

Mecosta Township

Zoning Ordinance

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with Amendments through March 8, 2017)**

**Mecosta Township Hall
19729 – 11 Mile Road
Big Rapids, MI 49307**

**Telephone 1-231-796-8935
Facsimile 1-231-796-9185
Web Site: mecostatwp.org**

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**ARTICLE 1
PURPOSE OF ZONING**

Section 1.0 Purpose.

An ordinance to establish zoning districts and regulations governing the development and use of land within Mecosta Township lying outside the limits of incorporated cities and villages, in accordance with the provisions of Act 184, Public Acts of 1943, as amended; to provide for regulations governing nonconforming uses and structures; to provide for a Board of Appeals and for its powers and duties; to provide for permits, fees, penalties and other administrative provisions to enforce this Ordinance; and to provide for regulations regarding conflicts with other ordinances or regulations.

The purpose of this Ordinance shall be:

- (A) To promote the public health, safety, and general welfare of Mecosta Township.
- (B) To assure adequate sites for residences, commerce and industry, and to protect these activities against incongruous and incompatible use of land.
- (C) To provide for the free movement of vehicles upon the streets and highways.
- (D) To promote the uses of land and natural resources for the economic, social, and ecological well being of the Township as a whole.
- (E) To assure that all uses of land and buildings are so related to provide for economy in government and mutual support.
- (F) To encourage the use of land in accordance with its character and capabilities as recognized in the Township Land Use Plan and other adopted plans and policies of Mecosta Township.

Section 1.1 Short Title.

This Ordinance shall be known and may be cited as the Mecosta Township Zoning Ordinance: Effective December 22, 2003 as amended.

Section 1.2 Relationship to Other Laws.

Whenever regulations or restrictions imposed by this Ordinance are either more or less restrictive than regulations or restrictions imposed by local, state or federal governmental authorities, those which are more restrictive or which impose higher standards or requirements shall govern.

Compliance with the terms of this Ordinance in no way removes responsibility for obtaining any and all other permits and approvals required by local, state or federal law before commencing with any construction upon or use of land within the territory affected by this Ordinance.

Section 1.3 Application of this Ordinance.

No land, building, structure or premises within the Township shall be used or occupied, and no building, structure or part thereof shall be erected, razed, moved, placed, reconstructed, extended, enlarged or altered, except in compliance with this Ordinance.

ARTICLE 2 ZONING DISTRICTS

Section 2.0 Establishment of Districts.

Those portions of Mecosta Township, Michigan lying outside the limits of incorporated cities and villages are hereby divided into zoning districts, as named and described in the following sections. The boundaries of these zoning districts are established as shown on the map in Section 2.20.

Section 2.1 A Agricultural District.

- (A) **Intent.** The intent of this district is to maintain existing lot size and lot area requirements for those agriculturally-zoned properties within the Township which are designated for eventual re-classification to a different or more intensive zoning district under the Township's Future Land Use Map, adopted as part of the Mecosta Township 2010 Master Plan.
- (B) **Permitted Uses.** Land and/or buildings in the district may be used for the purposes which are permitted in the AG Agricultural District pursuant to Section 2.2 of the Zoning Ordinance.
- (C) **Uses by Special Permit.** Land and/or buildings in the district may be used, with special land use approval, for the purposes permitted with a special permit in the AG Agricultural District by Section 2.2 of the Zoning Ordinance.
- (D) **District Regulations.**
 - 1. **Minimum Lot Area.** One acre.
 - 2. **Minimum Lot Width.** 200 feet.
 - 3. **Minimum Front Setback.** 50 feet.
 - 4. **Minimum Rear Setback.** 10 feet.
 - 5. **Minimum Side Setback.** Two side yards, not less than 25 feet each.
 - 6. **Maximum Lot Coverage.** 15 percent.
 - 7. **Maximum Height.** 30 feet.
 - 8. **Maximum Lot Depth/Width.** Four to one.
 - 9. **Minimum Floor Area.** 720 square feet.

Section 2.2 AG Agricultural.

- (A) **Intent.** To establish and maintain low density rural areas suitable for agricultural uses for the purpose of long term preservation of farmland in Mecosta Township.
- (B) **Permitted Uses.** Land and/or buildings in the district may be used for the following purposes as a permitted use:
1. Farms.
 2. Sales and service of machinery used for agricultural production.
 3. Facilities for bulk storage and retail sales for products essential for agricultural production.
 4. Veterinary facilities/services.
 5. Kennels.
 6. Single-family dwellings. One detached single-family dwelling only on each platted subdivision lot, site condominium unit, or other lot, which meets the district regulations in part D of this section.
 - 6A. On a farm only, an additional detached single-family dwelling subject to the following:
 - (a) The farm must meet the definition of farm in this Ordinance.
 - (b) The additional dwelling must be occupied as a principal residence by a person (including that person's family), employed in or actually involved in the agricultural use on the farm, to the extent that the dwelling is considered to be a "related building," within the meaning of Section 7dd of the General Property Tax Act.
 - (c) If there is an additional dwelling, then the other dwelling must be occupied as a principal residence either by the majority owner (including that person's family), employed in or actually involved in the agricultural use on the farm, to the extent that this dwelling is also considered to be a related building," within the meaning of Section 7dd of the General Property Tax Act.
 7. Farm markets conducted in accordance with generally accepted agricultural and management practices promulgated under the Right to Farm Act.
 8. Domestic animals.
 9. Equine animals subject to Section 5.2.

10. Passive sport facilities, including stables, hiking and riding trails, and other similar low-intensity non-motorized recreational activities.
11. Cemeteries and churches.
12. Home occupations.
13. Temporary sawmills and sawmills as a home occupation.
14. Accessory uses, buildings and structures.
15. Storage buildings for personal use.
16. State licensed residential facilities which provide resident services for six or less persons, as defined and subject to the conditions provided in the Zoning Enabling Act and Section 3.2 of this Ordinance.
17. Family day care homes with no more than six minor children, located in the principal residence of the operator, as defined and subject to the conditions provided in the Zoning Enabling Act and Section 3.2 of this Ordinance.

(C) Uses by Special Permit.

1. Taxidermy and fur dressing.
2. Nursing homes, foster-care homes and similar residential care facilities.
3. Child care facilities.
4. Licensed small aircraft landing fields.
5. Agricultural labor camps, in compliance with Public Act 289 of 1965.
6. Communication towers.
7. Large recreational gatherings, festivals, concerts, commercial sport facilities, country clubs.
8. Golf courses.
9. Mineral extraction.
10. Campgrounds.
11. Camps and day camps.

12. Livestock slaughtering, processing and butcher shops, road side sales of produce (not covered by generally accepted agricultural and management practices promulgated under the Right to Farm Act).
 13. Bed and breakfast operations.
 14. Public service buildings.
 15. Motorized recreational activities.
 16. Group day care homes with no more than 12 minor children, located in the principal residence of the operator, as defined in the Zoning Enabling Act. Group day care homes shall be subject only to the standards provided in the Zoning Enabling Act.
- (D) **District Regulations.** No building or structure, nor enlargement of any building or structure, shall be erected unless the following requirements are met and maintained for such building and structure:
1. **Minimum Lot Area.** 10 acres.
 2. **Minimum Lot Width.** 330 feet.
 3. **Minimum Front Setback.** 50 feet.
 4. **Minimum Rear Setback.** 10 feet.
 5. **Minimum Side Setback.** Two side yards, not less than 25 feet each.
 6. **Maximum Lot Coverage.** 15 percent.
 7. **Maximum Height.** 30 feet.
 8. **Maximum Lot Depth/Width.** Four to one.
 9. **Minimum Floor Area.** 720 square feet.

Section 2.3 AF Agricultural/Forestry.

- (A) **Intent.** To establish and maintain low density rural areas which because of their rural character and location, accessibility, natural characteristics and the potentially high costs of providing public services for intensive uses are suitable for a wide range of agricultural, forestry, natural resources and recreational uses.
- (B) **Permitted Uses.** Land and/or buildings in the district may be used for the following purposes as a permitted use:
1. Farms.

2. Sales and service of machinery used for agricultural production.
3. Facilities for bulk storage and retail sales for products essential for agricultural production.
4. Veterinary facilities/services.
5. Kennels.
6. One detached single-family dwelling only on each platted subdivision lot, site condominium unit, or other lot.
- 6A. On a farm only, an additional detached single-family dwelling, subject to the following:
 - (a) The farm must meet the definition of farm in this Ordinance.
 - (b) The additional dwelling must be occupied as a principal residence by a person (including that person's family), employed in or actually involved in the agricultural use on the farm, to the extent that the dwelling is considered to be a "related building," within the meaning of Section 7dd of the General Property Tax Act.
 - (c) If there is an additional dwelling, then the other dwelling must be occupied as a principal residence either by the majority owner (including that person's family) of the land on which the farm is located, or by another person (including that person's family), employed in or actually involved in the agricultural use on the farm, to the extent that this dwelling is also considered to be a "related building," within the meaning of Section 7dd of the General Property Tax Act.
7. Farm markets conducted in accordance with generally accepted agricultural and management practices promulgated under the Right to Farm Act.
8. Passive sport facilities, including stables, hiking and riding trails, and other similar low-intensity non-motorized recreational activities.
9. Cemeteries and churches.
10. Domestic animals.
11. Equine animals subject to Section 5.2.
12. Home occupations.
13. Temporary sawmills and sawmills as a home occupation.

14. Accessory uses, buildings and structures.
15. Storage buildings for personal use.
16. State licensed residential facilities which provide resident services for six or less persons, as defined and subject to the conditions provided in the Zoning Enabling Act.
17. Family day care homes with no more than six minor children, located in the principal residence of the operator, as defined and subject to the conditions in the Zoning Enabling Act.

(C) **Uses by Special Permit.** The following uses may be permitted by a special use permit upon specific approval by the Zoning Board, provided they are found to be in accordance with the provisions of Article 5:

1. All R-1 special permit uses.
2. Taxidermy and fur dressing.
3. Nursing homes, foster care homes and similar residential care facilities, including child care facilities.
4. Licensed small aircraft landing fields.
5. Agricultural labor camps in compliance with Public Act 289 of 1965.
6. Communication towers.
7. Large recreational gatherings, festivals, concerts, commercial sport facilities, country clubs.
8. Mineral extraction.
9. Campgrounds, camps and day camps.
10. Golf courses.
11. Livestock slaughtering, processing and butcher shops and road side sales of produce, not covered by generally accepted agricultural and management practices promulgated under the Right to Farm Act.
12. Bed and breakfast operations.
13. Public service buildings.
14. Motorized recreational activities.

15. Group day care homes with no more than 12 minor children, located in the principal residence of the operator, as defined in the Zoning Enabling Act. Group day care homes shall be subject only to the standards provided in the Zoning Enabling Act.
- (D) **District Regulations.** No building or structure, nor enlargement of any building or structure, shall be erected unless the following requirements are met and maintained for such building and structure:
1. **Minimum Lot Area.** Five acres.
 2. **Minimum Lot Width.** 330 feet.
 3. **Minimum Front Setback.** 50 feet.
 4. **Minimum Rear Setback.** 10 feet.
 5. **Minimum Side Setback.** Two side yards, not less than 25 feet each.
 6. **Maximum Lot Coverage.** 15 percent.
 7. **Maximum Height.** 30 feet.
 8. **Maximum Lot Depth/Width.** Four to one.
 9. **Minimum Floor Area.** 720 square feet.

Section 2.4 RR-2 Rural Residential – 2 District.

- (A) **Intent.** The intent of this district is to preserve the minimum lot areas and lot widths within those areas in the Township’s previous RR-2 Rural Residential District, which are designated for eventual re-classification to a different or more intensive zoning district under the Township’s Future Land Use Map, adopted as part of the Mecosta Township 2010 Master Plan.
- (B) **Permitted Uses.** Land and/or buildings in the district may be used for the purposes which are permitted in the RR Rural Residential District pursuant to Section 2.5 of the Zoning Ordinance.
- (C) **Uses by Special Permit.** Land and/or buildings in the district may be used, with special land use approval, for the purposes permitted with a special permit in the RR Rural Residential District by Section 2.5 of the Zoning Ordinance.
- (D) **District Regulations.** No building or structure, nor enlargement of any building or structure shall be erected unless the following requirements are met and maintained for such building and structure:
1. **Minimum Lot Area.** One acre.

2. **Minimum Lot Width.** 200 feet.
3. **Minimum Front Setback.** 35 feet; 50 feet if the front lot line is adjacent to a state trunk line.
4. **Minimum Side Setback.** Two side yards, not less than eight feet each.
5. **Minimum Rear Setback.** 10 feet.
6. **Maximum Lot Coverage.** 15 percent.
7. **Maximum Building Height.** 30 feet.
8. **Maximum Lot Depth to Width Ratio.** Four to one.
9. **Minimum Floor Area (Single-Family Dwelling).** 720 square feet (see also Section 3.2).

Section 2.5 RR Rural Residential District.

- (A) **Intent.** To establish and maintain an alternative low density rural residential environment for single-family residences which are similar in construction standards, permanency, living area, preservation of property values and economic stability; and are in accessible areas free from small lot residential subdivisions which may require additional public facilities and services beyond the traditional rural level of government services.
- (B) **Permitted Uses.** Land and/or buildings in the district may be used for the following purposes as a permitted use:
 1. One detached single-family dwelling only on a subdivision lot, site condominium unit, or other lot.
 2. Duplexes.
 3. Public and private parks.
 4. Farms.
 5. Farm markets conducted in accordance with generally accepted agricultural and management practices promulgated under the Right to Farm Act.
 6. Accessory uses, buildings and structures.
 7. Storage buildings for personal use.
 8. Home occupations (subject to Section 3.12).

9. Domestic animals.
10. State licensed residential facilities which provide resident services for six or less persons, as defined and subject to the conditions provided in the Zoning Enabling Act.
11. Family day care homes with no more than six minor children, located in the principal residence of the operator, as defined and subject to the conditions in the Zoning Enabling Act.

(C) **Uses by Special Permit.** The following uses may be permitted upon specific approval by a special use by the Zoning Board, provided they are found to be in accordance with the provisions of Article 5:

1. Equine animals subject to Section 5.2.
2. Churches and schools.
3. Mineral extraction.
4. Processing.
5. Public and private parks, country clubs, and similar recreational uses.
6. Public and semi-public institutional uses.
7. Multi-family residential.
8. Nursing homes, foster care homes, and similar residential care facilities.
9. Kennels.
10. Communication towers.
11. Nursery sales/garden shop.
12. Bed and breakfast operations.
13. Public service buildings.
14. Temporary sawmills.
15. In addition, group day care homes with no more than 12 minor children, located in the principal residence of the operator, as defined in the Zoning Enabling Act. Group day care homes shall be subject only to the standards provided in the Zoning Enabling Act.

- (D) **District Regulations.** No building or structure, nor enlargement of any building or structure shall be erected unless the following requirements are met and maintained for such building and structure:
1. **Minimum Lot Area.** Two acres.
 2. **Minimum Lot Width.** 200 feet.
 3. **Minimum Front Setback.** 35 feet; 50 feet if the front lot line is adjacent to a state trunk line.
 4. **Minimum Side Setback.** Two side yards, not less than eight feet each.
 5. **Minimum Rear Setback.** 10 feet.
 6. **Maximum Lot Coverage.** 15 percent.
 7. **Maximum Building Height.** 30 feet.
 8. **Maximum Lot Depth to Width Ratio.** Four to one.
 9. **Minimum Floor Area (Single-Family Dwelling).** 720 square feet (see also Section 3.2).

Section 2.6 R-1 Conventional Single-Family Residential District.

- (A) **Intent.** To establish and preserve quiet single-family residential neighborhoods, as desired by large numbers of people, which are similar in terms of construction standards, permanency, living area, preservation of property values and economic stability; and convenient to residents of such a district.
- (B) **Permitted Uses.** Land and/or buildings in the district may be used for the following purposes as a permitted use:
1. One detached single-family dwelling only on each platted subdivision lot, site condominium unit, or other lot. A seasonal cottage and/or mother-in-law home may be permitted in addition to the dwelling, subject to special use approval as provided in (C).
 2. Accessory uses, buildings and structures.
 3. Storage buildings for personal use.
 4. Home occupations (subject to Section 3.12).
 5. Domestic animals.

6. State licensed residential facilities which provide resident services for six or less persons, as defined and subject to the conditions provided in the Zoning Enabling Act.
7. Family day care homes with no more than six minor children, located in the principal residence of the operator, as defined and subject to the conditions in the Zoning Enabling Act.

(C) **Uses by Special Permit.** The following uses may be permitted by a special use permit upon specific approval by the Zoning Board, provided they are found to be in accordance with the provisions of Article 5:

1. Schools, churches, and other public and semi-public institutional uses.
2. Unlighted golf courses.
3. Public and private parks, public, community, or private club swimming pools.
4. Duplexes.
5. Bed and breakfast operations.
6. Mineral extraction.
7. Public service buildings.
8. Seasonal cottages and/or mother-in-law homes if in addition to a principal residence.
9. Temporary sawmills.
10. Group day care homes with no more than 12 minor children, located in the principal residence of the operator, as defined in the Zoning Enabling Act. Group day care homes shall be subject to the Zoning Enabling Act which, as of the date of adoption of this Ordinance, is as follows:
 - (a) Is not located not closer than 1,500 feet to another licensed group day care home, an adult foster care small group home or large group home, facility offering substance abuse treatment and rehabilitation services, a community correction center, resident home, halfway house, or similar facility.
 - (b) Has appropriate fencing for the safety of the children in the group day care home.
 - (c) The property is maintained consistent with the visible characteristics of the neighborhood.

- (d) Does not exceed 16 hours of operation during a 24-hour period. Operations may be limited between the hours of 10:00 p.m. and 6:00 a.m.
- (e) Has no sign identifying the business other than a sign not greater than four square feet in area mounted to the home.
- (f) Contains sufficient area for off-street parking for all employees.

11. Communication towers.

(D) **District Regulations.** No building or structure, nor enlargement of any building or structure, shall be erected unless the following requirements are met and maintained for such building and structure:

1. **Minimum Lot Area and Lot Width.** Minimum of 20,000 square feet and 100-foot lot width without public water or public sewer; 15,000 square feet and 75-foot lot width with either public sewer or public water; 8,700 square feet and 65-foot lot width with both public water and public sewer. Regardless of whether served by water and/or public sewer, all duplexes shall have a minimum lot area of 25, 000 square feet and 125 foot lot width.
2. **Minimum Front Setback.** 30 feet; 50 feet if the front lot line is adjacent to a state trunk line; 35 feet if the front lot line abuts a paved county primary road.
3. **Minimum Side Setback.** Two side yards, not less than eight feet each.
4. **Minimum Rear Setback.** 10 feet.
5. **Maximum Lot Coverage.** 40 percent.
6. **Maximum Building Height.** 30 feet.
7. **Maximum Lot Depth/Width Ratio.** Four to one.
8. **Minimum Floor Area.** 960 square feet (see also Section 3.2).

Section 2.7 R-2 Single-Family Residential District.

- (A) **Intent.** To establish and preserve quiet neighborhoods for single-family and two-family dwellings, free from other uses except those which are both compatible with and convenient to the residents of such a district.
- (B) **Permitted Uses.** Land and/or buildings in the district may be used for the following purposes as a permitted use:

1. One detached single-family dwelling only on each platted subdivision lot, site condominium unit, or other lot. A seasonal cottage and/or mother-in-law home may be permitted in addition to the dwelling, subject to special use approval as provided in (C).
2. Duplexes.
3. Accessory uses, buildings and structures.
4. Storage buildings for personal use.
5. Home occupations (subject to Section 3.12).
6. Domestic animals.
7. State licensed residential facilities which provide resident services for six or less persons, as defined and subject to the conditions provided in the Zoning Enabling Act.
8. Family day care homes with no more than six minor children, located in the principal residence of the operator, as defined and subject to the conditions in the Zoning Enabling Act.

(C) **Uses by Special Permit.** The following uses may be permitted by a special use permit upon specific approval by the Zoning Board, provided they are found to be in accordance with the provisions of Article 5:

1. Equine animals subject to Section 5.2.
2. Schools, churches, and other public and semi-public institutional uses.
3. Golf courses.
4. Public and private parks, public, community, or private club swimming pools.
5. Bed and breakfast operations.
6. Mineral extraction.
7. Public service buildings.
8. Seasonal cottages and/or mother-in-law homes if in addition to the principal residence.
9. Temporary sawmills.

10. In addition, group day care homes with no more than 12 minor children, located in the principal residence of the operator, as defined in the Zoning Enabling Act. Group day care homes shall be subject only to the standards provided in the Zoning Enabling Act.
 11. Communication towers.
- (D) **District Regulations.** No building or structure, nor enlargement of any building or structure, shall be erected unless the following requirements are met and maintained for such building and structure:
1. **Minimum Lot Area and Lot Width.** 20,000 square feet and 100-foot lot width without public water or public sewer; 15,000 square feet and 75-foot lot width with either public sewer or public water; 8,700 square feet and 65-foot lot width with both public water and public sewer. Regardless of whether served by water and/or public sewer, all duplexes shall have a minimum lot area of 25,000 square feet and 125 feet lot width.
 2. **Minimum Front Setback.** 30 feet; 50 feet if the front lot line is adjacent to a state trunk line; 35 feet if the front lot line abuts a paved county primary road.
 3. **Minimum Side Setback.** Two side yards, not less than eight feet each.
 4. **Minimum Rear Setback.** 10 feet.
 5. **Maximum Lot Coverage.** 40 percent.
 6. **Maximum Building Height.** 30 feet.
 7. **Maximum Lot Depth/Width Ratio.** Four to one.
 8. **Minimum Floor Area (Single-Family Dwelling).** 720 square feet (see also Section 3.2).

Section 2.8 R-3 Multi-Family Residential District.

- (A) **Intent.** To establish and preserve neighborhoods for medium density residential uses, free from other uses except those which are both compatible with and convenient to the residents of such a district.
- (B) **Permitted Uses.** Land and/or buildings in the district may be used for the following purposes as a permitted use:
1. One detached single-family dwelling only on each platted subdivision lot, site condominium unit, or other lot. A seasonal cottage and/or mother-in-law home may be permitted in addition to the dwelling, subject to special use approval as provided in (C).

2. Duplexes.
3. Multiple-family dwellings.
4. Mobile home parks.
5. Nursing homes.
6. Accessory uses, buildings and structures.
7. Storage buildings for personal use.
8. Home occupations (subject to Section 3.12).
9. Domestic animals.
10. State licensed residential facilities which provide resident services for six or less persons, as defined and subject to the conditions provided in the Zoning Enabling Act.
11. Family day care homes with no more than six minor children, located in the principal residence of the operator, as defined and subject to the conditions in the Zoning Enabling Act.

(C) Uses by Special Permit.

1. All R-2 special uses not listed above subject to the same conditions as the R-2 District, including temporary sawmills.
2. Group day care homes with no more than 12 minor children, located in the principal residence of the operator, as defined in the Zoning Enabling Act. Group day care homes shall be subject only to the standards provided in the Zoning Enabling Act.

(D) District Regulations/Multi-Family. The following design standards are required for all multi-family residences:

1. Minimum land area required for each dwelling unit shall be as follows, but not less than 2 acres with 200 feet of lot width:

Dwelling Unit Type	Land Area Required	
	Apts.	Townhouse/Condo
Efficiency or one bedroom unit	3,000 sq. feet	4,200 sq. feet
Two bedroom unit	4,200 sq. feet.	5,100 sq. feet
Three bedroom unit	5,100 sq. feet	5,700 sq. feet
Four or more bedroom units	5,700 sq. feet	6,000 sq. feet

Maximum density shall be 12 units per acre

2. Main access shall be from a paved county primary road, access onto local roads shall be minimized. Interior roads shall be paved.
 3. The water supply and sewage disposal system shall be public or shall be sufficiently controlled by the applicant to meet public health standards, and to insure adequate protection to the surrounding ground water supplies. All services and utilities shall be underground.
 4. The parcel shall have a minimum landscaped open space of 30 percent. A minimum of 20 percent, but not less than 5,000 square feet of that open space area shall be improved for recreational activities.
 5. Screening shall be provided along all common single-family residential boundaries in accordance with Section 3.14.
 6. All refuse containers shall be located on concrete stands, abutting and level with a driveway, which shall be screened, except on the driveway side, by a wood or masonry fence or wall at least six feet high.
 7. **Minimum Setbacks.** Front, rear and both sides 50 feet each.
 8. **Maximum Height.** 45 feet.
 9. **Maximum Lot Depth/Width.** Four to one.
- (E) **District Regulations - Other.** Single-family and duplex uses shall comply with the requirements for District R-1.

Section 2.9 LR Lake/River Resort District.

- (A) **Intent.** To establish and maintain for residential and recreational use those areas with frontage on lakes and rivers and those areas immediately adjacent and associated with the waterfront, which because of their natural characteristics and accessibility to waterfront activities are suitable in a recreational environment; and to further ensure the clarity and purity of the water body and waterfront and to protect its economic value and scenic quality.
- (B) **Permitted Uses.** Land and/or buildings in the district may be used for the following purposes as a permitted use:
1. One detached single-family dwelling only on each platted subdivision lot, site condominium unit, or other lot. A seasonal cottage and/or mother-in-law home may be permitted in addition to the dwelling, subject to approval as provided in (C).
 2. Accessory uses, buildings and structures.
 3. Storage buildings for personal use.

4. Home occupations (subject to Section 3.12).
5. Domestic animals.
6. State licensed residential facilities which provide resident services for six or less persons, as defined and subject to the conditions provided in the Zoning Enabling Act.
7. Family day care homes with no more than six minor children, located in the principal residence of the operator, as defined and subject to the conditions in the Zoning Enabling Act.

(C) Uses by Special Permit.

1. The following uses may be permitted by a special use permit upon specific approval by the Zoning Board:
 - (a) Marinas, boat liveries.
 - (b) Equine animals subject to Section 5.2.
 - (c) Bathing facilities.
 - (d) Rental cabins, motels.
 - (e) Bait shops, and similar resort oriented commercial activities.
 - (f) Schools.
 - (g) Campgrounds.
 - (h) Golf courses.
 - (i) Public and private parks, and similar recreational facilities.
 - (j) Duplexes.
 - (k) Multi-family dwellings.
 - (l) Bed and breakfast operations.
 - (m) Mineral extraction.
 - (n) Seasonal cottages and/or mother-in-law homes if in addition to the principal residence.
 - (o) Temporary sawmills.

- (p) In addition, group day care homes with no more than 12 minor children, located in the principal residence of the operator, as defined in the Zoning Enabling Act. Group day care homes shall be subject only to the standards provided in the Zoning Enabling Act.
 - (q) Communication towers.
2. All special uses shall comply with all the provisions of Article 5 and the following specific standards:
- (a) Screening shall be required in accordance with Article 3.
 - (b) All uses shall abut a publicly paved or improved graveled road.
 - (c) All commercial uses shall comply with all the minimum requirements established for District C.
 - (d) Duplexes and multi-family dwellings shall comply with the minimum requirements for the R-3 District.
- (D) **District Regulations.** No building or structure, nor enlargement of any building or structure, on lots in the district shall be erected unless the following requirements are met and maintained for such building and structure:
- 1. **Minimum Lot Area and Lot Width.** 20,000 square feet and 100-foot lot width without public water or public sewer; 15,000 square feet and 75-foot lot width with either public sewer or public water; 8,700 square feet and 65-foot lot width with both public water and public sewer.
 - 2. **Minimum Front Setback.** 30 feet; 50 feet if the front lot line is adjacent to a state trunk line; 35 feet if the front lot line abuts a paved county primary road.
 - 3. **Minimum Rear Setback.** 10 feet.
 - 4. **Minimum Side Setback.** Two side yards; not less than eight feet each.
 - 5. **Lot Coverage.** 30 percent.
 - 6. **Maximum Height.** 30 feet.
 - 7. **Maximum Depth/Width.** Four to one.
 - 8. **Minimum Floor Area.** 720 square feet.
- (E) **Waterfront Lots.** Notwithstanding (D) above, all structures on lots abutting any body of water shall maintain the minimum setbacks for non-water front lots, except as follows:

1. A minimum setback of 50 feet, as measured from the edge of the ordinary high water mark (meaning the line--bank--between the uplands and bottomlands, which is apparent by the configuration of the slopes, surface soil and/or the vegetation; or a level established by law). This minimum setback requirement may be reduced one foot for every one foot of vertical elevation of the bank, until a minimum setback of 30 feet is reached, as measured from the edge of the bank or bluff line, whichever is greater.
2. All uses shall be subject to setback requirements except pump houses not greater than five feet in height and recreational docks within the cleared area; marinas, boat houses not greater than 300 square feet in area and 12 feet in height, fishing piers, and erosion control devices.
3. Regulations imposed in areas identified as erosion control districts or flood hazard districts in this Ordinance shall govern if such restrictions or regulations impose higher standards or requirements.
4. Waterfront setback requirements may be reduced by the Zoning Administrator to equal the average (50 percent of lots developed) or the actual existing setback of those lots which are located within 300 feet of, and are on the same side of the street as the lot in question, provided that at least a 25-foot setback is maintained. Only residences and the principal garage can be used in this calculation. In areas not so developed the Zoning Administrator may reduce the setback to 25 feet on legal nonconforming lots provided said lot cannot normally accommodate any structure within the proposed setback requirements.

Section 2.10 C-Commercial District.

- (A) **Intent.** To establish and preserve a general commercial area for nearby residential uses and for customers from the general area.
- (B) **Permitted Uses.** Land and/or buildings in the district may be used for the following purposes as a permitted use:
 1. Barber and beauty shops.
 2. General and specialty food and beverage stores.
 3. Drug stores.
 4. Clothing and dry goods stores.
 5. Professional offices.
 6. Funeral homes.
 7. Laundry pick-up stations.

8. Dry cleaning establishments.
9. Single-family dwellings.
10. Accessory structures.
11. State licensed residential facilities which provide resident services for six or less persons, as defined and subject to the conditions provided in Section 16a of the Township Zoning Act.
12. Family day-care homes with no more than six minor children, located in the principal residence of the operator, as defined and subject to the conditions in Section 16g of the Township Zoning Act.
13. Group day-care homes with no more than 12 minor children, located in the principal residence of the operator, as defined in and subject to the conditions provided in Section 16g of the Township Zoning Act.
14. Domestic animals.
15. Banks and financial institutions.
16. Automobile filling stations.
17. Churches.
18. Nursing homes.
19. Bakeries.
20. Drive-in restaurants.
21. Indoor theaters.
22. Motor vehicles sales.
23. Wholesale sales.
24. Food processing (excluding slaughter houses).
25. Off premises signs.
26. Printing shops.
27. Restaurants and drinking establishments.
28. Public service buildings.
29. Mobile home parks.

30. Retail sales.
31. Open-front stores and outdoor sales.

(C) **Uses by Special Permit.** The following uses may be permitted by a special use permit upon specific approval by the Planning Commission, provided they are found to be in accordance with any applicable special use standards of this Ordinance, and the general special use standards set forth herein:

1. Multi-family residential.
2. Schools.
3. Coin operated laundry.
4. Storage areas.
5. Food and meat processing.
6. Bottling, laundry and dry [ed. cleaning] plants.
7. Printing plants.
8. Contractor's storage yards.
9. Junk yards.
10. Tool and die shops.
11. Automobile repair.
12. Similar light industrial uses which are compatible with commercial areas and cause a minimum of adverse effects beyond the boundary of the site upon which they are located.
13. Drive-in theaters.
14. Recreational facilities.
15. Private service clubs, fraternal organizations, banquet halls and meeting halls.
16. Sexually oriented businesses, at the locations specified and subject to Section 5.2(A).
17. Private indoor recreation uses such as bowling alleys, billiard halls, gymnasiums, court sport facilities, tennis club, roller or ice skating rinks, personal fitness centers, and similar recreational uses.

18. Motel, hotel.
19. Child care facilities.
20. Veterinarian offices.
21. Hospitals, commercial kennels.
22. Mini storage buildings.
23. Truck operations.
24. Outdoor storage.
25. Communication towers.
26. Residential uses when associated with an on premises commercial activity.
27. Temporary sawmills.
28. Mineral extraction.
29. In addition, group day-care homes with no more than 12 minor children, located in the principal residence of the operator, as defined in Section 16g of the Township Zoning Act. Group day-care homes shall be subject only to the standards provided in the Township Zoning Act (listed in Section 2.1(C)).

(D) **District Regulations.** No building or structure, nor enlargement of any building or structure, shall be erected unless the following requirements are met and maintained for such building and structure:

1. **Minimum Lot Area.** None required. (Note: A minimum may be required for some uses. See Article 5.)
2. **Minimum Lot Width.** 100 feet.
3. **Minimum Front Setback.** 50 feet.
4. **Minimum Rear Setback.** 30 feet.
5. **Minimum Side Setbacks.** Two side yards, not less than eight feet each. However, all structures shall be provided with or otherwise guaranteed access to their rear yard, with a minimum of 30 feet clear and unobstructed access way or easement on at least one side. Fifty feet for a side building setback on the side of a lot abutting on at least one side improved residential parcel, or residential zoning district.

6. **Maximum Lot Coverage.** 40 percent.
7. **Maximum Height.** 45 feet.
8. **Maximum Lot Depth/Width.** Five to one.
9. **Setbacks for Parking and Drives.** 25 feet for driveways, entrances and exits, ten feet for parking areas if on a lot abutting on improved residential parcel, or residential zoning district.

Section 2.11 HI Highway Interchange.

- (A) **Intent.** To establish and maintain areas, adjacent to limited access highway interchanges, which service the functional purpose of the highway and the needs of the traveling public using the limited access to highway; to take advantage of the highway access to serve as a commercial area for businesses attracting customers from a wider area than the C-Commercial District; to ensure smooth, safe traffic flow along major access routes and at the interchanges; and to provide for individual site designs which will be appropriately planned to ensure mutual compatibility between adjacent land uses.
- (B) **Permitted Uses.** Land and/or buildings in the district may be used for the following purposes as permitted uses:
 1. Automobile filling stations and major and minor automobile repair.
 2. Restaurants, including drive-in restaurants and establishments serving alcohol.
 3. Hotels and motels.
 4. Retail businesses such as automotive parts and accessory sales, clothing stores, drug stores, dry goods stores, grocery stores, furniture and appliance stores, home improvement and hardware stores, jewelry stores, and variety stores.
 5. Off-premises signs.
 6. Structures accessory to permitted uses and uses by special permit.
- (C) **Uses by Special Permit.** The following uses may be permitted as a special land use upon specific approval by the Planning Commission, provided they are in accordance with any applicable special use standards of this Ordinance, and the general special use standards set forth herein:
 1. Truck stop (service centers).
 2. Dealerships for the sale of automobiles or recreational vehicles.

3. Transportation and warehousing for industrial uses.
4. Campgrounds and similar open recreational uses.
5. Sexually oriented businesses subject to Section 5.2(A).
6. Municipal facilities and other similar institutional or semi-institutional uses.
7. Any complex including two or more permitted uses or uses by special permit to be located on one parcel.
8. Public service buildings.
9. Communication towers.

(D) **District Regulations.** No building or structure, nor enlargement of any building or structure, shall be erected unless the following requirements are met and maintained for such building and structure:

1. **Minimum Lot Area and Width.** Two acres and 300 feet. Provided, when the use or parcel fronts on a service access road (meaning a public or approved private service road or other local road which may be parallel or intersect the main access road, but does not intersect the highway): one acre lot size, and 150 feet road frontage.
2. **Minimum Front Setback.** 75 feet.
3. **Minimum Rear Setback.** 50 feet.
4. **Minimum Side Setback.** Two 25 feet each.
5. **Maximum Lot Coverage.** 50 percent. (May be increased to 80 percent if public drainage facilities are provided.)

(E) **Additional Regulations.** The following minimum setback and ground coverage requirements shall be maintained for all structures:

1. A 50-foot setback from any freeway.
2. Front setbacks shall be a minimum of:
 - (a) 75 foot from the main access road.
 - (b) 50-foot setback from the service drive or other local road.
3. Parking lots shall maintain a 25-foot landscaped open area between any public road right-of-way and the parking lot.

4. There shall be one principal use per lot, unless otherwise authorized by the Zoning Board, as a special use permit.
5. Curb cut, driveway and similar access controls (called access points) along the main access road, or other roads, as indicated, shall be maintained as follows: **[Ed. Note: Refers to 6-11 below.]**
6. Nearest access point to any road intersection:
 - (a) County primary roads or main access roads: 150 feet.
 - (b) County local roads: 100 feet.
7. Maximum number of access points permitted per parcel: Two.
8. Minimum distance between any two access points:
 - (a) On the same side of the road for:
 - (i) Main access roads: 300 feet
 - (ii) Service access roads: 75 feet
 - (b) On the opposite side of the road: either directly across or 200 feet apart.
9. Driveway widths: minimum - 18 feet; maximum - 50 feet.
10. Minimum distance between those roadways which provide access between the main access road and service access road: 1,000 feet.
11. All service access roads shall be physically separated by a permanent barrier; landscaped open area or similar buffer from all parking or non-vehicular areas.

Section 2.12 Industrial District.

- (A) **Intent.** A district designed for manufacturing, assembling and fabricating businesses, resource extraction, storage, and other commercial activities which may require larger sites and isolation from many other kinds of land uses; and to make provisions for commercial uses which are necessary to service the immediate needs of an industrial area.
- (B) **Permitted Uses.**
 1. Lumber yards; mineral extraction; outside storage; concrete and asphalt plants, research, experimental or testing laboratories; automobile filling stations, used and new car sales; and farms.

2. Any of the following types of uses when carried out within an enclosed building; manufacturing, compounding, processing, packaging, assembling and fabrication operations, tool and die operations, warehousing, automobile repair, automobile filling stations; and rendering and slaughtering houses.
3. Incidental outside storage.
4. Accessory structures.
5. Public service buildings.
6. Sawmills

(C) **Uses by Special Permit.** The following uses may be permitted as a special use permit upon specific approval by the Zoning Board, provided they are found to be in accordance with the provisions of Article 5:

1. Storage for all controlled toxic or hazardous materials including gasoline and petroleum storage, chemical storage and disposal, and similar uses.
2. Any other use, which emits or creates noise, smoke, odors, dust, dirt, gases, glare, heat or vibration beyond the boundary of the premises.
3. Aircraft landing fields and associated uses.
4. Eating and drinking establishments and similar commercial uses which primarily serve the district.
5. Junk yards.
6. Temporary sawmills.
7. Communication towers.

(D) **District Regulations.** No building or structure, nor enlargement of any building or structure, shall be erected unless the following requirements are met and maintained for such building and structure:

1. **Minimum Lot Area.** : None required. (Note: A minimum area may be required for some uses. See Article 5.)
2. **Minimum Lot Width.** 200 feet.
3. **Minimum Front Setback.** 75 feet.
4. **Minimum Rear Setback.** 25 feet.

5. **Minimum Side Setbacks.** Two side yards, one at least 30 feet and one at least eight feet. 50 feet for a side building set back on the side of a lot abutting an improved residential parcel, or residential zoning district.
 6. **Maximum Lot Coverage.** 50 percent.
 7. **Maximum Height.** 75 feet.
 8. **Maximum Depth/Width.** Five to one.
- (E) **Additional Regulations.** In addition, all uses and structures shall comply with the following:
1. All activities in this district shall comply with the provisions of Article 3.
 2. Where outdoor storage is permitted, an enclosed barrier or fence of at least eight feet in height may be required; if the Zoning Board following site plan review finds that the exposed material poses a hazard or threat to the public health, safety, general welfare or character of the zoning district. Unenclosed materials shall not be stacked or stored so as to exceed the district height requirements.
 3. Single-family uses shall not be permitted.

Sections 2.13 through 2.19 Reserved.

Section 2.20 Zoning Maps.

The locations and boundaries of the zoning districts established by this Ordinance are set forth on the Zoning Map of Mecosta Township. This Zoning Map, with all notations, references and other information are incorporated as a part of this Ordinance as is fully described and set forth herein.

Section 2.21 Interpretation of the Zoning Maps.

Where due to the scale, lack of detail or illegibility of the zoning map, there is any uncertainty, contradiction or conflict as to the intended location of any zoning district boundary as shown thereon, the Zoning Board of Appeals, shall apply the following standards in interpreting the zoning map:

- (A) Zoning district boundary lines are intended to follow lot lines or be parallel or perpendicular thereto, or along the center lines of alleys, streets, boundaries, or water courses, unless such lines are fixed by dimensions shown on the zoning map.
- (B) Where the zoning districts boundary lines are so indicated that they approximately follow lot lines, such lot lines shall be construed to be such boundary lines.

- (C) Where a zoning district boundary line divides a lot, the location of any such zoning district boundary line, unless indicated by dimensions shown on the zoning map, shall be determined by the use of the map scale shown thereon.
- (D) If, after the application of the foregoing rules, uncertainty still exists as to the exact location of a zoning district boundary line, the boundary line shall be determined in a reasonable manner, considering the history of uses of property and the history of zoning ordinances and amendments in Mecosta Township, as well as all other relevant facts.

Section 2.22 Uses Not Otherwise Included Within A District.

A land use which is not cited by name as a permitted use in a zoning district may be permitted upon determination by the Zoning Board that such use is clearly similar in nature and compatible with the listed uses permitted by right or with special land use approval in that district. In making this determination, the Zoning Board shall consider the following:

- (A) No use shall be considered as similar to one permitted in a district if the use is specifically listed as a use permitted by right or as a special use in any other district.
- (B) In determining compatibility, the Zoning Board shall compare the characteristics of the use in question with the characteristics of those that are expressly permitted in the district. The characteristics to be considered shall include traffic generation, types of service offered, types of goods produced, methods of operation, and building characteristics.
- (C) If the Zoning Board determines that the proposed use is compatible with permitted and existing uses in the district, the board shall decide whether the proposed use shall be permitted by right, or as a special use, or as a permitted accessory use. The proposed use shall be subject to review and approval requirements for the district in which it is located. The Zoning Board may establish additional standards and conditions under which a use may be permitted in the district.

**ARTICLE 3
GENERAL REGULATIONS**

Section 3.0 Intent.

All uses, and structures whether permitted by right or by special use permit, shall be subject to the following general regulations of this article.

Section 3.1 Essential Public Service Equipment.

Essential public service equipment is exempt from the application of this Ordinance, and is permitted in all zoning districts.

Section 3.2 Minimum Requirements for Dwellings Outside Mobile Home Parks.

All dwelling units located outside of mobile home parks shall comply with the following requirements, in addition to the other requirements of this Ordinance:

- (A) If located in the R-1 District, it shall have a minimum width of at least 24 feet for at least 67 percent of its other dimension.
- (B) It shall comply in all respects with the Michigan State Construction Code as promulgated by the Michigan State Construction Code Commission under provisions of 1972 Public Act 230, as amended from time to time, including minimum heights for habitable rooms. Where a dwelling is required by law to comply with any federal or state standards or regulations for construction and where such standards or regulations for construction are different than imposed by the Michigan State Construction Code as promulgated by the Michigan State Construction Code Commission under provisions of 1972 Public Act 230, as amended, then and in that event such federal or state standard or regulation shall apply.
- (C) It shall be firmly attached to a permanent foundation constructed on the site in accordance with the Michigan State Construction Code as promulgated by the Michigan State Construction Code Commission under provisions of 1972 Public Act 230, as amended, and co-extensive with the perimeter of the building, which attachment shall also meet all applicable building codes and other state and federal regulations.
- (D) It shall not have attached wheels, exposed towing mechanism, under carriage, or chassis.
- (E) The dwelling shall be connected to a public sewer and water supply or to such private facilities approved by the local health department.
- (F) The dwelling shall contain a storage capability area in a basement located under the dwelling, in an attic area, garage, an enclosed area, or in a separate structure of standard construction similar to or of better quality than the principal dwelling,

which storage area shall be equal to 10 percent of the square footage of the dwelling or 100 square feet, whichever shall be less.

- (G) The dwelling shall be aesthetically compatible in design and appearance with other residences in the vicinity, with either a roof over-hang of not less than six inches on all sides, or alternatively with window sills or roof drainage systems concentrating roof drainage at collection points along the sides of the dwelling; have not less than two exterior doors with the second one being in either the rear or side of the dwelling; and contain steps connected to said exterior door areas or to porches connected to said door areas where a difference in elevation requires the same.

The compatibility of design and appearance shall be determined in the first instance by the Township Zoning Administrator upon review of the plans submitted for a particular dwelling subject to appeal by an aggrieved party to the Zoning Board of Appeals within a period of 15 days from the receipt of notice of said Zoning Administrator's decision. Any determination of compatibility shall be based upon the standards set forth in these district regulations as well as the character, design and appearance of one or more residential dwellings located outside of mobile home parks within 2,000 feet of the subject dwelling where such area is developed with dwellings to the extent of not less than 20 percent of the lots situated within said area; or, where said area is not so developed, by the character, design and appearance of one or more residential dwellings located outside of the mobile home parks throughout the Township. The foregoing shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, unique land contour, or relief from the common or standard designed home.

- (H) The dwelling shall contain no additions or rooms or other areas which are not constructed with similar quality workmanship as the original structure, including permanent attachment to the principal structure and construction of a foundation as required herein.
- (I) The dwelling shall comply with all pertinent building and fire codes. In the case of a mobile home, all construction and all plumbing, electrical apparatus and insulation within and connected to said mobile home shall be of a type and quality conforming to the Mobile Home Construction and Safety Standards as promulgated by the United States Department of Housing and Urban Development, being 24 CFR 3280, and as from time to time such standards may be amended. Additionally, all dwellings shall meet or exceed all applicable roof snow load and strength requirements.
- (J) All construction required herein shall be commenced only after a building permit has been obtained in accordance with the Michigan State Construction Code as promulgated by the Michigan State Construction Code Commission under provisions of 1972 of Public Act 230, as amended.

- (K) All mobile homes shall be secured with building or other applicable code approved or similar type of non-combustible material prior to occupancy. Skirting shall be maintained at all times in accordance with this Ordinance and local building code. Skirting shall be installed within 60 days after the mobile home is first moved onto the premises.

Section 3.3 Average Setbacks.

Setback requirements may be reduced by the Zoning Administrator to equal the average or the actual existing setbacks of those lots which are located within 300 feet of, and are on the same side of the street as the lot in question; provided that the front setback shall not be less than ten feet, and side or rear setbacks are not less than four feet. This section is not applicable to waterfront setbacks in the LR District, for which separate provision is made in Section 2.5(E).

Section 3.4 Exceptions to Height Limits; Special Height Rules.

The height limits of this Ordinance shall not apply to private, non-commercial, radio transmitting, receiving or television antennae up to 64 feet in height, chimneys or flagpoles, church spires, belfries, cupolas, domes, water towers, observation towers, power transmission towers, masts, aerials, smokestacks, ventilators, skylights, derricks, conveyors, cooling towers, silos, farm buildings, and other similar and necessary mechanical appurtenances pertaining to the permitted uses of the districts which they are located.

In addition, the height limitation shall not be applied to prevent reasonable transmission reception by licensed, amateur radio communications. These height limitations shall not be construed to permit a use which is otherwise prohibited, or which requires special approval.

No structure shall exceed 200 feet in height above the ground level at its site, without formal authorization from the Federal Aviation Administration of the Michigan Aeronautics Commission.

The height of any structure within the vicinity of an airport shall comply with all Federal Aviation and Administration and Michigan Aeronautical Commission requirements.

Section 3.5 Principal Use Per Lot.

In all districts, except as specifically provided for herein, no more than one principal use or building shall be placed on a lot, except for groups of industrial, commercial, or agricultural buildings, or multi-family dwellings, contained within a single integrated complex sharing site features, such as parking, access, or similar features.

Section 3.6 Governmental Improvements.

The provisions of this Ordinance shall be applicable to and enforceable against the Township itself and all other governmental agencies and units, federal, state or local, to the maximum extent permitted by law.

Section 3.7 Required Yards or Lots.

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

Section 3.8 Zoning District Boundary Setbacks, Setbacks For Non-Residential Structures In Residential Districts.

Parcels in the R-3, C, and I Districts, which abut an R-1, R-2, or LR District, and also any non-residential use located in the R-1, R-2, or LR District shall observe the following minimum setbacks and requirements:

- (A) No structure shall be erected or maintained within 50 feet of the effected property line.
- (B) Parking areas shall be no closer to the lot line than the minimum yard depth (setback) requirements for said zoning districts.
- (C) A non-penetrable plant screen of sufficient length, height and opacity to interfere with the view of the adjoining district shall be required along the adjoining district boundary line, except where the view is interrupted by change in grade or other natural or man-made features. Plant screens shall be located within the first five feet of the affected property line; however, screening shall not inhibit entrances or exits. Where, because of intense shade or soil conditions, the planting screen cannot be expected to thrive, a wooden fence, masonry wall or vegetative controlled earthen berm may be substituted.
- (D) Whenever in this Ordinance a greenbelt or planting is required, it shall be planted within six months from the date of issuance of a temporary certificate of occupancy. A cash bond, letter of credit or corporate surety bond in an amount equal to the estimated cost as determined from a minimum of two bids from a qualified (licensed) landscape professional of the landscape plan or portion thereof will be deposited in accordance with Article 3 of the Zoning Ordinance.
- (E) Where the zoning districts are separated by a state trunk line or paved county primary road, the screening requirement shall not be required. When the zoning districts are separated by any other road, the Zoning Board shall determine what type of screening shall be used. In making this determination, the Zoning Board shall consider existing screening, compatibility of adjoining uses, the level of traffic and noise to be generated from the proposed use, and other similar characteristics.

Section 3.9 Projections Into Yards.

- (A) Certain architectural features, such as cornices, bay windows (or windows without foundations), gutters, chimneys, pilasters and similar features may project no

further than four feet into a required front or rear yard, but may not project into the required side yard.

- (B) Porches, decks, balconies, or window awnings and similar structures.
1. On non-waterfront lots, an open, unenclosed, and uncovered porch, paved terrace, deck, balcony or window awning, which is constructed more than eight inches above the ground level at which it is installed, may project no further than ten feet into a required front yard, no further than 15 feet into a required rear yard, and shall not project into a required side yard. In no case shall a porch, deck, balcony or awning be placed closer than ten feet to any front or rear lot line.
 2. On waterfront lots, an open, unenclosed, and uncovered porch, paved terrace, deck, balcony or window awning, which is constructed more than eight inches above the ground level at which it is installed, shall meet the front and rear yard setbacks established by existing porches, terraces, decks, balconies and awnings for buildings within 100 feet of the lot line of the proposed structure. No such structure shall project into a required side yard. In no case shall a porch, deck, balcony or awning be placed closer than ten feet to any front or rear lot line.
 3. Notwithstanding subsections (B)1 and (B)2 a paved terrace, or deck, the top of which is not more than eight inches above the ground level at which it is installed, may extend to within two feet of any lot line.
 4. Patios, sidewalks, driveways, steps, and similar improvements constructed at ground level shall not be subject to the setback requirements.
 5. Wheelchair ramps, wheelchair lifts, or similar improvements to provide access to disabled persons shall not be subject to the setback requirements.

Section 3.10 Private Roads.

- (A) **Definition.** (See Article 9).
- (B) **Minimum Improvement and Maintenance Required.** All private roads, whether new or existing, shall at all times be improved, maintained, repaired and snowplowed so as to ensure that the private road is safe for travel at all times and so that suitable access is provided for emergency vehicles, in addition to meeting the specific standards provided in this section. All persons who own property which abuts a private road are jointly and severally responsible for compliance with this requirement.
- (C) **New Buildings.** No building or structure shall be erected which has its primary means of access from a private road unless the requirements of this section is satisfied.

(D) **Standards for New Private Roads.** Means of ingress or egress which are physically improved or extended after December 22, 2003, so as to become private roads, regardless of whether the right-of-way was legally in existence before that time, shall comply with the following requirements:

1. New private roads shall be subject to plan review by the Zoning Administrator as a “Class A” site plan, in accordance with Article 4 of this Ordinance. Private roads which are part of a site condominium, planned unit development, or other development being reviewed by the Zoning Board, shall be reviewed and approved as part of that process and separate site plan review shall not be required. Applicants for review of a private road shall pay a fee established by resolution of the Township Board from time to time.
2. Prior to the issuance of a private road permit, there shall be submitted to the Township Zoning Administrator an approved driveway permit from the Michigan State Highway Department of the Mecosta County Road Commission, in all cases where either of such permits is required.
3. The applicant and/or owner of the proposed private road right-of-way shall provide the Township with a recordable private road maintenance or restrictive covenant agreement between the owners of the private road right-of-way and any other parties having an interest therein, or other documentation satisfactory to the Township which shall provide for an ensure that the private road shall be regularly maintained, repaired and snowplowed so as to ensure that the private road is safe for travel at all times, that suitable access is provided for emergency vehicles, and that the cost thereof is paid. The agreement shall be binding against all future owners of lands which are served by the private road. Said agreement, once approved, must be executed and recorded before a building permit shall be issued for any building or structure to be served by the private road.
4. In addition to the foregoing, every private road which provides or may provide access for less than five parcels, principal buildings, dwellings, units or structures, or combination thereof, shall:
 - (a) Be constructed in a good and workmanlike manner upon and parallel to the centerline of an easement which is established by duly recorded conveyance and which is not less than 66 feet in width and which has a radius of sixty feet for required turn-around areas.
 - (b) Be constructed so as to sufficiently control storm water runoff and permit effective storm water drainage, such by means of ditches constructed parallel to and on either side of the drive, by sloping

the sides of the drive from the center thereof, or by other methods approved by the Township.

- (c) Conform to the following standards: A minimum six-inch gravel base, six-foot wide grass shoulders, side ditches with one on three front slope and one on two backslope at 0.5 percent grade minimum. Ditches shall outlet into a cross culvert or drainage course. In impervious soils (clay or other unsuitable materials), a 12-inch sand sub-base, graded parallel to the road surface (extending into the front ditch slope), shall be constructed.
 - (d) Have culverts placed at all natural drainage courses or other waterways. Culvert sizes and grades shall be determined using the Mecosta County Road Commission storm runoff calculations formula. Materials for culverts shall also conform to their requirements.
 - (e) Have a road bed not less than 17 feet wide, cleared area of at least 29 feet, and cleared overhead area of at least 14 feet.
 - (f) In case of a private road with only one access to a public road, have a turn-around area at the end with a clear turning radius of 40 feet, constructed in the same manner as required for the road.
 - (g) Culverts and stream crossing shall be designed to withstand the weight of emergency vehicles. The Township may require certification by an engineer or other professional.
5. Every private road which provides access for five or more parcels, principal buildings, dwelling units or structures, or combination thereof, shall, in addition to the above:
- (a) Have a road bed not less than 22 feet wide and cleared width of not less than 34 feet.
6. A private road or interconnected private road system shall not serve more than 50 parcels, principal buildings, dwelling units, structures, or combination thereof, unless a second means of access is provided for the entire property or development served by the private road or private road system. Any such second means of ingress and egress shall comply with the minimum standards for private roads, as set forth in this section.
7. Upon completion of construction, the owner shall submit a certification signed by a registered engineer stating that the road has been completed in accordance with the approved plan. The owner shall correct any deficiencies identified. Upon review and approval of the completed private road improvement, the Zoning Administrator shall issue a final private road permit to the owner. Building permits for construction on

property served by the private road shall not be issued until the final private road permit has been issued.

8. The erection of a building or other structure which would increase to five or more the total number of such buildings or structures served by a private road constructed after December 22, 2003, whether by extension of the private road, lot division or otherwise, shall be prohibited unless such private road complies, for its whole length, with paragraph five and the other provisions of this section.

(E) **Existing Private Roads.** Notwithstanding the foregoing, a building or structure may be erected upon a lot or parcel abutting a private road constructed adjacent to that property before December 22, 2003.

1. The lot or parcel was platted or otherwise of legal record as an individual lot or parcel as of December 22, 2003.
2. The private road:
 - (a) Has a cleared area at least 24 feet in width.
 - (b) Has a travel area at least 17 feet in width.
 - (c) Is graded to be passable by emergency vehicles.
 - (d) Has sufficient gravel or other surface to be passable on a year round basis.

(F) **Division of Parcels on Existing Private Roads.** Notwithstanding the foregoing, if (i) a building or structure is proposed to be erected upon a lot that was not platted or otherwise of legal record as an individual lot or parcel as of December 22, 2003, and (ii) the private road abutting the lot was constructed before December 22, 2003, then the building or structure may be erected if that portion of the private road which from its intersection with the public right-of-way, extending across the lot on which the building is to be constructed, is brought into compliance with paragraph (D), with the following exceptions:

1. The required minimum right-of-way shall be reduced to 24 feet for private roads which provide access to less than five lots, parcels, buildings or structures, and to 30 feet for those which provide access to five or more lots, parcels, buildings, or structures, and the required right-of-way width for any required turn-around radius of 40 feet; and
2. The requirement for a road maintenance agreement shall be waived if the owners of other properties abutting the road refuse to agree upon road maintenance. In this case, there shall be recorded against the property a binding covenant that the owner of the property must ensure that the private road shall be maintained, repaired, and snowplowed so as to ensure

that it is safe for travel at all times and provides sufficient access to emergency vehicles. Such covenant will not relieve other parties who utilize the road from their responsibilities under paragraph (B) of this section.

- (G) **Extension of Private Roads.** No private road which does not meet the standards of paragraph (D) shall be extended in length, nor shall any new private road be constructed which intersects with said non-conforming private road, unless the entire length of the private road or roads is brought into compliance with paragraph (D) of this section, subject to the same exceptions listed in paragraphs (F)1, 2 and 3[**Ed. Note: No subparagraph (3)**].

Section 3.11 Accessory Uses.

- (A) Where a lot is devoted to a permitted principal use, customary accessory uses and structures are permitted unless specifically prohibited. Accessory buildings and structures shall comply with all setback requirements of the ordinance, unless otherwise provided in the ordinance. In Districts R-1, R-2, and LR where there is no existing principal building, an accessory building may be permitted if it is accessory to a principal building located on a lot within 200 feet of the lot in which the accessory building is located, and does not exceed a maximum lot coverage of 15 percent of the lot or parcel nor exceed a maximum size of 1,200 square feet.
- (B) In the R-1, R-2, R-3, and LR Districts, accessory buildings or structures shall not exceed a floor area or area under roof greater than 1,200 square feet, or 15 percent lot coverage, whichever is less, nor shall the accessory building exceed 20 feet in height. In the other zoning districts, accessory buildings shall not exceed 15 percent lot coverage.
- (C) Accessory buildings or structures may be approved to exceed the size limitations in (B) above by the Zoning Board as a special use upon a finding that the request is consistent with all special use provisions of the Zoning Ordinance as stated in Article 5, and that the accessory structure will not be in conflict with the character of existing buildings of the general area.
- (D) Mobile or modular homes or other buildings or structures designed or constructed for residential use or truck trailers or vehicle components shall not be converted to use as accessory structures.

Section 3.12 Home Occupations.

Customary home occupations are permitted as an accessory to residential use or occupancy subject to the following conditions:

- (A) All home occupations shall be clearly incidental and secondary to residential occupancy and shall not change the character of the residential use. The following are expressly determined not to constitute home occupations: Retail

sales (other than incidental sales of items connected to a service to persons being provided a service on the premises), automotive repair, furniture refinishing, welding, deer and wildlife processing, trucking operations, and any other occupation that creates noise, order, vibrations, glare or flashing light beyond the premises. Sawmills are permitted as a home occupation only in the AF and AG Districts and in compliance with Section 5.2.

- (B) Unless approved as a special use, all home occupations shall be conducted wholly within the enclosed dwelling shall not occupy more than one-fourth of the total floor area of the dwelling.
- (C) In Districts RR-2, AF and AG, home occupations approved under the special use process at a public hearing may be conducted in an accessory building. No home occupations shall be permitted in a mobile structure which is built to be towed on a chassis. No home occupation or storage shall be permitted outside.
- (D) The home occupation shall only employ the inhabitants thereof and one additional full time (or the equivalent part time) employee.
- (E) All deliveries to the approved home occupation shall be by UPS, United States Postal Service, FedEx or similar delivery system.
- (F) Any activity involving any building alteration and window display not in character with the neighborhood, and outdoor storage of equipment, machinery, or similar material; is prohibited.
- (G) Only one non-illuminated sign of a maximum size of 2' x 4' is permitted.

Section 3.13 Vehicular Parking Space.

For each dwelling, commercial, industrial, manufacturing or other similar business or service establishment hereafter erected or altered and located on a public highway, road or street in the unincorporated portions of the Township and including buildings or structures used principally as a place of public assembly, there shall be provided and maintained suitable space off the public right-of-way which is, in general, adequate for the parking or loading of vehicles in proportions shown in Table 1 below, and such space shall be provided with safe exit to and safe entrance from the public highway or thoroughfare. Approval for the location of such exit and entrance shall be obtained from the State Highway Department for all trunk-line highways and from the County Road Commission for all other roads and highways in the Township, which approval shall also include the design and construction thereof in the interest of safety, adequate drainage and other public requirements. Parking space and maneuvering aisle dimensions shall be as stated below in Table 2. All required parking spaces in this section, except that those required for a dwelling, shall be provided with adequate artificial lighting between the time extending from one hour after sunset to one-half hour before sunrise when the use of such space for each vehicle is open to the public.

Table 1 Parking Space Required

- (a) Four parking spaces per dwelling for single-family dwellings: Two per unit for apartments and duplexes.
- (b) Motels and similar establishments offering lodging: One parking space for every one guest room.
- (c) Hospitals and Institutions of similar nature: One parking space for every four beds and one space for each doctor.
- (d) Theaters, churches, auditoriums, public and private halls, amusement and recreation establishments and all places of public assembly: One parking space for each four seats of legal capacity.
- (e) Offices and professional buildings: One parking space for every 200 square feet of floor area; provided the doctor's offices and clinics shall be provided with three spaces for each doctor.
- (f) Restaurants and other public food serving establishments: One space for every three seats.
- (g) Retail stores and shops: One parking space for every 200 square foot of floor area.
- (h) Personal service shops (such as barber and beauty shops): One parking space for every 200 square foot of floor area.
- (i) Taverns: One parking space for every 66 square feet of floor area. In addition to the above requirements, parking space in the proportion of one space for every two persons employed shall be provided.

Where no specific requirement is designated in the case of any business, parking space as herein specified shall be provided for employees, including a reasonable number of parking spaces for the accommodations of patrons.

The Zoning Administrator or Board may reduce the number of parking requirements, if it is demonstrated by applicant that parking is not needed, and if the applicant demonstrates that sufficient area is set aside on the site to expand parking to the required minimums if necessary.

Parking areas containing 20 parking spaces or more, including driveways and approaches, shall be paved with bituminous payment or concrete.

Table 2 Parking Space and Maneuvering Aisle Dimensions

Parking Angle (degrees)	One way maneuvering aisle width	Two way maneuvering aisle width	Parking stall width	Parking stall length
0 parallel	12 feet	22 feet	8.5 feet	22 feet
up to 53	13 feet	22 feet	9.0 feet	18 feet
54 to 74	16 feet	22 feet	9.0 feet	18 feet
75 to 90	24 feet	24 feet	9.0 feet	18 feet

Section 3.14 Required Off-Street Loading Spaces.

- (A) Space for all necessary loading and unloading for any commercial or industrial use shall be provided in addition to the required off-street parking space.
- (B) All loading and unloading operations must be carried on entirely within the lot area of the use it serves and shall not interfere with pedestrian or vehicular movement including access to parking areas.

Section 3.15 General Screening, Lighting and Landscape Planting.

All outdoor storage areas, trash or refuse containers, outdoor air conditioners, gas or storage containers, and similar structures for all uses, except single-family and two-family residential uses, shall be screened from view, except for access to the service area.

All lighting shall be directed away from the road or areas off the lot, and shall be so arranged that it does not produce any glare which is a nuisance or annoyance to the traveling public, or occupants and residents of adjoining properties. Lighting which is blinking, flashing or in any way having a changing of light intensity may be permitted only by authorization of the Zoning Board, which shall find that such lighting will not imitate traffic or public safety lighting; will not pose a traffic or public safety hazard during adverse weather conditions; nor will distract the traveling public.

- (A) **Greenbelts.** Wherever greenbelts are required as part of a transitional area, such greenbelts shall comply with the following requirements:
 1. Non-obscuring greenbelts shall not be considered as a substitute for a wall as required elsewhere in this Ordinance.
 2. Any such greenbelt shall contain at least one tree for each 15 linear feet of greenbelt. All such trees shall be six feet or more in height or a minimum caliper of one and one-half inches at the time of planting. The remaining ground surface area shall be seeded, sodded or planted with ground cover.

Innovation and design of landscaping, berm placement and use of flowering trees is encouraged.

3. Greenbelts shall be so designed as to avoid creating obstacles to proper sight distance between vehicles and vehicles and pedestrians.
4. All required greenbelts shall meet the following basic conditions:
 - (a) Whenever in this Ordinance a greenbelt or planting is required, a cash bond, letter of credit or corporate surety bond in an amount equal to the estimated cost of the landscape plan or portion thereof will be deposited in accordance with the Performance Guarantees as outlined in this Ordinance.
 - (b) A detailed plan for the greenbelt, together with an accurate cost estimate, shall be approved prior to the issuance of a building permit. The plan shall include the following items: plant list detailing the species, number, size or height at time of planting; location and spacing of plant materials; groundcover or grass (specify whether seed or sod); cross sections of any berms, and a maintenance plan schedule for pruning, mowing, watering, fertilizing, and replacement of dead and diseased materials.
 - (c) All required planting materials shall be maintained in good condition by mowing and watering, by tilling and watering, or by mulching and watering, so as to present a healthy, neat, and orderly appearance free from refuse and debris. All unhealthy and dead materials shall be replaced within one year or the next appropriate planting season. Suitable materials equal in characteristics to the plant materials listed with the spacing as required shall be provided.
 - (d) Plant materials shall be selected so as to insure that the root system will not interfere with public utilities and that fruit and other debris (other than leaves) will not constitute a nuisance within public rights-of-way or to abutting property owners.
 - (e) The following trees/shrubs shall not be permitted in required greenbelts.
 - (1) Box Elder
 - (2) Elms
 - (3) Poplars
 - (4) Willows

- (B) All commercial driveways and ingress and egress points which are uncontrolled by traffic devices shall maintain a stopping sight distance which equals or exceeds the distances listed, based on designated road speeds of up to 35 mph - 275 feet; for speed greater than 35 mph - 425 feet.

Section 3.17 Airport Clearance.

No use or structure shall be constructed or altered in any manner which exceeds the following airport clearance requirements:

- (A) No structure shall be constructed within 1,000 feet from the end of a runway along the airport approach path.
- (B) No structure shall exceed 200 feet in height above the ground level at its site, without formal authorization from the Federal Aviation Administration or the Michigan Aeronautics Commission.
- (C) The height of any structure within the vicinity of an airport shall comply with all Federal Aviation Administration and Michigan Aeronautical Commission requirements.

Section 3.18 Temporary Uses and Structures.

- (A) A temporary structure which is less than the minimum building size or a nonconforming mobile home may be authorized by the Zoning Administrator for temporary residence for the applicant during the period when a structure conforming to the provisions of this Ordinance, is in the process of erection and completion on the same lot, subject to the following provisions:
 1. The location of the temporary structure shall conform to all yard and setback limitations of the zoning district.
 2. The use of the structure and premises shall not adversely affect surrounding properties.
 3. The use of such temporary structures shall be limited to 12 months, beginning with the date of issuance of the permit. The permit may be subject for renewal for up to one additional year provided significant progress is made on the construction of the permanent structure.
 4. The use shall comply with all applicable sanitary codes and building restrictions.
 5. There shall be a provision of evidence of continuing construction of the permitted structure.

- (B) Temporary sales of farm produce and similar products, when no structure is erected, may be permitted in all districts but I and HI, providing they comply with the following standards and upon issuance of a zoning compliance permit:
1. The location of the site shall be:
 - (a) Off the road right-of-way at least 25 feet.
 - (b) Shall have clear (sight) visibility for 660 feet in both directions down the road.
 - (c) If located on a corner, the entrance/exit should be off of the side road.
 2. There shall be no permanent structures: all fixtures (signs, tables, chairs, produce, boxes, etc.) are to be removed at the end of each day--nothing is to be left on the site.
 3. A maximum of two signs of less than four square feet each will be permitted. The signs shall be located in advance of the site, but no further than 1/4 mile from the site. Signs shall be off the road right-of-way.
 4. The operator shall comply with all state laws regarding public health standards; sales and business tax regulations.
- (C) Other temporary uses may be permitted by the Zoning Board, provided:
1. They are necessary for the provisions of essential governmental/ community services. Such uses shall comply with Sections 5.0 and 5.1, and all other applicable provisions of this Ordinance.
- (D) Storage of manufactured homes not set up to applicable building code standards shall be permitted for a maximum of 90 days; storage in excess of the 90 day maximum shall require Zoning Board approval as a special land use. This shall not apply to legally authorized sales and service establishments or authorized junkyards.
- (E) Truck boxes, semi-tractor trailers (boxes), and similar structures shall not be used for storage purposes or placed upon a parcel in the R-1, R-2, R-3, RR-2 and LR Districts within the Township. An owner/operator of a truck may keep not more than one tractor and semi-trailer used in their occupation on the property. Upon demand of the Township, such owner/operator must submit proof of ownership, proper licensing, and road worthiness of the trailer. In the C, I, HI and AF Districts, on properties actively being used for bona fide commercial, industrial, or farming purposes, truck boxes, semi-tractor trailers, and similar structures may be used for purposes of storage of materials used in the business or operation on that property. These must be outside of all required setback areas, and located in the rear yard between the corners of the principal building or an

accessory building, in a manner to be obscured from adjacent rights-of-way to the maximum extent.

- (F) Structures erected for ice fishing and hunting purposes less than 100 sq. ft. in size are expressly permitted and are exempt from the provisions of this Ordinance.
- (G) The office and storage trailers of building contractors used in association with the construction of a legally permitted use shall be permitted in all districts. Said office or storage trailer shall be removed within 15 days after the certificate of occupancy has been granted to the property.
- (H) Unoccupied manufactured homes that are being replaced with a different dwelling may remain on site a maximum of 60 days after occupancy of the new dwelling. Storage of these homes in excess of 60 days shall require Zoning Board review and approval. Any other manufactured home not setup to applicable building code standards as a dwelling may be permitted a maximum of 30 days. This shall not apply to legally authorized sales and service establishments or authorized junkyards.

Section 3.19 Camping.

Temporary dwellings (recreational units) shall be subject, when permitted, to the following provisions:

- (A) Permits shall not be required for:
 - 1. Vehicles, travel trailers, etc. which are stored as uninhabited accessory uses on any lot or parcel, provided that an active principal use is present and that it is stored in the rear or side yard, no closer than three feet from the property line.
 - 2. Motor driven homes, vans, busses and similar vehicles, which are not normally towed (i.e.: these vehicles must be able to travel under their own power) when used for periods of under 30 days provided they are not hooked up to septic systems, private water supplies and/or public electrical service.
 - 3. Visitor camping in any district where the temporary dwelling is located on a lot or parcel of land which has an active principal permitted residence when used for periods of under 30 days, provided that the total number of units on a lot or parcel does not exceed the district's density limits.
 - 4. One recreational trailer containing less than 480 square feet and not falling under the provisions in subsection 3, which follows, may be temporarily located and occupied for recreational purposes on a lot in Districts LR, RR-2, AF and AG only, provided that:

- (a) The recreational trailer is not rented or leased to the public by the property owner.
 - (b) There are no violations of health or sanitary codes.
 - (c) The recreational trailer is not permanently connected to utilities or sewer/septic systems.
5. One recreational trailer for the use of the owner of a lot/parcel or his personal guest or visitor may be permitted on a temporary basis in the LR, RR-2, AF and AG Districts only. The recreational trailer may be parked and used for recreational purposes, as stipulated herein, up to 30 consecutive days without a permit. In the event an owner desires to exceed the 30-day consecutive limit, a permit shall be required as stated in subsection 2 which follows.
- (B) Permits shall be required for recreational units which qualify under item (A)4 above may be issued a recreational permit for periods over 30 days; said permit shall be valid for a maximum of one year. The Zoning Administrator may deny the renewal of any permit and require removal of a trailer permitted to deteriorate to the point where it is no longer conducive to the public health, safety and general welfare as defined below:
- 1. All buildings or structures that are or hereafter shall become unsafe, unsanitary, or deficient in adequate exit way facilities, or which constitute a fire hazard, or are otherwise dangerous to human life or the public welfare, or which by reason of illegal or improper use, occupancy or maintenance, shall be deemed unsafe buildings or structures.
 - 2. A vacant building, unguarded or open at door or window, shall be deemed a fire hazard and unsafe within the meaning of this Ordinance.
- (C) Additions to recreational travel trailers having less than 480 square feet are expressly prohibited.
- (D) **Issuance Standards.** A permit for a proposed recreational unit shall be issued by the Zoning Administrator to the property owner only if each of the following standards is met by the proposed use:
- 1. The proposed use is clearly of a temporary nature.
 - 2. The proposed unit will not be occupied for a continual period of longer than 30 days and not exceed a total of 120 days within any calendar year and the property owner signs a statement in agreement to that effect.
 - 3. The temporary use shall not endanger the public health, safety or welfare of the Township, adjacent residents or the inhabitants of the structures of the temporary use.

4. Structures of temporary uses shall be provided with a safe, sanitary and effective system for water supply and disposal of wastes and show approval from the County Health Department.
5. The proposed use will not cause traffic congestion.
6. The placement of a recreational unit shall conform to all the general rules and regulations of this Ordinance. Including in particular setback, lot size, road frontage and density requirements.

Section 3.20 Financial Security (Performance Guarantee).

- (A) Whenever, in the course of administration and enforcement of this Ordinance, it is necessary or desirable to assure compliance with the provisions of this Ordinance and protect the public health, safety and general welfare the Zoning Board may require an applicant to provide financial security in one or a combination of the following arrangements:
- (B) Whenever the Zoning Board or Zoning Board of Appeals deems it is necessary to insure completion or compliance in a project, they may require the applicant submit a performance guarantee to be deposited with the Township to insure the faithful completion of improvements, in accordance with the Township Zoning Act, Public act 184 of 1943, as amended. Improvements for which the Township may require a performance guarantee include, but are not limited to, landscaping, berms, walls, lighting, surfacing of drives, parking and acceleration/deceleration lanes, traffic control devices, sewer or water line expansions, storm water retention areas and/or review and land reclamation activities.
 1. The performance guarantee can apply only to those specific features and actions which the Zoning Board considers necessary to protect natural resources or the health, safety, or welfare of residents, project users, or the general public. A performance guarantee may not be required for the entire project. The guarantee is limited to those project components specifically designated by the Zoning Board or Zoning Board of Appeals.
 2. A performance guarantee shall be required by the Zoning Board or Zoning Board of Appeals on the applicable portion(s) of a site plan under any of the following circumstances:
 - (a) To meet the costs of improvements required to be made by the applicant to public facilities owned by the County or Township as a condition of site plan approval.
 - (b) To ensure the completion of the common elements of site plan affecting two or more parties.

- (c) To ensure the completion of those portions of a site plan which will not be completed by the applicant prior to a request for occupancy.

The Zoning Board or Zoning Board of Appeals may require a performance guarantee on any other specific improvement when determined by resolution that the guarantee is necessary to protect the natural resources of the Township, County or the health, safety, or welfare of residents, project users, or the general public.

- (d) General conditions of performance bonds are as follows:
 - (1) The performance guarantee shall be submitted at the time of issuance of the permit authorizing the activity or project. No building permit or related Township permit shall be issued unless the Zoning Administrator is satisfied that the guarantee is in full compliance with this article.
- (e) The performance guarantee shall be in the form of:
 - (1) A cash deposit or deposit by certified check drawn on a bank authorized to do business in the State of Michigan; or
 - (2) An irrevocable letter of credit issued on behalf of the Township by a bank authorized to do business in the State of Michigan; or
 - (3) A surety bond in a form and manner acceptable to the Township Attorney. The costs of the review of a surety bond by the Township Attorney shall be paid by the applicant as part of the issuance permit.
- (f) The amount of the performance guarantee shall be sufficient to cover the estimated cost of the improvements associated with a project for which site plan approval or zoning variance has been obtained. Accordingly, the applicant shall provide an itemized listing of estimated costs and a proposed time schedule to complete all of the improvements determined to require a performance guarantee. The Zoning Administrator shall review the submitted costs for reasonableness and shall determine an accurate amount for the performance guarantee. In determining the amount, the Zoning Administrator may consider signed contracts or sub-contracts supplied by the applicant or may secure or require that the applicant secure sealed statements from a licensed architect or engineer verifying the estimates.
- (g) Cash funds or a certified check shall be made payable to the Township and shall be deposited by the Township into an interest

bearing account in a financial institution with which the Township regularly conducts business.

- (h) In the case of a guarantee exceeding \$2,000, and by request of the applicant, the guarantee may be released to the applicant in an amount proportional to the work completed on various elements, provided that a minimum of 10 percent shall be retained on each element until the satisfactory completion of the entire project.
 - (i) An amount not to exceed the actual cost of the installation of landscape materials may be retained by the Township for at least one year following the installation of said materials to insure proper maintenance and, if necessary, replacement. This amount shall be released to the applicant upon certification by the Zoning Administrator that all landscape materials are being maintained in good condition.
 - (j) Prior to acceptance of a public improvement by the County or Township and upon the recommendation of the Township or County Engineer, the Zoning Administrator shall require a maintenance bond for the public improvement in an amount not to exceed 35 percent of the total cost of the improvement and to remain in effect for a period not to exceed three years.
 - (k) The unexpended balance of a performance guarantee, including interest accrued, shall be returned to the applicant following inspections by the appropriate Township or County officials and a positive determination by the Zoning Administrator that the required improvements have been satisfactorily completed and that all other requirements of this article are met.
3. When required improvements are not installed or maintained within the time stipulated or are not completed in accordance with the standards set forth within this Ordinance or as agreed upon between the applicant and the Zoning Board or Zoning Board of Appeals, the Zoning Administrator may order the improvements completed by the Township or County or by an independent contractor, or may order that the site be returned to its original condition.

The Zoning Administrator shall order the completion of the improvements and notify the applicant by certified mail at least 14 calendar days prior to the undertaking of completion. During this time period, the applicant may seek an order from a court of competent jurisdiction to prevent the action by the Township.

All costs incurred by the Township for completion of the improvements or the restoration of the site, including direct administrative costs, shall be assessed against the performance guarantee including any interest accrued on any funds deposited in escrow.

Section 3.21 (Reserved for Future Use).

Section 3.22 Drainage.

All surface water run-off from a site shall be drained to established or maintained public drainage ways or a properly designed private drainage retention basin on or accessible to the site, capable of withstanding a 50 year storm for flood.

Sections 3.23 - 3.24 (Reserved for Future Use).

Section 3.25 Massage Services.

Businesses providing legitimate therapeutic massage services shall be classified as a professional office or as part of a professional office for purposes of this Ordinance. To qualify for such treatment, any establishment, whether public or private, shall not provide or advertise massage services unless all physical contact with the recipient of such services is provided by a graduate of a recognized school and certified as a massage therapist by the American Massage Therapy Association or by the Associated Body Work and Massage Professionals. The premises and operations used for massage shall comply with the following requirements:

- (A) No employee of a massage establishment, or any other person associated with a massage establishment, on the premises of a massage establishment, may offer or engage in any specified sexual activity.
- (B) In any establishment in which massage services are rendered to members of the same sex at any one time, such persons of the same sex may be placed in a single, separate room, or the operators of the massage establishment may elect to place such persons of the same sex in separate enclosed rooms or booths having adequate ventilation to an area outside said room or booth while massage services are being performed. If male and female patrons are to be served simultaneously at the establishment, separate bathing, a separate massage room, or rooms, separate dressing and separate toilet facilities shall be provided for male and female patrons.
- (C) No massage or massage service may be carried on within any cubicle, room, booth, or area within a massage establishment which is fitted with a door capable of being locked.
- (D) Adequate bathing, dressing, locker and toilet facilities shall be provided for patrons. A minimum of one tub or shower, one dressing room containing a separate locker for each patron to be served, as well as a minimum of one toilet and wash basin, shall be provided by every massage establishment.
- (E) All walls, ceiling, floors, pools, showers, bathtubs, steam rooms, and all other physical facilities for the establishment must be in good repair and maintained in a clean and sanitary condition. Wet and dry heat rooms, steam or vapor rooms, steam or vapor cabinets, shower compartments, and toilet rooms shall be

thoroughly cleaned each day the business is in operation. Bathtubs and/or showers shall be thoroughly cleaned after each use.

- (F) The premises of each massage establishment may be inspected by law enforcement personnel or by the Township Zoning Enforcement Officer during business hours and at other reasonable times to ensure compliance with this Ordinance.
- (G) Non-transparent uniforms or garments fully covering the torso from shoulder to knees shall be worn by massagists at all times while attending patrons.

Section 3.26 Fences.

- (A) Fences in the R-1, R-2, RR-2, R-3 and LR Districts shall not exceed six feet in height, or eight feet in height in any other district, measured from the surface to the uppermost portion of the fence.
- (B) Except as provided in the last sentence of this subsection, fences erected within the required front set back in any district shall not exceed four feet in height, except when used to enclose vacant land or land used for agricultural purposes, which may be up to six feet in height. Fences within the required front set back shall be of a type which is not more than 25 percent solid, so as not to obscure vision at the right-of-way or property line of the lot or parcel on which it is placed. Provided, however, in the C, I and HI Districts, the restrictions on height and construction of fence within front setbacks shall only apply within 20 feet of the front lot line.
- (C) Fences in non-residential district which enclose storage lots or other areas requiring security may contain barbed wire, provided that the barbed portion of the fence not be nearer than six feet from the surface of the ground.
- (D) Fences shall not be erected within any public road right-of-way in any district.
- (E) All fences shall be constructed from materials manufactured for the intended use as a fence, such as chain link, wire, vinyl, lumber or masonry; or be constructed from stone. Junk or other objects not manufactured to be used for fencing, including but not limited to, tires, trash, junk, trucks, tractor trailers, buses, scrap metal and scrap wood shall not be used for fencing material.

Section 3.27 Wind Energy Systems (WES).

- (A) **Purpose.** The purpose of this section is to establish standards and procedures by which the installation and operation of a WES shall be regulated within the Township, in order to promote the safe, effective, and efficient use of wind energy. A WES is not to be considered essential public service equipment.

(B) **Definitions.**

1. **Ambient Sound Level.** The amount of background noise at a given location prior to the installation of a wind energy system which may include, but not be limited to, traffic, machinery, lawnmowers, human activity, and the interaction of wind with the landscape. The ambient sound level is measured on the dB (A) weighted scale as defined by the American National Standards Institute.
2. **Applicant.** The person, firm, corporation, company, limited liability corporation or other entity which applies for Township approval under this section, as well as the applicant's successor(s), assign(s), and/or transferee(s) to any approved WES. An applicant must have the legal authority to represent and bind the landowner or lessee who will construct, own and operate the WES. The obligations regarding a zoning approval for any approved WES shall be with the land owner(s) of the WES and jointly and severally with the owner and operator or lessee of the WES if different than the owner.
3. **Building Mounted WES.** A WES mounted or attached to a building.
4. **Interconnected WES.** A WES which is electrically connected to the local electrical power utility system and can provide power to the local electrical power utility system.
5. **Nacelle.** In a wind turbine, the nacelle refers to the structure which houses all the generating components, gearbox, drive train, and other components.
6. **Rotor Diameter.** The cross-sectional dimension of the circle swept by the rotating blades of a WES.
7. **Shadow Flicker.** The moving shadow, created by the sun shining through the rotating Blades of a Wind Energy System (WES). The amount of shadow flicker created by a WES is calculated by a computer model that takes into consideration turbine location, elevation, tree cover, location of all structures, wind activity, and sunlight.
8. **Total WES Height.** The vertical distance measured from the ground for a tower mounted WES to the uppermost vertical extension of any blade, or to the maximum height reached by any part of the wind energy system. For a building mounted WES the total WES height is the vertical distance measured from the roof level at the base of the WES mounting system to the uppermost vertical extension of any blade, or to the maximum height reached by any part of the wind energy system.
9. **Tower Mounted WES.** A WES mounted or attached to a tower, pole, or similar structure which is not a building.

10. **Utility Grid Wind Energy Systems.** A WES designed and constructed to provide electricity to the electric utility grid.
 11. **Wind Energy System (WES).** Wind energy system means equipment that converts and then stores or transfers energy from the wind into usable forms of energy and includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, turbine, vane, wire, or other component used in the system.
- (C) **Standards for all Wind Energy System.** All WES shall comply with the following requirements:
1. **Sound Pressure Level.** Wind Energy Systems shall not exceed 55 dB (A) at the property line closest to the WES. This sound pressure level may be exceeded during short-term events such as severe wind storms. If the ambient sound pressure level exceeds 55 dB (A), the standard shall be ambient dB (A) plus 5 dB (A).
 2. **Shadow Flicker.** The Planning Commission or Zoning Administrator may request that the applicant perform an analysis of potential shadow flicker. The analysis shall identify locations of shadow flicker that may occur, and shall describe measures such as screening or relocation that shall be taken to eliminate or minimize the shadow flicker on neighboring properties.
 3. **Safety.**
 - (a) Each WES shall be equipped with both a manual and automatic braking device capable of stopping the WES operation in high winds or must be designed so that the rotational speed of the rotor blade does not exceed the design limits of the rotor.
 - (b) If a tower is supported by guy wires, the wires shall be clearly visible to a height of at least ten feet above the guy wire anchors.
 4. **Required Signs.**
 - (a) Each tower mounted WES shall have one sign not to exceed two square feet posted at the base of the tower, or, if the structure is fenced, on the fence. The sign shall include a warning about high voltage and an emergency phone number.
 - (b) A WES shall not include any advertising of any kind, except the nacelle may have lettering that exhibits the manufacturer's and/or owner's identification.

5. **Rotor or Blade Clearance.**
 - (a) Blade arcs created by a tower mounted WES shall have a minimum of 20 feet of clearance from the ground, any structures or any tree.
 - (b) The blade arcs created by a building mounted WES shall have a minimum clearance of eight feet from the nearest point of the roof or ridge, chimney, or other part of the structure to which the WES is attached, or be designed so that the blade or other moving parts do not present a safety hazard.
 6. **Electromagnetic Interference.** WES shall be designed, constructed and operated so as not to cause radio and television interference.
 7. **Construction Codes and Interconnection Standards.** In addition to the requirements of this Ordinance, all WES shall comply with the following:
 - (a) All applicable state construction and electrical codes and local building permit requirements.
 - (b) Federal Aviation Administration requirements.
 - (c) The Michigan Tall Structures Act, Public Act 259 of 1959, as amended.
 - (d) The Michigan Public Service Commission and Federal Energy Regulatory Commission if the WES is an interconnected system.
 - (e) Any other applicable laws or regulations.
 8. **Maintenance.** A WES must be kept and maintained in good repair and condition at all times and shall not pose a potential safety hazard.
 9. **Decommissioning Plan.** A WES that is out of service for a continuous 12 month period will be deemed to have been abandoned. If the system is determined to be abandoned, the owner of the system shall remove the WES including the turbine and tower and all associated facilities at the owner's expense within 90 days after notice from the Township. Failure to remove shall be in violation of this Ordinance.
- (D) **Wind Energy Systems Less Than 120 Feet.** Any wind energy system which is 120 feet or less in total height and any roof mounted wind energy system shall be a permitted use in all zoning districts, subject to the following:
1. **Permit Required.** A permit shall be required to be obtained from Mecosta Township to construct and operate any WES 120 feet or less in total height. A permit shall be issued after an inspection of the required

information for the WES by Mecosta Township or an authorized agent of the Township, and where the inspection finds that the WES complies with the requirements of this section, all applicable state construction and electrical codes, Township building permit requirements, and all manufacturers' installation instructions.

The following information is required to be submitted for a WES permit:

- (a) Name of property owner(s) and address.
- (b) An accurate drawing showing the proposed location of the WES, property lines, existing building(s), proposed WES setback lines, right-of-way lines, public easements, and overhead utility lines.
- (c) The proposed type and height of the WES to be constructed; including the manufacturer and model, product specifications including maximum noise output (measured in decibels), total rated generating capacity, dimensions, rotor diameter, and a description of ancillary facilities.
- (d) Evidence that the utility company has been informed of the customer's intent to install an interconnected, customer-owned generator and that such connection has been approved. Off-grid systems shall be exempt from this requirement.
- (e) Other relevant information as may be reasonably requested by the Zoning Administrator or Building Inspector.

2. Height.

- (a) The height of a tower mounted WES shall not exceed 120 feet.
- (b) The height of a building mounted WES shall not exceed 15 feet as measured from the highest point of the roof, excluding chimneys, antennas, and other similar protuberances.

3. Setback.

- (a) The setback for a tower mounted WES shall be a distance which is at least equal to 1.5 times the height of the WES measured from the furthest outward extension of all moving parts. No portion of the WES, including the guy wire anchors, shall be located within or above the required front, side or rear yard building setback.
- (b) The setback for a building mounted WES shall be a minimum of 15 feet from the property line, public right-of-way, public easement, or overhead utility lines if mounted directly on a roof or other elevated surface of the building. If the WES is affixed by

any extension to the side, roof or other elevated surface, then the setback from the property line or public right-of-way shall be a minimum of 15 feet. The setback shall be measured from the furthest outward extension of all moving parts.

4. **Shared WES Usage.** A WES may provide electrical power to more than one dwelling unit, provided the dwelling units are located on property or properties that are adjacent to the property or properties on which the WES is located.

(E) **Wind Energy Systems Which Require a Special Use Permit.** A tower mounted WES which is greater than 120 feet in height, or any building mounted WES which is more than 15 feet in height (measured according to subsection B.8) may be allowed only as a special land use in all zoning districts subject to the following regulations and requirements of this section and also the general special land use review procedures and standards of this Zoning Ordinance.

1. **Setbacks.** The setback measured from the furthest horizontal extension of the blade arc for a building or tower mounted WES for which special land use approval is required shall be at least equal to 1.5 times the distance from the ground to the highest vertical extension of the blade arc. No part of a WES including guy wire anchors shall be located within or above any required front, side, or rear yard building setback.
2. **Lighting.** A WES shall provide lighting as may be required by the FAA.
3. **Siting Standards and Visual Impact.**
 - (a) A WES shall be designed and placed in such a manner to minimize adverse visual and noise impacts on neighboring areas.
 - (b) A WES project with more than one WES structure or tower shall utilize similar design, size, color, operation, and appearance throughout the project as is practicable.
4. **Road Repair.** Any damages to a public road located within the Township resulting from the construction, maintenance, or operation of a WES shall be repaired at the applicant's expense.
5. **Site Plan Requirements.** For those WES for which a special use is required the following items shall be included with or on the site plan:
 - (a) All requirements in the Mecosta Township Zoning Ordinance applicable to all special land uses.
 - (b) Dimensions of the area purchased or leased which is to contain the WES.

- (c) Location and height of all existing and proposed buildings, structures, electrical lines, towers, guy wires anchors, security fencing, and any other above-ground structures proposed or existing for the parcel or parcels containing the WES.
- (d) Specific distances from the WES structures to all other buildings, structures, and above ground utilities on the parcel or parcels upon which the WES is proposed to be located.
- (e) Location of all existing and proposed overhead and underground electrical transmission or distribution lines, located on the lot or parcel(s) upon which the WES or is proposed to be located, as well as within 300 feet of the boundaries of the parcel(s).
- (f) Locations and height of all buildings and structures within 300 feet of the exterior boundaries of the lot or parcel where the WES is proposed to be located.
- (g) Contour elevations of all WES buildings and structures and the elevations of all existing and proposed structures within 300 feet of the parcel(s) upon which the WES is proposed to be located.
- (h) Land uses within 300 feet of the parcel.
- (i) Access drives to the WES including dimensions and composition, with a narrative describing proposed maintenance of the drives.
- (j) The right-of-way of any public road that is contiguous with the property.
- (k) All lighting proposed for the site, including diagrams of lighting fixtures proposed if requested by the Planning Commission.
- (l) Security measures proposed to prevent unauthorized trespass and access.
- (m) Standard drawings of the structural components of the WES, including structures, towers, bases, and footings. A registered engineer shall certify drawings and any necessary calculations that show that the system complies with all applicable local, state, and federal, structural and electrical codes.
- (n) The Planning Commission may waive or modify the above requirements at the request of the applicant if it is determined that those items would not be needed to properly review the project.
- (o) A baseline noise emission study of the proposed WES site and its potential impact upon all areas within one half mile of the

proposed WES location may be required (at the applicant's cost) prior to any placement of a WES and submitted to the Township. The applicant must also provide estimated noise levels to property lines at the time of a special use application.

6. **Reasonable Conditions.** In addition to the requirements of this section, the Planning Commission may impose additional reasonable conditions on the approval of a WES special use request.

Section 3.28 MET Towers.

- (A) A MET tower may be permitted as a special use in all zoning districts subject to the following regulations and requirements of this section and also the general special land use review procedures and standards of this Zoning Ordinance. A MET tower is not to be considered essential public service equipment.
- (B) For purposes of this section a MET tower is a meteorological tower used for the measurement of wind speed.
- (C) **Application Requirements.** An applicant for a MET tower shall submit an application in accordance with Article 5 of the Zoning Ordinance. The application shall include the information required by Section 3.27(E)5 in addition to the following:
 1. An explanation of the purpose of the tower, the type, height and number of wind energy systems anticipated to be proposed for installation on the site or nearby and the expected length time the MET tower will be operable.
 2. A decommissioning plan explaining the process to be undertaken by the applicant for tearing down the tower and removing all tower equipment, materials and structures and restoring the site so it can be used for a use permitted in that Zoning District. The Township may require the posting of security for proper decommission and removal of the MET Tower.
- (D) **General Requirements.** A MET tower shall comply with all of the following:
 1. The tower shall be setback from all property lines and structures a distance of not less than 1.5 times the height of the tower as measured from the base of the tower, unless the applicant demonstrates that the tower is designed to collapse upon itself in a lesser distance.
 2. All applicable state construction and electrical codes and local building permit requirements.
 3. **Federal Aviation Administration.** All tower lighting required by the FAA shall be shielded to the extent possible to reduce glare and visibility from the ground. The tower shaft shall not be illuminated unless required

by the FAA, and the minimum FAA lighting standards shall not be exceeded.

4. The Michigan Airport Zoning Act (Public Act 23 of 1950).
5. The Michigan Tall Structures Act (Public Act 259 of 1959).
6. A MET tower which is unused or abandoned shall be removed, along with any associated buildings and structure by the owner/operator within 90 days of the date of a written notice from the Township. An extension of 90 days may be granted by the Planning Commission upon a request from the owner/operator citing extenuating circumstances beyond their control in removing the tower within the initial 90 day period.
7. In removing the tower the owner/operator shall comply with the decommissioning plan submitted by the applicant and as approved by the Planning Commission.
8. Approval for a MET Tower in no way implies review or approval of a WES which may subsequently be installed, and any such WES shall be subject to review in accordance with the standards of this Ordinance at the time of application.

- (E) **Planning Commission Review.** The Planning Commission shall review the proposed MET tower according to the standards for special uses contained in Section 3.27(E). The Commission may approve a MET tower for a specified period of time subject to renewal by the Planning Commission.

Section 3.29 Sign Regulations.

- (A) **Purpose and Intent.** It is hereby determined that regulation of the location, size, placement and certain features of signs is necessary to enable the public to locate goods, services and facilities without difficulty and confusion, to promote traffic safety, safeguard public health and welfare, and facilitate police and fire protection.

In addition, it is the intent of this Ordinance to assure the continued attractiveness of the total community environment through the adoption of controls designed to preserve scenic, aesthetic and economic values within the Township.

These regulations are designed to permit maximum legibility and effectiveness of signs and to prevent their over-concentration, improper placement and excessive height, bulk and area. In general, it is intended that signs of a general commercial or industrial nature be prohibited in districts where commercial or industrial activities are prohibited and that signs in residential districts be limited to those directly related to activities on the premises.

- (B) **Definitions.** The following words and phrases shall have the meanings set forth in this Section when they are used in this Section.

Accessory Sign: A non-commercial sign providing information about the property, such as no trespassing signs and signs warning of animals.

Appendage Sign: A sign that is intended to draw attention to one or more of various services, items for sale, contests, etc., and is attached as an appendage to an accessory sign, sign support or any part of a sign structure.

Awning or Canopy: A suspended covering, often movable, placed above a door, window, or other entranceway. Canopies can be constructed of cloth, metal, wood, or other materials.

Banner Sign: A temporary sign or streamer on paper, cloth, fabric or other combustible material of any kind, either with or without frames.

Billboard: See “Outdoor Advertising Sign”

Building Frontage: The length of the portion of a building facing a street abutting to the premises on which a business is located.

Bulletin Board: A sign with temporary or replaceable letters or characters, used to announce dates of functions or activities.

Construction Sign: A sign advertising a project under development, erected for the period of construction, identifying its developers, contractors, engineers, brokers and architects.

Directional Sign: A sign, the primary purpose of which is to expedite the flow of vehicular and/or pedestrian traffic to, from and within a site.

Electronic Message Board: A sign that uses lights to display messages in the form of text, not pictures, such as, but not limited to, the current time, temperature, and/or date of the immediate environment, or gasoline prices or similar messages.

Electronic Sign: A sign that uses lights, light emitting diodes, liquid crystal display, plasma technology, projection, moving or rotating panels, or similar technology to display text, pictures, or representations in graphic form, in which the sign message is capable of being changed electronically or mechanically without physical removal and replacement of a sign surface.

Flag: A banner of distinctive design used as a symbol of a nation, state or other governmental entity or a non-profit organization.

Flashing Sign: A sign that is intermittently illuminated or reflects light intermittently from either an artificial source or from the sun.

Freestanding Sign: A sign supported by one or more uprights, poles, pylons or braces placed in or upon the ground and not attached to any building or other structure.

Grade: The average elevation of an area within a radius (of the sign base) equal to two times the height of the sign.

Handicapped Sign: A sign limited to indicating that off-street parking is reserved for the physically handicapped, or a sign which is limited to indicating facilities for the physically handicapped.

Illuminated Sign: A sign which has characters, letters, figures, or designs which are illuminated either internally or with external shielded lights.

Institutional Sign: A sign containing a surface area upon which is displayed the name of a religious institution, school, library, community center, or similar institutions, and the announcement of its services or activities.

Interior Sign: A sign which is visible from any public street, sidewalk, alley, park or public property and located within a building.

Marquee Sign: A sign attached to or hung from a marquee, canopy or other covered structure projecting from and supported by the building.

Maximum Sign Height: Shall be measured from grade or sidewalk to the highest edge of the sign surface or its projecting structure. A reference to "Height" is a reference to maximum sign height, unless the context clearly requires otherwise.

Minimum Sign Height: Shall be measured from grade or sidewalk to the lowest edge of the sign surface or its projecting structure.

Moving Sign: A sign that has motion either constantly or at intervals or that gives the impression of movement through intermittent, flashing, twinkling, or varying intensities of illumination.

Occupational Sign: A sign denoting only the name and profession of an occupant in a commercial building or public institutional building.

Outdoor Advertising Sign (or Off-Premises Sign or Billboard): A permanent sign erected, maintained or used in the outdoor environment for the purpose of the display of commercial or non-commercial messages not appurtenant to the use of, products sold on, or the sale or lease of, the property on which it is displayed.

Portable Sign: A sign, sign board, or banner which is not permanently anchored or secured to either a building, structure or the ground; or any sign attached to a trailer or other vehicle not accessory to the vehicle or its use, but used with the express intent of advertising.

Premises: A lot or group of lots with one or more buildings which functions as a single use is under the same ownership or control and is not divided by a public street. Multiple tenants of single premises may share common entranceway and off-street parking. Examples of premises include a shopping center, a multiple family apartment complex, and an educational or medical campus.

Projecting Sign: A sign so constructed and erected as to be attached at one end to a building, metal pole or other structure, and projecting there from.

Roof Sign: A sign which is erected, constructed and maintained on or above the roof of a building or any portion thereof.

Sign: Any visual or graphic device designed through use of words, numbers, characters, or symbols to inform or attract attention and which is designated to be visible from outside any building or structure in which, upon which, or attached to which it may be located.

Sign Erector: Any person engaged in the business of erecting, constructing, altering, or removing signs on a contractual or hourly basis.

String Lights: Small lights connected by a wire, such as Christmas lights.

Subdivision/Development Sign: A sign or entranceway structure, listing the names and addresses only of the establishments occupying a development, subdivision or condominium. The erection of such identification signs is so intended to assist the public in locating establishments within its immediate area and shall be placed upon property within the development or subdivision.

Temporary Sign: A sign intended to be displayed for a limited period of time, including decorative displays for holidays, special events, political signs, real estate signs, or public demonstrations.

Wall Sign: A sign attached to, painted on, inscribed, or otherwise set upon the exterior wall or surface of any building. A mural is considered a wall sign. A sign painted or inscribed on a canopy shall also be considered a wall sign.

(C) **Computation of Sign Area.** For the purposes of this Ordinance, the total area of a sign shall be expressed in square feet and shall be computed as follows:

1. **Sign Area.** The area of a face of a sign is the entire area within a circle, triangle, rectangle or other geometric shape enclosing the extreme limits of writing, representation, emblem or any figure of similar character, together with any frame or other material, graphic or color forming an integral part of the display or message, or used to differentiate the sign from the background against which it is placed; excluding the necessary supports or uprights on which such sign is placed, if no advertising matter is placed thereon.

2. **Single-Face Sign.** The total area of a single-face sign shall be computed as the number of square feet on the face of the sign.
3. **Double-Face Signs.** For double-face signs having two (2) faces of equal size arranged and/or positioned back to back, parallel to each other, with no more than a two (2) foot space between the two faces; the area of the sign shall be computed as one-half (1/2) the total area of the two (2) faces. When the faces of such a sign are not of equal area, then the area of the sign shall be computed as the total area of the largest face.
4. **Three-Dimensional Signs.** For signs which are designed as a three-dimensional geometric form such as a sphere, cone, cylinder, or cube; the area shall be computed as one-half (1/2) the total surface of the geometric form.

(D) **Permit Required for Signs.**

1. **Sign Erection Permit.** It shall be unlawful for any person to construct, erect, re-erect, move, alter, enlarge, or illuminate, any sign unless a zoning permit shall have been first obtained from the Township, except as provided in this Section. Signs, including exempt signs, may also require electrical and building permits.
2. **Sign Maintenance or Change of Message.** No permit shall be required for ordinary servicing, repainting of existing sign message, or cleaning of a sign. No permit is required for change of message of a sign designed for periodic message change without change of structure, including a bulletin board or billboard, but not including a sign to which a new permanent face may be attached.
3. **Permit Applications.** Applications for sign permits shall be made upon forms provided by the Mecosta Township Building & Zoning Department for this purpose and shall be completed as required.

(E) **Certificate of Compliance.**

1. **Compliance Certification.** All signs shall be inspected at original installation and if found to be in full compliance with the provisions of this Section, shall be issued a Certificate of Compliance. The Township shall cause existing signs to be inspected if deemed necessary to determine continuation of compliance with the provisions of this Section.
2. **Responsibility of Compliance.** The owner of any property on which a sign is placed and the person maintaining said sign are declared to be equally responsible for the erection, safety and condition of the sign and the area in the vicinity thereof subject to provisions of this Section.

(F) **General Sign Provisions.**

1. **Projecting Signs.** Projecting signs, where permitted, shall have under clearance from the lowest point of the sign to the ground or grade level of not less than eight (8) feet.
2. **Public Rights-of-Way.** No sign (or any pole or support cable of any nature) except those established and maintained by any local, county, state, or federal governments, shall be located in, project into, or overhang a public right-of-way or dedicated public easement, unless otherwise authorized in this Ordinance.
3. **Appurtenant to Use.** Except for outdoor advertising signs, where permitted and subject to the provisions of this Section, signs shall be appurtenant to the use of products sold on, or the sale, lease or occupancy of the property on which the sign is displayed.
4. **Traffic Interference.** No advertising device shall be erected or maintained which simulates or imitates in size, color, lettering, or design any traffic sign or signal or other word, phrase, symbol, or character in such manner as to interfere with, mislead, confuse or create a visual impediment or safety hazard to pedestrian or vehicular traffic.
5. **Clear Corner Vision.** No sign above a height of thirty-six (36) inches shall be located within, project into, or overhang the triangular area formed at the intersection of any two street right-of-way lines (existing or proposed) by a straight line drawn between said right-of-way lines at a distance along each line of 25 feet from their point of intersection, unless visual under clearance can be assured on the plans.
6. **Proximity to Electrical Conductors.** No sign shall be erected so that any part including cables, guys, etc., will be within ten (10) feet of any electrical conductor, electric light pole, street lamp, traffic light, or other public utility pole or standard.
7. **Illumination.** No sign shall be illuminated other than by electric or solar-powered devices. In no event shall light from an illuminated sign shine on adjacent property which is used for residential purposes.
8. **Fire Egress.** No signs of any kind shall be attached to or placed upon a building in such a manner as to obstruct any fire egress.
9. **Wall Signs.** No wall sign shall project beyond or overhang the wall or any permanent architectural feature and shall not project above or beyond the highest point of the roof or parapet.

10. **Freestanding Signs.** With respect to freestanding signs, components (supporting structures, backs, etc.) not bearing a message shall be constructed of materials that blend with the natural environment or shall be painted a neutral color to blend with the natural environment.
 11. **Electronic Message Boards and Signs.** Electronic Message Boards or Electronic Signs are permitted, provided that the frequency of message change is not less than five (5) seconds. All lights in a display shall activate simultaneously, display a static, non-moving image, remain activated for not less than five (5) seconds, and deactivate simultaneously.
 12. **Specific Uses.** Where provision is made for signage for a particular use elsewhere in this ordinance, those provisions shall prevail over the provisions of this Section, to the extent they are inconsistent.
- (G) **Signs Exempt from Permit Requirements.** The following signs are permitted in all zoning districts, and no sign permit is required. Such exemptions, however, shall not be construed to relieve the owner for its proper location, erection, and maintenance or from obtaining any required electrical or building permits.
1. **Government Signs.** Signs erected by or on behalf of or pursuant to the authorization of a government body, including legal notices, informational signs, directional, or regulatory signs.
 2. **Flags.** Flags, pennants or insignia of any governmental or nonprofit organization when not displayed in connection with a commercial promotion or as a mean of advertising.
 3. **Address Signs.** Signs not exceeding two (2) square feet in area and bearing only property numbers, post box numbers, names of occupants of premises, or other identification of premises not having commercial connotations.
 4. **Street Signs.** Signs erected by any local, county, state, or federal governments for street names, traffic control, or direction and information.
 5. **Private Traffic Signs.** Signs directing and guiding traffic and parking on private property that do not exceed six (6) square feet each and bear no advertising matter.
 6. **Handicapped Signs.** Not exceeding four (4) square feet each and bearing no advertising matter.
 7. **Small Accessory Signs.** Any accessory sign erected on a premise which is no more than two (2) square feet in area each, such as no trespassing signs and signs warning of animals.

8. **Temporary Signs, Banners, Flags.** Temporary Signs, not specifically regulated in any other section of this Ordinance, including but not limited to: political or campaign signs, real estate signs, signs for special events or activities, garage sale signs, banners, flags and the like shall be permitted subject to the following conditions:
- (a) No temporary sign or devices shall be located in the public right-of-way, attached to any utility pole, or located within five (5) feet from any public sidewalk or street right-of-way.
 - (b) All temporary signs must be removed within fifteen (15) days of the conclusion of the event, activity, election, or sale, etc., for which the temporary sign is displayed.
 - (c) The total area and height of temporary signage shall not exceed the following standards:
 - (i) In residential districts, temporary signage shall be limited to six (6) square feet in area for each sign and six (6) feet in height.
 - (ii) In all commercial and industrial districts, temporary signage shall not exceed thirty-two (32) square feet of total sign area per side or a height of eight (8) feet.

(H) **Signs Prohibited Throughout the Township.**

The following signs are prohibited throughout the Township:

1. **Unsafe Signs.** Any sign which is structurally or electrically unsafe.
2. **Utility Poles and Landscaping.** Any sign erected on a utility pole, directional sign post, or landscaping including trees. Prohibited signs shall not include street signs erected by any local, county, state, or federal government or a public transit agency.
3. **Business No Longer Existing (Abandoned Signs).** Any business sign or sign structure now or hereafter existing which advertises a business conducted or a product sold, which no longer exists or is no longer in business on the premises on which the sign is located. Such sign shall be considered abandoned and shall, within 90 days after such abandonment, be removed by the sign owner, owner of the property where the sign is located, or other party having control over such sign.
4. **Non-Anchored Signs.** Portable Signs and freestanding signs not permanently anchored or secured to either a building or the ground, except real estate “open house” signs.

5. **Signs on Vehicles.** Signs displayed on any vehicle or trailer when the subject vehicle or trailer is parked in such a manner that the obvious intent is to attract attention to a business, service, or commodity on the premises.
6. **Sign Structure Without Sign.** Any sign structure or frame no longer supporting or containing a sign. The owner of the property where the sign is located shall, within 90 days of the removal of the message portion of the sign, either replace the entire message portion of the sign or remove the remaining components of the sign. This subsection shall not be construed to prevent the changing of the message of a sign.
7. **Other Signs Prohibited.** Other signs not expressly permitted shall be prohibited.

(I) **Signs Permitted With Planning Commission Approval.**

1. Moving Signs, Flashing Signs, Roof-Mounted Signs and Appendage Signs may be permitted in the C Commercial, HI Highway Interchange and I Industrial Districts with approval by the Planning Commission. Electronic Message Boards or Electronic Signs which comply with the specific provisions made for them are not considered “flashing” or “moving” signs which require special approval under this subsection.
2. All such signs shall apply with all other applicable standards of this Section, such as area, setback and location.
3. In considering an application for a sign under this subsection, the Planning Commission shall consider the standards provided for in Section 5.1(C) of this Ordinance. However, approval shall not require public notice or hearing.

(J) **Construction and Maintenance Requirements.**

1. **Materials and Design.** All signs shall be designed, constructed and maintained in conformity with the provisions for materials, loads, and stresses of the latest adopted edition of the Township Building Code and requirements of this Section.
2. **Erector’s Imprint.** Signs which require a permit under this Section must carry the identification and address of the sign erector, electrical voltage (when applicable), and date of erection in clearly legible letters whether for the initial erection or re-hanging of a sign. In case of re-hanging or re-erection of any sign, the new erector must place his identification, address and the date on the sign.
3. **Freestanding Signs.** Freestanding signs shall be securely fastened to the ground or to some other substantial supportive structure so that there is no

danger that either the sign or the supportive structure may be moved by the wind or other forces and cause injury to persons or property.

4. **Sanitation/Landscaping.** Property surrounding any freestanding sign shall be kept clean, sanitary and free from obnoxious and offensive substances, weeds, debris, rubbish, and flammable material. All plant materials and other landscaping surrounding a freestanding sign shall be maintained on a regular basis, including pruning, mowing, watering, fertilizing and replacement of dead and diseased materials.
5. **Maintenance.** All signs and all components thereof, including without limitation supports, braces, and anchors, shall be kept in a state of good repair. Peeling or missing paint, holes, broken, cracked, bent, warped, rotted, discolored, sagging, out-of-plumb, worn, rusted or missing material parts shall be repaired within fifteen (15) days of written notification of the Township. Failure to repair and comply with the provisions of this Ordinance shall result in the removal of said sign structure by the Township with the cost of removal assigned and billed to the property owner on which the sign is located. Failure to pay the removal costs will result in the costs being included on the next property tax assessment by the Township.

(K) **Nonconforming Signs.**

1. **Intent.** It is the intent of this Section to encourage eventual elimination of signs that as a result of the adoption of this Section become non-conforming, to administer this Section to realize the removal of illegal non-conforming signs, and to avoid any unreasonable invasion of established private property rights.
2. **Lawful Existing Signs.** Any sign lawfully existing at the time of the adoption of this Section which does not fully comply with all provisions shall be considered a legal non-conforming sign and may be permitted to remain as long as the sign is properly maintained and not detrimental to the health, safety and welfare of the community except as hereafter provided.
3. **Continuance.** A non-conforming sign shall not:
 - (a) Be expanded or changed to another nonconforming sign;
 - (b) Be relocated, unless it comes into compliance with this ordinance.
 - (c) Be structurally reconstructed so as to prolong the life of the sign; or so as to change the shape, size, type, placement, or design of the sign's structural parts; or so as to add illumination;

- (d) Be repaired or re-erected after being damaged if the repair or re-erection of the sign, within any 12-month period, would cost more than fifty (50) percent of the cost of an identical new sign. If deemed necessary by the Township, the cost of an identical new sign shall be determined as the average of no less than three (3) cost estimates obtained from three (3) contractors.
- (e) Be altered unless the alteration or reconstruction is in compliance with the provisions of this Section. For the purpose of this Section only, the term “altered” or “reconstructed” shall not include normal maintenance; changing of surface sign space to a lesser or equal area; landscaping below the base line; or changing electrical wiring or devices, backgrounds, letters, figures, or characters.
- (f) Be changed from a static billboard or sign to an Electronic Message Board or Electronic Sign.

- 4. **Termination of Business.** Non-conforming signs and sign structures shall be removed or made to conform within ninety (90) days of the termination of the business or use to which they are accessory.
- 5. **Portable and Temporary Signs.** Portable and temporary signs that are nonconforming shall be altered to comply with the provisions of this Section or removed within ninety (90) days after the effective date of the adoption of this Section.
- 6. **Administration.** The Township shall make every reasonable effort to identify all the nonconforming signs within the Township. The Zoning Administrator shall keep complete records of all communications and other actions taken with respect to such nonconforming signs and all enforcement activities and actions of this Ordinance.

(L) Permitted in Residential Districts, Except LR.

- 1. For each dwelling unit, one (1) address sign meeting the standards identified herein.
- 2. Accessory signs no more than two (2) square feet in area each, such as no trespassing signs and signs warning of animals. The number of all accessory signs on one premise shall not exceed one (1) every 50 feet.
- 3. One (1) subdivision entrance sign per vehicle entrance may be permitted on private property in compliance with the corner clearance provisions (as noted herein) and shall not exceed forty-eight (48) square feet in area or a height of eight (8) feet above grade. The location and appearance of all subdivision/condominium signs shall be subject to review and approval by the Planning Commission at the time of site plan review, provided that such signs shall be located no closer than twelve (12) feet from any

property line. Adequate provisions shall also be made at the time of site plan review to insure continued maintenance of the sign.

4. Schools, churches, libraries or similar institutions may have no more than one (1) freestanding and two (2) wall signs. The freestanding sign shall have an area of no more than forty-eight (48) square feet per face and a height of no more than eight (8) above the established grade. Each wall sign shall have an area of no more than thirty-two (32) square feet. No sign shall be located closer than twelve (12) feet from any property line.

(M) Permitted in LR.

1. For each dwelling unit, one (1) address sign meeting the standards identified herein.
2. Small accessory signs no more than two (2) square feet in area, such as no trespassing signs, garage sale signs, and signs warning of animals. These signs shall be located no closer than twelve (12) feet from any property line. The total number of all small accessory signs on one premise shall not exceed three (3).
3. One (1) subdivision entrance sign per vehicle entrance may be permitted on private property in compliance with the corner clearance provisions (as noted herein) and shall not exceed forty-eight (48) square feet in area or a height of eight (8) feet above grade. The location and appearance of all subdivision/condominium signs shall be subject to review and approval by the Planning Commission at the time of site plan review, provided that such signs shall be located no closer than twelve (12) feet from any property line. Adequate provisions shall also be made at the time of site plan review to insure continued maintenance of the sign.
4. No more than one (1) freestanding and one (1) wall institutional sign for schools, churches, libraries, or similar institutions having an area of no more than forty-eight (48) square feet, having a height of no more than eight (8) feet above the established grade, and located no closer than twelve (12) feet from any property line.
5. For permitted commercial uses in the LR District, the total sign area for an occupied parcel of property shall not exceed one hundred (100) square feet with a maximum sign height of fifteen (15) feet.
6. For permitted commercial uses in the LR District, one (1) freestanding sign may be allowed per premises. Such sign shall not exceed fifteen (15) feet in height and fifty (50) square feet in area. The size of the permitted freestanding sign shall be counted against the total one hundred square feet allowed for all commercial signage as permitted above. No sign shall be located closer than twelve (12) feet from any property line and shall not be located in the road right-of-way.

(N) Permitted in A, AG and AF.

1. Signs permitted in all Residential Districts as noted above. The total number of all small accessory signs on one premise shall not exceed four (4). No hunting and no trespassing signs shall be exempt and subject to applicable laws.
2. Signs of a combined area of not more than thirty-two (32) square feet advertising the name and activities of a permitted nonresidential use or legal non-conforming use, and customary farm and crop signs on active farms. Said signs shall be located on the same parcel as the use. Signs for discontinued legal non-conforming uses shall be removed as provided for in this Section.
3. Private traffic signs and handicapped signs.
4. Outdoor advertising signs permitted only along the U.S. 131 expressway, located not less than fifty (50) feet nor more than three hundred (300) feet from the right-of-way line (not including entrance and exit ramps). Sign area for any parcel shall not exceed 200 square feet. The maximum height shall be twenty (20) feet. Signs shall not be placed closer than one every one-half mile.
5. Maximum sign height is twenty (20) feet.

(O) Permitted in C.

1. The total sign area of freestanding signs and wall signs facing the street shall not exceed 125 square feet for a parcel with up to 200 feet of street frontage, and 200 square feet for a larger parcel. Maximum sign height of freestanding signs is twenty-five (25) feet. Freestanding signs shall be located at least twelve (12) feet from any property line, and must not be in the road right-of-way.
2. In addition to the freestanding and wall signs facing the street permitted above, wall signs may be erected on the side of the building not fronting on a street of a size not exceeding one-half (1/2) square foot for each linear foot of the width of the buildings, up to a total of forty-eight (48) square feet per side.
3. Buildings on a corner lot may provide the number and size of signs permitted above for each street frontage, but the sign sizes may not be aggregated for a larger total area on one street frontage as permitted above.
4. Theaters, except for adult-regulated uses, shall be permitted 100 square feet of sign area for changeable-message type marquee signs in addition to the district provisions of this section.

5. Directional signs, up to sixteen (16) square feet in area, designating entrances, exits, parking and unloading areas, shipping docks, and similar internal traffic control signs shall be permitted and located no closer than five (5) feet from any property line.
6. Outdoor advertising signs are permitted, if placed at least twenty (20) feet from the right-of-way line at the existing highway and sign area for any parcel shall not exceed 200 square feet. Signs shall not be placed closer than one every 1,320 feet. Outdoor advertising signs that exceed these parameters may be permitted as a special land use in accordance with applicable procedures and standards.

(P) Permitted in HI.

1. All signs permitted in the C Commercial District.
2. Outdoor advertising signs as permitted and subject to the same limitations in the C Commercial District, except the maximum height is fifty (50) feet.

(Q) Permitted in I.

1. All signs permitted in the C Commercial District, except signs for theaters.

**ARTICLE 4
SITE PLAN REVIEW**

Section 4.0 Intent.

An approved site plan, which included those documents and drawings specified in this section are necessary to insure that the proposed land use or activity is in compliance with this Ordinance. The site plan shall be required prior to receiving zoning approval and other Township authorization for use, erection or enlargement of any structure or facility. Further, no use shall be undertaken or carried on and no structure or facility shall be constructed, enlarged or improved except as shown upon an approved site plan.

Section 4.1 Class “A” Site Plan Requirements.

A Class “A” Site Plan shall be required for the following structures which cover an area greater than 100 square feet: all single-family, two-family homes, customary accessory uses, any non-residential use for which ten or fewer parking spaces are required by the terms of the Zoning Ordinance (unless expressly delegated to Class “B” site plan review pursuant to Section 4.2), and any use for which a Class “A” site plan is required by this Ordinance. This site plan shall include a sketch plan with accurate dimensions showing:

- (A) The lot, with a legal description.
- (B) Existing or proposed buildings and structures.
- (C) Existing or proposed public or private roads and right-of-ways, parking areas and walkways.
- (D) Location of existing or proposed public or private utility systems and/or private sewage systems and wells or water supply sources.
- (E) Existing natural or man-made features such as: woodlots, streams, lakes and ponds.
- (F) A description of any changes in grade or drainage systems, excepting those changes to accommodate basement and driveway grading. When development occurs within 500 feet of a watercourse, all grade changes shall be shown in conformance with the County Drain Commissioner’s requirements.
- (G) A description of adjacent uses.
- (H) A permit, or a preliminary written indication from the Road Commission or Department of Transportation that the curb-cut location shown, will likely receive approval from that agency.
- (I) Any other information necessary to establish compliance with this and any other ordinances of Mecosta Township.

Section 4.2 Class “B” Site Plan Requirements.

A Class “B” Site Plan shall be required for all other uses, structures or facilities, not described in 4.1 above, and for Planned Unit Developments, Site Condominium Developments, Act 177 Cluster Developments, any development in the industrial or HI district, any multi-family development, any special land use, any use which requires more than ten parking spaces, pursuant to the terms of this Ordinance, and any use for which a Class “B” Site Plan is required by this Ordinance. This site plan shall be drawn to a scale not smaller than 40 feet to the inch, certified by a licensed architect, a registered land surveyor or professional engineer. Class “B” Site Plans shall show the following:

- (A) A legal description of the lot; the name, address and telephone number of the owner, developer and designer.
- (B) The boundary lines of the area included in the site plan including angles, dimensions and reference to a section corner, quarter corner, or point on a recorded plat, an arrow pointing north, and the lot area of the land included in the site plan.
- (C) Existing and proposed grades and drainage systems and structures with topographic contours at intervals not exceeding five feet.
- (D) The shape, size, location, height and floor area of all structures; the floor area for the finished ground and basement floor grades.
- (E) Natural features such as woodlots, streams, and lakes or ponds, and manmade features such as existing roads and structures, with indication as to which are to be retained and which are to be removed or altered. Future landscaping designs shall also be indicated.
- (F) Proposed streets, driveways, parking spaces, loading spaces and sidewalks and the total number of parking spaces shall be shown.
- (G) The size and location of all existing and proposed public and private utilities including private sewage systems, wells or water sources.
- (H) The location of all roads, driveways, and buildings within 100 feet of the site.
- (I) A vicinity sketch showing the location of the site in relation to the surrounding street system.
- (J) A permit, or a preliminary written indication from the Road Commission or Department of Transportation that the curb-cut location shown, will likely receive approval from that agency.
- (K) Any other information necessary to establish compliance with this and other ordinances of Mecosta Township.

- (L) The Zoning Board may waive the requirements of a sealed print and topographical requirements when in its discretion it determines these are not necessary for adequate review.

Section 4.3 Review Procedures.

- (A) Upon receipt of a Class “A” Site Plan the Zoning Administrator shall review it to determine whether it is in proper form, contains all the required information, and shows compliance with this and all other ordinances of Mecosta Township. Upon request by the proprietor of the site plan, the Zoning Administrator shall, within ten business days, approve the plan or deny approval in writing.
- (B) All Class “B” Site Plans shall be reviewed and approved by the Zoning Board. The Zoning Board will customarily not require that an application for Class “B” approval be submitted at least 45 days prior to the next Zoning Board meeting, but may consider applications submitted after that time in its discretion, considering the complexity of the request. The Zoning Administrator shall determine whether it is in proper form, contains all the required information, and shall forward it to the Zoning Board and make a recommendation as to whether it shows compliance with this and all other ordinances of Mecosta Township. All actions of the Zoning Board shall be in writing.
- (C) Alterations or structural changes to structures subject to Class “B” review, which do not exceed 25 percent of the total existing ground floor area or 50 percent of the present value of the original structure, may be submitted in the form of Class “A” Site Plan, but shall be subject with Class “B” Site Plan review procedures.

Section 4.4 Site Plan Review Standards.

- (A) The Zoning Administrator or Zoning Board, as applicable, shall review the preliminary and final site plan and approve, approve with conditions, or deny the application based on the purposes, objectives and requirements of this Ordinance, and specifically, the following considerations when applicable:
 - 1. The uses and structures comply with all specific requirements in this Ordinance for the uses and structures proposed, including bulk and density requirements and special requirements for that use or structure provided in the Zoning Ordinance.
 - 2. All elements of the site plan shall be designed to take into account the site’s topography, the size and type of lot, the character of adjoining property and the type and size of buildings. The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Ordinance.
 - 3. Safe, convenient, uncongested, and well-defined vehicular and pedestrian circulation within and to the site shall be provided. Drives, streets and

other elements shall be designed to promote safe and efficient traffic operations within the site and at its access points.

4. The arrangement of public or common ways for vehicular and pedestrian circulation and their connection to existing or planned streets in the area shall be planned to operate in the safest and most efficient means possible.
5. The landscape shall be preserved in its natural state, insofar as practical, by removing only those areas of vegetation or making those alterations to the topography which are reasonably necessary to develop the site in accordance with the requirements of this Ordinance. The Township may require that landscaping, buffers, and/or greenbelts in accordance with Article 3 be preserved and/or provided to ensure that proposed uses will be adequately buffered from one another and from surrounding public and private property.
6. Measures shall be taken to handle storm water so that drainage will not adversely affect neighboring properties, nearby bodies of water or public rights-of-way. Provisions shall be made to prevent erosion and the formation of dust. The use of detention/retention ponds may be required. Surface water on all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic or create standing water.
7. All buildings or groups of buildings shall be arranged so as to permit necessary emergency vehicle access as required by the Fire Department and Sheriff's Department.
8. All loading and unloading areas and outside storage areas, including refuse storage stations, shall be screened from the view of the street and/or adjacent properties.
9. Exterior lighting shall be arranged so that it is deflected away from adjacent properties and so that it does not impede the vision of traffic along adjacent streets. Light fixtures shall comply with the following requirements:
 - (a) All outdoor light fixtures shall be shielded. The intensity of light admitted from the fixture at any cut-off angle of 80 degrees from the vertical, must be less than 10 percent of the peak candlepower of the outdoor light fixture. Light shall not be emitted above a horizontal plane running through the lowest point on the fixture where light is emitted.
 - (b) No outdoor light post shall exceed 23 feet in height, except fixtures serving permitted outdoor athletic and similar permitted uses.

- (c) No outdoor light fixtures shall have a light source that is greater than 400 watts.
 - (d) Applicants for site plan approval may be required to submit manufacturer specifications or other proof of compliance with these requirements.
10. Off-street parking and loading areas shall be provided where required, with particular attention to noise, glare and odor effects of each use in the plan on adjoining properties and properties in the proposed development.

Section 4.5 Approved Site Plans.

- (A) Upon approval of the site plan, the Zoning Administrator or chair of the Zoning Board shall sign two copies thereof. One signed copy shall be made a part of the Township's files and one copy shall be returned to the applicant.
- (B) Each development shall be under construction within one year after the date of approval of the final site plan. The approving official or board may grant extension for up to two years after the date of final site plan approval. Extension shall be approved if the official or board finds that conditions have not changed in the vicinity, no amendments have been made to relevant ordinances, and no existing Zoning Ordinance violations exist on the property.
- (C) Amendments to an approved site plan may be made under the following circumstances:
 - 1. The holder of a valid final site plan shall notify the Zoning Administrator of any proposed amendment to such approved site plan.
 - 2. Minor changes to an approved Class "B" Site Plan may be approved by the Zoning Administrator. The following are considered to be minor changes:
 - (a) Reduction of the size of any building and/or sign.
 - (b) Movement of buildings and/or signs by no more than ten feet.
 - (c) Plantings approved in the site plan landscape plan may be replaced by similar types of landscaping on a one-to-one or greater basis.
 - (d) Changes of building materials to a higher quality, as determined by the Zoning Administrator.
 - (e) Changes in floor plans, which do not alter the character of the use.
 - (f) Internal rearrangement of a parking lot, which does not affect the number of parking spaces or alters access locations or design.

- (g) Changes required or requested by the Township for safety reasons shall be considered a minor change.
3. Should the Zoning Administrator determine that the requested modification to the approved Class “B” Site Plan is not minor, resubmission to the Zoning Board for an amendment shall be required and conducted in the same manner as an original application.

ARTICLE 4A
ACT 177 CLUSTER DEVELOPMENT

Section 4A.0 Act 177 Cluster Development - Purpose and Intent.

Article 4A is adopted for the purpose of implementing Act 177 of the Public Acts of Michigan of 2001 (“Act 177”). In Act 177, the State Legislature mandated that townships which meet certain qualifying conditions (as does Mecosta Township) must provide for clustered residential housing at the developer’s option. The provisions for Act 177 Cluster Developments are in addition to provisions made for Planned Unit Developments under Article 5 of the Zoning Ordinance.

Section 4A.1 Qualifying Conditions.

Land may be developed as an Act 177 Cluster Development only if all of the following conditions are satisfied:

- (A) The subject land is in the R-1, R-2, RR-2 or AF Zoning District (subject to the density provisions below);
- (B) The applicable zoning regulations permit development at a density equivalent to two or fewer dwelling units per acre, if the land is not served by a public sewer system; or at a density equivalent to three or fewer dwelling units per acre, if the land is served by a public sanitary sewer system;
- (C) Construction of an Act 177 Cluster Development shall not depend upon the extension of public sanitary sewer or public water to the land, unless the development of the land without the exercise of the Act 177 Cluster Development option would also depend on extension of these utilities; and
- (D) The Act 177 Cluster Development option provided pursuant to this article shall not have previously been exercised with respect to the same land.

Section 4A.2 Uses Permitted.

- (A) In the R-1, LR or AF Districts, only detached single-family dwellings, state licensed family care facilities, family day care homes, home occupations, and accessory buildings, structures and uses are permitted.
- (B) In the R-2 or RR-2 Districts, only detached single-family dwellings, two-family dwellings, state licensed residential family care facilities, family day care homes, home occupations, and accessory buildings, structures and uses are permitted by right. Multiple family developments may be permitted in an Act 177 Cluster Development in the RR-2 District, only if separately approved as a special land use.
- (C) An Act 177 Cluster Development may be a site condominium, subdivision, or land division if sufficient divisions are available.

Section 4A.3 Special Application and Review Procedures.

- (A) Except for the additional requirements provided in this article, the application shall be reviewed in accordance with Article 4, Class “B” Site Plan review.
- (B) Except for the additional information required by this article, the application materials shall be as required for Class “B” Site Plan approval under Article 4. If an Act 177 Cluster Development is proposed as a subdivision, then the applicant must also submit information in the content and form required by the Township Subdivision Ordinance.
- (C) In addition to the application materials otherwise required by Article 4, an application for an Act 177 Cluster Development shall include the following:
 - 1. A parallel plan, which demonstrates the number of dwelling units that could be developed on the land under its existing zoning, without PUD approval or any variance. The parallel plan shall include at least the following information:
 - (a) Date, north arrow and scale. The scale of the drawing shall not be more than 1” = 100.
 - (b) Location and dimensions of streets and driveways, and computation of total area included in rights-of-way.
 - (c) Lot layout, dimensioned to show lot area and width.
 - (d) Location of all public or private utilities and improvements that would be necessary to serve a development and which would not be located within any public road right-of-way or private street easement or on buildable lots. Such utilities include, but are not limited to, storm water retention or detention basins, community sewage treatment systems and community water supply facilities.
 - (e) If development under the parallel plan would require the use of septic tanks, drain fields and/or water wells, the location of all septic tanks and drain field areas, and water well locations. The applicant shall submit proof that the proposed septic tank, drain field and water well location for each lot would be approved, or has been approved, by the Mecosta County Health Department.
 - (f) The parallel plan shall illustrate and dimension all land, with slopes of 20 percent or greater, regulated and unregulated wetlands, public utility easements, floodplains, and other similar features which limit or prevent construction of buildings or roads.
 - 2. A copy or excerpt of the legal instrument that would provide for preservation of open space. At a minimum, the legal instrument shall:

- (a) Indicate the proposed permitted use of the undeveloped open space.
 - (b) Require that the open space be maintained in perpetuity in an undeveloped condition, without buildings, structures or other improvements, except such drainage improvements, utility lines, riding trails, hiking trails, picnic areas, park or playground equipment, agricultural structures or similar improvements that are approved by the Township.
 - (c) Provide for maintenance of the undeveloped open space by its owners or co-owners.
3. The site plan for an Act 177 Cluster Development shall also include the following information:
- (a) The portions of the land that are proposed to remain in a perpetually undeveloped state and the portions of the land that will be used for development, including building lots, street rights-of-way, drainage and other facilities needed for the development.
 - (b) The total number of acres proposed to remain in a perpetually undeveloped state, the number of acres proposed to be for development, and the percentage of each, as compared to the total site acreage.
 - (c) The location of all proposed lots and proposed building envelopes and the lot area and width of each lot, and a demonstration that the minimum front, side and rear yard building setbacks of the district can be satisfied. The number of proposed lots on the site development plan shall not exceed the number of lots on the parallel plan, as approved by the Township.
4. A sketch or aerial photograph of adjacent lands, showing all natural features and improvements on those lands.

Section 4A.4 Standards of Review.

- (A) **Maximum Number of Lots.** The maximum number of lots in an Act 177 Cluster Development is the maximum number of complying, feasible lots which could be developed on the land in question if each lot met the minimum requirements of the zoning district in which it is located, as determined by the Township based on the parallel plan. In making this determination, the following standards apply:
- 1. Regulated wetlands and areas of slope greater than 20 percent shall be assumed to be unusable for roads, driveways, or residential buildings. If a parallel plan shows roads, driveways, or residential buildings in such

areas, the applicant has the burden of proving that these areas could be developed lawfully, practically and cost effectively.

2. Each lot shall meet the minimum requirements for the zoning district in which it is located, including satisfaction of minimum lot width and area, without variance. The applicant shall demonstrate that there is sufficient buildable area on the property that a building with a footprint at least equal to a one story home meeting the minimum requirements for floor area could be constructed, in full compliance with all setback requirements and other zoning ordinances, and that a septic system and well (if applicable) could be installed and safely used for that unit.
3. The parallel plan shall include roads within development which meet the standards for public roads or private roads. The applicant shall demonstrate that the layout of rights-of-way provide for a practical, workable, and cost efficient provision for utilities, including storm water management and other facilities necessary to serve the development.

(B) **Required Open Space.** At least 50 percent, but no more than 60 percent, of the land proposed for an Act 177 Cluster Development shall remain in a perpetually undeveloped state by means of a conservation easement, plat dedication, restrictive covenant, or other legal instrument. The following areas shall not constitute open space:

1. The area within all street rights-of-way.
2. Any easement for overhead utility lines.
3. The area within a platted lot, site condominium unit or metes and bounds parcel intended to be occupied by a structure not permitted to be located in open space.
4. Off street parking areas.
5. Detention and retention ponds.
6. Any area devoted to public or common community sewage disposal systems.
7. Any golf course.
8. Bodies of water.

(C) **Standards for Open Space.** The following standards shall apply to the required open space:

1. A portion of the open space shall be located along the public street frontage abutting the land. The depth of this area shall be at least 50 feet,

not including public right-of-way, and this area shall be left in its natural condition or be landscaped to help to preserve or enhance the existing views.

2. Open space shall be located so as to preserve the most significant natural resources, natural features, scenic or wooded areas, bodies of water, wetlands or agricultural land on the site, or to serve as a buffer for neighboring property owners or public rights-of-way. Location of open space shall be located to give preference to buffering of neighboring properties and public rights-of-way. Landscaping and screening may be required if deemed appropriate by the Township to create or supplement a buffer between adjacent properties.
 3. The open space may include a recreational trail, picnic area, children's play area, greenway, linear park, agricultural use or other similar use, if determined by the Township to enhance the open area.
 4. The open space shall be available for all residents of the development (subject to reasonable rules and regulations), and located to be reasonably accessible to residents.
 5. If the land contains a lake, stream or other body of water, the Zoning Board may require that a portion of the open space abut the body of water. If open space does abut a lake or stream, the legal instrument governing the common area shall make provision, satisfactory to the Township, that there will be full compliance with Township regulations governing minimum frontage for each residential unit which utilizes the body of water, and the common space shall not be utilized as a device to avoid Township regulation of water access.
 6. All or part of required open space may be dedicated to the public, upon approval of the Township. The Township retains sole discretion whether to accept land proposed to be dedicated to the Township.
 7. No buildings, structures, or improvements may be located in the designated open space, except structures or improvements approved by the Township which promote the purposes of the open space, such as playground or athletic equipment, or agricultural structures within open space designated for agricultural use.
- (D) **Compliance with Zoning District.** The development of lands under this article shall otherwise comply with all requirements of this Ordinance applicable to the zoning district in which the land is located, including compliance with setback and yard size requirements for each lot.
- (E) **Uniform Lot Size.** Lots for dwellings in the clustered portion of the development shall be as uniform in area as is reasonably practicable.

- (F) **Required Width.** Each lot shall have a minimum lot width of 80 feet, or 75 feet for lots with public sanitary sewer service or public water. A reduction in lot width shall not excuse compliance with setbacks for buildings to be located on the lots.
- (G) **Grading.** Grading within the clustered development shall comply with the following requirements:
1. To preserve the natural appearance of the land, grading shall be kept to a minimum. Specific requirements may be placed on the area of land to be graded.
 2. All areas indicated as open space on the approved development plan shall be undisturbed by grading, excavating, structures or otherwise, unless approved by the Township based on a finding that the disturbance enhances the open space.
 3. Grading shall be planned and carried out to avoid erosion, pollution, flooding or other adverse effects upon the land.
- (H) **Streets.** All streets shall be public, unless private streets are separately approved by the Township as a special land use pursuant to this Ordinance.
- (I) **Legal Instrument.** The legal instrument preserving open space shall do so in a manner which complies with the ordinance and Act 177 in an effective and practical manner. The Township attorney must review and approve the legal instrument prior to recording.
- (J) **Other Laws.** The development of an Act 177 Cluster Development is subject to all other applicable Township ordinances, state and federal laws, rules and regulations, including, but not limited to, rules relating to suitability of groundwater for on-site water supply for land not served by a public water system, and rules relating to the suitability of soils for on-site sewage disposal for land not served by public sanitary sewers.

ARTICLE 5
SPECIAL LAND USES; STANDARDS FOR USES
PERMITTED BY RIGHT AND/OR SPECIAL LAND USE;
PLANNED UNIT DEVELOPMENT; SITE CONDOMINIUMS

Section 5.0 General Regulations.

Uses requiring special permits are those uses which are not essentially incompatible with the uses permitted in a zoning district; but possess characteristics or locational qualities which require individual review and restriction in order to avoid incompatibility with the character of the surrounding area, public services and facilities and adjacent uses of land.

Proposed uses will be evaluated according to their compatibility with the nature, extent and density of the surrounding area. A special permit use must be consistent with the Mecosta Township Land Use Plan and with the intent of the zoning district in which it is to be located.

Special permit uses may be permitted only in those zoning districts where they are designated by this Ordinance. They may be permitted only when specifically approved by the Zoning Board in accordance with the provisions of this Ordinance.

Prior to approval of a special use permit, the Zoning Board shall insure that the standards specified in this article, as well as standards established elsewhere in this Ordinance shall be satisfied.

This article also includes specific standards applicable to identified uses which are permitted with special land use approval or by right in the zoning districts, and provides for planned unit developments and site condominiums.

Section 5.1 Procedure.

- (A) An application for a special use permit shall be accompanied by a Class “A” or “B” Site Plan, as applicable, (unless otherwise specified) prepared in accordance with Article 4, and a statement with regard to compliance with the requirements of this article and any other provisions of this Ordinance.
- (B) The application shall be submitted through the Zoning Administrator to the Zoning Board. Notice of the public hearing for the special land use shall be given in accordance with Section 8.7 of this Ordinance.
- (C) Special land use applications shall satisfy all of the following requirements:
 - 1. All special uses shall, at a minimum, be subject to the general regulations for structures, uses, lots, yards and vehicles contained in this Ordinance, as well as the specific dimension and area regulations for lots and structures in the specific zoning district.
 - 2. The nature, location and size of the special use shall not change the essential character of the surrounding area, nor disrupt the orderly and

proper development of the district as a whole. The use shall not be in conflict with, or discourage the principal permitted uses of the adjacent or neighboring lands or buildings, and the location, scale, and intensity shall be compatible with the environment, adjacent uses and zoning of land, and shall not be in conflict with the natural environment and shall conserve natural resources and energy.

3. The special use shall not diminish the value of the land, buildings, or structures in the district, shall represent an improvement to the property under consideration, shall promote the use of land in a socially and economically desirable manner. The use shall not adversely impact the social and economic well-being of those who will use the proposed land use or activity; residents, businesses, and landowners immediately adjacent; or the Township as a whole.
 4. The water supply and sewage disposal system shall be adequate for the proposed special use, however the use shall not overburden any existing services or facilities and shall be consistent with existing and future capabilities of public services, utilities and facilities affected by the proposed use.
 5. Uses by special permit shall not be significantly more objectionable to nearby properties and shall not be located or designed so as to be detrimental to the public health, safety and welfare by reason of traffic, noise, vibrations, dust, fumes, odor, smoke, glare, flashing lights or disposal of waste than the operation of any principal permitted use, nor shall the use increase hazards from fire or other dangers to either the property or adjacent property.
 6. The special use shall be consistent with the intent and purpose of this Ordinance and in conformance with the intent of the Mecosta Township Land Use Plan, shall be compatible with the natural environment, and shall protect the public health, safety and general welfare.
 7. The proposed use shall be designed, constructed, operated and maintained to comply with the site plan review standards of Article 4.
- (D) The Zoning Board may impose conditions with permit approval, pursuant to Section 8.0, which are necessary to insure compliance with the standards contained in this Ordinance. Such conditions shall be considered an integral part of the special use permit and shall be enforced by the Zoning Administrator.
- (E) Approval of a special use permit shall be valid regardless of change of ownership, provided that all terms and conditions of the permit are met by any subsequent owners.
- (F) Special use permits shall be reviewed annually to insure compliance.

- (G) In instances where development authorized by a special use permit has essentially changed in nature, extent or character or has not commenced within one year from the date of issuance, the Zoning Board shall review the permit in relation to the applicable standards and requirements of the Ordinance.
- (H) Minor changes in the location site or character of the building and structures may be authorized by the Zoning Administrator, if required by the engineer or if other required circumstances occur not foreseen at the time the special use permit or final development plan was approved. No changes so authorized may cause a change in the use, character, or intent of the development, an increase in the intensity of use, changes in the overall coverage of structures, or problems of traffic circulation, utility services, or similar services, or reduction in the approved open space, off street parking and loading space, or pavement width requirements. All other changes in use, rearrangement of lots, blocks, or building tracts, or any changes other than listed above must be made by the Zoning Board in accordance with the other procedures of Section 5.1 and of this Ordinance. Any changes which are approved must be made and recorded in accordance with the procedures established for the recording of the initial special use permit or final development plan, and as specified in Section 8.0.
- (I) Special land use approval shall expire unless property is in use or under construction within one year after the date of approval of the special land use. Extension for up to two years after the date of special land use approval may be granted upon request of the applicant. Extension shall be approved if the Zoning Board finds that the conditions have not changed in the vicinity, that no amendments have been made to relevant ordinances, and that no existing zoning ordinance violations exist on the property.

Section 5.2 Site/Use Design Standards.

Those uses below regardless of being permitted by right or by special use permit shall be subject to all of the following conditions and requirements as enumerated in addition to the other regulations of this Ordinance. These are intended to be minimum standards for the uses specified. If general standards imposed by this Ordinance exceed the standards imposed in this section, the more stringent standard shall apply.

- (A) **Airports (licensed).**
 - 1. Licensed airports shall follow all rules as established by the Federal Aviation Administration and Michigan Department of Aeronautics.
 - 2. Runways shall be oriented so that no existing structure is located within the approach path, 1,000 feet from the end of a runway.
 - 3. Airport locations should avoid existing residential areas and adjacent land at which large numbers of people are assembled or are expected to assemble; uses which may create electrical interference, expose glaring

lights, emit dust, smoke, fumes or vapors which will limit visibility; attract birds; or be adjacent to noise sensitive areas.

(B) **Campgrounds.**

1. Minimum parcel size of ten acres, with direct access to an improved gravel or paved public road.
2. Overall gross density shall not exceed as follows:
 - (a) Modern campgrounds (providing on-campsite utilities such as electricity, water, etc.): six camping sites/acre.
 - (b) Primitive campgrounds (without providing the above facilities): five camping sites an acre.
3. Minimum campsite size shall be 2,500 square feet with a minimum width of 35 feet for both modern and primitive.
4. No vehicle, trailer, or tent shall be erected or placed within ten feet of any road right-of-way.
5. A minimum 50 foot setback (greenbelt) shall be maintained along the perimeter of the campground.
6. Campgrounds which enter and/or exit on paved county primary roads shall be required to have acceleration and deceleration lanes as approved by the Road Commission or Michigan Department of Transportation.
7. Accessory buildings may be permitted to provide retail services that are customary and necessary for camping related activities.
8. Waterfront setbacks as specified in Section 2.5(D) shall be maintained, except for bathing beaches, marinas and similar waterfront activities.
9. Screening shall be required in accordance with Sections 3.2 and 3.9.
10. Areas used for boat launching shall be subject to provision of Township ordinance, if any, on waterfront usage and boat launching.
11. **Mini Cabins.** A mini cabin shall be classified as a recreational camping structure with a minimum size of 120 square feet and a maximum of 300 square feet living area. Mini cabins shall be permitted provided the following requirements are met:
 - (a) Mini cabins shall be sited in a licensed campground on an approved lot (limit one cabin per lot).

- (b) Mini cabins may have permanent electrical connections, but no other permanent utility hookups.
- (c) Mini cabins shall meet all requirements for density, setback and any other applicable zoning requirements that apply to tents, trailers and recreational vehicles sited within the campground.
- (d) Mini cabins shall be occupied on a temporary basis, which shall be defined as a period not to exceed 14 days by any one individual, group or family.
- (e) No more than 20 percent of the licensed campground lots shall be developed in this manner.

(C) Churches.

- 1. Minimum lot size of at least one acre and 200 feet road frontage.
- 2. Located on a paved or improved public road.

(D) Convalescent and Nursing Homes.

- 1. Minimum lot size shall be two acres; 165 feet road frontage along a paved public road.
- 2. The facility shall be designed to provide a minimum of 1,500 square feet of open space for every bed used or intended for use.
- 3. Minimum setback requirements shall be 75 feet for all structures from all property lines.

(E) Funeral Homes.

- 1. Located no closer than 100 feet from an existing residence.
- 2. Appropriately screened from adjoining residences.

(F) Fur Farms and Feedlots.

- 1. Minimum lot size shall be ten acres, with at least 330 feet of road frontage.
- 2. Isolated from any residences not within the district by at least 500 feet.

(G) Golf Courses and Country Clubs.

- 1. Minimum lot size 20 acres.
- 2. Main or accessory buildings shall be setback at least 100 feet from all property lines.

(H) **Hazardous or Toxic Material or Explosive Storage.** A letter from the County Health Department or the Department of Public Health, State Fire Marshall, Department of Natural Resources or similar governing body indicating evidence of compliance with appropriate state law.

(I) **Junk Yards.**

1. Minimum lot size shall be 20 acres.
2. Setbacks for all structures, fencing and junk materials shall be as follows:
 - (a) All structures used for offices or enclosed retail sales areas shall be at least 50 feet from all property lines.
 - (b) All junk material shall be stored in an enclosed/fenced area at least 100 feet from all road right-of-ways and 50 feet from all other property lines.
3. Junk materials shall be screened from all roadways, and adjoining residential or commercial uses by an eight foot high obscuring fence or masonry wall which is landscaped in accordance with Section 3.9(C). All plant screens shall be within five feet of the fence or wall.
4. Dust and dirt from all roads, driveways, parking lots and loading and unloading areas within any junkyard shall be controlled to limit public nuisance.

(J) **Kennels and Outdoor Boarding Facilities.**

1. Minimum lot size shall be two acres.
2. No building where animals are kept, animal runs and/or exercise areas shall be located nearer than 150 feet to any existing residential use, and no closer than 100 feet from the front lot line.

(K) **Large Public and Semi-private Institutions (Hospitals, Schools, etc.).**

1. Minimum lot area shall be five acres with a minimum building setback of 100 feet from all property lines.
2. Access for off street parking and emergency entrances shall be from a paved public road.
3. Emergency entrances, power plants, laundry areas, and gas or storage containers shall be screened from view and located at least 300 feet from any existing residences.

4. Structures which are designed for occupancy of less than 150 people are exempt from these restrictions, but shall still require special permits, where applicable.

(L) Mineral Extraction.

1. Small scale mineral extraction operations are permitted by right in all zoning districts, with Class “A” site plan approval. The extraction must involve the removal of not more than 1,000 cubic yards of material, and must be reclaimed, as the mining progresses. Exposed side slopes will be stabilized. Reclamation shall begin in conjunction with the mining of any adjacent areas and there shall be a maximum exposure of five acres at any one time. The Zoning Administrator may impose some or all of the same conditions imposed by this section upon larger scale mineral extraction operations.
2. Mineral extraction operations shall comply with the following setback requirements:
 - (a) All areas used for extraction shall be at least 150 feet from all property lines.
 - (b) All structures shall be at least 75 feet from all road rights-of-way and 50 feet from all other property lines.
3. In addition to general standards applicable to all special land uses, the operation shall satisfy the following requirements:
 - (a) The haul route to and from the removal area shall be designed to promote safe entrance onto public highways, and to minimize noise and dust to adjacent properties. Acceleration and deceleration lanes may be required to enhance traffic safety.
 - (b) The applicant shall demonstrate appropriate dust control measures. The Zoning Board may place additional requirements on dust control, including tire baths, paving of access roads, and other measures.
 - (c) Hours of operation for non-processing activities shall be limited to between 7:00 a.m. and 7:00 p.m., Monday through Saturday. There shall be no operations on New Year’s Day, Memorial Day, Fourth of July, Labor Day, Thanksgiving or Christmas. The Zoning Board may further limit or prohibit Saturday operations, and further limit hours of operation depending upon existing or expected nearby land uses, traffic patterns on roads used by the operation, or other relevant local considerations.

- (d) The applicant shall include a description of the types of mechanical processing. Equipment used for crushing, sorting and similar mechanical processing shall be located 500 feet from any property line if feasible. If not feasible, the equipment shall be located as close to the center of the property as possible or as far away from property which is occupied or anticipated to be occupied as possible. The Zoning Board may impose limitations on the seasonal duration of processing activities to make these activities as compatible as possible with nearby uses. Mineral processing activities shall be limited to the hours of 7:00 a.m. to 5:00 p.m., Monday through Friday.
- (e) The Zoning Board may limit or prohibit burning of brush or other materials.
- (f) Areas permitted for storage of equipment or vehicles shall be designated on the site plan. Only equipment used in extraction or transportation of materials from the site shall be stored at the site.
- (g) The applicant shall install the quietest lawful beepers available on all equipment that will be used on the premises.
- (h) Where the situation warrants, (based upon proximity to neighboring property, for example), the Zoning Board may require that any hauling trucks that must wait longer than five minutes before loading shall be turned off. Trucks on the premises shall not use compression release engine brakes, engine brakes or exhaust brakes, or a similar type of braking system, except in case of emergency.
- (i) The applicant shall present a site plan showing the maximum depth of excavation, and no mineral resource activity shall occur below the approved elevation.
- (j) Unless the Zoning Board otherwise approves, the area of the site which may be under extraction at one time shall be not more than 5 acres, and that area shall be reclaimed prior to or simultaneously with the opening of any other area for excavation.
- (k) The Zoning Board may require screening and buffering of uses within the extraction operation.
- (l) The applicant shall obtain all required soil erosion and sedimentation control permits and other permits.
- (m) The Township may designate a primary haul route to and from the site, in order to direct traffic to less traveled roads or less populated areas, where feasible.

- (n) The Township may require that the operator post a sign at the operation, giving notice to hauling trucks and others, on limitations on idling, use of compression release engine brakes, haul routes, hours of operation, and other limitations.
- (o) The excavation shall protect existing watercourses.
- (p) The applicant shall prepare a reclamation plan showing the final contour and use of the property. The reclamation shall comply with the following standards:
 - (i) Final grades shall be harmonious with existing neighboring grades and shall not be in excess of 4:1. No topsoil shall be removed from the property, unless demonstrably necessary for the proper intended use of the property. All remaining topsoil shall be re-distributed properly upon termination of the extraction operation.
 - (ii) All final grades shall be planted with approved ground cover.
 - (iii) The creation or enlargement of a lake shall only be permitted where the applicant demonstrates that such water will not become polluted or stagnant; submits a plan for future use of the lakeshore and lake; and shows that the lake has been approved by the Department of Environmental Quality and County Drain Commissioner. The Township may require engineering or hydrogeological studies for verification.
 - (iv) The Zoning Board may require posting of financial security to ensure reclamation.
- (q) In its approving resolution, the Zoning Board may reserve the right periodically (but not more often than annually), review the restrictions on operation and make adjustments based upon operational experience.

(M) Motels/Hotels.

1. Minimum lot size shall be at least one acre, however each motel shall have at least 3,000 square feet or land area per lodging unit; there shall also be at least 200 feet road frontage along a paved public road.
2. Minimum setbacks for all structures shall be 50 feet from the front lot line and 20 feet from side and rear.
3. A minimum landscaped open space of 30 percent shall be maintained.

(N) **Outdoor Concerts, Festivals and Large Public Gatherings.** Events which have a participant capacity greater than 500 people are subject to the following regulations:

1. Minimum lot size shall be 40 acres, with 660 feet of road frontage on an improved public road.
2. Present a Class "A" Site Plan showing: access roads, entrances and exits, separate emergency exits, parking areas, camping areas (if any), festival or event areas, and all other information as required in a Class "A" Site Plan (see Article 4).
3. Evidence of compliance with all state and local permits and licenses.
4. Letters from the county sheriff or state police, County Road Commission, and the Township Board where the event is occurring indicating their recognition and assessment of the event.
5. A statement outlining the final disposition of all structures, roads and related facilities following the termination of the event.

(O) **Communication Towers, Including Radio, Television and Other Transmission Towers.**

1. The setback requirements for each tower from the existing off premises primary uses and structures shall be at least equal to the height of the tower.
2. The base of the tower shall have an open weave wire fence six feet in height.
3. Buildings in excess of 500 square feet used in conjunction with radio, television and transmission towers, may be permitted if approved by special use permit, Section 5.0.
4. In order to accommodate the communication needs of residents and business while protecting the public health, safety, and general welfare of the community, the Township finds that these regulations are necessary in order to:
 - (a) Facilitate the provision of wireless communication services to the residents of the Township.
 - (b) Minimize adverse visual effects of towers through careful design and siting standards.
 - (c) Avoid potential damage to adjacent properties from tower failure through structural standards and setback requirements.

- (d) Maximize the use of existing and approved towers and buildings to accommodate new wireless communication antennas in order to reduce the number of towers needed to serve the community.

5. **Qualifying Conditions.** The following site and development requirements shall apply:

- (a) All tower sites shall have a minimum area sufficient to contain the tower and its accessory uses. The site shall have permanent deeded access to a public road.
- (b) The use of guy wires is prohibited in residential districts.
- (c) The base of the tower and wire cable supports shall be fenced within a minimum five foot high fence.
- (d) All towers over 30 feet in height shall require a special use permit.

6. **Special Performance Standards.**

- (a) The tower must be setback from all on-premises structures, and all property lines a distance equal to its height. This setback may be reduced based on an engineering review of the likely “fall zone” of the tower in case of collapse or failure. The applicant shall incur all costs associated with Township engineering review.
- (b) All tower, wire cable supports, equipment and accessory structures associated with the operation of the tower shall not be located any closer than 30 feet to any property line or within the zoning district setback.
- (c) Accessory structures shall not exceed 600 square feet of gross building area.
- (d) No new tower shall be approved unless the applicant can document that the co-utilization of an existing tower, or utilization of an existing structure is not available.
- (e) All towers shall have all ladder or climbing rungs removed within 20 feet of the ground to prevent unauthorized access.
- (f) The tower construction plans shall be prepared by a professional engineer qualified in structural engineering practices.
- (g) The applicant shall provide verification that the antenna mount and structure have been reviewed and approved by a professional engineer and that the installation is in compliance with all applicable codes.

- (h) All towers and antennas must be the standards of the Federal Aviation Administration and Federal Communications Commission.
- (i) All steel towers must meet the requirements of the current revision of the Telecommunications Industries Association/Electronic Industries Association (T.I.A./E.I.A.) 222 titled "Structural Standards for Steel Antenna Towers and Antenna Supporting Structures."
- (j) All signals and remote control conductors of low energy extending substantially horizontally above the ground between a tower or antenna and a structure, or between towers, shall be at least eight feet above the ground at all points, unless buried underground.
- (k) Towers shall be located and operated so that they do not interfere with radio, television, audio, video, electronic, microwave or other reception in nearby areas.
- (l) Towers shall be located so there is room for vehicles doing maintenance to maneuver on the property owned and/or leased by the applicant.
- (m) Minimum spacing between tower locations shall be one mile in order to prevent a concentration of towers in one area, except when expressly permitted by the Zoning Board. In allowing spacing closer than one mile, the Zoning Board shall find that topographical factors determine that proposed site is necessary for adequate coverage, or that an alternate site to meet the spacing requirements would lead to placement of a tower in an area that is more densely populated, or which contains more attractive natural features.
- (n) Towers shall not be artificially lighted unless required by the Federal Aviation Administration.
- (o) There shall not be displayed on the tower advertising or identification of any kind intended to be visible from the ground or other structures, except as required for emergency purposes.
- (p) The antenna shall be painted to match the exterior treatment of the tower. The chosen paint scheme should be designed to minimize off-site visibility of the antenna.
- (q) Structures shall be subject to any state and federal regulations concerning non-ionizing electromagnetic radiation. If more restrictive state or federal standards are adopted in the future, the antenna shall be made to conform to the extent required by such

standard or the special use approval will be subject to revocation by the Township Board. Cost for testing and verification of compliance shall be borne by the operator of the antenna.

- (r) There shall be no employees located on the site on a permanent basis to service or maintain the antenna.
- (s) Where the property adjoins any residentially zoned property or land use, the tower owner shall provide and maintain appropriate screening harmonious to the area.
- (t) The tower shall be removed by the property owner or lessee within six months of being abandoned by all users. A performance bond sufficient to cover the cost of removal of the tower, may be required as a condition of the special use permit. Also, in case of approval of a new tower, the Zoning Board may require removal of any existing tower, replaced by the new tower, as a condition of approval.
- (u) All steel towers and structures must be inspected at least every three years in compliance with the T.I.A./E.I.A. standards and such inspection compliance certified to the Township.
- (v) All wireless communication service providers shall cooperate with other wireless communications service providers in co-locating additional antennas on antenna support structure and/or existing buildings or other alternative antenna support structures. A wireless communication service provider shall exercise good faith in co-locating with other service providers and sharing antenna sites, provided that such shared uses does not give rise to a technical level impairment of the ability to provide wireless communications service. Such good faith shall include sharing of technical information to evaluate the feasibility of co-location. In the event that a dispute arises as to whether a provider has exercised good faith in accommodating other providers, the Township may require a third party technical study at the expense of either or both of such providers. Co-location may be required as a condition of approval for a new tower. In considering whether the parties have acted in good faith in seeking or allowing the lease of sites on a tower, market rates, customary terms and conditions of lease, and technical feasibility shall be considered.

(P) Sawmills - Temporary and As a Home Occupation.

1. **Temporary Sawmill.** A temporary sawmill may be permitted for a maximum of 30 days, subject to extension for an additional 30 days by the Zoning Administrator upon satisfactory showing that there are extenuating

circumstances, such as weather conditions, requiring extension. Only trees grown on the property where the sawmill is located may be processed. The property on which the sawmill is located must be cleaned up, by removal of equipment, slabs, scraps, sawdust, brush, and other materials not more than 60 days after the operation has ceased.

2. **Sawmills as a Home Occupation.** Small family owned/operated sawmills, are facilities for the processing of forest products. These operations are intended to be portable and/or small in processing capabilities and may be permitted by right in the AG and AF Districts as a home occupation. The use shall comply with all standards generally applicable to home occupations, except where different or additional standards are provided below. Once the sawmill exceeds the home occupation standards of this Ordinance or any of the standards listed below, they must relocate to an industrial zone if the operation is to be continued.
 - (a) Applications for new or expanded sawmills as a home occupation shall be submitted to the Zoning Administrator for review and evaluation based upon the criteria established herein. The use must be determined by the Zoning Administrator to be consistent and compatible with the general character of the immediate area and otherwise meet the requirements of all ordinance criteria. The use must be reviewed annually by the Zoning Administrator to verify compliance with the Ordinance and any conditions of approval.
 - (b) A “Class A” site plan in accordance with Article 4 of the Zoning Ordinance shall be prepared for review and approval by the Zoning Administrator.
 - (c) New and expanded milling operations shall not be permitted on any site directly adjacent to any residential zoning district.
 - (d) The use of a portable chipper, stud mill, or other similar processing equipment as well as any storage or accessory buildings located on the site shall be set back at least 50 feet from any property line. Setbacks from any existing off-premises dwelling shall be at least 500 feet.
 - (e) Vehicle access to the site shall be located off of a public road suitable to accommodate both vehicular and truck traffic. Adequate parking and loading areas shall be provided and shall be constructed of gravel or stone surface.
 - (f) The sawmill shall not operate outside of the hours of 8:00 a.m. to 6:00 p.m. Monday through Saturday.

- (g) Not more than one semi-tractor trailer (maximum of 11 axles), load of timber may be brought to the site for processing, per week.
- (h) No more than 1,000 board feet of processed lumber shall be produced in any one day.
- (i) Not more than 30 cubic yards of sawdust, scrap, by-products or other waste shall be allowed to be stored at the site. All materials in excess of that amount shall be removed or properly disposed. Storage area for waste materials and finished products shall be at least 50 feet from property lines and the road right-of-way. The outdoor storage of inoperable equipment, inoperable or unlicensed vehicles, and equipment or vehicle parts shall be strictly prohibited.
- (j) Operations that exceed these specifications shall be required to locate within an industrially zoned area.

(Q) Automobile Repair.

1. Minimum lot size shall be 20,000 square feet, and minimum lot width of 120 feet.
2. Direct access to a paved public road shall be maintained.
3. Service station buildings shall meet district set back requirements, and be located at least 20 feet from any side or rear lot lines.
4. Access to the station shall be no closer than 35 feet to any intersection, residential property, or other drive, and no more than three access points shall be permitted along any frontage road.
5. That portion of the lot area devoted to vehicle access shall be hard surfaced; unpaved areas shall be separated from paved areas by a low barrier or curb.
6. Automobile repair shall be conducted indoors; outside storage of materials are permitted provided they are entirely screened.

(R) Transportation and Warehousing for Industrial Use.

1. Minimum lot size - two acres; minimum road frontage - 200 feet (300 feet on main access roads).
2. Minimum setback and isolation requirements.
 - (a) Front - 150 feet; Rear - 100 feet; Side - 100 feet

- (b) HI District boundary - 200 feet, plus screening with a six foot earthen berm or plant materials. Plantings shall be located within five feet of the property line separating the transportation use and the zoning district boundary line.
- (c) Minimum landscaped open space buffer from any public road right-of-way shall be isolated from property lines, to limit noise and vibration which is in excess of what is normal in the districts of the site in question.

3. **Gradient Standards.**

- (a) Maximum grade change in the property 3 percent.
- (b) Maximum grade changes between the terminal site and the highway entrance ramps: average - 5 percent: maximum - seven percent.

(S) **Truck Stop (Service Centers).**

- 1. Minimum lot size: two acres; minimum lot width 200 feet on service roads (300 feet on main access roads).
- 2. Minimum setback and isolation requirements:
 - (a) For all structures: front - 150 feet; rear - 100 feet.
 - (b) Fuel pumping stations: right-of-way - 25 feet; all other property lines - 35 feet.
 - (c) From any existing residential/or motel uses located of the lot - 200 feet, plus screening with either a six foot earthen berm or plant materials. Planting shall be within five feet of the property lines - 35 feet.
 - (d) Trucking service areas shall be separated from passenger automotive service areas.
- 3. Three access points may be permitted; minimum distance between access points shall be 200 feet.
- 4. All vehicular areas shall be physically separated by a barrier or landscaped area from any non-vehicular areas; one way traffic patterns shall be encouraged.

(T) **Keeping of Equine in Residential Districts.** The keeping of equine and use of horses or other equine in private stables is permitted by right in the AF District, or with special land use approval in the R-2, RR-2 and LR Districts. The intent of

this section is to allow the keeping and use of horses solely for the pleasure of the owners and occupants of the premises, subject to the following conditions:

1. **Minimum lot size.** There shall be provided not less than five pastured acres for a maximum of four horses with a minimum of one acre per horse being fenced.
2. **Fencing.** A fence shall be erected around the premises provided for the outside use of any horse or any other equine. Said fence shall not be less than four feet high and shall be constructed of a suitable material to contain the animals at all times.
3. **Size location on lot.** A stable building or shelter must be provided and no structure for the stabling of horses or other equine shall be smaller than will adequately house such animals, minimum size allowed 100 square feet per animal. No stable building shall be erected closer to any side or rear lot line than 20 feet, nor closer than 100 feet from any inhabited dwelling. All outdoor areas used as corrals or for storage of manure or waste, shall be located at least 50 feet from all property lines.
4. **Storage of Feed, Etc.** All storage of feed shall be provided in an enclosed building.
5. **Sanitation of Stables.** The stable and premises shall be cleaned as necessary to provide a sanitary condition at all times.
6. Must be approved by special use permit, Section 5.0.

(U) **Nursery Sales/Garden Shop.**

1. A minimum parcel size of one acre shall be required.
2. No nursery sales/garden shop may occupy more than 2,000 square feet of floor area, this includes any canopy, attachment or other outdoor structures. Maximum outdoor storage area shall be limited to 4,000 square feet.
3. Requirements of Article 3 regarding clear vision and driveways must be met.
4. If located on a corner lot, the entrance exit shall be off of the side road.
5. All requirements of the district in which the use is located shall apply.
6. Driveway permits must be obtained per the requirements of the Michigan Department of Transportation P.A. 200 of 1969 for all businesses on any state trunk line.

7. Screening as specified in Article 3 shall be required for all storage areas and waste receptacles.
8. Sign regulations for nursery sale/garden shops shall be as follows:
 - (a) **Auxiliary Signs.** A maximum of one sign not exceeding an area of 32 square feet shall be permitted on site. This sign may be either freestanding or attached to the building.
 - (b) **Changeable Message Signs.** One changeable message sign may be used instead of the auxiliary sign mentioned in (a).
 - (c) **Illumination of Signs.** Illuminated signs shall not be permitted to shine onto residential properties and traveled ways.
 - (d) **Signs Prohibited.**
 - (1) Signs containing flashing, intermittent or moving lights.
 - (2) Signs with moving or revolving parts.
 - (3) Signs affixed to trees, rocks, shrubs, or similar natural features.
 - (4) Signs utilizing vehicles, trucks, vans, or other wheeled devices, or tripod or sandwich board signs.
9. Parking requirements of Article 3 of the Zoning Ordinance shall be applicable.

(V) **Bed and Breakfast Operations.**

1. **Minimum lot size:** In the R-1, R-2 and LR District minimum lot size shall be 20,000 square foot with a minimal width of 100 ft. In the RR-2, AF and AG Districts minimum lot size shall be one acre, excluding the road right-of-way with a minimal width of 200 foot. In the HI District a minimum lot size of two acres with a minimal width of 300 foot shall be required.
2. **Location of Lot.** Bed and breakfast operations shall meet the setback regulations of the Zoning District in which they are located.
3. **Screening.** Appropriate screening may be required by the Zoning Board for any bed and breakfast operation located within the R-1, R-2 and LR Districts.
4. **Size.** Bed and Breakfast sleeping rooms shall occupy no more than a total of 30 percent of the dwelling's unit floor area. Rooms utilized for sleeping shall have a minimum size of 100 square feet for two occupants,

with an additional 30 square feet required for each additional occupant to a maximum of four occupants per room. Lavatories and bathing facilities shall be made available to all persons using any bed and breakfast operation.

5. **Safety Requirements.** Each sleeping room used for the bed and breakfast operation shall have a separate smoke detector alarm and one fire extinguisher. No premises shall be utilized for a bed and breakfast operation unless there are at least two exits to the outdoors from such premises.
6. **Parking.** Two parking spaces plus one additional space per room to be rented must be provided. All parking must be provided for on premises. Tandem parking is allowed; however, not more than two cars per space shall be allowed.
7. **Signs.** An identifying non-illuminated sign (not more than four feet square in size) shall be permitted and can be mounted in the yard. Said sign shall not exceed the total height of six feet. In addition, if a Bed and Breakfast League or comparable organization is established, then a uniform symbol or logo adopted by said organization and not exceeding two square feet may be mounted flat against the wall of the principal building.
8. **Principal Residence.** The dwelling unit in which the bed and breakfast operation takes place shall be the principal residence of the operator or owner and said operator/owner shall live on the premises at all times when the bed and breakfast is in operation.
9. **Meals.** Meals shall be served only to residents and overnight guests.
10. **List of Patrons.** Each operator shall keep a list of the names of all persons staying at the bed and breakfast operation. Such list shall be available for inspection by Township Officials at any time.
11. **Maximum Stay.** The maximum stay for any occupant of a bed and breakfast operation shall be 14 days within a 30-day period.

(W) **Standards for Seasonal Cottages/Mother-in-Law Cottages.**

1. Not more than one structure may be permitted as a seasonal or mother-in-law cottage in addition to the primary residence.
2. The owner of the property must occupy one of the dwellings as their principal residence.
3. The mother-in-law/seasonal cottage may be occupied by not more than one single-family.

4. Each building shall fully comply with all setback and height requirements, the total lot coverage of all buildings shall comply with the maximum lot coverage requirements.
 5. There shall be sufficient off street parking for at least four automobiles on the property.
 6. The cottage must be occupied either: (i) for a term not more than one month by any party or parties; or (ii) on an indefinite basis by a person or persons related by blood, marriage or adoption to the persons who occupy the other dwelling as their principal residence.
- (X) **Storage Buildings for Personal Use.** Storage buildings for personal use on any parcel or lot of record in an agricultural or residential district for the storage of personal items only, are subject to the following conditions:
1. Structures shall be used only for the storage of personal property owned by the owner of the underlying property or lessee or other occupant, or members of persons residing within the household, such as boats, recreational vehicles, ORVs, household goods, or other personal property, but not including equipment or supplies used in the conduct of a business.
 2. The building may not be used for living quarters or for commercial purposes.
 3. The Mecosta Township building officials will have the right to inspect, both interior and exterior, to confirm that said building is not being occupied as a dwelling or sleeping quarters.
 4. Should an inspection be required by the Township a letter will be sent to the building owner and said inspection shall be arranged by the owner within 30 days. The fee for the inspection shall be paid before the inspection is to be conducted. Failure to comply with inspection requirements shall be deemed a violation of the Township Zoning Ordinance and the State Construction Code.
 5. On parcels of less than 20,000 square feet, the size of said building shall be limited to a maximum of 800 square feet.
 6. Buildings shall not exceed 20 feet inside wall height.
 7. On all parcels the building shall be located as to allow for the construction of a future dwelling including the area for a well and septic system as required by the health department.

Section 5.2A Sexually Oriented Businesses.

It is not the intent of this Ordinance to suppress any activity protected by the First Amendment of the United States Constitution or the Michigan Constitution, but to enact a content neutral ordinance which addresses the adverse secondary effects of sexually oriented businesses.

There are some uses which, because of their very nature, are recognized as having serious objectionable operational characteristics, thereby having a deleterious effect upon adjacent areas. Special regulation of these uses is necessary to direct them to appropriate areas and to insure that these adverse effects will not contribute to the blighting or downgrading of the surrounding area. These special regulations are itemized in this section.

A primary goal of regulation of these uses is to direct these uses to appropriate areas of the Township; to minimize and/or prevent the well documented adverse secondary effects of such uses; to minimize the impact on the Township's residential areas and churches, synagogues or other places of religious worship, schools, licensed day care facilities, parks and playgrounds, and other areas where persons congregate, while recognizing that the Township must make reasonable provisions for these uses. Nothing in this section shall be construed as permitting or allowing a violation of any state or federal law.

A sexually oriented business shall be permitted only if approved as a special land use under the terms of this Article. It shall be subject to review and approval under the general standards for all special land uses, Article 4, Site Plan Review, and the following provisions.

(A) Location.

1. A sexually oriented business shall be located only in:

- (a) The HI Highway Interchange District; or
- (b) On lands in the C Commercial District which contain the required minimum frontage for the C District, have a lot depth of at least 400 feet, and abut Eight Mile Road, in the area west from the US-131 interchange to the west section line of sections 22 and 27 of the Township.
- (c) A building in which a sexually oriented business is operated shall be located a distance of at least 300 feet from another building which is a church, synagogue or other place of religious worship, the nearest point of a park or playground, a school building, licensed day care facility, or any residential dwelling.

(B) Signs. Any message, image or picture that depicts or refers to any specified anatomical area or specified sexual activity shall be prohibited. All signs shall comply with the requirements of this Ordinance. Adult products or services or any picture or other representation shall not be displayed so as to be visible from a point outside the establishment.

(C) **Lighting Requirements.**

1. All off-street parking areas and premises entries of sexually oriented businesses shall be illuminated from dusk to closing hours of operation with a lighting system which provides an average maintained horizontal illumination of one foot-candle of light on the parking surface and/or walkways. This required lighting level is established in order to provide sufficient illumination of the parking areas and walkways serving the sexually oriented business to help ensure the personal safety of patrons and employees and to reduce the incidence of vandalism and other criminal conduct.
2. The premises of all sexually oriented businesses, except adult motion picture theaters, shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access to provide an illumination of not less than two foot-candle of light as measured at the floor level.
3. Adult motion picture theaters shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access to provide an illumination of not less than one foot-candle of light as measured at the floor level.

(D) **Exterior Structural Requirements.** All sexually oriented businesses must meet the following exterior structural requirements:

1. The merchandise or activities of the sexually oriented business may not be visible from any point outside the business.
2. The exterior portion of the sexually oriented business or sign may not utilize flashing lights, or any words, lettering, photographs, silhouettes, drawings, or pictorial representations of any specified anatomical areas or specified sexual areas, or any person in a state of nudity or semi-nudity.
3. The exterior of a sexually oriented business shall be painted one neutral color.
4. Upon order of the Zoning Administrator, graffiti appearing on any exterior surface of a building or structure shall be removed and that surface restored within 72 hours of notification of the owner or person in charge of the premises.

(E) **Interior Structural Requirements.**

1. The interior of the premises shall be configured in such a manner that there is an unobstructed view from a manager's station of every area of the premises to which any patron is permitted access for any purpose excluding restrooms. Restrooms may not contain video reproduction or

replay equipment. If the premises have two or more manager's stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose excluding restrooms from at least one of the manager's station. The view required in this subsection shall be by direct line of sight from the manager's station. For an adult cabaret, an equivalent means of assuring consistent monitoring of all areas in which performances take place by management may be approved.

2. A manager's station shall not contain less than 32 square feet of floor area.
 3. No alteration to the configuration or location of a manager's station shall be made without the prior approval of the Township zoning administrator.
 4. Viewing rooms or peep booths shall be separated from other viewing rooms or peep booths by a solid, opaque, uninterrupted physical divider which is a minimum one-inch thick and serves to prevent physical contact between patrons.
 5. No private viewing rooms or booths shall be constructed unless one side is always open to a central public area. No door or drape or similar covering shall be placed on any viewing room or peep booth, and no holes or openings shall be placed or allowed to remain in the wall between any two adjacent viewing rooms or peep booths.
- (F) **Hours of Operation.** Hours of operation of a sexually oriented business shall be limited to 10:00 a.m. to 2:00 a.m.
- (G) **Other Regulations, Permits or Licenses.** The provisions of this section do not waive or modify any other provision of this Zoning Ordinance, any other ordinance of the Township of Mecosta, or any county, state or federal law or regulation.
- (H) **Alcohol Prohibited.** Open alcohol shall not be permitted in any sexually oriented business as defined by this Ordinance, except an establishment licensed in compliance with state liquor laws.
- (I) **Combination of Uses.** A sexually oriented business may include a combination of uses so classified in one establishment, provided there is compliance with this section and ordinance for each such activity.
- (J) **Information Submission.** In addition to the information and documents required to be submitted with an application for a special land use and site plan in accordance with the requirements of this article, an applicant for a special land use to establish a sexually oriented business shall submit the following:

1. A floor plan of the premises showing the following:
 - (a) Location and dimensions of any manager's station, demonstrating that there is an unobstructed view from a least one of the manager's stations of every area of the premises to which any patron is permitted access for any purpose, excluding restrooms.
 - (b) Location of all overhead lighting fixtures, or equivalent lighting plan.
 - (c) Identification of any portion of the premises in which patrons will not be permitted.
 - (d) The location, height, and area of any stage and barrier.
 - (e) A floor plan with identification of the use of each room or other area of the premises.
 - (f) A seating plan for adult cabarets.
 - (g) Other information required by the Township to demonstrate compliance with this Ordinance or appropriate conditions of approval.
2. Upon request of the Township, a current certificate and straight-line drawing, prepared within 30 days prior to the application, by a land surveyor depicting the structure of the sexually oriented business, showing a circle extending at least 300 feet from the building in which the business will be located, and demonstrating there is no church, synagogue, regular place of worship, park, playground, school, licensed day care facilities, or residence within 300 feet of the building in which the business will be located.

(K) **Conditions Requiring Rejection of Special Land Use Application.** The Planning Commission shall not approve a special land use application for a sexually oriented business if it finds one or more of the following to be true:

1. An applicant has failed to provide information required by the Zoning Ordinance or has knowingly answered a question or request for information falsely.
2. The premises to be used for the sexually oriented business have not been approved by the building inspector and the zoning enforcement officer as being in compliance with applicable laws and ordinances.
3. The application for the proposed sexually oriented business is in violation of or is not in compliance with, any of the provisions of this article.

4. The applicant or a director, officer, partner, member, principal manager or chief executive officer of the applicant has operated a sexually oriented business or adult business which was determined to be a public nuisance under laws of any state, county, city, village or township within one year prior to the date of application, or owner has been convicted of any of the following criminal offenses in any jurisdiction within the last ten years:
 - (a) Prostitution, procuring a prostitute, or solicitation of a prostitute.
 - (b) Sale, distribution or display of obscene material.
 - (c) Sale, distribution or display of material which is harmful to minors.
 - (d) Soliciting, procuring or aiding and abetting an unlawful sexual performance by a minor.
 - (e) Possession, sale or distribution of child pornography.
 - (f) Public lewdness.
 - (g) Indecent conduct with a child.
 - (h) Sexual assault or rape.
 - (i) Sexual solicitation of a child.
 - (j) Contributing to the delinquency of a minor.
 - (k) Harboring a runaway child.

In addition to the information required for special land use and/or site plan approval, the applicant shall provide the information requested by the Township at the time of application, and thereafter upon request of the Zoning Administrator, regarding the identity of the applicant, and its director, officers, partners, members or principal managers, and any necessary waivers or permissions in order to allow the Township to obtain a background investigation from the Mecosta County Sheriff's Department to verify the requirements of this subsection.

- (L) **Inspection.** An applicant or owner shall permit all representatives of the Township, Mecosta County and the State of Michigan to inspect the premises of the sexually oriented business for the purpose of insuring compliance with applicable law.
- (M) **Standards of Conduct.** The following standards of conduct shall be adhered to on the premises of the sexually oriented business by the all employees, managers, officers and agents of any sexually oriented business:

1. No employee or live entertainer shall be nude, or unclothed or in such attire, costume or clothing so as to expose to view any specified anatomical areas.
2. No employee or entertainer shall engage in, encourage or permit any live specified sexual activities on the premises of the sexually oriented business.
3. In an adult cabaret, no employee or live entertainer while in view of the patrons on the premises shall appear in semi-nude condition, except (i) in a room which is at least 600 feet in area; (ii) upon a stage which shall be fixed and immovable at least 18 inches above the immediate floor level; and (iii) removed at least one foot from the nearest patron and behind a solid, uninterrupted railing or similar physical barrier which completely separates the entertainer from any patrons. This barrier must be a minimum of 1/4 inch thick, three feet in height, and have no openings between the entertainer and any patrons.
4. A list of food and drink prices shall be conspicuously posted in the common areas of each sexually oriented businesses offering entertainment, or on menus available to customers.
5. Groping, rubbing, massaging, kissing, and similar prolonged physical contact between a patron and an entertainer is prohibited.
6. No entertainment or exhibition occurring on the premises shall be visible at any time from the outside of the premises.
7. An owner, manager, or an employee shall not allow prostitution or solicitation for prostitution on the premises.
8. An owner, manager, or an employee shall not illegally offer for sale or illegally allow to be consumed or possessed upon the premises, or upon any parking areas, sidewalks, walkways, access ways or grounds of the premises, narcotics or illegal drugs or fermented malt, malt, vinous or spirituous beverages, except in compliance with state liquor licensing laws.
9. At least one manager must be on duty and situated in each manager's station, or in the case of an adult cabaret, in a position to view all entertainment at all times that the business is open to the public.
10. All doors to public areas on the premises must remain unlocked during business hours. Customers shall not be permitted in non-public areas.
11. It shall be the duty of the owner, and it shall also be the duty of any agents and employees present in the premises to ensure that any viewing area or peep booth remains unobstructed by any doors, curtain, drapes, walls,

merchandise, display racks or other materials at all times and to ensure that no patron is permitted access to any area of the premises which has been designated as an area in which patrons will not be permitted.

12. No viewing room or peep booth may be occupied by more than one person at any one time.
13. It shall be unlawful to allow a person who is younger than 18 years of age to enter or be on the premises of a sexually oriented business at any time that the sexually oriented business is open for business.
14. It shall be the duty of the operator of each sexually oriented business to ensure that an attendant is stationed at each public entrance to the sexually oriented business at all times during such sexually oriented business' regular business hours. It shall be the duty of the attendant to not allow any person under the age of 18 years to enter the sexually oriented business. It shall be presumed that an attendant knew a person was under the age of 18 unless such attendant asked for and was furnished a valid operator's, commercial operator's, or chauffeur's driver's license; or a valid personal identification certificate issued by the State of Michigan verifying that such person is 18 years of age or older.

(N) **Revocation of Special Land Use Permit.** Following notice and hearing, the Planning Commission may revoke the special land use permit for a sexually oriented business in case of violation of the provisions of this Ordinance applicable to sexually oriented businesses, including but not limited to the following:

1. The applicant or operator fails to maintain the premises of the business in compliance with provisions hereof pertaining to signage, building exteriors, lighting, exterior and interior structural requirements, following notice from the Township and a reasonable opportunity to rectify said violations, or if such violations continue on a repeated basis.
2. In case of repeated and significant violations of provisions of this Ordinance or the conditions of approval pertaining to hours of operation, alcohol use on premises, or standards of conduct.
3. If an owner, director, officer, partner, member or principal manager is convicted of, or is found to have been convicted of any of the criminal offenses specified in subsection (K).
4. If, following consultation with the Mecosta County Sheriff Department or other law enforcement agencies, there have been repeated and significant responses, arrests or convictions at the premises relating to criminal offenses, including the types of offenses specified in subsection (K) hereof, any violations of the Township's anti-nudity ordinance.

Section 5.3 Planned Unit Developments (PUD).

- (A) **Intent.** To permit in all districts, through the planned unit development procedure, greater flexibility in the use of structures and land for the purpose of:
1. Preserving unique environmental or cultural resources.
 2. Creating more collective or common open space.
 3. Providing for a mutually beneficial mix of compatible land uses; or
 4. Encouraging more creative and innovative designs for development, which will promote more economical and efficient use of the land and public services.

- (B) **Discretionary Powers.** In acting upon a PUD application, the Zoning Board may permit land development in a manner that differs from that otherwise required by this Ordinance provided they are not:
1. Contrary to the ordinance spirit or districts intent and purpose;
 2. Significantly inconsistent with the Township land use planning program; and/or
 3. Harmful to the neighborhood or general area in which the PUD occurs.

The Zoning Board may alter setback requirements, height, lot, and building size limits, off-street parking regulations, and landscaping rules within the constraints of this section, but shall not alter the permitted districts gross density limits, unless meeting those conditions stated in this section. It may also authorize uses not permitted in districts where the PUD is located providing such uses are desirable or convenient for the users of the PUD as developed or the immediate neighborhood, and provided that such uses are planned so as to assure that they will not materially alter the existing character of the neighborhood (called auxiliary uses). The development of the PUD shall not create demands on other existing public services in excess of current capacity, nor shall uses be detrimental to the health, safety or welfare of persons or property through excessive production of traffic, noise, smoke, odor, fumes or glare.

- (C) **Application Procedure.** The provisions of this section shall be applied to the existing zoning district, as defined on the zoning map where the PUD is to be located. The application procedure for a PUD is as follows:
1. **Preliminary Conference.** Prior to preparing a formal application, the applicant shall meet the Zoning Administrator to discuss the proposed development.

2. **Preliminary Application.** The applicant shall prepare and submit ten copies of a preliminary development plan which includes the following written and graphic documents:
 - (a) Written description of the PUD, including a discussion on how the PUD meets the intent provisions of this section; a statement identifying the intended uses including future sale or leasing arrangements of all or portions of the PUD; a legal description of the PUD parcel, listing all owners, holders of easements, etc.; or other interested parties; and a projected assessment of the PUD demands on public service and utilities.
 - (b) A preliminary development plan which is in accordance with the Class “B” Site Plan requirements (see Article 4).
 - (c) A development schedule; a list of covenants or deed restrictions; any maintenance agreements on open space or common ownership areas; and a description of the type of financial guarantees to be utilized to insure PUD development.
 - (d) Any other information as the Zoning Board may reasonably require to show the applicants intent for the development and viability of the proposal. The Zoning Board may require that the applicant present a “parallel plan.” A parallel plan is a sketch of the property, drawn in compliance with Article 4A to illustrate the number of building sites which could be obtained if the property were developed without use of the PUD, any variance, or cluster option.

The Zoning Board shall hold a public hearing to review the above information, following notice in the manner provided in Section 8.7 of this Ordinance. In making its review of any portion of the PUD preliminary development plan, the Zoning Board shall insure that the PUD is consistent with standards outlined in Section 5.0, 5.1, 5.3 and other relevant provisions of this Ordinance.

Following the review, the Zoning Board shall approve, approve with conditions or subject to modifications, or deny in writing the preliminary application, specifying the reasons for denial. The approval of the preliminary application does not constitute recording of the plan or plat, nor authorize the issuance of building permits.

3. Within a maximum of 12 months following preliminary approval, the applicant shall file for final approval. For good cause the Zoning Board may extend this time period for six months. If the applicant fails to apply for final application for any reason, preliminary approval or conditional approval shall be revoked.

4. The applicant shall prepare and submit seven copies of a final development plan which shall include in final form all information as required for preliminary approval or conditional approval of the preliminary development plan; signed copies of any preliminary plats, in accordance with Act 288 of 1967, Sections 111-119; a detailed development timing schedule, deed restrictions, or covenants, and any other plans, documentation of specifications, as the Zoning Board may require to insure final engineering review and approval, which may include building plans, elevation and perspective drawings, drainage, road or other facility designs, and letters of commitment or intent insuring adequate financing for public utilities and/or services.
5. Upon receipt of the final development plan, the Zoning Board shall determine whether or not the final plans substantially conform to the approved preliminary development plan. Where the Zoning Board determines that this application is consistent with this section and other requirements thereof, it shall authorize a PUD for development and use in accordance with the final accepted development plan. Each action taken with reference to a special land use or PUD shall be duly recorded in the minutes of the Zoning Board. The minutes shall record the findings of fact relative to each special land use proposal or PUD, the grounds for action taken, and any conditions imposed in conjunction with approval. All records of proceedings shall be kept on file and made available to the public. The action and any conditions shall also be recorded with the Mecosta County Register of Deeds. The action may be recorded as a separate document with agreement of the parties, or may be incorporated into a Condominium Master Deed and By-Laws, restrictive covenants or other appropriate document. The recording fee, as established by the Register of Deeds, shall be paid by the applicant prior to the issuance of any building permits.

(D) **PUD Design Standards and General Regulations.**

1. **Parcel Size.** Minimum parcel size shall be ten acres.
2. **Density.** The maximum number of residential units permitted for a site, shall be determined as follows:
 - Step 1: Subtract from total site area: (1) all existing rights-of-way and utility easements; and (2) all areas of proposed rights-of-way and utility easements to be constructed to serve the proposed development; and (3) all areas proposed for non-residential use.
 - Step 2: Divide that net land area by the minimum lot size per single-family dwelling unit in the district. Maximum density of use for non-residential uses shall be determined by subtracting from total site area, all existing rights-of-way and utility easements, and all areas of proposed rights-of-

way and utility easements to be constructed proposed development. That net lot area shall then be divided by the minimum size permitted, if any, for each use, such as a campsite, if it has been established by this Ordinance.

3. **Density Bonus.** The permitted zoning districts gross density limits (units/acre) may be increased by 15 percent when the PUD provides:

All public roads, and an improved private recreation area or publicly dedicated and accepted open space, which is at least 5 percent of the total PUD area, or

4. **Bulk Regulations.** Minimum lot area, width and setbacks for any lot designated for residential use, shall be determined by the Township Board, but in no case, shall be less than the following:

Lot Area. 50 percent of minimum required for district.

Lot Width. 80 feet

Front Yard. 25 feet

Side Yard. Eight feet each

Rear Yard. Ten feet

Lot Coverage. As provided for district

5. Land not proposed for development, but used in calculation of the gross density limit shall be designated on the PUD plan as open space and shall be deed restricted or otherwise held as open space in perpetuity. Open spaces shall be subject to the following guidelines:

- (a) Open space may be established as separate use areas within the PUD, or to provide buffer from neighboring uses.
- (b) Open space area shall be large enough and of proper dimensions to constitute a usable area, with adequate access, through easements or other similar arrangements, such that all properties within the entire PUD may utilize the available open space.
- (c) Evidence shall be given that satisfactory arrangements shall be made for the maintenance of such designated land.
- (d) Open space shall be provided where significant natural features may be preserved and may be used for passive recreation, or for agricultural use if appropriate.

- (e) Open space containing significant natural features may be required to be maintained in a natural and undisturbed condition in perpetuity.
 - 6. Minimum floor area, height regulations and other regulations for dwelling units shall conform to the R-1 district requirements.
 - 7. The PUD shall preserve in perpetuity, unique site conditions, such as significant natural features, large open space areas, or active agricultural land, which would otherwise be capable of development under existing zoning.
 - 8. Electric and telephone transmission wire shall be placed underground.
 - 9. The PUD shall in addition, be reviewed for the compliance which are set forth for special land uses in Article 5 of this Ordinance and the requirements for site plan review in Article 4 of this Ordinance.
 - 10. **Auxiliary Uses.** All uses not permitted by right in the zoning district, however authorized as a secondary use in the PUD, shall be considered an auxiliary use; these uses shall not occupy more than 15 percent of the PUD parcel and/or not more than 15 percent of all building floor area.
 - 11. **Auxiliary Use Timing.** Prior to any auxiliary use construction, 75 percent of all uses permitted by right in the zoning district shall be constructed and issued occupancy permits.
- (E) **Development Staging.** Any PUD designed to be developed in stages shall be designed so that each stage is a complete homogeneous unit and not directly dependent on any other stage. Further the various stages shall be developed in order, as established in the PUD permit. At no time during any stage or during construction on the PUD shall the number of constructed structures per acre exceed the overall density per acre established in the zoning district, nor exceed any established open space or recreation development schedule.
- (F) **Development Timing.** Significant physical construction and development shall begin within twelve months from the approval of the PUD. Within three years from the PUD approval, construction shall be completed or completed in accordance with the approved staging schedule. Upon showing of good cause, these development timing restrictions may be extended for a period of one year. If the PUD developer fails to comply with these requirements, the Zoning Board may initiate action to correct a violation of the PUD Permit.
- (G) **Changes in Approved PUD.** The Zoning Board may approve minor changes to the PUD. Minor changes are those changes which do not (1) increase the number of building lots; (2) decrease the area of any building lot by more than 5 percent; (3) reduce the total percentage of open space provided for; (4) reduce the dimension of any buffer area by more than 5 percent; (5) change the nature of any

road or common element, or (6) which are otherwise of a minor nature which does not change the essential character of the PUD, or which provides for a higher level of quality. Any change other than a minor change must be approved in the same manner as provided for in an original PUD, including notice and public hearing.

Section 5.4 Condominiums.

- (A) **Intent.** The intent of this article is to allow comparable review of site condominiums with development under conventional platting, with regard to meeting ordinance regulations. This article is required because of the different design terms which are used for condominiums.
- (B) **Applicable Regulations.** Pursuant to the authority conferred by Section 1241, of the Condominium Act, (MCLA 559.241), Public Act 59, of 1978, as amended, all condominium projects shall be required to comply with all articles of this Ordinance. All site condominiums shall be subject to Class “B” Site Plan Review.
- (C) **Equation of Terminology.** The following equation of terms shall be used in applying ordinance standards to a condominium:
 - 1. All regulations pertaining to a lot shall apply to the building site or condominium unit in a condominium subdivision.
 - 2. All regulations pertaining to dwelling or building height, width, or size shall apply to condominium structures.
 - 3. Unit boundaries shall be considered as equivalent to lot lines, and identification as a front, rear or side lot line shall be as provided in the definitions of this Ordinance.
- (D) **Roads.** A written notice of the project shall be provided by the developer to the County Road Commission. All site condominiums shall have ingress and egress to a public road. Public road certification information is available at the Road Commission Office. Public roads shall meet all Mecosta County Road Commission Standards and Specifications for Streets and Highways, as may be amended. Private streets shall comply with the requirements of this Ordinance and sufficient provisions for their upkeep shall be included in the Master Deed and Restrictive Covenants.
- (E) **Application of Standards.** The Zoning Board, in reviewing a condominium plan, may require any change which is based on meeting the intent of the applicable district regulations.
- (F) **Required Plan Content.** All condominiums and construction plans shall include the required information for site-plan review as identified in Article 4 of this

Ordinance. In addition, a copy of the proposed Master Deed and any other restrictive covenants shall be submitted.

- (G) **Master Deed and Restrictive Covenants.** The condominium project developer or proprietor shall furnish the Zoning Administrator with one copy of the recorded Master Deed, and one copy of all restrictive covenants for the condominium project.
- (H) **Option for Planned Unit Development.** Condominium plans or construction plans shall have the option of being reviewed as a planned unit development, subject to the regulations contained in Section 5.3 of this Ordinance.

ARTICLE 6
NONCONFORMING USES AND STRUCTURES

Section 6.0 Intent.

Nonconforming uses, structures and lots are those which do not conform to a provision or requirement of this Ordinance or an amendment to it, but were lawfully established prior to the time of its applicability. Nothing in this Ordinance shall prevent a nonconforming use or structure from being sold, transferred, or conveyed, so long as the action will not increase the degree of nonconformity or change the use or structure to another nonconforming use or structure.

Section 6.1 Continuance of Nonconforming Uses or Structures.

- (A) **Continuance of Nonconforming Uses.** Subject to the provisions of this article, the lawful use of any building or structure or of any land or premises which is existing and lawful on the effective date of this Ordinance, or in the case of an amendment of this Ordinance, then on the effective date of such amendment, may be continued even though such use does not conform with the provisions of this Ordinance or an amendment to it.
- (B) **Continuance of Nonconforming Buildings or Structures.** Subject to the provisions of this article, a building or structure which is existing and lawful on the effective date of this Ordinance, or, in the case of an amendment of this Ordinance, then on the effective date of such amendment, may be maintained and continued even though such building or structure does not conform with the provisions of this Ordinance or an amendment to it.

Section 6.2 Alteration, Substitution or Expansion of Nonconforming Uses or Buildings.

- (A) A nonconforming use may be substituted, changed, extended or altered under the following conditions:
 - 1. A nonconforming use may be changed to another nonconforming use, which is of similar intensity or which is less intense than an existing use, as determined by the Zoning Board. In making this determination, the Zoning Board shall weigh and consider all of the following factors:
 - (a) For purposes of this section, the zoning ordinance districts are considered to proceed from less intensive to more intensive in the following order: R-1, LR, RR-2, R-2, R-3, AF, C, HI, I.
 - (b) If, in the least intense zoning district in which the proposed use is permitted by right: (i) The proposed new use is also permitted by right, then the uses are considered to be of similar intensity; (ii) the proposed use is permitted only with special land use approval, then the proposed use is considered to be of a higher intensity.

- (c) If, in the least intense district in which it is permitted, the existing use is permitted with special land use approval, and: (i) the proposed use is permitted by right in that district, then the use is considered to be less intensive; (ii) both are permitted only with special land use approval, then the uses are considered to be of similar intensity.
 - (d) If the least intensive district in which the proposed use is allowed is less intense than the least intense district in which the existing use is allowed, then the proposed use is considered less intensive.
 - (e) If special standards are imposed by this Ordinance on the existing use which are greater than those imposed on the proposed use, then the proposed use is considered less intensive. If special standards are imposed on the proposed use which are greater than those on the existing use, then the proposed use is more intensive in this respect.
 - (f) A greater number of parking spaces required by this Ordinance indicates a more intensive use.
 - (g) The Zoning Board shall also weigh and consider likely traffic generation, hours of operation, noise, odors, dust, lighting, and other relevant aspects of the proposed use in comparison with the existing use in making this determination.
 - (h) The Zoning Board may impose conditions upon a finding that a use is less intensive to insure that the new use is less intensive.
2. An existing nonconforming use may be extended or altered provided that the use does not become nonconforming or more nonconforming with the standards which would be imposed upon the same use in a district in which it is permitted. Such an extension may be approved by the Zoning Board as a special land use, following the procedures in Article 5, and applying the general standards for approval of a special land use.
- (B) A nonconforming building or structure may be structurally altered, remodeled, or extended in such a manner that it does not increase the manner in which it is nonconforming with relation to height, set back, or lot coverage. The extension of a building along a building line which is nonconforming as to setback on that side is considered to increase the nonconformity of that building.

Section 6.3 Building Damage.

- (A) Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition of any part of any building or structure which is unsafe.

- (B) All repairs and maintenance work required to keep a nonconforming building or structure in sound condition may be made but it shall not be structurally altered to permit the use of such building or structure beyond its natural life except for repairs necessary to maintain public safety.
- (C) If any non-residential nonconforming building or structure is damaged by fire, wind, Act of God or public enemy, it may be rebuilt or restored if the cost thereof does not exceed 50 percent of the true cash value of the nonconforming building or structure prior to its damage or destruction.
- (D) If any non-residential nonconforming building or structure is damaged by fire, wind, Act of God or public enemy such that the cost of restoration or repair would exceed 50 percent of the true cash value of the nonconforming building or structure prior to its damage or destruction, a substantial improvement or rebuilding shall only be permitted if first authorized by the Zoning Board of Appeals. In considering such authorization, the Board of Appeals shall consider the following standards:
 - (a) Whether such substantial improvement will significantly extend the probable duration of the nonconforming use.
 - (b) Whether or not the land previously occupied by the nonconforming use can be reasonably used for a use permitted in the applicable district.
- (E) If any residential nonconforming building or structure is damaged by fire, wind, Act of God or public enemy such that its replacement cost would exceed 50 percent of the true cash value of the nonconforming building or structure prior to its damage or destruction, it may be rebuilt to its prior size and at its prior location providing an application for building permit is made within six months after the date such damage occurs, and construction is completed within one year after such damage occurs. Thereafter, it may be rebuilt or restored provided that all yard and requirements of the District in which it is located are met, or the necessary variances obtained from the Zoning Board of Appeals.
- (F) In the event any residential nonconforming building or structure is damaged by fire, wind, Act of God or public enemy such that its replacement cost is less than 50 percent of the true cash value of the nonconforming building or structure prior to its damage or destruction, it may be rebuilt or restored in its original nonconforming condition.

Section 6.4 Discontinuance of Use.

- (A) The nonconforming use of a building or structure or of any land or premises shall not be:
 1. Re-established after it has been changed to a conforming use.

2. Put to a more intensive nonconforming use (as determined in 6.2).
3. Re-established after abandoned or discontinued for a continuous period of 12 months, or 18 months in the case of agricultural operations. A nonconforming use shall be determined to be abandoned if one or more of the following conditions exists, and which shall be deemed to constitute an intent on the part of the property owner to abandon the nonconforming use:
 - (a) Utilities, such as water, gas and electricity to the property, have been disconnected;
 - (b) The property, buildings, and grounds, have fallen into disrepair;
 - (c) Signs or other indications of the existence of the nonconforming use have been removed;
 - (d) Removal of equipment or fixtures which are necessary for the operation of the nonconforming use;
 - (e) Other actions, which in the opinion of the Zoning Administrator constitute an intention of the part of the property owner or lessee to abandon the nonconforming use.

Section 6.5 Completion of Nonconforming Buildings and Structures.

Nothing in this Ordinance shall require any change in the construction or intended use of a building, structure, plat, or site condominium, the construction of which shall have been diligently prosecuted pursuant to building permit obtained prior to adoption of the ordinance or amendment in question, within 30 days after the passage of this Ordinance or amendment to it. Such construction shall have been completed within 12 months after said date.

Section 6.6 Existing Nonconforming Residential Lots of Record.

In any district in which single-family dwellings are permitted, a single-family dwelling and a customary accessory building may be erected on any lot or lots of record as of the effective date of this Ordinance or the effective date of any subsequent amendment which makes such lot nonconforming, notwithstanding requirements of this Ordinance, subject to the following:

- (A) Required minimum front and rear setbacks and the maximum building height limitation shall be complied with. The required minimum side yard setback for a lot which is nonconforming by reason of lot width, shall be 10 percent of the width of the nonconforming lot, but in no event shall the required minimum side yard setback for such a nonconforming lot be less than four feet. The provisions for relaxation of setbacks in this subparagraph is in addition to the provisions providing for administrative changes based upon established setbacks, including as provided in Sections 3.3 and 2.5(E)4 of this Ordinance.

Section 6.7 Nonconformance Under Previous Zoning Ordinances.

Any structures or uses which failed to conform to the previous Mecosta County or Interim Mecosta Zoning Ordinances, or were not permissible, nonconforming uses or structures thereunder, and which violate this Ordinance shall not be considered lawful nonconforming uses or structures.

[Ed. Note – Section 6.6(B) was repealed November 9, 2004 (Ord. No. 23).]

ARTICLE 7
ZONING BOARD OF APPEALS

Section 7.0 Organization.

- (A) There is hereby established a Zoning Board of Appeals as provided for in Public Act 184 of 1943, as amended, which shall have all of the powers and duties provided by state law and no others except as specifically set forth in this other Ordinance. It may make any rules or procedure, consistent with the law, which may be necessary or convenient for carrying out its functions. The Zoning Administrator shall make copies of such rules available to the public.
- (B) The Zoning Board of Appeals shall consist of five members, all appointed by the Township Board. One regular member of the Board of Appeals shall be a member of the Township Zoning Board. The remaining regular members and any alternate members of the board of appeals shall be selected from the electors of the Township residing outside of incorporated cities and villages. One regular member may be a member of the Township Board. An elected officer of the Township shall not serve as chairperson of the board of appeals. An employee or contractor of the Township Board may not serve as a member of the Township Board of Appeals.
- (C) The term of each member shall be three years and until a successor has been appointed and qualified. Members of the Zoning Board of Appeals who are also members of the Township Board and from the Zoning Board shall have terms limited to their respective terms on the Township Board or the Zoning Board, as the case may be, or limited to such lesser period of time as may be determined by resolution of the Township Board at the time of appointment of such members.
- (D) Alternate Members.
 - 1. The Township Board may appoint not more than two alternate members to the Zoning Board of Appeals for the same term as regular members. If alternate members have been appointed, they may be called on a rotating basis, as they are available to sit as regular members of the Zoning Board of Appeals in the absence of a regular member.
 - 2. An alternate member may also be called to serve in the place of a regular member when such member has abstained for reasons of conflict of interest. The alternate member having been appointed shall serve in the case until a final decision has been made.
 - 3. An alternate member shall only serve to discuss or vote upon a case in the absence of a regular member or upon the conflict of interest of a regular member. The alternate member shall have the same voting rights as a regular member of the Zoning Board of Appeals.

- (E) **Reserved.**
- (F) A member shall be disqualified from a vote in which there is a conflict of interest.
- (G) The Zoning Board of Appeals shall annually elect a Chairman, Vice-Chairman and Secretary.
- (H) The Zoning Board of Appeals shall establish a meeting schedule, and shall also meet at the call of the Chairman. All meetings shall be open to the public.
- (I) A member proposing to resign from the Board, shall, if reasonably feasible, give notice of intent in writing to the Chairman and Secretary, with an effective date of resignation, in such a manner as to allow time for appointment of replacements. Failure to attend three consecutive regular meetings, or three of any seven consecutive meetings, without the recorded consent of the Chairman, shall be deemed a resignation from the Board by absence. When a member dies or resigns, (including resignation by absence), the Secretary shall promptly inform the Township Board that a vacancy exists.

Section 7.1 Duties.

The Zoning Board of Appeals shall act upon all questions as they may arise in the administration of the Zoning Ordinance, including the interpretation of the Zoning Ordinance and map. It shall hear and decide appeals concerning any order, requirements, decisions or determination made by the Zoning Administrator or other administrative official or body, pursuant to the provisions of this Ordinance. It shall also hear and decide all matters referred to it or upon which it is required to pass under the provisions of this Ordinance, and may permit a variation from this Ordinance as provided by Ordinance.

Section 7.2 Procedure on Appeal; Notice of Appeal or Variance.

- (A) Any appeal from any order, requirements, decision, or determination of any administrative official or body, shall be taken within 30 days by the filing with the Zoning Administrator a notice of appeal specifying the grounds thereof. The administrative official from whom the appeal is taken shall forthwith transmit to the Zoning Board of Appeals all the papers consisting of the record upon which the action appealed was taken.
- (B) Upon such appeal, or receipt of an application for variance or other action by the Zoning Board of Appeals, the Zoning Board of Appeals shall hold a hearing within a reasonable time after the date of such filing, and shall give notice of the hearing as provided in Section 8.7.
- (C) An appeal stays all proceedings in furtherance of the action appealed from unless the officer or body from whom the appeal is taken certifies to the Zoning Board of Appeals, after the notice of appeal is filed, that by reason of facts stated in the certificate, a stay would, in the opinion of the officer or body, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise

than by a restraining order. This restraining order may be granted by the Zoning Board of Appeals or Circuit Court on application or notice to the officer or body from whom the appeal is taken and due cause shown.

Section 7.3 Standards for Variances.

(A) **Non-Use Variance.** A non-use variance is a variance concerned with area, height, setback, lot coverage, or similar characteristics of a structure or use. Non-use variances also include the enlargement of nonconforming uses or alteration of nonconforming structures, to the extent not permitted by Ordinance. A non-use variance may be granted only when all of the following conditions are found to be met:

1. That strict compliance with the Ordinance would cause practical difficulty by either (1) preventing improvement of the property in a manner that is reasonably customary and consistent with other properties in the area, or (2) causing practical difficulty in strict compliance with the Ordinance, as a result of significant and unjustified expense or destruction or demolition of attractive features of the property.
2. That relief would not be a substantial detriment to adjacent property or change the essential character of the area, and would not materially impair the purposes of this Ordinance or the public interest.
3. That the practical difficulty complained of was not created as a result of any action taken by the applicant or predecessors in interest to the property which was unlawful, or which could have been reasonably foreseen to create difficulty in complying with the Ordinance for future improvements.
4. That the variance is requested to address exceptional and extraordinary circumstances or conditions applying to the property itself, such as:
 - (a) exceptional narrowness, shallowness or shape of a specific property on the effective date of this article;
 - (b) exceptional topographic conditions;
 - (c) any other physical situation on the land, building or structure deemed by the Zoning Board of Appeals to be extraordinary; or
 - (d) by reason of the use or development of the property immediately adjoining the property in question.
5. That the variance requested is the minimum necessary to address the practical difficulty complained of. If the Zoning Board of Appeals finds that a variance is justified, but that the extent of the variance requested is

greater than necessary to address practical difficulty, the Zoning Board of Appeals may approve a lesser variance than applied for.

(B) **Use Variance.** A use variance is a request for permission for a use of land which the Zoning Ordinance would otherwise prohibit for the property in question. A use variance may be granted only in cases where there is clear and convincing evidence of unnecessary hardship in the official record of the hearing. Use variances should be rarely, if ever granted. Only upon significant showing of greater degree of hardship than present for a non-use variance. All of the following conditions shall be satisfied:

1. That the building, structure or land cannot be put to any reasonable economic use in the manner permitted in the zoning district in which the use is located. The possibility of increased rate of return or value of the property, if variance is granted, shall not constitute satisfaction of this condition.
2. That there are unnecessary hardships in the way of carrying out the strict letter of these regulations which are caused by exceptional or extraordinary circumstances or conditions applying to the property involved, or the intended use of the property, that do not generally apply to other property or uses in the vicinity in the same zoning district. Exceptional or extraordinary circumstances or conditions include:
 - (a) exceptional narrowness, shallowness or shape of a specific property on the effective date of this article;
 - (b) exceptional topographic conditions;
 - (c) any other physical situation of the land, building or structure deemed by the Board of Appeals to be extraordinary; or
 - (d) by reason of the use or development of the property immediately adjoining the property in question.
3. That the proposed use will not alter the essential character of the neighborhood.
4. That the undue hardship complained of was not created by the applicant or any predecessor in interest to the property in question.
5. That the variance requested is the minimum variance necessary to address the undue hardship complained of. If the Zoning Board of Appeals finds that the variance is justified, but that the extent of the variance requested is greater than necessary to address practical difficulty, the Zoning Board of Appeals may approve a lesser variance than applied for.

- (C) The Zoning Board of Appeals shall conduct a public hearing on a request for a variance. Notice of hearing shall be given to the applicant and to the public in the same manner provided for notice of public hearings on special land uses by Article 5.
- (D) Prior to the Zoning Board of Appeals hearing on a request for a use variance, the Zoning Board of Appeals may request that the Zoning Board consider such request and that the Zoning Board forward a Report to the Zoning Board of Appeals as to whether or not the property may be reasonably used for a use permitted under the existing zoning classification, and, whether or not the request may alter the essential character of the neighborhood. For this report the Zoning Board 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, and the effect of the request on the essential character of the neighborhood.

Section 7.4 Decisions of the Zoning Board of Appeals.

- (A) The Zoning Board of Appeals shall render its decision upon any appeal or application submitted to it within a reasonable time. The concurring vote of a majority of the full authorized membership of the Zoning Board of Appeals shall be necessary to reverse an order, requirement, decision, or determination of an administrative official or body, or to decide in favor of the applicant on any matter upon which it is required to pass under, or to grant any non-use variance. The affirmative vote of two-thirds of the full authorized membership of the Zoning Board of Appeals shall be necessary to approve a use variance.
- (B) Any decision of the Zoning Board of Appeals shall not become final until minutes of the meeting at which final action on the request was taken are officially approved and adopted by the Zoning Board of Appeals, unless the Zoning Board of Appeals shall find the immediate effect of such order is necessary for the preservation of the public health, safety, or welfare and shall so certify on the record.
- (C) For each decision of the Zoning Board of Appeals, a record shall be prepared. Such record shall include, at a minimum, the following items:
 - 1. Description of the applicant's request.
 - 2. The Zoning Board of Appeal's motion and vote.
 - 3. A summary or transcription of all competent material and evidence presented at hearing; and,
 - 4. Any conditions attached to an affirmative decision.
- (D) The decision of the Zoning Board of Appeals shall be final. However, a person aggrieved by a decision of the Zoning Board of Appeals may appeal to the Circuit Court in accordance with the Michigan Zoning Enabling Act.

- (E) The Zoning Board of Appeals may impose reasonable conditions in conjunction with approval of an appeal, variance, or any other decision that they are required to make. Conditions shall be imposed in a manner in accordance with the Zoning Act and be related to the standards by which the decision is reached.
- (F) **Period of Validity.** No variance granted by the Zoning Board of Appeals shall be valid for a period longer than one year, from the date of its issuance if not used. However the applicant may, prior to expiration of the period of validity, request, at no cost, successive one year extensions of said variance from the Zoning Board of Appeals. The Zoning Board of Appeals may grant such extensions provided that the original circumstances authorizing the variance have not changed.
- (G) A variance shall continue in effect, notwithstanding a change in ownership of the premises. For purposes of provisions of this Ordinance pertaining to abandonment of use, extension, modification or alteration, a property or a use for which a variance has been granted shall be considered a lawful nonconforming use.

Section 7.5 Reasonable Accommodations for Dwellings for Persons with Disabilities.

- (A) **Purpose.** This Ordinance shall in every instance be construed, applied and enforced in a manner consistent with Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Act of 1988 (the “Fair Housing Act”), 42 U.S.C. §§3601-3619; and Title II of the Americans With Disabilities Act (the “ADA”), 42 U.S.C. §§12131-12134. It is the policy of the Township that the Zoning Administrator, Planning Commission, Zoning Board of Appeals, and other Township officials with zoning-related responsibilities, shall make reasonable accommodations in the policies and practices of their offices or bodies, and to the Zoning Ordinance, so that handicapped or disabled persons or a provider of housing for a handicapped or disabled person are not discriminated against and are afforded an equal opportunity to use and enjoy dwellings.
- (B) **Definitions.** Terms used in this section shall have the meanings as provided by the Fair Housing Act and ADA, or otherwise by this Zoning Ordinance.
- (C) **Process for Request for Reasonable Accommodation; Application.** In order to make specific housing available to one or more individuals with disabilities, a disabled person or a person or provider acting on behalf of an individual with a disability (collectively “Applicant”) may request a reasonable accommodation relating to the Zoning Ordinance as applied to a dwelling. Whenever an Applicant has a disability or acts on behalf of an individual with a disability which entitles such Applicant to protection under the ADA or the Fair Housing Act, and the use and enjoyment of the dwelling requires deviation from this Ordinance as a “reasonable accommodation,” as defined by appropriate federal statutory authority or relevant case law in effect at the time, the Applicant shall address a request for a reasonable accommodation to the Zoning Administrator. The Applicant may make this request orally in person, or in writing. If requested

by the Applicant, the Zoning Administrator shall, in a timely manner, assist in obtaining information required by the Township and in filling out the application. A formal request for reasonable accommodation shall be made, by application in writing, including the following information:

1. The current zoning for the dwelling;
2. The name of the owner of the fee interest of the dwelling (if other than the Applicant), and proof (such as a lease) that the Applicant has a right to occupy the dwelling;
3. The nature of the disability that requires the reasonable accommodation. In the event that the specific individuals who are expected to reside in the dwelling are not known to a provider in advance of making the application, the Applicant shall submit details describing the expected range of disabilities of prospective residents;
4. The specific type of accommodation requested by the Applicant. To the extent practicable, this shall include information concerning the impact of the reasonable accommodation on the adjoining properties and area, the number of people who are expected to be availing themselves of the reasonable accommodation, the estimated number of people in an average week who will be necessary to provide services to the person(s) with disabilities at the property on an ongoing basis, and any other information which would assist in determining the reasonableness of the accommodation;
5. The Applicant shall also note, if known, whether this accommodation requires any additional licensure from the Township or other governmental body;
6. Whether the accommodation requested may be necessary to afford one or more persons with disabilities equal opportunity to use and enjoy a specific dwelling; and
7. Any other information reasonably requested by the Zoning Administrator to determine qualification for a reasonable accommodation.

- (D) **Confidential Information.** Applicants shall be notified that, should the information provided by the Applicant include medical information or records of the proposed resident(s), including records indicating the identity, medical condition, diagnosis or medical history of the proposed resident(s), the Applicant may, at the time of submitting such medical information, request the Township, to the extent allowed by law, treat such medical information as confidential information of the Applicant and/or proposed resident(s). To protect the confidentiality of any medical information provided by the Applicant, or contained in the application, the Zoning Board of Appeals shall, to the extent allowed by law, enter in to closed session to review and discuss said medical

information. The non-confidential portion of the meeting shall be conducted in public.

- (E) **Notification to Applicant; Recommendation; Hearing.** Within 20 days of submission of a complete application, the Zoning Administrator shall make a written recommendation to the Zoning Board of Appeals, specifying the reasons the request should be approved, modified or denied, and provide a copy thereof to Applicant. Upon receipt of that recommendation, the Zoning Board of Appeals shall conduct a hearing on the request as required by the Michigan Zoning Enabling Act, with notice given in the manner provided by the Act for an appeal to the Zoning Board of Appeals.
- (F) **Factors for a Decision.** The Zoning Board of Appeals shall base its decision on the following factors: Whether the reasonable accommodation is necessary to afford a person or persons with a disability an equal opportunity to use and enjoy a dwelling; whether the requested accommodation would require a fundamental alteration to the Township zoning scheme; and whether the requested accommodation would impose undue financial or administrative burdens on the Township.
- (G) **Decision.** The Zoning Board of Appeals shall issue a written decision explaining its grounds for granting, denying, or modifying the application.
- (H) **Land Use Permit.** Upon approval of the application, the Applicant shall be entitled to a land use permit, signifying compliance with the Zoning Ordinance.
- (I) **Effective Period.** The accommodation shall be in force and effect as long as the Applicant owns and/or resides in said structure. Said reasonable accommodation shall be limited to the number of people availing themselves of the reasonable accommodation as approved by the Zoning Board of Appeals. Further, should the number of people necessary to provide the reasonable accommodation at the property in an average week on an ongoing basis materially increase from the number of people indicated in the application approved by the Zoning Board of Appeals, or if the range of disabilities of prospective residents were expected to have materially changes, a new application for accommodation shall be made to the Zoning Administrator. If the structure is sold, or otherwise changes ownership, the reasonable accommodation is not transferable to the new owner. It is the duty of the owner to notify the Zoning Administrator of this event. The Township shall allow the new owner an opportunity to renew and/or modify the reasonable accommodation in accordance with this section. In the event that the reasonable accommodation is not renewed or modified within 60 days from the date of change in ownership, the reasonable accommodation will lapse and the structure will have to comply with all requirements of this Ordinance.
- (J) **Public Funds.** Nothing in this section will require the Township to expend any funds to achieve a reasonable accommodation except and to the extent required by federal law.

- (K) **Records of all Requests.** The Township shall maintain records of all oral and written requests for reasonable accommodation or modification and the Township's response thereto.
- (L) **Fees.** The Township shall not impose any additional fees, costs or otherwise retaliate against any person who has exercised his or her right under the Fair Housing Act or Americans with Disabilities Act to make one or more reasonable accommodation or modification requests.

**ARTICLE 8
ADMINISTRATION AND ENFORCEMENT**

Section 8.0 General Administrative Standards and Conditions.

- (A) Whenever, in the course of administration and enforcement of this Ordinance, it is necessary or desirable to make any administrative decision, then, unless other standards are provided in this Ordinance, the decision shall be made so that the result will not be contrary to the spirit and purpose of this Ordinance or injurious to the surrounding neighborhood.

- (B) Whenever a discretionary decision is authorized in this Ordinance, such as but not limited to, the issuance of special use permits, conditions (including, but not limited to greater setbacks, parking, screening, drainage, access control and other similar requirements) may be imposed provided they are:
 - 1. Designed to protect natural resources, the health, safety and welfare and the social, and economic well-being of those who will use the land or activity under consideration, residents and landowners immediately adjacent to the proposed use or activity, and the community as a whole;
 - 2. Related to the valid exercise of the police power, and the purposes which are affected by the proposed use or activity;
 - 3. Necessary to meet the intent and purpose of the Zoning Ordinance for the land use or activity under consideration, and are necessary to insure compliance with those standards.
 - 4. The conditions imposed with respect to the approval of a land use or activity shall be recorded in the record of the approval action, and shall remain unchanged except upon the mutual consent of the approving authority and the landowner. A record of any changed condition shall also be maintained.

- (C) All administrative guides or rules developed to assist the Zoning Board of Appeals or the Zoning Board in the administration of this Ordinance shall be filed with the Township Clerk and be open to public inspection.

Section 8.1 Zoning Administrator.

The Zoning Administrator shall be appointed by the Township Board and shall serve at their pleasure. They shall receive such compensation as the Township Board may, from time to time determine. The Zoning Administrator may also serve in some other capacity as an employee or appointed officer of Mecosta Township. They shall administer the provisions of this Ordinance and shall have all administrative powers in connection therewith which are not specifically assigned to some other officer or body, including but not limited to the following:

- (A) To review zoning compliance permits.
- (B) To investigate any alleged violation of this Ordinance based upon complaint or observation of the Zoning Administrator and to issue warnings or commence civil infraction proceedings for violation of the ordinance.
- (C) To issue notices of civil infraction violations, commencing civil infraction proceedings for alleged violations of this Zoning Ordinance, and to sign all necessary notices and tickets. If the Zoning Administrator has not personally witnessed an alleged violation of the ordinance, but has reasonable cause to believe that a violation has occurred based upon investigation of a complaint by someone who has allegedly witnessed the violation, the Zoning Administrator shall receive approval of the Township attorney prior to issuing a citation or notice.
- (D) To assist the Zoning Board, the Zoning Board of Appeals and Township Board in performance of its functions under the Zoning Ordinance.
- (E) To keep records pertaining to the administration and enforcement of the Zoning Ordinance.
- (F) To perform other duties relating to zoning as assigned by the Township Board from time to time.

The Zoning Administrator shall have no power to vary or waive ordinance requirements.

Section 8.2 Zoning Compliance Permits.

- (A) No building permit shall be issued, no land use shall be commenced or changed and no structure shall be erected or enlarged until the person conducting such use or erecting or enlarging such structure has been obtained a zoning compliance permit from the Zoning Administrator. The Zoning Administrator shall issue such permit upon the furnishing in writing, over the signature of the applicant, of such information as may be necessary to establish that the proposed use, structure, or addition is in full compliance with all provisions of this Ordinance, (and a finding by the Zoning Administrator that such is the case), and payment of a permit fee established by resolution of the Township Board from time to time.
- (B) Any zoning compliance permit based on any false material statements in the application or supporting documents is absolutely void *ab initio* and shall be revoked. In addition, any such false material statement shall constitute a violation of this Ordinance.
- (C) No permanent certificate of occupancy shall be issued under any building code applicable in Mecosta Township until a zoning compliance certificate has been issued and all requirements of this Ordinance have been met. A temporary certificate may be issued under circumstances where expressly permitted by this Ordinance.

- (D) Zoning Compliance permits shall not be required for those structures or uses which cover an area less than 100 square feet, unless otherwise provided in this Ordinance. However, all such uses or structures shall never-the-less comply with all other ordinance provisions.

Section 8.3 Ordinance Amendments.

- (A) Zoning ordinance amendments may be initiated as follows:
 - 1. By the Zoning Board.
 - 2. By request of the Township Board, in which case the Zoning Board shall proceed to consider the proposed amendment, conduct a public hearing, and make a recommendation to the Township Board.
 - 3. Upon application by a party in interest in a property proposed to be rezoned, or, in the case of a request for amendment to the text, by a person affected by the provisions of the ordinance. The Zoning Board shall consider the request for initiation of a proposed amendment to the Zoning Ordinance, but shall not be required to proceed to conduct a public hearing or make a recommendation unless the Zoning Board decides in its discretion to consider the proposed amendment.
- (B) Any request for amendment initiated by a private party shall be submitted to the Zoning Administrator, accompanied by fees established by resolution of the Zoning Board from time to time. If the Zoning Board decides not to proceed to consider the amendment, the fees shall be refunded.
- (C) Before submitting its recommendation to the Township Board, the Zoning Board shall hold at least one public hearing, notice of which shall be given as provided in Section 8.7.
- (D) Following the hearing, the Zoning Board shall submit the proposed amendment, including any zoning maps, to the County Planning Commission for review and recommendation. If the recommendation of the Zoning Board has not been received by the Township within 30 days after receipt of the ordinance, it shall be conclusively presumed that the county has waived its right for review and recommendation. Submission to the county for review shall not be required if the County Board of Commissioners, by resolution, waives the requirement of the county review of Township ordinances and amendments.
- (E) Following the public hearing, the Zoning Board shall transmit its recommendation and a summary of the comments received at the public hearing to the Township Board. The Township Board shall grant a hearing on the proposed amendment to a property owner who has filed a written request by certified mail, addressed to the Township Clerk prior to the meeting at which the proposed amendment is to be considered. The Township Board may, of its initiative, hold additional public

hearings as well. Notice of any public hearing to be held by the Township Board shall be given as provided in Section 8.7 of this Ordinance.

- (F) No petition for an amendment, which has been disapproved by the Township Board, shall be resubmitted for a period of one year from the date of disapproval, except as may be permitted by the Zoning Board after learning of new and significant facts or conditions which might result in favorable action upon resubmittal. Resubmittal shall follow the same procedure as outlined in this section.
- (G) At a regular meeting or a special meeting called for that purpose the Township Board may adopt, by majority vote of its membership, pursuant to the Act, the proposed amendment. Notice of adoption of the amendment shall be published in a newspaper of general circulation in the Township within 15 days after adoption. Failure to publish within that time period shall not affect the validity of the amendment, but shall delay the effective date of the amendment to not earlier than seven days following the date of such publication. Publication shall include the text of the amendment, or summary of the regulatory affect of the amendment, including the geographic area affected, the effective date of the ordinance, and the place and time where a copy of the ordinance may be purchased or inspected.

Section 8.4 Fees.

- (A) The Township Board, from time to time, shall by resolution establish fees for requests for different types of zoning approval or administrative actions. The schedule of fees established shall include a component of fee intended to defray routine and recurring costs, such as costs of publication, mailing and routine processing. In addition, for some or all categories of zoning approval, the Township Board may require the applicant to reimburse the Township for costs incurred by the Township in reviewing the application, including, but not limited to, fees charged by the Township's engineer, planner, surveyor, attorney, or environmental consultant actually incurred in reviewing that application. The resolution may also authorize or require that the applicant pay in advance a sum to be established by resolution, or established pursuant to standards set forth in the resolution, to defray the expected cost of review.
- (B) The Zoning Administrator, Zoning Board, or Zoning Board of Appeals shall not consider any matter upon application until the fee established by resolution of the Township Board has been paid. In addition, if an applicant is required to place on deposit amounts to be used to defray Township professional fees, Township zoning bodies or officials shall not review or continue to review any application if the amount paid has been exhausted.

Section 8.5 Special Zoning Orders Book and Map.

The Zoning Administrator shall keep in the office a document to be known as the Special Zoning Orders Book, in which they shall list, with a brief description, all variances, special use permits,

authorizations of planned unit developments, designations of nonconformance, and any termination of any of them. Each item shall be assigned a number when entered. The Zoning Administrator shall also keep a map, to be known as the Special Zoning Orders Map, on which they shall record the numbers in the Special Zoning Orders Book to indicate the locations affected by the items in the book. The Special Zoning Orders Book and Map shall be open to public inspection.

Section 8.6 Violations and Penalties.

- (A) A violation of this Ordinance is a municipal civil infraction, for which the fine shall be not less than \$25.00, nor more than \$500.00 for the first offense and not less than \$50.00, nor more than \$1,000.00 for subsequent offenses, in addition to all other costs, damages, expenses and other remedies provided by law. For purpose of this section, “subsequent offense” means a violation of this Ordinance, committed by the same person within 12 months of a previous violation of the same provision of this Ordinance for which said person admitted responsibility or was adjudicated to be responsible; provided, however, that offenses committed on subsequent days within a period of one week following the issuance of a citation for first offense shall all be considered separate first offenses. Each day during which any violation continues shall be deemed a separate offense.
- (B) Any building or structure which is erected, moved, placed, reconstructed, raised, extended, enlarged, altered, maintained or changed in violation of this Ordinance, or any property being put to a use in violation of this Ordinance, is hereby declared to be a nuisance, per se. In lieu of or in addition to civil infraction proceedings for violations of this Ordinance, the Township Board may authorize institution of proper proceedings for injunctive relief requiring the remedy of any violations of this Zoning Ordinance.

Section 8.7 Notice Requirements.

- (A) **Notice Required.** Notice of public hearing on certain actions by zoning officials and bodies is required by the Zoning Act and this Ordinance, and this section sets forth the requirements for notice. If the Zoning Act is amended such that any provision of this section does not comply with or exceed the requirements of such amended law, then the provisions of law shall control. For the different types of review and approval provided for in this Ordinance, notice shall be given as follows:
 - 1. **Planned Unit Development (Article 5).** Notice by both publication and mailing in accordance with subsections B and C.
 - 2. **Special Land Use (Article 5).** Notice by both publication and mailing in accordance with subsections B and C.
 - 3. **Action of the Zoning Board of Appeals on Appeals; Interpretations and Variances (Article 7).** Notice by both publication and mailing in

accordance with subsections B and C. (Mailing not required for appeal or interpretation not involving a specific parcel.)

4. **Rezoning of an Individual Property, or Ten or Fewer Adjacent Properties (Article 8).** Notice by both publication and mailing in accordance with subsections B and C.
5. **Text Amendment of Zoning Ordinance, Not Involving Rezoning of any Identified Property (Article 8).** Notice by publication only in accordance with subsection B below.
6. **Rezoning of Eleven or More Adjacent Properties (Article 8).** Notice by publication only in accordance with subsection B below.

For purposes of determining whether or not mailing is required for rezoning (and also for the required text of notice), each contiguous parcel or parcels under common ownership, not divided by a public road, shall be considered to be one parcel.

- (B) **Notice by Publication.** If notice of public hearing is required, it shall be published in a newspaper of general circulation in the Township one time not less than 15 days prior to the date of the public hearing.
- (C) **Notice by Mail or Personal Delivery.** Notice of public hearing shall be mailed or given by personal delivery to the owners of property for which a request or action is being considered, not less than 15 days before the date of the public hearing. Notice to neighboring property owners and occupants shall be mailed or given by personal delivery not less than 15 days before the date of public hearing to all persons to whom real property is assessed within 300 feet of the property, and to the occupants of all structures within 300 feet of the property. Notice shall be addressed to the respective owners at the address given on the last confirmed assessment roll, as supplemented by any changes processed and reflected on the tax records by the Township subsequent to that time. If an occupant's name is not known, the term "occupant" shall be used. Notice shall be given to owners or occupants of property located outside of Mecosta Township, if within the above notification radius.

Notice given by mail shall be complete when placed in United States Mail, with first class postage prepaid. Notice by personal delivery shall be complete by delivering the notice to the person entitled to the notice, or by leaving it with a person of suitable age and discretion at that person's residence, or affixing it to the front door of that person's residence.

- (D) **Contents of Notice.** Notices of public hearings on zoning actions shall include at least the following information:
 1. A general description of the land use or change proposed, and the type or types of zoning approval being considered.

2. An identification of the property that is subject to the request. Except for rezoning of 11 or more adjacent properties, the notice shall include a listing of all existing street addresses within the property. If the request pertains to a proposal for rezoning of 11 or more adjacent properties, the notice need not include a listing of all existing street addresses within the property, but shall include identification of the general location of the request. Street addresses need not be created and listed if no such addresses exist for the property. If there are no street addresses, other means of identification may be used.
 3. A statement of when and where the request will be considered.
 4. A statement that written comments may be received addressed to the Township Clerk, at the township Hall, prior to the meeting, or delivered to the body conducting the hearing at the time of the hearing.
 5. In case of a proposed amendment to the text of the Zoning Ordinance or a rezoning, notification that the proposed Ordinance amendment is on file with the Township for review during regular Township Hall business hours.
- (E) **Additional Notice to Public Utilities, Railroads and Airports.** In addition to other notices required, notice of any amendment to the text of the Zoning Ordinance, or re-zoning of property (regardless of number of properties involved), shall be given by mail at least 15 days prior to the hearing to each electric, gas, and pipeline public utility company, each telecommunication service provider, any railroad operating within the Township, and the airport manager of any airport that has registered its name and mailing address with the clerk at the Township for the purpose of receiving such notices of public hearing.
- (F) **Authorized Officials.** The Township Zoning Administrator, supervisor and clerk are each authorized to give notice of public hearing, in compliance with this Ordinance and the Zoning Act, without prior approval of the reviewing body. However, in their discretion, or at the direction of the reviewing body, these officials may or shall defer the giving of notice until the application has first been considered by the reviewing body. Appropriate written proof of the giving of notice shall be prepared and maintained in the Township files.

ARTICLE 9 DEFINITIONS

The following terms shall have the following meanings when used in this Ordinance.

General. When not inconsistent with the context, words used in the present tense include the future tense, words used in the singular number include the plural number and words used in the plural number include the singular. The word “shall” is always mandatory and not merely directory. Terms not herein defined shall have the meanings customarily assigned to them.

Accessory Use; Accessory Building or Structure. A use, building or structure naturally and normally incidental and subordinate to; devoted exclusively to; and on the same lot as; the main use of the land or buildings, including but not limited to garages, storage sheds, out buildings, carports and similar structures. Temporary trailers for on-site offices used in conjunction with active ongoing construction on the site will be allowed by right as an accessory use. Upon completion of construction the temporary trailer will be removed within 60 days. A sign identifying or advertising only a use conducted on the same lot is an accessory structure.

Act 177 Cluster Development. A residential development in which the applicant or developer wishes to provide for individual lot sizes smaller than permitted in the applicable zoning district, pursuant to the provisions of Article 4A of this Ordinance which were adopted to implement Act 177 of the Public Acts of Michigan of 2001.

Adult Bookstore. An establishment having as a substantial or significant portion of its stock in trade books, magazines, or other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas” defined by this Ordinance.

Adult Cabaret. A bar, lounge, club or other establishment, which may or may not sell alcoholic or non-alcoholic beverages and/or food, which features as part of the regular entertainment dancers, strippers or similar entertainers, whether male or female, whose acts are characterized by an emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas” as defined by this Ordinance, or who appear semi-nude.

Adult Film Store. An establishment having as a substantial or significant portion of its stock in films, video tapes, video disks, facilities for downloading data, or similar items which are distinguished or characterized by their emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas” as so defined by this Ordinance.

Adult Motion Picture Theater. An enclosed building in which a substantial or significant portion of the material presented is distinguished or characterized by an emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas” as so defined by this Ordinance, for observation by patrons therein.

Adult Novelty Store. An establishment that has a substantial or significant portion of its activity in the sale of devices that simulate human genitals or devices designed for sexual stimulation.

Agricultural Use. Means substantially undeveloped land devoted to the production of plants and animals useful to humans, including forages and sod crops; grains, feed crops, and field crops; dairy and dairy products; poultry and poultry products; livestock, including breeding and grazing of cattle, swine, captive cervidae, and similar animals; berries; herbs; flowers; seeds; grasses; nursery stock; fruits; vegetables; Christmas trees; and other similar uses and activities. The management and harvesting of a woodlot is not an agricultural use.

Alteration. Any change, addition or modifications in use or type of occupancy; and change in the structural members of a building, such as walls, partitions, columns, beams, girders, or any change which may be referred to herein as “altered” or “reconstructed.”

Anatomical Areas, Specified.

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

Animal, Domestic. Any animal ordinarily domesticated by humans as a household pet, not including farm animals or animals otherwise being raised for commercial purposes (which are provided for in connection with permitted farming activities), equine (which are provided for as a special land use in certain areas), or wild animals. Domestic animals include domestic cats, dogs, hamsters, fish, rabbits, non-poisonous snakes less than eight feet in length, and similar animals which are customarily trained to live in a dwelling all or some of the time.

Animal, Wild. Any animal not ordinarily domesticated by humans as a household pet, or any animal which a person is prohibited from possessing by law. Wild or exotic animals shall include, but shall not be limited to the following: alligator and crocodile (family), opossum (family); badger, wild lemur, coyote; weasel (family); wild boar, raccoon, wolf, tiger, panther, or other non-domesticated cat.

Automobile Filling Station. A place used for the retail sale and dispensing of fuel or lubricants, either full or self-service together with the fixed equipment from which the fuel is dispensed directly into motor vehicles, intended primarily for passenger vehicle and small commercial vehicles. Automobile filling stations may also incorporate a convenience store operation as an accessory use. Parking requirements for filling station/convenience store operations shall be computed by adding together the parking space requirements for each separate use.

Automobile Repair. Major or minor repair of automobiles defined as follows:

- (a) **Minor Repair.** Engine tune-ups and service of brakes, air conditioning, exhaust systems; oil change or lubrication; wheel alignment or balancing; or similar servicing or repairs that do not normally require any significant disassembly or storing of automobiles on the premises;
- (b) **Major Repair.** Engine and transmission rebuilding and general repairs, rebuilding or reconditioning; collision service such as body, frame or fender

straightening or repairs; steam cleaning, undercoating and rust proofing; and similar servicing, rebuilding or repairs that normally do require significant disassembly or storing the automobiles on the premises. Unless specified, "Automobile Repair" includes minor and major repair.

Basement. That portion of a building which is partly or wholly below grade, but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling. A basement shall not be counted as a story and shall not be used in computing minimum floor area.

Board of Appeals. The Mecosta Township Board of Zoning Appeals which is a local body, created by state law and ordinance, with the powers as provided by state law and ordinance.

Boat House. House or shed used principally for sheltering boats which is accessible by boat from the water, accessory to a residential use on the same lot.

Boat Livery. A commercial or shared building which has the primary purpose of housing boats and which is accessible from water.

Building. A structure either temporary or permanent having a roof supported by columns or walls used or capable of being used for the shelter, support or enclosure of persons, animals, commercial or industrial activities. When any portion thereof is completely separated from every other part thereof by division walls from the ground up, and without openings, each portion of such building shall be deemed a separate building. Vehicles, (whether mounted on wheels or not) and situated on private property and used for purposes of shelter, shall be subject to the provisions of this Ordinance pertaining to buildings. However, whether such vehicle may lawfully be used as a dwelling or for other uses is subject to this Ordinance, local building code and other law.

Building Envelope. The ground area occupied, or to be occupied, by the principal structure which is, or is intended to be, placed on a building site, together with any attached accessory structures, e.g. house and attached garage.

Campground. A parcel or tract of land under the control of a person in which sites are offered for the use of the public or members of an organization, either free of charge or for a fee, for the establishment of temporary living quarters for five or more recreational units.

Church. A building where persons regularly assemble for religious worship which is used only for such purpose and those accessory activities as are customarily associated therewith.

Common Elements. Portions of the condominium project other than the condominium units.

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

Customary Uses. See Accessory Use.

Duplex. See Dwelling.

Dwelling. Any house, building, structure or portion thereof which is constructed to the applicable building code or applicable standards for mobile home construction and is occupied in whole, or in part, as a home, residence, living or sleeping place for one or more persons, either permanently or as transients. In no case shall a travel trailer or recreational vehicle, automobile chassis, tent or portable building be used as a dwelling. In case of mixed occupancy, where a building is occupied in part as a dwelling unit, the part so occupied shall be deemed a dwelling unit for the purpose of this Ordinance and shall comply with the provisions thereof relative to dwellings.

1. **Single-Family Dwelling.** A dwelling designed or used for residential occupancy of one family.
2. **Two-Family Dwelling or Duplex.** A dwelling designed or used for residential occupancy of two families only, living independently of each other and independently doing their own cooking in said building.
3. **Multi-Family (or Multiple) Dwelling.** A building or portion thereof used or designed as a residence for three or more families living independently of each other and independently doing their own cooking in said building. This definition includes three-family houses, four-family houses and apartment houses, but does not include trailer camps, mobile home parks or hotels.

Easement. A right given by the owner of land to another party for specific limited use of that land.

Essential Public Service Equipment. The erection, construction, alteration or maintenance by public utilities or municipal departments of commissions, of overhead, surface or underground gas, electrical steam or water, distribution, or transmission systems, collection, communication, supply or disposal systems, including mains, drains, sewers, pipes, conduits, or tunnels, wires, cables, fire alarm boxes, police substations, gas regulator stations and other similar equipment and accessories in connection therewith, (but excluding any building over 500 square feet in floor area), reasonably necessary for the furnishing of adequate service by such public utility or municipal department or commission or for the public health or safety or general welfare.

Equine. The term equine shall refer to horses, donkeys, mules, ponies and the offspring of the aforementioned.

Family.

- (a) An individual or group of two or more persons related by blood, marriage adoption, together with foster children and servants of the principal occupants, with not more than one additional unrelated person, who are domiciled together as a single domestic housekeeping unit in a dwelling; or
- (b) A collective number of individuals domiciled together in one dwelling whose relationship are of a permanent and distinct domestic character, with a

demonstrable and recognizable bond characteristic of a cohesive unit, and, who are in fact cooking and living as a single nonprofit housekeeping unit. This definition shall not include any society association, lodge, combine federation, group, coterie, or other organization, which is not a recognized religious order, and shall also not include any group of individuals whose domestic relationship is transitory, temporary, or resort/seasonal in nature or character.

Farm; (Farm Unit). Means one or more of the following:

- (a) A lot of 40 or more acres in one ownership, with 51 percent or more of the land area devoted to an agricultural use.
- (b) A lot of five acres or more in one ownership, but less than 40 acres, with 51 percent or more of the land area devoted to an agricultural use, that has produced a gross annual income from agriculture of \$200.00 per year or more per acre of cleared and tillable land. A farm described in this subparagraph enrolled in a federal acreage set aside program or a federal conservation reserve program is considered to have produced a gross annual income from agriculture of \$200.00 per year or more per acre of cleared and tillable land.
- (c) Land designated by the Michigan Department of Agriculture as a specialty farm in one ownership that has produced a gross annual income from an agricultural use of \$2,000.00 or more. Specialty farms include, but are not limited to, greenhouses, equine breeding and grazing; the breeding and grazing of cervidae, pheasants, and other game animals; bees and bee products; mushrooms; aquaculture; and other similar uses and activities.
- (d) Parcels of land in one ownership that are not contiguous but which constitute an integral part of a single farming operation being conducted on land otherwise qualifying as a farm shall be considered a single farm for this Ordinance.
- (e) It is the intention of the Township that the definition of Farm and other provisions made for agricultural uses in this Ordinance shall be applied, to the maximum extent that they do not conflict with the Michigan Right to Farm Act, or generally accepted agricultural and management practices adopted pursuant to that act.

Floor Area. Means the total gross area on all floors as measured to the outside surfaces of the exterior walls, excluding crawl spaces, basements, cellars, garages, carports, breezeways, attics without floors and open porches, balconies and terraces.

Height. The vertical distance from the highest point on a structure, excepting any chimney or antenna on a building, to the lowest ground level where the walls or other structural elements intersect the ground.

Home Occupation. A nonresidential use customarily conducted entirely within the dwelling, which is clearly incidental and secondary to the use of the dwelling for residential purposes.

Junk or Salvage Yard. Any establishment or premises where worn-out or discarded material or equipment is bought, kept, sold and/or stored; also any premises upon which two or more unlicensed used motor vehicles which cannot be operated under their own power are kept or stored for a period of fifteen days or more.

Kennel. Any activity involving the permanent or temporary keeping or treatment of four or more adult animals as a business.

Limited Common Elements. A portion of the common elements reserved in the Master Deed for the exclusive use of less than all of the co-owners.

Lot. An area of land under common ownership and not divided by a road which is used as a unit of reference for application of this Ordinance.

Lot Area. The area lying within the lot lines.

Lot, Corner. Any lot having at least two contiguous sides abutting upon a street, provided that the interior angle at the intersection of such two sides is less than 135 degrees. A lot abutting upon a curved street or streets shall be considered a corner lot if the tangent to the curve, at its points of beginning within the lot or at the points of intersection of the side lot lines with the street line, intersect at an interior angle less than 135 degrees.

Lot Coverage. The percentage of lot area which is covered by buildings, canopies, roofs, driveways, structures, parking areas and impervious surfaces.

Lot Depth. The length of the furthest distance from the front lot line to the rear lot line, measured at a right angle to the line which defines lot width.

Lot Lines. The lines bounding a lot as defined herein.

- (a) **Front Lot Line.** In the case of an interior lot, the line separating the lot from the adjacent public or private street right-of-way or access easement, or from other adjacent land owned by or dedicated to the County Road Commission, State Transportation Department or other public road agency. Through and corner lots shall be considered to have two front lot lines, consisting of the lines separating said lot from each of the rights-of-way of the streets abutting the lot. In the case of a waterfront lot, the front lot line is the lot line on the waterfront.
- (b) **Rear Lot Line.** That lot line opposite and most distant from the front lot line. In the case of a corner lot, the property owner may treat one of the lot lines opposite either of the two front lot lines as the rear lot line. In the case of a triangular lot, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten feet long, lying farthest from the front lot line or wholly within the lot. A through lot has no rear lot line.
- (c) **Side Lot Line.** The lot lines connecting the front and rear lot lines of an interior lot line or connecting the front lot lines of a through lot; and the one lot line connecting the front and designated rear lot line of a corner lot.

Lot of Record. A parcel of land which is separately described in a plat, condominium document, or metes and bounds description, recorded in the office of the Mecosta County Register of Deeds as of a specified date. The assignment of a tax parcel number shall not itself qualify property as a lot of record.

Lot, Through. A lot which extends from one street to another street, which streets are more or less parallel to each other, and which is not classified as a corner lot.

Lot Width. The distance measured in a straight line from lot line to lot line, across both the minimum front and rear set back line or lines for a principal building on the property.

Mecosta Township Land Use Plan. The Mecosta Township Interim Land Use Plan or other similar comprehensive plans for or including Mecosta Township which include graphic and written proposals and policies designed to promote the public health, safety and general welfare, and whose policies are designed to encourage the use of lands in accordance with their character and adaptability; to conserve natural resources and energy; and to meet township, county and regional needs for food, fiber, recreation, economic development, solid wastes disposal and similar aspects of community development.

Mineral Extraction. The excavation for, or removal of, and processing of sand, gravel, soil, peat, marl, or other minerals, for sale and transport off of the site of removal. Mineral extraction does not include excavation or similar activities, intended to make a site usable for development, if materials are not removed from the site.

Mobile Home or Manufactured Home. A prefabricated structure transportable in one or more sections, which is built and designed, conforming to Housing and Urban Development (HUD) standards, to be used as a dwelling with or without a permanent foundation.

Mobile Home Park. Land upon which three or more mobile homes are located on a continual non-recreational basis, and which is offered to the public for that purpose regardless of whether a charge is made therefore, along with all buildings, structures, enclosures, streets, equipments, and facilities used or intended for use incident to the occupancy of a manufactured home or operation of the park.

Modular Home. A dwelling unit constructed solely within a factory, as a single unit, or in various sized modules of components, which are then transported by truck or other means to a site where they are assembled on a permanent foundation to form a single-family dwelling unit and meeting all codes and regulations applicable to conventional single-family home construction Building Code Administrator (BOCA).

Motel (or Hotel). A building or group of buildings, whether detached or connected, containing sleeping or dwelling units designed for travelers or vacationers. The term shall include building or building groups designated as motor lodges, transit cabins, or by any other title intended to identify them as providing lodging, with or without meals, for compensation on a transient basis. A facility is not considered a “motel or hotel” if it, as a regular part of its business, includes dwelling units occupied for a continuous period of more than one month by any person or persons. The existence of special rates or packages for stays of one month or longer, or regular

occupation of units by persons for more than one month at a time, shall be prima-facie evidence that the facility is not a motel or hotel. The terms “motel” and “hotel” are synonymous.

Motorized Vehicle. Any automobile, truck, van, motorcycle, all-terrain vehicle, tractor, golf cart, snowmobile, or other vehicle that is propelled by a motor and is designed to be operated on a public road, private land, or as an off-road vehicle.

Motorized Vehicle Activity. The racing, time trialing, practicing for racing or time trialing, stunting, exhibition, or similar activities involving motorized vehicles which take place on a defined or established track, pathway, or course, or which involve created obstacles or natural features, including but not limited to mud bogs, snowmobile races, motorcycle or motocross tracks, off road vehicle tracks, jumps, hill climbs, and similar activities whether on a commercial or non-commercial basis. The definition is not intended to include ordinary and casual use of off-road vehicles, trucks, or similar vehicles for work, maintenance, hunting or pleasure use in a manner which is not described in the previous sentence.

Nudity, “Nudity,” “Nude” or “State of Nudity” means the knowing or intentional live display of a human genital organ or anus with less than fully opaque covering or female breasts with less than a fully opaque covering of the nipple and areola. Nudity, as used in this section, does not include a woman’s breast feeding of a baby whether or not the nipple or areola is exposed during or incidental to the feeding.

Nuisance. Anything that interferes with the use or enjoyment of property, endangers personal health or safety, or is offensive to the senses.

Parcel. See lot.

Public and Semi-Public Institutional Uses. Colleges, hospitals, and similar uses, operated by a governmental or non-profit body, which do not fall within another classification in the Zoning Ordinance.

Public or Private Park. A facility designed primarily for outdoor recreational activities or set aside for preservation of natural areas. Parks may include areas for active recreation such as games, exhibits of historical or similar nature, walking paths, parking areas, concessions for the park, and similar uses. A private commercial operation which has as its primary function making available recreational field for rent or hire, or other means of profit, does not constitute a park.

Public Service Building. Buildings or structures owned and operated by public utilities or municipalities for the purpose of furnishing public utility service, or for providing police, fire, government, road maintenance, or similar service which is intended primarily to serve residents of the Township or an area within the Township. Regional garages and service centers intended to serve areas substantially in addition to the Township are not considered public service buildings.

Recreational Unit. A tent or vehicular-type structure, primarily designed as a temporary living quarters for recreational, camping or travel use, which either has its own motive power or is mounted on or drawn by another vehicle which is self-powered. A tent means a collapsible

shelter of canvas or other fabric stretched and sustained by poles and used for camping outdoors. Recreational units shall include, but shall not be limited to the following: travel trailer, camping trailer, motor home, truck camper, slide-in camper and chassis-mount camper.

Rezoning. An amendment to or a change in the Ordinance conducted as a legislative action by the Mecosta Township Board, following a public hearing and recommendation by the Mecosta Township Zoning Board. Map changes in the Zoning Ordinance are commonly referred to by this name.

Road. A public right-of-way or private road which provides for vehicular and pedestrian access. Unless specified, the term “road” includes both public and private roads, and is synonymous with street. The following are definitions of specific types of roads referred to in this Ordinance.

1. **Road, Main Access.** Meaning a major arterial public road which intersects a limited access highway.
2. **Road, Primary.** A public road so designated by the Mecosta County Road Commission.
3. **Road, Service Access.** A public or approved private service road or other local road which may parallel or intersect the main access road, but does not intersect the highway (also called service drives).

Road, Private. A private road is any undedicated path, trail or road which provides or is intended to provide the primary means of access to two or more parcels or two or more principal buildings, dwelling units or structures, or combination thereof, whether created by private right-of-way agreement, easement or prescription.

Sawmill, Temporary. A sawmill and similar and related lumber processing equipment located on property for the purpose of processing timber removed from that property as part of forestry operation or accessory to development of the property.

Screened From View. A barrier which is designed to obscure structures, uses or activities from visual observation when viewed from off the lot in question.

Seasonal Cottage/Mother-in-Law Home. A second dwelling located on a residential lot, approved as special land use in accordance with this Ordinance.

“**Semi-Nudity,**” “**Semi-Nude,**” or “**In a Semi-Nude Condition.**” Means the showing of the female breast below a horizontal line across the top of the areola and extending across the width of the breast at that point, and the showing of male or female buttocks. This definition shall include the lower portion of the human female breast, but shall not include any portion of the cleavage of the human female breast exhibited by a bikini, dress, blouse, shirt, leotard or similar wearing apparel provided the areola is not exposed in whole or in part.

Setback. The measurement of horizontal distance between the lot line and the nearest point on the wall of a building or structure. The terms “side,” “front,” and “rear” setback shall refer to the distance between the building and the side, front, or rear lot line.

Setback, Minimum. The minimum distance required by the Ordinance between a building, structure, or use, and a specified lot line or other point of reference. For example, “minimum front setback” means the minimum required distance from the front lot line.

Sexual Activities, Specified.

- (A) Human genitals in a state of sexual stimulation or arousal;
- (B) Acts of human masturbation, sexual intercourse or sodomy;
- (C) Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

Sexually-Oriented Business. Those uses herein specified and defined as an adult bookstore, adult cabaret, adult film store, adult motion picture theater, or adult novelty store.

Sign. A name, identification, image, description, display, or illustration which is affixed to, painted, or represented directly or indirectly upon a building, structure, or piece of land and which directs attention to an object, product, place, activity, facility, service, event, attraction, person, institution, organization, or business and which is visible from any street, right-of-way, sidewalk, alley, park or other public property. Customary displays of merchandise or objects and material without lettering placed behind a store window are not signs or part of signs.

Special Use. Permission for a use of property granted by the Zoning Board in accordance with Article 5 of this Ordinance and other relevant provisions of this Ordinance. The term “special use” is synonymous with “special land use,” “special land use permit” or “conditional use permit”.

Stable, Commercial. The building, structure, or premises in which horses or other equine are kept or sheltered for hire, boarding, or sale.

Stable, Private. The building or structure in which horses or other equine are kept, sheltered, and fed, solely for the pleasure of the owners and occupants of the premises, excluding the keeping of horses or equine for hire, boarding, or sale.

Storage Building for Personal Use. A fully enclosed structure used for storage of the property owner’s or current occupant’s personal property, which is located on a parcel which does not contain a main or principal building, and does not meet the definition of an accessory building.

Structure. Any constructed, erected, or placed material or combination of materials in or upon the ground, including, but not limited to, houses, buildings, mobile homes, radio towers, sheds, signs, and storage bins, but excluding fences, sidewalks, paving on streets, driveways, parking areas and patios, water wells, water monitoring wells and water pipelines with associated equipment vaults not higher than two feet above grade level and not larger than 50 square feet in area.

Township Zoning Act. The phrase “Township Zoning Act” or “Township Rural Zoning Act” as used in this Ordinance shall be deemed to refer to like provisions of the Michigan Zoning Enabling Act.

Truck Stop (Service Center). A facility designed to provide service for semi-tractor trailer trucks and similar large commercial vehicles, which may include areas for fueling of trucks, repair of trucks, overnight parking, showers, restaurant, retail sales, and similar facilities and services intended for use in the transportation industry.

Variance. Permission for use of land, buildings or structures contrary to the express terms of this Zoning Ordinance. A variance is granted by the Zoning Board of Appeals pursuant to Article 7 of the Zoning Ordinance and the Township Zoning Act.

Yards. The open spaces on the same lot located between a building and a lot line. The term “required yard” shall refer to that portion of the yard lying within the minimum required building setback distance from the lot line.

- (a) **Front Yard.** The space extending the full width of the lot, the depth of which is the furthest horizontal distance between the front lot line, and the building line of the main building. In the case of a lot having frontage on a body of water, the front yard shall be considered that area between the shoreline and the building line of the main building.
- (b) **Rear Yard.** The space extending the full width of the lot, the depth of which is the furthest horizontal distance between the rear lot line and the nearest building line of the principal building. In the case of a corner lot, the rear yard may be opposite either street frontage. A through lot is not considered to have a rear yard.
- (c) **Side Yard.** The space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the furthest horizontal distance from the side lot line to the nearest building line of the principal building.

Zoning Administrator. A person appointed by the Mecosta Township Board for the administration and enforcement of this Ordinance.

ARTICLE 10 ENACTMENT

Section 10.0 Severability and Savings.

- (A) **Severability Clause.** This Ordinance and the various articles, sections and clauses thereof, are hereby declared to be severable. If any part, sentence, paragraph, section, clause or word is adjudged unconstitutional or invalid for any reason, by a court, such invalidity shall not affect the remaining portions or applications of this Ordinance which can be given effect without the invalid portion or application, provided such remaining portions are not determined by the court to be inoperable.

- (B) **Pending Prosecution.** All prosecution, or other actions for enforcement of this Ordinance, pending at the effective date of this Ordinance, may be continued or instituted under and in accordance with the provisions of the Ordinance in force at the time of such offense. In addition, or in the alternative, to the extent that the same action constitutes a violation of the provisions of this Ordinance continuing after the effective date of the ordinance, the Township may institute additional proceedings for violation of this Ordinance.

Section 10.1 Repealing Clause.

Immediately upon this Ordinance becoming effective, the Mecosta Township ordinance relating to interim zoning and land use shall be repealed. If, for any reason, this Ordinance does not become effective, the interim zoning ordinance shall continue in effect for as long as permitted by law.

Section 10.2 Certification and Effective Date.

Notice of adoption of this Zoning Ordinance shall be published one time in a newspaper of general circulation in the Township within five days after adoption. The ordinance shall take effect December 22, 2003.