billboards, and mobile home concrete pads.

Section 2.66 Swimming Pools:

A structure used to hold water for swimming and aquatic recreation. Plastic, canvas, or rubber portable pools temporarily erected upon the ground designed to hold two (2) feet of water are excluded.

Section 2.67 Terms:

The present tense shall include the future; the singular shall include the plural, and the plural the singular. The word “shall” is always mandatory. The words “zone and district” are the same. Reference to a whole shall include any part thereof. Reference to “his” and the male gender shall also mean the word “her” and the female gender.

Section 2.68 Theater Indoor:

Any building used for the presentation of drama, shows, movies, or other entertainment which has a roof completely sheltering actors and patrons and which is open to the public with or without charge.

Section 2.69 Theater Outdoor:

Any place used for the presentation of drama, shows, movies, or other entertainment open to the public with or without charge other than indoor theater.

Section 2.70 Travel Trailer:

See “Recreational Vehicles”.

Section 2.71 Yard:

An open space on a lot unoccupied by any buildings or structures, except as otherwise provided for in this Ordinance. All measurements shall be made between the nearest point of the lot line and the nearest point of a structure located thereon, or the nearest point of a public or private street right-of-way or easement and the nearest point of the structure,. In the case of a waterfront lot, the yard abutting the water shall be measured from the high water line.

Section 2.72 Yard, Front:

A yard extending across the full width of the front of the lot.

Section 2.73 Yard, Rear:

A yard extending across the full width of the rear of the lot.

Section 2.74 Yard, Side:

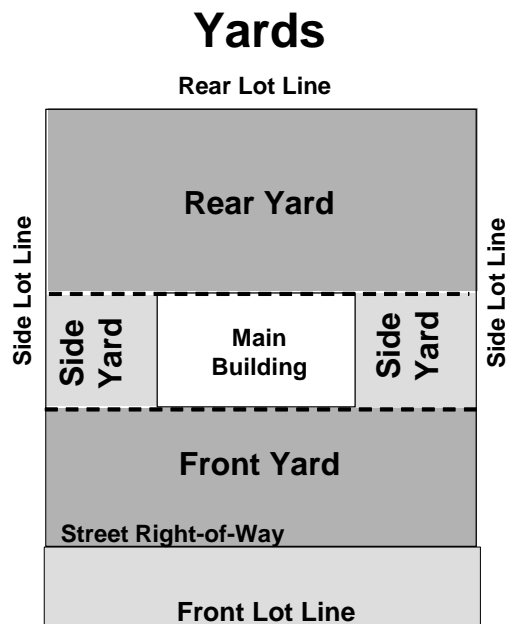
A yard between the principal structure and side lot line, easement or right-of-way line, and between the front and rear yards.

Section 2.75 Zoning Act:

P.A. 110 of 2006 of the Public Acts of Michigan, as amended.

Section 2.76 Zoning Administrator:

The administrator of this Ordinance, appointed by the Grant Township Board of



LSL Planning, Inc.

Trustees.

Section 2.77 Zoning Board:

All powers of the Grant Township Zoning Board have, by resolution of the Township Board, been transferred to the Grant Township Planning Commission, created and acting pursuant to Public Act 168 of 1959.

Section 2.78 Zoning Permit:

A standard form issued by the Zoning Administrator upon application and declaration by the owner or his duly authorized agent regarding proposed construction and use of land and buildings and structures thereon granting approval for the construction or use applied for.

**ARTICLE 3
GENERAL PROVISIONS**

Section 3.1 Purpose:

General regulations apply to all districts except as otherwise expressly noted herein. Where requirements of a general provision and a district regulation differ, the more restrictive requirement shall prevail.

Section 3.2 Accessory Structure:

The following requirements shall be met:

- A. No accessory structure whether of a fixed or movable nature may be built or located on any lot on which there is no principal building, except for farm use.
- B. Except as provided for, detached accessory structures are prohibited in the front yard. A detached accessory structure may be located in a front yard if:
 - 1. The principal building is located a distance of one hundred (100) or more feet from the front right-of-way line; and,
 - 2. The detached accessory building is located a distance of sixty (60) feet or more from the front right-of-way line.
- C. Accessory buildings in side yards must meet side yard requirements.
- D. Accessory buildings in rear yards must meet rear yard requirements.
- E. No accessory building may be closer than ten (10) feet from any other accessory buildings or principal building.
- F. Unless more stringent standards apply, accessory buildings shall be located at least twenty-five (25) feet from any public or private road right-of-way.
- G. No accessory building shall be used for dwelling purposes.
- H. In the L-R (Lake Residential) District, where an owner has a vacant lot across a street right-of-way from his principal building, an accessory building may be permitted on the vacant lot as a special land use, as approved by the Planning Commission.
- I. A mobile home cannot be used as an accessory use, for by definition a mobile home is a dwelling and would come under all regulations in this Ordinance for dwellings.
- J. Accessory buildings shall be stick-built or the equivalent new building construction. No mobile home, tank, junk object, trailer, burned out building,

vehicle, or similar item shall be utilized as an accessory building or storage structure; provided, however, that such requirement shall not be applicable to bona fide agricultural storage activities, or to tool sheds or similar temporary storage structures utilized pursuant to the construction of a building, so long as the period of construction does not exceed one (1) year.

Section 3.3 Animals and Fowl, Domestic:

- A. **Residential Districts.** No animals or fowl, other than customary household pets, shall be housed in residential districts within fifty (50) feet of any adjoining property. Such animals shall be kept under sanitary conditions and in sanitary enclosures.

- B. **Required Permits.** No animal or fowl, other than customary household pets may be kept on any parcel of land of less than two (2) acres unless a permit is first obtained from the Zoning Administrator. The Zoning Administrator shall not issue a permit unless the premises upon which the animals are kept are found to be sanitary and do not represent a nuisance to adjoining property owners pursuant to odor, noise, and other such health impacts.

- C. **Revocation.** The Zoning Administrator may inspect the premises at any reasonable time. The Zoning Administrator may revoke the permit if he/she is not permitted to inspect the premises or if the premises become unsanitary or if objectionable noise, odor, or other negative impacts emanate from the premises.

- D. **Restoration of Permit.** The Zoning Administrator may, upon application, restore a revoked permit if he/she determines that the reasons for permit revocation have been satisfactorily resolved.

Section 3.4 Area or Space Required:

No lot, access easement, yard, court, parking area or other space or item shall be reduced to less than the minimum required under this Ordinance. No lot or other area shall be further reduced if already less than the minimum required by this Ordinance. Property and bottomlands located under a lake or stream shall be excluded from lot area or dimension calculations for purposes of determining minimum lot area and dimension requirements pursuant to this Ordinance.

Section 3.5 Basement Dwellings:

The use of the basement of a partially built or planned building as a residence or dwelling is prohibited in all zones. The use of a basement more than four (4) feet below grade in a completed building for sleeping quarters or a dwelling unit is prohibited unless there are two (2) means of direct access to the outside.

Section 3.6 Boundaries of Districts:

The Zoning Map is part of this Ordinance. District boundary lines follow lot lines, section lines, fractional section lines, centerlines of streets as they existed at the time of the

adoption of this Ordinance, as well as lake and stream boundaries. Where a district boundary line divides a lot, the least restricted use shall not extend beyond such lines.

Section 3.7 Categories of Businesses Not Designated:

When the Ordinance is silent concerning the location of a commercial use, an interested party may seek approval of said use by filing a Special Land Use Application with the Planning Commission. In addition to the information required by this Ordinance for Special Land Use approval, the Planning Commission may secure the services of professional planning, engineering, legal, or other such consultants to assist the Commission on matters related to the Special Land Use request. Pursuant to such assistance, the Planning Commission may require the applicant to file an escrow fee with the Township. The fee shall be used to cover charges incurred by the Township for the use of said professional consultants. The escrow fee shall be in an amount as established by the Township Board by resolution and shall be in addition to the Special land use Permit Application Fee. Any unused portion of the escrow fee shall be returned to the applicant.

Section 3.8 Corner Lots:

Any yard which abuts a street right-of-way shall meet the front yard requirement of the district in which it is located.

Section 3.9 Damaged Building:

- A. A building damaged by fire, collapse, a criminal act or act of God to such extent that the cost of repair and reconstruction exceeds sixty percent (60%) of its replacement value at the time when the repairs or reconstruction are proposed, shall be repaired or reconstructed according to the provisions of this Ordinance and the building code relative to new construction.
- B. A building damaged by wear and tear, deterioration and depreciation to such an extent that the cost of repair and rehabilitation exceeds sixty percent (60%) of its replacement value at the time when the repairs or rehabilitation are proposed to be made, shall be repaired or rehabilitated according to the provisions of this Ordinance and the building code relative to new construction.
- C. A building permit must be secured before reconstruction of a building shall commence. The Zoning Administrator or Building Inspector shall determine the extent of such destruction, deterioration or depreciation before issuing a building permit.

Section 3.10 Driveways:

An approved driveway permit shall be obtained from the State Highway Department or the County Road Commission and submitted to the Building Inspector prior to the issuance of a building permit. Prior to issuance of a zoning permit, the Zoning Administrator may require an applicant to demonstrate that a driveway permit will be issued for the proposed driveway location. This may be in the form of the actual permit or letter of authorization or concurrence from the permitting agency.

Section 3.11 Dwellings on More Than One Lot:

If a structure is to be located on a parcel of land containing two (2) or more contiguous lots under single ownership, the entire parcel shall be considered a “lot” for purposes of this Ordinance.

Section 3.12 Floodplain Areas:

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

Section 3.13 Essential Public Service:

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

The Planning Commission is hereby granted the power to permit as a special land use to any public service corporation, the erection of any structure as listed in the above paragraph. In permitting the erection of said structure, the Planning Commission shall find:

- A. That such use, height, area, building or structure is necessary for the public convenience and service.
- B. That such building or structure is designed, erected and landscaped to conform harmoniously with the district in which it is located.
- C. That the advantage of the proposed location to the utility is not outweighed by the detriment to the locality and that a different suitable location is not readily available.

A building permit shall be required before any installation.

In the case of the construction of municipal wells, municipal sewage systems, and centralized private wells and centralized private sewer systems designed to serve (or having the capacity to serve) multiple users shall require a special land use permit as detailed above, provided, however, issuance of said permit shall be by the Grant Township Board, after receipt of a recommendation from the Township Planning Commission. In granting a special land use permit, the Township Board shall consider

the standards for approval of special land uses as found in this Ordinance (Article 9).

Section 3.14 Dwelling Unit:

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

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

materials of the mobile home according to manufacturer's specifications within sixty (60) days of the home placed on any lot.

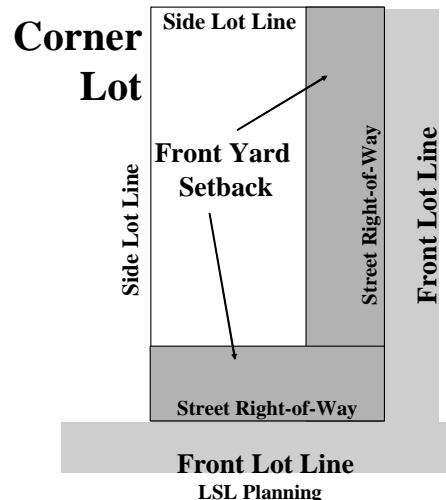
- I. **Mobile Homes in Licensed Mobile Home Parks** - The standards of this Section shall not apply to mobile homes in licensed mobile home parks, except to the extent required by state or federal law or otherwise specifically required in the Ordinance pertaining to such parks.
- J. **Mobile Homes Used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

Section 3.15 Front Yard - Abutting a Street:

The front yard of a lot must abut and have frontage on a public or private street which meets all Township Ordinance requirements. However, on waterfront lots, the rear yard must abut a street.

Section 3.16 Front Yard - Basis for Determining:

Required front yards shall be measured from the front lot line or the public or private street right-of-way or easement to the nearest portion of the structure. Corner lots shall have two (2) front lot lines and yards, two (2) side lot lines and yards and no rear lot line or yard.



Section 3.17 Height Exception:

- A. In all districts, height requirements may be exceeded by chimney, silos, farm barns and farm storage buildings, cupolas, spires, ornamental projections, or water towers.
- B. In the Industrial District chimneys, cooling and fire towers, elevator buildings and bulkheads, roof storage tanks and other necessary accessory structures are permitted, provided they are located not less than the same distance as their height from any adjoining property line.
- C. The height of communication towers and antennas shall be as regulated by this Ordinance.

Section 3.18 Home Occupation:

A home occupation shall include an occupation or profession carried on by a member of a family residing on the premises, which is clearly incidental and secondary to the principal residential use and does not change the character thereof. The above requirements as well as all standards listed below must be met to be considered a "home occupation." Home occupations are authorized as a permitted use in all districts having residential dwellings and, unless otherwise provided for, shall fall under the jurisdiction of the Zoning Administrator pursuant to review and approval.

- A. Is conducted entirely within the dwelling.
- B. Is carried out only by residents of the dwelling, plus not more than one (1) nonresident.
- C. No article is sold or offered for sale on the premises except as is produced within the dwelling or is provided incidental to the service or profession conducted within the dwelling.
- D. Has no exterior storage of materials, equipment or products.
- E. Creates no nuisance due to heat, glare, noise, smoke, vibration, noxious fumes, odors, vapors or gases or any other disturbances at any time resulting from such occupation.
- F. Does not create a hazard of fire, explosion, radioactivity or any other dangerous condition.
- G. Displays not more than one (1) non-illuminated sign not greater than four (4) square feet in size relating to such home occupation.
- H. Provides adequate off-street parking.
- I. Maximum percentage of floor area shall not exceed twenty-five percent (25%) of

the total dwelling.

- J. Shall not result in the generation of automobile and truck traffic incompatible with the surrounding neighborhood. Vehicles used for the delivery of merchandise shall not exceed step-type vans pursuant to size and weight.
- K. Art and music instruction shall be classified as a permitted home occupation, subject to the standards of this Ordinance.

Section 3.19 Institutional Use:

Institutional uses, as a special land use, may be located in any district upon approval of the Planning Commission.

Section 3.20 Greenbelt:

A greenbelt shall be required along any yard of a commercial or industrial use which abuts a residential district. The greenbelt may be part of (incorporated within) the required yard setback. The Planning Commission may waive all or a portion of the greenbelt and supplement same with an appropriately designed and constructed fence or architectural screen.

The Planning Commission may also require a greenbelt of greater width, plant variety, plant density, plant size, and/or use of such buffering features as berms and/or fencing, or may require a combination of the above if it is determined by the Planning Commission that additional width and/or other modification is needed to secure the health, safety, and welfare of adjoining residential property owners and/or to maintain the integrity of the adjoining residential district. Any tree or plant in a required greenbelt shall be maintained at all times and shall be replaced within one hundred twenty (120) days of the tree or plant dying or being destroyed.

Section 3.21 Lots of Record:

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

Section 3.22 Mobile Homes and Recreational Vehicles:

- A. It shall be unlawful for any person to park, or to cause to be parked, any mobile home or recreational vehicle on any street, highway or public place for storage, use as a dwelling, or for overnight stops outside off a licensed mobile home park or recreational vehicle park.
- B. No travel trailer, motor home, camper or tent shall be occupied on any lot for more than ten (10) days in any one (1) year, unless the Township issues a permit

for a longer time period. In approving an extension, the Zoning Administrator shall:

1. Require the occupant to demonstrate that adequate provisions have been made for potable water and sanitary needs.
 2. Determine that the extension will not result in negative impacts on surrounding property.
 3. Establish a specific time frame for the extension, provided, however, in no case shall said extension exceed twenty (20) additional days per any one year period.
- C. Except for an approved commercial business, recreational vehicles shall not be stored in any front yard. Recreational vehicles shall not be stored within a required side yard area.

Section 3.23 Mobile Homes as Migrant Housing:

Subject to special land use approval by the Planning Commission, mobile homes may be used as dwellings for the housing of migrant farm workers and migrant employees in conjunction with permitted farm uses in the “A” District.

Section 3.24 Mobile Homes as Temporary Dwellings:

A mobile home not otherwise meeting the standards of this Ordinance may be used as a temporary dwelling if certain requirements are met. The Zoning Administrator may approve such a use for a period not to exceed six (6) months and the Planning Commission may approve such use for an additional period not to exceed six (6) months provided the following conditions are met:

- A. A building permit has been issued for construction of a permanent single family dwelling that conform to the requirements of this Ordinance.
- B. That construction of the permanent dwelling progresses at a diligent manner.
- C. The temporary structure must contain at least seventy-five (75) square feet of living space for each occupant.
- D. The temporary structure must be properly connected to water and sanitary facilities approved by the County Health Department.
- E. The temporary structure must be removed within thirty (30) days of the date of issuance of occupancy permit for the permanent dwelling.
- F. A bond or cash deposit in the amount of Five Hundred Dollars (\$500.00 shall be posted in a non-interest bearing account with the Township. In the event the mobile home is not removed within the date specified above, the Township may

utilize the bond or cash deposit to cover costs to have the unit removed and stored at a location to be determined by the Township. Any portion of the bond or cash deposit not used for the removal and storage shall be returned to the applicant. The Township shall return the entire bond or cash deposit to an applicant complying with the removal provisions. All such funds, if any, shall be returned within thirty (30) days after authorization by the Zoning Administration that all provisions of this section have been complied with. The provisions of this section do not negate other penalties available to the Township for non-compliance with the removal of a mobile home.

Section 3.25 Moving of Structures:

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

Section 3.26 Multiple Uses of Buildings:

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

Section 3.27 Performance Bonds:

The Planning Commission, Township Board, and Board of Appeals, in connection with reviewing any application for a site development plan or variance, may require reasonable undertakings by the applicant to guarantee and assure by agreement, including a performance bond (such bond to be posted by applicant) or letter of credit in order to insure that the development will be executed in accordance with the approved plan. The performance bond, or other such financial guarantee, shall be provided in a manner and amount acceptable to the Township.

Section 3.28 Site Condominium Subdivision Approval

Pursuant to authority conferred by Section 141 of the Condominium Act (MCLA 559.241) all site condominium subdivisions must receive site plan approval from the Planning Commission

- A. **Definitions** – The following terms are defined both in the context of the Condominium Act and for purposes of this Section only:

1. "Condominium Act" means Public Act 59 of 1978, as amended.
2. "Condominium dwelling" means the building constructed upon a lot or condominium unit which is intended for residential purposes.
3. "Condominium structure" means a building or structure constructed upon a lot or condominium unit which is intended for residential, office, industrial, business, or recreational purposes.
4. "Condominium unit" means that portion of the condominium project designed and intended for separate ownership and use, as described in the Master deed, regardless of whether it is intended for residential, office, industrial, business, recreational, use as time-share unit, or any other type of use.
5. "Lot" shall mean the same as "Homesite" and "Condominium Unit."
6. "Mobile home condominium project" means a condominium project in which mobile homes are intended to be located upon separate sites which constitute individual condominium units.
7. "Master Deed" means the condominium document recording the condominium project to which is attached as exhibits and incorporated by reference the approved bylaws for the project and the approved condominiums subdivision plan for the project.
8. "Setback - front yard" shall be equal to the distance between the front lot line or public or private street right-of-way or easement and the condominium dwelling or condominium structure.
9. "Setback -rear yard" shall be equal to the distance between the rear line and the condominium dwelling or condominium structure.
10. "Setback - side yard" shall be equal to the distance between the side lot line and the condominium dwelling or condominium structure.
11. "Site condominium subdivision" shall be a division of land of the basis of condominium ownership which is not subject to the provisions of the Land Division Act, Public Act 288 of 1967, as amended.

Zoning compliance – Rezoning Required. All site condominium subdivisions and structures therein shall comply with all of the use, size, sign, height, frontage and area (setback) regulations of the underlying zoning district in which the subdivision is located

B. Mobile Home Condominium Project. Mobile home condominium projects shall

conform to all requirements of this ordinance.

- C. **Site Condominium Subdivision Layout - Design and Approval.** The Township Board may require site condominium plans to conform to the plan preparation requirements; review and approval procedures; and its design, layout and improvement standards. A deposit in the form of cash, certified check, or irrevocable bank letter of credit shall be made with the Township of Grant to guarantee the installation and completion of any required public sanitary sewer, water supply, and drainage facilities, within a length of time agreed upon from the date of final approval of the site condominium subdivision plan by the Township Board. Nothing in this Section shall be construed as requiring a site condominium subdivision to obtain plat approval under the Subdivision Control Act.
- D. **Master Deed - Contents.** All provisions of the site condominium plans which are approved by the Township Board must be incorporated, as approved, in the Master Deed for the site condominium subdivision. Any proposed changes to the approved site condominium plans must be reviewed and approved by the Township pursuant to the procedure set forth herein for the approval of site condominium plans. A copy of the Master Deed as filed with the Newaygo county Register of Deeds for recording must be provided to the Township within ten (10) days after such filing with the County.

Section 3.29 Principal Use:

Only one (1) principal use shall be made of a lot, except as otherwise expressly permitted by this Ordinance. A single family dwelling shall constitute a principal use, and only one (1) single family dwelling shall be permitted on a lot. Only accessory uses to the one (1) principal use shall be permitted in addition to the one (1) principal use.

Section 3.30 Nuisance:

No property, premise, lot, structure or use shall be used, erected or conducted in such a manner as to cause a nuisance to adjacent property or uses. Any structure, lot or use which violates a provision or this Zoning Ordinance shall be deemed to be a nuisance.

Section 3.31 Razing of Buildings:

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

Section 3.32 Rear Dwelling Prohibited as Residence:

No building in the rear of a dwelling on the same premise shall be used for residential purposes.

Section 3.33 Satellite Dish Antennas:

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

Section 3.34 Site Development Plan:

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

- A. Three (3) copies of the site development plan shall be submitted to the Zoning Administrator and shall contain the following:
 - 1. Location, shape, area and dimensions of the property.
 - 2. Surrounding property uses.
 - 3. Public and private easements or right-of-way located on, or proposed for the property.
 - 4. Driveways, off-street parking areas, loading spaces and other facilities to deal with traffic.
 - 5. Exterior building dimensions (existing and proposed), and number of floors and proposed uses.
 - 6. Pedestrian walkways, decorative fences, and other landscaping.
 - 7. Existing and proposed water, sewer, and utility lines, including sites for solid waste pickup.
 - 8. The type and method of storage of any and all toxic materials to be stored,

sold or used on the premises.

9. Location, height, size, and orientation of all signs.
 10. All major environmental features, including but not limited to, wetlands, water bodies, major stands of vegetation, steep slopes (over 18% grade), and rock outcroppings.
 11. Unique natural and cultural features, including but not limited to, State and/or Federal threatened or endangered plant species, historic structures and sites, etc.
- B. All site plan elements shall be identified pursuant to use or function and all buildings, building setbacks, parking areas and parking spaces, loading and unloading areas, open space areas, right-of-ways and easements, and other site plan elements shall be fully identified and dimensioned.
- C. The Planning Commission shall review the site development plan in terms of the standards stated in this Ordinance, and shall find adequate evidence that implementation of the site plan in the proposed location:
1. Will be harmonious with the existing or intended character of the general vicinity.
 2. Will be consistent with the Township Master Plan.
 3. Will not overburden the Township's ability to provide public services and facilities.
 4. Will not create traffic hazards or conditions potentially dangerous to surrounding property owners.
 5. Will be consistent with the spirit and intent of this Ordinance.
- D. To ensure safe and efficient traffic movement, the Planning Commission shall approve the designation of entries and exits, the direction of traffic flow on off-street parking areas and drives, the number and location of drives onto a public street, and the use of existing drives on adjacent properties to decrease congestion on streets. Pursuant to such approval, the Planning Commission may call upon the Newaygo County Road Commission, Newaygo County Sheriff's Office, Township Engineer, or other such party to provide professional expertise on matters of traffic circulation and safety. The Township may also require the applicant, at the applicant's expense, to submit a traffic study completed by a qualified transportation engineer.
- E. Upon approval of the plan, the Planning Commission Chairperson shall sign and

date three (3) copies thereof. One (1) copy shall be kept by the Planning Commission, one (1) by the Zoning Administrator, and the third copy shall be returned to the applicant. The signed site plan shall serve as the official site plan on matters of interpretation and enforcement.

F. Approval of a site plan may include the attachment of reasonable conditions. This includes site plans approved by the Planning Commission, the Zoning Board of Appeals, and, as applicable, the Zoning Administrator. Reasonable conditions may include, but are not limited to, conditions necessary to ensure compatibility with adjacent land uses, to promote the use of land in a socially and commercially desirable manner, and to protect the natural environment and conserve natural resources. Conditions imposed shall meet the following requirements:

1. Be designed to protect the health, safety, welfare and natural resources, as well as the social and economic well being not only of those who will be using the land or activity under consideration, but adjacent residents and land-owners, and the community as a whole.
2. Be necessary to meet the intent and purpose of this Ordinance, and be necessary to ensure compliance with the standards therein.

Conditions imposed shall be recorded in the record of the approved action, and shall remain unchanged except by mutual consent of the body from which said conditions were authorized. The Township shall maintain a record of conditions that are changed.

G. A performance bond may be required to ensure conformance with an approved site plan and any conditions attached thereto.

Section 3.35 Swimming Pools:

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

- A. Pools may be installed in the non-required side yards or rear yards of a lot in the Agricultural and residential districts. Motels and hotels may install pools in the non-required front yard. All other yard requirements shall be met, except as provided in paragraph B below.
- B. Pools shall not be erected closer than ten (10) feet from the rear and side property lines of the lot. In the case of corner lots, the pool shall not be located closer than the front setback required of a principal building.
- C. A good quality fence not less than four (4) feet in height shall be required. The support posts thereof shall be constructed in a permanent manner, shall be

placed on the inside of the fence (side facing the pool), and shall be of a construction quality to last as long as the pool. Fence posts shall be spaced at intervals of not more than eight (8) feet. The fence shall entirely enclose the pool.

- D. Every gate or other opening in the fence shall be designed and maintained to prevent entry of persons except as permitted by the owner. Gates shall be “self-closure” in design and shall be locked when the pool is not in use.
- E. Pools may not occupy more than forty percent (40%) of the area of the yard. In computing such area, all other accessory structures shall be excluded.
- F. If a public water supply system is available, only public water shall be used to supply water for such pool.
- G. The inlet of the water supply system shall be above the overflow level of the pool and filled with an anti-siphon device.
- H. Such pool shall be chemically treated in a manner sufficient to maintain bacterial standards established by the provisions of the Department of Health relating to public swimming pools.
- I. Should the above standards be less stringent than those of the local building or county health codes, the most stringent standards shall apply.

Section 3.36 Sewer and Water:

Where municipality utility services are available, no building permit shall be issued for any building to be occupied by human beings, in whole or in part, for residential, commercial, industrial or recreational purposes unless provisions have been made to install public sewers and water services to such building. In the absence of public water and sewer, no building permit shall be issued for any such building unless adequate provisions have been made for a safe water supply and sewage disposal system. Evidence of compliance with the requirements of the Newaygo County Health Department shall accompany the application for a building permit. No outhouse or outdoor privy for residential purposes shall be granted by the Planning Commission.

Section 3.37 Temporary Buildings:

Temporary buildings for uses incidental to construction work and all debris shall be removed within fifteen (15) days after the completion or abandonment of the work.

Section 3.38 Traffic Visibility Across Corners:

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

Section 3.39 Travel Trailers - Storage:

No travel trailer, camper, motor home or any similar vehicle shall be stored on any lot

unless there is a principal building that meets the requirements of this Ordinance, except as specifically provided for in this Ordinance.

Section 3.40 Walls and Fences:

- A. Retaining walls and fences not more than four (4) feet in height and not more than twenty-five percent (25%) in density (75% open) are permitted in all districts.
- B. Solid walls and fences not more than six (6) feet in height are permitted only in the side or rear yards in any district, provided, however, such height shall not be permitted in a yard that abuts a street right-of-way.
- C. A well maintained wire protective fence of not less than four (4) feet in height is permitted in the front yard of Commercial and Industrial Districts.
- D. No fence shall exceed six (6) feet in height unless the Planning Commission issues a special land use permit for a taller height.

Section 3.41 Prohibition of Landfills and Disposal of Waste:

No landfills (except as allowed as a special land use under the provisions of this Ordinance), garbage dumps or the burying, disposal or long-term storage of hazardous, nuclear or toxic materials or waste shall occur, be located or be permitted within the township. No person shall bury, spill, dispose of or pour any toxic, dangerous, hazardous or poisonous material, liquid, waste, chemical or similar item into, under or on any land or body of water within the township. Notwithstanding the prohibitions contained in this section, traditional use of fertilizer, herbicides and pesticides may occur.

Section 3.42 Unwholesome Substances:

No unwholesome substance, as hereinafter defined, shall be deposited, buried, stored, dumped or accumulated by any person in any body of water or on any land, private or public, in the township, unless such place has been designated as a public dumping ground by the Township, or unless such substance is lawfully housed in a completely enclosed building and in a safe and sanitary manner. For purposes of this Section only, the term "unwholesome substance" shall be defined to mean any trash, garbage, tin can, automobile body, junk vehicle, trailer body, stone, junk, hazardous compounds, waste offal, refuse, rubbish, food containers, bottles, crockery or utensils, stoves, ashes, clinkers, cinders, nite soil, oil, hazardous or harmful substances, industrial by-products or waste, flammable matter or substances, debris, filth, or any other material which constitutes a threat or menace to the health, safety, or general welfare of the public. For the purposes of this Section only, the term "automobile body" shall be defined to mean any vehicle which is unable to be driven upon a street under its own power and/or lacks all of the necessary component parts to make it operable and serviceable as a vehicle. For purposes of this Section only, the term "trailer body" shall be defined to mean any boat trailer, utility trailer, horse or animal trailer, truck trailer, travel trailer or any type of trailer or device used for hauling or moving things which lacks all of the necessary

component parts to make it operative and serviceable as a trailer to be pulled as such on a street. The provisions of this Section shall not be deemed to prohibit the storing or spreading of manure, fertilizers or other soil conditioners as part of a farm operation.

No sewage, waste water or water containing foreign substances shall be deposited or drained onto any land or deposited or drained into any open ditch, creek, stream, lake, pond or other body of water unless the same has been first approved by the Michigan Department of Health and the Newaygo County Health Department.

No boxes, barrels, waste wood, lumber, scrap metal, automobile body, or other materials shall be accumulated by any person so as to provide insect, rat or rodent harborage.

Section 3.43 Lot Dimensions (Width to Depth Ratio) and Lot Coverage:

A. No lot or parcel shall be more than four (4) times as long (or deep) as it is wide. For splits resulting in parcels of ten (10) or more acres, the Zoning Administrator may, upon application by the property owner, approve the creation of a lot or parcel no more than four and two-tenths (4.2) times as long (or deep) as it is

wide if the Zoning Administrator determines that the increased length or depth of the lot or parcel will not have negative impacts upon surrounding properties and is consistent with the intent and purposes behind the Zoning Ordinance and the Township's Master Plan. For purposes of the lot or parcel depth-to-width ratio requirements of this subsection (and as specified elsewhere in this Ordinance), the width shall be measured along the frontage of the lot or parcel at the public road or approved private road. The depth or length of the lot or parcel shall be measured from the public or approved private road frontage to the portion of the lot or parcel located farthest away from the public road or approved private road frontage.

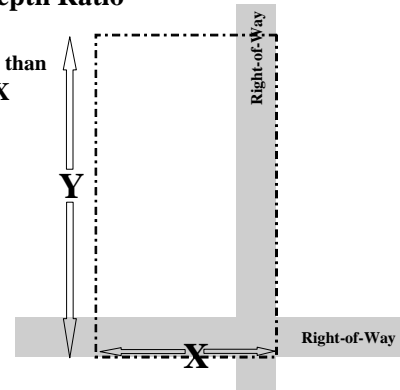
B. No lot or parcel shall have more than fifty percent (50%) of its surface area covered by buildings, structures, parking area, drives, streets and pavement, excluding pavement for public or private street surfaces.

Section 3.44 Yard Sales:

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

Lot Width to Depth Ratio

Y may be no greater than 4 times the value of X



LSL Planning, Inc.

Section 3.45 Private Roads

- A. **Legislative Purposes** - The township determines that it is in the best interest of the public health, safety and welfare to regulate the construction, improvement, maintenance, extension, relocation and use of private roads to assure the following:
1. That private roads are designed with sufficient width, surface and grade to assure safe passage and maneuverability of private vehicles, police, fire, ambulance and other safety vehicles.
 2. That said roads are constructed of suitable materials to ensure minimal maintenance and safe passage.
 3. That private roads will be constructed so as to protect against or to minimize soil erosion and to prevent damage to the lakes, streams, wetlands, and natural environment of the township.
 4. That private roads are properly maintained.
- B. **Definitions** - The following definitions shall apply to Section 3.45:
1. "Parcel" means a tract of land which can be legally described with certainty and is capable of being located by survey.
 2. "Driveway" means an improved or unimproved path or road extending from a public or private road or right-of-way to a single building, dwelling or structure, intended to provide ingress and egress primarily for the occupants thereof.
 3. "Drain Commission" means the Newaygo County Drain Commissioner.
 4. "Private Road" means any undedicated path, trail or road which provides or is intended to provide the primary means of ingress and egress to two (2) or more parcels or two (2) or more principal buildings, dwelling units or structures or combination thereof whether created by a private right-of-way agreement, license joint ownership, easement or prescription. Any and all extensions, additions or branches of or to a private road shall be considered part of the primary private road which abuts the public road. A private road shall also include the following:
 - a. An access serving one (1) parcel if that parcel does not have the requisite amount of frontage on a public road as required by the Grant Township Zoning Ordinance, or
 - b. Where two (2) or more parcels or dwellings share or utilize a

common access drive, even if each parcel has the required frontage on a public road.

5. "Road Commission" means the Newaygo County Road Commission.

C. **Permits Required** - No private road shall be constructed, extended, used, utilized, improved, or upgraded to serve additional parcels, or relocated after the effective date of this Ordinance until and unless an application for a private road Construction permit ("permit") has been completed and filed with the Township Zoning Administrator, the fees established by the Township have been paid, a special land use permit has been approved by the Planning Commission, and a construction permit has been issued. The application for such permit shall provide all of the following information:

1. **Ownership** – The name(s) of the owner(s) and other parties having any legal interest in the private road and the property across which it is to be constructed.
2. **Site Plan** – A site plan, drawn to scale, prepared by a registered engineer showing the precise location, grade, route, elevation, dimensions and design of the private road and any proposed extensions thereto, existing or proposed curb cuts and the location and distance to any public streets which the private road is to intersect. The plan may be prepared by a registered surveyor rather than by a registered engineer if the proposed private road is to serve five (5) or fewer parcels, principal buildings, etc. and the Township waives said requirements in writing.
3. **Survey** – A survey of the right-of-way by a registered land surveyor, together with surveys for each parcel to be served by the private road.
4. **Utilities and Easements** – The location of all public utilities including but not limited to water, sewer, telephone, gas, electricity and television cable to be located within the private road right-of-way or within twenty (20) feet of either side thereof. Copies of the instruments describing and granting such easements shall be submitted with the application.
5. **Water Bodies** – The location of any lakes, streams, wetlands and drains within the proposed right-of-way or within one hundred (100) feet thereof.
6. **Buildings and Structures** – The location of any other buildings and structures located or to be located within one hundred (100) feet of the private road right-of-way.
7. **Maintenance Agreement** – A proposed maintenance agreement, as defined below.

D. **Entry by Zoning Administrator.** The Zoning Administrator or his/her designee

shall have the right to enter upon the property where the private road is or will be located to conduct such inspections as may be necessary to enforce this Ordinance.

- E. **Standards for Private Roads.** No private road construction permit shall be issued unless the plans, maintenance, agreement, and proposed construction comply with the standards of this section.

1. **Minimum standards for all private roads:**

- a. **Right-of-Way and Utility Easement** – All private roads shall have a recorded permanent right-of-way and easement with a minimum width of at least sixty-six (66) feet. The right-of-way shall also expressly permit utilities to be installed within the right-of-way.
- b. **Parcels served:** No more than two (2) parcels shall be served by a private road unless the development is a cluster development or a planned unit development. In no case shall more than ten (10) lots be served.
- c. **Cleared Road Width, Road Bed, and Materials** – The area in which the private road is to be located shall have a minimum cleared width of twenty-eight (28) feet, which clearing shall always be maintained. The private road shall be at least twelve (12) feet wide and shall have a minimum subbase of twelve (12) inches of sand and six (6) inches of finished compacted gravel which is certified (no. 22A) on the top thereof. The contractor shall submit a statement to the Township certifying that the compacted gravel fully meets the requirements of this subsection. Compaction shall be at ninety eight percent (98%) of maximum dry density as determined by the Michigan One Point Core Method.
- d. **Cul-de-Sac or Continuous Loop System** – Any private road which terminates at a dead-end shall have a means for vehicle turn around either by use of a cul-de-sac, with a minimum radius of sixty (60) feet, or a continuous loop private road system.
- e. **Road Length** – The length of the private road shall be a minimum of two hundred and fifty (250) feet and shall not exceed one thousand three hundred and twenty (1,320) feet in length from a connection to a public street. Distances shall be measured from the right-of-way of the public road to the right-of-way of the cul-de-sac without a second direct access thereto being available from another public street.
- f. **Crown** – The road surface shall have a minimum crown of two percent (2%) fall from the centerline of the private road to the

outside edge thereof.

- g. **Shoulders** – A road shoulder at least two (2) feet wide, composed of six (6) inches of compacted gravel shall be provided on each side of the private road surface. There shall be a two percent (2%) fall from the outside edge of the road surface to the toe of the slope. Compaction shall be at ninety eight percent (98%) of maximum dry density as determined by the Michigan One Point Core Method.
- h. **Grade** – The maximum longitudinal road grade shall not exceed six percent (6%) provided that the Planning Commission may allow up to a ten percent (10%) grade if the Planning Commission finds that the increase in road grade will not adversely affect public safety and the design of the road system.
- i. **Layout and Clear Vision** – The layout of all private roads and the intersections of private roads with other public or private roads shall be such that clear vision, safe turning and travel in all directions at the posted speed limit is assured. The minimum distance between intersections of public and/or private road right-of-way shall not be less than three hundred (300) feet as measured along the right-of-way line thereof.
- j. **Drainage** – The private road shall be constructed with such stormwater run-off, culverts and drainage contours as is required by the township to ensure adequate drainage and run-off.
- k. **Stream Crossings** – The method and construction technique to be used in the crossing of any natural streams, wetlands, or drainage course shall satisfy the requirements of the township engineer and any other agency having jurisdiction thereof.
- l. **Road Name and Property Address** – The private road shall be given a name and street signs shall be installed in accordance with the standards and approval of the Newaygo County Road Commission. The private road addresses shall be posted in a conspicuous place at the entrance to the private road (at the intersection with the public road) in letters at least three (3) inches high. Private roads serving two (2) or more dwellings shall have a standard stop sign where the private road abuts the public road.
- m. **Indemnity** – The applicant(s)/Owner(s) of the private road agree that by applying for and securing a permit to construct the private road that they shall indemnify and will hold the township, including the Township Board, Township Planning Commission, Township

staff, Township consultants, and other such bodies representing the Township, harmless from any and all claims for personal injury and/or property damage arising out of the use of the road or of the failure to properly construct, maintain, repair, and replace the private road.

- n. **Maintenance Agreement** – The applicant(s) and/or Owner(s) of the proposed private road right-of-way or private road shall provide the township with a recordable private road maintenance, restrictive covenant agreement, or other documentation satisfactory to the township between the owner(s) of the private road right-of-way and any other parties having any interest therein which shall provide for and assure that the private road shall be regularly maintained, repaired and snow plowed so as to assure that the private road is safe for travel at all times and the cost thereof paid for. The applicant(s) agree, by filing an application for and receiving a permit under this Ordinance, that they will assure that any building(s) or parcels thereafter created or constructed on the private road shall also be subject to the road maintenance or restrictive covenant agreement and that said agreement shall be furnished to the township prior to issuance of the permit.

No construction permit shall be issued and no construction on a private road shall commence until the maintenance agreement has been reviewed and approved by the Township in consultation with the Township Attorney.

- o. **Construction Clean-Up** – Upon completion of construction of the private road, the applicant(s)/owner(s) shall remove and properly dispose of any and all trees, shrubs, construction debris and rubbish. All drainage ditches shall be restored with topsoil, seed, and mulch.
2. Private roads serving between three (3) and five (5) parcels, principal buildings, etc. shall also meet the following additional requirements:
- a. The private road shall be at least sixteen (16) feet wide.
 - b. Adequate provisions shall be made for drainage through a system satisfactory to the Township Engineer.
 - c. Any cluster or planned unit development Private roads servicing six (6) but not more than ten (10) or more parcels, principal buildings, etc. and private roads intended to provide access to six (6) or more parcels, principal buildings, dwelling units, or combinations thereof shall satisfy the following additional requirements: be paved to a width

of twenty-two (22) feet, with a minimum of one and three quarters (1-3/4) inches of bituminous aggregate meeting Michigan MDOT specification 1100t, as amended. If the private road is to include a storm sewer system, the minimum width of the private road surface, including valley gutters which shall be twenty-six (26) feet.

- F. **Certification of Compliance** – Upon completion of construction of the private road, the Zoning Administrator or his/her designee shall inspect the completed construction to determine whether it complies with the approved plans, specifications, permit, and this Ordinance. The applicant(s), at the applicant(s) expense, shall provide the township with a set of “as built” drawings bearing a certificate and statement from a registered engineer certifying that the private road has been completed in accordance with the requirements of the permit.

If the completed private road does not satisfy the requirements of the permit or this Ordinance, the applicant(s) shall be notified of the noncompliance in writing and shall be given a reasonable period of time within which to correct the deficiencies. Failure to correct the deficiencies within the time provided shall subject the applicant(s) to the penalties provided for in this Ordinance.

- G. **Fees** – Fees for the permits required hereunder shall be set by the Township Board from time to time by resolution. In addition to normal administrative costs associated with review of the application, said fees may be of sufficient amount to cover the costs of having the Township Attorney, Township Planner, and/or Township Engineer review the application, private road plans, specifications, and maintenance agreement and to do the necessary inspections. Additionally, the township may require that the applicant(s) put sufficient funds in escrow to cover the costs of having the Township Attorney, Township Planner, and Township Engineer review the private road plans, specifications and maintenance agreement and to do the necessary inspections.
- H. **Maintenance of Private Road** – Upon completion of the construction, improvement, relocation or extension of a private road, the applicant(s)/owner(s) shall maintain, repair and snowplow the private road right-of-way to always comply with the requirements of this Ordinance and in such a manner as to assure that the private road is safe for travel at all times.
- I. **Private Road Prohibition** – Except for agricultural businesses associated with a bona fide farming operation, no commercial, business, or mercantile use shall be located on a private road. Agricultural business uses may be located on private roads subject to the private road standards of this Ordinance. Any commercial, business, or mercantile use or property which does not have the required frontage on an improved public road may utilize a service road as provided for in subsection (Q).
- J. **Permits for Building on Private Roads** – No building permit shall be issued for

any principal building, dwelling or structure the primary access to which is to be provided by a private road unless a private road construction permit has been issued by the township and the road has either been completed in accordance with the approved permit (and a Certificate of Completion has been issued) and this Ordinance of the applicant(s) for the building permit or owner(s) of the private road right-of-way have provided the Township with a performance bond in an amount determined by the Township to be sufficient to ensure construction of the private road in full compliance with the private road permit within one (1) year from the date of the issuance of the building permit.

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

P. Performance Guarantee.

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

Q. Service Roads

1. Every commercial, business, or mercantile use (or lot or parcel for any commercial, business, or mercantile use) shall have frontage on an improved public road equal to the minimum lot or parcel width for the zoning district within which the property is located. Such requirement shall not apply to agricultural businesses associated with a bona fide farming operation, which may utilize and approved private road. If a commercial, business, or mercantile parcel or lot does not have such required frontage on an improved public road, such parcel or lot may be access by a service road approved by the Planning Commission as a special use.
2. Every service road shall meet the conditions, requirements, and procedures specified in subsections 3.45(C),(D), (E)(1), (E)(3), (F), (G), (H), (J-P) of this ordinance.

Section 3.46 Bed and Breakfast Operations:

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

- A. Not more than twenty-five percent (25%) of the total floor area of the dwelling unit shall be used for the bed and breakfast sleeping rooms (based on a submitted floor plan and a site plan of the proposed operation).
- B. The dwelling unit in which the operation takes place shall be the principal residence of the operator, and said operator shall live on the premises while the operation is active.
- C. There shall be no separate cooking facilities used for the bed and breakfast patron or guest.

- D. Sufficient off-street parking shall be provided in addition to that required for residential purposes at the rate of one (1) space per bed and breakfast sleeping room.
- E. All bed and breakfast operations shall also meet the provisions required by this Ordinance for home occupations.
- F. The bed and breakfast shall comply with all requirements of the Newaygo County Health Department and shall meet all applicable building code requirements.

Section 3.47 On-Site Sewage Treatment Facilities:

If the proposed structure is not served by a public sewer, an approved permit for the necessary on-site facilities shall be obtained from the County Health Department and submitted to the Zoning Administrator, together with a diagram with dimensions showing the location and size of the facilities, prior to the issuance of a zoning permit. Mobile home parks must meet all rules for sanitary sewage treatment facilities established by the Michigan Department of Public Health and the Newaygo County Health Department.

Section 3.48 No Storage of Mobile Homes:

No house/ camping trailer over twenty (20) feet in length which is presently incapable of road travel, mobile home, truck trailer or prefabricated home, shall be kept, stored or placed on any property unless at least one of the following occurs:

- A. It meets all requirements of a dwelling unit and all other requirements of this Ordinance; or
- B. It is part of the inventory or stock of a business being lawfully conducted on the lot or property.

Section 3.49 Working and Storage Surface for Certain Operations:

For any junkyard, scrap yard, salvage operation, automobile or vehicle repair or overhaul operation or similar business which utilizes an area exceeding one-fourth (1/4) acre, all areas (indoors or outdoors) used for junk, scrap or materials storage and/or for repair, salvage or overhauling operations shall be paved with a layer of concrete at least four (4) inches thick or asphalt at least one and one-half (1-1/2) inches thick.

No chemicals or potentially hazardous substances from such operations shall be disposed of on-site or leaked or deposited into the soil or ground. Such hard surface shall be repaired and maintained such that leakage into the soil below shall not occur.

Section 3.50 Application Fees/Escrow Amounts:

The applicant shall pay all applicable fees established by the Township Board by ordinance or resolution from time to time before the filing of any application, proposed site plan or any request pursuant to this Ordinance. In addition to normal application or permit fees, the Township, at its discretion, may require an applicant to submit (prior to

Township review of the application or project) an amount of money determined by the Township to be a reasonable estimate of the fees and costs which will be incurred by the Township in reviewing and acting on such application or project. The Township shall not charge or assess the applicant or developer for the time of Township employees or incidental costs, but may charge or assess the applicant or developer for other costs and expenses incurred by the Township during the review and approval process, which costs and expenses may include, but not limited to, Township legal fees, planning fees, engineering fees, costs and fees for outside studies and reports, and other professional fees and expenses.

Such monies shall be retained by the Township whether or not the application, development or project is approved. The Township shall refund all monies held by it which were not utilized or spent.

Section 3.51 Sewage:

No sewage (raw or processed) containing any human or industrial waste shall be spread or deposited on or within any land unless approved by the Township as a special land use. This section shall not apply to underground septic systems approved by Newaygo County.

Section 3.52 Water Tanks and Towers:

No above-ground water tank or tower shall exceed twenty (20) feet in height unless a special land use permit is granted by the Planning Commission.

Section 3.53 Greenhouse Regulations:

Commercial and hobby greenhouses shall comply with the following regulations:

A. Commercial Greenhouse (Seasonal and Year-Round)

1. Shall be restricted to the General Commercial and Agricultural Districts.
2. Shall be subject to site plan review and approval by the Planning Commission.
3. Shall meet all Township Building Codes.
4. Shall provide on-site parking at the rate of five (5) spaces plus one (1) additional space per each five thousand (5,000) square feet or fraction thereof of greenhouse area. Any portion of a greenhouse used for the retail of non-garden products, as permitted by the zone district, shall provide additional parking consistent with the commercial parking requirements of Article 8. Said additional parking shall be based on the floor area devoted to said retail of non-garden products. The area devoted to the retail of non-garden products may be subtracted from the greenhouse space when determining the parking requirements of said greenhouse space.

5. Shall provide sufficient on-site space for the loading and/or unloading of supplies and materials. Said space shall not interfere with designated customer or employee parking spaces.
6. Shall provide indoor storage for supplies and equipment, provided, however, the following may be stored outdoors:
 - a. Non-hazardous bulk material such as soil, sand, and compost material. If stored outdoors, such materials shall be properly secured to prevent off-site movement resulting from wind, water, or similar natural forces.
 - b. Trucks and trailers under the ownership/lease of the commercial greenhouse and used for the transport of goods associated with the greenhouse.
 - c. Employee and customer vehicles. In approving the outside storage of materials and vehicles, the Planning Commission may require vegetative or landscape screens between the materials being stored and adjoining residential properties and homes.

B. Hobby Greenhouse.

1. Shall be permitted in all zone districts.
2. Shall not exceed one thousand (1,000) square feet in area, either individually or total greenhouse building area, provided, however, on a parcel of two (2) acres or less, a greenhouse shall be limited to one (1) structure which shall not exceed six hundred (600) square feet.
3. Shall not display a sign.
4. Shall be located in a rear yard.
5. Shall meet or exceed the required setbacks for accessory buildings.

Section 3.54 Commercial Wireless Telecommunication Services:

- A. **Regulations** – Towers in excess of one hundred (100) feet in height used for Commercial Wireless Telecommunication Services shall meet the following requirements:
 1. **Placement** – Towers for Commercial Wireless Telecommunication Services shall be required to locate on an existing, approved, tower within a one (1) mile radius of the proposed tower unless one (1) or more of the

following conditions exists:

- a. The planned equipment would exceed the structural capacity of the existing tower, as documented by a qualified and registered professional engineer, and the existing tower cannot be reinforced, modified, or replaced to accommodate planned or equivalent equipment at a reasonable cost.
 - b. The planned equipment would cause interference materially affecting the usability of other existing or planned equipment at the tower as documented by a qualified and registered professional engineer and the interference cannot be prevented at a reasonable cost.
 - c. Existing or approved towers within a one (1) mile radius cannot accommodate the planned equipment at a height necessary to function reasonably as documented by a qualified and registered professional engineer.
 - d. Other unforeseen reasons that make it infeasible to locate the planned equipment upon an existing tower.
2. **Access by Other Users** – Any proposed tower for Commercial Wireless Telecommunication Services shall be designed, structurally, electrically, and in all other respects, to accommodate both the applicant's equipment and comparable equipment for a least two (2) additional users. Towers must be designed to allow for future rearrangement of equipment upon the tower and to accept equipment mounted at varying heights.
3. **Design** – Towers for Commercial Wireless Telecommunication Services shall be designed to blend into the surrounding environment through the use of color and architectural treatment, except in instances where color is dictated by state or federal authorities. Towers shall be of a monopole design unless the Planning Commission determines that an alternative design would be more compatible with the surrounding environment.
4. **Setbacks** – Any part of the structure or equipment placed on the ground pertaining to the tower for Commercial Wireless Telecommunication Services shall comply with the following setbacks:
- a. Towers in Residential Districts: Except as noted under Paragraph c, following, towers for Commercial Wireless Telecommunication Services and associated equipment shall be located a minimum of two hundred (200) feet from any Residential District lot line.
 - b. Towers in Nonresidential Districts: Except as noted under

Paragraph c, following, any part of a Commercial Wireless Telecommunication Services tower or associated equipment shall be set back for a distance equal to the setbacks for main buildings for the district in which it is located, except that in no case shall such structures or equipment be located less than twenty-five (25) feet from any adjacent lot line, public or private street right-of-way or easement line, or main building, nor less than two hundred (200) feet from any Residential District lot line.

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

Section 3.55 Width (Lot Width)

- A. The minimum lot width required in each zoning district shall be maintained across the entire length of the lot or parcel, except as provided in paragraph B, below.
- B. All lots shall have frontage on a public street or on a lawful private road for a distance equal to or greater than the minimum lot width specified for the district in which the lot or parcel of land is located. Lots abutting a cul-de-sac shall be permitted to have less street or road frontage (but in no case less than forty (40) feet of such frontage), provided, that the lot width at the front setback line, (or the rear setback line in the case of waterfront lots) and beyond shall satisfy the minimum lot width requirement of the district in which the lot or parcel of land is

located.

- C. For all lots or parcels abutting or having frontage on a lake or stream, each lot or parcel shall have frontage on the lake or stream, as measured at the normal high water mark, equal to or greater than the minimum lot width requirement of the zoning district within which the property is located.
- D. The measurement of lot width, area and frontage shall include all road rights-of-way.

Section 3.56 Land Divisions

- A. No lot, parcel of land, or access easement shall be created that does not fully comply with the minimum area, width, frontage, and other minimum requirements of the Grant Township Zoning Ordinance. All land divisions, lot splits, or property boundary reconfiguration of platted lots and unplatted parcels of land shall comply with all applicable requirements of the Grant Township Zoning Ordinance and the Michigan Land Division Act.
- B. No land division, lot split, creation of an access easement, or reconfiguration of property boundary lines shall occur unless and until a land division permit has been obtained from the Grant Township Zoning Administrator or such other person as may be designated for such purpose by resolution of the Township Board. No permit for a land division shall be issued unless and until the Township determines that the land division, lot split, access easement, or boundary reconfiguration, as well as the resulting lots, parcels of land, or access easements, fully complies with the requirements of the Grant Township Zoning Ordinance and all other applicable Township ordinances. Fees for a land division permit shall be established from time to time by resolution of the Township Board. No land division permit shall be approved or issued unless the application for such permit is accompanied by a survey prepared by a registered land surveyor showing all resulting lots or parcels of land, easements (if any), and legal descriptions thereof. The Township may waive the requirement of a survey, for good cause is shown by the applicant. No permit for division of a platted lot or lots, shall be issued unless and until such land division is approved by the Township Board. No platted lot shall be partitioned or divided into more than four parcels of land.

Section 3.57 Commercial Day Care Center, Residential Day Care Family Home, and Residential Foster Care Family Home:

- A. **Day Care Center (Child Care Center)** is a commercial facility, other than a private residence, licensed by the Michigan Family Independence Agency, in which one (1) or more preschool or school age children are given care and supervision for periods of less than twenty-four (24) hours per day, and where a parent or legal guardian is not immediately available to the child. Day care center

includes a facility which provides care for not less than two (2) consecutive weeks, regardless of the number of hours of care per day.

Day care center does not include:

1. A Sunday school, a vacation Bible school, or a religious class that is conducted by a religious organization where children are in attendance for not greater than four (4) hours per day for an indefinite period, or not greater than eight (8) hours per day for a period not to exceed four (4) weeks, during a twelve (12) month period, or a facility operated by a religious organization where children are cared for not greater than four (4) hours, while persons responsible for the children are attending religious classes or services.
 2. A commercial enterprise, such as a grocery store, wherein temporary child care is provided on-site for the children of the parents or guardians who are conducting business within the confines of said commercial enterprise coincident with the period of child care.
 3. A place of employment wherein temporary child care is provided for the children of the parents or guardians who are working for said place of employment coincident with the hours of employment for said parents or guardians.
- B. **Day Care Home, Family** is a single-family dwelling occupied as such in which one (1) but less than seven (7) 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 or adults related by blood, marriage, or adoption to an adult member of the family occupying the single-family dwelling.
- C. **Day Care Home, Group** is a single-family dwelling occupied as such in which seven (7) but less than twelve (12) 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 and/or adults related by blood, marriage, or adoption to an adult member of the family occupying the single-family dwelling.
- D. **Foster Care Home, Family** is a single-family dwelling occupied as such in which one (1) but less than seven (7) minor children and/or adults, who are not related to an adult member of the family occupying the single-family dwelling by blood, marriage, or adoption, are given care and supervision for twenty-four (24) hours per day, unattended by a parent or legal guardian. A Family Foster Care Home shall be licensed by the Michigan Family Independence Agency.
- E. **Foster Care Home, Group** is a single-family dwelling occupied as such in which seven (7) but less than twelve (12) minor children and/or adults, who are not related to an adult member of the family occupying the single-family dwelling by

blood, marriage, or adoption, are given care and supervision for twenty-four (24) hours per day, unattended by a parent or legal guardian. A Group Foster Care Home shall be licensed by the Michigan Family Independence Agency.

The above definitions do not preclude compliance of child care operations with other applicable local, state, and federal regulations. The above definitions do not include day or foster care facilities for the treatment of persons released from or assigned to correctional and penal institutions.

**ARTICLE 3
OPEN SPACE
DEVELOPMENT REGULATIONS
GENERAL PROVISIONS**

Section 3.58.0 Description, Purpose, and Processing

- A. The purpose of a Open Space Development (OSD) is to permit greater flexibility in development than is generally possible under standard District regulations. The intent of the regulations is to foster the preservation of significant natural features, large open spaces, or active agricultural land that would otherwise be developed but will be preserved as a result of the OSD. These provisions have been prepared and implemented as required by the Zoning Act.

- B. These OSD provisions are not intended as a device for ignoring the requirements of this Ordinance and are not intended simply as a means to increase density. These provisions are intended to result in land development substantially consistent with the underlying zoning, but provide a degree of flexibility in design to allow for customization of design to meet the unique natural conditions of a particular site and innovation in design to create a higher quality development than could otherwise be possible with the underlying zoning.

- C. Applications for an Open Space Development to be located in a Residential Zone District shall be processed as a use permitted by right, subject to the standards of these regulations. The Residential Zone Districts include the Rural Residential District (RR) and the Lake Residential District (LR) as provided for by the Grant Township Zoning Ordinance. Applications for an Open Space Development to be located in an Agricultural Zone District shall be processed as a special land use, subject to the standards of these regulations and applicable special land use standards. The Agricultural Zone District refers to the Agricultural District (A) as provided for by the Grant Township Zoning Ordinance. In requiring special land use approval for Open Space Developments proposed for the Agricultural District, it is noted that the Agricultural District is primarily designed to foster the maintenance of agricultural development within the Township. Residential development within the Agricultural District, while permitted, should not result in undue hardship on the carrying-out of normal agricultural practices. Therefore, to help ensure a positive relationship between Residential Open Space Developments and agricultural practices, the special land use process has been employed.

Section 3.58.1 Qualifying Conditions

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

- B. The property which is the subject of an OSD application must be a minimum of forty (40) contiguous acres in total area and may be located within any Residential or Agricultural District. The Planning Commission and Township Board may consider a lesser development size if the proposed project substantially forwards the intent of the Open Space Development regulations. A lesser development size may be considered when one or more of the following factors or conditions exist:
1. A lesser size would prove beneficial to the preservation of land actively used for agricultural purposes.
 2. A lesser size would be more compatible with surrounding development.
 3. A lesser size would be in the best interests of the Township, as determined by the Planning Commission and Township Board.
- C. The applicant must demonstrate that the property proposed for the OSD contains unique site conditions, significant natural features, large open spaces, or active agricultural land, which would be otherwise be developed but will be preserved as a result of the OSD.
- D. Private roads shall meet the standards of Section 3.45 (Private Roads) of this Ordinance, provided, however, the Planning Commission and Township Board may approve an increase in the maximum road length for the purpose of achieving an open space design which reinforces or promotes rural character. Examples of such designs may include, but shall not be limited to, site layouts reserving large open space areas contiguous to adjoining public roads; site layouts employing the use of small residential clusters intermixed with open space areas sufficient to achieve a greater sense of rural, low density, character for the residents of the development; projects designed to protect unique natural and/or cultural features; and, other such designs as determined by the Planning Commission and Township to warrant an increased road length. Pursuant to the above, no private road shall be increased in length unless the Planning Commission and Township Board are satisfied that said increase will not compromise public safety.
- E. Except for the occupants of the residential parcels contained within the OSD, open space shall not be used for the movement, access, or funneling of non-OSD residents to a lake or stream contiguous to, or a component of, the OSD development.

Section 3.58.2 Review Procedures

- A. Sketch Plan Approval

1. To be considered as an OSD the applicant shall be required to first receive approval of a sketch plan in accordance with the requirements of this Chapter.
2. Applications for sketch plan approval for OSDs shall be submitted to the Zoning Administrator at least thirty (30) days prior to the date of first consideration by the Planning Commission.
3. The application materials shall include all the following information, unless the Zoning Administrator determines that some of the required information is not reasonably necessary:
 - a. Current proof of ownership of the land to be utilized or evidence of a contractual ability to acquire such land, such as an option or purchase agreement, or a signed agreement from the property owner indicating permission to file such application.
 - b. Parallel plan (e.g. site plan depicting site development based on a conventional, non-clustered, site design) used to determine base density that meets the standards of Section 3.58.4. The parallel plan shall include the location and extent (size) of non-buildable areas such wetlands, steep topography, easements, and other areas which are not suitable for the placement of home sites under conventional, non-clustered, development.
 - c. Written documentation that the proposal meets the standards of Section 3.58.5.
 - d. If a phased development is proposed, identification of the areas included in each phase. The density, lot area and setbacks of proposed housing units within each phase and for the total OSD.
 - e. Arrangement and area calculations for open space, including upland and wetland open space areas.
 - f. A completed application form, supplied by the Zoning Administrator, and an application fee.
 - g. Ten (10) copies of a sketch plan meeting the requirements of Section 3.34, Site Development Plan, of this Ordinance.
4. The Planning Commission shall review the sketch plan in accordance with the requirements of this Ordinance, including the requirements and standards of Section 3.58.0, Open Space Development Regulations, and Section 3.34, Site Development Plan, and deny, approve, or approve with conditions, the sketch plan.

B. Final Site Plan Approval

1. After receiving approval of a sketch plan from the Planning Commission, the applicant shall within six (6) months submit a final site plan to the Planning Commission.
2. The final site plan may be for either the entire project or for one (1) or more phases.
3. Applications for final site plan approval for OSDs shall be submitted to the Zoning Administrator at least thirty (30) days prior to the date of first consideration by the Planning Commission.
4. The application materials shall include all the following information, unless the Zoning Administrator determines that some of the required information is not reasonably necessary:
 - a. Current proof of ownership of the land to be utilized or evidence of a contractual ability to acquire such land, such as an option or purchase agreement, or a signed agreement from the property owner indicating permission to file such application.
 - b. Written documentation that the proposal meets the standards of Section 3.58.5.
 - c. If a phased development is proposed, identification of the areas included in each phase. The density, lot area and setbacks of proposed housing units within each phase and for the total OSD.
 - d. Arrangement and area calculations for open space, including upland and wetland open space areas.
 - e. A completed application form, supplied by the Zoning Administrator, and an application fee.
 - f. Ten (10) copies of a final site plan meeting the requirements of Section 3.58.0, Open Space Development Regulations, and Section 3.34, Site Development Plan, of this Ordinance. The final site plan shall incorporate all requirements and conditions as required by the Planning Commission.
5. Failure to submit a final site plan for approval within the six (6) month period shall void the previous sketch plan approval and a new application shall be required to be submitted and approved in accordance with these provisions.

6. The Planning Commission shall conduct a public hearing prior to considering the proposed final site plan. Notices of the public hearing will be provided in accordance with the requirements of the Zoning Act for special land uses.
7. The Planning Commission shall recommend to the Township Board to deny, approve, or approve with conditions, the final site plan for the OSD. The Township Board shall review the final plan in accordance with the requirements of this Ordinance and the recommendation of the Planning Commission and deny, approve, or approve with conditions, the OSD. Further, in approving or approving with conditions the OSD, the Township Board shall have ultimate authority regarding the location of open space and buildable locations. Additionally, the Township Board may require the amount of open space to be greater than fifty percent (50%), following review and recommendation of the Planning Commission.
8. Major changes in the final site plan shall be submitted to the Township pursuant to the above procedures applicable to the original application.

Section 3.58.3 Permitted Uses

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

Section 3.58.4 Site Development Requirements

- A. The minimum lot area shall not be reduced to less than one (1) acre per parcel. The minimum lot width may be reduced in size to not less than one hundred twenty five (125) feet. Building setbacks and other area requirements shall be as provided by the underlying zone district. Minimum floor area and height regulations for dwelling units shall conform to the underlying zone district requirements.
- B. Land not proposed for development, but used for the calculation of overall density shall be considered open space and subject to the requirements of Section 3.58.4.D.
- C. Development Density
 1. Parallel Plan: The maximum base density and number of dwelling units permitted in the OSD shall be determined through the completion and submission of a parallel plan which shall indicate the number of dwelling units that may be developed under the existing zoning classification. The parallel plan shall meet the following minimum requirements:

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

3. Evidence shall be given that satisfactory arrangements will be made for the maintenance of such designated land to relieve the Township of the future maintenance thereof.
4. Open space may be provided where significant natural features may be preserved and/or be used for passive or active recreation. Open space is encouraged to be located between neighborhood clusters of housing units.
5. All land set aside as open space shall be deed restricted, protected by conservation easement, or other similar permanent restriction, to ensure that the open space remains in a natural and undisturbed condition in perpetuity. Land set aside for agriculture may, at the discretion of the property owner(s) be converted to open space, but shall not be used as land for the construction of additional dwellings, nor used for any other development.
6. All open space shall be in the joint ownership of the property owners within the OSD. A property owner's association shall be formed which shall take responsibility for the maintenance of the open space.
7. Regulated wetlands shall not be considered open space.

E. Development Setback

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

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

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

Section 3.58.5 Review Standards

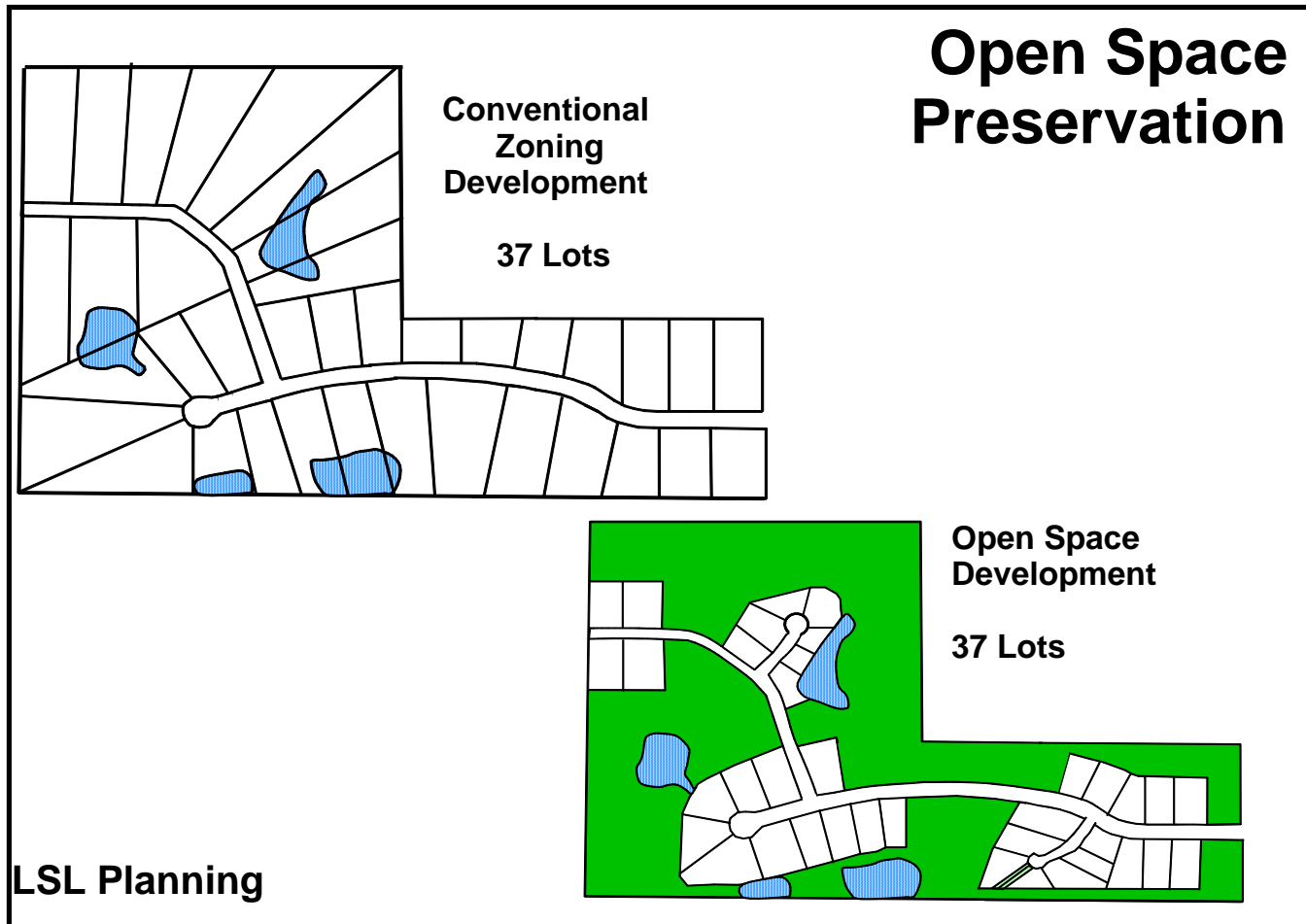
The following review standards will be used by the Planning Commission and Township Board in their consideration of a OSD. Before such developments may be approved the Township Board shall find:

- A. That the OSD meets the stated purposes of Section 3.58.0.
- B. That the OSD does not substantially alter the character of the general neighborhood in which the development is proposed.
- C. That the location of the buildings of the OSD do not unduly impact other single family uses in the vicinity of the proposed development.
- D. That the OSD preserves, in perpetuity, unique site conditions, such as significant natural features, large open space areas, or active agricultural land.
- E. That the OSD can accommodate adequate and safe disposal of sanitary sewer and can provide an adequate, assured source of water for domestic use.
 1. To evaluate this review standard, the Planning Commission and/or Township Board may specify what additional evidence it deems to be acceptable to ensure the review standards are met, including additional soil borings, soil reports, hydrological tests, and other such evidence which will be submitted by the applicant and reviewed by the Township prior to approval of the OSD.
 2. Such additional information may also include the following provisions related to the objective of groundwater protection.
 - a. The Planning Commission and/or Township Board may require specific evidence from the applicant that groundwater sources will be protected and that other environmental concerns are met. Approval of the Newaygo County Health Department or other agencies, while required to develop the site, will not be the sole determining factor in this regard.
 - b. The Planning Commission and/or Township Board may specify what additional evidence it deems to be acceptable to make this determination, including additional soil borings, soil reports, hydrological tests, and other such evidence which will be submitted

by the applicant and reviewed by the township prior to approval of the OSD.

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

**EXAMPLE OF
CONVENTIONAL DESIGN PLAN (PARALLEL PLAN)
AND
OPEN SPACE (CLUSTER) PLAN**



ARTICLE 4
SIGNS AND BILLBOARDS

Section 4.1 Intent and Purpose:

The intent of this Section is to regulate the type, number, physical dimensions, erection and placement of signs in Grant Township. The purpose of these requirements is to:

- A. Promote the public health, safety, and welfare of residents and visitors;
- B. Reduce distractions to motorists and pedestrians which are hazardous;
- C. Protect commercial districts from visual clutter and chaos;
- D. Protect property values; and
- E. Protect the rural character and natural beauty of Grant Township.

Section 4.2 Billboards:

Billboards shall be prohibited except in the General Commercial and Industrial Districts that are located along state highways, as permitted and regulated by the Highway Advertising Act (Act 106 of 1972).

Section 4.3 Permitted Signs in All Districts:

These signs are permitted by right and are exempted from permit requirements but must be in conformance with all other requirements of this Ordinance. See below.

- A. Temporary Construction Signs
- B. Directional Signs
- C. Political Signs
- D. Public Signs or Notices, or any sign relating to an emergency
- E. Real Estate Signs
- F. Name Plates

Section 4.4 Permitted Signs by Right

Regulations: Regulations for the above listed signs that are allowed in all districts are:

- A. One (1) construction sign for each street frontage at a construction project, not exceeding thirty (30) square feet in sign area. Such signs may be erected no more than thirty (30) days before commencement of construction and must be removed no longer than thirty (30) days after completion of construction.

- B. Two (2) "Sale" signs for typical garage/yard sales not to exceed two by three (2 x 3) feet or six (6) square feet in sign area; must be removed within twenty-four (24) hours after the sale, and shall not represent a safety hazard.
- C. One (1) non-illuminated real estate sign per lot or premises not to exceed six (6) square feet in sign area, on parcels of less than two (2) acres. On parcels that are two (2) acres or more, the real estate sign may not exceed thirty (30) square feet in sign area.
- D. Political signs shall not exceed twenty (20) square feet in sign area. Such signs may be placed only on private property and only with the permission of the property owner. These signs must be removed ten (10) days following such election or referendum.
- E. One (1) nameplate sign per premises, provided such sign does not exceed four (4) square feet in sign area.
- F. One (1) political or sign not to exceed three (3) square feet of sign area.

**Section 4.5 Permitted Signs in Agricultural and Residential Districts
Contingent on the Receiving of a Sign Permit: See Sections 4.10, and 4.11.**

- A. All signs permitted in Section 4.3.
- B. One (1) non-illuminated subdivision identification sign per entrance road for each subdivision development not to exceed thirty (30) square feet in sign area.
- C. For permitted nonresidential uses; one (1) free-standing sign not to exceed sixteen (16) square feet in sign area and placed a minimum of twenty (20) feet from all lot lines, excepting those abutting a commercial or industrial district. Such signs may be illuminated by a non-flashing reflective light. The source of illumination to be shielded from direct view of adjacent properties.
- D. In agricultural districts; one (1) non-illuminated sign advertising sale of produce, not to exceed sixteen (16) square feet in sign area.

**Section 4.6 Permitted signs in Commercial and Industrial Districts
Contingent on the Receiving of a Sign Permit: See Sections 4.10, and 4.11.**

- A. All signs permitted in Section 4.3.
- B. One (1) freestanding sign per premises not to exceed thirty-two (32) square feet in sign areas. The lowest portion of any freestanding sign shall be no less than eight (8) feet above ground level.

- C. One (1) wall sign for each use not to exceed thirty-two (32) square feet of sign area. The wall sign must be attached to the building and parallel to the building.
- D. Directional signs up to three (3) square feet in sign area.
- E. No sign other than pylon signs shall project above the building roof line by more than thirty (30) percent of the height of the building to which it is attached and in which the principal use is conducted. In no event shall a sign exceed the height illumination of the district in which it is located.
- F. All illuminated signs must be shielded from adjacent residential properties.

Section 4.7 Prohibited Signs: The following types of signs are prohibited in all zoning districts.

- A. Abandoned signs.
- B. Flashing and intermittently illuminated signs.
- C. Portable signs (except on temporary basis - see Section 4.9).
- D. Signs imitating or resembling official traffic or government signs or signals.
- E. Signs, that by their location, cause a hazard to pedestrian or vehicular traffic by depriving the pedestrian or driver of a clear and an obstructed view of approaching, intersecting, or merging traffic.
- F. Signs advertising a commodity or service not available within Grant Township.
- G. Signs in disrepair (see Section 4.13) or have become safety hazards.

Section 4.8 Sign Setbacks:

All signs shall be set back a minimum of ten (10) feet from all lot lines or public or private rights-of-way or easements, except where otherwise required by this Ordinance.

Section 4.9 Temporary Signs:

Temporary or portable signs advertising a specific event are allowed as a special land use as permitted by the Planning Commission. All such signs will conform to the requirements of this Ordinance.

Section 4.10 Application Requirements Pertaining to All Signs and Billboard Not Exempted By This Ordinance:

- A. No person shall erect or relocate or cause to be erected or relocated, any sign or billboard without first obtaining a sign erection permit.

- B. No person shall repair or alter, or cause to be repaired or altered, any sign or billboard without obtaining a sign erection permit if two-thirds (2/3) of the replacement value of the sign or billboard will be exceeded.

Section 4.11 Procedure for Obtaining a Sign Erection Permit:

Sign erection permit forms will be provided by the Zoning Administrator and shall contain at least the following:

- A. Name, address, and telephone number of the applicant, and that of the owner of the premises upon which the sign or billboard is to be erected.
- B. The position (location) of the sign or billboard in relation to nearby buildings, structures, signs, or billboards to be on a scale drawing.
- C. Two (2) blueprints or ink drawings of the plans and specifications with detail on the size of the sign, the method of construction, and method of attachment to a structure or ground. In the event the building and/or electrical codes require the sign to be sealed by a Registered Professional Engineer or Architect, a copy of the sealed plans shall be provided.
- D. A copy of stress sheets and calculations showing that said structure is designed for dead load and wind pressure in any direction of not less than thirty (30) pounds per square foot, if applicable. Note: in the event the Building Code requires greater load bearing capacity, the requirements of the Building Code shall be met.
- E. The name of the person, firm, or corporation erecting the sign or billboard.
- F. The written consent of the owner of the structure on the land upon which the sign or billboard is to be erected.
- G. A certificate of insurance is required, certifying that the applicant is insured against casualties to persons or property arising out of the erection, maintenance, repair, and replacement of the sign. Such insurance shall be as follows (no less than):
 - 1. Bodily Injury: \$100,000 each person/\$300,000 each accident
 - 2. Property Injury: \$50,000

This current certificate shall be filed with the Township Board as long as the sign is in existence. The certificate shall provide that the Township be given ten (10) days written notice of cancellation of said policy. Failure to provide necessary insurance coverage for said sign shall cause the sign permit to become null and void. As such, the sign, including the foundation, wiring, and associated components, shall be removed within one hundred eighty (180) days of the date of the cancellation of said insurance with the grounds restored.

H. Each applicant shall pay the permit fee established by the Township Board.

Section 4.12 Issuance of Permit:

The Zoning Administrator shall examine all data and proposed premises. If the proposed sign or billboard complies with the requirements of this Ordinance, the provision of all building codes and state law, he/she shall issue the sign erection permit. Such permit shall be void if all work authorized by such permit has not been completed within a six (6) month period, starting from the time of issuance of that permit.

Section 4.13 Maintenance of Signs and Billboards:

The owner of any sign or billboard shall paint all parts of the sign at least once every two (2) years, unless it is galvanized or otherwise treated to prevent rust or deterioration. All signs shall be well-maintained and kept in good repair.

ARTICLE 5
NONCONFORMING USES AND STRUCTURES

Section 5.1 Continuance of Use:

The lawful use of any premises existing at the time of the adoption of this Ordinance may be continued although such use does not conform to the provisions hereof, but if such nonconforming use is discontinued, the future use of said premises shall be in conformity with the provisions of this Ordinance. The Zoning Administrator has the initial authority for ruling in this matter.

- A. If a structure or use is nonconforming because of height, floor area, parking or loading space provisions of this Ordinance, it may be extended, enlarged, altered, remodeled, or modernized to comply with these provisions. Once in compliance, no structure or use shall again become nonconforming in these categories.

- B. An existing nonconforming use may be altered or remodeled within the interior dimensions of the building, provided no exterior structural alterations are made except those that may be required by the Building Inspector.

Section 5.2 Restoration and Repair:

Such repairs and maintenance work as are required to keep a nonconforming building or structure in a sound condition may be made. In the event any nonconforming building or structure shall be damaged by fire, wind, an act of God or a criminal act, it may be rebuilt or restored provided the height, area regulation, parking and loading space provisions of this Ordinance are provided and maintained.

Section 5.3 Change of Nonconforming Use:

Whenever a zoning district shall be changed, any then existing nonconforming use in such changed district may be continued, provided all other regulations governing the use are complied with. Whenever a nonconforming use of a building or premise has been changed to conforming use, such use shall not thereafter be changed to a nonconforming use.

Section 5.4 Nonconforming Use Discontinued:

In the event that any nonconforming use is discontinued for a period of nine (9) months, any subsequent use shall conform to the uses permitted in the district in which the premises are located. Maintenance of mail delivery, electrical or gas service, newspaper delivery, or like deliveries or services shall not, in and of themselves, constitute continuation of a nonconforming use.

Section 5.5 Nonconforming Lots of Record:

Lots of record that are nonconforming because of lack of the required number of acres or minimum number of square feet shall be allowed to be built on, and variances shall be allowed for required setback and yard sizes, provided that an adequate potable water supply and proper and safe sewage disposal facilities can be provided. See Section 3.21; Lots of Record.

Section 5.6 Expansions:

- A. Except as may be permitted by this Section, no nonconforming use shall be either enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of this Ordinance.
- B. A nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use, and which existed at the effective date of this Ordinance, but the nonconforming use shall not be extended to occupy any land outside the building.
- C. The Zoning Board of Appeals may approve the expansion of a nonconforming use based upon the following criteria:
 - 1. The existing building and any proposed additions shall comply with all dimensional requirement of the Ordinance as well as all parking, sign, or other applicable regulations for the area affected by the proposed enlargement, increase, or greater area;
 - 2. The enlargement will not alter the essential character of the area and shall be compatible with character of surrounding uses. In determining whether the effect the expansion will have on the character of the area, the established type and pattern of land uses in the area, character of buildings, view to the site from surrounding property and the natural characteristics of the site and surrounding area will be considered.
 - 3. For commercial or industrial uses, the proposed enlargement, increase, or greater area shall not be larger than twenty five percent (25%) of the original nonconforming area.
 - 4. A site plan shall be submitted to the Planning Commission for review and approval in accordance with the requirements of Section 3.34 that demonstrates full compliance with all other requirements of this Ordinance.
- D. A currently existing nonconforming single-family main or accessory use or structure in a Commercial or Industrial District may expand under the standards of the Rural Preservation District.

ARTICLE 6
ESTABLISHMENT OF ZONING DISTRICTS

Section 6.1 Zoning Districts:

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

- “A” Agricultural District
- “R-R” Rural Residential District
- “L-R” Lake Residential District
- “C” General Commercial District
- “I” Industrial District
- “PUD” Planned Unit Development District (Article 10)

Section 6.2 Zoning Districts Map:

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

Section 6.3 Interpretation of Zoning District Boundaries:

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

- A. Where district boundaries are indicated as approximately coterminous with street or highway centerlines or right-of-way lines, such centerlines or right-of-way lines shall be constructed to be said boundaries.
- B. Where district boundaries are indicated as approximately coterminous with platted lot lines, section lines, quarter-section lines, or other survey lines, such lines shall be constructed to be said boundaries.
- C. Where district boundaries are indicated as approximately parallel to street or highway centerlines or right-of-way lines, or to section lines, quarter-section lines or other survey lines, such boundaries shall be constructed to be parallel thereto and at such distances as indicated on the Zoning District Map.
- D. Where the boundary of a district follows a railroad line, such boundary shall be deemed to be coterminous with the centerline of the main track of said railroad line.

- E. Where the boundary of a district follows the shoreline of a natural stream, lake or other natural body of water, the boundary line shall be interpreted as following such shoreline and in the event of change in shoreline shall be construed as moving with said shoreline.

Section 6.4 Areas Not Included Within A District:

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

Section 6.5 Interpretation:

In the situation where a zoning district boundary goes through the middle of, or splits a parcel or lot, the entire parcel or lot shall be used for purposes permitted by either zoning designation if approved by the Planning Commission as a special land use.

**ARTICLE 7
ZONING DISTRICT REGULATIONS**

AGRICULTURAL DISTRICT [A]

Section 7.1 “A” Agricultural District:

A. **Purpose** - It is recognized that the public health and welfare of the citizens of Grant Township, Newaygo County, are greatly dependent upon the sustenance and economic benefits provided by a viable agriculture industry. This district is intended to ensure that land areas within Grant Township which are well suited for the production of food and fiber are retained for such production, by limiting the establishment of incompatible uses which would hinder farm operations and irretrievably deplete agricultural lands.

1. The “A” District acknowledges that agriculture is a specialized form of industry characterized by the production through biological and botanical processes of salable farm products as a result of the combination of raw materials (soils, seeds, plant, water, and nutrients), manpower (farm labor and machinery), and energy (solar and power equipment).
2. Other specific purposes for which this district is established include:
 - a. To preserve woodlands and wetlands associated with farms which because of their natural physical features, are useful as water retention and groundwater recharge areas, and as habitat for scenic value which contributes to the unique character of the agricultural district.
 - b. To provide the basis for land tax assessments which reflect its existing agricultural nature and owing to these regulations its limited use for other purposes.
 - c. To provide for low density single family residential uses in a rural setting on lands within this district not particularly well suited for agriculture, as well as specialized rural uses requiring large tracts of land.

B. **Use Regulations** - Land and/or Buildings in the “A” Agricultural District May Be Used For The Following Purposes:

1. **Permitted Uses:**
 - a. Any Permitted Use in the “R-R” District.

- b. General and specialized farming, together with dwellings and accessory structures.
 - c. Roadside stands for the seasonal sale of products raised on the lot or parcel, provided that off-street parking shall be provided and not hazardous traffic conditions shall result from such activity.
 - d. Fisheries and hatcheries.
2. **Special Land Uses** - the following activities may be permitted as a special land use as granted by the Planning Commission.
- a. Golf courses, country clubs, riding stables, and publicly owned recreation areas.
 - b. Non-intensive recreation facilities such as snowmobile trails, archery and rifle, skeet or gun range, and hunting and fishing preserves or clubs, provided that commercial activities such as bars, hotel and/or lodge accommodations, retail stores, service stores, service establishments are not permitted.
 - c. Off-road vehicle use – non-family members.
 - d. Housing for transient migrant labor.
 - e. Dog kennels and related facilities.
 - f. Confined feed lots and intensive nontraditional agricultural operations.
 - g. Nurseries and landscaping businesses.
 - h. Slaughterhouses.
 - i. Mineral extraction operations.
 - j. Sanitary landfills.
 - k. Agricultural service establishments.
 - l. Institutional uses.
 - m. Packaging and processing of agricultural products.

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

REQUIREMENT	DIMENSION
Lot Area	2 acres
Lot Width	250 feet
Frontage on Street	250 feet
Front Yard Setback	40 feet dwelling/60 feet other buildings
Side Yard Setback	20 feet per side
Rear Yard Setback	25 feet
Length/Width Ratio	See Section 3.43
Maximum Building Height	2 ½ stories or 35 feet (least one)

Special Notes to Table

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

RURAL RESIDENTIAL DISTRICT [RR]

Section 7.2 “R-R” Rural Residential District:

- A. **Purpose** - This district is primarily intended for single family dwellings in a rural setting.
- B. **Use Regulations** - the land and/or buildings in the “R-R” District may be used for the following purposes:
 - 1. **Permitted Uses:**
 - a. Single-family dwellings
 - b. Family day care home and foster care family home.
 - c. Any Permitted Use in the “A” District.
 - 2. **Special Land Uses**
 - a. Two family dwellings, and condominiums.
 - b. Group day care home and foster care group home.
 - c. Commercial day care center.
 - d. Institutional uses.
- C. **Dimensional Requirements** – Unless other provided for by this Ordinance, land and structures within the “R-R” Rural Residential District shall comply with the following dimensional regulations:

REQUIREMENTS	DIMENSION
Lot Area	2 acres
Lot Width	250 feet
Frontage on Street	250 feet
Front Yard Setback	40 feet
Side Yard Setback	20 feet per side
Rear Yard Setback	25 feet
Length/Width Ratio	See Section 3.43
Maximum Building Height	2 ½ stories or 35 feet (least one)

Special Notes to Table

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

LAKE RESIDENTIAL DISTRICT [L-R]

Section 7.3 “L-R” Lake Residential District:

- A. **Purpose** - This district is intended to:
 - 1. Encourage the proper development of land abutting lakes and waterways;
 - 2. Avoid pollution of the lake resource; and
 - 3. Preserve lakes and waterways for the highest and best use of the land.

- B. **Uses Regulations** – The land and/or buildings in the “L-R” District may be used for the following purposes:
 - 1. **Permitted Uses:**
 - a. Single-family dwellings.
 - b. Family day care home and foster care family home.
 - 2. **Special Land Uses:**
 - a. Institutional uses.
 - b. Group day care home and foster care group home.

- C. **Dimensional Standards** – Unless other provided for by this Ordinance, land and structures within the “L-R” Lake Residential District shall comply with the following dimensional regulations:

REQUIREMENT	DIMENSION
Lot Area	40,000 square feet
Lot Width	150 feet (average)
Frontage on Street	100 feet
Frontage at Water’s Edge	100 feet
Front Yard Setback	50 feet from water’s edge 40 feet (non-water lots)
Side Yard Setback	25 feet per side
Rear Yard Setback	40 feet
Length/Width Ratio	See Section 3.43
Maximum Building Height	2 ½ stories or 35 feet (least one)

Special Notes to Table

1. Front Yard Location – For lots abutting a lake or stream, the front yard is that yard abutting the water's edge.
2. Waterfront Setback – No accessory building, shed, boathouse, or satellite dish shall be located within thirty (30) feet of the high water mark of the body of water.
3. Side Yard – Accessory structures located between the waterfront and the principal structure shall meet side yard setback requirements.
4. Structures in Water – Seasonal docks and similar structures shall not be longer than is required to reach a water depth of four and one-half (4 ½) feet.
5. Sewage Disposal Systems – No sewage disposal system shall be located closer than one hundred (100) feet to the high water line of the body of water. Any portion of the sewage disposal system which discharges effluent to the soil shall be located in an area where groundwater is at least four (4) feet beneath the ground surface at all times during the year.
6. Rear Yard – Accessory garages and storage structures may be located in the rear yard of a waterfront lot, provided, such structures are at least twenty (20) feet from the street right-of-way.
7. Guest trailers and Motor Homes – Guest trailers and motor homes with a length not to exceed thirty-six (36) feet will be permitted for a period not to exceed twenty-one (21) days during a calendar year, unless a longer time period is approved by the Township.
8. Building Height – Maximum building height in the above table refers to residential and non-farm buildings. Agricultural buildings (e.g., barns, silos, etc.) may be constructed to the height necessary to meet the intended use of said buildings.
9. No lot shall be created hereafter which does not comply with the minimum lot area and lot width requirements listed above.

GENERAL COMMERCIAL DISTRICT [C]

Section 7.4 “C” General Commercial District:

A. **Purpose** – This district is intended to:

1. Serve the retail business needs of the township.
2. Provide opportunity for the placement of mobile home parks as a special land use.

B. **Use Regulations** – The land and/or buildings in the “C” General Commercial district may be used for the following purposes:

1. **Permitted Uses:**

- a. Those nonresidential uses which are permitted in residential districts.
- b. Automotive accessories (not including automotive sales), car wash.
- c. Bakery goods store.
- d. Banks, credit unions, and savings and loan associations.
- e. Barber or beauty shop.
- f. Book, stationary or gift store.
- g. Candy store, soda fountain, ice cream store.
- h. Clothing and dry goods store, jewelry store, variety store.
- i. Decorators, painters, photographers.
- j. Drug store.
- k. Dry Cleaners.
- l. Electrical Supply Store.
- m. Florist.
- n. Furniture Store.
- o. Grocery store, meat market, delicatessen, fruit stand (enclosed),

ice vending machine.

- p. Hardware store, household appliance store, paint and wallpaper store.
- q. Laundromat.
- r. Mortuary.
- s. Nursery school and day nurseries.
- t. Office (business and professional, including medical clinics).
- u. Plumbers.
- v. Restaurants and cafes (excluding those permitting dancing, floor shows or consumption of intoxicating beverages).
- w. Shoe repair, tailor shop.
- x. Other similar retail business or service establishments which supply convenience commodities or perform services primarily for residents of the surrounding neighborhood are permitted as a special land use, provided, however, such uses are found to be “similar” by the Planning Commission, as well as not adversely affecting the health, safety or welfare of township residents.

2. Special Land Uses:

- a. Automobile service stations
- b. Automobile repair shops.
- c. Automobile sales.
- d. Mobile home parks
- e. Other sales or service businesses (excluding manufacturing) not listed above as a Permitted Use.
- f. Commercial day care center.
- g. Institutional uses.

C. Dimensional Standards – Unless other provided for by this Ordinance, land and structures within the “C” General Commercial District shall comply with the

following dimensional regulations:

REQUIREMENT	DIMENSION
Lot Area	1 acre
Lot Width	165 feet
Frontage on Street	165 feet
Front Yard Setback	40 feet
Side Yard Setback	25 feet per side
Rear Yard Setback	25 feet
Length/Width Ratio	See Section 3.43
Maximum Building Height	35 feet

Special Notes to Table

1. .
2. Corner Lot and Yards Abutting a Residential District – All sides of a lot abutting a street and all side yards abutting a residential district shall maintain a minimum setback of fifty (50) feet.
3. A greenbelt as defined in this Ordinance shall be provided on each side and rear lot line which abuts the Agricultural or a residential district.
4. Parking Lots and Driveways – See Article 8 “Off Street Parking and Loading Spaces.”
5. All business shall be conducted in a manner that no unreasonable noise, dust, vibration or any other like nuisance shall exist to adversely affect adjoining properties.
6. No lot shall be created hereafter which does not comply with the minimum lot area and lot width requirements listed above.

D. **Site Plan Requirements** - A comprehensive site plan shall be submitted to, and approved by, the Planning Commission of the proposed use in the General Commercial District, before an application for a building permit may be made. The site plan shall include the following, in addition to the requirements of Section 3.34.

The site plan shall include:

1. Names and location of adjacent streets and highways.
2. A location sketch showing the relationship of the proposed uses to the area within two thousand (2,000) feet.
3. Parking facilities (area and number of spaces) and loading zones.

4. Surface drainage facilities.
5. Location of sewage disposal facilities and a description of the method of disposing of sanitary waste. Soil tests may be required.
6. Location of the storage, use and disposal areas, if any, for hazardous (toxic) substances.
7. List of all hazardous substances used, stored or generated at the proposed facility.

Note – Site plans for facilities with hazardous substances shall be viewed by the Township Fire Chief prior to the approval of the Planning Commission.

8. Storage of Hazardous Substances - The use, storage or generation of any and all hazardous substances as defined below shall be subject to the below requirements:
 - a. Definition of Hazardous Substances - Hazardous Substances include hazardous chemicals as defined by the Michigan Department of Public Health and the Michigan Department of Labor; hazardous materials as defined by the U.S. Department of Transportation and United States Environmental Protection Agency; critical materials, polluting materials, and hazardous waste as defined by the Michigan Department of Natural Resources and Michigan Department of Environmental Quality.
 - b. Applicability: These provisions apply to all businesses and facilities which use, store or generate hazardous substances in quantities of one hundred (100) kilograms (25 gallons, 220 pounds, or about ½ drum) or greater at one time. Hazardous materials include raw material, products or wastes.
 - c. Above and Below Ground Storage: At a minimum, state and federal agency requirements for storage, leak detection, record keeping, spill prevention, emerging response, transport and disposal shall be met.

Performance Bond – To insure that the standards of this Ordinance and any attached conditions are met, a performance bond may be required by the Planning Commission.

INDUSTRIAL DISTRICT [I]

Section 7.5 “I” Industrial District:

- A. **Purpose** - This district is intended to:
1. Accommodate the industrial needs of the entire community based on the performance standards of this Ordinance.
 2. Provide opportunity for the placement of industrial uses in locations served by necessary infrastructure including all season roads, public water and sewer, gas and electric, and other such industrial requirements.
 3. Provide opportunity for the placement of industrial uses in locations which are not likely to result in land use conflicts, especially residential conflicts.
- B. **Use Regulations** – The land and/or buildings in the “I” District may be used for the following purposes:
1. **Permitted Uses:**
 - a. Enclosed manufacturing enterprises, including industrial complexes;
 - b. Assembly, compounding, packaging, processing of materials/products;
 - c. Fuel distributors, storage and transportation facilities;
 - d. Vehicle repair shops (major repair);
 - e. Shops for sheet metal, wood working, and tool and die;
 - f. Lumber supply and building materials, sales and storage yards, including equipment storage yards;
 - g. Accessory uses, customarily incidental to the preceding listed permitted uses; and,
 - h. Other uses, provided that the Township Planning Commission shall determine that such uses are compatible with uses that are permitted as a matter of right in the Zoning District. The Township Planning Commission shall make its determination of whether or not a proposed use is compatible and does not adversely affect the

health, safety and well being of the township residents.

2. **Special Land Uses:**

- a. Junk, scrap, and salvage yards.
- b. Institutional uses.

C. **Dimensional Standards** – Unless other provided for by this Ordinance, land and structures within the “I” Industrial District shall comply with the following dimensional regulations:

REQUIREMENTS	DIMENSION
Lot Area	2 acres
Lot Width	200 feet
Frontage on Street	200 feet
Front Yard Setback	40 feet
Side Yard Setback	25 feet per side
Rear Yard Setback	25 feet
Length/Width Ratio	see Sec. 3.43
Maximum Building Height	35 feet

Special Notes to Table

- 1. Corner Lot – All sides of a lot abutting a street shall maintain a minimum setback of forty (40) feet.
- 2. Side Yard – All side yards abutting a lot in the Agricultural or residential district shall maintain a minimum setback of fifty (50) feet.
- 3. Rear Yard – A rear yard abutting a lot in the Agricultural or residential district shall maintain a minimum setback of fifty (50) feet.
- 4. Greenbelt – A greenbelt as defined in this Ordinance shall be provided on each side and rear lot which abuts a residential or agricultural use.
- 5. Parking Lots, Driveways, Loading Areas – see Article 8 “Off Street Parking and Loading Spaces.”
- 6. No lot shall be created hereafter which does not comply with the minimum lot area and lot width requirements listed above.

D. **Site Plan Requirements** - A comprehensive site plan shall be submitted to, and approved by, the Planning Commission of the proposed use in an Industrial District, before an application for a building permit may be made. The site plan

shall include all requirements of Section 7.4 and Section 3.34 of this Ordinance.

- E. **Storage of Hazardous Substances** - The regulations of Section 7.4 (General Commercial District) shall apply.
- F. **Performance Standards** - The applicant shall sign a written agreement guaranteeing that the use will meet the following standards before a building permit or certification of occupancy may be issued.
 - 1. **Fire and Explosive Hazards:** All uses shall meet applicable building codes and fire ordinances and codes.
 - 2. **Smoke and Nuisance Factors:** No radiation, fumes, gas, dust, odors or other atmosphere pollutants causing property damage, hazards to health, or interference with property rights shall be emitted.
 - 3. **Liquid or Solid Waste:** No waste shall be discharged into any body of water. county and state disposal and treatment requirements shall be met.
 - 4. **Vibration, Noise and Glare:** No noise, vibration or glare is permitted to pass beyond the boundaries of the premises.
 - 5. **Hazardous substances:** All hazardous substances shall be stored and disposed of according to state regulations. All hazardous substances used on the premises shall be listed with the Township Planning Commission and Township Fire Chief.
- G. **Performance Bond** – To insure that the standards of this Ordinance, and any attached conditions are met, a performance bond may be required by the Planning Commission.

ARTICLE 8
OFF-STREET PARKING AND LOADING SPACES

Section 8.1 Description and Purpose:

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

Section 8.2 General Regulations and Definitions:

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

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

Section 8.3 Parking Requirements:

Hereafter, no building shall be erected or altered and no land used unless there is provided adequate off-street parking spaces in accordance with the following schedule.

USES	REQUIREMENTS
Residential Uses	Two (2) spaces per dwelling unit.
Commercial, Service and Office Uses	Three (3) square feet of parking per square foot of gross floor area
Industrial Uses	One (1) square foot parking per square foot of gross floor area

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

Section 8.4 Size and Access:

The following provisions shall apply:

- A. Except for one (1) and two (2) family dwellings, each off-street parking area shall be connected to a driveway at least twenty (20) feet in width.

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

Section 8.5 Parking in General Commercial and Industrial Districts:

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

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

Section 8.6 Parking Exceptions:

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

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

Section 8.7 Loading Space Requirements:

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

- A. One (1) space: Up to twenty thousand (20,000) square feet.
- B. Two (2) spaces: Above twenty thousand (20,000) to fifty thousand (50,000) square feet.
- C. Three (3) spaces: Above fifty thousand (50,000) to one hundred thousand (100,000) square feet.
- D. One (1) additional space for each additional one hundred thousand (100,000) square feet or fraction thereof.
- E. Each such loading space shall be at least twelve (12) feet in width, twenty-two (22) feet in length, and fourteen (14) feet in height. No such space shall be located closer than fifty (50) feet to any lot in any residential district unless wholly within a completely enclosed building or enclosed on all sides by a wall.

**ARTICLE 9
SPECIAL LAND USES**

Section 9.1 Purpose:

Certain land use activities, entitled "special land uses," may be authorized in the various zone districts if it can be determined that adequate safeguards are provided to ensure the protection of the public health, safety and general welfare.

Section 9.2 Removal of Natural Resources and Mineral Extraction - Agriculture District Only:

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

- A. **Procedure for permit.** No permit for extraction purposes shall be issued until an application for a special land use and a temporary occupancy permit has been approved by the Planning Commission. The application shall include the following:
1. A fee as set by the Township Board to be paid for each area to be affected.
 2. A map of the land to be altered depicting all buildings, streets, drainage and natural features within three hundred (300) feet of the property involved. The map shall depict contour elevations of five (5) foot intervals of the property.
 3. A two (2) foot interval contour map of the proposed final elevations, the locations of temporary structures, drives, parking areas, loading equipment, drainage facilities and the extent of the first year's operations.
 4. A written statement describing the equipment to be used, the processes involved, and estimate of the time such removal will require, and a description of the proposed use of the premises after such alteration.
- B. **Required conditions.**
1. Final grades shall be harmonious with surrounding grades and shall not exceed fifteen percent (15%) unless necessary for the ultimate proposed use of the land. No topsoil shall be removed unless necessary for the ultimate proposed use. All topsoil shall be properly redistributed and restoration of the land shall occur upon termination of the extraction operation. The Planning Commission may require the applicant to post a performance guarantee to insure that final grades and the requirements of Section 9.2 and any condition placed upon the use will be met upon the

expiration of any permit and during the conducting of the use and said bond shall be forfeited if any of the provisions of this Ordinance are violated and the guarantee can then be used by the Township in its discretion for the enforcement of this Ordinance, for putting of the land in proper compliance or for any other purposes deemed proper by the Township.

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

C. Determination by the Planning Commission.

The Planning Commission shall determine the proper disposition of the application. The Planning Commission must find the following prior to approval of

the application:

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

Section 9.3 Sanitary Landfills - Agricultural and Industrial Districts Only:

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

Section 9.4 Junk, Scrap, and Salvage Yards:

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

- A. Minimum lot size shall be five (5) acres. The use shall be considered a primary use of the lot and not located on the same lot as another primary use.
- B. The setback from the front property line, public or private street right-of-way or

easement line to the area upon which junk materials are stored shall not be less than one hundred fifty (150) feet, and said area shall be screened from view around the entire periphery of the site by a solid wall or fence not less than eight (8) feet nor more than twelve (12) feet in height. Said wall or fence shall be of sound construction, painted and otherwise finished neatly and inconspicuously.

- C. The area upon which junk materials are stored, including the main and accessory buildings, shall be located not closer than one thousand (1,000) feet to any public building, church, hospital, convalescent home, day nursery or school, nor closer than five hundred (500) feet to any residences.
- D. All structures and fencing and used material storage yards shall be set back not less than seventy-five (75) feet from any street or property line and not less than five hundred (500) feet from any lake, stream or wetlands. Such setback shall be planted with trees, grass, and shrubs to minimize the appearance of the installation.
- E. The development of a retail sales facility shall be allowed, provided said facility complies with the yard, height, and parking requirements of uses delineated in the "General Commercial" District (Section 7.4) of this Ordinance, and, further provided, that there are no sales of other than parts, scrap, used machinery, used vehicles, and similar items found on the premises.
- F. A site development plan shall be submitted to the Township Planning Commission, who shall determine whether the proposed use complies with these requirements.
- G. No hazardous, poisonous or toxic waste shall be stored or disposed of on site.
- H. No tires shall be disposed of or stored long-term on site.

Section 9.5 Agricultural Service Establishments: (fertilizer, pesticides, seed)
Allowed in the Agricultural District only and only as a special land use.

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

Section 9.6 Institutional Uses - All Districts:
Institutional uses may be permitted as a special land use in any district if the Planning Commission finds that the following conditions exist:

- A. That the proposed use will be harmonious with, and not harmful, injurious, or objectionable to existing and projected future uses in the area.

- B. That the proposed use is adequately served by necessary improvements, including but limited to, water, sewer, electricity, roads, drainage and parking.
- C. That the proposed use is in accordance with the development policies of Grant Township, including the Grant Township Master Plan.

Section 9.7 Outdoor Recreational Entertainment Facilities:

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

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

Section 9.8 Migrant Housing - Agricultural District Only:

Seasonal dwellings for the housing of migrant farm workers and migrant employees of permitted food processing uses may be permitted as a special land use by the Planning Commission in the “A” District as an accessory use. No structure may be used for such purposes in the Township of Grant unless the Planning Commission finds all of the following conditions are met:

- A. Migrant housing may be occupied for no more than ten (10) months during one calendar year.
- B. Seasonal dwellings may not be used for the housing of persons not at some time employed by the owner of the dwelling.
- C. The rules, regulations, and standards of the State of Michigan governing the licensing and operation of migrant housing shall apply to Grant Township where any dwelling is used to house one or more migrant workers. It is the purpose and intent of this provision to incorporate by reference such rules, regulations, and standards and further to apply the same to the housing of one (1) or more such migrant workers notwithstanding that such State regulations may have a greater housing unit or migrant worker threshold.

- D. Seasonal dwellings shall be located at least two hundred (200) feet from any public street, at least two hundred (200) feet from any other property line, and four hundred (400) feet from any dwelling of an adjacent property owner.
- E. No seasonal dwelling shall have more than one (1) story nor contain more dwelling units than are necessary to meet the needs of the owner of the premises.
- F. No seasonal dwelling shall be closer than thirty (30) feet to the private drive or private roadway serving said dwelling.
- G. No seasonal dwelling shall be located between the front entry wall of another seasonal dwelling and a driveway or private roadway serving said other dwelling.
- H. To ensure the health, safety, and welfare of the occupants, all construction shall conform to the most stringent of applicable local, state, and federal building codes, health codes, and other such codes and ordinances.
- I. The applicant shall submit a Site Development Plan approved by the Planning Commission which shall signify the applicant's agreement to comply with said plan and all the conditions placed upon the use and requirements at all times and shall further agree to the following:
 - 1. The premises and all seasonal dwellings shall be available for the inspection of the Zoning Administrator and Building Inspector.
 - 2. All premises and structures shall be regularly maintained.
 - 3. Any deficiencies arising from time to time shall be corrected by the owner within fifteen (15) days notification by a township, county, state, or federal agent or official.
 - 4. Any seasonal dwelling which is not occupied by migrant workers during five (5) consecutive seasons shall be removed by the owner within six (6) months of the close of the second season following.
- J. Permits: If the Planning Commission approves the application for migrant housing, it shall authorize the Zoning Administrator to issue a zoning permit and a temporary occupancy permit for the seasonal period above described. The temporary occupancy permit shall state any special conditions of use imposed by the Planning Commission.
- K. Revocation of Permit: If a violation of any of the above conditions, regulations, or special conditions is found to exist, the Zoning Administrator shall notify the owner of migrant housing and the Planning Commission that such violation exists

and that the temporary occupancy permit will be revoked within fifteen (15) days of such notification. If said violation is not corrected within said fifteen (15) days, the Zoning Administrator shall revoke said permit. All migrant housing shall be vacated within fifteen (15) days of the date of revocation.

Section 9.9 Off-Road Vehicles:

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

- A. There is no residence other than that owned by the proprietor within one thousand (1,000) feet of the site.
- B. That the noise to be generated by the use of the off-road vehicle will not be or become a nuisance.

Section 9.10 Automobile Service Stations, Automobile Repair Shops, Automobile Sales Areas:

Allowed only as special land uses in the General Commercial District and in addition to the requirements set forth in Section 2.8, they shall also meet the following requirements:

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

Section 9.11 Confined Feed Lots and Intensive Non-Traditional Agricultural Operations:

Allowed only in the Agricultural District as a special land use.

- A. A map must be presented showing the location of the actual operation in relation to the owner and/or the operator's property, as well as the surrounding land uses within one-half (1/2) mile of the proposed operation.
- B. A written narrative describing the site, the hours of operation, etc.
- C. Minimum lot area of twenty (20) acres.

- D. All structures and confined lots designed to house or contain livestock/poultry shall be located at least five hundred (500) feet from any residence.
- E. All such structures and the feed lot shall be set back one thousand (1,000) feet from a lake or stream and one thousand (1,000) feet from any church, business, school, recreational area or any public building and one thousand three hundred (1,300) feet from any area zoned residential or that has a recorded residential plot.
- F. There shall be a minimum two hundred (200) feet setback from the property line that abuts a public road.

Section 9.13 Mobile Home Parks:

May be granted as a special land use in the General Commercial District by the Planning Commission or as a PUD (Planned Unit Development) project provided that all of the following conditions are met and such use shall comply with all requirements of the "Mobile Home Park Act of 1959" and the "Mobile Home Commission Act of 1976" as amended and also pursuant to any rules or regulations published pursuant to said Acts:

- A. The Mobile Home Park shall be located on a parcel of land not less than twenty (20) acres in size. A greenbelt of not less than sixty (60) feet in width shall be maintained along any public street which abuts an exterior edge (lot line) of the park. The greenbelt shall be located along the perimeter of the park. Except for access drives, fencing, pedestrian pathways, lighting, landscape, underground utilities, and park signage, no building or structure shall be placed in the greenbelt setback.
- B. Public sewer shall be provided for each mobile home site, and the mobile home court shall be connected to the public sewage disposal system. The Planning Commission may permit the use of a lagoon treatment plant or a mechanical treatment plant meeting state and county standards. The use of drain fields, septic tank systems or similar disposal systems are prohibited.
- C. All utility services shall be located underground and where applicable in accordance with the "Mobile Home Park Act of 1959" and the "Mobile Home Commission Act of 1976" as amended and also pursuant to any rules or regulations published pursuant to said Acts.
- D. No mobile home in a Mobile Home Court shall have less than five hundred (500) square feet of floor area.
- E. Not less than five percent (5%) or twenty-five thousand (25,000) square feet, whichever is greater, of the mobile home court area shall be devoted to landscaped park for the residents of the court. No required yard shall be computed as part of the landscaped park.

- F. Density: there shall be at least four thousand (4,000) square feet of lot area for each dwelling unit, exclusive of streets.
- G. Other requirements: the standards established in Article 3 of this Ordinance shall apply, except as herein provided to the contrary.
- H. Each park shall have a minimum of two (2) access streets entering a public street.
- I. All streets within a mobile home park shall be blacktopped or paved with the provision of a forty (40) foot right-of-way for one way streets and a fifty (50) foot right-of-way for two way streets and a minimum roadway of twenty (20) feet, exclusive of parking facilities.
- J. All property in a mobile home park shall be graded so as to be well drained, and a means of conveying storm water from structures and streets shall be provided.
- K. Off-street parking shall be provided.
- L. The Township Planning Commission may give tentative approval of a proposed mobile home park prior to the applicant receiving a final Health Department permit. If said permit is granted by the Health Department, the Planning Commission shall transmit the case on to the Township Board for final approval.
- M. Buildings housing laundry facilities, offices, restroom or shower facilities, a pool or the sale of retail goods for the use of the residents of the park may be permitted as an accessory use.
- N. Sites for travel trailers or camping accommodations may be provided within a mobile home park for temporary stays not to exceed fourteen (14) days. These sites shall be provided with at least common restrooms, showers, laundry facilities and water supply. Provision shall be made for the sanitary disposal of sewage into the public system on the premises.
- O. The sale of new or used mobile homes is only permitted within the mobile home court on sites approved for permanent occupancy, and accessory to the use of the park for dwelling purposes.
- P. A site development plan shall be submitted for each proposed mobile home park.

Section 9.14 Commercial Day Care, Group Day Care Home, and Foster Care Group Home

- A. Commercial Day Care (Rural Residential and General Commercial Districts):

1. Minimum site area of two (2) acres.
2. Within the Rural Residential District, the number of children shall be limited to twelve (12).
3. The use (building and site) shall meet all construction, health, and other applicable building and safety codes.
4. The use shall meet all applicable local, state, and federal licensing requirements. A copy of said license(s) shall be provided to the Zoning Administrator.
5. Sufficient area shall be provided on-site for the delivery and pick-up of all children and for the parking of employee and visitor vehicles.
6. All play areas shall be fenced. Landscaping shall be provided along the outside perimeter of the fence.
7. No play area shall be within one hundred fifty (150) feet of an existing residential dwelling.
8. Within the Rural Residential District, the hours of operation shall be restricted to 7:00 am to 7:00 pm.

B. Group Day Care Home and Foster Care Group Home (Agricultural and Residential Districts):

1. There shall be minimum spacing distance between homes of no less than one thousand five hundred (1,500) feet. Said distance shall be a straight line measurement beginning at the structure of an existing operation and extending to the structure of the proposed operation. In the event multiple operations exist, the measurement shall be taken from the existing operation nearest the proposed operation.
2. All parking associated with the home shall be on-site.
3. The operation shall meet all applicable local, state, and federal building, health, safety, and licensing requirements. A copy of said license(s) shall be provided to the Township Zoning Administrator.

Section 9.15 Site Development Plan:

A complete site development plan is required for all special land uses, provided, however, certain site development plan elements may be waived by the party responsible for plan review and approval if determined by said party to be unnecessary for a determination of compliance with the requirements of this Ordinance.

Section 9.16 Conditions for all Special Land Uses:

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

Section 9.17 Procedure for all Special Land Uses:

- A. The applicant shall submit to the Planning Commission, through the Township Clerk, an application which shall include a required site plan and written evidence, and drawings showing that all requirements for the applicable special land use are met.

- B. Upon receipt of an application, notice shall be given in accordance with the requirements of the Zoning Act, to include the following:
 - 1. Describe the nature of the special land use requested.
 - 2. Indicate the property which is the subject of the special land use request.
 - 3. State when and where the special land use request will be considered.
 - 4. Indicate when and where written comments will be received concerning the request.
 - 5. Indicate that a public hearing on the special land use application may be requested by any property owner or the occupant of any structure within three hundred (300) feet of the boundary of the property being considered for a special land use.

- C. Upon the initiative of the Planning Commission, the applicant or the owner of the property, or occupancy of a structure within three hundred (300) feet of the boundary of the subject property, a public hearing shall be held before a decision is made.

- D. Reasonable conditions may be required by the Planning Commission with the approval of a special land use.

- E. The conditions imposed with respect to the approval of a special land use shall be recorded in the record of the approval action, and shall remain unchanged except upon the mutual consent of the Planning Commission and the landowner after a public hearing, notice of which is given in the same manner as the original hearing. The approving Planning Commission shall maintain a record of conditions which are changed.

- F. Before granting a special land use permit, in addition to finding that it meets all of the previously stated requirements, the Planning Commission must find:

1. The proposed use will not adversely affect existing adjacent uses within six hundred (600) feet of the subject site.
2. That there will be no adverse effect upon public health, safety, or general welfare, and that it will not impair the intent of this Ordinance.
3. That the use is consistent with the Grant Township Master Plan.
4. The proposed use will be designed, constructed, operated and maintained in a manner harmonious with the character of adjacent properties and the surrounding area.
5. The proposed use will not change the essential character of the surrounding area and the neighborhood.
6. The proposed use shall not place demands on public services, roads and facilities in excess of their current capacities.
7. The proposed use will not establish a precedent for developments or uses which could adversely affect the long-term goals of the Township Zoning Ordinance or Master Plan.
8. The proposed use shall be designed to preserve environmental features, such as lakes, streams, flood plains, agricultural areas, ground water and natural areas.

Section 9.18 Revocation of Permit:

If a violation of any of the above conditions, regulations, or special conditions is found to exist following inspection, the Zoning Administrator shall notify the owner of the premises of the special land use, and the Planning Commission that such violations exists and that the permit will be revoked within fifteen (15) days of such notification. If said violation is not corrected within fifteen (15) days, the Planning Commission shall revoke the permit; this procedure or any other procedure providing for revocation of such permit provided by this Ordinance may be followed.

ARTICLE 10
PLANNED UNIT DEVELOPMENT DISTRICT [PUD]

Section 10.1 Description and Purpose:

The use, area, height, bulk and placement regulations of this Ordinance are primarily applicable to the usual situation of one (1) principal building per lot. In certain larger or unusual developments those requirements result in a less desirable development for the achievement of the purposes of this Ordinance than if a controlled degree of flexibility is allowed. For example, a large scale residential development might better achieve the purposes of this Ordinance if a portion of the open space requirements were consolidated into small community parks rather than on an individual, lot-for-lot basis.

A development may be of such large size or unusual nature as to justify permitting certain incidental uses not normally permitted in the zoning district. As an example, a multiple-family development might include a coffee shop, food store or barber shop primarily for the residents of the development. Permitting these uses within the development can, in certain cases, increase convenience, be compatible with the overall character of the development and not be injurious to adjoining properties.

The Planned Unit Development (PUD) Zoning District is intended to permit and control the development of preplanned areas as Planned Unit Developments (PUD) for various compatible uses permitted by this Ordinance in other zoning districts and for other special land uses not so permitted. In so doing, a degree of flexibility is allowed in the use, area, height, bulk and placement regulations for a PUD. However, it is also the intent of a PUD district to afford each type of use reasonable protection from encroachment or interference by other incompatible land uses, and that reasonable protection be afforded to uses adjacent to the PUD zoning district.

All zoning pursuant to this Article shall give due consideration to maintenance of reasonable conditions regarding emission and transmission of injurious or obnoxious noise, vibration, gas, smoke, dust, dirt, litter, odor, light glare, traffic congestion, ease of police and fire protection, drainage, property values, light and air, overcrowding of persons, sanitation, surface and ground water quality, water supply and sewage disposal, general appearance and character of the area, and other similar considerations having an effect on the achievement of the purposes of this Ordinance.

Section 10.2 Permitted Uses:

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

- A. Airports
- B. Camps and campgrounds
- C. Cemeteries

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

AA. Sanitary landfill

Section 10.3 Procedures:

Any land in the township may be zoned or rezoned as PUD zoning district in accordance with the procedures and requirements hereinafter specified.

Section 10.4 Preliminary Plan - Submissions and Content:

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

- A. Legal description of the land includes in the PUD.
- B. Small-scale sketch of properties, streets and uses within one-half (1/2) mile of the PUD.
- C. A map to scale showing any existing or proposed arrangement of:
 - 1. streets,
 - 2. lots and buildings
 - 3. access points
 - 4. other transportation arrangements,
 - 5. buffer strips.
- D. A narrative describing:
 - 1. the overall objectives of the PUD,
 - 2. method of financing,
 - 3. number of acres allocated to each use,
 - 4. gross densities,
 - 5. proposed method of providing sewer and water service as well as other necessary public and private utilities, and
 - 6. proposed method of providing storm drainage.
- E. All information submitted shall be of sufficient scale, clarity, and quality to permit a determination of compliance with the standards of this Article.

Section 10.5 Planning Commission Review of Preliminary Plan:

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

- A. Ingress and egress to the property and proposed buildings and structures thereon, with particular reference to vehicle and pedestrian safety and

convenience, traffic flow and control, and access in case of fire or catastrophe.

- B. Off-street parking and loading areas where required, with particular reference to the items in paragraph A and the economic, noise, glare or odor effects of each use in the proposed PUD.
- C. Refuse and service areas, with particular reference to the items in paragraphs A and B above.
- D. Utilities, with reference to locations, availability and compatibility.
- E. Screening and buffering with reference to type, dimensions and character.
- F. Signs, if any, and proposes exterior lighting, with reference to glare, traffic safety, economic effect and compatibility and harmony with adjoining properties and properties in the proposed PUD.
- G. Required yards and other open spaces.
- H. General compatibility with adjoining properties and properties in the proposed PUD.
- I. The purpose of this Ordinance, as well as compatibility with other ordinances and statutes which regulate land development.
- J. Consistency of the project with the Grant Township Master Plan.

Section 10.6 Transmittal of Planning commission's Recommendation:

The Planning Commission shall transmit its recommendations pertaining to the preliminary plan along with any recommended changes or modifications thereof to the applicant. A copy of the Planning Commission's recommendations shall be transmitted to the Township Board. In the course of its consideration of the preliminary plan, the Planning Commission may call an advisory public hearing and give such notice thereof as required by the Zoning Act.

Section 10.7 Final Plan Submission:

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

accordance with the ordinance amendment Chapter hereof, and the Zoning Act.

Section 10.8 Final Plan Content:

The final plan shall include all the following information, unless the same, as determined by the Township, is found to be unnecessary for the consideration of the PUD.

- A. A plot plan based on an accurate certified land survey showing:
 - 1. location, size, and type of present buildings or structures to be retained or removed;
 - 2. location of all proposed buildings, structures or other improvements;
 - 3. location of existing and proposed streets, easements, rights-of-way, drives and parking lots;
 - 4. location of water and sewer lines;
 - 5. storm drainage;
 - 6. topographical features including contour intervals no greater than five (5) feet and bodies of water;
 - 7. ditches and water courses;
 - 8. ground cover and other pertinent physical features of the site such as trees;
 - 9. proposed landscaping;
 - 10. location of existing improvements;
 - 11. location of lot lines;
 - 12. loading and unloading facilities;
 - 13. wetlands; and
 - 14. exterior lighting and signs.

- B. Preliminary architectural sketches and/or a general statement as to the type of construction and materials to be used in the proposed buildings or structures. Height and area of buildings and structures shall be described.

- C. The period of time within which the project will be completed.

- D. Proposed staging of the project, if any.

- E. Gross areas of buildings and parking.

- F. Delineation of the one hundred (100) year flood plain, if applicable and any proposed uses therein.

- G. A description of all aspects of such plan which might have an adverse effect on public health, safety and welfare.

- H. An environmental impact statement or assessment, if requested by the Planning Commission.

- I. Current proof of ownership of the land to be utilized or evidence of a contractual ability to acquire such land as an option or purchase contract.
- J. Method of financing and commitments or other proof of ability to obtain financing.
- K. Additional information which the Township Board may request which is reasonably necessary to evaluate the proposed PUD and its effect on the surrounding neighborhood and the Township in general.
- L. Such other data or information as required by the Planning Commission.

Section 10.9 Public Hearing:

The Planning Commission shall hold a public hearing pursuant to the Zoning Act and the provisions of this Ordinance for the purpose of receiving comments relative to the final development plan and the proposed rezoning.

Section 10.10 Final Planning Commission Recommendations:

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

Section 10.11 Final Approval by Township Board:

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

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

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

- 1. **Size** – In order to be zoned as PUD zoning district, the proposed area of land shall be no less than twenty (20) acres.
- 2. **Project Design and Review Standards** – Unless specifically specified otherwise, the Planning Commission may recommend deviations to the dimensional standards normally required for projects developed in traditional fashion. These include modifications to building setbacks, building density, customary building placement, parking and access, and similar modifications. In recommending approval of the PUD, including any modifications, the Planning Commission shall find:

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

B. Time Limitations on Development – Each development shall be under construction within one (1) year after the date of rezoning by the Township Board. If this requirement is not met, the Township Board may grant an extension provided the developers present reasonable evidence to the effect that said development has encountered unforeseen difficulties, but is now ready to proceed. Should the aforementioned requirements not be fulfilled within a period of one (1) year after final approval by the Township Board, any building permit issued for said development shall be invalid and void, and the Township Board may initiate proceedings to hold a public hearing for the purposes of rezoning said property.

C. Performance Bonds – The Township Board, in connection with reviewing any application for a final development plan, may require reasonable undertakings by the applicant to guarantee and assure by agreement, including a performance bond or irrevocable letter of credit, such bond or security to be posted by applicant in order to insure that the development will be executed in accordance with the approved plan.

D. Required Improvements Prior to Issuance of Occupancy Permit – The Township Board is hereby empowered to stipulate that all required improvements be constructed and completed prior to issuing an occupancy permit. In the event

that said improvements are partially completed to the point where occupancy would not impair the health, safety, and general welfare of the residents, but are not fully completed, the Building Inspector may, upon the recommendation of the Township Board, grant an occupancy permit so long as the developer deposits a performance bond with the Township Clerk in an amount equal to the cost of improvements yet to be made, said improvements to be completed within one (1) year of the date of the occupancy permit.

- E. **Additional Provisions** – All provisions of this Ordinance and other ordinances of the Township shall apply to the PUD district except where inconsistent therewith, in which case the provisions of this Chapter shall control.
- F. **Mobile Home Condominium Project.** Mobile home condominium projects shall conform to all requirements of this ordinance.
- G. **Site Condominium Subdivision Layout - Design and Approval.** The Township Board may require site condominium plans to conform to the plan preparation requirements; review and approval procedures; and its design, layout and improvement standards. A deposit in the form of cash, certified check, or irrevocable bank letter of credit shall be made with the Township of Grant to guarantee the installation and completion of any required public sanitary sewer, water supply, and drainage facilities, within a length of time agreed upon from the date of final approval of the site condominium subdivision plan by the Township Board. Nothing in this Section shall be construed as requiring a site condominium subdivision to obtain plat approval under the Subdivision Control Act.
- H. **Master Deed - Contents.** All provisions of the site condominium plans which are approved by the Township Board must be incorporated, as approved, in the Master Deed for the site condominium subdivision. Any proposed changes to the approved site condominium plans must be reviewed and approved by the Township pursuant to the procedure set forth herein for the approval of site condominium plans. A copy of the Master Deed as filed with the Newaygo county Register of Deeds for recording must be provided to the Township within ten (10) days after such filing with the County.

Section 10.14 Modification of PUD Plans:

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

ARTICLE 11
ZONING BOARD OF APPEALS

Section 11.1 Purpose:

In order that the objectives of this Ordinance may be fully and equitably achieved, that a means shall be provided for competent interpretations of this Ordinance, that adequate but controlled flexibility be provided in the application of this Ordinance, that the health, safety, and welfare of the public be secured, and that justice be done, there is hereby established a Township Zoning Board of Appeals.

Section 11.2 Creation, Membership, Terms of Office:

The Grant Township Board shall appoint a Township Zoning Board of Appeals to consist of five (5) members. The first member of such Board of Appeals shall be a member of the Township Planning Commission, the second member shall be a member of the Township Board; and the remaining members shall be selected and appointed by the Township Board from among the qualified electors residing in the unincorporated area of the Township. Neither an elected official (i.e., Supervisor, Clerk or Treasurer) nor any employee of the Township Board may serve simultaneously as a member of or as an employee of the Township Zoning Board of Appeals. The person who is a member of the Township Board shall not serve as Chairman of the Township Board of Appeals. 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 a public hearing. The chairperson shall be elected for a term of one year by the members of the Zoning Board of Appeals.

Section 11.3 Rules of Procedure:

- A. The Board may adopt rules and regulations to ensure proper conduct of its meetings. Copies of such regulations shall be made available to the public at the office of the Township Clerk.
- B. Meetings of the Board shall be open to the public and shall be held at the call of the Chairman and at such times as the Board may determine.
- C. The Board of Appeals shall not conduct business unless a majority of the members of the board are present.
- D. The Board shall act by resolution. The concurring vote of a majority of the members of said Board shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Administrator or to decide in favor of the applicant, any matter which the Board is required to pass under this Ordinance to grant variances from the requirements of this Ordinance, provided, however, a two-thirds (2/3) vote (four members) of the Board membership shall be required to grant a use variance.

- E. Members of the Zoning Board of Appeals shall publicly disclose all conflicts of interest or potential conflicts of interest at the hearings and shall disqualify themselves from any vote concerning the conflict of interest, any their reasons for abstention shall be part of the records.
- F. Records - Minutes shall be recorded of all proceedings which shall contain evidence and data relevant to every case considered, together with the votes of the members and the final disposition of each case. The grounds of every determination shall be stated. Such minutes shall accompany and be attached to the standard forms required of persons appealing as a part of the Zoning Board of Appeals permanent records. Such minutes shall become as public record as such, be filed in the office of the Township Clerk. A copy of the decision shall be sent promptly to the applicant and the Zoning Administrator.
- G. Secretary and Counsel - The Township Clerk shall be responsible for acting as secretary, or of providing secretarial services for the Zoning Board of Appeals and all records of the Board's action shall be taken and recorded under his/her direction. The Township's attorney may be requested to attend any meeting of the Zoning Board of Appeals.

Section 11.4 Appeals:

- A. Appeals to the Zoning Board may be taken by any person aggrieved, or by an Officer or Board of the Township.
- B. Time Limit: Any appeals from a ruling of the Zoning Administrator shall be made within thirty (30) days after receipt of the ruling. The person making the appeal must file with the Zoning Administrator, a signed and notarized notice of appeal specifying the grounds for the appeal. The Zoning Administrator shall immediately transmit to the Zoning Board of Appeals all the papers concerning the case being appealed.

Section 11.5 Hearings - Procedure for Scheduling Hearings:

- A. When the application for hearing or appeal has been filed in proper form, and the required fee paid, the secretary of the Board shall immediately place the same upon the calendar for the hearing and service required notices.
- B. Notice shall be made in accordance with the requirements of the Zoning Act:
 - 1. A public hearing shall be noticed not less than fifteen (15) days prior to the meeting.
 - 2. A mailing of the notice shall be sent to all property owners and occupants within 300 feet of the parcel to be developed, regardless of whether the noticed property or occupants are located in the Township. The notice shall include:

- a. The nature of the request.
 - b. The property(s) that are the subject of the request including a listing of all existing street addresses within property(s). If there are no addresses other means of identification may be used.
 - c. Location and time of the hearing.
 - d. Where and when written comments may be received.
- C. Representation: The party requesting the hearing, or any other interested person, may appear in person or by agent, or by attorney at the hearing considering his appeal or request.
- D. Tabling: Upon the date of the hearing of an appeal or request, the Board may table the hearing to a specified time and date in order to permit the obtaining of additional information or to cause further notices to be served. In the case of a tabled hearing, persons previously notified and persons already heard need not be notified of the resumption of said hearing unless the Board decided otherwise.
- E. Decisions:
- 1. Three (3) members shall constitute a quorum.
 - 2. The secretary shall record the grounds for each decision.
 - 3. A copy of each decision shall be sent to the Zoning Administrator, the Planning Commission, and the applicant. No building permit shall be issued by the Building Inspector until such decision is made.
- F. If the applicant is ill, wishes to withdraw the application or simply cannot be at the hearing, the meeting can be tabled or adjourned by the Chairperson up to one (1) hour prior to the meeting.
- G. A performance bond may be required to insure conformance with the Ordinance or Board's decision.

Section 11.6 Duties and Powers of the Zoning Board of Appeals:

- A. Review: The Board shall hear and decide appeals from any review, order, requirement, decision, or determination made by the Zoning Administrator. Notwithstanding the proceeding, the Board shall not hear or decide any appeal regarding a decision by the Planning Commission or Township Board regarding a special land use or PUD approval (or site plan associated with a PUD or special land use), unless the Planning Commission or Township Board expressly certifies a given issue for submittal to the Zoning Board of Appeals.

- B. Interpretation: The Board shall have the power to:
1. Hear and decide upon appeals for the interpretation of the provisions of this Ordinance.
 2. Determine the precise location of the boundary lines between zoning districts when there is dissatisfaction with a decision of such subject made by the Zoning Administrator.
 3. Hear appeals for interpretation in determining whether a particular use or structure is a nonconforming use or structure.
 4. Determine the off-street parking and loading space requirements of any use which is not mentioned in Article 7 either by classifying it with one of the groups listed or by an analysis of the specific need.
- C. Variances: The Zoning Board of Appeals shall have the power to authorize, upon appeal, use variances and specific variances for such dimensional requirements as lot area and width regulations, building height and square foot regulations, yard width and depth regulations, and such requirements as off-street parking and loading space, as specified in this Ordinance when all the basic conditions listed below are satisfied. It shall be found by the Zoning Board of Appeals that the dimensional variance, if granted:
1. Affects only property subject to exceptional or extraordinary circumstances or conditions that do not generally apply to other property or uses in the vicinity, and which, if the Ordinance were strictly enforced, would cause an unnecessary hardship or practical difficulty upon the applicant.
 2. Will not be contrary to the public interest or to the spirit and intent of this Ordinance.
 3. Will not cause any adverse effect to property in the vicinity or in the zoning district or the township.
 4. Relates only to property that is under control of the applicant.
 5. Is not a self-created problem.
- D. A use variance may be allowed by the Zoning Board Appeals only in cases where there is reasonable evidence of unnecessary hardship in the official record of the hearing that the following additional condition is met:
1. That the building, structure, or land cannot be reasonably used for any of the uses permitted by right or special approval in the zoning district in which it is located.

- E. Prior to Board of Zoning Appeals hearing on a request for a Use Variance, the Planning Commission shall consider such request and forward a report to the Zoning Board of Appeals. For this report the Planning Commission shall consider the Master Plan, the ability of the property owner to use the property for a use already permitted under the existing zoning classification, the effect of the request on the essential character of the neighborhood, and other such factors as the Planning Commission may deem relevant.
- F. In addition to the foregoing condition, the following rules shall be applied in the granting of variances:
 - 1. In granting a variance, the Zoning Board of Appeals may specify, in writing to the applicant, such conditions in connection with the granting that will, in its judgment, secure substantially, the objectives of the regulations or provisions to which such variance applies. The breach of any such condition shall automatically invalidate the permit granted.
 - 2. No application for a variance which has been denied wholly or in part by the Zoning Board of Appeals shall be submitted for a period of one (1) year from the date of the last denial, except on grounds of newly discovered evidence or proof changed conditions found upon inspection by the Board of Appeals to be valid.
 - 3. Each variance granted shall become null and void unless the provisions of the variance have been utilized by the applicant within one (1) year after the granting of the variance.

Section 11.7 Conditions of Approval:

Reasonable conditions may be required with the approval of a variance by the Zoning Board of Appeals, and for special land uses permitted in this Ordinance. The conditions may include, but are not limited to, conditions necessary to insure the compatibility with adjacent land uses, to promote the use of land in a socially and commercially desirable manner, and to protect the natural environment and conserve natural resources.

Conditions imposed shall meet the following requirements:

- A. Be designed to protect the health, safety, welfare and natural resources, as well as the social and economic well being not only of those who will be using the land or activity under consideration, but adjacent residents and landowners, and the community as a whole.
- B. Be necessary to meet the intent and purpose of this Ordinance, be related to the standards established in the Ordinance, and be necessary to insure compliance with those standards.
- C. Conditions imposed with respect to the approval of a variance shall be recorded

in the record of the approved action, and shall remain unchanged except by mutual consent of the Zoning Board of Appeals and the landowner. The Zoning Board of Appeals shall maintain a record of conditions that are changed.

Section 11.8 Time Limit:

The necessary permit shall be secured and the authorized action begun and completed within the time periods specified in the variance. At no time shall this be longer than one (1) calendar year.

Section 11.9 Stay of Proceedings:

Any appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning Administrator certifies to the Zoning Board of Appeals after the notice of the appeal shall have been filed with him that, for reasons of fact stated in the certificate, a stay would in his opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the Zoning Board of Appeals or on application, by the Circuit Court on notice to the Officer from whom the appeal is taken and on due cause shown.

ARTICLE 12
ADMINISTRATION AND ENFORCEMENT

Section 12.1 Zoning Administrator:

This Ordinance shall be administered by the Zoning Administrator, who shall be appointed by the Township Board of the Township of Grant for such term and at such rate of compensation and subject to such conditions as the said Board shall determine.

Section 12.2 Police Powers:

The said Zoning Administrator shall have the powers of police officers in enforcing this Ordinance.

Section 12.3 Eligibility:

The Zoning Administrator shall make the required inspections and shall certify to the Township Clerk the conformance of the applicant to the requirements of this Ordinance. In the event that such administrator shall be interested in any manner in the application, then the Township Board may appoint a substitute administrator to discharge the duties of such case. The Administrator shall be physically fit, competent for the position, and shall not either directly or indirectly be interested in the sale of any material, plan, process or device used in connection with the building construction or in the use of property involved.

Section 12.4 Zoning Permits:

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

- A. Application for Permit. All applications for permit shall be made to the Township Zoning Administrator. Such applications shall be executed in triplicate upon forms prescribed by the Township Board. Such application shall contain full information showing the lot area, location of contemplated buildings and structure, sewage disposal facilities, street widths, and such other information as the Township Board may by resolution require. Scale drawings shall be filed in duplicate with such application.

- B. Reference to Administrator. The Township Zoning Administrator shall properly make such investigation and inspection as he shall determine necessary. If the same has been approved the Zoning Administrator shall forthwith issue the permit. If reasons are set forth for rejection, the applications shall be notified thereof.

- C. Reference to Board of Appeals. If the subject matter of the application is such that the application must be referred to the Board of Appeals, then the Administrator, after making preliminary inspection, shall refer the application to the Clerk of the Board of Appeals. The Administrator shall prepare and cause to

be published notice of such meeting as the Board shall prescribe. The Clerk of the Board of Appeals shall return such application duly endorsed as approved or disapproved, stating reasons thereof, if disapproved, to the Zoning Administrator, who shall notify the application of the Board's action.

- D. Disposal of Application Copies. The Township Clerk shall have one (1) copy thereof for his files, the Zoning Administrator shall have one (1) copy for his files, and the applicant shall have one (1) copy duly endorsed by the Zoning Administrator as his authorized to proceed.
- E. Nontransferable. Such permits are nontransferable except by written permission of the Zoning Administrator, endorsed upon all copies of such permit.
- F. Expiration of Zoning Permit. Any permit issued hereunder, under which no work has been done above the foundation walls within one (1) year, shall expire by limitation, provided, however, such permit may be renewed for an additional period of one (1) year upon payment of one-half (½) of the original license fee, and subject to provisions of this Ordinance in force at the date of the renewal. Provided, further, that the Board of Appeals may upon showing of unnecessary hardship or practical difficulties extend such permit for such additional time as said Board shall determine.
- G. Cancellation of Zoning Permit. The Administrator is empowered to cancel such permit for violation of the provisions of this Ordinance or for fraud or misrepresentation in the procurement thereof, by notification in writing, by registered mail, to the address of the owner or his attorney or agent, as shown on the application for such permit.
- H. Zoning Permit Identification. The Zoning Administrator shall issue to the applicant a suitable care, which shall be posted on said premises, indicating that a permit has been issued, showing the person to whom issued, the date of issue, and the building or use for which issued.

Section 12.5 Exemptions from Zoning Permit Requirements:

Incidental repairs and reconditioning of established structures which do not involve additions thereto, shall be exempt from the requirements of this Ordinance, providing the same do not violate this Ordinance.

Section 12.6 Fees:

For each zoning permit issued, fees shall be paid to the Zoning Administrator, who shall remit the same to the Township Treasurer. All fees shall be paid in accordance with the fee schedule established by the Township Board.

The Township Board shall by resolution establish fees for the administration of this Ordinance, including all proceedings and matters that may arise hereunder. A listing of current fees shall be available for review by the public during Township office hours at

the Township Hall. Such fees may be changed from time to time by resolution of the Township Board. The applicant shall pay all applicable fees upon the filing of any application, any proposed site plan or any other request or application under this Ordinance and as to which a fee is prescribed. In addition to regularly established fees, the Township Board in its discretion may also require an applicant to submit to the Township (prior to Township review of an application or proposed site plan) an amount of money determined by the Township to be a reasonable estimate of the fees and costs which may be incurred by the Township in reviewing and acting upon any such application or related matters. The Township shall not charge fees or assess costs to the applicant for the time expended by Township employees (except when authorized under appropriate provisions of the Freedom of Information Act) or for incidental costs and expenses, but may charge or assess the applicant for all other reasonable costs and expenses incurred by the Township during and in connection with the review process and other related proceedings, whether or not the application is granted either in whole or in part. Such costs and expenses to be charged or assessed to the applicant, for reimbursement of the Township's reasonable costs and expenses, may include but shall not be limited to Township attorney fees, engineering fees, costs and fees for services of outside consultants, fees and expenses of other professionals who may assist the Township, costs and fees for studies and reports pertaining to the matters in question, special meeting costs and other reasonable costs and expenses. Such monies shall be retained by the Township for reimbursement of such costs and expenses. Any monies paid or deposited by an applicant which are not used or spent by the Township pursuant to an escrow shall be refunded.

Section 12.7 Inspections and Notifications:

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

- A. Upon completion of the footings and the foundation walls.
- B. Upon completion of the rough frame of the structure including the application of the roof shingles and sidewall sheeting and the installation of wiring and rough plumbing and chimneys and before occupancy.
- C. Upon total completion of the work authorized by the Zoning Permit and before occupancy.
- D. Upon completion of the installation of the septic tank and drain field.
 - 1. Inspections of the building or structures shall be made within three (3) days following receipt of notification; and
 - 2. Should the permit holder fail to comply with the requirements at any stage of construction the Zoning Administrator is hereby authorized to cancel the permit issued and shall cause notice of such cancellation to be securely posted upon said construction and such posting shall be considered as

service upon and notice to the permit holder of the cancellation thereof. No further work shall be undertaken or permitted upon such construction until a valid permit shall thereafter have been issued.

Section 12.8 Certificate of Compliance:

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

Section 12.9 Stop Work Orders:

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

Section 12.10 Violation and Penalty:

Any owner or agent, and any person or corporation who shall violate any of the provisions of this Ordinance or fail to comply with any of the requirements thereof or who shall erect, alter, enlarge, or move any building, or who shall put into use any lot in violation of any detailed statement of plan submitted hereunder, or who shall refuse reasonable opportunity to inspect any premises or who shall violate a stop work order, shall be liable for a fine of not more than \$500.00 (five hundred dollars) or imprisonment for not more than ninety (90) days, or to both such fines and imprisonment. Each and every day such violation continues shall be deemed a separate and distinct violation. The foregoing penalty shall not prohibit the Grant Township from serving injunction or other civil relief against any violators or violations of this Ordinance.

The owner of any building or land where anything in violation of this Ordinance shall be placed or shall exist, and any architect, builder, contractor, agent, person or corporation employed in connection therewith and who assists in the commission of such violation shall each be guilty of a separate violation and upon conviction thereof, shall each be liable to the fine or imprisonment, or both, specified in this Section.

Section 21.11 Surveys

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

ARTICLE 13
AMENDMENTS AND ADOPTION

Section 13.1 Procedure:

The Planning Commission, either on its own initiative, or upon petition by any interested person or public body, may schedule a public hearing for amendments to this Ordinance.

Section 13.2 Fees:

The Township Board shall establish by resolution, fees for zoning amendment petitions. Such fees shall be paid in full at the time of the application and no part of such fee shall be returnable to the petitioner. Fees shall not be required by any government agency or body.

Section 13.3 Information Required:

The petition must contain the signatures of the petitioners and the title holders and any other person having a legal interest in the land and shall contain the following information if a change in the zoning district boundaries is sought:

- A. A precise legal description of the boundaries of the property requested to be rezoned.
- B. A scaled map of the property, correlated with the legal description and clearly showing the property's location.
- C. The change desired.
- D. The reasons for the change.
- E. The petitioner's interest in the property; if the petitioner is not the property owner, the name of the owner.
- F. A description of the proposed development and/or use of the property if the petition is granted.

Section 13.4 Notices:

- A. The Planning Commission shall authorize the publication of the proposed amendment upon payment of the required fees.
 - 1. The Planning Commission shall set the time and place for at least one (1) public hearing, notice of which shall be given as provided by the Zoning Act. A public hearing shall be noticed not less than fifteen (15) days prior to the meeting.
 - 2. A mailing of the notice shall be sent to all property owners and occupants within 300 feet of the parcel to be developed, regardless of whether the

noticed property or occupants are located in the Township. The notice shall include:

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

Section 13.5 Findings of Facts Required:

In reviewing any petition for a zoning amendment, the Planning Commission shall identify and evaluate all factors relevant to the petition. The facts to be considered by the Planning Commission shall include, but are not limited to, the following:

- A. Whether or not the requested zoning change is justified by a change in conditions since the original Ordinance was adopted, by an error in the original Ordinance, and whether the property can be reasonably used for uses permitted within the district it is located.
- B. The precedents and their possible effects which might result from the approval or denial of the petition.
- C. The capability of the Township or other government agencies to provide any services, facilities, and/or programs that might be required if the petition were approved.
- D. Effect of the petition on the condition and/or value of property in the township and in adjacent civil division.
- E. Effect of the petition on any adopted master plans or development policies of Grant Township.

All findings of fact shall be made a part of the public records of the meetings of the Planning Commission.

Section 13.6 Decision:

- A. The Planning Commission shall forward its decision and the proposed amendment to the County Planning Commission and the Township Board with its recommendation of approval or denial within thirty (30) days of the date of the hearing.
- B. Determination:
 - 1. The Township Board shall set a date for the consideration of the proposed amendment upon receipt of the decision of the County Planning Commission or upon the expiration of thirty (30) days from the date the

amendment was forwarded to such body.

2. If the Township Board shall deem any amendments advisable as to the proposed text, it may refer the same to the Planning Commission at a public hearing for a report thereon within the time specified by the Township Board.

Section 13.7 Adoption:

- A. The Township Board may adopt the amendment at any regular meeting or at any special meeting called for such purpose with or without amendments that have been previously recommended by the Planning Commission at a public hearing; provided that it has been properly referred to the Planning Commission as required by law.
- B. A majority vote of the members of the Township Board shall be required to adopt any amendment.
- C. Amendments shall be effective seven (7) days after publication of the notice of adoption as required by law, or a longer period, as determined by the Township Board.

ARTICLE 14
MISCELLANEOUS PROVISIONS

Section 14.1 Severability:

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

ARTICLE 15
EFFECTIVE DATE

Section 15.1 Effective Date:

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

Section 15.2 Repeal of Prior Ordinance:

The Grant Township Zoning Ordinance, adopted on October 30, 1992, as amended, is hereby repealed effective coincident with the effective date of this new Zoning Ordinance.

