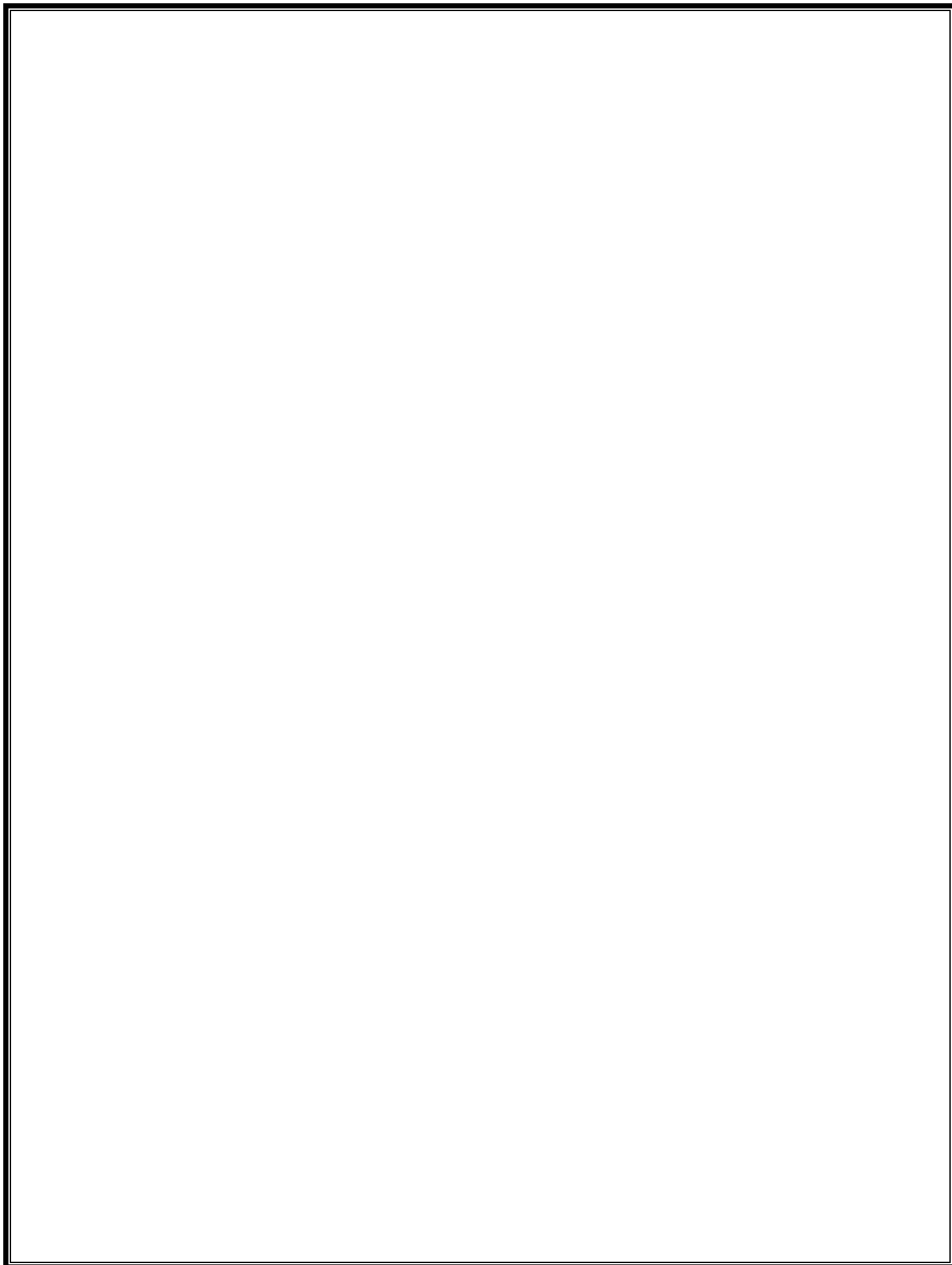


# **KEELER TOWNSHIP**

**VAN BUREN COUNTY MICHIGAN**

# **ZONING ORDINANCE**

**2004**



**AMENDED**  
**ZONING ORDINANCE #7**

**KEELER TOWNSHIP**

**VAN BUREN COUNTY, MICHIGAN**

Adopted, September 27, 2004

Amended, April 2005 (Section 3.23 and Section 7.03)

Amended, July 2006 (Sections 2.14, 3.0, 3.04, 5.02, 12.02, 13.02, 15.06, and 16.00)

Amended September 2006 (to comply with PA 110 of 2006)

Amended October 2006 (to clarify landscaping standards for waterfront lots)

Amended April 2013 (Sections 2.01, 2.06, 2.06, 3.11, 3.12, 3. 23, 3.34 and 17.01)

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## CHAPTER 1

### *TITLE, PURPOSE, SCOPE AND LEGAL BASIS*

#### **SECTION 1.00 TITLE**

This Ordinance shall be known and may be cited as the "Keeler Township Zoning Ordinance", "this Ordinance", "the Ordinance", or phrased in similar fashion. In all cases, such terms and phrases shall refer to the Keeler Township Zoning Ordinance.

#### **SECTION 1.01 PURPOSE**

- A. This Ordinance is based upon the Keeler Township Master Plan and provides for the establishment of zoning districts and district uses, standards, and regulations designed to promote the public health, safety and general welfare; to encourage the use of land in accordance with its character and adaptability and limit the improper use of land; to conserve natural resources and energy, to meet the needs of the State's citizens for food, fiber and other natural resources, places of residence, recreation, agriculture, industry, trade, service and other uses of land; to insure that uses of land shall be situated in appropriate locations and relationships; to avoid the overcrowding of population; to provide adequate light and air; to lessen congestion on the public roads and streets; to reduce hazards to life and property; to facilitate the adequate provision of a system of transportation, sewage disposal, safe and adequate water supply, education, recreation and other public requirements; and to conserve the expenditure of funds for public improvements and services so as to obtain the most advantageous uses of land, resources and properties.
- B. This Ordinance is adopted with reasonable consideration, among other things, of the character of each district, its peculiar suitability for particular uses, the conservation of property values and natural resources, and the general and appropriate trend and character of land, building and population development.

#### **SECTION 1.02 SCOPE**

- A. Zoning affects all structures and land uses within the Township.
- B. This Ordinance shall not repeal, abrogate, annul or in any way impair or interfere with existing provisions of other laws, ordinances or regulations, except those repealed herein by specific reference, or with private restrictions placed upon property by covenant, deed or other private agreement, or with restrictive covenants running with the land to which the Township is a party.



- C. Where this Ordinance imposes greater restrictions, limitations, or requirements upon the use of buildings, structures, or land; the height of buildings or structures; lot coverage; lot areas; yards or other open spaces; or any other use or utilization of land than are imposed or required by such existing laws, ordinances, regulations, private restrictions, or restrictive covenants, the provisions of this Ordinance shall control.

### **SECTION 1.03 LEGAL BASIS**

This Ordinance is enacted pursuant to the Zoning Act.

### **SECTION 1.04 REPEAL**

- A. The Township of Keeler Zoning Ordinance, Ordinance adopted September 27, 2004, as amended and any prior zoning ordinances of the Township of Keeler are hereby repealed effective coincident with the effective date of this Ordinance. The repeal of said ordinances shall not have the effect of releasing or relinquishing any penalty, forfeiture or liability incurred under said ordinance, or any part thereof, and said ordinance shall be treated as still remaining in force for the purpose of instituting or sustaining any proper action for the enforcement of such penalty, forfeiture or liability.
- B. Conditions which have been attached to land, buildings, structures, and uses resulting from actions under a prior ordinance shall remain in effect unless specifically waived by this Ordinance, or through proper amendment, subject to the requirements of this Ordinance.

### **SECTION 1.05 SEVERABILITY**

If any court of competent jurisdiction shall declare any part of this Ordinance to be invalid, such ruling shall not affect any other provisions of this Ordinance not specifically included in said ruling. Further, if any court of competent jurisdiction shall declare invalid the application of any provision of this Ordinance to a particular parcel, lot, use, building or structure, such ruling shall not affect the application of said provision to any other parcel, lot, use, building or structure not specifically included in said ruling.

## **CHAPTER 2**

### ***DEFINITIONS***

#### **SECTION 2.00 RULES APPLYING TO TEXT**

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

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

#### **SECTION 2.01 A – DEFINITIONS**

##### **ACCESSORY BUILDING**

A subordinate building on the same premises with a main building or a portion of a main building and occupied or devoted to an accessory use; for example, a private garage used for the housing of automobiles used by the residents of a dwelling to which the private garage is accessory. Where an accessory building is attached to a main building, such accessory building shall be considered part of the main building.

**ACCESSORY USE, OR ACCESSORY**

A use of a zoning lot which is clearly incidental and subordinate to the principal use of the lot and customarily found in connection with the principal use. When "accessory" is used in this text, it shall have the same meaning as accessory use.

**ADULT USES**

Uses whose primary business is for an adult bookstore, adult live entertainment theater, adult motion picture theater, or a combination thereof, as defined below.

**ADULT BOOKSTORE**

An enclosed building used for the sale of motion picture films, video cassettes, magazines, posters, and other printed material, or tapes, or sex objects for other than contraceptive purposes, distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas," as defined in this Ordinance, for sale to patrons therein.

**ADULT LIVE ENTERTAINMENT THEATER**

An enclosed building for presenting live entertainment involving the use of strip dancers, naked individuals, individuals who wear see through clothing which permits the view of "specified anatomical areas," individuals who are partially clothed and partially unclothed so as to permit the view of "specified anatomical areas," or individuals conducting "specified sexual activities."

**ADULT MOTION PICTURE THEATER**

An enclosed building used for presenting motion picture films, video cassettes, cable television, or any other such visual media, distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas," as defined below, for observation by patrons therein.

**SPECIFIED ANATOMICAL AREAS**

- 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.

**SPECIFIED SEXUAL ACTIVITIES**

- 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.

### **AGRICULTURE**

The cultivation, tilling or use of soil for the purpose of growing or storing crops thereon or use of land for the purpose of animal or poultry husbandry, including the preparation and marketing of agricultural products for commercial purposes. All reasonable dust, spray drift, water drift, noise, odors, and other conditions normally association with the foregoing agricultural uses are considered a part of the agriculture and are permitted.

### **ALTERATIONS**

Any change, addition, or modification in construction or type of occupancy, or in the structural members of a building, such as walls or partitions, columns, beams or girders, any substantial change in the roof, or an addition to or diminution of a structure or building, or the removal of a building from location to another.

### **AUTOMOTIVE SALES AREA**

An area used for the display, sale, or rental, but not for the repair, of new or used motor vehicles, boats, trailers, farm equipment, construction equipment, or mobile homes in operable condition.

### **AUTOMOTIVE REPAIR SHOP**

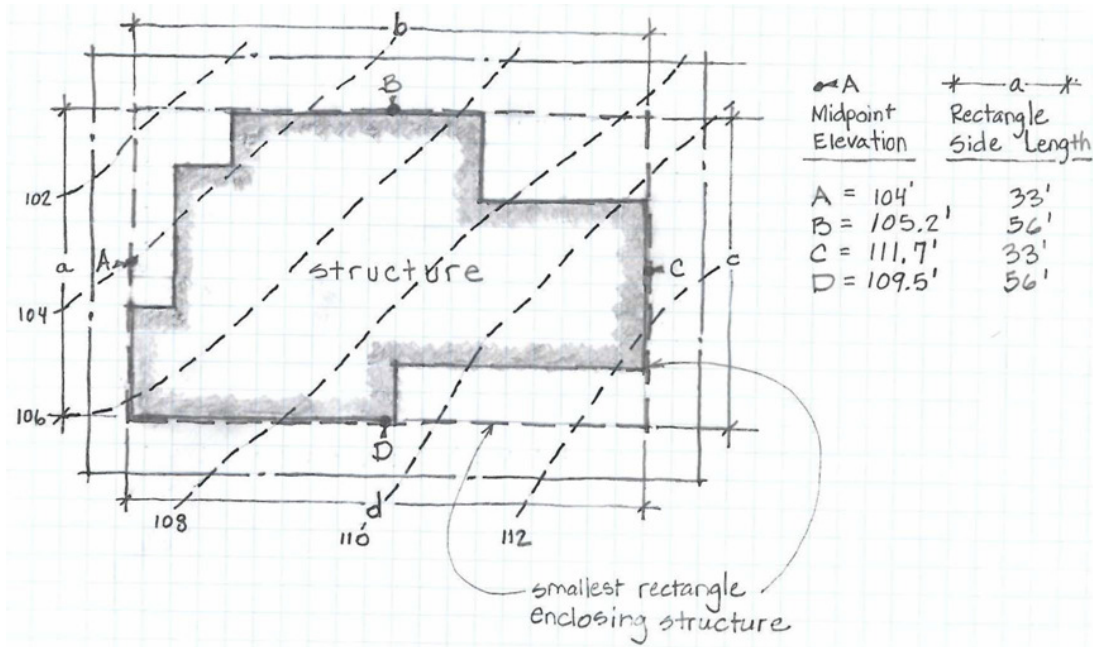
A garage, building, or area where repairs of motor vehicles, boats, trailers, farm equipment, or similar equipment is made for a fee.

### **AUTOMOBILE SERVICE STATION**

A retail business primarily oriented to the sale of gasoline for use by automobiles and light trucks, with ancillary sales of sundry goods and food products typically consumed on a daily basis. An automobile service station may include bays for the light servicing of vehicles such as oil changes, battery and tire replacements, belt replacements, engine tune-ups, and similar light repair services.

### **AVERAGE GRADE (See Also GRADE)**

The average grade level is calculated by first drawing the smallest rectangle that encloses the entire structure, including all occupied floor area. The average grade level is calculated as the average of the pre-construction grade elevations of existing lot grades at mid-points, measured horizontally, of each side of this rectangle. For irregular lots, if the rectangle enclosing the proposed structure would extend beyond the property lines, the Zoning Administrator will determine how to treat the irregularity to most closely approximate the smallest enclosing rectangle. Applies to Sec. 2.02, 2.19, 3.11, and 16.09. See below for example. [Amended 2013]



Formula =  $(A \times a) + (B \times b) + (C \times c) + (D \times d)$   
 $a + b + c + d$

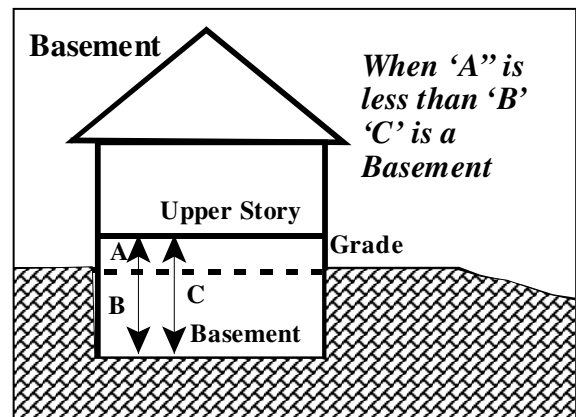
Example =  $(104 \times 33) + (105.2 \times 56) + (111.7 \times 33) + (109.5 \times 56)$   
 $33 + 56 + 33 + 56$   
 = 107.53 is average grade

- A. For construction of a detached building on a lot, the pre-construction grade shall be the undisturbed average grade of the proposed building site, before it is altered by land clearing, berming or preparation for construction.
- B. For additions to existing buildings, the pre-construction grade shall be the average grade within the boundaries of the foundation line of the existing building and the undisturbed land area proposed to be covered by the addition.

**SECTION 2.02 B – DEFINITIONS**

**BASEMENT**

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



**BED AND BREAKFAST**

A single-family dwelling occupied by the owner or permanent tenant in which overnight lodging and breakfast are made available to transient guests for a fee. Individual guest rooms do not contain kitchen (cooking) facilities and may or may not contain private bathrooms. Guest stays are short-term in duration, generally one (1) week or less. Bed and breakfast shall not mean hotel or motel.

**BERM**

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

**BODY SHOPS (See AUTOMOTIVE REPAIR SHOP)**

**BOARD (ZONING BOARD OF APPEALS)**

When used in this Ordinance, the term “Board” shall mean the Township Zoning Board of Appeals as authorized by this Ordinance pursuant to the Zoning Act.

**BUFFER STRIP**

A strip of land required between certain properties, land uses, and districts and reserved for plant material, berms, walls, or fencing to serve as a visual and/or noise barrier.

**BUILDING**

A structure erected on site, pre-manufactured or pre-cut structure, above or below ground, designed primarily for the shelter, support or enclosure of persons, animals or property of any kind.

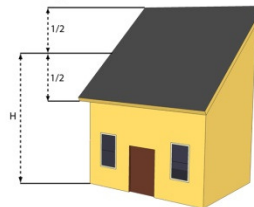
**BUILDING CODE**

The currently adopted Township code or codes governing the erection and maintenance of buildings.

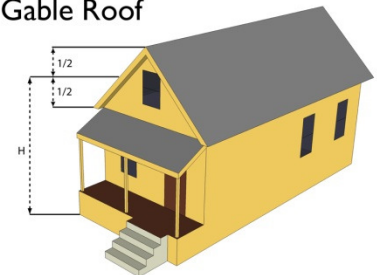
**BUILDING HEIGHT (See also HEIGHT)**

The vertical distance measured from the top of the main or ground level foundation wall, whichever is lowest, to the highest point of the roof surface of flat roofs, to the deck of mansard roofs, and to the mean height level between eaves and ridge of gable, hip, and gambrel roofs. [Amended 2013]

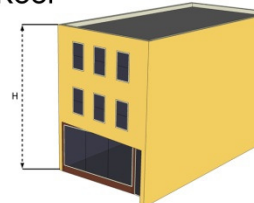
Shed Roof



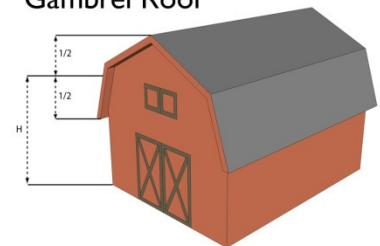
Gable Roof



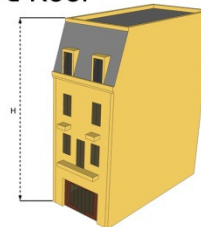
Flat Roof



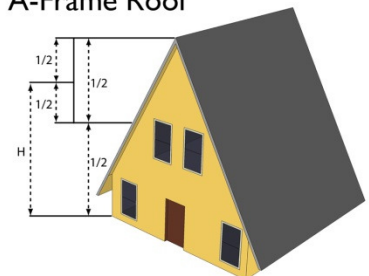
Gambrel Roof



Mansard Roof



A-Frame Roof



Hip Roof



**BUILDING INSPECTOR (See also ZONING ADMINISTRATOR)**

The person designated by the Township Board to administer the provisions of the adopted Building Codes for Keeler Township. The Building Inspector may also serve as the Township Zoning Administrator.

**BUILDING LINE**

A line formed by the eave of the building, or the most horizontal appendage of the building.

**SECTION 2.03 C – DEFINITIONS****CASH VALUE (see TRUE CASH VALUE)****CERTIFICATE OF (ZONING) OCCUPANCY**

A document signed by an authorized Township official as a condition precedent to the commencement of a use or the construction of a structure or building which acknowledges that such use, structure or building complies with the provisions of the Zoning Ordinance.

**COMMERCIAL WAREHOUSE**

Any building or buildings used primarily as a commercial business for the storage of goods and materials.

**COMMERCIAL WIRELESS TELECOMMUNICATION SERVICES**

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

**COMMUNICATION TOWER (Also referred to as TOWER)**

A public or private ground or roof mounted pole, spire, structure, or combination thereof taller than fifteen (15) feet, including supporting lines, cables, wires, braces, and masts, intended primarily for the purpose of mounting an antenna, meteorological device, or similar apparatus above grade. A communication tower may or may not be regulated by the Federal Communications Commission (FCC). A **Single-User Tower** is a tower to which are affixed only the antennas of a single user, although the tower may be designed to accommodate the antennas of multiple users as required by this Ordinance. A **Multi-User Tower** is a tower to which are affixed the antennas of more than one (1) commercial wireless telecommunication service provider or governmental entity.

**COMMUNICATION TOWER BUILDING**

A building accessory to a communication tower and used to house equipment necessary for the operation of the tower and associated antenna or other such device.

**CONDOMINIUM (CONDOMINIUM PROJECT)**

A development subject to Michigan Public Act 59 of 1978, as amended. A

condominium project shall be equivalent to Subdivision as used in this Ordinance and Subdivision Regulations.

### **CONVALESCENT HOME (NURSING HOME)**

A home for the care of the elderly, infirm, or a place of rest for those suffering serious bodily disorders necessitating twenty four (24) hour care, wherein three (3) or more persons are cared for. Said home shall also conform to, and qualify for license under, applicable State law (Act No. 139 of the Public Acts of 1956, as amended, being sections 331.651 to 331.660 of the Compiled Laws of 1948).

## **SECTION 2.04 D – DEFINITIONS**

### **DAY CARE CENTERS**

Any facility other than a private residence, licensed by the Michigan Family Independence Agency, in which one (1) or more children or adults are given care and supervision for periods of less than twenty-four (24) hours per day, and where a parent or legal guardian is not immediately available to the child or adult. Child and adult care centers include facilities which provide care for not less than two (2) consecutive weeks, regardless of the number of hours of care per day.

Child and adult care centers do not include Sunday schools, vacation Bible schools, or religious classes that are conducted by a religious organization where children or adults are in attendance for not greater than four (4) hours per day for an indefinite period, or not greater than eight (8) hours per day for a period not to exceed four (4) weeks, during a twelve (12) month period, or a facility operated by a religious organization where children or adults are cared for not greater than four (4) hours, while persons responsible for the children or adults are attending religious classes or services.

### **DAY CARE HOME, FAMILY**

Any private residence in which the operator permanently resides as a member of the household, registered with the Michigan Family Independence Agency, in which one (1) but less than seven (7) minor children or adults are given care and supervision for periods of less than twenty-four (24) hours per day, unattended by a parent or legal guardian, except children or adults related to an adult member of the family by blood, marriage, or adoption. Family day-care homes includes homes that give care to unrelated minor children or adults for more than four (4) weeks during a calendar year.

### **DAY CARE HOMES, GROUP**

Any private residence in which the operator permanently resides as a member of the household, licensed by the Michigan Family Independence Agency, in which more than six (6) but not more than twelve (12) minor children or adults are given care and supervision for periods of less than twenty-four (24) hours per day, unattended by a parent or legal guardian, except children or adults related to the operator of the home by blood, marriage, or adoption. Group day-care homes includes homes that give care to unrelated minor children or adults for more than



four (4) weeks during a calendar year.

**DISTRICT (ZONE DISTRICT)**

A Zoning District in which land and buildings are regulated by use, dimensional standards, and various placement criteria.

**DRIVE-THROUGH FACILITIES**

Any facility used in connection with a business establishment so developed that its retail or service character provides a driveway approach or parking spaces for motor vehicles to serve patrons while in the motor vehicle either exclusively or in addition to service within a building or structure, or to provide self-service for patrons and food or merchandise carry-out. Such facilities often require the stacking or queuing of vehicles awaiting pick-up of goods.

**DRIVEWAY**

A means of access for vehicles from a street or approved alley across a lot or parcel to a parking or loading area, garage, dwelling or other structure or area on the same lot.

**DWELLING, MULTIPLE-FAMILY**

A dwelling, or a portion of a building, designed exclusively for occupancy by three (3) or more families living independently of each other.

**DWELLING, SINGLE FAMILY**

A detached dwelling designed exclusively for and occupied exclusively by one (1) family.

**DWELLING, TWO-FAMILY (DUPLEX)**

A dwelling designed exclusively for occupancy by two (2) families living independently of each other.

**DWELLING UNIT**

One (1) room or suite of two (2) or more rooms designed for use and occupancy by one (1) family for living and sleeping purposes, with housekeeping facilities.

**SECTION 2.05 E – DEFINITIONS****ERECTED**

Built, constructed, altered, reconstructed, moved upon, or any physical operations on the premises which are required for construction, excavation, fill, drainage, etc.

**ESSENTIAL PUBLIC SERVICES**

The erection, construction, alteration or maintenance by public utilities or municipal departments of underground, surface, or overhead gas, electrical, steam, fuel, or water transmission, distribution, collection, communication (except communication towers), supply or disposal systems, including towers, antennas, satellite dishes, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic

signals, hydrants and similar equipment, but not including buildings and storage yards, which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general health, safety or welfare.

### **EXCAVATION**

Any breaking of ground, except common household gardening, farming operations, and ground care.

## **SECTION 2.06 F – DEFINITIONS**

### **FAMILY**

- A. One person residing in a household; or two (2) or more persons related by blood, heterosexual marriage, adoption or legal arrangement, including foster children and servants residing together; or three (3) or fewer unrelated persons residing together as one housekeeping unit in a dwelling unit; or
- B. A collective number of individuals domiciled together in one (1) dwelling unit whose relationship is of a continuing, nontransient domestic character and who are cooking and living as a single nonprofit housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, half-way house, lodge, coterie, organization, group of students, or other individual whose domestic relationship is of a transitory or seasonal nature, is for an anticipated limited duration of school term or during a period of rehabilitation or treatment, or is otherwise not intended to be of a permanent nature.

### **FARM**

A contiguous parcel of land of not less than ten (10) acres in area, directly farmed or used for commercial agriculture by the owner-operator, manager, or tenant farmer or with assistance of members of the household or hired employees. A farm includes a farm dwelling and accessory buildings necessary for the storage or housing of farm implements, products, or animals, or used for the operation of the farm. Farms may include greenhouses, nurseries, orchards, hatcheries, dairy farms, poultry farms, hog farms, commercial feedlots, apiaries, truck farms, and forestry operations.

Fish hatcheries, stockyards, recreation parks, stone quarries, gravel, dirt or sand pits, keeping fur bearing animals or game, kennels, stables, riding academies, or mineral extraction, are not considered farm uses.

### **FENCE**

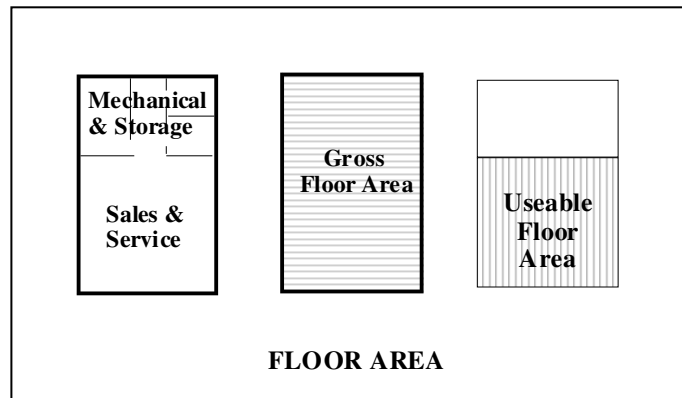
An accessory structure intended for use as a barrier to property ingress or egress; a screen to block views or noise; a screen serving to separate incompatible uses; a screen to provide a barrier or buffer between uses; and/or, a screen for decorative use. In addition to man made material, a fence may include hedges, shrubs, or other such plant material if so arranged, designed, and of a character suitable to accomplish the intended purpose of a fence. Fence shall also include any associated gate. Standards for which can be found in sec. 3.12. [Amended 2013]

**FLOOD**

Is a land area which on the basis of available information is subject to a one (1) percent or greater chance of flooding in any given year.

**FLOOR AREA, GROSS (GFA)**

The sum of the total horizontal areas of the several floors of all buildings on a lot, measured from the exterior faces of exterior walls, but excluding porches, patios, terraces, breezeways, carports, verandas, garages, attics, and basements.



**FLOOR AREA, USABLE (UFA)**

That area used for or intended to be used for the sale of merchandise or services, or for use to serve patrons, clients, or customers; or area used in a dwelling unit for living purposes. Floor area which is used or intended to be used principally for the storage or processing of merchandise, for hallways, or for utilities shall be excluded from the computation of usable floor area. Measurement of usable floor area shall be the sum of the horizontal areas of the several floors of the building measured from the interior faces of the exterior walls. Useable floor area must have at least five (5) feet clear height between floor and ceiling.

**FLOODPLAIN**

Is any land area susceptible to being inundated by water from any source.

**FOSTER CARE HOME**

A structure constructed for residential purposes that is licensed by the State pursuant to the Adult Foster Care Facility Licensing Act (Act No. 218 of the Public Acts of Michigan of 1979; MCL 400.701 et seq., as amended) or the Child Care Organizations Act (Act No. 116 of the Public Acts of Michigan of 1973; MCL 722.111 et seq., as amended), which provides resident services under twenty-four (24) hour supervision for persons in need of that supervision or care. A “state licensed residential facility (six or fewer persons)” as defined by this section shall not include an establishment commonly described as an alcohol or substance abuse rehabilitation center, a residential facility for persons released from or assigned to adult correctional institutions, a maternity home, or a hotel or rooming house that does not provide or offer to provide foster care.

**FOSTER CARE FAMILY HOME**

A foster care home which provides resident services or care for six (6) or fewer persons.

**FOSTER CARE GROUP HOME**

A foster care home which provides resident services or care for seven (7) to twelve (12) persons.

**SECTION 2.07 G – DEFINITIONS****GARAGE**

An accessory building used primarily for the storage of passenger vehicles and for not more than one (1) truck of a rated capacity not to exceed one and one-half (1½) tons.

**GRADE (See also AVERAGE GRADE)**

The gradient, the rate of incline or decline expressed as a percent. For example, a rise of twenty-five (25) feet in a horizontal distance of one hundred (100) feet would be expressed as a grade of twenty-five percent.

**GREENBELT (See also BUFFER STRIP)**

A strip of land of definite width and location reserved for the planting of shrubs, trees, or grasses to serve as an obscuring screen or buffer strip in carrying out the requirements of this Ordinance.

**SECTION 2.08 H – DEFINITIONS****HEIGHT (See also BUILDING HEIGHT)**

The vertical distance measured from the average grade to the highest point of a structure, provided, however, the height of a building with a roof shall be determined as based on the definition of BUILDING HEIGHT.

**HOME OCCUPATION**

An occupation or profession that is clearly a customary, incidental, and secondary use of a residential dwelling unit. Without limiting the foregoing, a single family residence used by an occupant of that residence to give instruction in a craft or fine art within the residence shall be considered a home occupation.

**SECTION 2.09 I – DEFINITIONS****INOPERATIVE VEHICLES**

Any motor vehicle which is unlicensed or can no longer propel itself.

**SECTION 2.10 J – DEFINITIONS****JUNK**

Any worn out or discarded materials including, but not necessarily limited to, scrap iron and other metals, waste paper, rags, rubber, tires, bottles, inoperable motor vehicles and parts, construction material, household wastes, garbage, discarded appliances, and yard debris.

**JUNK YARD (SALVAGE YARD)**

An open area where waste, used or secondhand materials are bought and sold, exchanged, stored, baled, packed, disassembled, or handled. These materials include,

but are not limited to: scrap iron and other metals, paper, rags, rubber, tires, and bottles. A "junk yard" or "salvage yard" includes automobile wrecking yards and includes any area of more than two hundred (200) square feet for storage, keeping or abandonment of junk, but does not include uses established entirely within enclosed buildings.

**SECTION 2.11 K – DEFINITIONS**

**KENNEL, COMMERCIAL**

Any lot or premise on which any combination of four (4) or more dogs, cats, or other household pets, six (6) months of age or older, are either permanently or temporarily boarded for commercial purposes. A kennel shall also include any lot or premises where household pets are bred or sold or provided to the public without cost in excess of one (1) litter (or similar brood, progeny, off-spring, or birth of young) per year.

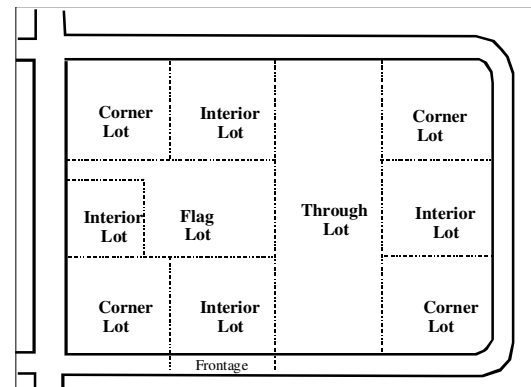
**SECTION 2.12 L – DEFINITIONS**

**LOADING SPACE**

An off-street space on the same lot with a building, or group of buildings, for the temporary parking of a vehicle while loading and unloading merchandise or materials.

**LOT**

A parcel, vacant land, occupied land, or land intended to be occupied by a main building and accessory buildings, or utilized for the principal accessory use(s) together with yards and open spaces required under the provisions of this Ordinance. A lot may or may not be specifically designated as such on public records. A lot may also mean a portion of a condominium project, as regulated by Public Act 59 of the Michigan Public Acts of 1978, as amended, designed and intended for separate ownership and use.



**LOT, CORNER**

Any lot having at least two (2) contiguous sides abutting upon a street, provided that the interior angle at the intersection of such two sides is less than one hundred thirty-five (135) degrees. A lot abutting upon a curved street or streets shall be considered a corner lot if the tangents 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 of less than one hundred thirty-five (135) degrees.

**LOT, INTERIOR**

A lot other than a corner lot or through lot.

**LOT, THROUGH**

Any interior lot having frontage on two parallel streets. In the case of a row of double

frontage lots, all yards of said lots adjacent to streets shall be considered frontage, and through yard setbacks shall be provided as required.

**LOT AREA**

The total horizontal area within the lot lines, excluding easements for public or private street easements or rights-of-way.

**LOT COVERAGE**

The part of the lot occupied by buildings, including accessory buildings.

**LOT DEPTH**

The horizontal distance between front and rear lot lines, measured along the median between the side lot lines.

**LOT, LAKEFRONT**

A lot having a property line abutting a shoreline.

**LOT LINES**

The lines bounding a lot as defined herein:

**A. FRONT LOT LINE**

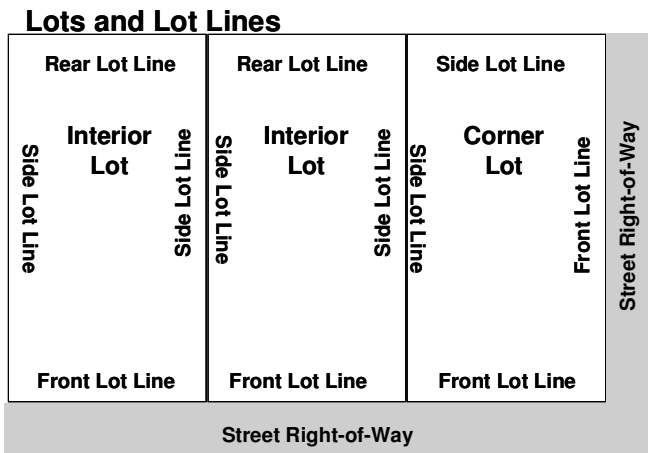
In the case of an interior lot, it is the line separating the lot from the street. In the case of a through lot, it is that line separating said lot from either street. In the case of a lot having frontage on a body of water, the front lot line shall be considered that lot line on the waterfront.

**B. REAR LOT LINE**

That lot line opposite the front lot line. In the case of a lot which is pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten (10) feet long, lying farthest from the front lot line and wholly within the lot.

**C. SIDE LOT LINE**

Any lot line other than the front lot line or rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot is an interior side lot line.



LSL Planning, Inc.

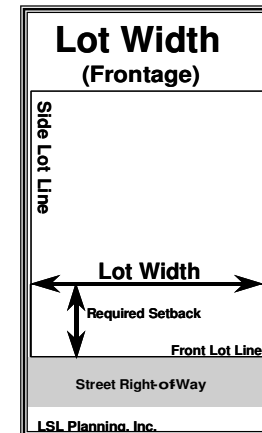
**LOT OF RECORD**

Any parcel of land, the dimensions of which are shown on a document or map on file with the Van Buren County Register of Deeds as of the date of adoption of this

Ordinance or any relevant amendment thereto which would affect such lot, which lot actually exists as shown or any part of a parcel held in a record ownership separate from that of the remainder thereof.

### LOT WIDTH

The horizontal straight line distance between the side lot lines, measured between the two points where the front setback line intersects the side lot lines.



## SECTION 2.13 M – DEFINITIONS

### MAIN BUILDING

A building in which is conducted the principal use of the lot upon which it is situated.

### MANUFACTURED HOME

A transportable, factory-built home, designed to be used as a year-round residential dwelling.

### MANUFACTURED HOME PARK

A parcel or tract of land under the control of a person upon which three (3) or more manufactured homes are located on a continual non-recreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefore, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a manufactured home and which is not intended for use as a temporary trailer park.

### MASSAGE CLINIC (See also MASSAGE PARLOR, ADULT MASSAGE PARLOR)

Is any place where for any form of consideration or gratuity, massage, alcohol rub, administration of fomentations, electric or magnetic treatment or any other treatment or manipulation of the human body occurs as part of or in connection with “Specified Sexual Activities” or where any person providing such treatment, manipulation or service related thereto exposes “Specified Anatomical Areas”; provided however, this provision shall not apply to a medical doctor, osteopathic physician, chiropractor, or similar medical professional licensed by the State of Michigan to perform medical procedures on the human body.

### MASTER PLAN

The Master Plan currently adopted by Keeler Township, including graphic and written proposals, indicating the physical development of the Township, and includes any unit or part of such plan.

### MOTEL/HOTEL

A building or group of buildings on the same lot, whether detached or in connected rows, containing sleeping or dwelling units which may or may not be independently accessible from the outside with garage or parking spaces located on the lot and designed for, or occupied by, automobile travelers. The term shall include any building

or building groups designated as motor lodges, transient cabins, or by any other title intended to identify them as providing lodging, with or without meals, for compensation on a transient basis. Motels and hotels do not include Bed and Breakfast establishments or Boarding Houses.

## **SECTION 2.14 N – DEFINITIONS**

### **NONCOMMERCIAL WIND ENERGY CONVERSION SYSTEM (NWECS)**

[Added July 2006]

A Noncommercial Wind Energy Conversion System is a single wind driven machine that converts wind energy into electrical power for primary purpose of on-site use and not for resale.

### **NONCONFORMING BUILDING**

A building or portion thereof lawfully existing at the effective date of this Ordinance or amendments thereto and which does not conform to the provisions of the Zoning Ordinance in the District in which it is located.

### **NONCONFORMING LOT**

A lot lawfully existing at the effective date of this Ordinance or amendments thereto and which does not conform to the provisions of the Zoning Ordinance in the District in which it is located.

### **NONCONFORMING USE**

A use or activity which lawfully occupied a building or land at the effective date of this Ordinance or amendments thereto and which does not conform to the use regulations of the District in which it is located.

## **SECTION 2.15 O – DEFINITIONS**

### **OFF-STREET PARKING LOT**

A public or private facility or area providing parking spaces, along with adequate drives, maneuvering areas, and aisles, for the parking of more than three (3) vehicles, but not to include driveways and parking associated with a single-family or two-family dwelling.

### **OPEN AIR BUSINESSES**

Retail sales establishments operated substantially in the open air, including uses such as:

- A. Bicycle, utility truck or trailer, motor vehicles, boats, or home equipment sales, repair, or rental services.
- B. Outdoor display area and sale of motor homes, recreation vehicles, manufactured homes, farm equipment, construction equipment, snowmobiles, swimming pools and similar activities.



- C. Retail sales of trees, fruits, vegetables, shrubbery, plants, seeds, topsoil, humus, fertilizer, trellises, lawn furniture, playground equipment and other home garden supplies and equipment, but not including lumberyards.
- D. Tennis courts, archery courts, shuffleboard, horseshoe courts, miniature golf, golf driving range, children's amusement parks or similar recreational uses (transient or permanent).

### **ORDINARY HIGH WATER MARK**

The highest water level elevation established either by court action or by an administrative action of the Michigan Department of Environmental Quality. In the case where a lake level is not established by a court action or administrative action then the line shall be established between upland and bottomland which persists through successive changes in water levels below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the surface of the soil, and the vegetation.

The water level of the following lakes shall be established until modified by the Keeler Township Board as follows:

- Round Lake - 768 feet above sea level
- Big Crooked Lake - 768 feet above sea level
- Little Crooked Lake - 768 feet above sea level
- Magician Lake - 763 feet above sea level
- Keeler Lake - Ordinary High Water Mark
- Brown Lake - Ordinary High Water Mark

## **SECTION 2.16 P – DEFINITIONS**

### **PARKING SPACE**

An area of definite length and width used for vehicular parking. Said area shall be exclusive of drives, aisles or entrances giving access thereto, and shall be fully accessible for the parking of permitted vehicles.

### **PERSONAL SERVICES BUSINESS**

Any commercial business conducting personal services that are performed primarily on the premises. Examples include barber shop, hair salon, tanning salon, spa, fitness club, nail salon, and other uses offering personalized services consistent with the above uses.

### **PLANNED UNIT DEVELOPMENT (PUD)**

A development of land that is under unified control and designed and developed as a whole in a single development operation or programmed series of development stages. The development may include streets, circulation ways, utilities, buildings, open spaces,

and other site features and improvements.

**PLANNING COMMISSION**

The Keeler Township Planning Commission.

**PRIMARY ROAD**

A County Primary roadway as designated by the Van Buren County Road Commission. For purposes of this Ordinance, a State Trunkline shall also be considered a County Primary Road.

**PRINCIPAL USE**

The primary use to which the premises is devoted.

**PRIVATE ROAD (STREET)**

A private way or means of approach to provide access to two (2) or more abutting lots, and which is constructed and maintained by the owner or owners and is not dedicated to and accepted by the public road agency for general public use.

**PUBLIC UTILITY**

A person, firm, corporation, municipal department, board or commission duly authorized to furnish to the public under federal, state or municipal regulations, gas, steam, electricity, sewage disposal, communication, telegraph, transportation, or water.

**SECTION 2.17 Q – DEFINITIONS**

Reserved for future use.

**SECTION 2.18 R – DEFINITIONS****RECREATIONAL VEHICLE OR EQUIPMENT**

Vehicles or equipment used primarily for recreational purposes. This term shall not include motorcycles or motorbikes or other similar means of transportation intended primarily for on-street use. For the purpose of this Ordinance, recreational vehicle shall mean:

- A. A vehicle primarily designed and used as temporary living quarters for recreational, camping, or travel purposes, including a vehicle having its own motor power or a vehicle mounted on or drawn by another vehicle such as a motor home or camper.
- B. Boats and personal watercraft and trailers designed to transport boats.
- C. Snowmobiles and trailers designed to transport snowmobiles.
- D. Off-road vehicles and trailers designed to transport off-road vehicles.

- E. Pop-up tent and camper trailers.
- F. Other similar vehicles deemed by the Zoning Administrator to be a recreational vehicle.

**REQUIRED YARD (See also YARD)**

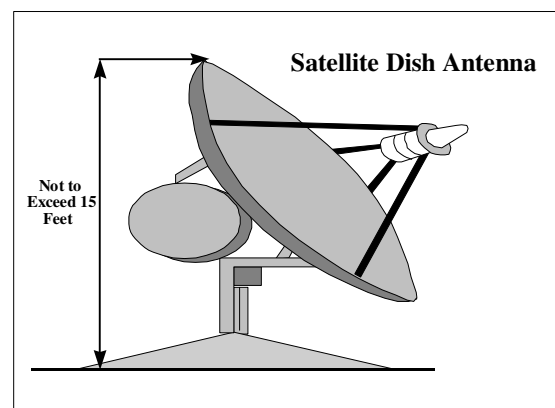
The required yard shall be the building setback set forth in the applicable sections of the Keeler Township Zoning Ordinance as the minimum setback requirement for a lot or parcel in each Zone District for front, side, and rear yards.

**SECTION 2.19 S – DEFINITIONS**

**SALVAGE YARD (See JUNK YARD)**

**SATELLITE DISH ANTENNA**

A device incorporating a reflective surface that is solid, open mesh, or bar configured; is in the shape of a shallow dish, parabola, cone or horn. Such a device shall be used to transmit and/or receive television, radio, or other electromagnetic communication signals between terrestrially or extra terrestrially-based sources. This definition includes, but is not limited to, what are commonly referred to as satellite earth stations, TVRO's (Television Reception Only satellite antennas), and satellite microwave antennas.

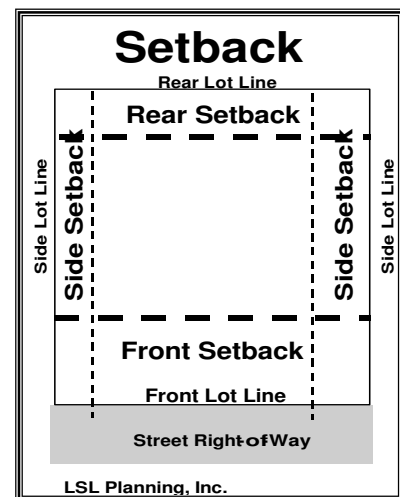


**SCREEN**

A structure such as a fence, wall, landscape screen, or combinations of same, providing enclosure and a visual barrier between the area enclosed and the adjacent property.

**SETBACK (See SETBACK, REQUIRED and YARD)**

The horizontal distance between a front, rear, or side lot line and a building line.



**SETBACK, REQUIRED**

The required minimum horizontal distance between a front, rear, or side lot line and an imaginary line as determined by the requirements of the zoning district in which the lot is located. On lots with multiple street frontage, such as corner lots, all sides of said lots abutting a street shall be considered front yards pursuant to required setback.

**SETBACK**

The distance required to obtain minimum front, side or rear yard open space provisions

of this Ordinance.

## **SIGN (See Section 14 – SIGNS)**

### **SIGNIFICANT NATURAL and CULTURAL FEATURES**

Any natural area or cultural feature as designated by the Township Master Plan, Township Zoning Map, Michigan Department of Natural Resources, Michigan Department of Environmental Quality, Michigan State Historic Preservation Officer, the United States Fish and Wildlife Service or other such state or federal agency which exhibits unique topographic, ecological, hydrological, or historical characteristics such as a wetland, floodplain, water features, or other unique natural features, and features considered to be of historic significance.

### **SINGLE OWNERSHIP**

Ownership by one (1) person or by two (2) or more persons jointly, as tenants by the entirety, or as tenants in common.

### **SITE PLAN**

A scaled drawing(s) illustrating existing conditions and containing the elements required herein as applicable to the proposed development to ensure compliance with zoning provisions.

### **SPECIAL LAND USE**

A use of land not permitted by right, but, which is permitted within a particular zoning district after demonstration of compliance with specific special land use standards. A special land use requires that a special land use permit be obtained.

### **STATE LICENSED RESIDENTIAL FACILITY**

A structure constructed for residential purposes that is licensed by the State pursuant to the Adult Foster Care Facility Licensing Act (Act No. 218 of the Public Acts of Michigan of 1979; MCL 400.701 et seq., as amended) or the Child Care Organizations Act (Act No. 116 of the Public Acts of Michigan of 1973; MCL 722.111 et seq., as amended), which provides resident services or care under twenty-four (24) hour supervision for persons in need of that supervision or care. A “state licensed residential facility” as defined by this section shall not include an establishment commonly described as an alcohol or substance abuse rehabilitation center, a residential facility for persons released from or assigned to adult correctional institutions, a maternity home, or a hotel or rooming house that does not provide or offer to provide foster care.

### **STORY**

That part of a building included between the surface of any floor above the average grade or ground at the foundation and the surface of the next floor, or if there is no floor above, then the ceiling next above.

**STORY, HALF**

An uppermost story lying under a sloping roof having an area of at least two hundred (200) square feet with a clear height of seven (7) feet six (6) inches.

**STREET**

A public or private thoroughfare which affords the principal means of access to abutting property.

**STRUCTURE**

Anything constructed or erected, the use of which requires location on the ground or attachment to something on the ground.

**STRUCTURAL ALTERATIONS**

Any changes in the supporting members of a building such as bearing walls, columns, beams, or girders, or any substantial changes in the roof and exterior walls or any expansion or addition to the floor space of a building by the addition of bearing walls, columns, beams, or girders.

**SUBDIVISION**

A development subject to the provisions of Michigan Public Act 288 of 1967, as amended (Land Division Act).

**SUBSTANTIAL IMPROVEMENT**

Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure either, before improvement or repair is started, or if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions, or any alteration of a structure listed on the National Register of Historic Places or the Michigan Register of Historic Places.

**SWIMMING POOL**

Any outdoor structure or container whether located above or below ground designed to hold water to a depth of greater than twenty four (24") inches, intended for swimming, relaxation, therapeutic purposes, or bathing. A swimming pool shall be considered an accessory building for purpose of determining required yard setbacks.

**SECTION 2.20 T – DEFINITIONS****TEMPORARY BUILDING, STRUCTURE or USE**

A building, structure, or use permitted to exist during periods of construction of the principal building, structure, or use.

**TENT**

A shelter of canvas, plastic, or the like supported by poles and fastened by cords or pegs driven into the ground and shall not include those types of tents used solely for children's recreational purposes.

**TOWNSHIP**

Unless otherwise provided for, Township shall mean Keeler Township, Van Buren County, Michigan.

**TOWNSHIP BOARD**

The Township Board of Keeler Township.

**TRUCK TERMINAL**

A building or area in which freight brought by truck is assembled and/or stored for routing or reshipment, or in which semi-trailers, including tractor and/or trailer units and other trucks, are parked or stored.

**TRUE CASH VALUE**

The value placed on a property by the Township Assessor on the last tax day, being December 31st of each year, as reflected by the records of the Township.

**SECTION 2.21 U – DEFINITIONS****USE, PRINCIPAL**

The primary use to which the premises is devoted.

**SECTION 2.22 V – DEFINITIONS****VARIANCE**

A relaxation or modification of the requirements of this Ordinance as authorized by the Zoning Board of Appeals under the provisions of this Ordinance and the Zoning Act.

**VEHICLE**

Any device in, upon, or by which any person or property is or may be transported or drawn upon any street, highway, excepting devices exclusively moved by human power or used exclusively upon stationary rails or tracks.

**VEHICLE REPAIR OR STORAGE ESTABLISHMENT**

A building or land used for caring for, servicing, repairing, refinishing, equipping, adjusting or otherwise working on vehicles for compensation, including, but not limited to, major mechanical and body work, storage of damaged or inoperable vehicles awaiting repair, and other vehicle repair work creating noise, glare, fumes, or smoke, or used for the storage and impounding of vehicles, not including wrecking, junking, or salvaging of vehicle parts.

**VEHICLE SERVICE STATIONS**

Buildings and premises where the principal uses include the supply and dispensing at retail of motor fuels, lubricants, batteries, tires, and other similar motor vehicle accessories, or the minor servicing of vehicles, including such activities as engine tune-ups, oil changes, muffler replacements, and other similar minor repairs, but not including body shops.

**VETERINARY CLINIC**

A building, or any portion thereof, used for the treatment of animals as outpatients. Kenneling of animals shall be indoors and shall be limited to those requiring overnight care due to medical reasons.

**SECTION 2.23 W – DEFINITIONS**

**WASTE DUMPSTER**

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

**WETLAND**

Land characterized by the presence of water at a frequency and duration sufficient to support, and that under normal circumstances does support wetland vegetation or aquatic life and is commonly referred to as a bog, swamp, or marsh. Unless otherwise noted, the definition of wetland shall be identical to that used by the Michigan Department of Environmental Quality.

**WETLAND, REGULATED**

Certain wetlands regulated by the Michigan Department of Natural Resources or Michigan Department of Environmental Quality under the provisions of Act 203 of the Public Acts of 1979, as amended, and generally defined as land characterized by the presence of water at a frequency and duration sufficient to support, and that under normal circumstances does support wetland vegetation or aquatic life and is commonly referred to as a bog, swamp, or marsh.

**WHOLESALE STORE**

Any building or structure in which goods, wares, or merchandise are sold to a retailer for resale and not direct consumption.

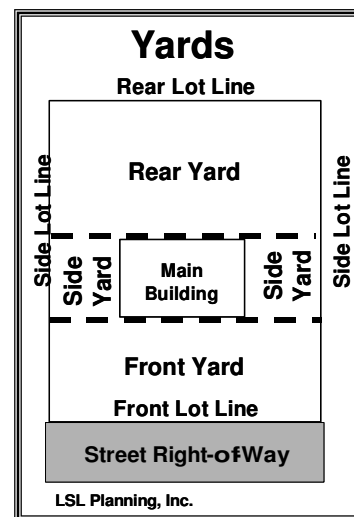
**SECTION 2.24 X – DEFINITIONS**

Reserved for future use.

**SECTION 2.25 Y – DEFINITIONS**

**YARDS**

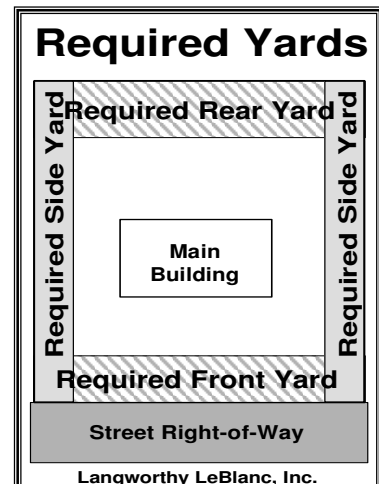
The open spaces on the same lot with a main building that



are unoccupied and unobstructed from the ground upward except as otherwise provided in this Ordinance.

**A. FRONT YARD**

An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the 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. In the case of a corner lot, all lot lines abutting a street (public or private) shall be considered a front lot line with front yards provided for each.



**B. REAR YARD**

An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the building line of the main building. In the case of a corner lot, the rear yard may be opposite either street frontage.

**C. SIDE YARD**

An open 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 horizontal distance from the nearest point on the side lot line to the building line of the main building.

**YARD, REQUIRED**

The required yard shall be that set forth in the applicable Chapters of the Keeler Township Zoning Ordinance as the minimum yard requirement for each District.

**SECTION 2.26 Z – DEFINITIONS**

**ZONING ACT**

Michigan Zoning Enabling Act; Act 110 of 2006 of the Public Acts of Michigan, as amended.

**ZONING ADMINISTRATOR**

The person designated by the Township Board to administer the provisions of this Zoning Ordinance.

**ZONING BOARD OF APPEALS (See BOARD)**



## CHAPTER 3

### *GENERAL PROVISIONS*

#### **SECTION 3.00 AREA, HEIGHT AND USE CONDITIONS AND EXCEPTIONS**

- A. **Required Area or Space** - A lot or lots in common ownership or a yard, court, parking area, frontage, dimension, or other space shall not be divided, altered or reduced so as to make it not in conformance with the minimum requirements of this Ordinance. If already less than the minimum requirements of this Ordinance, a lot or lots in common ownership or a yard, court, parking area or other space shall not be divided, altered or reduced so as to increase its noncompliance with the minimum requirements.
- B. **Height Exceptions**
1. The following buildings and structures shall be exempt from height regulations in all Districts: parapet walls not exceeding four (4) feet in height, chimneys, cooling towers, elevator bulkheads, fire towers, grain elevators, silos, stacks, elevated water towers, public monuments, cupolas, domes, spires, penthouses housing necessary mechanical appurtenances, and television and radio reception and transmission antennas and towers which do not exceed seventy-five (75) feet in height. [Amended July 2006].
  2. Additions to existing buildings and structures which now exceed the height limitations of their District up to the height of an existing building or structure on the same lot are permitted if the lot is large enough to encompass a circular area with a radius at least equal to the height of the structure or building. The radius to be measured from the structure or building which shall serve as the center of the circular area.

#### **SECTION 3.01 REQUIRED YARDS AND LOTS**

- A. **Minimum Requirements** - All lots, yards, parking areas or other spaces created after the effective date of this Ordinance shall comply with the minimum requirements of the District in which they are located.
- B. **Exclusion of Private Street Easements, Public Right-of-Way, and Bottomlands in Computing Lot Area and Width** - Computations for minimum lot area and width shall not include lands or areas used for private easements granted to other properties for purposes of establishing or maintaining a private street, land located under or comprising a public road right-of-way, or land or bottomlands located under a lake, stream, or river.

**C. Measuring Setbacks and Lot Widths**

1. For non-lakefront lots, required front yard setbacks shall be measured from the right-of-way line of a public road, except for lots which have frontage on a private road, in which case the front yard setback shall be measured from the private road easement.

2. Side yard setbacks shall be measured from the side lot lines and rear yard setback shall be measured from the rear lot line.

3. Except as may be noted in 6, below, the minimum lot width required in each zoning district shall be maintained across the entire length of the lot. All lots shall have frontage on a public or private street for a distance equal to or greater than the minimum lot width specified for the district in which the lot is located.

4. On corner and through lots, the front yard requirements shall apply on both streets, except that a lakefront lot shall not be considered as a through lot. Corner lots shall have two front lot lines and two side lot lines and no rear lot line.

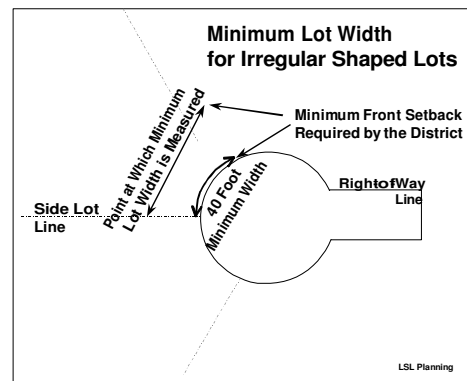
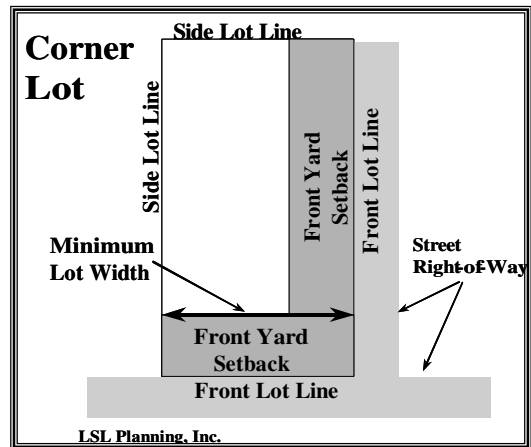
5. The minimum lot width for a lot on a cul-de-sac or other irregularly shaped lot shall be measured at the front yard setback line and shall not be diminished throughout the rest of the lot. These lots shall have a minimum lot width of forty (40) feet at the front property line.

6. Lakefront Lots

a. On lakefront lots the front yard shall be considered as the portion of the lot facing the waterfront. The yard opposite the front yard shall be considered the rear yard.

b. The waterfront setback shall be measured from the ordinary high water mark or from the water level elevation established by either court action or by an administrative action of the Michigan Department of Environmental Quality.

c. The Zoning Board of Appeals may approve an average setback



which is less than that required by this Ordinance where eighty percent (80%) of the lakefront lots within two hundred (200) feet and on either side of the subject lot are developed, provided that the developed lots are within the same zoning district.

- d. For all lots abutting or having frontage on a lake, river or stream, each lot shall have frontage on the lake, river, or stream, as measured thirty (30) feet from the ordinary high water mark, equal to or greater than the minimum lot width requirement of the zoning district within which the property is located.
- e. View Obstruction:
  - (1) In no event shall any building or structure be constructed or located so as to obstruct the water front view within the designated waterfront setback.
  - (2) No fence or wall (including landscaping) shall be constructed within the required front yard of any lakefront lot exceeding four (4) feet in height and shall extend no closer than ten (10) feet from the ordinary high water mark.

### **SECTION 3.02 PRINCIPAL USE OR MAIN BUILDING ON A LOT**

- A. In all Districts, no more than one (1) principal use or main building shall be placed on a lot, except for groups of related industrial or commercial buildings, or multiple family dwellings, contained within a single, integrated complex, sharing parking, access, and other similar site features.
- B. If any part of any building is lawfully used for residential purposes and the remainder thereof is lawfully used for business, commercial, or other non-residential use, the part thereof used for residence purposes shall comply with the underlying residential district standards. If the underlying district does provide for residential standards, than the requirements of the Rural Residential District shall apply to that part of the building used for residential purposes.
- C. If a structure is to be located on two (2) or more lots under single ownership, or if adjacent lots are required to maintain minimum lot area or yard requirements, the entire parcel shall be considered a lot for purposes of this Ordinance and the lots shall be legally and automatically combined into one (1) individual lot.

### **SECTION 3.03 RIPARIAN ACCESS**

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

- A. In all Districts there shall be at least eighty (80) feet of lake, river, or stream frontage, as measured at the ordinary high water mark along the lake, river, or stream, for each single family home, dwelling unit, cottage, condominium unit, site condominium unit or apartment utilizing or accessing the lake, river, or stream frontage; provided however, the above frontage requirement shall not supersede frontage requirements which may be greater as provided elsewhere within this Ordinance.
- B. The restrictions of this Section shall apply to all lots and parcels on or abutting any lake, river, or stream in all Districts, regardless of whether access to the lake, river, or stream waters shall be by easement, park, common-fee ownership, single-fee ownership, condominium arrangement, license, or lease.
- C. In all zoning districts, no lake access, boat ramp, shore station, dock, boat launch or shoreline abutting a lake shall be utilized for commercial business, outdoor recreational (or entertainment) facilities, institutional, nonresidential or nonagricultural uses or purposes unless the use complies with the requirements of the district in which it is located and further the use is also approved as a special land use or planned unit development.
- D. The lake, stream and river access and use regulations contained in this Section shall be fully applicable to all planned unit development and special land use projects or developments.
- E. In addition to the above limitations, no easement, private park, common area or lot or access property abutting or adjoining a lake shall be used to permit access to the lake, river, or stream for more than one (1) single-family home, dwelling unit, condominium unit, site condominium unit, apartment unit or any other use unless the additional access is permitted in the zoning district in which it is located and furthermore the use must also be approved as a special land use or planned unit development.

**SECTION 3.04** Repealed July 2006 and reserved for future use

### **SECTION 3.05 USE OF BASEMENT FOR DWELLING PURPOSES**

The use of any unfinished basement or finished basement without a direct outside access shall be prohibited for use as a dwelling unit. Any dwelling without a full floor above grade shall be considered a basement dwelling.

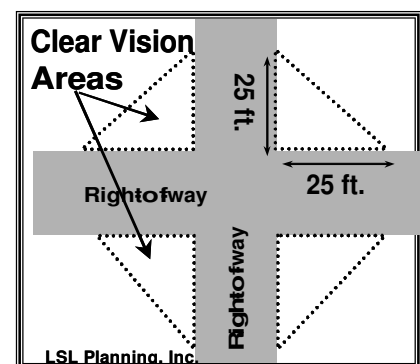
### **SECTION 3.06 PROJECTIONS INTO YARDS**

- A. Certain architectural features such as cornices, bay windows (or windows without foundations), gutters, chimneys, pilasters, roof overhangs, and similar features may project up to four (4) feet into a required front or rear yard. These features shall not project into the required side yard.

- B. Porches, decks, balconies, or window awnings and similar structures may project into yards as follows:
1. On non-waterfront lots, an open, unenclosed, and uncovered porch, paved terrace, deck, balcony or window awning, which is constructed above the average grade level may project up to ten (10) feet into a required front yard, up to fifteen (15) feet into a required rear yard, and shall not project into a required side yard. In no case, however, shall a projecting porch, deck, balcony or awning be placed closer than ten (10) feet to any front or rear lot line.
  2. Waterfront Lots
    - a. An open, unenclosed, and uncovered porch, paved terrace, deck, balcony or window awning, which is constructed above the average grade level shall meet the front and rear yard setbacks established by existing porches, terraces, decks, balconies and awnings for buildings within one-hundred (100) feet of the lot line of the proposed structure.
    - b. In the event no structures existing within one hundred (100) feet of the subject lot line, than an open, unenclosed, and uncovered porch, paved terrace, deck, balcony or window awning, which is constructed above the average grade level, may project up to ten (10) feet into a required front yard and up to fifteen (15) feet into a required rear yard.
    - c. In no case shall a porch, deck, balcony or awning be placed closer than ten (10) feet to any front or rear lot line, or project into a required side yard.

### SECTION 3.07 CLEAR VISION CORNERS

On any street corner, nothing shall be erected, placed, planted, or allowed to grow in a manner that may materially impede vision between a height of thirty (30) inches and eight (8) feet above the established abutting road grade within a triangle formed by the two street right-of-way lines and a line connecting them to points twenty-five (25) feet from the intersection of the right-of-way lines.



### SECTION 3.08 CONTROL OF HEAT, GLARE, FUMES, DUST, NOISE, VIBRATION AND ODORS

Every use shall be so conducted and operated in a manner that is not obnoxious or dangerous by reason of heat, glare, dust, noise, vibration or odors beyond the lot on which the use is located, provided however, these provisions shall not prohibit the lawful

use of land for farming operations.

## **SECTION 3.09 TEMPORARY USES OR STRUCTURES**

### **A. Temporary Offices**

1. Upon application, the Zoning Administrator may issue a permit for a temporary office building or yard for construction materials and/or equipment which is incidental and necessary to construction at the site where located. A permit shall be valid for a period of not more than twelve (12) months and may be renewed by the Zoning Administrator for one (1) additional successive period of six (6) calendar months or less at the same location if still incidental and necessary to construction at the site.
2. Upon application, the Zoning Administrator may issue a permit for a temporary sales office or model home which is both incidental and necessary for the sale or rental of real property in a new subdivision or housing project. Each permit shall specify the location of the office and area and shall be valid for a period of not more than twelve (12) calendar months and may be renewed by the Zoning Administrator for two (2) additional successive periods of six (6) calendar months or less at the same location if the office is still incidental and necessary for the sale or rental of real property in a new subdivision or housing project.

### **B. Manufactured Homes as Temporary Residences**

1. The Zoning Administrator may issue a permit to an individual to park and occupy a temporary manufactured home in any Residential District provided that the Zoning Administrator makes the following determinations:
  - a. The manufactured home will be used only as a temporary use on the same lot while the individual is constructing a permanent residence.
  - b. A building permit has been issued for the construction of a permanent residence to the individual applying for the temporary manufactured home permit.
  - c. The manufactured home dwelling meets the requirements of the Van Buren County Health Department and all applicable Township ordinances.
2. Upon applying for a temporary manufactured home permit, the applicant shall pay a fee to the Township as determined by the Township Board. The permit fee shall be remitted to the Township Treasurer. The original temporary manufactured home permit shall be limited to a period of twelve (12) months. If the permanent residence is not approximately fifty percent (50%) complete, as determined by the Zoning Administrator, within the twelve (12) month period, a six (6) month extension or less shall be

permitted by the Zoning Administrator only for the purpose of completing the residence.

3. Upon the filing of an application for continuation of any manufactured home permit, the applicant shall pay a fee, as determined by the Township Board; and the fee shall be remitted to the Township Treasurer. The fee shall be for the consideration of the application, and no refund shall be made in the event of denial.
4. In addition to the original application fee, the applicant shall post a bond, cash deposit, or other security acceptable to the Township Board, in the amount of one-thousand dollars (\$1,000.00) to be placed in a non-interest bearing, escrow, account as a guarantee that a manufactured home used as a temporary residence will be removed within thirty (30) days after expiration of the temporary manufactured home permit. In the event the temporary manufactured home is not removed as required, the Township may use any or all of the guarantee to have the manufactured home removed and stored. Any portion of the guarantee not used by the Township for the above stated removal and storage shall be returned to the applicant.

C. **Standards for Temporary Uses and Structures** - In considering authorization for all temporary uses or structures, the Zoning Administrator shall consider the following:

1. That the use or structure does not have an unreasonable detrimental effect upon adjacent properties;
2. That the use or structure is reasonably necessary for the convenience and safety of the construction proposed;
3. That the use or structure does not impact the nature of the surrounding neighborhood;
4. That access to the use area or structure is located at the least offensive point.

D. **Conditions** - The Zoning Administrator may attach reasonable conditions to temporary uses or structures to ensure that the requirements of this Section are met.

### **SECTION 3.10 ACCESSORY USES**

- A. In any District, accessory uses, incidental only to a permitted use, are permitted when located on the same property, or within one hundred (100) feet on a lot in the Lake Residential District; provided that the accessory uses shall not involve the conduct of any business, trade or industry. This provision shall not mean the exclusion of home occupations as regulated by this Ordinance on the lot with a house, nor shall it exclude the operation of a garage or yard sale, provided that the sale is not operated for more than a total of five (5) days within any thirty (30) day period.

- B. Gardening and the keeping of domestic or farm animals shall be considered customary to, and commonly associated with, the operation of the Permitted Uses or Special Land Uses; subject to the requirements of this Ordinance and the underlying zone district.
- C. Except as provided by this Ordinance, no accessory use shall be established on any lot unless a principal use has been established on the same lot.

### **SECTION 3.11 ACCESSORY BUILDINGS** [amended April 2005]

#### **A. General Requirements**

1. In any District, except as noted, an accessory building may be erected detached from the main building, or may be erected as an integral part of the main building.
2. When an accessory building is erected as an integral part of the main building, it shall comply in all respects with the requirements of this Ordinance applicable to the main building.
3. Detached accessory buildings shall not be erected in the required front yard in any residential district, except that on lots with frontage on a lake and with a single family dwelling, not more than one (1) accessory building may be erected in the required front yard, provided it meets required setbacks and it is located at least fifteen (15) feet from the shoreline. Said structure may not exceed one-hundred (100) square feet in area. Provided further however, detached accessory buildings maybe erected in the required front yards of any lot exceeding 2.0 acres.
4. The distance between detached accessory buildings and the main building or buildings shall not be less than ten (10) feet. Accessory buildings or garages shall be considered as attached to the main building when the distance between structures is solidly covered by a breeze way, portico, covered colonnade, or similar architectural device.
5. The drip edge of any detached accessory building shall not be located closer than ten (10) feet to any side lot line or ten (10) feet from the rear lot line.
6. Except as otherwise noted in this Ordinance, accessory buildings shall only be erected or placed on a lot where a main building or principal use has been erected, placed, or established on the same lot. Exceptions to this requirement are noted in 7, below.
7. One (1) accessory building may be placed on a vacant lot in the Rural Residential (R-R) or Lakeshore Residential (LR) Districts provided:
  - a. The lot shall be no less than ten (10) acres.
  - b. The accessory building shall not be placed in a required front, side, or rear yard.
  - c. The accessory building shall be used primarily for customary household storage or non-commercial farm equipment and



- supplies.
    - d. In the case of the Lake Residential District, the accessory building shall be within one hundred (100) feet of the main building and may be on either side of the road of and the principal lot is divided by a road.
- 8. One (1) accessory building may be placed on a vacant lot in the Residential (R-1) District provided:
  - a. The lot shall be no less than sixty (60) acres.
  - b. The accessory building shall not be placed in a required front, side, or rear yard.
  - c. The accessory building shall be used primarily for customary household storage, storage of non-commercial farm equipment and supplies, or keeping of animals permitted by Section 3.23 of this Ordinance.
- 9. Accessory buildings over one hundred and twenty (120) square feet must be designed, constructed, and finished in a manner so the exterior appearance is similar in construction, design and finishing to that of the main building, except for those used in farming operations.
- 10. Except for farms associated with residential uses, no more than two (2) detached accessory buildings shall be permitted on any residential lot.
- 11. No accessory building shall exceed fourteen (14) feet in height, as measured from the average grade to the midpoint of the roofline, except for those used in farming operations, which may be as high as reasonably necessary.

**B. Accessory Building Floor Areas**

- 1. The maximum floor areas for all accessory buildings located on the same lot, for single and two family dwellings shall be in accordance with the following schedule:

<b>Lot Size</b>	<b>GFA Permitted</b>
20,000 sq. ft. in area or less	1,080 sq. ft.
Greater than 20,000 sq. ft. in area, to less than 2 acres	1,200 sq. ft.
2 acres to 5 acres	1,500 sq. ft.
Greater than 5 acres	2,500 sq. ft.

2. Other uses:
    - a. Multiple family developments: nine hundred sixty (960) square feet, excluding garages for the use of residents.
    - b. Manufactured home parks: as required by Chapter 10.
    - c. Uses in Nonresidential Districts and nonresidential uses in Residential Districts: not to exceed twenty-five percent (25%) of the floor area of the main building(s).
    - d. A detached accessory building shall meet all setback requirements for the District in which it is located.
  3. Farm operations may erect accessory buildings as needed to support ongoing and on-site agricultural activities. The buildings shall meet the setbacks required for the district in which they are located, but are not restricted by size or height.
- C. Accessory Building for In-Law Suite
1. Residentially zoned properties are permitted to have an accessory structure or part of an accessory structure used for an in-law suite.
  2. The in-law suite may not constitute a separate dwelling unit.
  3. The floor area devoted to the in-law suite shall be limited to 1,000 sf.
  4. One (1) parking stall shall be required for the in-law suite.
  5. The in-law suite shall have access to all common areas of the primary dwelling unit.
  6. The in-law suite may have a kitchen or a bathroom as defined by the building code, but may not have both. [Added 2013]
- D. Waterfront Lots: In addition to the accessory buildings and structures permitted in this Section, a waterfront lot shall be permitted one (1) boat locker, or other small storage structure, not exceeding three (3) feet in height and twenty (20) square feet in area, located at least six (6) feet from any side or rear property line and ten (10) feet from the water's edge.
- E. Accessory buildings shall be stick-built or the equivalent new building construction. No mobile home, tank, junk object, or salvage materials, trailer, vehicle or similar item shall be utilized as an accessory building or storage structure; provided, however, that this requirement shall not be applicable to bona fide agricultural storage or activities, or to tool sheds or similar temporary storage structures utilized pursuant to the construction of a building so long as the period of construction does not exceed one (1) year.

## SECTION 3.12 FENCES

- A. Fences shall not exceed eight (8) feet in height in Residential Districts and eight (8) feet in height in Non-Residential Districts, measured from the ground surface to the uppermost portion of the fence; provided however, fences in the A-R District may exceed the above limitations if necessary for the containment of animals.
- B. Fences erected within the required front yard or any yard having frontage onto a body of water in any District shall not exceed four (4) feet in height, except when used to enclose vacant land or land used for agricultural purposes, which may be up to eight (8) feet in height. Fences within the required front yard or any yard having frontage onto a body of water shall be of a type which is not more than fifty percent (50%) solid throughout. [Amended 2013]
- C. Fences in Non-Residential Districts which enclose storage lots or other areas requiring security may contain barbed wire, provided the barbed wire portion of the fence shall not be nearer than six (6) feet from the surface of the ground. Fencing in the Agricultural (AG) District for the containment of animals may include barbed wire and/or electrified fencing at heights necessary for containment. The installation of electrified fencing shall comply with applicable Electrical Codes and the fencing shall not pose a threat to the public health, safety, or welfare.
- D. Fences shall not be erected within any public right-of-way in any District.
- E. Fences shall not be erected or maintained in any District in a manner that may obstruct the vision of vehicle drivers within the triangular area formed by the intersection of the street right-of-way lines and a line connecting two points located on those intersecting right-of-way lines twenty-five (25) feet from the point of intersection with the right-of-way lines.
- F. Fences erected for the containment of animals which are not native to the State of Michigan or which require a State or Federal permit for containment shall require a special land use permit.

## SECTION 3.13 SWIMMING POOLS

- A. Pools used for swimming or bathing shall be in conformity with the requirements of this Section; provided, however, these regulations shall not be applicable to any pool less than twenty-four (24) inches deep or having a surface area less than two hundred and fifty (250) square feet, except where pools are permanently equipped with a water recirculating system or involve structural materials.
- B. A swimming pool or appurtenances thereto shall not be constructed, installed,

- enlarged or altered until a building permit has been obtained.
- C. The outside edge of the pool wall shall not be located closer than ten (10) feet from any rear or side property line. Swimming pools shall not be located in the front yard.
  - D. Each pool shall be enclosed by a fence or wall with a height of at least four (4) feet, sufficient to make the body of water inaccessible to small children. The enclosure, including gates therein, must be not less than four (4) feet above the underlying ground; all gates must be self-latching with latches placed four (4) feet above the underlying ground or otherwise made inaccessible from the outside to small children.
  - E. All swimming pool installations shall comply with the building codes in force in Keeler Township and all standard codes referred to therein.

### **SECTION 3.14 HOME OCCUPATIONS**

- A. Home occupations shall be conducted only by a person or persons residing in the home.
- B. No motor other than electrically operated motors shall be used in conjunction with the home occupation, and the total horsepower of permitted electrical motors shall not exceed ten (10) horsepower, or five (5) horsepower for any single motor. All equipment used in the home occupation shall be shielded so as not to cause radio or television interference.
- C. There shall be no exterior alteration in the residential character of the premises in connection with the home occupation and no more than twenty-five percent (25%) of the living area of the dwelling shall be devoted to the home occupation. Up to six hundred (600) square feet of a detached or attached accessory building may also be used for the home occupation.
- D. No merchandise or articles for sale shall be displayed for advertising purposes so as to be viewable from outside the main building and no sign or device relative to the sale of merchandise shall be displayed on the premises.
- E. All articles or materials used in connection with the home occupation shall be stored in the main and accessory buildings. No outside storage is permitted.
- F. No traffic shall be generated by the home occupation in greater volume than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of the home occupation shall be provided off the street and not within the required front yard.
- G. There shall be no sale of products or services except as are produced on the

premises by the home occupation, except that products not produced on the premises that are incidental to services being performed as a part of the home occupation may be sold in limited quantities.

### **SECTION 3.15 RESIDENTIAL DWELLING UNITS - COMMERCIAL OR INDUSTRIAL USES**

Residential dwelling units, or buildings accessory thereto and additions to the same, may not be used for commercial or industrial purposes, except as may be permitted in Section 3.14. This does not preclude, however, the conversion of a residential dwelling unit for commercial or industrial use if the requirements of this Ordinance and all building code requirements have been met.

### **SECTION 3.16 MECHANICAL APPURTENANCES**

Mechanical appurtenances, such as air conditioning units or other similar equipment shall not be located closer than minimum setback line.

### **SECTION 3.17 ANTENNA (DISH & WIRELESS)**

- A. Dish antennas are permitted in all Districts, provided the setback requirements for detached accessory buildings are maintained. A dish antenna, not to exceed twenty-four (24) inches may be mounted on the roof of a main or accessory building provided it shall not exceed a height of five (5) feet above the peak of the roof of the building, including the mounting structure.
- B. The Zoning Administrator shall review all applications for collocated commercial wireless telecommunication antenna on previously existing towers. Such use shall be accessory to the tower.

### **SECTION 3.18 ESSENTIAL SERVICES**

- A. The erection, construction, alteration or maintenance by public utilities or governmental units, boards or commissions of overhead or underground gas, electrical, steam or water distribution, transmission, collection, communication (except communication towers), or supply systems including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers, poles, electrical substations, gas regulator stations, utility pump and metering stations, and other similar equipment and accessories in connection therewith which are reasonably necessary for the furnishing of adequate service by the public utility or municipal department or commission or for the public health, safety or general welfare is permitted in any District.
- B. Notwithstanding the provisions contained above:
  - 1. Electrical substations and/or gas regulator stations shall be enclosed with a fence or wall six (6) feet high and adequate to obstruct passage of

- persons or materials.
2. Public utility buildings when located in any Residential District shall not include maintenance shops, repair garages, or storage yards as a principal or accessory use.
  3. Public utility facilities in any district are required to be constructed and maintained in a neat and orderly manner. Any building which is constructed shall be landscaped and shall conform with the general character of the architecture of the surrounding neighborhood.
  4. Wireless communication facilities shall not be considered essential services.

### **SECTION 3.19 GOVERNMENTAL IMPROVEMENTS**

Unless preempted by statute, 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.

### **SECTION 3.20 HEALTH DEPARTMENT APPROVAL**

No permit shall be issued for the construction of a building or structure which is to have drinking water and/or sanitary facilities located therein and which is to be located on a lot which is not served by both public water and sewer facilities if its water supply and/or sewage disposal facilities do not comply with the rules and regulations governing potable water supplies and waste and sewage disposal in Van Buren County.

### **SECTION 3.21 RAZING OF BUILDINGS**

No building shall be razed until a building permit has been obtained. The Building Inspector shall be authorized to require a performance guarantee in any amount not to exceed one thousand dollars (\$1,000) for each one thousand (1,000) square feet or fraction thereof of floor area of the building to be razed. The guarantee shall be conditioned on the applicant completing the razing within a reasonable period as shall be prescribed in the permit and complying with regulations as to health and safety as the Building Inspector may, from time to time, prescribe, including filling of excavations, proper termination of utility connections, and other applicable building codes.

### **SECTION 3.22 MOVING OF BUILDING**

- A. No existing building or structure of any type or kind shall be moved into the Township or moved from one lot in the Township to another lot in the Township unless a permit is issued by the Building Inspector. The buildings shall meet the construction code as adopted by the Township. In considering the permit, the Building Inspector shall consider the following standards:
  1. The type and kind of construction of the existing building in relation to its strength and whether or not the building may be a fire hazard.

2. Whether or not the type and age of the building is in keeping with adjoining and neighboring buildings.
3. The requirements of this Ordinance.

### **SECTION 3.23 KEEPING OF ANIMALS AND PETS [amended April 2005]**

- A. No more than four (4) adult [six (6) months of age or older] dogs shall be kept or housed on any lot or premises in any Residential District.
- B. In the Rural Residential (RR) District, the raising or keeping of up to two (2) animals, such as horses, is permitted providing the lot is at least one hundred thousand (100,000) square feet and providing the lot is one (1) acre larger for each additional animal.
- C. In the R-1, Residential Zone, the raising or keeping of animals, such as horses, is permitted provided:
  1. The parcel is at least sixty (60) acres for the first animal and ten (10) acres for every animal thereafter.
  2. Animal holding areas are a minimum of one hundred (100) feet from any property line.
- D. Any other provision of this Ordinance notwithstanding, the keeping, housing, raising, or medical care of fowl or animals other than house pets of an occupant of the premises, is subject to the following provisions:
  1. On lots of one-half ( $\frac{1}{2}$ ) acre to one (1) acre: raising and keeping fowl and/or rabbits and/or other small animals for pets, not to exceed three (3) per family;
  2. On lots of greater than one (1) acre, but less than five (5) acres: raising and keeping fowl and/or rabbits and/or other small animals in numbers no greater than three (3) animals per whole acre; [Amended 2013]
  3. On lots of five (5) acres to ten (10) acres; the uses permitted by paragraph 2, above; and one (1) horse, or one (1) cow, or one (1) pig for each acre, or part thereof, provided that any pig pen or building or structure housing these animals shall be a minimum of fifty (50) feet from any property line.
  4. Commercial kennels, riding stables, animal hospitals, and veterinary clinics shall be subject to the District requirements in which they are permitted.
- E. Where animals other than house pets of the owner or occupant of the premises are kept or allowed outside, a fence of appropriate construction that will keep animals from leaving the premises at-will shall be provided.
- F. All premises for the keeping of animals shall be regularly maintained in a safe and sanitary condition.

- G. The keeping of animals, other than household pets, on lots of less than ten (10) acres shall be subject to review and approval by the Zoning Administrator. In granting approval, the Zoning Administrator shall determine:
1. The premises to house the animals shall be of a safe and sanitary condition.
  2. Necessary fencing has been erected and in good repair.
  3. The location of housing will not be detrimental to adjacent property.
- H. Approval by the Zoning Administrator for placement of animals on less than ten (10) acres shall be given to, and limited to, the resident of the property. Should the resident cease to reside on the property, all approvals shall become null and void. The new resident shall not house animals regulated by this Section until he/she receives authorization from the Zoning Administrator who shall determine approval based on application of the above, or amended, standards.

### **SECTION 3.24 MINIMUM REQUIREMENTS FOR DWELLINGS OUTSIDE MANUFACTURED HOME PARKS**

- A. All dwelling units located outside of manufactured home parks shall comply with the following requirements:
1. All dwelling units shall provide a minimum height between the floor and ceiling of seven and one-half (7½) feet (seven feet and six inches).
  2. The minimum width of all elevations (sides of the home) shall be no less than twenty-four (24) feet.
  3. There shall be a foundation of concrete or block around the entire exterior perimeter of all dwellings. The foundation shall have a minimum depth of forty-two (42) inches below grade. The foundation shall provide a maximum exposed foundation above grade of sixteen (16) inches and a minimum exposed foundation above grade of eight (8) inches. The Building Inspector may permit a lesser requirement, based on soil conditions, building type, topography, and any other relevant factor.
  4. All dwellings without basements shall provide a crawl space below the entire floor of the dwelling two (2) feet in depth with a vapor barrier consisting of two (2) inches of concrete on the floor of the crawl space. The crawl space shall also be provided with adequate drains to drain any accumulation of water in the crawl space. The Building Inspector may allow an alternative building plan to be utilized if consistent with the approved construction code of the Township.
  5. All dwellings shall be firmly attached to the foundation so as to be watertight as required by the construction code currently adopted by the Township, or if a manufactured home shall be anchored to the foundation by an anchor system designed and constructed in compliance with the United States Department of Housing and Urban Development Regulations entitled "Mobile Home Construction and Safety Standards."



6. The wheels, pulling mechanism and tongue of any manufactured home shall be removed prior to placement on a foundation.
  7. All dwellings shall be connected to a public sewer system and water supply system and/or a well or septic system approved by the Van Buren County Health Department.
  8. All dwellings shall provide steps or porch areas, permanently attached to a foundation, where there exists an elevation differential of more than one (1) foot between any door and the surrounding grade. All dwellings shall provide a minimum of two (2) points of ingress and egress.
  9. All additions to dwellings shall meet all of the requirements of this Ordinance.
  10. All dwellings shall contain a minimum floor area as required by the underlying zone district.
  11. All dwellings shall be aesthetically compatible in design and appearance with other residences in the vicinity.
    - a. The compatibility of design and appearance shall be determined in the first instance by the Zoning Administrator upon review of the plans submitted for a particular dwelling.
    - b. An appeal by an aggrieved party may be taken to the Zoning Board of Appeals. Any determination of compatibility shall be based upon the standards set forth in this Section as well as the character, design and appearance of residential dwellings located outside of manufactured home parks within five hundred (500) feet of the subject dwelling.
- B. The foregoing shall not be construed to prohibit innovative design concepts involving matters such as solar energy, view, unique land contour, or relief from the common or standard designed home.
- C. Prior to issuance of a building permit for any dwelling unit, construction plans, including a plot plan, adequate to illustrate compliance with the requirements of this Ordinance shall be submitted to the Building Inspector. If the dwelling unit is a manufactured home, there shall also be submitted adequate evidence to assure that the dwelling complies with the standards applicable to manufactured homes set forth in this Section.
- D. All manufactured homes shall meet the standards for manufactured home construction contained in the United States Department of Housing and Urban Development Regulations entitled "Mobile Home Construction & Safety Standards" effective June 15, 1976, as amended. All other dwellings shall meet the requirements of the adopted Township construction code.
- E. Refer to Chapter 10 regarding manufactured home parks and the applicable requirements and standards pertaining thereto.

**SECTION 3.25 PRIVATE ROADS (STREETS)**

- A. Intent and Purpose: Keeler Township determines that it is in the best interest of the public health, safety, and welfare to regulate the construction, improvement, maintenance, extension, relocation, and use of private roads to assure the following:
1. That private roads are designed with sufficient width, surface, and grade to assure safe passage and maneuverability of private vehicles, police, fire, ambulance, and other safety vehicles.
  2. That the roads are constructed of suitable materials to ensure minimal maintenance and safe passage.
  3. That private roads will be constructed so as to protect against or to minimize soil erosion and to prevent damage to the lakes, streams, wetlands, and natural environment of the Township.
  4. That private roads are properly maintained.
- B. Permits Required
1. No private road shall be constructed, extended, upgraded to serve additional parcels, or relocated after the effective date of this Ordinance unless an application for a private road construction permit has been completed and filed with the Township Building Inspector, the permit fee established by the Township has been paid, the private road has been approved by the Township Board, and a permit has been issued.
  2. The private road construction permit shall be issued only if the private road has been reviewed and approved by the Township Board, which shall consider the following review standards:
    - a. Whether the private road meets the requirements of this Section.
    - b. Whether the private road is reasonably necessary to be private, or if it would be in the best interests of the Township for the road to be a public road.
    - c. Whether the use of the private road has the potential to create conditions which may be detrimental to the health, safety, or welfare of persons or property through the creation of hazardous or potentially hazardous situations.
  3. The application for a permit shall provide all of the following information:
    - a. The name(s) of the owner(s) and any other parties having any legal interest in the private road and the property across which it is to be constructed.
    - b. A site plan drawn to scale, prepared by a registered engineer, showing all proposed lots along the private road, and also showing

the precise location, grade, route, elevation, dimensions, and design of the private road and any proposed extensions thereto, existing and proposed curb cuts, and the location and distance to any public streets which the private road is to intersect. The plan may be prepared by registered surveyor, or other qualified person, rather than a registered engineer, if the proposed private road is to serve five (5) or fewer parcels, main buildings, etc., and the Township waives the requirement in writing.

- c. A survey of the right-of-way by a registered land surveyor, together with surveys for each parcel to be served by the private road.
  - d. The location of all public utilities, including, but not limited to, water, sewer, telephone, gas, electricity, and television cable to be located within the private road right-of-way or within twenty (20) feet of either side thereof. Copies of the instrument describing and granting easements shall be submitted with the application.
  - e. The location of any lakes, streams, wetlands, and drains within the proposed right-of-way or within one hundred (100) feet thereof.
  - f. The location of any other buildings and structures located, or to be located, within one hundred (100) feet of the private road right-of-way.
  - g. A proposed maintenance agreement, as defined in this Section.
  - h. Any other requirements of this Ordinance.
- C. The Township Building Inspector or his/her designee shall have the right to enter upon the property where the private road is (or will be) located to conduct inspections as may be necessary to enforce this Section.
- D. Standards for Private Roads
1. No permit for a private road shall be approved and no private road construction permit shall be issued until and unless the plans, maintenance agreement, and proposed construction comply with the following standards:
    - a. All private roads shall have a recorded permanent right-of-way and easement with a minimum width of at least sixty-six (66) feet. The right-of-way shall also expressly permit public or private utilities to be installed within the right-of-way.
    - b. The area in which the private road is to be located shall have a minimum cleared width of twenty-eight (28) feet, which shall always be maintained. The private road shall meet the requirements contained in the chart below.

PRIVATE ROAD CONSTRUCTION REQUIREMENTS				
Requirement		Parcels Served		
		1 to 2	3 to 5	6 or More
Right-of-Way Easement Width		66 feet	66 feet	66 feet
Traveled Road Bed Width		13 feet	18 feet	22 feet
				26 feet if storm sewer is included, including valley gutters
Minimum Construction Materials	Subbase	10 inches of sand	12 inches of sand	1-3/4 inches of bituminous aggregate, meeting Michigan Department of Transportation specification 1100t, as amended
	Surface	6 inches of finished compacted gravel (No. 22A) on top of sand		

- c. Any private road which terminates at a dead-end shall have a means for vehicle turnaround either by use of a cul-de-sac, with a minimum radius of forty (40) feet, or by a continuous loop private road system, both of which must be constructed in accordance with the standards set forth in this Section.
- d. No private road shall extend for a distance of more than three thousand (3,000) feet in length from the nearest public street right-of-way, as measured along the centerline of the private road, without a second direct access thereto being available from another public street.
- e. The road surface shall have a minimum crown of two-tenths (.2) of one (1) foot from the centerline of the private road to the outside edge thereof.
- f. A road shoulder, composed of six (6) inches of compacted gravel shall be provided on each side of the private road surface, with a minimum width of two (2) feet, containing a slope of twenty-two hundredths (.22) of a foot from the outside edge of the road surface to the toe of the slope.
- g. The layout of private road and the intersections of a private road with either public or private road shall maintain clear vision, safe turning and travel in all directions at the posted speed limit is assured, as determined by the Township Building Inspector. The minimum distance between intersections of public and/or private road rights-of-way shall not be less than three-hundred (300) feet, measured along the right-of-way line thereof.
- h. The private road shall be constructed with storm water runoff, culverts, and drainage contours as is required by the Township Board to ensure adequate drainage and runoff.
- i. The method and construction technique to be used in the crossing

- of any natural stream, wetland, or drainage course shall satisfy the requirements of the Township Building Inspector and any other agency having jurisdiction thereof.
- j. The private road shall be given a name and street signs shall be installed in accordance with the standards and approval of the Van Buren County Road Commission. The private road addresses shall be posted in a conspicuous place at the entrance to the private road (at the intersection with the public road) in letters at least three (3) inches high. Private roads serving two (2) or more dwellings shall have a standard stop sign where the private road abuts the public road.
- E. The applicant(s)/owner(s) of the private road agree that by applying for and securing a permit to construct the private road that they shall indemnify and will hold the Township harmless from any and all claims for personal injury and/or property damage arising out of the use of the private road or of the failure to properly construct, maintain, repair, and replace the private road.
- F. The applicant(s)/owner(s) of the proposed private road right-of-way or private road shall provide the Township with a recordable private road maintenance or restrictive covenant agreement between the owner(s) of the private road right-of-way and any other parties having any interest therein, or other documentation satisfactory to the Township which shall provide for and assure that the private road shall be regularly maintained, repaired, and snow plowed so as to assure that the private road is safe for travel at all times and the cost thereof paid. The applicant(s) agree, by filing an application for and receiving a permit under this Ordinance, that they will assure that any building(s) or parcels thereafter created or constructed on the private road shall also be subject to the road maintenance or restrictive covenant agreement and that the agreement shall be recorded and shall run with the land. A copy of the agreement shall be furnished to the Township for approval prior to the issuance of the permit.
- G. Upon completion of construction of the private road, the applicant(s) owner(s) shall remove and properly dispose of, any and all trees, shrubs, construction debris, and rubbish.
- H. Certificate of Compliance
1. Upon completion of construction of the private road, the Township Building Inspector or his/her designee shall inspect the completed construction to determine whether it complies with the approved plans, specifications, permit, and this Ordinance. If the private road serves six (6) or more parcels, the applicant(s) shall provide the Township with a set of "as built" drawings bearing a certificate and statement from a registered engineer certifying that the private road has been completed in accordance with the requirements of the permit.
  2. If the completed private road does not satisfy the requirements of the

permit or this Ordinance, the applicant(s) shall be notified of the noncompliance in writing and shall be give a reasonable period of time within which to correct the deficiencies. Failure to correct the deficiencies within the time provided shall subject the applicant(s) to the penalties provided for in this Ordinance. No building permit shall be issued for a lot along a private road until and unless this private road fully complies with this Ordinance.

- I. Fees. Fees for the permits required hereunder shall be set by the Township Board from time to time by resolution. Additionally, the Township may require that the applicant(s) put sufficient funds in escrow to cover the costs of having the Township attorney, engineer, or other professional review the private road plans, specifications, and maintenance agreements, and to do the necessary inspections.
- J. Maintenance and Repairs of Private Road
  - 1. Upon completion of the construction, improvement, relocation, or extension of a private road, the applicant(s)/owner(s) shall maintain, repair, and snowplow the private road right-of-way to always comply with the requirements of this Ordinance and in a manner that assures that the private road is safe for travel at all times.
  - 2. All driveways and private roads shall be continuously maintained in a way that they will not constitute a danger to the health, safety, and welfare of the inhabitants of the Township. All driveways and private roads shall be continuously maintained in a way that they are readily accessible to and usable by emergency vehicles in all types of weather.
  - 3. All costs for maintenance and repair of the private road shall be the responsibility of the property owners or any property owners' association served by the private road.
- K. Location and Use of Private Roads
  - 1. Private roads may only be located in Residential Districts and serve residential uses.
  - 2. No commercial, business, or mercantile use shall utilize or be located on a private road. Notwithstanding this prohibition, agricultural uses may utilize private roads, and service drives for commercial, business or industrial uses may be used only as otherwise authorized by this or any other Township ordinance.
- L. Permits for Buildings on Private Roads. No building or other permit shall be issued for any building, dwelling, use, or structure the primary access to which is to be provided by a private road until a private road construction permit has been issued and the private road has been approved and constructed in accordance with the requirements of this Section, or a performance guarantee for the private

road has been provided.

- M. Approval by the Road Commission. No private road construction permit shall be issued until the applicant(s) has presented the Township with either an approved private road permit by the Van Buren Road Commission, or a letter from the Road Commission indicating that no private road permit from the county is required at that location.
- N. Frontage. All parcels utilizing a private road shall have frontage on the approved private road right-of-way equal to the minimum lot width requirement of the zoning district where the property is located.
- O. Disclosure. The following statement shall be put in a deed restriction and recorded for any parcels serviced by a private road, before each parcel is sold: *"This property does not abut or front on a public road. If a public road or street does not abut or service the property, it is private and is not required to be maintained by any governmental unit."*
- P. Modifications. The provisions of this Section may be modified by the Township Board at its sole discretion for good cause shown, except that modifications may be made only to relieve the applicant from conditions related to the physical features of the property. The modifications shall be accomplished so as to preserve significant natural features or to reduce the potential effects on adjacent properties. Higher financial or development costs shall, in and of themselves, not be cause for any modifications to these requirements.
- Q. Performance Guarantee. The Township may, as a condition of the private road construction permit, require that the applicant provide a performance guarantee to ensure construction of the road as approved in accordance with the requirements of Section 18.08.
- R. Effect
1. **New Private Roads** - The provisions of this Section shall apply to all private roads constructed from and after the effective date of this Ordinance.
  2. **Extended Private Roads** - If, after the effective date of this Ordinance, an existing private road is extended by an increase in its length for the purpose of providing access to one (1) or more additional main buildings, dwellings, parcels, or structures, the provision of this Section shall thereupon apply to the newly added length of the private road.
  3. **Existing Portion of Private Road to Which a New Segment Will Be Added** - All additions to an existing private road shall comply with the provisions of this Ordinance. If the existing private road, from which the extension will originate, does not meet the private road standards of this Ordinance, the road shall be upgraded to comply with the provisions of

this Ordinance. In the event compliance is not possible or feasible due to existing development, inability of the applicant to secure necessary right-of-way, or other similar factor, the Township Board may allow use of the existing, non-conforming, road subject to the following:

- a. A determination that sufficient right-of-way exists to accommodate projected traffic volumes.
  - b. Use of the non-conforming road segment is not likely to result in traffic and safety concerns for motorists and pedestrians.
  - c. The non-conforming segment is able to accommodate Township fire equipment and other emergency and safety vehicles.
  - d. That satisfactory, written, arrangements have been made to ensure the adequate, year round, maintenance of the non-conforming segment.
  - e. That satisfactory, written, provisions have been made to permit the placement of public utilities within the existing non-conforming road right-of-way, or that satisfactory alternate arrangements have been made to service all parcels with utilities.
- S. All private roads shall be continuously maintained in a way that they are readily accessible to and usable by emergency vehicles in all types of weather.

### **SECTION 3.26 STORAGE OF RECREATION EQUIPMENT**

- A. Recreational equipment may be located outside of an enclosed building on any lot within a Residential District provided that the following requirements are met:
1. If located on a corner or an interior lot recreational equipment shall not be located within a required front yard. If located on a through lot, recreational equipment shall not be located in the required front yard, or rear yard between a public street and rear yard setback.
  2. Notwithstanding the provisions of this Section, recreational equipment may be temporarily parked within any yard for cleaning, loading, or unloading purposes for not more than 48 hours within any seven (7) day period.
- B. Recreational equipment may be used for living or housekeeping purposes for a period not exceeding fourteen (14) days in any calendar year.

### **SECTION 3.27 STORAGE AND REPAIR OF VEHICLES**

- A. The repair, restoration and maintenance procedures or projects on vehicles in any Residential District, when the work is not conducted entirely within the interior of a building, shall be subject to the following limitations (bona fide farming operations are exempt from these provisions):



1. Procedures or projects exceeding forty-eight (48) hours in duration or which require the vehicle to be immobile or inoperable in excess of forty-eight (48) hours shall be carried out within a garage. Only one (1) period shall be permitted within a single thirty (30) day period.
  2. Inoperable or unlicensed vehicles and vehicle parts shall be stored inside a building, provided, however, in the Agricultural (AG) and Rural Residential (R-R) Districts two (2) vehicles may be stored in the rear yard with no time limitation for the storage.
- B. It shall be unlawful for the owner, tenant or lessee of any lot in any Residential District to permit the open storage or parking outside of a building of semi-truck trailers, bulldozers, earth carriers, cranes or any other similar equipment or machinery, unless parked thereon while in use in construction being conducted on the lot.

### **SECTION 3.28     DRIVEWAYS**

An approved driveway permit shall be obtained from the State Highway Department or Van Buren County Road Commission and submitted to the Building Inspector prior to issuance of a building permit.

### **SECTION 3.29     UNWHOLESOME SUBSTANCES**

- A. No unwholesome substance, as hereinafter defined, shall be deposited, buried, stored, dumped or accumulated by any person in any body of water or on or under any land, private or public, in the Township, unless such place has been designated as a public dumping ground by the Township, or unless such substance is housed in a completely enclosed building and in a safe and sanitary manner.
- B. For purposes of this Section only, the term “unwholesome” shall be defined to mean any trash, garbage, tin can, automobile body, junk vehicle, trailer body, junk, hazardous compounds, waste, offal, refuse, rubbish, food containers, bottles, crockery or utensils, stoves, night soil, oil, hazardous or harmful substances, industrial byproducts or waste, flammable matter or substances, debris, filth, or any other material which constitutes a threat or menace to the health, safety or general welfare of the public.
- C. For purposes of this Section only, the term “automobile body” shall be defined to mean any vehicle which (1) is unable to be driven upon a street under its own power and/or (2) which lacks all of the necessary component parts to make it operable and serviceable as a vehicle.
- D. For purposes of this Section only, the term “trailer body” shall be defined to mean any boat trailer, utility trailer, horse or animal trailer, truck trailer, travel trailer or any type of trailer or device used for hauling or moving things which lacks all of

the necessary component parts to make it operative and serviceable as a trailer to be pulled on a street.

- E. The provisions of this Section shall not be deemed to prohibit the storing or spreading of manure, fertilizers or other soil conditioners as part of a farm operation.
- F. No sewage, waster water or water containing foreign substances shall be deposited or drained onto any land or deposited or drained into any open ditch, creek, stream, lake, pond or other body of water unless the same has been first approved by the Michigan Department of Health and the Van Buren County Health Department.
- G. No boxes, barrels, waste wood, lumber, scrap metal, automobile body, or other materials shall be accumulated by any person so as to provide insect, rat or rodent harborage.

### **SECTION 3.30 SITE CONDOMINIUMS**

Pursuant to the authority of Section 141 of the Condominium Act, Public Act 59 of 1978, as amended, all site condominium subdivisions shall meet the following requirements and procedures.

- A. All site condominium subdivisions shall require site plan review and approval by the Planning Commission. In addition to the information required for site plan review, the following information shall also be included:
  - 1. A condominium subdivision plan as required in Section 66 of the Condominium Act.
  - 2. If in effect, all information required by the Keeler Township Subdivision Regulations.
- B. Documented proof of review by the Van Buren County Road Commission, Drain Commissioner, Health Department, Michigan Department of Transportation and Michigan Department of Natural/Environmental Quality.
- C. All site condominium subdivisions shall meet the requirements of the district in which it is located, including minimum lot size, minimum setbacks and minimum floor area.
- D. Private roads meeting the requirements of Section 3.25 of this Ordinance shall be permitted.
- E. The Keeler Township Clerk shall be furnished with a copy of the recorded master deed, as defined in Section 8 of the Condominium Act. The master deed must ensure that Keeler Township will not be responsible for maintenance or liability of the non-dedicated portions of the subdivision and that all private roads will be

properly maintained, that snow removal will be provided and that there is adequate access and turnaround for emergency vehicles. Responsibility for maintenance of stormwater retention areas, drainage easements, drainage structures, lawn cutting and other general maintenance of common areas must be clearly stated.

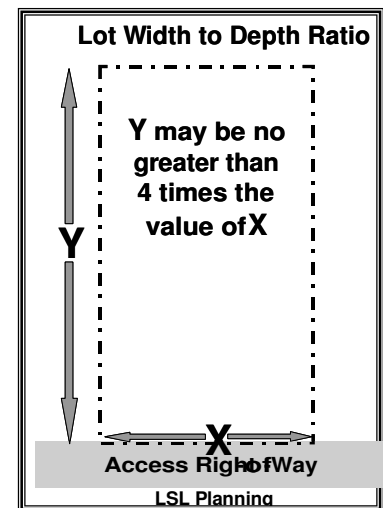
- F. The Keeler Township Clerk shall be furnished with two (2) copies of all “as-built” drawings for review by the Township building Inspector for compliance with all Township ordinances prior to issuance of any building permits. Fees for this review shall be established by the Township Board.

### SECTION 3.31 DIVISION OF PARCELS OR LOTS

No lot or parcel (platted or unplatted) shall be divided, split, or subdivided unless the action meets this Ordinance and all other applicable Township Ordinances.

### SECTION 3.32 LOT WIDTH TO DEPTH RATIO

- A. In all zoning districts, the depth of all lots created of record after the adoption of this Ordinance shall not exceed four (4) times the width of the lot.
- B. For purposes of this Section, the measurement of lot width shall be taken along the frontage on the public street or other approved road. The measurement for depth, for purposes of this Section, shall be taken from the street or road frontage to a point of the lot located farthest from the street or road frontage.
- C. The Planning Commission may permit, after site plan review, a lot with a depth greater than four (4) times the width of the lot, as measured in the manner stated above, if the Commission determines that the area in which the lot is located is not suitable for future development because of the presence of wetlands or severe topography or if the lot or parcel is located in a flood plain.
- D. In the AG District, the Planning Commission shall determine that the following conditions have been satisfied before approving a greater ratio:
1. The parcel is poorly suited for agricultural production due to existing soil conditions, slope, or the presence of natural vegetation, such as woodlots, brushland, and wetlands. The Planning Commission, in making its determination, may consider facts such as, but not limited to, past and present uses of the parcel, past productivity, and the difficulty in making the parcel suitable for farming, including the presence of highly erodible land, as defined by the Soil Conservation Service.



2. There will be a minimal likelihood of conflicts arising between the residential use and the surrounding agricultural activities.
3. The permitting of the ratio will not adversely affect implementation of the Master Plan.

### **SECTION 3.33 NONCONFORMING LOTS, USES, AND BUILDINGS**

#### **A. Intent**

1. It is recognized that there exists within zoning districts certain lots, buildings and structures, and uses which were lawful before this Ordinance was passed or amended, which would be prohibited, regulated, or restricted under the terms of this Ordinance. It is the intent of this Ordinance to permit legal, nonconforming lots, buildings and structures, and uses to continue until they are removed, but not to encourage their continued use or survival.
2. Nonconforming lots, buildings and structures, and uses are declared by this Ordinance to be incompatible with the districts in which they are located. It is the intent of this Ordinance that these nonconformities shall not be enlarged upon, expanded, or extended, nor be used as grounds for adding other buildings, structures or uses prohibited elsewhere in the district, except as may be provided for in this Section.
3. Nothing in this Ordinance shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance and upon which actual building construction has been diligently conducted.
4. The Township may acquire, through purchase or condemnation, private nonconforming lots, buildings and structures, and uses. The Township Board may take actions in the manner provided for by law.

#### **B. Nonconforming Lots of Record**

1. Where a lot of record in existence at the time of the adoption or amendment of this Ordinance does not meet the minimum requirements for lot width or lot area, the lot of record may be used for any purposes permitted by the district in which the lot is located, provided that any building or structure meets at least eighty percent (80%) of the applicable required setbacks for that District, or obtains a variance from the Zoning Board of Appeals for the setbacks.
2. Contiguous Nonconforming Lots in Common Ownership
  - a. For any two (2) or more nonconforming lots of record or combination of lots and portions of lots of record, in existence at the time of the passage of this Ordinance, or an amendment thereto, the lands involved shall be considered to be an undivided parcel for

the purposes of this Ordinance if they:

- (1) are in common ownership;
- (2) are adjacent each other or have continuous frontage, and;
- (3) individually do not meet the lot width or lot area requirements of this Ordinance.

- b. The parcels shall be combined into a lot or lots complying as nearly as possible to the lot width and lot size requirements of this Ordinance. No portion of the parcel shall be used or divided in a manner which diminishes compliance with lot width and area requirements of this Ordinance.

### C. Nonconforming Uses

1. No nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of the adoption or amendment of this Ordinance, except as may be permitted by the Zoning Board of Appeals upon reaching a determination that the proposed enlargement, increase, or greater area:
  - a. Shall not have a substantial detrimental effect on the use and enjoyment of adjacent uses or lots;
  - b. Shall comply with all parking, sign, or other applicable regulations applicable to accessory uses for the area affected by the proposed enlargement, increase, or greater area;
  - c. Shall comply with any reasonable conditions imposed by the Zoning Board of Appeals that are necessary to ensure that the proposed enlargement, increase, or greater area will not prove detrimental to adjacent properties, the neighborhood, or the community.
  - d. Shall not be larger than twenty five percent (25%) or the original nonconforming area.
2. If any part of a nonconforming use is moved, or if one (1) or more of the following conditions exists for a period of twelve (12) months or more, the nonconforming use shall be considered to be abandoned and any subsequent use shall conform to the requirements of the District.
3. A nonconforming use shall be determined to be abandoned if one (1) or more of the following conditions exists for a period of twelve (12) months, and 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;
4. An existing nonconforming use may be changed to another nonconforming use provided that all of the following determinations are made by the Board of Appeals:
- a. The proposed use shall be as compatible or more compatible with the surrounding neighborhood than the previous nonconforming use.
  - b. The proposed nonconforming use shall not be enlarged or increased, nor extended to occupy a greater area of land than the previous nonconforming use, except as may otherwise permitted by this Section.
  - c. That appropriate conditions and safeguards are provided that will ensure compliance with the intent and purpose of this Ordinance.

D. Nonconforming Buildings and Structures

1. Where a lawful building or structure exists at the effective date of this Ordinance, or an amendment thereto, that does not comply with the requirements of this Ordinance because of restrictions such as lot area, coverage, width, height, or yards, the building or structure may be continued so long as it remains otherwise lawful, provided:
  - a. Such nonconforming structure, or portion of a structure, may be enlarged, extended, repaired, reconstructed, or replaced, providing the structure does not increase its nonconformity and all applicable provisions of the Keeler Township construction code and all applicable provisions of all other township, county, and state regulations are met.
  - b. The enlargement, extension, repair, reconstruction or replacement of such nonconforming structure shall be confined to the lot or parcel of record upon which it is located at the effective date of adoption or amendment to this ordinance.
2. Extensions of Nonconforming Buildings and Structures. Nonconforming building or structures may be structurally changed, altered or enlarged with the approval of the Board of Appeals when the Board finds that the request is a case of exceptional hardship in which failure to grant the relief requested would unreasonably restrict continued use of the property or would restrict valuable benefits that the public currently derives from the property as used in its nonconforming status, except that any approval for

structural changes, alterations, or enlargements may be granted only with a finding by the Board of Appeals that approval will not have an adverse affect on surrounding property and that it will be the minimum necessary to relieve the hardship.

3. None of the provisions of this Section are meant to preclude normal repairs and maintenance on any nonconforming building or structure that would prevent strengthening or correcting of any unsafe condition of the building or structure.

### **SECTION 3.34 LANDSCAED BERMS**

- A. Wherever a berm is constructed within the Township, it shall have a maximum height of five (5) feet above grade, and the crest shall gently curve with a level crown that is at least two feet wide.
- B. Berms located within a front yard shall not exceed a height of three (3) feet.
- C. Berms shall be designed to vary in height and shape to create a more natural appearance. An unbroken earth mound of uniform height shall be avoided.
- D. Berms shall be planted to have a natural and informal appearance.
- E. Plant material shall be placed on the top and side slope facing the exterior property line. [Added 2013]

## CHAPTER 4

### *MAPPED DISTRICTS*

#### SECTION 4.00 DISTRICTS

Keeler Township is hereby divided into the following Districts:

ABBREVIATION	DISTRICT NAME	ORDINANCE CHAPTER
AG	Agricultural	Chapter 5
R-R	Rural Residential	Chapter 6
R-1	Residential	Chapter 7
LR	Lakeshore Residential	Chapter 8
R-2	Residential	Chapter 9
MHP	Manufactured Home Park	Chapter 10
PUD	Planned Unit Development	Chapter 11
C	Commercial	Chapter 12
LI	Light Industrial	Chapter 13

#### SECTION 4.01 ZONING MAP

- A. The locations and boundaries of the Districts are hereby established as shown on a map, as the same may be amended from time to time, entitled "The Zoning Map of Keeler Township, Van Buren County, Michigan," which accompanies and is hereby made a part of this Ordinance. Where uncertainty exists as to the boundaries of Districts as shown on the zoning map, the following rules of construction and interpretation shall apply.
1. Boundaries indicated as approximately following the centerline of streets, highways, or alleys shall be construed to follow such centerlines.
  2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
  3. Boundaries indicated as approximately following Township boundaries shall be construed as following Township boundaries.
  4. Boundaries indicated as approximately following shorelines or lake or stream beds shall be construed as following such shorelines or lake or stream beds, and in the event of change in the location of shorelines or lake or stream beds, shall be construed as moving with the shoreline and lake or stream bed.



5. Lines parallel to streets without indication of the depth from the street line shall be construed as having a depth of two hundred (200) feet from the front lot line.
  6. Boundaries indicated as approximately following property lines, section lines or other lines of a government survey shall be construed as following such property lines, section lines or other lines of a government survey as they exist as of the effective date of this Ordinance or applicable amendment thereto.
- B. Whenever all or part of a street or other public way is vacated, it shall automatically become a part of the District to which it attaches. If a vacated area is bordered by two different Districts, the area shall be divided along a line half-way between them according to the adjacent District, unless the Township Board shall otherwise designate, subject to the provisions of Section 18.4.

#### **SECTION 4.02 AREAS NOT INCLUDED WITHIN A DISTRICT**

Land not included within a District on the zoning map shall be considered to be in the R-R District.

#### **SECTION 4.03 USES NOT DESIGNATED**

- A. When a use or activity is not stated in this Ordinance, the Zoning Administrator may either interpret the use or activity as being substantially similar to those allowed in the District or request the Planning Commission to make a determination at its next regular meeting or at a special meeting called for that purpose. The Zoning Administrator or Planning Commission, as applicable, shall also determine whether the use or activity shall be permitted as a special land use or as use permitted by right. An applicant may also petition the Township for an amendment to the Zoning Ordinance to address the use or activity being considered.
- B. The Zoning Administrator or Planning Commission, as applicable, shall base the decision on a finding that the proposed use:
1. Is not specifically listed in any other District.
  2. Is generally consistent with the Intent of the District and this Ordinance, as well as the Master Plan.
  3. Will not impair the present or potential use of other properties within the same District or in the vicinity.
  4. Has no greater potential impact on surrounding properties than those listed in the District, in terms of aesthetics, traffic generated, noise, potential nuisances, and other impacts related to health safety and welfare.
  5. The proposed use or activity shall comply with the review and approval requirements and district regulations that apply to similar authorized uses.

## CHAPTER 5

### *AG AGRICULTURAL DISTRICT*

#### **SECTION 5.00 DESCRIPTION AND PURPOSE**

This District is intended to primarily conserve and protect lands determined suitable for farming operations and to foster the rural character of the Township. The District shall also accommodate very low density residential development and other uses generally associated with agricultural and rural residential uses. As a recognized agricultural district, certain impacts such as odors, noise, application of chemicals, and other external impacts typically associated with farming operations shall be recognized and reasonably tolerated provided they do not pose a threat to the general health, safety, and welfare of Township residents.

#### **SECTION 5.01 PERMITTED USES**

Land and/or buildings in the AG District may be used for the following purposes as Permitted Uses, subject to the approval of a site plan, in accordance with the requirements of Chapter 14.

- A. Farms for both general and specialized farming, together with farm dwelling and buildings and other installations useful to such farms, including roadside stands with less than two-hundred (200) square feet of sales area for produce grown on the premises.
- B. Sale of animal feed, seed, fertilizers, and related farm products when conducted as part of a bona fide farming operation and when located on the premises of said farming operation.
- C. Single-family dwellings, including home occupations as regulated by Section 3.14.
- D. State licensed residential family care facilities; provided that such facility is not located closer than one-thousand five hundred (1,500) feet from an existing or proposed similar state licensed residential facility, including group care facilities, but not including state licensed residential facilities caring for six (6) or fewer minors.
- E. Family day care homes.
- F. Accessory buildings, structures and uses customarily incidental to a Permitted Use or Special Land Use meeting the requirements of Sections 3.10 and 3.11.

## SECTION 5.02 SPECIAL LAND USES

Land and/or buildings in the AG District may be used for the following subject to approval by the Planning Commission as a Special Land Use in accordance with the procedures of Chapter 15.

- A. Country clubs, golf courses, riding stables, and publicly-owned athletic grounds and parks, and other similar uses, including related uses, such as snack bars, pro-shops restaurants, and small retail shops selling goods directly related to the primary use, and other similar uses integral to the main use.
- B. Roadside stands exceeding two-hundred (200) square feet of sales area for sale of produce grown on the premises.
- C. Commercial greenhouses and nurseries.
- D. Removal and processing of topsoil, stone, rock, sand, gravel, lime or other soil or mineral resources.
- E. Public or private campgrounds.
- F. Radio and television transmitting buildings and towers.
- G. Schools, churches, libraries, parks, playgrounds and community center buildings.
- H. Group day care homes.
- I. Sawmills.
- J. Produce/vegetable packaging plant.
- K. Farm implement sales and repair.
- L. Sale of animal feed, seed, fertilizers, and related farming products unless conducted as part of a bona fide farming operation where the operation does not require a Michigan Sales Tax License.
- M. Utility and public service buildings, including storage yards.
- N. Nursing homes and similar elder care facilities.
- O. Intensive Livestock Operations.
- P. Open Space Preservation Developments.
- Q. Farm Labor Housing.

- R. Veterinary hospitals, animal clinics, and commercial kennels.
- S. Noncommercial Wind Energy Conversion System (NWECS) [added July 2006]
- T. Commercial Wireless Telecommunication Tower. [added July 2006]

**SECTION 5.03 SCHEDULE OF AG DISTRICT REGULATIONS**

- A. No main building, structure, or principal use of land, nor the enlargement of any building, structure, or use of land, shall hereafter occur unless the following requirements are met and maintained in connection with such building, structure, use, or enlargement. (Refer to Chapter 15 for additional requirements for Special Land Uses.)

<b>AG DISTRICT REQUIREMENTS</b>	
FRONT YARD	30 feet
SIDE YARD	40 feet each side
REAR YARD	40 feet
BUILDING HEIGHT	Maximum 2 ½ stories, not to exceed 30 feet
LOT COVERAGE	25%
MINIMUM LOT AREA [See B, below]	10 acres
MINIMUM DWELLING UNIT WIDTH	24 feet
MINIMUM LOT WIDTH	330 feet
MINIMUM DWELLING UNIT FLOOR AREA	One Story - 850 square feet
	Above one story - 600 square feet on ground floor

- B. Permitted Lot Splits
  - 1. The maximum number of lots that may be created or split for new single family dwelling units in addition to creating a lot for an existing dwelling unit shall be based on the gross area of the lot of record which is to be divided, as listed in the following Sliding Scale table.

<b>Sliding Scale - AG District</b>	
Area of Lot of Record	Maximum Additional Lots Permitted
1 to 10 acres	1
10.1 to 20 acres	2
20.1 to 30 acres	3
30.1 to 40 acres	4

Sliding Scale - AG District	
Area of Lot of Record	Maximum Additional Lots Permitted
40.1 to 60 acres	6
60.1 to 80 acres	8
80.1 up	10

2. In addition to the divisions allowed under the above table, every farm which contains a single family dwelling existing before the date of this amendment (October 12, 2004) shall be allowed to split a lot from the main farm acreage and create a new lot for the existing dwelling. This new lot shall comply with the provisions of paragraph C, below. Any additional lot splits are not permitted.
  3. The above regulations shall not cause the lot of record to be split in a manner which would violate the requirements for access and other applicable provisions contained in the Michigan Land Division Act, Act 288 of 1967, as amended. Any provision of this Ordinance notwithstanding, Keeler Township is not responsible for any violations of this Ordinance or of the Land Division Act.
- C. Any lot created according to the above requirements shall be at least one (1) acre and no greater than three (3) acres in areas and shall have a minimum of two-hundred and twenty (220) feet of public road frontage, and shall have a lot depth to width ratio not exceeding 4:1. The permitted lots shall be contiguous unless sufficient road frontage does not exist on the lot, in which case, other contiguous lots may be grouped in appropriate locations, as approved by the Zoning Administrator.
- D. Monitoring Lot Splits - Keeler Township recognizes that proper administration of the this subsection must be established along with an official register containing the following information:
1. Concurrent with the adoption of this Ordinance, an official map indicating existing lots, parcel numbers, and land ownership shall be established along with an official register containing this information.
  2. An allotment of dwelling units possible under this Ordinance shall be made for each parcel in the AG District.
  3. As allotments are used up, the official map and register shall be updated to reflect these changes.
- E. The official map and register shall be maintained by the Township Clerk and copies made available for inspection by the public.

## CHAPTER 6

### *R-R RURAL RESIDENTIAL DISTRICT*

#### **SECTION 6.00 DESCRIPTION AND PURPOSE**

This District recognizes lands that retain a relatively high proportion of agriculture and open space use but, due to population growth, soil characteristics, and related factors, experience ongoing transition to non-farm low density residential development. Due to its rural character, the Rural Residential District permits many of the uses provided for in the Agricultural District. Unlike the AG District, however, uses which are considered incompatible to the District's emerging residential growth are not permitted.

#### **SECTION 6.01 PERMITTED USES**

Land and/or buildings in the R-R District may be used for the following purposes as Permitted Uses, subject to the approval of a site plan, in accordance with the requirements of Chapter 14.

- A. Single-family dwellings, including home occupations as regulated by Section 3.14.
- B. Farms for both general and specialized farming, together with farm dwelling and buildings and other installations useful to such farms, including roadside stands with less than two-hundred (200) square feet of sales area for produce grown on the premises.
- C. Sale of animal feed, seed, fertilizers, and related farm products when conducted as part of a bona fide farming operation and when located on the premises of said farming operation.
- D. State licensed residential family care facilities; provided that such facility is not located closer than one-thousand five hundred (1,500) feet from an existing or proposed similar state licensed residential facility, including group care facilities, but not including state licensed residential facilities caring for six (6) or fewer minors.
- E. Family day care homes.
- F. Accessory buildings, structures and uses customarily incidental to a Permitted Use or Special Land Use meeting the requirements of Sections 3.10 and 3.11.

**SECTION 6.02 SPECIAL LAND USES**

Land and/or buildings in the R-R District may be used for the following subject to approval by the Planning Commission as a Special Land Use in accordance with procedures of Chapter 15.

- A. Country clubs, golf courses, riding stables, and publicly-owned athletic grounds and parks, and other similar uses, including related uses, such as snack bars, pro-shops, restaurants, and small retail shops selling goods directly related to the primary use, and other similar uses integral to the main use.
- B. Roadside stands exceeding two-hundred (200) square feet of sales area for sale of produce grown on the premises.
- C. Commercial greenhouses and nurseries.
- D. Schools, churches, libraries, parks, playgrounds and community center buildings.
- E. Group day care homes.
- F. Utility and public service buildings, including storage yards.
- G. Nursing homes and elder care facilities.
- H. Bed and breakfast establishments.
- I. Open Space Preservation Developments.
- J. Farm Labor Housing.

**SECTION 6.03 SCHEDULE OF R-R DISTRICT REGULATIONS**

No main building, structure, or principal use of land, nor the enlargement of any building, structure, or use of land, shall hereafter occur unless the following requirements are met and maintained in connection with such building, structure, use, or enlargement. (Refer to Chapter 15 for additional requirements for Special Land Uses.)

<b>R-R DISTRICT REQUIREMENTS</b>	
FRONT YARD	30 feet
SIDE YARD [each side]	20 feet
REAR YARD	40 feet
BUILDING HEIGHT	Maximum 2 ½ stories, not to exceed 30 feet
LOT COVERAGE	25%
MINIMUM LOT AREA	100,000 square feet
MINIMUM DWELLING UNIT WIDTH	24 feet
MINIMUM LOT WIDTH	165 feet
MINIMUM DWELLING UNIT FLOOR AREA	One story - 850 square feet
	Above one story - 600 square feet on ground floor



## CHAPTER 7

### *R-1 RESIDENTIAL DISTRICT*

#### **SECTION 7.00 DESCRIPTION AND PURPOSE**

This District is intended for moderate density single family residential development located near the growth areas of the township, including the fringes of agricultural areas which are experiencing transition to non-agricultural use, especially the sectors near the village area of Keeler, the Sister Lakes area and in the southern and southwestern portions of the township. Preservation of rural character is an important element for development within this District.

#### **SECTION 7.01 PERMITTED**

Land and/or buildings in the R-1 District may be used for the following purposes as Permitted Uses, subject to the approval of a site plan, in accordance with the requirements of Chapter 14.

- A. Single-family dwellings, including home occupations as regulated by Section 3.14.
- B. Farms for both general and specialized farming, together with farm dwelling and buildings and other installations useful to such farms.
- C. State licensed residential family care facilities; provided that such facility is not located closer than one-thousand five hundred (1,500) feet from an existing or proposed similar state licensed residential facility, including group care facilities, but not including state licensed residential facilities caring for six (6) or fewer minors.
- D. Family day care homes.
- E. Schools, churches, libraries, parks, playgrounds and community center buildings.
- F. Accessory buildings, structures and uses customarily incidental to a Permitted Use or Special Land Use meeting the requirements of Sections 3.10 and 3.11.

#### **SECTION 7.02 SPECIAL LAND USES**

Land and/or buildings in the R-1 District may be used for the following subject to approval by the Planning Commission as a Special Land Use in accordance with the procedures of Chapter 15.

- A. Roadside stands for the sale of produce grown on the premises.
- B. Utility and public service buildings, without storage yards, but not including

essential public services such as poles, wires, and underground utility systems.

- C. Group day care and foster care homes.
- D. Bed and breakfast establishments.
- E. Open Space Preservation Developments.

**SECTION 7.03 DISTRICT REGULATIONS** [amended April 2005]

No main building, structure, or principal use of land, nor the enlargement of any building, structure, or use of land, shall hereafter occur unless the following requirements are met and maintained in connection with such building, structure, use, or enlargement. (Refer to Chapter 15 for additional requirements for Special Land Uses.)

<b>R-1 DISTRICT REQUIREMENTS</b>	
FRONT YARD	30 feet
SIDE YARD [each side]	10 feet
REAR YARD	25 feet
BUILDING HEIGHT	Maximum 2 ½ stories, not to exceed 30 feet
LOT COVERAGE	30%
MINIMUM LOT AREA	15,000 square feet
MINIMUM DWELLING UNIT WIDTH	24 feet
MINIMUM LOT WIDTH	100 feet
MINIMUM DWELLING UNIT FLOOR AREA	One Story - 850 square feet
	Above one story - 600 square feet on ground floor

## CHAPTER 8

### *LR LAKESHORE RESIDENTIAL DISTRICT*

#### **SECTION 8.00 DESCRIPTION AND PURPOSE**

This District is intended for medium density single family residential development located on and near the lakes of the township. Areas in this District include the Sister Lakes, Keeler Lake and Magician Lake. Preservation of lake water quality and the rural residential character is an important element for development within this District.

#### **SECTION 8.01 PERMITTED**

Land and/or buildings in the LR District may be used for the following purposes as Permitted Uses, subject to the approval of a site plan, in accordance with the requirements of Chapter 14.

- A. Single-family dwellings, including home occupations as regulated by Section 3.14.
- B. State licensed residential family care facilities; provided that such facility is not located closer than one-thousand five hundred (1,500) feet from an existing or proposed similar state licensed residential facility, including group care facilities, but not including state licensed residential facilities caring for six (6) or fewer minors.
- C. Family day care homes.
- D. Schools, churches, libraries and community center buildings.
- E. Parks, play fields, and recreational facilities owned and operated by public agencies, service clubs and libraries.
- F. Accessory buildings, structures and uses customarily incidental to a Permitted Use or Special Land Use meeting the requirements of Sections 3.10 and 3.11.

#### **SECTION 8.02 SPECIAL LAND USES**

Land and/or buildings in the LR District may be used for the following subject to approval by the Planning Commission as a Special Land Use in accordance with the procedures of Chapter 15.

- A. Health Care Centers.
- B. Bed and breakfast establishments.

C. Open Space Preservation Developments.

**SECTION 8.03 DISTRICT REGULATIONS**

A. No main building, structure, or principal use of land, nor the enlargement of any building, structure, or use of land, shall hereafter occur unless the following requirements are met and maintained in connection with such building, structure, use, or enlargement. (Refer to Chapter 15 for additional requirements for Special Land Uses.)

<b>LR DISTRICT REQUIREMENTS</b>	
FRONT YARD	30 feet (See also General Provisions 3.01, C, 6, Lake Front)
SIDE YARDS	Minimum of 10 feet.
REAR YARD	25 feet (See also General Provisions 3.01, C, 6, Lake Front)
BUILDING HEIGHT	Maximum 2 ½ stories, not to exceed 30 feet
MAXIMUM LOT COVERAGE	30 %
MINIMUM LOT AREA	12,000 square feet
MINIMUM DWELLING UNIT WIDTH	24 feet
MINIMUM LOT WIDTH	80 feet
MINIMUM DWELLING UNIT FLOOR AREA	One Story - 850 square feet
	Above one story - 600 square feet on ground floor

- B. The following provisions apply to all lots with at least one (1) lot line bordering a lake within this District.
1. Except as may otherwise be permitted by this Ordinance, no dwelling or other main building, accessory building, or septic system shall be constructed, erected, installed, or enlarged within a minimum of thirty (30) feet, as measured from the ordinary high water mark, of the lake.
  2. All dwelling or other main building, accessory building, or septic system at the time of the effective date of this ordinance, and not meeting the requirements of this subsection shall not for a period of twelve (12) months be prevented from reconstructing, repairing or maintaining their facilities in the event of destruction by a fire or Act of God. If the reconstruction of the structure does not occur within a twelve (12) month period, the structure will be required to meet all ordinance regulations set forth in 3, below.
  3. No dwelling shall be constructed or placed on lands which are subject to flooding or on banks where a minimum of four (4) feet between the finished grade level and high water line cannot be met. Land may be filled to meet the minimum requirement of four (4) feet between the finished grade level and ordinary high water mark of the lake only under the following conditions:

- a. No material is allowed to enter the water either by erosion or mechanical means.
- b. Fill material is of a pervious material such as gravel or sand.
- c. Any and all permits have been acquired as required by the laws of the State of Michigan and the rules and regulations of the State of Michigan, provided that it shall be unlawful to alter the shoreline of any watercourse, lake or reservoir in the Township by soil removal or fill.
- d. All filling or grading work shall be accomplished so as not to alter the natural drainage of adjoining land.

## CHAPTER 9

### *R-2 RESIDENTIAL DISTRICT*

#### **SECTION 9.00 DESCRIPTION AND PURPOSE**

The R-2 District is intended for locations appropriate for smaller lot and higher density residential development and is well suited for more developed areas, including the immediate Sister Lakes area. Uses in this District may include residential housing such as apartments, townhouses, condominiums, smaller lot single family homes, and similar housing and project design types. Some R-2 areas are served by sanitary sewers or comparable private systems.

#### **SECTION 9.01 PERMITTED USES**

Land and/or buildings in the R-2 District may be used for the following purposes as Permitted Uses, subject to the approval of a site plan, in accordance with the requirements of Chapter 14.

- A. Single-family dwellings including home occupations as regulated by Section 3.14.
- B. Two-family dwellings.
- C. State licensed residential family care facilities; provided that such facility is not located closer than one-thousand five hundred (1,500) feet from an existing or proposed similar state licensed residential facility, including group care facilities, but not including state licensed residential facilities caring for six (6) or fewer minors.
- D. Family day care homes.
- E. Accessory buildings, structures and uses customarily incidental to a Permitted Use or Special Land Use meeting the requirements of Sections 3.10 and 3.11.

#### **SECTION 9.02 SPECIAL LAND USES**

Land and/or buildings in the R-2 District may be used for the following subject to approval by the Planning Commission as a Special Land Use in accordance with the procedures of Chapter 15.

- A. Group day care homes.
- B. Bed and breakfast establishments.
- C. Nursing homes and elder care facilities.

- D. Schools, churches, libraries, parks, playgrounds and community center buildings.
- E. Multiple-family dwellings.
- F. Utility and public service buildings, without storage yards.

**SECTION 9.03 SCHEDULE OF R-2 DISTRICT REGULATIONS**

- A. No main building, structure, or principal use of land, nor the enlargement of any building, structure, or use of land, shall hereafter occur unless the following requirements are met and maintained in connection with such building, structure, use, or enlargement. (Refer to Chapter 15 for additional requirements for Special Land Uses.)

<b>R-2 DISTRICT REQUIREMENTS</b>		
FRONT YARD		30 feet
SIDE YARD [each side] (see B, below)		10 feet
REAR YARD		25 feet
MINIMUM DWELLING UNIT WIDTH		24 feet
BUILDING HEIGHT		Maximum 2 ½ stories, not to exceed 30 feet
LOT COVERAGE		30%
MINIMUM LOT AREA	Dwellings	Single and Two Family 12, 000 square feet/dwelling unit
		Multiple Family 2 acres; density shall not exceed 6 units/acre
	Other Uses	2 acres
MINIMUM LOT WIDTH	Single and Two Family Dwellings	100 feet
	Multiple Family Dwellings and Other Uses	100 feet
MINIMUM FLOOR AREA (Per Unit)	Single and Two Family Dwellings	One story - 850 square feet
		Above one story - 600 square feet on ground floor
	Multiple-Family Dwellings	800 square feet

- B. Side yard requirements for multiple family buildings shall be increased by one (1) foot for each ten (10) feet (or fraction thereof) of building length over forty (40) feet.

## CHAPTER 10

### *MHP MANUFACTURED HOME PARK DISTRICT*

#### **SECTION 10.00 INTENT**

The Manufactured Home Park District is intended to provide opportunity for placement and occupancy of manufactured homes in clustered settings and parks where medium and high density residential uses are appropriate. This district recognizes the affordable cost for such homes and the special regulation of such facilities by the State of Michigan.

#### **SECTION 10.01 PERMITTED USES**

Land and/or buildings in the Manufactured Home Park District may be used for the following purposes as Permitted Uses, subject to the approval of a site plan, in accordance with the requirements of Chapter 14.

- A. Manufactured homes located in a state-licensed Manufactured Home Park.
- B. Family day care homes.
- C. State licensed residential family care facilities; provided that such facility is not located closer than one-thousand five hundred (1,500) feet from an existing or proposed similar state licensed residential facility, including group care facilities, but not including state licensed residential facilities caring for four (4) or less minors.
- D. Single family dwellings, including home occupations, as regulated by Section 3.14.
- E. Accessory buildings, structures and uses customarily incidental to a Permitted Use or Special Land Use meeting the requirements of Sections 3.10 and 3.11 and this Chapter.

#### **SECTION 10.02 SPECIAL LAND USES**

Land and/or buildings in the Manufactured Home Park District may be used for the following subject to approval by the Planning Commission as a Special Land Use in accordance with the procedures of Chapter 15.

- A. Utility and public service buildings, without storage yards, but not including essential public services such as poles, wires, and underground utility systems.



- B. State licensed residential group home care facilities.

### **SECTION 10.03 LICENSED MANUFACTURED HOME PARKS**

- A. All manufactured home parks shall comply with the applicable requirements of Public Act 96 of the Michigan Public Acts of 1987, as amended, provided further that these developments meet the standards and conditions and all other provisions as herein established.
- B. The parking of more than one (1) manufactured home on a single parcel of land or on two (2) or more adjoining parcels of land under common ownership shall be illegal in Keeler Township, irrespective of the requirements of any other ordinance of Keeler Township, unless such parcel or parcels of land shall have been approved as a licensed manufactured home park under the provisions of this Chapter and state law.
- C. No manufactured home shall be occupied within the park area until such time as a "Manufactured Home Occupancy Permit" shall be issued by the Zoning Administrator.
- D. The Manufactured Home Park Occupancy Permit shall be issued by the Zoning Administrator only after inspection of the premises, and after making a finding that the conditions as set forth below have been fulfilled and complied with by the developer. A permit may be issued if weather conditions or other temporary obstructions makes complete compliance impossible. In such case, the Zoning Administrator may require the submission of a performance bond covering the cost of the necessary improvements, provided that such improvements are completed within six (6) months from the date of the request for the Permit.
- E. All applications for manufactured home parks must be approved by the Township Board, upon the recommendation of the Planning Commission, in accordance with the provisions of this Section.
- F. The Planning Commission and Township Board shall consider the following standards when considering an application for a manufactured home park:
1. Whether the proposal is in accordance with the Master Plan.
  2. Whether the proposal meets all the design standards of this Ordinance, other applicable local codes, regulations, and ordinances, and applicable state and federal requirements.
  3. Whether the density of the proposed development could adversely affect adjacent properties and land uses.
  4. Whether the arrangement of the proposed development can be reasonably expected to constitute a health hazard or public nuisance to adjacent properties because of inappropriate or inadequate sanitation and/or drainage facilities.

5. Whether the proposed development produces excessive demands on available fire and police protection or other community services.
  6. Whether the traffic characteristics of the proposed development may create a hazard or place an excessive burden on adjacent public roads or pedestrian facilities.
- G. **Manufactured Home Park Requirements:** All manufactured home parks shall be designed and developed in accordance with the following requirements:
1. Minimum site size for a manufactured home park shall be ten (10) acres.
  2. A minimum of fifty (50) manufactured home sites shall be provided in the manufactured home park.
  3. Each manufactured home park site shall have direct access to a primary, all season, road as defined by the Van Buren County Road Commission.
  4. No access to the site shall be located closer than two-hundred (200) feet from the centerline of the intersection of any arterial street.
  5. Minimum street widths within the manufactured home park shall be in accordance with the following schedule.

<b>Required Street Width for On-Street Parking</b>		
<b>Parking</b>	<b>Direction</b>	<b>Minimum Street Width</b>
No on-street parking	one way	14 feet
	two way	20 feet
Parallel parking on one side of street	one way	20 feet
	two way	30 feet
Parallel parking on both sides of street	one way	26 feet
	two way	36 feet

6. All streets within the manufactured home park shall be of bituminous aggregate or similar surface, meeting the Private Road construction specifications of this Ordinance. Lighting shall be provided by proper posts or overhead lamps to provide adequate lighting for all streets within the manufactured home park and at entries to the park site.
7. Maximum height for any permanent building shall not exceed one (1) story or twenty-five (25) feet, whichever is greater.
8. Each manufactured home lot, exclusive of streets shall have a minimum size of six-thousand five hundred (6,500) square feet and a minimum width of fifty (50) feet. No more than one (1) manufactured home shall be parked on any one lot, and no manufactured home shall be occupied by more than one family.

9. The minimum setback between any part of any manufactured home and/or structure permanently or temporarily attached thereto (excluding hitch), or used in conjunction therewith, including, but not limited to, storage sheds, cabanas, and porches shall be twenty (20) feet from the inside of the sidewalk; and the minimum spacing from any rear lot line shall be twenty (20) feet, and from the side lot line on the entry side ten (10) feet, and from the side lot line on the non-entry side, five (5) feet.
  10. The nearest building of the manufactured home park shall be set back a minimum of one-hundred (100) feet from the right-of-way of any adjacent public street. This setback shall be properly landscaped with grass and maintained by the owner and/or operator of the manufactured home park.
  11. Each lot shall front on sidewalks at least five (5) feet in width, located directly next to and parallel to the street.
  12. Each lot shall provide a minimum of two (2) off-street, paved parking spaces.
  13. The front, rear, and side yards of every lot shall be landscaped with grass and properly maintained thereafter. At least one (1) shade tree shall be provided for every two (2) lots. Trees shall be located to provide shade for manufactured home park sites.
  14. The manufactured home park shall provide a minimum of a fifty (50) foot buffer strip separating the manufactured home park from adjacent property. This strip shall be landscaped with trees or shrubbery planted in such a manner as to provide a screen at least five (5) feet in height. No part of this strip shall be used for any structure, right-of-way, drive, or parking space. The strip shall be maintained by the owner and/or operator of the manufactured home park.
- H. Utility Standards - The following utility standards shall apply to all manufactured home parks:
1. All utilities shall be underground.
  2. All lots shall be provided with an approved method of providing water and sanitary sewer service, and all manufactured homes shall be connected thereto. Said approval to be granted by the Van Buren County Health Department, Michigan Department of Environmental Quality, the Keeler Township Board, or any other required agency, as appropriate. All expense of installation and connection shall be borne by the owner or operator of the manufactured home park in accordance with procedures established by the Township Board.
  3. The Manufactured home park shall provide sufficient storm sewer facilities, independent of sanitary sewers, to prevent flooding of either streets or lots. On-site storm water detention or retention may be required where deemed necessary by the Township Engineer. All storm drainage and surface drainage facilities shall be approved by the Van Buren County Drain Commission.

I. Manufactured Home Standards

1. All manufactured homes within the manufactured home park shall be set up in accordance with the State of Michigan Manufactured Home Commission rules and regulations applicable to manufactured home pad design and set up.
2. All manufactured homes shall have a minimum width of fourteen (14) feet across any horizontal surface, exclusive of carports or overhangs.

J. Recreation and Shelter Facilities: The manufactured home park shall contain one (1) or more recreation and common playground areas intended primarily for the use of the residents of the manufactured home park residents. A minimum of two-hundred and fifty (250) square feet for every manufactured home park lot shall be provided. Buffer strip areas shall not be counted toward this requirement.

K. Inspection and Permits

1. The Building Inspector or such other person designated by the Township Board shall inspect the manufactured home park at least once each year. The fee for such inspection shall be determined by the Township Board.
2. In the event that the Building Inspector or such other designated person find that the condition of the manufactured home park is such that it does not comply with the safeguards and conditions as set out in this resolution, the Building Inspector or such other designated person shall serve written notice upon the owner or operator of such manufactured home park of such defects. The notice shall include a demand that such defects or deficiencies be corrected within thirty (30) days of receipt of the notice.
3. In the event that the owner or operator of the manufactured home park does not correct the deficiencies within the thirty (30) day period, either the owner or operator of the manufactured home park or the Building Inspector may request that the Township Board set a date for a public hearing on the defects or deficiencies. The hearing shall be held by the Township Board, provided that the notice is given to the owner and operator of the manufactured home park, and that such notice is posted in three (3) prominent places within the manufactured home park at least thirty (30) days prior to the hearing.
4. At the date of the hearing, the Township Board may amend or modify the terms of the original notice, or if the modifications thereof shall not be corrected within the thirty (30) days allowed for corrections to be made, or any extension thereof, the Township, in order to preserve the health and welfare of the residents of the Township and the value of the properties of the residents within the manufactured home park, and to prevent the manufactured home park from becoming a public nuisance, may enter upon the manufactured home park and correct the defects and/or deficiencies, or may revoke the approval for the manufactured home park and order it closed.

## L. Manufactured Home Sales

1. No person desiring to rent a dwelling unit site shall be required, as a condition of such rental, to purchase a manufactured home from the owner or operator of the manufactured home park as long as the manufactured home intended to be located on such site conforms in size, style, shape, price, or other such requirements as may be required by any reasonable manufactured home park rules and regulations.
2. Nothing contained in this Ordinance shall be deemed as prohibiting the sale of a manufactured home located on a manufactured home lot by the individual owner or an agent of the owner, or those home occupants as permitted in this Ordinance, provided that a manufactured home sales lot shall not be permitted in conjunction with any manufactured home park.

M. All persons, including but not limited to Township officials or police officers, whose entry upon the manufactured home park property is necessary, proper or advisable in the execution of their governmental duties, or to the execution of work authorized by a governmental body, or for the preservation of the peace, shall have the right to enter upon and inspect the manufactured home park at all reasonable times.

N. The riparian access requirements of Section 3.03 are fully applicable and each individual manufactured home will be considered a dwelling for purposes of those regulations.

## CHAPTER 11

### *PLANNED UNIT DEVELOPMENTS*

#### **SECTION 11.00 DESCRIPTION AND PURPOSE**

- A. The purpose of a Planned Unit Development (PUD) is to permit greater flexibility in development than is generally possible under standard District regulations. It is further intended to promote the preservation of significant natural features, the efficient use of land, a harmonious variety of housing choices, and the integration of open space, and necessary commercial and community facilities.
- B. These PUD provisions are not intended as a device for ignoring the other requirements of this Ordinance or to circumvent rezoning or other pertinent procedures. These provisions are intended to result in land development substantially consistent with the underlying zoning, except as otherwise noted.

#### **SECTION 11.01 QUALIFYING CONDITIONS**

- A. The tract of land for which a PUD application is received must be either in one ownership or the subject of an application filed jointly by the owners of all affected properties.
- B. The property which is the subject of a PUD application must be a minimum of ten (10) contiguous acres in total area and may be located within any District.
- C. To be considered as a PUD the proposed development must fulfill at least one of the following conditions:
  - 1. The PUD contains two or more separate and distinct uses, for example, single family and multiple family dwellings.
  - 2. The PUD site exhibits significant natural features which will be preserved as a result of the PUD plan.
  - 3. The PUD is designed to preserve in perpetuity at least fifty percent (50%) of the total area of the site in active agriculture or open space.

#### **SECTION 11.02 REVIEW PROCEDURES**

- A. PUD approval requires a four (4) step process:
  - 1. Review and approval of a preliminary plan by the Planning Commission with recommendation to the Township Board.
  - 2. Review and approval of a preliminary plan by the Township Board based on recommendation of the Planning Commission.

3. Final plan approval by the Planning Commission with recommendation to the Township Board.
4. Final plan approval by the Township Board based on recommendation of the Planning Commission.

B. Preliminary Plan Approval

1. To be considered as a PUD the applicant shall be required to first receive approval of a preliminary plan in accordance with the requirements of this Chapter.
2. Applications for preliminary plan approval for PUDs shall be submitted to the Zoning Administrator at least thirty (30) days prior to the date of first consideration by the Planning Commission.
3. The application materials shall include all the following information, unless the Zoning Administrator determines that some of the required information is not reasonably necessary:
  - a. Current proof of ownership of the land to be utilized or evidence of a contractual ability to acquire such land, such as an option or purchase agreement, or a signed agreement from the property owner indicating permission to file such application.
  - b. Written documentation that the proposal meets the standards of Section 15.04 [Standards for PUD Approval].
  - c. If a phased development is proposed, identification of the areas included in each phase. For residential uses identify the approximate density and type of proposed housing units within each phase and for the total PUD.
  - d. A completed application form, supplied by the Zoning Administrator, and an application fee.
  - e. Nine (9) copies of a preliminary site plan meeting the preliminary site plan requirements of Chapter 14.
4. The Planning Commission shall conduct a public hearing prior to considering the proposed preliminary plan. Notices of the public hearing will be provided in accordance with the requirements of the Zoning Act.
5. The Planning Commission shall recommend to the Township Board either to deny, approve, or approve with conditions, the preliminary plan. The Township Board shall review the preliminary plan in accordance with the requirements of this Ordinance and deny, approve, or approve with conditions, the preliminary plan.
6. Changes in the preliminary plan shall be submitted to the Planning Commission pursuant to the above procedures applicable to the original application.

### C. Final Site Plan Approval

1. After receiving approval of a preliminary plan from the Township Board the applicant shall within one (1) year submit a final site plan to the Planning Commission. Failure to submit a final site plan for approval within the one (1) year period shall void the previous preliminary plan approval and a new application shall be required to be submitted and approved in accordance with these provisions.
2. The final site plan may be for either the entire project or for one or more phases.
3. Applications for final site plan approval for PUDs shall be submitted to the Zoning Administrator at least thirty (30) days prior to the date of first consideration by the Planning Commission.
4. The application materials shall include all the following information, unless the Zoning Administrator determines that some of the required information is not reasonably necessary:
  - a. Current proof of ownership of the land to be utilized or evidence of a contractual ability to acquire such land, such as an option or purchase agreement, or a signed agreement from the property owner indicating permission to file such application.
  - b. Written documentation that the proposal meets the standards of Section 15.04.
  - c. If a phased development is proposed, identification of the areas included in each phase. For residential uses identify the number, type, and density of proposed housing units within each phase.
  - d. A completed application form, supplied by the Zoning Administrator, and an application fee.
  - e. Nine (9) copies of a final site plan for the phase for which approval is requested, meeting the requirements of Chapter 14.
5. The Planning Commission shall conduct a public hearing prior to considering the final site plan. Notices of the public hearing will be provided in accordance with the requirements of the Zoning Act.
6. The Planning Commission shall recommend to the Township Board either to deny, approve, or approve with conditions, the final site plan. The Township Board shall review the final plan in accordance with the requirements of this Ordinance and deny, approve, or approve with conditions, the final site plan.
7. Changes in the final site plan shall be submitted to the Planning Commission pursuant to the above procedures applicable to the original application.

## SECTION 11.03 PERMITTED USES

- A. Uses within a PUD shall be limited to the Permitted or Special Uses provided for



within the District underlying the proposed PUD location. Provided, however, in the R-2 District the following combination of residential types shall also be permitted.

1. Single-family detached dwellings.
2. Two-family dwellings, provided that such units make up no more than twenty percent (20%) of the total number of residential dwelling units in the total PUD.
3. Multiple-family dwellings, provided that such units make up no more than thirty percent (30%) of the total number of residential dwelling units in the total PUD.

## **SECTION 11.04 DEVELOPMENT REQUIREMENTS**

### **A. Residential Uses**

1. The maximum number of dwelling units permitted may exceed underlying zone district standards by an amount no greater than twenty-five (25%) percent. If the PUD lies in more than one zone district the number of dwelling units shall be calculated on a proportionate basis.
2. The total amount of land to be used for the calculation of the permitted density in a PUD shall be determined by using the net developable area, which shall be determined by taking the total site area and subtracting lands used or dedicated for public easements and public or private road right-of-ways.
3. The minimum lot area requirements for any lot designated for residential use may be reduced by ten (10%) percent of the underlying zone district standard, provided, however, the Planning Commission may permit additional relaxation, not to exceed a total of twenty five (25%) percent based on demonstration that the project has been designed to protect and maintain the natural character of the site, and will not be harmful to surrounding land uses.
4. Except as specified within this Chapter, residential uses shall comply with the dimensional standards of the underlying zone district.

### **B. Non-Residential Uses in a Residential PUD.**

1. All non-residential uses allowed in a residential PUD shall occupy no more than ten percent (10%) of the PUD project's developable area.
2. All uses shall be integrated into the design of the project with similar architectural and site development elements, including signs, landscaping, and related features.
3. Within residential PUDs, non-residential uses shall be permitted only if they will not materially alter the residential character of the neighborhood and/or the PUD.
4. All merchandise for display, sale or lease shall be entirely within an

- enclosed building(s).
5. Buildings designed for non-residential uses in a residential PUD shall be constructed according to the following requirements:
    - a. If the entire PUD contains fewer than twenty (20) dwelling units, seventy-five percent (75%) of these units must be constructed prior to construction of any non-residential use.
    - b. If the PUD contains more than twenty (20) dwelling units, fifty percent (50%) of these units shall be constructed prior to the construction of any non-residential use.
  6. Except as provided for within this Chapter, all non-residential uses shall comply with the dimensional standards of the underlying zone district.
- C. Open Space in Residential PUD.
1. Not less than ten (10%) of the PUD shall be designated as common open space for the benefit of all PUD property owners. This open space shall be in addition to the space designated to yards and other open space areas customarily associated with individual housing units or other uses. Common open space shall meet the following considerations and requirements:
    - a. Open space may be established to separate use areas within the PUD.
    - b. Open space areas shall be large enough and of proper dimensions so as to constitute a useable area, with adequate access, through easements or other similar arrangements, such that all properties within the entire PUD may utilize the available open space.
    - c. Evidence shall be given that satisfactory arrangements will be made for the maintenance of such designated land to relieve the Township of the future maintenance thereof.
    - d. Open space may be provided where significant natural features may be preserved and/or be used for passive or active recreation.
    - e. All land set aside as open space shall be deed restricted to ensure that the open space remains in a natural and undisturbed condition in perpetuity. Land set aside for agriculture may, at the discretion of the property owner(s) be converted to open space, but shall not be used as land for the construction of additional dwellings, nor used for any other development.
    - f. All common open space shall be in the joint ownership of the property owners within the PUD. A property owner's association shall be formed which shall take responsibility for the maintenance of the open space and payment of property taxes.
    - g. The Planning Commission or Township Board may require an increase in common open space if it is determined that said increase is necessary for the enjoyment or safety of PUD property

owners or for the welfare of Township residents as a whole, for the preservation of unique features or wildlife habitat, to ensure compatibility with adjoining properties, or to promote the intent of the PUD regulations.

- D. Review Standards: The following review standards will be used by the Planning Commission and Township Board in their consideration of a PUD. Before such developments may be approved the Township Board shall find:
1. That a site plan meeting the provisions of Section 12 has been provided and all fees paid.
  2. That the PUD does not substantially alter the character of the general neighborhood in which the development is proposed.
  3. That the location of the buildings do not unduly impact single family or other uses legally existing in the vicinity of the proposed development.
  4. That the PUD preserves, in perpetuity, unique site conditions, such as significant natural features, large open space areas, or active agricultural land.
  5. That the PUD can accommodate adequate and safe disposal of sanitary sewer and can provide an adequate, assured source of water for domestic use. To this end the Planning Commission and/or Township Board may require specific evidence that groundwater sources will be protected and that other environmental concerns are met. Approval of the Van Buren County Health Department or other agencies, while required to develop the site, will not be the sole determining factor in this regard. The Planning Commission and/or Township Board may specify what additional evidence it deems to be acceptable to make this determination, including additional soil borings, soil reports, hydrological tests, and other such evidence which will be submitted by the applicant and reviewed by the township prior to approval of the PUD.
  6. That the PUD has been designed to provide for the safe and efficient circulation of pedestrians and vehicular traffic, including emergency vehicles, school busses, and pertinent commercial traffic.
  7. That the PUD has been designed to properly accommodate surface water drainage, snow storage, and other infrastructure needs.
  8. That the PUD will not unduly burden the capabilities of the Township pursuant to the provision of emergency services.
- E. All electric and telephone transmission wires shall be placed underground.
- F. Parking is required in accordance with Chapter 16.
- G. Signs are permitted in accordance with the requirements of Chapter 16.

## CHAPTER 12

### *C COMMERCIAL DISTRICT*

#### **SECTION 12.00 DESCRIPTION AND PURPOSE**

This District is intended to provide appropriate locations for the accommodation of uses meeting the office, personal service, retail needs, and other business needs of the residents and visitors of Keeler Township. In providing for commercial opportunities, the Township recognizes the proximity of the commercial activities associated with the village of Keeler and in the Sister Lakes area, and the importance of those activities to township residents.

#### **SECTION 12.01 PERMITTED USES**

Land and/or buildings in the Commercial District may be used for the following purposes as Permitted Uses, subject to the approval of a site plan, in accordance with the requirements of Chapter 14.

- A. Office buildings for executive, administrative, professional, accounting, and other similar professional activities.
- B. Medical and dental offices and clinics.
- C. Banks, credit unions, savings and loan associations, and other similar uses, including those with drive-through facilities.
- D. Personal service establishments conducting services on the premises, including barber and dry-cleaning service outlets, beauty shops, fitness centers, travel agencies, and other similar uses.
- E. Retail stores, providing goods within a completely enclosed building.
- F. Drug stores and pharmacies, not including drive-through.
- G. Restaurants, exclusive of drive-through facilities.
- H. Private clubs, fraternal organizations, and lodge halls.
- I. Dry-cleaning and laundry establishments performing cleaning operations on the premises, including retail/service operations, but not including drive-through.
- J. Indoor recreational facilities, excluding bowling alleys.
- K. Commercial child care centers.

- L. Utility and public service buildings, without storage yards, but not including essential public services such as poles, wires, and underground utility systems.
- M. Accessory buildings, structures and uses customarily incidental to a Permitted Use or Special Land Use meeting the requirements of Sections 3.10 and 3.11.

## **SECTION 12.02 SPECIAL LAND USES**

Land and/or buildings in the C District may be used for the following subject to approval by the Planning Commission as a Special Land Use in accordance with the procedures of Chapter 15.

- A. Commercial greenhouses and nurseries.
- B. Funeral homes and mortuary establishments.
- C. Hotels and motels.
- D. Theaters, or similar places of public assembly.
- E. Restaurants with drive-through facilities.
- F. Vehicle service stations, excluding body shops.
- G. Vehicle wash establishments, either self-serve or automatic.
- H. Open air businesses.
- I. Veterinary hospitals and animal clinics.
- J. Bowling alleys.
- K. Drug stores and pharmacies with drive-through.
- L. Dry-cleaning and laundry establishments performing cleaning operations on the premises, including retail/service operations with drive-through.
- M. Commercial storage warehouses.
- N. An accessory apartment permitted as part of a commercial structure provided the residential unit is either behind the business suite, or on an upper story. No more than one residential unit shall be permitted per building and the minimum floor area for the dwelling unit shall be a minimum of seven hundred (700) square feet and a maximum of one thousand, two hundred (1,200) square feet. Parking and all setback requirements shall be met. [added July 2006]

**SECTION 12.03 SITE DEVELOPMENT REQUIREMENTS**

- A. The outdoor storage of goods or materials shall be prohibited in the required front yard. Goods or materials stored in the side or rear yard shall be screened from the view from the street or from abutting properties.
- B. All commercial sites shall be developed in a fashion which promotes pedestrian safety, proper vehicular access, limited curb cuts to the public highway system, and due consideration to the rural residential character of Keeler Township.

**SECTION 12.04 SCHEDULE OF DISTRICT REGULATIONS**

No building, structure, or use of land, nor the enlargement of any building, structure, or use of land, shall hereafter occur unless the following requirements are met and maintained in connection with such building, structure, use, or enlargement. (Refer to Chapter 15 for additional requirements for Special Land Uses.)

<b>C DISTRICT REGULATIONS*</b>		
FRONT YARD		50 feet
SIDE YARD	Side abutting Residential Districts or residential uses	35 feet or 20 feet if a buffer, screen or wall of five (5) feet in height separates the uses.
	Side abutting other Districts	10 feet
REAR YARD		20 feet
LOT COVERAGE		50%
BUILDING HEIGHT		Maximum 2 ½ stories, not to exceed 30 feet
MINIMUM LOT AREA		12,000 square feet
MINIMUM LOT WIDTH		100 feet

\*May be reduced by ZBA variance in the case of adjacent or continuous commercial uses in conjunction with site plan review.

## CHAPTER 13

### *I - LIGHT INDUSTRIAL DISTRICT*

#### **SECTION 13.00 DESCRIPTION AND PURPOSE**

This District is intended to accommodate wholesale, warehousing, light manufacturing, storage, and other industrial uses which may be supported by minimal public infrastructure. Certain commercial uses consistent with the intent of the District are also permitted.

#### **SECTION 13.01 PERMITTED USES**

Land and/or buildings in the Industrial District may be used for the following purposes as Permitted Uses, subject to the approval of a site plan, in accordance with the requirements of Chapter 14.

- A. Industrial establishments including the manufacture, compounding, processing, packaging, warehousing, or treatment of such products as foodstuffs (excepting slaughterhouses or other similar uses), cosmetics, pharmaceuticals, pottery or other ceramic products, musical instruments, toys, furniture, molded rubber products, electrical appliances, electronic instruments, signs, light sheet metal products, hardware, tool, die, gauge, and machine shops, excluding stamping operations. The manufacture, compounding, processing, packaging, or treatment of products requiring stamping or punch press operations.
- B. Wholesale and warehousing of automotive equipment, dry goods and apparel, groceries and related products, raw farm products excluding livestock, electrical goods, hardware, plumbing, heating and air conditioning equipment and supplies, machinery and equipment, tobacco and tobacco products, paper and paper products, furniture and home furnishings, and any commodity, the manufacture of which is permitted in this District.
- C. Truck terminals and truck service facilities, provided they are located at least two hundred fifty (250) feet from any Residential District or use lot line.
- D. Manufactured home and model home sales.
- E. Laboratories (experimental, film, or testing).
- F. Trade or industrial schools.
- G. Utility and public service buildings, including storage yards.

- H. Contractor's showrooms and storage yards, lumber yards, and similar uses.
- I. Accessory buildings, structures and uses customarily incidental to a Permitted Use or Special Land Use meeting the requirements of Sections 3.10 and 3.11.

### **SECTION 13.02 SPECIAL LAND USES**

Land and/or buildings in the LI District may be used for the following subject to approval by the Planning Commission as a Special Land Use in accordance with the procedures of Chapter 15.

- A. Body shops.
- B. Lumber and planing mills.
- C. Metal plating, buffing, and polishing.
- D. Commercial storage warehouses.
- E. Junk yards, salvage yards.
- F. Dry-cleaning and laundry establishments performing cleaning operations on the premises, excluding retail/service operations.
- G. Adult uses.
- H. Research and development facilities, including production activities.
- I. Noncommercial Wind Energy Conversion System (NWECS) [added July 2006].

### **SECTION 13.03 SITE DEVELOPMENT REQUIREMENTS**

- A. The outdoor storage of goods or materials shall be screened from the view from the street or from abutting properties.
- B. All industrial activities shall be conducted wholly within a completely enclosed building, except for loading and unloading operations, on-site parking of vehicles, and the outside storage of materials used in conjunction with the industrial operation.
- C. Industrial uses abutting a residential use or district shall provide a landscape buffer (greenbelt) along the abutting side of no less than twenty five (25) feet or greater as required by this Ordinance.



**SECTION 13.04 SCHEDULE OF LIGHT INDUSTRIAL DISTRICT REGULATIONS**

No main building, structure, or principal use of land, nor the enlargement of any building, structure, or use of land, shall hereafter occur unless the following requirements are met and maintained in connection with such building, structure, use, or enlargement. (Refer to Chapter 15 for additional requirements for Special Land Uses.)

<b>LI DISTRICT REQUIREMENTS</b>		
FRONT YARD		80 feet
		The first 25 feet of the front yard area, except for necessary entrance drives, shall be landscaped.
SIDE YARD	Side abutting Residential Districts or uses	75 feet [20 feet of which shall be landscaped.]
	Side abutting other Districts	50 feet [When abutting an Industrial District, the side yard may be reduced to 25 feet.]
REAR YARD	Abutting Residential Districts or uses	100 feet [25 feet adjacent to residential shall be landscaped.]
	Abutting other Districts	50 feet [When abutting an Industrial District, the rear yard may be reduced to 25 feet.]
LOT COVERAGE		50%
MAXIMUM BUILDING HEIGHT		40 feet
MINIMUM LOT AREA		1 Acre
MINIMUM LOT WIDTH		150 feet

## **CHAPTER 14**

### ***SITE PLAN REVIEW***

#### **SECTION 14.00 PURPOSE**

The purpose of this Chapter is to provide for consultation and cooperation between the applicant and the Planning Commission and Township Board in order that the applicant may accomplish planned objectives in the utilization of land within the regulations of this Zoning Ordinance. It is also intended to ensure the development may be completed with minimum adverse effect on the use of adjacent streets and highways, on existing and future land uses, on the environment in the immediate area and on the Township as a whole.

#### **SECTION 14.01 SITE PLANS TO BE REVIEWED**

- A. The Zoning Administrator shall not issue a Zoning Compliance Permit for any principal use until a Final Site Plan has been reviewed and approved as required by this Ordinance.
- B. Except as noted in C, below, the following uses/conditions shall require site plan review by the Planning Commission:
  - 1. All Special Land Uses.
  - 2. All Permitted Uses in the R-2, C, and LI Districts.
  - 3. Site condominiums.
  - 4. Planned Unit Developments.
- C. All plans not subject to review by the Planning Commission shall be subject to review and approval by the Zoning Administrator, who shall ensure that the site plan is in conformance with the Zoning Ordinance. The following uses shall not require site plan review by the Planning Commission:
  - 1. Single and two family dwellings.
  - 2. Accessory buildings and uses.
  - 3. Family day care and foster care homes.
  - 4. Schools.
  - 5. Farms and farm buildings, except for Intensive Livestock Operations.

#### **SECTION 14.02 APPLICATION PROCEDURES**

- A. An application for Site Plan Review by the Planning Commission shall be submitted at least thirty (30) days prior to the next Planning Commission meeting through the Zoning Administrator who will review the application and plans for

completeness.

- B. An application for Site Plan Review shall consist of the following:
1. Nine (9) copies of the Site Plan and related documentation.
  2. A completed application form, as provided by the Township.
  3. Payment of a fee, in accordance with a fee schedule, as determined by the Township Board from time to time.
  4. A legal description, including permanent parcel number, of the entire property which is the subject of the Site Plan Review.
  5. Other materials as required in this Chapter.

### **SECTION 14.03 REVIEW PROCEDURES**

- A. For those plans reviewed by the Planning Commission, the Commission shall review and process the application subject to the review standards of this Ordinance.
- B. Preliminary Site Plan Review
1. If desired by the applicant, a Preliminary Site Plan may be submitted for general review by the Planning Commission prior to formal consideration of a final site plan being submitted. The purpose of such procedure is to allow discussion between the applicant and the Planning Commission, to better inform the applicant of the acceptability of the proposed plans prior to incurring extensive engineering and other costs which might be necessary for final site plan approval.
  2. Preliminary site plans at a scale of not more than one (1) inch equals one hundred (100) feet (1"=100') shall include the following, unless deemed unnecessary by the Zoning Administrator.
    - a. Existing adjacent streets and proposed streets.
    - b. Lots, including all lot lines and dimensions.
    - c. Parking lots and access points.
    - d. Proposed buffer strips or screening.
    - e. Significant natural features; and other natural characteristics, including but not limited to open space, stands of trees, brooks, ponds, floodplains, hills, and similar natural assets.
    - f. Location of any signs not attached to the building.
    - g. Existing and proposed buildings.
    - h. General topographical features including contour intervals no greater than ten (10) feet.
    - i. All buildings and driveways on the site and within one hundred (100) feet of all property lines.
  3. A narrative shall also be provided describing:

- a. The overall objectives of the proposed development.
  - b. Number of acres allocated to each proposed use and gross area in building, structures, parking, public and/or private streets and drives, and open space.
  - c. Dwelling unit densities by type, if applicable.
  - d. Proposed method of providing sewer and water service, as well as other public and private utilities.
  - e. Proposed method of providing storm drainage.
4. The Planning Commission shall review the Preliminary Site Plan and may make recommendations to the applicant. Recommendations, if made, shall not be construed to imply approval of the plan. Site plan approval shall require submission of a full application, site plan, fees, and other documentation as required by this Ordinance.

#### **SECTION 14.04 FINAL SITE PLAN REVIEW**

- A. If desired by the applicant, a Final Site Plan may be submitted for review without first receiving review of a preliminary site plan. Final site plans shall include the following information, unless deemed unnecessary by the Zoning Administrator:
1. Legal description of the property, including permanent parcel number.
  2. Small scale sketch of properties, streets, curb cuts, and uses of land within two hundred (200) feet of the subject site.
  3. A narrative describing the proposed development, unless the site plan provides full descriptive detail of the project.
  4. Nine (9) copies of a site plan at a scale not to exceed one (1) inch equals one hundred (100) feet (1" = 100'), or as necessary to provide for proper review. The following items shall be shown on the plan:
    - a. Date of preparation/revision.
    - b. Name and address of the preparer.
    - c. The topography of the site at a minimum of five (5) foot intervals and its relationship to adjoining land.
    - d. Existing man-made features.
    - e. Dimensions of setbacks, locations, heights, and size of buildings and structures.
    - f. Street rights-of-ways, indicating proposed access routes, internal circulations, and relationship to existing rights-of-ways.
    - g. Proposed grading.
    - h. Location and type of drainage, sanitary sewers, storm sewers, and other utilities.
    - i. Location and type of fences, landscaping, buffer strips, and screening.
    - j. Location and type of signs and on-site lighting.

- k. Proposed parking areas and drives. Parking areas shall be designated by lines showing individual spaces and shall conform with the provisions of Chapter 16.
  - l. Easements, if any.
  - m. Dimensions and number of proposed lots.
  - n. All buildings and driveways within one hundred (100) feet of all property lines.
- B. The Planning Commission, prior to granting approval of a Final Site Plan, may request from the applicant any additional graphics or written materials, prepared by a qualified person or persons, to assist in determining the appropriateness of the site plan. Such material may include, but need not be limited to, aerial photography, photographs; traffic impact studies; environmental and drainage studies; soil tests; and other pertinent information.
- C. The Planning Commission shall approve, deny, or approve with conditions the Final Site Plan based on the review standards of Section 14.05.

#### **SECTION 14.05 SITE PLAN REVIEW STANDARDS**

Site plans and site plan applications shall be reviewed and approved, approved with conditions, or denied on the determination of compliance with the purposes, objectives and requirements of this Ordinance, and specifically, the following standards, as applicable:

- A. All elements of the site plan shall be designed to take into account the site's topography, the size and type of plot, 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.
- B. 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.
- C. 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.
- D. 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 Planning Commission may require that landscaping, buffers, and/or greenbelts be preserved and/or provided to ensure that proposed uses will be adequately buffered from one another and

- from surrounding public and private property. Berms and swales shall be constructed with slopes not to exceed a 1:3 gradient with slopes designed and planted to prevent erosion. Buffer areas shall be stabilized with vegetation (e.g., sod or groundcover).
- E. Appropriate measures shall be taken to ensure that removal of surface waters will not adversely affect neighboring properties or nearby bodies of water. Provisions shall be made to accommodate stormwater, 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.
  - F. All buildings or groups of buildings shall be arranged so as to permit necessary emergency vehicle access as required by the Township Fire Department and the Van Buren County Sheriff's Department.
  - G. All loading and unloading areas and outside storage areas, including refuse storage stations, shall be screened.
  - H. 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. Flashing or intermittent lights shall not be permitted.
  - I. Necessary off-street parking and loading areas shall be provided.
  - J. The general purposes and spirit of this Ordinance and the Master Plan of the Township.
  - K. The site plan shall be harmonious with, and not injurious to, existing and projected uses in the immediate area.
  - L. The site plan is adequate to provide for the health, safety and general welfare of the persons and property on the subject site and in the neighboring area.

## **SECTION 14.06 CONDITIONS**

The approval of a site plan may include the attachment of reasonable conditions necessary to ensure compliance of the request with this Ordinance. Such conditions may include, but are not limited to, additional landscaping and buffering; drainage improvements; modification of the parking and circulation system; additional setback distance; required shared use of drives; fencing; preservation of the natural landscape; additional noise buffering; exterior lighting and signage modifications; and other such modifications.

**SECTION 14.07 APPROVED SITE PLANS**

- A. Upon approval of a Final Site Plan, the Chairperson of the Planning Commission, or Acting Chairperson, shall sign and date two (2) copies thereof. One (1) signed copy shall be made a part of the Planning Commission's files and one (1) copy shall be returned to the applicant. The signed and dated site plan shall be the official copy for purposes of future action or matters regarding the site and associated development.
- B. Each development shall be under construction within one (1) year after the date of approval of the Final Site Plan, except as noted below.
1. The Planning Commission may grant one (1) six (6) month extension provided the applicant applies for such extension prior to the date of the expiration of the Final Site Plan.
  2. The extension shall be approved if the applicant presents reasonable evidence to the effect that said development has encountered unforeseen difficulties beyond the control of the applicant, but is then ready to proceed.
  3. Should neither of the aforementioned provisions be fulfilled or a six (6) month extension has expired without construction underway, the Final Site Plan approval shall be null and void.
- C. Amendments to an approved Final Site Plan may occur only 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 may be approved by the Zoning Administrator upon certification in writing to the Township that the proposed revision does not alter the basic design nor any specified conditions of the plan as agreed upon by the Township. In considering such a determination, the Zoning Administrator shall consider the following to be a minor change:
    - a. Reduction of the size of any building and/or sign.
    - b. Movement of buildings and/or signs by no more than ten (10) 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 alter 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 site plan is not minor, resubmission to the Planning Commission for an amendment shall be required and conducted in the same manner as an original application.
4. In no instance shall modification of a site plan condition required as part of site plan approval be considered a minor modification.



## **CHAPTER 15**

### ***SPECIAL LAND USES***

#### **SECTION 15.00 PURPOSE**

Special land uses are those uses of land which are not essentially incompatible with uses permitted in a District, but possess characteristics or locational qualities which require individual review and discretion in order to avoid incompatibility with the character of the surrounding area, overburdening public services and facilities, and conflicts with adjacent uses of land. The purpose of this Chapter is to establish equitable procedures and criteria which shall be applied in the determination of requests to establish special land uses. The criteria for decision and requirements provided for under the provisions of the Chapter shall be in addition to those required elsewhere in this Ordinance which are applicable to the special land use under consideration.

#### **SECTION 15.01 APPLICATION AND REVIEW PROCEDURES**

- A. An application for approval to establish a Special Land Use shall be submitted in accordance with the following procedures:
1. Applications for a special land use shall be submitted at least thirty (30) days prior to the next Planning Commission meeting through the Zoning Administrator who will review the application for completeness, then transmit it to the Planning Commission.
  2. A valid application for a special land use approval shall consist of the following:
    - a. Nine (9) copies of a (Final) Site Plan meeting the requirements of Chapter 12 of this Ordinance.
    - b. A completed application form, as provided by the Township.
    - c. Payment of a fee, in accordance with a fee schedule, as determined by the Township Board from time to time.
    - d. A legal description, including permanent parcel number, of the entire property which is the subject of the special land use.
    - e. A statement with regard to compliance with the criteria required for approval in Section 15.02, and other criteria imposed by this Ordinance affecting the special land use under consideration.
    - f. Other materials as required by the Planning Commission.

**B. Public Hearing**

1. Upon receipt of a valid application for a special land use, the Planning Commission shall hold a public hearing for the purpose of receiving comments relative to the special land use application.
2. Notice of the public hearing for the special land use shall be given in accordance with the requirements of Section 18.04(B)(2).
3. The Planning Commission shall review the application for a special land use and make a determination on the application in accordance with:
  - a. The site plan and other materials submitted in relation to the special land use application.
  - b. The standards for approval stated in Section 15.02.
  - c. Other standards contained in this Ordinance which relate to the special land use under consideration.
4. The Planning Commission shall approve, approve with conditions, or deny the request.
5. If denied, the Planning Commission, in its minutes, shall state the reasons for such denial and provide the applicant with a copy.

**SECTION 15.02 BASIS OF DETERMINATION**

- A. Prior to approval of a special land use application the Planning Commission shall insure that the standards specified in this Section, as well as applicable standards established elsewhere in this Ordinance, shall be satisfied by the completion and operation of the special land use under consideration.
- B. The Planning Commission shall review the particular circumstances of the application under consideration and shall approve a special land use only upon a finding of compliance with applicable standards established elsewhere in this Ordinance as well as each of the following standards, finding that the special land use shall:
  1. Be designed, constructed, operated and maintained in a manner harmonious with the character of adjacent property and the surrounding area and preserve environmental features, such as lakes, rivers, streams, flood plains, agricultural areas and natural areas.
  2. Not change the essential character of the surrounding area.
  3. Not be hazardous to adjacent property, or involve uses, activities, materials or equipment which will be detrimental to the health, safety or welfare of persons or property through the creation of hazardous or potentially hazardous situations or the excessive production of traffic, noise, smoke, fumes or glare.
  4. Not place demands on public services and facilities in excess of current capacity.

5. Be harmonious and consistent with the intent of the Township Zoning Ordinance and Master Plan.
- C. The Planning Commission may impose conditions with the approval of a special land use which are necessary to insure compliance with the standards for approval stated in this Section and any other applicable standards contained in this Ordinance. Any conditions shall be considered an integral part of the special land use approval and shall be enforced by the Zoning Administrator.

### **SECTION 15.03 APPROVAL TERM AND EXPIRATION**

- A. A special land use approval shall be valid for one (1) year from the date of approval, unless approval is revoked as provided in Section 15.04, or the special land use has been initiated, or construction necessary for such use has been initiated and is proceeding meaningfully toward completion, in which case the approval shall remain valid.
- B. If, by the end of this one (1) year period, the special land use has not been initiated or construction necessary for such use has not been initiated or, if construction has been initiated but is not proceeding meaningfully toward completion, then the special land use shall be deemed expired and no longer valid.
- C. A special land use approval, including conditions imposed, is attached to and shall run with the land for which the approval is granted, and shall be binding upon subsequent owners and all occupants of the subject land.
- D. Should the special land use, after initiation, be abandoned or discontinued for six (6) consecutive months, the approval shall be deemed expired as of the end of that period and thereupon shall no longer be valid. Re-application for approval of an expired special land use approval shall be considered in the same manner as the original application.

### **SECTION 15.04 REVOCATION OF SPECIAL LAND USE APPROVAL**

- A. If the applicant fails to comply with any of the applicable requirements in this Chapter, any conditions placed on the approval or any other applicable provisions of this Ordinance, the Planning Commission shall so notify the applicant of the applicable infractions. If these infractions are not corrected within the stated time, the Planning Commission may revoke the special land use approval and all rights associated with said use shall cease.
- B. Prior to revoking a special land use approval, the Planning Commission shall conduct a public hearing and give notice of such hearing in accordance with Section 15.01 B.

- C. Following the public hearing, the Planning Commission shall revoke the special land use, permit the special land use to remain in effect with all of the original conditions and requirements subject to compliance with the requirements of this Ordinance, or modify the approval with additional conditions. If the Planning Commission finds that the Special land use requires modification, the Commission shall include in its motion the modification required and any conditions or requirements.
- D. Notwithstanding the provisions of this Section, the Township may enforce the correction of any violation of this Ordinance.

### **SECTION 15.05 EXISTING SPECIAL LAND USES**

Uses of land and/or development projects granted special land use status by the Township prior to the adoption of this Zoning Ordinance (under any name which may have been used for those approvals) may continue this status, provided the rules, regulations, requirements, and conditions under which the special land use was approved are met.

### **SECTION 15.06 SPECIFIC SPECIAL LAND USE STANDARDS**

The following uses, when listed as a special land use, shall be subject to the requirements of the District in which it is located, in addition to all the applicable conditions, standards, and regulations as are cited in this Ordinance. In no instance shall the standards for special land uses be less than those of permitted uses.

- A. Country clubs, golf courses, riding stables, and publicly-owned athletic grounds and parks, including related uses, such as snack bars, small retail shops selling goods directly related to the primary use, and other similar uses integral to the main use.
- B. Bed and breakfast establishments.
- C. Roadside stands with more than two-hundred (200) square feet of sales area for sale of produce grown on the premises.
- D. Commercial greenhouses and nurseries, when operated primarily as wholesaling operations and limited retail sales.
- E. Removal and processing of topsoil, stone, rock, sand, gravel, lime or other soil or mineral resources.
- F. Multiple family dwellings.
- G. State licensed residential group care facilities.
- H. Group and commercial day care homes and facilities.

- I. Funeral Homes and mortuary establishments.
- J. Hotels and motels.
- K. Theaters, or similar places of public assembly, as determined by the Zoning Administrator.
- L. Restaurants, drug stores, and pharmacies with drive-through facilities.
- M. Vehicle service stations, excluding body shops.
- N. Vehicle wash establishments, either self-serve or automatic.
- O. Open air businesses.
- P. Veterinary hospitals, animal clinics, and commercial kennels.
- Q. Utility and public service buildings, without storage yards, but not including essential public services such as poles, wires, and underground utility systems.
- R. Body shops.
- S. Sawmills, lumber and planing mills.
- T. Metal plating, buffing, and polishing.
- U. Commercial storage warehouses.
- V. The manufacture, compounding, processing, packaging, or treatment of products requiring stamping or punch press operations.
- W. Junk yards/salvage yards.
- X. Adult uses.
- Y. Farm Labor Housing.
- Z. Schools, churches, libraries, parks, playgrounds and community center buildings.
- AA. Produce/vegetable packaging plant.
- BB. Farm implement sales and repair.
- CC. Sale of animal feed, seed, fertilizers, and related farming products unless conducted as part of a bonafide farming operation where the operation does not require a Michigan Sales Tax License.
- DD. Nursing homes and similar elder care facilities.

- EE. Open Space Preservation Developments.
- FF. Veterinary hospitals, animal clinics, and commercial kennels.
- GG. Health care centers.
- HH. Research and development facilities, including production activities.
- II. Public or private campgrounds
- JJ. Noncommercial Wind Energy Conversion System (NWECS) [added July 2006]
- KK. Commercial Wireless Telecommunication Services [added July 2006]
  
- A. Country clubs, golf courses, riding stables, and publicly-owned athletic grounds and parks, including related uses, such as snack bars, small retail shops selling goods directly related to the primary use, and other similar uses integral to the main use.
  - 1. The use shall be located on property with direct access to a public street.
  - 2. Any outdoor activity areas shall be set back a minimum of fifty (50) feet from any Residential District or use.
  - 3. Lighting for parking areas or outdoor activity areas shall be shielded to prevent light from spilling onto any Residential District or use.
  - 4. Access driveways shall be located no less than fifty (50) feet from the nearest part of the intersection of any street or any other driveway.
  - 5. Buildings housing animals, storage equipment, or other similar buildings shall be located at least fifty (50) feet from any lot line.
  - 6. Minimum lot size shall be no less than ten (10) acres, provided, however, the Planning Commission may permit a smaller lot size, but not less than five (5) acres, upon demonstration by the applicant that the proposed use will not result in a negative impact to adjacent properties.
  
- B. Bed and breakfast establishments
  - 1. Not more than twenty five percent (25%) of the total floor area of the dwelling unit shall be used for bed and breakfast sleeping rooms (based on a submitted floor plan of the proposed operation).
  - 2. The dwelling unit in which the operation takes place shall be the principal residence of the operator, and the operator shall live on the premises while the operation is active.
  - 3. There shall be no separate cooking facilities used for the bed and breakfast stay.
  - 4. Two (2) off-street parking spaces shall be provided, plus one (1) additional space for each available guest room.
  
- C. Roadside stands with more than two-hundred (200) square feet of sales area for sale of produce grown on the premises.

1. A five (5) foot fence or wall shall be constructed along the rear and sides of the area used for such use, capable of keeping trash, paper, and other debris from blowing off the premises.
  2. Access driveways shall be located no less than fifty (50) feet from the nearest part of the intersection of any street or driveway.
  3. No lighting shall be provided for the use.
  4. Any building or display area shall not extend into any required yard or occupy any required parking or maneuvering areas for vehicles.
- D. Commercial greenhouses and nurseries, when operated primarily as wholesaling operations and limited retail sales.
1. The lot area used for parking, display, or storage shall be provided with a permanent, durable and dustless surface, and shall be graded and drained so as to dispose of all surface water.
  2. Access driveways shall be located no less than fifty (50) feet from the nearest part of the intersection of any street or driveway.
  3. Lighting for parking and outdoor storage areas shall be shielded to prevent light from spilling onto any Residential District or use property line.
  4. Any display materials or equipment stored or displayed outside of an enclosed building shall not extend into any required yard or occupy any required parking or maneuvering areas for vehicles.
  5. Minimum lot size shall be no less than five (5) acres.
- E. Removal and processing of topsoil, stone, rock, sand, gravel, lime or other soil or mineral resources.
1. Topsoil or sand may be removed from a lot for the purpose of erecting or constructing a building or structure on the lot, provided a permit is first obtained from the Zoning Administrator. If any removal from a parcel shall exceed five hundred (500) cubic yards of material, then the applicant shall comply with the provisions of this Section. In addition, topsoil or sand may be moved from one part of a lot to another part if such action will not cause, or be likely to cause, sand blows, stagnant water pools, bogs or possible future injury to adjoining properties.
  2. If any removal from a parcel exceeds five hundred (500) cubic yards of material, an application for special land use, in accordance with the provisions of this Chapter shall be submitted.
  3. The Planning Commission shall not approve the special land use until the following information is provided and considered, and the Commission finds that the proposed use will not unduly impact surrounding properties and the Township in general.
    - a. The size of the property from which such topsoil, sand, gravel or other materials are to be removed.
    - b. The amount of topsoil, sand, gravel or other such materials which is to be removed.
    - c. The purpose of the removal.
    - d. The effect of the removal on adjoining property.
    - e. The effect of the removal in causing a safety hazard, creating erosion problems, or altering the groundwater table.

- f. The potential for the removal to cause the creation of sand blows, stagnant water pools, or swampy areas.
  - g. The effect of the removal on the environment and the natural topography, and the potential destruction of any natural resources.
  - h. Potential traffic congestion and problems because of trucks or other vehicles or means utilized to haul and transport the materials removed.
4. All removal activities shall be set back a minimum of one-hundred (100) feet from any adjoining Residential District or use.
  5. Any change of the natural contour of the land, both during mining operations and at the time of abandonment, shall be maintained in a safe condition.
  6. No business or industrial buildings or structures of a permanent nature shall be erected, except where such building is a Permitted Use within the District in which the extraction activity is located.
  7. No storage or truck parking shall be located within two hundred (200) feet of any adjacent residence or within fifty (50) feet of any other adjacent property.
  8. All of the operation shall be screened with an evergreen screen planting on any side adjacent to residentially occupied property.
  9. As the natural resources are being removed, the property shall be restored by the placement of topsoil where feasible; and all excavations shall be sloped to a gradient with not more than a thirty (30) degree slope and the contour blended as nearly as possible with the natural surroundings.
  10. All truck operations shall be directed away from residential streets and utilize county primary roads wherever possible.
  11. The Planning Commission may require a performance guarantee or bond, as deemed necessary, to ensure that requirements are fulfilled, and may revoke permission to operate at any time specified conditions are not maintained.
  12. The applicant shall secure all necessary permits from Township, County and State authorities.
  13. Minimum lot area shall be five (5) acres.
- F. Multiple family dwellings.
1. All dwelling units in the building shall have a minimum of seven-hundred fifty (720) square feet per unit.
  2. Parking areas shall have a front yard setback of twenty (20) feet and side and rear yard setbacks of ten (10) feet.
  3. Access driveways shall be located no less than fifty (50) feet from the nearest part of the intersection of any street or any other driveway.
  4. Buildings shall not be constructed closer than a distance equal to one and one-half (1½) times the height of the taller building.
  5. Lighting for parking areas or outdoor activity areas shall be shielded to prevent light from spilling onto any Residential District or use.
  6. The maximum density shall not exceed four (4) units per acre.
  7. Minimum lot area shall be two (2) acres.



G. State licensed residential group care facilities.

The facilities shall not be located closer than one-thousand five hundred (1,500) feet from an existing or proposed similar state licensed residential facility, including group care facilities. This standard shall not apply to state licensed residential facilities caring for six (6) or less minors or adults.

H. Group and commercial day care homes and facilities.

1. A drop off/pick up area shall be provided for motorists off the public street, which permits vehicles to exit the property without backing into the street.
2. Fencing no less than four (4) feet nor more than six (6) feet in height shall be provided around all outdoor areas accessible to children.
3. There shall be a contiguous open space of a minimum of one-thousand two hundred (1,200) square feet provided on the subject parcel. Said open space shall not be located within a required front yard setback area. This requirement may be waived by the Township Board if public open space is available within five hundred (500) feet of the subject parcel, measured from the nearest lot line of the use to the nearest lot line of the public open space.
4. Minimum lot area shall be no less than one (1) acre.

I. Funeral homes and mortuary establishments.

1. Lighting for parking areas or outdoor activity areas shall be shielded to prevent light from spilling onto any Residential District or use.
2. Minimum lot area shall be no less than one (1) acre and minimum lot width shall be no less than one-hundred and fifty (150) feet.
3. An off-street vehicle assembly area shall be provided to be used in support of funeral processions and activities. This area shall be in addition to the required off-street parking and its related maneuvering area.
4. No waiting lines of vehicles shall extend off-site or onto any public street.
5. Access driveways shall be located no less than twenty-five (25) feet from the nearest part of the intersection of any street or any other driveway.

J. Hotels and motels.

1. Minimum lot area shall be no less than four (4) acres and minimum lot width shall be no less than two-hundred (200) feet.
2. Parking areas shall have a front yard setback of twenty (20) feet and side and rear yard setbacks of ten (10) feet.
3. Access driveways shall be located no less than fifty (50) feet from the nearest part of the intersection of any street or any other driveway.

K. Theaters, or similar places of public assembly.

1. Lighting for parking areas or outdoor activity areas shall be shielded to prevent light from spilling onto any Residential District or use.
2. Main buildings shall be set back a minimum of one-hundred (100) feet from any residential property line.

3. For uses exceeding a seating capacity of two-hundred and fifty (250) persons, a traffic impact study shall be required to be submitted by the applicant which describes internal circulation and projected impacts on traffic operations, capacity, and access on adjacent and nearby streets which are likely to provide access to the site.
  4. Access driveways shall be located no less than fifty (50) feet from the nearest part of the intersection of any street or any other driveway.
  5. Minimum lot area shall be no less than ten (10) acres.
- L. Restaurants drug stores and pharmacies with drive-through facilities.
1. Sufficient stacking capacity for the drive-through portion of the operation shall be provided to ensure that traffic does not extend into the public right-of-way. A minimum of ten (10) stacking spaces for the service ordering station shall be provided. Stacking spaces shall be located so as not to interfere with vehicular circulation and egress from the property by vehicles not using the drive-through portion of the facility.
  2. In addition to parking space requirements, at least three (3) parking spaces shall be provided, in close proximity to the exit of the drive-through portion of the operation, to allow for customers waiting for delivery of orders.
  3. Parking areas shall have a front yard setback of twenty (20) feet and side and rear yard setbacks of ten (10) feet.
  4. Access driveways shall be located no less than twenty-five (25) feet from the nearest part of the intersection of any street or any other driveway.
  5. Minimum lot area shall be no less than one (1) acre.
- M. Vehicle service stations, excluding body shops.
1. Minimum lot area shall be no less than one (1) acre and minimum lot width shall be no less than two-hundred and fifty (250) feet.
  2. Pump islands shall be a minimum of fifteen (15) feet from any public right-of-way or lot line.
  3. All equipment and activities associated with vehicle repair operations, except those in incidental use, such as air hoses, shall be kept within an enclosed building.
  4. Storage of vehicle components and parts, trash, supplies, or equipment outside of a building is prohibited.
  5. If retail sales of convenience goods are conducted on the premises, parking for such uses shall be computed and provided separately for that use.
  6. Canopy roofs shall be permitted to encroach into any required yard, provided that a minimum setback of five (5) feet is maintained, and further provided that the fascia of such canopy is a minimum of ten (10) feet above the average grade.
  7. Access driveways shall be located no less than twenty-five (25) feet from the nearest part of the intersection of any street or any other driveway.
  8. Where adjoining residentially zoned or used property, a solid wall or fence, six (6) feet in height shall be erected along any common lot line. Such fence or wall shall be continuously maintained in good condition. The wall or fence, or portion thereof, may be waived by the Township Board

provided the applicant satisfactorily demonstrates that proposed landscaping will be of a character sufficient to accomplish the buffering effects of the wall or fence.

- N. Vehicle wash establishments, either self-serve or automatic.
1. Sufficient stacking capacity for the drive-through portion of the operation shall be provided to ensure that traffic does not extend into the public right-of-way. A minimum of fifteen (15) stacking spaces for an automatic wash facility shall be provided. For self-service establishments, each stall shall have at least two (2) stacking spaces at the entrance and one (1) space at the exit.
  2. Vacuuming activities, if outdoors, shall be at least one-hundred (100) feet from any Residential District or use property line. Wash bays for self-service establishments shall be located at least fifty (50) feet from any Residential District or use property line.
  3. Should self-service wash bays be located with openings parallel to an adjacent street, they shall be screened by a solid wall or fence, six (6) feet in height shall be erected along any common lot line. Such fence or wall shall be continuously maintained in good condition.
  4. Only one (1) access driveway shall be permitted on any single street. All access driveways shall be located no less than twenty-five (25) feet from the nearest part of the intersection of any street or driveway.
  5. Where adjoining residentially zoned or used property, a solid wall or fence, six (6) feet in height shall be erected along any common lot line. Such fence shall be continuously maintained in good condition.
  6. Lighting for parking and outdoor storage areas shall be shielded to prevent light from spilling onto any Residential District or use property line.
  7. Minimum lot area shall be no less than one (1) acre.
- O. Open air businesses.
1. A five (5) foot fence or wall shall be constructed along the rear and sides of the lot, capable of keeping trash, paper, and other debris from blowing off the premises.
  2. The lot area used for parking, display, or storage shall be provided with a permanent, durable and dustless surface, and shall be graded and drained so as to dispose of all surface water.
  3. Access driveways shall be located no less than fifty (50) feet from the nearest part of the intersection of any street or driveway.
  4. Lighting for parking and outdoor storage areas shall be shielded to prevent light from spilling onto any Residential District or use property line.
  5. Any display materials or equipment stored or displayed outside of an enclosed building shall not extend into any required yard or occupy any required parking or maneuvering areas for vehicles.
  6. Minimum lot area shall be no less than one (1) acre.
- P. Veterinary hospitals, animal clinics, and commercial kennels.
1. Buildings, dog runs, and/or exercise areas, or any other area where animals are kept shall be set back one-hundred (100) feet from any

- property line.
  2. All sleeping quarters and runs shall be adequately designed and constructed to protect the health and safety of animals throughout the year during periods of inclement weather.
  3. Minimum lot area shall be no less than one (1) acre, provided, however, a minimum lot area of ten (10) acres shall be required whenever the operation involves a kennel, outdoor exercise area, or dog run.
- Q. Utility and public service buildings, without storage yards, but not including essential public services such as poles, wires, and underground utility systems.
1. Any such buildings shall be generally compatible, with respect to materials and color, with the surrounding neighborhood.
  2. Any such building shall comply with the yard setback requirements of the District in which it is located.
  3. Minimum lot area shall be no less than one (1) acre.
- R. Body shops.
1. The principal and accessory buildings and structures shall not be located within one-hundred (100) feet of any Residential District or use property line.
  2. Minimum lot area shall be no less than one (1) acre and minimum lot width shall be one-hundred and fifty (150) feet.
  3. All equipment and activities associated with vehicle repair operations, except those in incidental use, such as air hoses, shall be kept within an enclosed building.
  4. Inoperative vehicles left on the site shall, within forty-eight (48) hours, be stored within an enclosed building, or in an area screened by an opaque fence not less than six (6) feet in height. Such fence shall be continuously maintained in good condition.
  5. Storage of vehicle components and parts, trash, supplies, or equipment outside of a building is prohibited.
  6. Access driveways shall be located no less than twenty-five (25) feet from the nearest part of the intersection of any street or driveway.
  7. Where adjoining residentially zoned or used property, a solid wall or fence, six (6) feet in height shall be erected along any common lot line. Such fence or wall shall be continuously maintained in good condition.
- S. Sawmills, lumber and planing mills.
1. The principal and accessory buildings and structures shall not be located within two-hundred (200) feet of any Residential District or use property line.
  2. Minimum lot area shall be no less than ten (10) acres with a minimum lot width of no less than three hundred thirty (330) feet.
  3. Storage of timber, saw logs, saw dust, wood chips, partial and finished wood products, and other such materials shall not be stored within one hundred (100) feet of the front property line.
  4. Adequate emergency vehicle access shall be maintained to all portions of the operation.

- 5. Landscaping and/or fencing shall be provided as required by the Planning Commission.
- T. Metal plating, buffing, and polishing.
- 1. The principal and accessory buildings and structures shall not be located within two-hundred (200) feet of any Residential District or use property line.
  - 2. In addition to the site plan, the applicant shall provide design detail on the method for the collection and disposal of liquid and solid waste by-products. The Township may require that engineering plans, sealed by a Professional Engineer registered in the State of Michigan, be provided pursuant to disposal methods which may pose a potential threat to the ground water.
  - 3. The applicant shall secure all necessary permits from Township, County, and State authorities.
  - 4. Minimum lot area shall be no less than five (5) acres.
- U. Commercial storage warehouses.
- 1. Minimum lot area shall be no less than two (2) acres.
  - 2. A residence may be permitted on the premises for security personnel or on-site operator. The residence shall conform to the minimum requirements for a single-family detached dwelling in the R-S District.
  - 3. Parking and circulation:
    - a. One parking space shall be provided for each ten (10) storage cubicles, equally distributed throughout the storage area. The parking requirement may be met with the parking lanes required for the storage area.
    - b. Two (2) parking spaces shall also be required for the residence of security personnel or on-site operator employed on the premises.
    - c. One (1) parking space shall also be required for every twenty (20) storage cubicles, up to a maximum of ten (10) spaces, to be located adjacent the rental office, for the use of customers.
    - d. The following parking lanes and access aisles shall be required. The parking lanes may be eliminated when the access aisle does not serve storage cubicles.
    - e. All driveways, parking, loading, storage, and vehicular circulation areas shall be paved.

Lane/Aisle	Lane/Aisle Width (ft)		Lane/Aisles Required	
	One-Way	Two-Way	One-Way	Two-Way
Parking Lane	10	10	1	1
Access Aisle	15	24	1	2

- V. The manufacture, compounding, processing, packaging, or treatment of products requiring stamping or punch press operations.

1. The principal and accessory buildings and structures shall not be located within two-hundred (200) feet of any Residential District or use property line.
2. Minimum lot area shall be no less than five (5) acres.

W. Junk yards/salvage yards.

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

12. Vehicle parts shall not be stored, loaded, unloaded, or dismantled outside the fence enclosing the salvage yard.
13. Minimum lot area shall be no less than forty (40) acres.
14. All fences shall be setback a minimum of fifty (50) feet from any Residential District or use property line.
15. In order to protect surrounding areas, the crushing of vehicles or any part thereof shall be limited to daylight hours.
16. The Township may impose other conditions, such as greenbelts, landscaping, and other items, which have a reasonable relationship to the health, safety and general welfare of the Township. These conditions can include a provision for an annual inspection by the Zoning Administrator to ensure continuing compliance with the above standards.

X. Adult uses.

1. Intent: It is the intent of this subsection to provide regulations controlling those uses that are recognized as having serious, objectionable, operational characteristics inducing a deleterious impact on adjacent uses and areas. Special regulations of these uses are necessary to insure that the anticipated adverse impacts will not contribute to the blighting or downgrading of the surrounding neighborhood.
2. The lot or parcel on which the use is located shall not be closer than five hundred (500) feet from any Residential District or use, school, church, or park, as measured from the nearest part of the each lot line.
3. The use shall not be located within a one thousand (1,000) foot radius of any other adult use, as measured from the nearest part of the each lot line.
4. All persons massaging any client or customer must be certified as a massage therapist by the American Massage Therapy Association or be a graduate of a School of Massage Therapy that is certified by the State of Michigan, or have such other similar qualifications which must be submitted to and approved by the Planning Commission. All massage clinics are subject to inspection from time to time by the Building Inspector and shall be required to file reports as may be required by the City, at least annually, as to the names and qualifications of each person who administers massages under the authority or supervision of the massage establishment. This definition shall not be construed to include a hospital, nursing home, medical clinic, or the office of a physician, surgeon, chiropractor, osteopath, or physical therapist duly licensed by the State of Michigan, nor barber shops or beauty salons in which massages are administered only to the scalp, the face, the neck or the shoulder. This definition shall not be construed to include a non-profit organization operating a community center, swimming pool, tennis court, or other educational, cultural, recreational, and athletic facilities for the welfare of the residents of the area.

5. Any sign or signs proposed for the adult use business must comply with the requirements of this Ordinance, and shall not include photographs, silhouettes, drawings, or pictorial representations of any type, nor include any animated illumination or flashing illumination.
  6. Signs must be posted on both the exterior and interior walls of the entrances, in a location which is clearly visible to those entering or exiting the business, and using lettering which is at least two (2) inches in height, that:
    - a. "Persons under the age of 18 years are not permitted to enter the premises."
    - b. "No alcoholic beverages of any type are permitted within the premises unless specifically allowed pursuant to a license duly issued by the Michigan Liquor Control Commission."
  7. No product for sale or gift, nor any picture or other representation of any product for sale or gift, shall be displayed so that it is visible by a person of normal visual acuity from the nearest adjoining roadway or adjoining property.
  8. No adult use shall be open for business prior to ten (10) o'clock a.m. nor after ten (10) o'clock p.m. However, employees or other agents, or contractors of the business are permitted to be on the premises at other hours for legitimate business purposes such as maintenance, clean-up, preparation, record keeping, and similar purposes not involving the general public.
- Y. Farm Labor Housing
1. Seasonal Farm Labor Housing.
    - a. Such housing shall be for farm laborers and their immediate families. The dwellings may not be used for members of the immediate family of the owner/operator of the farm.
    - b. Each dwelling must be at least seven hundred twenty (720) square feet in area, and a minimum of twenty (20) feet in width across any front, side, or rear elevation. Each sleeping room must comply with any applicable Township Building Code.
    - c. Each additional Seasonal Farm Labor Housing unit, after the first three (3), must be applied for separately.
    - d. The dwellings may not be located closer than fifty (50) feet to any property line, and no closer than ten (10) feet to any other building on the parcel.
    - e. Off-street parking is required, and shall comply with the requirements for dwellings in this ordinance.
    - f. Such dwellings shall be occupied no longer than seven (7) months in any one (1) calendar year.



2. Permanent Farm Labor Housing
  - a. Such dwellings shall be for farm laborers and their immediate families.
  - b. Each dwelling must be a minimum of eight hundred fifty (850) square feet in area. Each sleeping room must comply with any applicable Township Building Code.
  - c. Each Permanent Farm Labor Housing unit must be applied for separately.
  - d. The housing unit may not be located closer than fifty (50) feet to any property line, and no closer than twenty (20) feet to any other building on the parcel.
  - e. Off-street parking is required and shall comply with the requirements for housing units in this Ordinance.
  
- Z. Schools, churches, libraries, parks, playgrounds and community center buildings.
  1. Minimum lot size:
    - a. For churches, libraries, parks and community centers a minimum of two (2) acres shall be required.
    - b. For elementary schools a minimum of five (5) acres shall be required.
    - c. For secondary schools a minimum of ten (10) acres shall be required.
    - d. Trade, professional, or technical schools a minimum of one (1) acre shall be required.
  
  2. Minimum distance from any property line:
    - a. For churches, libraries, parks and community centers the minimum distance shall be twenty-five (25) feet.
    - b. For elementary and secondary schools the minimum distance shall be shall one hundred (100) feet.
    - c. Trade, professional, or technical schools the minimum distance shall be twenty (20) feet.
  
  3. Elementary an secondary schools shall additionally meet these provisions:
    - a. Playground equipment or athletic fields shall only be located in the rear or side yard at least fifty (50) feet from any adjacent property line and surrounded by a four (4) foot fence.
    - b. The off-street parking shall be arranged so the bus loading and unloading area will not be in the path of vehicular traffic.

4. Walkways shall be constructed from off-street parking areas to building entrances. If sidewalks are provided on adjacent parcels, they shall also be required for these uses.
- AA. Produce/vegetable packaging plant.
1. All buildings shall be setback at least one hundred (100) feet from any property line.
  2. Access driveways shall be located no less than seventy-five (75) feet from the nearest right-of-way line of any intersecting street or from the nearest edge of any other driveway.
  3. The site shall be served by either a public water and sanitary sewer system, or by an on-site system approved by the County Health Department.
  4. On a site plan provided by the applicant the following information shall be outlined:
    - a. The size, nature, and character of the proposed use.
    - b. The proximity and impacts of the proposed use on adjoining properties.
    - c. The extent of traffic congestion or hazard that would accompany such a use.
    - d. The total effect of the proposed use on adjoining properties and the surrounding neighborhoods.
    - e. The frequency of use, hours of operations, parking requirements and location, ingress and egress points, lighting, and maintenance of the parking lot.
    - f. A proper buffer or greenbelt to screen the use from any adjacent residential uses.
  5. Lighting the site shall not create a nuisance to adjacent property owners, nor to traffic on adjacent roads.
  6. A proper buffer or greenbelt to screen the use from any adjacent residential uses or any residentially zoned property.
  7. Trash containers shall be enclosed by a structure screening it on at least three (3) sides.
  8. The property shall be kept free of litter, and in a sanitary condition.
  9. Any odor, gas, glare, heat, or smoke detectable at any point along the lot lines shall not be permitted.
- BB. Farm implement sales and repair.
1. All sales buildings or areas, repair buildings or structures, and display of implements shall be setback at least one hundred (100) feet from any property line.

2. Access driveways shall be located no less than seventy-five (75) feet from the nearest right-of-way line of any intersecting street or from the nearest edge of any other driveway.
  3. The site shall be served by either a public water and sanitary sewer system, or by an on-site system approved by the County Health Department.
  4. On a site plan provided by the applicant the following information shall be outlined:
    - a. The size, nature, and character of the proposed use.
    - b. The proximity and impacts of the proposed use on adjoining properties.
    - c. The extent of traffic congestion or hazard that would accompany such a use.
    - d. The total effect of the proposed use on adjoining properties and the surrounding neighborhoods.
    - e. The frequency of use, hours of operations, parking requirements, ingress and egress points, lighting, and maintenance of the parking lot.
    - f. A proper buffer or greenbelt to screen the use from any adjacent residential uses.
  5. Trash containers shall be enclosed by a structure screened on at least three (3) sides.
  6. The property shall be kept free of litter, and in a sanitary condition.
  7. The use shall be located adjacent to a county primary or paved, section-line road, and access to the use shall be from said road.
- CC. Sale of animal feed, seed, fertilizers, and related farming products unless conducted as part of a bonafide farming operation where the operation does not require a Michigan Sales Tax License.
1. All sales buildings, structures, or locations shall be setback at least one hundred (100) feet from any property line.
  2. Access driveways shall be located no less than seventy-five (75) feet from the nearest right-of-way line of any intersecting street or from the nearest edge of any other driveway.
  3. The site shall be served by either a public water and sanitary sewer system, or by an on-site system approved by the County Health Department.
  4. On a site plan provided by the applicant the following information shall be outlined:
    - a. The size, nature, and character of the proposed use.
    - b. The proximity and impacts of the proposed use on adjoining properties.
    - c. The extent of traffic congestion or hazard that would accompany

- such a use.
    - d. The total effect of the proposed use on adjoining properties and the surrounding neighborhoods.
    - e. The frequency of use, hours of operations, parking requirements, ingress and egress points, lighting, and maintenance of the parking lot.
    - f. A proper buffer or greenbelt to screen the use from any adjacent residential uses.
  - 5. The use shall be located adjacent to a county primary or paved, section-line road, and access to the use shall be from said road.
- DD. Nursing homes and similar elder care facilities.
- 1. Minimum lot size shall be three (3) acres.
  - 2. The lot location shall be such that at least one (1) property line abuts an arterial or collector street. The ingress and egress for off-street parking areas for guests and patients shall be directly from that thoroughfare.
  - 3. Main and accessory buildings shall be set back at least seventy-five (75) feet from all property lines.
  - 4. The facility shall be designed to provide a minimum of fifteen hundred (1,500) square feet of open space for every bed used or intended bed to be used. This open space shall include landscaping and may include off-street parking, driveways, required yard setbacks and accessory uses.
- EE. Open Space Preservation Developments
- 1. Description and Purpose
    - a. The purpose of a Open Space Development (OSD) is to permit greater flexibility in development than is generally possible under standard District regulations. The intent of the regulations is to foster the preservation of significant natural features, large open spaces, or active agricultural land that would otherwise be developed but will be preserved as a result of the OSD.
    - b. These OSD provisions are not intended as a device for ignoring the requirements of this Ordinance and are not intended simply as a means to increase density. These provisions are intended to result in land development substantially consistent with the underlying zoning, but provide a degree of flexibility in design to allow for customization of design to meet the unique natural conditions of a particular site and innovation in design to create a higher quality development than could otherwise be possible with the underlying zoning.

2. Qualifying Conditions
  - a. The tract of land for which a OSD application is received must be either in one (1) ownership or the subject of an application filed jointly by the owners of all affected properties.
  - b. The property which is the subject of an OSD application must be a minimum of forty (40) contiguous acres in total area and may be located within any Residential District. The Planning Commission and Township Board may consider a lesser development size if the proposed project substantially forwards the intent of the Open Space Development regulations.
  - c. The applicant must demonstrate that the property proposed for the OSD contains unique site conditions, significant natural features, large open spaces, or active agricultural land, which would be otherwise be developed but will be preserved as a result of the OSD.
  
3. Preliminary Site Plan Approval
  - a. To be considered as an OSD the applicant shall be required to first receive approval of a sketch plan in accordance with the requirements of this Chapter.
  - b. Applications for preliminary site plan approval shall be submitted to the Zoning Administrator in accordance with the procedures of Section 14.02, B.
  - c. The following information shall be submitted in addition to the materials required by Section 14.02, B, unless the Zoning Administrator determines that some of the required information is not reasonably necessary:
    - (1) Nine (9) copies of the Parallel Plan used to determine base density that meets the standards of Section 14.05, C.
    - (2) Written documentation that the proposal meets the standards of Section 14.06.
    - (3) If a phased development is proposed, identification of the areas included in each phase. The density, lot area and setbacks of proposed housing units within each phase and for the total OSD.
    - (4) Arrangement and area calculations for open space, including upland and wetland open space areas.
  - d. The Planning Commission shall conduct a public hearing prior to considering the proposed site plan. Notices of the public hearing will be provided in accordance with the requirements of the Zoning Act for special land uses.
  - e. Following the public hearing the Planning Commission shall approve, deny, or approve with conditions the special land use.

- Approval of the special land use applies only the use of the land, including uses and density of development.
- f. If the special land use is approved, the Commission shall review the Preliminary Site Plan and may make recommendations to the applicant. Recommendations, if made, shall not be construed to imply approval of the plan. Site plan approval shall require submission of a full application, site plan, fees, and other documentation as required by this Ordinance.
4. Final Site Plan Approval
- a. After receiving approval of a preliminary plan from the Planning Commission, the applicant shall within one (1) year submit a final site plan to the Planning Commission.
  - b. The final site plan may be for either the entire project or for one (1) or more phases.
  - c. Applications for final plan approval shall be submitted to the Zoning Administrator in accordance with the procedures of Section 14.04.
  - d. The following information shall be submitted in addition to the materials required by Section 14.04, A, unless the Zoning Administrator determines that some of the required information is not reasonably necessary.
    - (1) If a phased development is proposed, identification of the areas included in each phase. The density, lot area and setbacks of proposed housing units within each phase and for the total OSD.
    - (2) Arrangement and area calculations for open space, including upland and wetland open space areas.
  - e. Failure to submit a final site plan for approval within the one (1) year period shall void the previous preliminary plan approval and a new application shall be required to be submitted and approved in accordance with these provisions.
  - f. Major changes in the final site plan shall be submitted to the Township pursuant to Section 14.07, C. If the changes are deemed major, the Planning Commission shall consider the application using the procedures of this Section as a new special land use.
5. Permitted Uses: The following uses may be permitted, either singly or in combination, in accordance with the applicable OSD requirements:
- a. Single-family detached dwellings.
  - b. Accessory buildings and uses customarily associated with single family detached dwellings in accordance with the provisions of Sections 3.10 and 3.11.

- c. Agriculture.
  - d. Private open space and recreational facilities for use by the residents of the OSD.
  - e. Public open space and recreational facilities.
6. Site Development Requirements
- a. The minimum lot area, width, setbacks and yard requirements for any lot designated for residential use shall be determined by the Planning Commission as part of the review process for the OSD. Minimum floor area and height regulations for dwelling units shall conform to the R-R Residential District requirements.
  - b. Land not proposed for development, but used for the calculation of overall density shall be considered open space and subject to the requirements of Section 15.06, GG, 7.
  - c. Development Density - Parallel Plan
    - (1) The maximum base density and number of dwelling units permitted in the OSD shall be determined through the completion and submission of a parallel plan which shall indicate the number of dwelling units that may be developed under the existing zoning classification.
    - (2) The parallel plan shall contain enough detail to permit the Township to evaluate the feasibility of development for each indicated lot and/or dwelling unit. The Planning Commission may require additional detail or information as it may determine necessary to evaluate the feasibility of the parallel plan.
    - (3) All lots or buildings shown on the parallel plans shall be located on buildable lots, which, for the purposes of this Section shall mean lots or building areas that have an areas of sufficient size and shape to accommodate the proposed main building septic and well systems (where no public sanitary sewer or water system is to be used), and required driveways, streets, or other means of permitted access.
    - (4) Areas of wetlands, water bodies, and other unbuildable areas shall not be included within buildable areas, but may be included in the lot area calculations, provided that each lot have sufficient buildable area and meet all required setbacks.
  - d. Density Bonus
    - (1) In order to preserve the maximum amount of open space, an OSD may permit an increase in the number of dwelling units above the base density established in the parallel plan.
    - (2) In no case shall such density bonus exceed fifty percent

- (50%) of the base density.
- (3) The OSD may qualify for density bonuses in accordance with the following:

Facility/Open Space Provided		Density Bonus
Open Space	55% open space	10%
	60% open space	20%
	65% open space	30%
Community or Public Sanitary Sewer Service		30%
Community or Public Water Service		20%
Community or Public Sanitary Sewer and Water Service		50%

- (4) For the purposes of this subsection, a *community wastewater disposal system* shall be defined as all aspects of a complete system required to properly collect, treat, and dispose of wastewater from all of the individual dwelling units or other buildings within the OSD, including all pumps, pipes, laterals, controls, valves, treatment units, and other equipment necessary to collect, treat, and dispose of wastewater at a central location. A *community water service system* shall be defined as all aspects of a complete system required to draw water from a groundwater source, including all pumps, pipes, laterals, controls, valves, and other equipment necessary to provide potable domestic water to all of the individual dwelling units or other buildings within the OSD from a central location or water source.

e. Development Setback

- (1) Any building area, which for the purposes of this subsection shall mean any lot on which a main use is located, shall be located at least two hundred (200) feet from any public street right-of-way not constructed as part of the OSD.
- (2) No native or natural vegetation shall be removed from the (200) foot setback, nor any grading or changes in topography occur, except that necessary for entrance roads, required utilities, or drainage improvements.
- (3) The Planning Commission may modify this requirement provided the applicant demonstrates that the clearing of existing vegetation would contribute significantly to the purpose and objectives of the OSD.
- (4) The Planning Commission may reduce this setback if existing landscaping provides a natural screen, or the proposed development provides such a landscape screen.



In any case, the setback shall be not less than one hundred (100) feet. The landscape screen shall meet all of the following minimum requirements:

- (a) Occupy at least seventy percent (70%) of the lineal distance of the property line abutting any public street right-of-way.
  - (b) Be on a strip of unoccupied land at least fifty (50) feet in depth.
  - (c) Have at least fifty percent (50%) opacity from the roadside view at the time of planting.
  - (d) Consist of either existing vegetation, land forms, or landscaped areas using native or natural materials, or a combination thereof.
- (5) OSD sites abutting more than one (1) public street shall be permitted to reduce the setback on the shortest side of the abutting streets to one hundred (100) feet without a natural screen. No native or natural vegetation shall be removed from the one hundred (100) foot setback, nor any grading or changes in topography occur, except that as may be necessary for entrance roads or utilities.
7. Open Space: Any open space provided in the OSD shall meet the following considerations and requirements:
- a. Open space areas shall be large enough and of proper dimensions so as to constitute a useable area, with adequate access, through easements or other similar arrangements, such that all properties within the entire OSD may utilize the available open space.
  - b. The OSD shall have a minimum of fifty percent (50%) open space. Any area used in the calculation of required open space shall have a minimum width of fifty (50) feet.
  - c. Evidence shall be given that satisfactory arrangements will be made for the maintenance of such designated land to relieve the Township of the future maintenance thereof.
  - d. Open space may be provided where significant natural features may be preserved and/or be used for passive or active recreation. Open space is encouraged to be located between neighborhood clusters of housing units.
  - e. All land set aside as open space shall be deed restricted, protected by conservation easement, or other similar permanent restriction, to ensure that the open space remains in a natural and undisturbed condition in perpetuity. Land set aside for agriculture may, at the discretion of the property owner(s) be converted to open space, but shall not be used as land for the construction of additional

- dwelling, nor used for any other development.
- f. All open space shall be in the joint ownership of the property owners within the OSD. A property owner's association shall be formed which shall take responsibility for the maintenance of the open space.
8. Design Principles: The overall intent of the Open Space Development regulations is to foster more creative development design, using open space to the advantage of the development, maintaining the rural character of the township, ensuring access to open spaces, preserving natural features, and other design objectives intended to foster an improved living environment. To this end the following general guidelines will be considered by the Planning Commission in evaluating proposed Open Space Developments.
- a. Open space should be provided where significant natural features may be preserved, active agricultural land maintained, or be used for passive or active recreation.
  - b. Open space should generally be used to group areas of residential neighborhoods as clusters of housing units, as shown in the accompanying illustration. This is intended to avoid the suburban development type normally found in urbanized areas. Generally, neighborhood clusters should have not more than 8-10 units per cluster.
  - c. The Open Space Development should be designed with due regard for views from adjacent roadways as well as adjacent properties. Where possible, substantial setbacks from adjacent development should be provided, except where internal roadways are designed to connect to adjacent properties for the purposes of providing a network of internal connections between properties.
  - d. Open space within the development should generally be accessible from as many places within the development as possible, rather than limited to individual easements between development lots. To this end, providing open space segments along the internal roadways will be considered a high priority by the Township. Such areas should be large enough to appear as open space, rather than a vacant lot for future development, and kept in their natural state. Such areas may, however, incorporate trails or other internal pedestrian circulation paths.
  - e. The overall design of the Open Space Development should emphasize the rural character of Keeler Township, provide views to open spaces from as many areas of the development as possible, and avoid long, straight street segments and rows of homes.
9. Review Standards: The following review standards will be used by the Planning Commission in addition to those of Section 15.02, B in its consideration of a OSD. Before such developments may be approved the

Planning Commission shall find:

- a. That the application meets the Description and Purpose and Qualifying Conditions for an OSD.
- b. That the OSD does not substantially alter the character of the general neighborhood in which the development is proposed.
- c. That the location of the buildings of the OSD do not unduly impact other single family uses in the vicinity of the proposed development.
- d. That the OSD preserves, in perpetuity, unique site conditions, such as significant natural features, large open space areas, or active agricultural land.
- e. That the OSD can accommodate adequate and safe disposal of sanitary sewer and can provide an adequate, assured source of water for domestic use. To evaluate this review standard, the Planning Commission may specify what additional evidence it deems to be acceptable to ensure the review standards are met, including additional soil borings, soil reports, hydrological tests, and other such evidence which will be submitted by the applicant and reviewed by the Township prior to approval of the OSD.

FF. Veterinary hospitals, animal clinics, and commercial kennels.

1. Minimum lot size shall be two (2) acres for the first four (4) animals and an additional one-third (1/3) acre for each additional animal.
2. Buildings wherein animals are kept, runs, and/or exercise areas shall not be located nearer than one hundred (100) feet to any adjacent occupied dwelling or adjacent building used by the public, and shall not be located in any required front, rear or side yard setback area.

GG. Health care centers.

1. Description:  
A health care center may include a multi-disciplinary physician medical building providing office visits, consultations, diagnostic tests, emergency medicine, treatments, ambulatory surgery and other medical activities not requiring an overnight stay by patients.
2. Minimum lot size of one (1) acre is required.
3. Parking areas shall have a front yard setback of twenty-five (25) feet that is appropriately landscaped.
4. Access driveways shall be located no less than seventy-five (75) feet from the nearest right-of-way line of any intersecting street and fifty (50) feet from the nearest edge of any driveway on the same side of the street.
5. Lighting the site shall not create a nuisance to adjacent property owners, nor to traffic on adjacent roads.
6. The proposed site shall front upon a paved County Primary or County Local street. All ingress and egress shall be from said thoroughfare.

HH. Research and development facilities, including production activities.

1. Description:  
This district is intended for attractive and well-buffered uses that can be located in a non-industrial area. It shall employ attractive architecture and have a campus setting with generous setbacks.
2. Minimum lot area shall be three (3) acres.
3. Minimum lot width shall be two hundred (200) feet.
4. Uses that shall be permitted are research or technology based facilities, industrial plants primarily assembling finished materials, trade utilities, building and material sales, and wholesale operations.
5. No building, parking area, storage area or other than landscaping shall be permitted within fifty feet of any road-right-of-way or property line.
6. Outdoor storage of vehicles, equipment or materials shall have an attractive block wall or vegetative screening around it except for necessary access.

II. Public or private campgrounds.

1. Access driveways shall be located no less than fifty (50) feet from the nearest part of the intersection of any street or any other driveway.
2. The applicant shall secure all necessary permits from Township, County and State authorities.
3. Minimum lot area shall be five (5) acres.
4. Retail uses may be permitted within the campground provided that the following requirements are met:
  - a. All commercial uses allowed shall occupy no more than five percent (5%) of the lot for building and parking areas.
  - b. No merchandise for display, sale or lease shall be located in any manner outside the main building.
  - c. Lighting for parking areas or outdoor activity areas shall be shielded to prevent light from spilling onto any Residential District or use.

JJ. Noncommercial Wind Energy Conversion System (NWECS) [added July 2006]

1. Minimum parcel size upon which the NWECS is to be located is two (2) acres.
2. Maximum height of a NWECS is one hundred twenty (120) feet, as measured from the ground at its base to tip of the rotor blade in the upright position (e.g. when extended above the support structure).
3. Minimum setback of a NWECS is 100 feet from all property lines.
4. Only one (1) NWECS per property, or per owner should the multiple adjacent properties be under one ownership.

5. All applications for a NWECS Special Land Use permit shall be accompanied by a site plan in conformance with Chapter 14, which shall include the following additional information:
  - a. Location and height of all buildings, structures, towers, guy wires, guy wire anchors, security fencing, and other above ground structures associated with the NWECS.
  - b. Locations and height of all adjacent buildings, structures, and above ground utilities located within three hundred (300) feet of the exterior boundaries of the site housing the NWECS.
  - c. Existing and proposed setbacks of all structures located on the property in question.
  - d. Sketch elevation of the premises accurately depicting the proposed NWECS and its relationship to all structures within three hundred (300) feet.
  - e. Planned security measures to prevent unauthorized trespass and access.
  - f. Additional detail as required by the Planning Commission.
6. A copy of the manufacturer's installation instruction shall be provided. Included as part of or as an attachment to the installation instructions shall be standard drawings of the structural components of the wind energy conversion system and support structures, including base and footings provided along with engineering data and calculations to demonstrate compliance with the structural design provisions of the National Building Code as adopted by the Township; drawings and engineering calculations shall be certified by a registered engineer licensed to practice in the State of Michigan.
7. NWECS electrical equipment and connections shall be designed and installed in adherence to the National Electrical Code as adopted by the Township. A copy of the manufacturer's installation instruction shall be provided.
8. Blade-arcs created by the NWECS shall have a minimum of thirty (30) feet of clearance over any structure, land or tree within a two hundred (200) foot radius of the tower.
9. NWECS shall be equipped with both a manual and automatic braking device capable of stopping the NWECS operation in high winds, as established by the manufacturer.
10. NWECS shall have one sign, not to exceed two (2) square feet in area posted at the base of the tower containing the following information:
  - a. Warning high voltage.
  - b. Manufacturer's name.
  - c. Emergency phone number.
  - d. Emergency shutdown procedures.

11. NWECS shall not have affixed or attached any lights, reflectors, flashers or any other illumination, except for illumination devices required by Federal regulations.
12. NWECS shall be designed and constructed so as not to cause radio and television interference.
13. Noise emanating from the operation of NWECS shall not exceed fifty (50) decibels, as measured on the DBA scale, measured at the nearest property line. Estimates of noise levels shall be provided by applicant for property lines for normal operating conditions.
14. The Township hereby reserves the right upon issuing any NWECS special land use permit to inspect the premises on which it is located. If a NWECS is not maintained in operational condition and poses a potential safety hazard, the owner shall take expeditious action to correct the situation.
15. Any NWECS that is not used for twelve (12) successive months shall be deemed abandoned and shall be dismantled and removed from the property at the expense of the property owner.

KK. Commercial Wireless Telecommunication Services

1. New Commercial Wireless Telecommunication Services shall be required to locate on an existing approved tower within a one (1) mile radius of the proposed tower site unless one (1) or more of the following conditions exists:
  - a. The planned equipment would cause interference materially affecting the usability of other existing or planned equipment at the tower or building as documented by a qualified and registered professional engineer and the interference cannot be prevented at a reasonable cost.
  - b. Existing or approved towers and buildings within a one (1) mile radius cannot accommodate the planned equipment at a height necessary to function reasonably as documented by a qualified and registered professional engineer.
  - c. Other unforeseen reasons that make it infeasible to locate the planned equipment upon an existing tower or building.
2. Any proposed tower for Commercial Wireless Telecommunication Services shall be designed, structurally, electrically, and in all other respects, to accommodate both the applicant's equipment and comparable equipment for at least two (2) additional users. Towers must be designed to allow for future rearrangement of equipment upon the tower and to accept equipment mounted at varying heights.
3. Towers for Commercial Wireless Telecommunication Services shall be designed to blend into the surrounding environment through the use of color and architectural treatment, except in instances where color is

dictated by other state or federal authorities. Towers shall be of a monopole design unless the Planning Commission determines that an alternative design would better blend into the surrounding environment.

4. Any part of the structures or equipment placed on the ground pertaining to the tower for Commercial Wireless Telecommunication Services shall comply with the following setbacks:
  - a. The Planning Commission shall not approve any tower for Commercial Wireless Telecommunication Services located such that any part of which is located within two hundred (200) feet of any Residential District lot line.
  - b. Any part of a Commercial Wireless Telecommunication Services tower or associated equipment shall be set back for a distance equal to the setbacks for main buildings for the district in which it is located, except that in no case shall such structures or equipment be located less than twenty-five (25) feet from any adjacent lot line or main building, nor less than two hundred (200) feet from any Residential District lot line, and two hundred fifty (250) feet from any public highway.
  - c. These provisions shall not apply to towers located on existing buildings, towers, or other existing structure.
5. The tower and related structures or equipment on the ground shall be screened with landscaping, berms, walls, or a combination of these elements at least six (6) feet tall.
6. Existing on site vegetation shall be preserved to the maximum extent practical.
7. Towers for Commercial Wireless Telecommunication Services shall not be illuminated unless required by other state or federal authorities. No signs or other advertising not related to safety or hazard warnings shall be permitted on any part of the tower or associated equipment or buildings.
8. The maximum height of the tower shall be one hundred ninety (190) feet. The height of the tower may be increased to accommodate collocation requirements.
9. The property the tower is to be located upon shall meet the minimum area requirements of the zoning district in which it is located.
10. Exceptions to the conditions set forth above may only be granted by the Planning Commission.
11. Towers for Commercial Wireless Telecommunication Services which are

abandoned or unused shall be removed, along with any associated structures or equipment, within twelve (12) months of the cessation of operations, unless a time extension is granted by the Zoning Administrator. One (1) three (3) month extension shall be permitted only if the Zoning Administrator finds that the owner or former operator of the facility is taking active steps to ensure removal.



## CHAPTER 16

### *DISTRICT REGULATIONS - PARKING AND SIGNS*

#### SECTION 16.00 PARKING - GENERAL REQUIREMENTS

- A. A minimum of a ten (10) foot deep landscaped buffer strip along the entire frontage of a parcel (except driveways) shall be provided between the road and parking area of any use requiring site plan review. [amended July 2006]
- B. Off-street parking for all non-residential Districts and uses shall be either on the same lot or within three-hundred (300) feet of the building or use it is intended to serve, measured from the nearest public entrance of the building to the nearest point of the off-street parking lot.
- C. The storage of merchandise or products, motor vehicles displayed for sale, or the repair of vehicles is prohibited in any off-street parking lot.
- D. Residential off-street parking spaces shall consist of parking strip, parking bay, driveway, garage, or combination thereof and shall be located on the premises they are intended to serve. Parking spaces shall be constructed with an asphalt or concrete binder, gravel, or compacted earth so as to provide a durable and dustless service, and shall occupy no greater than thirty-three percent (33%) of the required front yard.
- E. Minimum required off-street parking spaces shall not be replaced by any other use unless and until equal facilities are provided elsewhere, in compliance with this Chapter.
- F. Off-street parking existing at the effective date of this Ordinance, or amendment thereto, in connection with the operation of an existing building or use, shall not be reduced to an amount less than required for a similar new building or new use.
- G. Two (2) or more buildings or uses may collectively provide the required off-street parking.
- H. The Planning Commission may defer construction of the required number of parking spaces if the following conditions are met:
  - 1. Areas proposed for deferred parking shall be shown on the site plan, and shall be sufficient for construction of the required number of parking spaces in accordance with the standards of this Ordinance for parking

area design and other site development requirements.

- 2. Alterations to the deferred parking area may be initiated by the owner or required by the Zoning Administrator, and shall require the approval of an amended site plan, submitted by the applicant accompanied by evidence documenting the justification for the alteration.

**SECTION 16.01 PARKING LOT DESIGN STANDARDS**

- A. Minimum dimensions of parking spaces and maneuvering aisles shall be in accordance with the following requirements:

Parking Pattern	Two-Way Aisle Width	One-Way Aisle Width	Parking Space Width	Parking Space Length
Parallel Parking	18 Ft.	12 Ft.	9 Ft.	25 Ft.
30-75 degree angle	24 Ft.	12 Ft.	9 Ft.	21 Ft.
76-90 degree angle	26 Ft.	15 Ft.	9 Ft.	20 Ft.

- B. Minor adjustments of the dimensions prescribed in this Section may be authorized by the Zoning Administrator if consistent with generally recognized design standards for off-street parking facilities.
- C. All parking lots shall be provided with a pavement having an asphalt or concrete binder so as to provide a permanent, durable and dustless service.
- D. All parking lots shall be constructed so as to permit proper drainage and prevent puddling or storage of water within the lot. Drainage shall be in accordance with the requirements of Keeler Township and the Van Buren County Drain Commission.
- E. All parking lots shall be provided with adequate lighting. Parking lot lighting shall be shielded so as to prevent light from spilling onto adjacent Residential Districts or uses.

**SECTION 16.02 SCHEDULE OF OFF-STREET PARKING REQUIREMENTS**

- A. Required off-street parking spaces are noted in the table below for the uses listed. For those uses not specifically mentioned, the requirements for off-street parking shall be in accord with a use which the Planning Commission or Zoning Administrator considers similar in type.
- B. When units of measurement determining the number of required off-street parking spaces result in the requirement of a fractional space that fraction shall require one (1) parking space.

### SCHEDULE OF OFF STREET PARKING REQUIREMENTS

USE	PARKING SPACE PER UNIT OF MEASUREMENT
<b>Residential</b>	
Single family dwellings	2 for each dwelling unit
Two family dwellings	2 for each dwelling unit
Multiple family dwellings	2 for each dwelling unit, plus 1 additional space for each 2 units
<b>Institutional</b>	
Group day care homes and group foster care homes	1 space for each 4 clients, plus 1 space for each employee
Churches, theaters, assembly areas, auditoriums, gymnasiums	1 space for each 4 seats or each 8 feet of pew length or 1 space for and each 3 persons allowed within the maximum occupancy load established by any applicable codes or ordinances, whichever is greater
Schools, elementary and middle	2 spaces for each 3 employees, plus amount required for auditorium or gymnasium seating
Schools, secondary, trade, industrial, and institutions of higher learning	1 space for each 8 students, plus 1½ spaces for each classroom, plus amount required for auditorium or gymnasium seating
<b>Commercial</b>	
Vehicle wash establishments (self service or automatic)	1 space for each 5 stalls
Beauty/barber shop	3 spaces for each chair
Bowling alleys	4 spaces for each bowling lane plus required spaces for each accessory use
Assembly halls without fixed seats	1 space for each 3 persons allowed within the maximum occupancy load established by any applicable codes or ordinances
Restaurants - without drive-through facilities	1 space for each 100 square feet of UFA or 1 space for each 2 persons allowed within the maximum occupancy load established by any applicable codes or ordinances, whichever is greater
Restaurants with drive-through facilities	1 space for each 100 sq. ft. of UFA or 1 space for each 1½ persons allowed within the maximum occupancy load established by any applicable codes or ordinances, whichever is greater
Vehicle service stations	1 space for each service stall, plus 1 space for each pump island, plus 1 space for each of the maximum number of employees on the premises at any one time

<b>USE</b>	<b>PARKING SPACE PER UNIT OF MEASUREMENT</b>
Personal service establishments not otherwise specified	1 space for each 50 sq. ft. of UFA
<b>Commercial</b>	
Furniture, appliance and household goods retail sales	1 space for each 1000 sq. ft. of UFA
Funeral homes and mortuary establishments	1 space for each 50 sq. ft. of UFA
Open air businesses	1 space for each 200 sq. ft. of indoor UFA plus 1 space for each 1000 sq. ft. of outdoor display area
Retail stores not otherwise specified	1 space for each 200 sq. ft. of UFA
Hotels and motels	1 space for each guest room, plus required spaces for any accessory uses
Video rental stores	1 space for each 100 sq. ft. of UFA plus 1 space for the maximum number of employees on the premises at any one time
<b>Offices</b>	
Banks, credit unions, savings and loan associations and other similar uses	1 space for each 150 sq. ft. of UFA plus 3 spaces for each non-drive through automatic teller machine
Offices not otherwise specified	1 space for each 300 sq. ft. of UFA
Medical and dental offices and clinics	1 space for each 75 sq. ft. of waiting room area plus 1 space for each examining room, dental chair, or similar use area
<b>Industrial</b>	
Manufacturing, processing, and research establishments and Industrial uses not otherwise specified	1 space for each 1,000 sq. ft. of GFA plus those spaces required for offices located on the premises
Warehouses and wholesale establishments	1 space for each 2,000 sq. ft. of GFA plus those spaces required for offices located on the premises

### **SECTION 16.03 OFF STREET LOADING REQUIREMENTS**

- A. On the same premises with every building or structure involving the receipt or distribution of vehicles, materials or merchandise there shall be provided and maintained on the lot adequate space for standing, loading and unloading. This

space shall be placed where it avoids undue interference with public use of dedicated rights-of-way and parking areas.

- B. In the Commercial District all loading spaces shall be located in the rear yard in the ratio of at least ten (10) square feet per front foot of building and shall be computed separately from off-street parking requirements.
- C. Loading spaces for non-residential uses in Residential Districts shall be located in the rear yard in the ratio of at least five (5) square feet per front foot of building and shall be computed separately from off-street parking requirements.
- D. Industrial District.
  - 1. In the Industrial District at least one (1) loading space shall be provided. All loading spaces shall be at least ten (10) feet by fifty (50) feet or a minimum of five hundred (500) square feet in area. A minimum fourteen (14) foot clearance height shall be provided.
  - 2. Loading spaces shall only be permitted off-street and in the rear yard or interior side yard.
  - 3. All dedicated loading spaces shall be provided with a pavement having an asphalt or concrete binder so as to provide a permanent, durable and dustless service.

#### **SECTION 16.04 SIGNS - INTENT**

The sign regulations of this Chapter are intended to protect and further the health, safety, and welfare of the residents of Keeler Township; to maintain and improve the appearance of Keeler Township; to conserve community character; to prevent traffic hazards; to provide safer conditions for pedestrians; and to promote economic development by regulating the construction, alteration, repair, maintenance, size, location, and number of signs.

#### **SECTION 16.05 SIGNS - DEFINITIONS**

- A. **Awning:** A retractable or fixed shelter constructed of non-rigid materials on a supporting framework that projects from the exterior wall of a building.
- B. **Awning sign:** A sign affixed flat against the surface of an awning.
- C. **Balloon sign:** A sign composed of a non-porous bag of material filled with air or other gas or inflating material.
- D. **Banner sign:** A fabric, plastic, or other sign made of non-rigid material without an enclosing structural framework.
- E. **Billboard:** A sign which advertises an establishment, product, service, or activity

- not available on the lot on which the sign is located.
- F. Construction Sign: A sign which identifies the owners, financiers, contractors, architects, and engineers of a project under construction.
  - G. Directional Sign: A sign which gives directions, instructions, or facility information for the use on the lot on which the sign is located, such as parking or exit and entrance signs.
  - H. Freestanding Sign: A sign supported on poles not attached to a building or wall.
  - I. Government Sign: A temporary or permanent sign erected by Keeler Township, Van Buren County, or the state or federal government.
  - J. Ground Sign: A sign resting directly on the ground or supported by short poles (24 inches or less) not attached to a building or wall.
  - K. Marquee: A permanent structure constructed of rigid materials that projects from the exterior wall of a building.
  - L. Marquee Sign: A sign affixed flat against the surface of a marquee.
  - M. Mural: A design or representation painted or drawn on a wall which does not advertise an establishment, product, service, or activity.
  - N. Placard: A sign not exceeding two (2) square feet which provides notices of a public nature, such as "No Trespassing" or "No Hunting" signs.
  - O. Political Sign: A temporary sign used in connection with an official Keeler Township, school district, county, state, or federal election or referendum.
  - P. Portable sign (Temporary Sign): A sign designed to be moved easily and not permanently attached to the ground, a structure, or a building.
  - Q. Projecting Sign: A double-faced sign attached to a building or wall that extends more than twelve (12) inches but not more than thirty-six (36) inches from the face of the building or wall.
  - R. Reader Board: A portion of a sign on which copy is changed manually.
  - S. Real Estate Sign: A sign advertising the real estate upon which the sign is located as being for sale, rent, or lease.
  - T. Roof Line: The top edge of a roof or parapet wall, whichever is higher, but excluding any cupolas, chimneys, or other minor projections.

- U. Roof Sign: A sign erected above the roof line of a building.
- V. Sign: A device, structure, fixture, or placard using graphics, symbols, and/or written copy designed specifically for the purpose of advertising or identifying an establishment, product, service, or activity.
- W. Special Event Sign: Temporary and portable signs containing public messages concerning special events sponsored by governmental agencies or non-profit organizations.
- X. Wall Sign: A sign painted or attached directly to and parallel to the exterior wall of a building extending no greater than twelve (12) inches from the exterior face of the wall to which it is attached.
- Y. Window Sign: A sign installed inside a window and intended to be viewed from the outside.

## **SECTION 16.06 GENERAL SIGN PROVISIONS**

- A. No person shall erect, alter, place or permit to be placed, or replace any sign without first obtaining a zoning compliance permit, provided the following signs shall not require a building permit (see also Section 16.07, Exempt Signs):
  - 1. Directional signs of six (6) square feet in size or less.
  - 2. Government signs.
  - 3. Placards.
  - 4. Temporary sale signs of four (4) square feet in size or less.
  - 5. Window signs.
  - 6. Political signs.
- B. Signs shall be maintained free of peeling paint or paper, fading, staining, rust, or other condition which impairs legibility or intelligibility.
- C. Sign supports, braces, guys and anchors shall not cause a hazard.
- D. Signs may be internally or externally illuminated, except for home occupation signs which shall not be illuminated. The source of the light shall be enclosed and directed to prevent the light from shining directly onto traffic or residential property.
- E. No sign shall be placed in, upon or over any public right-of-way, alley, or other public place, except as may be otherwise permitted by this Chapter.
- F. No light pole, utility pole, or other supporting member shall be used for the placement of any sign unless specifically designed and approved for the use.

- G. No sign shall be erected in any place where it may, by reason of its position, shape, color, or other characteristic, interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal, or device, or constitute a nuisance per se.
- H. No commercial vehicles, which in the opinion of the Zoning Administrator has the intended function of acting as a sign, shall be parked in any area abutting the street, unless no other parking area is available.
- I. No sign shall employ any flashing, moving, oscillating, blinking, or variable intensity light, provided variable time-temperature signs may be permitted.
- J. No sign shall contain any moving or animated parts nor have the appearance of having any moving or animated parts.
- K. Balloons, strings of light bulbs, pennants, streamers, or flags (other than those of a governmental nature not used for the purpose of commercial advertisement) hung overhead to draw attention to a business or its merchandise on display shall be prohibited.
- L. Wall signs or signs otherwise attached to a building shall not extend beyond the edge of the wall to which it is affixed, or extend above the roof line of a building.
- M. All signs shall pertain only to the business or activity conducted on the premises, with the exception of political signs and special event signs.

## **SECTION 16.07 EXEMPTED SIGNS**

- A. The following signs shall be exempt from the provisions of the Keeler Township Zoning Ordinance, except as provided for by the provisions of Section 16.06:
  - 1. Government signs.
  - 2. Historical markers.
  - 3. Window signs.
  - 4. Memorial signs or tablets.
  - 5. Murals.
  - 6. Signs not visible from any street.
  - 7. Signs for essential services.
  - 8. Placards of less than two (2) square feet.
  - 9. Signs with address, owner, or occupant name, of up to two (2) square feet in area attached to a mailbox, light fixture or exterior wall.
  - 10. Flags or insignia of any nation, state, Keeler Township, community organization, or educational institution.

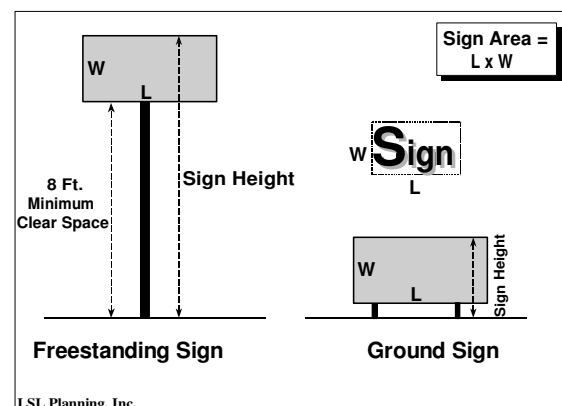


## SECTION 16.08 NONCONFORMING SIGNS, ILLEGAL SIGNS, AND SIGNS ACCESSORY TO NONCONFORMING USES

- A. Every permanent sign which does not conform to the height, size, area, or location requirements of this Chapter as of the date of the adoption of this Ordinance, is hereby deemed to be nonconforming.
- B. Nonconforming signs may not be altered, expanded, enlarged, or extended; however, nonconforming signs may be maintained and repaired so as to continue the useful life of the sign.
- C. A nonconforming sign may be diminished in size or dimension or the copy of the sign amended or changed without jeopardizing the privilege of the nonconforming use, provided that the sign replacing the original non-conforming sign is at least thirty percent (30%) smaller in area than the original non-conforming sign.
- D. Any nonconforming sign destroyed by fire or other casualty loss shall not be restored or rebuilt if reconstruction will constitute more than fifty (50) percent of the value of the sign on the date of loss.
- E. Any sign which for a period of one (1) year or more no longer advertises a bona fide business conducted or product sold shall be removed by the owner of the building, structure, or property upon which the sign is located, within thirty (30) days of receipt of written notice by the Zoning Administrator.
- F. A sign accessory to a nonconforming use may be erected in the Township in accordance with the sign regulations for the District in which the property is located.

## SECTION 16.09 SIGNS - UNITS OF MEASUREMENT

- A. The area of a sign shall be measured as the area within a single, continuous perimeter composed of any straight line geometric figure which encloses the extreme limits of writing, representation, emblem, logo, or any other figure of similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed, excluding only the structure necessary to support the sign.



- B. The area of a freestanding, ground, or

projecting sign that has two (2) or more faces shall be measured by including the area of all sign faces, except if two (2) sign faces are placed back-to-back and are of equal size, the area of the two (2) back-to-back faces shall be counted as one face. If the two (2) back-to-back faces are of unequal size, the larger of the two (2) sign faces shall be counted as the face for a determination of area measurement.

- C. The height of a sign shall be measured as the vertical distance from the highest point of the sign to the grade of the adjacent street or the average grade of the ground immediately beneath the sign, whichever is less.
- D. For buildings with multiple tenants, wall signs, projecting signs, and awning signs may be apportioned among said tenants, provided the total maximum sign area is not exceeded.

## **SECTION 16.10 SIGN REGULATIONS APPLICABLE TO ALL DISTRICTS**

The following sign regulations are applicable to all Districts:

- A. Billboards are not permitted in the agricultural or residential districts.
- B. All ground, wall and freestanding signs may include reader boards.
- C. Any sign, including awnings to which signs are affixed or displayed, not resting directly on the ground shall maintain a minimum clear space of eight (8) feet from the bottom of the sign to the ground.
- D. Political signs shall be removed within ten (10) days after the official election or referendum to which the sign pertains.
- E. Real estate signs shall be removed within thirty (30) days after completion of the sale or lease of the property.
- F. Construction signs are permitted within any District, subject to the following restrictions:
  - 1. Construction signs shall be no larger than thirty-two (32) square feet and not exceed eight (8) feet in height.
  - 2. Construction signs shall not be erected until a building permit has been issued for the project which is the subject of the proposed sign and construction activity has begun.
  - 3. Construction signs shall be removed immediately upon the issuance of any Occupancy Permit for the building or structure which is the subject of the construction sign.
- G. Special event signs, including banner signs, are permitted in any District, subject to the following restrictions:

1. No more than five (5) signs shall be displayed for each special event. The signs may be located either on or off the lot on which the special event is held.
  2. The display of the signs shall be limited to the twenty-one (21) days immediately preceding the special event which is being advertised.
  3. The signs shall have a maximum size of thirty-two (32) square feet in area, and a maximum height of five (5) feet and shall be set back from any side or rear property line a minimum of fifteen (15) feet.
  4. The signs shall be removed within forty-eight (48) hours of the conclusion of the special event which is being advertised.
- H. Directional signs are permitted subject to the following restrictions:
1. A directional sign may contain a logo of an on-premise establishment, but no advertising copy.
  2. No sign shall exceed six (6) square feet in area or four (4) feet in height.
  3. Directional signs shall be limited to traffic control functions only.
- I. Garage, estate sale, and roadside stand signs are permitted subject to the following restrictions:
1. One (1) sign per premises is permitted, located on the premises on which the sale is being conducted, and set back a minimum of fifteen (15) feet from any side or rear property line.
  2. The sign shall not exceed six (6) square feet in area.
  3. The sign shall be erected no more than ten (10) days prior to the day(s) of the sale and shall be removed within one (1) day after the completion of the sale.
- J. Portable, temporary, balloon, and other signs are not permitted.

## **SECTION 16.11 DISTRICT SIGN REGULATIONS**

Signs in each District shall be subject to the following regulations:

<b>AG, RR, R-1, LR, R-2, MHD, AND PUD DISTRICTS - PERMITTED SIGNS</b>	
<b>Ground signs for residential subdivisions, manufactured home parks, multiple family complexes, schools, or other non-residential uses allowed in the District</b>	
Number	1 per major entrance
Size	No greater than 32 square feet
Location	Minimum of 15 feet from any side or rear property line
Height	No higher than 6 feet
<b>Wall signs for home occupations</b>	
Number	1 per lot or parcel
Size	No greater than 4 square feet
Location	On wall of house facing street, unilluminated
<b>Wall signs for non-residential uses</b>	
Number	1 per street frontage
Size	No greater than 5% of the wall area to which the sign is affixed.
Location	On wall of building facing street
<b>Political signs</b>	
Number	1 per issue or candidate
Size	No greater than 8 square feet
Location	Minimum of 15 feet from any side or rear property line
Height	No higher than 6 feet
<b>Real estate signs</b>	
Number	1 per lot or parcel or 1 per major entry.
Size	No greater than 6 square feet for unoccupied properties or lots; 16 square feet for vacant lots or parcels over 1 acre
Location	Minimum of fifteen (15) feet from any side or rear property line
Height	No higher than 6 feet
<b>C - COMMERCIAL DISTRICT - PERMITTED SIGNS</b>	
<b>Ground signs</b>	
Number	1 per lot or parcel, except that only 1 ground sign or 1 freestanding sign shall be permitted per lot or parcel
Size	No greater than 50 square feet for each sign allowed
Location	Minimum of 5 feet from the front property line, minimum of 15 feet from the side or rear property line
Height	No higher than 6 feet
<b>Wall signs</b>	
Number	1 per street frontage
Size	No greater than 10% of the wall area to which the sign is affixed.
Location	On wall of building facing street

<b>C - COMMERCIAL DISTRICT - PERMITTED SIGNS</b>	
<b>Political signs</b>	
Number	1 per issue or candidate
Size	No greater than 32 square feet
Location	Minimum of 5 feet from the front property line, minimum of 15 feet from the side or rear property line
Height	No higher than 6 feet
<b>Real estate signs</b>	
Number	1 per lot or parcel
Size	No greater than 16 square feet
Location	Minimum of 5 feet from the front property line, minimum of 15 feet from the side or rear property line
Height	No higher than 6 feet
<b>Freestanding signs</b>	
Number	1 per lot or parcel, except for parcels with 2 or more public street frontages equaling or exceeding 200 feet shall be permitted 2 signs, which may be either freestanding or ground signs, or a combination, each of which must meet the other regulations applicable to the sign.
Size	1½ square feet for each 1 foot of lot frontage up to a maximum of 50 square feet, for each sign allowed
Location	Minimum of 15 feet from any property line
Height	No higher than 20 feet
<b>LI - LIGHT INDUSTRIAL DISTRICT - PERMITTED SIGNS</b>	
<b>Ground signs</b>	
Number	1 per lot or parcel
Size	No greater than 32 square feet
Location	Minimum of 5 feet from the front property line, minimum of 15 feet from the side or rear property line
Height	No higher than 6 feet
<b>Wall signs</b>	
Number	1 per street frontage
Size	No greater than 5% of the wall area to which the sign is affixed.
Location	On wall of building facing street
<b>Political signs</b>	
Number	1 per issue or candidate
Size	No greater than 16 square feet
Location	Minimum of 5 feet from the front property line, minimum of 15 feet from the side or rear property line
Height	No higher than 6 feet

<b>LI - LIGHT INDUSTRIAL DISTRICT - PERMITTED SIGNS</b>	
<b>Real estate signs</b>	
Number	1 per lot or parcel
Size	No greater than 16 square feet
Location	Minimum of 5 feet from the front property line, minimum of 15 feet from the side or rear property line
Height	No higher than 6 feet

## CHAPTER 17

### ZONING BOARD OF APPEALS

#### SECTION 17.00 CREATION AND MEMBERSHIP

- A. There is hereby created a Zoning Board of Appeals which shall perform its duties and exercise its powers and jurisdiction as provided in Zoning Act, and by certain provisions of this Ordinance to the end that the objectives of this Ordinance are observed, public safety, morals and general welfare secured and substantial justice done.
- B. The Zoning Board of Appeals shall consist of five (5) members as provided in the Zoning Act. The term of each member shall be three (3) years. Members of the Zoning Board of Appeals who are also members of the Township Board or the Planning Commission shall have terms limited to their respective terms on the Township Board or the Planning Commission, 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. Members of the Zoning Board of Appeals who are also members of either the Township Board or the Planning Commission shall not serve as chair of the Zoning Board of Appeals in accordance with the Zoning Act.
- C. Alternate Members
1. The Township Board may appoint not more than two (2) alternate members to the Zoning Board of Appeals for the same term as regular members. If two (2) alternate members have been appointed, they may be called on a rotating basis, as they are available to sit as regular members of the Zoning Board of Appeals in the absence of a regular member if the regular member will be unable to attend one (1) or more meetings.
  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.
- D. The Zoning Board of Appeals shall fix rules and regulations to govern its procedures.
- E. A member of the zoning board of appeals may be removed by the Township Board for misfeasance, malfeasance, or nonfeasance in office upon written

charges and after public hearing. A member shall disqualify himself or herself from a vote in which the member has a conflict of interest. Failure of a member to disqualify himself or herself from a vote in which the member has a conflict of interest constitutes malfeasance in office.

- F. Any vacancies in the Zoning Board of Appeals shall be filled by appointment by the Township Board not more than one (1) month after the term of the preceding member has expired. Vacancies for unexpired terms shall be filled for the remainder of the term.

## **SECTION 17.01 JURISDICTION**

### **A. Interpretations**

1. The Zoning Board of Appeals shall have the power to hear and decide, in accordance with the provisions of this Ordinance, applications for interpretations of this Ordinance, and may make decisions on any other special questions on which the Board is authorized to pass and in exercising all of its powers the Zoning Board of Appeals shall apply the standards of Section 16.03.
2. When there is any question as to the location of any boundary line between Districts, upon a request for an interpretation of the zoning maps, the Zoning Board of Appeals shall establish the boundary based upon said maps and all available information relating thereto and shall establish such boundaries in such ways as to carry out the intent and purposes of this Ordinance and the Township Master Plan.

### **B. Appeals**

1. The Zoning Board of Appeals shall hear and decide appeals from and review any order, requirement, decision, or determination made by any administrative official or body charged with the enforcement of any provisions of this Ordinance.
2. An appeal from any order, requirements, decision, or determination of any administrative official or body shall be taken within thirty (30) days of the action being appealed by the filing with the Township Clerk of 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.
3. 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.



4. 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.
5. Upon receipt of a written request seeking an interpretation of the zoning ordinance or an appeal of an administrative decision, the Zoning Board shall give notice including:
  - a. The time, date, and place of the public hearing which shall be published in a newspaper of general circulation within the township and shall be sent to the person requesting the interpretation not less than 15 days before the public hearing.
  - b. If the request for an interpretation or appeal of an administrative decision involves a specific parcel, written notice stating the nature of the interpretation request and the time, date, and place of the public hearing on the interpretation request shall be sent by first-class mail or personal delivery to all persons to whom real property is assessed within 300 feet of the boundary of the property in question and to the occupants of all structures within 300 feet of the boundary of the property in question. If a tenant's name is not known, the term "occupant" may be used.

#### C. Variances

1. The Board of Appeals, after public hearing, shall have the power to grant requests for variances from the provisions of this Ordinance where it is proved by the applicant that there are practical difficulties in the way of carrying out the strict letter of the Ordinance relating to the construction, equipment, or alteration of buildings or structures so that the spirit of the Ordinance shall be observed, public safety secured and substantial justice done.
2. Non-use Variance: A non-use variance may be allowed by the Board of Appeals only in cases where there is reasonable evidence of practical difficulty in the official record of the hearing and that all of the following conditions are met:
  - a. That there are exceptional or extraordinary circumstances or conditions applying to the property in question that do not apply generally to other properties in the same zoning district. Exceptional or extraordinary circumstances or conditions include:
    - (1) exceptional narrowness, shallowness or shape of a specific property on the effective date of this chapter; or
    - (2) by reason of exceptional topographic conditions or other extraordinary situation on the land, building or structure; or

- (3) by reason of the use or development of the property immediately adjoining the property in question; whereby the literal enforcement of the requirements of this Ordinance would involve practical difficulties; or
  - (4) any other physical situation on the land, building or structure deemed by the Board of Appeals to be extraordinary
- b. That the condition or situation of the specific piece of property for which the variance is sought is not of so general or recurrent a nature as to make reasonably practical the formulation of a general regulation for such conditions or situations.
  - c. That such variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district and in the vicinity. The possibility of increased financial return shall not of itself be deemed sufficient to warrant a variance.
  - d. The variance will not be significantly detrimental to adjacent property and the surrounding neighborhood.
  - e. The variance will not impair the intent and purpose of this Ordinance.
  - f. That the immediate practical difficulty causing the need for the variance request was not created by any affirmative action of the applicant. [Amended 2013]

## **SECTION 17.02 APPLICATIONS**

- A. Applications shall be submitted to the Zoning Administrator who will review the application for validity, then transmit to the Zoning Board of Appeals. Applications not meeting the requirements shall be returned to the applicant for completion.
- B. A valid application for a variance to the Zoning Board of Appeals shall consist of the following:
  - 1. Five (5) copies of site plan drawn to scale which is sufficient to describe the nature of the request, if applicable.
  - 2. A completed application form as provided by the Township.
  - 3. Payment of a fee, in accordance with a fee schedule, as determined by the Township Board from time to time.
  - 4. A legal description and/or parcel number of the entire property which is the subject of the request.
  - 5. A statement with regard to compliance with the standards of Section 17.01, C, if applicable.
  - 6. Other materials as may be required by the Zoning Board of Appeals.

**SECTION 17.03 DECISIONS OF THE ZONING BOARD OF APPEALS**

- A. The concurring vote of a majority of the members of the Board shall be necessary to reverse any order, requirement, decision, or determination of any administrative official or body or to decide in favor of the appellant on any matter. The Zoning Board of Appeals shall render its decision upon any appeal or application submitted to it within a reasonable time after the hearing thereon.
- B. The Zoning Board of Appeals may impose reasonable conditions in conjunction with approval of an appeal, variance, or any other decision which they are required to make. 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.
- C. All decisions of the Zoning Board of Appeals shall become final five (5) days after the date of entry of an order, unless the Zoning Board of Appeals shall find, and so certify on the record, that it is necessary to cause such order to have immediate effect, in order to preserve property or personal rights.
- D. For each decision of the Zoning Board of Appeals, a record shall be prepared including 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.
- E. The decision of the Zoning Board of Appeals shall be final. However, a person having an interest affected by the decision of the Zoning Board of Appeals may appeal to the Circuit Court. An appeal shall be filed within 30 days after the Board certifies its decision in writing or approves the minutes of its decision. Upon appeal, the Circuit Court shall review the record in accordance with the requirements of the Zoning Act. The court shall have jurisdiction to make such further orders as justice may require.
- E. Period of Validity

No variance granted by the Zoning Board of Appeals shall be valid for a period longer than twelve (12) months, from the date of its issuance if not used. However the applicant may, upon written request, seek up to one (1) twelve (12) month extension of said variance from the Zoning Board of Appeals. The Zoning Board of Appeals may grant such extension provided that the original circumstances authorizing the variance have not changed and that the circumstances creating the need for the extension were reasonably beyond the control of the applicant.

**SECTION 17.04 RE-SUBMISSION**

No variance request which has been decided by the Zoning Board of Appeals shall be submitted for reconsideration within a one (1) year period from the date of the original application unless the Zoning Board of Appeals finds that at least one of the following conditions exist:

- A. That the conditions involving all of the reasons for the original denial have been significantly altered; or
- B. That new conditions or circumstances exist which change the nature of the original request.

## CHAPTER 18

### *ADMINISTRATION AND ENFORCEMENT*

#### SECTION 18.00 ZONING ADMINISTRATOR

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

#### SECTION 18.01 DUTIES OF THE ZONING ADMINISTRATOR

- A. This Ordinance shall be enforced by the Zoning Administrator.
1. The Zoning Administrator shall not issue any permit nor grant any occupancy permit where the proposed structure, alteration, or use would be in violation of any provisions of this Ordinance, except under written order of the Board of Appeals or a court of competent jurisdiction.
  2. The Zoning Administrator shall interpret and enforce the Zoning Ordinance. The Building Inspector shall administer applicable building codes and shall issue building permits once a zoning compliance permit has been issued by the Zoning Administrator.
- B. **Violations:** The Zoning Administrator shall investigate any alleged violation of this Ordinance coming as may be discovered. If a violation is found to exist, the Zoning Administrator shall serve written notice upon the owner to cease said violation as provided by law. If said owner fails to act diligently to correct said violation and does not correct such violation within fourteen (14) days or any extension of time as granted by the Zoning Administrator, the Zoning Administrator shall serve notice upon the owner, notify the Township Board, and prosecute such violator to terminate said violation before a court of proper jurisdiction.
- C. **Inspections:** As determined necessary by the Zoning Administrator, said Administrator shall inspect all new construction or alterations at the time footings are placed, when framing is underway, and at the completion of the construction or alterations authorized. The Zoning Administrator shall make such additional inspections deemed necessary to insure compliance with the provisions of this Ordinance. The Zoning Administrator shall make periodic inspections of the Township to ascertain that all the requirements of this Ordinance are being complied with.
- D. **Records:** The Zoning Administrator and shall keep records of all inspections, applications, applications and permits issued, with a notation of all special conditions involved. He/she shall file and safely keep copies of all plans, other

than for single family dwellings, and records of all fees submitted with applications. The same shall form a part of the records of the Township and shall be available to the Township Board and all other officials of the Township.

## **SECTION 18.02 ZONING COMPLIANCE PERMITS**

- A. No structure or part thereof shall be constructed, reconstructed, erected, moved, enlarged, or altered, nor shall any use on any property be changed to another use, until a Zoning Compliance permit has been issued by the Zoning Administrator. Application for a Zoning Compliance permit shall be filed by the owner or an agent of the owner. The application shall state the intended use of the structure and of the land. The application shall be accompanied by building plans and specifications, a plot plan, a site development plan where required, and such other information as may be necessary to provide for a determination of compliance with this Ordinance.
- B. Plans shall be drawn to scale and shall show dimensions in figures. Plans shall be signed by the person preparing them and by the owner of the property or building involved. A fee as established by the Township Board from time to time to defray the costs of administration and inspections shall accompany any plans or applications for a Zoning Compliance or Building Permit.
- C. A Zoning Compliance permit shall only be issued if the plans and intended use conform in all respects to the provisions of this Ordinance. All Zoning Compliance permits shall expire one (1) year from their date of issuance if construction activity has not commenced, or an extension granted.
- D. A copy of all approved permits shall be forwarded to the Assessor.
- E. A Zoning Compliance permit shall not be issued until the owner verifies that the lot involved has been created in conformance with this Ordinance.
- F. The Zoning Compliance permit and Building Permit shall be displayed so as to be visible from a public street at the site where authorized action is being undertaken.
- G. Pursuant to the above, the Township may utilize the Building Permit as the Zoning Compliance permit.

## **SECTION 18.03 CERTIFICATE OF OCCUPANCY**

No land shall be used and no building hereafter erected or altered shall be occupied or used for any purpose until a Certificate of Occupancy shall have been issued by the Building Inspector stating that the premises or building complies with the provisions of approved plans and all Ordinances of the Township. Where any special land use or site plan review conditions are applicable, said conditions shall be stated on the Certificate

of Occupancy. A record of all Certificates of Occupancy shall be kept on file in the Township. A copy shall be sent to the Township Assessor. Where a Building Permit is not involved, the Zoning Administrator shall issue a Certificate of Zoning Compliance. Said certificate may be in the form of a letter or such instrument as determined by the Township Board to be necessary to fulfill the requirements of this section.

## **SECTION 18.04 ORDINANCE AMENDMENTS**

This Zoning Ordinance may be amended at any time pursuant to the procedures of the Zoning Act or its successor legislation.

### **A. Initiation**

1. An amendment to the Zoning Map, which is a part of this Ordinance, may be initiated by the Township Board or Planning Commission on a motion by either body, or by a verified application of one (1) or more of the owners or lessees of property within the area proposed to be changed, or by a person authorized in writing by the property owner to submit such application.
2. An amendment to the text of the Zoning Ordinance may be initiated by the Township Board or Planning Commission on a motion by either body or by a verified application of any person affected by the provision requested to be changed.

### **B. Procedure for Changes**

1. Applications for Zoning Ordinance map or text amendments shall be submitted to the Planning Commission upon forms supplied by the Township, along with the following information or materials:
  - a. Map Amendment - A legal description of the property to be affected by a proposed change to the Zoning Map and a drawing or map showing, at a suitable scale, the property to be changed by an amendment to the Zoning Map and the location of properties within three hundred (300') feet of the property affected by such amendment.
  - b. Text Amendment - A typewritten copy of the proposed text amendment, including specific reference(s) to the portion(s) of the existing Ordinance for which a change is being requested.
  - c. Payment of a fee, in accordance with a fee schedule, as determined by the Township Board from time to time.
2. Before submitting its recommendation to the Township Board, the Planning Commission shall hold at least one (1) public hearing, with notice to be given in a newspaper of general circulation in the Township (15) days prior to the meeting and mailing of notice shall be sent to all property

owners and occupants within 300 feet of the parcel to be developed. The notice shall include:

- a. The nature of the request.
  - b. The property(s) that are the subject of the request including a listing of all existing street addresses within property(s). If there are no addresses other means of identification may be used.
  - c. Location and time of the hearing.
  - d. Where and when written comments may be received.
3. The Planning Commission following the public hearing shall transmit a summary of comments received at the public hearing, along with the recommendation of the Planning Commission, to the County Planning Commission for review in accordance with the Zoning Act. The County shall within thirty (30) days of receiving the request make a recommendation to the Township Board.
  4. The Planning Commission following the review by the County Planning Commission shall transmit a summary of comments received at the public hearing, along with the recommendation of the Planning Commission and County Planning Commission, to the Township Board. The Township Board may hold additional hearings if it considers it necessary in accordance with the Zoning Act. The Township Board shall review the application and make their decision in accordance with the Zoning Act.
  5. Amendments shall be effective 7 days after publication, or at such later date after publication as may be specified by the Township Board.
  6. A notice of ordinance adoption shall be published in a newspaper of general circulation in the Township within 15 days after adoption, and shall be mailed to the airport manager of an airport entitled to notice. Said notice shall include the following:
    - a. In the case of a newly adopted Zoning Ordinance, the following statement: "A zoning Ordinance regulating the development and use of land has been adopted by the Keeler Township Board."
    - b. In the case of an amendment to an existing Zoning Ordinance, either a summary of the regulatory effect of the amendment, including the geographic area affected, or the text of the amendment.
    - c. The effective date of the Ordinance.
    - d. The place and time where a copy of the Ordinance may be purchased or inspected.
- E. Re-Submission: Whenever a proposed zoning map or text change has not been approved by the Township Board, the Planning Commission shall not reconsider such map or text change for at least one (1) year following the date of the original



application unless the Planning Commission finds that at least one of the following conditions exist:

1. That the conditions involving all of the reasons for the original denial have been significantly altered.
2. That new conditions or circumstances exist which change the nature of the original request.

## **SECTION 18.05 ZONING AGREEMENTS**

- A. The Township Board recognizes that there are certain instances where it would be in the best interest of Keeler Township, as well as advantageous to property owners seeking a change in zoning boundaries, if certain conditions and limitations could be proposed by an applicant as part of an application for a rezoning. Therefore, it is the intent of this Section to provide a process by which an applicant seeking a change in zoning boundaries may propose a Zoning Agreement, with conditions and commitments attached thereto, as part of the application for the requested rezoning. These provisions shall be in accordance with the provisions of the Zoning Act, as amended.
- B. In addition to the requirements of Section 18.04 above, an applicant requesting a change in zoning boundaries may propose a Zoning Agreement, as defined in this Section. The required application and process shall be the same for rezoning requests except as modified by the requirements of this Section.
- C. The following definitions shall apply to this Section:
  1. Rezoning Offer - shall mean conditions proposed by the applicant and approved by the Township processed as part of an approval under this Section. These conditions shall constitute requirements for and in connection with the development and/or use of the property approved with a Zoning Agreement.
  2. Zoning Agreement shall mean a written agreement offered by the applicant and approved and executed by the applicant and the Township and recorded with the County Register of Deeds, incorporating the Rezoning Offer along with any requirements necessary to implement the Rezoning Offer. When necessary, the Zoning Agreement shall also include and incorporate, by reference, a site plan that illustrates the implementation of the Rezoning Offer. This plan shall not replace the requirement for a site plan as outlined in Chapter 15 or other approvals that may be required by this Ordinance.
- D. Eligibility
  1. An applicant for rezoning may submit a proposed Zoning Agreement with an application for rezoning. This election shall be made at the time the

rezoning is filed, or may be made at a later time during the rezoning process. Election to file a rezoning with a Zoning Agreement shall be pursuant to the Zoning Act, as amended, and this Section.

2. In order to be eligible for the proposal and review of a rezoning with a Zoning Agreement, an applicant must propose a rezoning of property and voluntarily offer certain conditions to be set forth in a Zoning Agreement, which are equally or more restrictive than the regulations that would otherwise apply under the proposed new zoning district.

E. Zoning Agreement

1. The Zoning Agreement shall set forth the Rezoning Offer and shall include those terms necessary to implement the Agreement. In addition, the Zoning Agreement shall include the following acknowledgments and understandings that:
  - a. The applicant proposed the Zoning Agreement and the Rezoning Offer voluntarily, and that the Township relied upon the Agreement and may not grant the rezoning without the Rezoning Offer and terms spelled out in the Zoning Agreement.
  - b. The Zoning Agreement and its terms and conditions are authorized by all applicable State and Federal law and constitution, and that the Zoning Agreement is valid and was entered into on a voluntary basis, and represents a permissible exercise of authority by the Township.
  - c. The property shall not be developed and/or used in manner that is not consistent with the Zoning Agreement.
  - d. The approval and the Zoning Agreement shall be binding upon the property owner and the Township, and their respective heirs, successors, assigns, receivers or transferees.
2. If a rezoning with a Zoning Agreement becomes void in accordance with Section 18.06, K, and/or in accordance with the Zoning Act, no development shall take place and no permits shall be issued unless and until a new zoning district classification for the property has been established or a new rezoning with a Zoning Agreement has been approved.
3. Each of the requirements and conditions in the Zoning Agreement represents a necessary and reasonable measure which, when considered with all other conditions and requirements, is roughly proportional to the increased impact or other condition created by the uses, activities or conditions represented in the approved rezoning and Zoning Agreement, taking into consideration the changed zoning district classification and the specific use(s), activities, or conditions authorized.

4. No part of the Zoning Agreement shall permit any activity, use, or condition that would otherwise violate any requirement or standard that is otherwise applicable in the new Zoning District.

F. Rezoning Offer

1. The Zoning Agreement shall specify the Rezoning Offer and any requirements necessary to implement it. However, the Rezoning Offer may not authorize uses or developments of greater intensity or density, and/or which are not permitted in the new zoning district; nor may any variances from height, area, setback or similar dimensional requirements in the Zoning Ordinance of Keeler Township be allowed unless a variance has been previously granted by the Board of Zoning Appeals pursuant to the requirements of Chapter 17.
2. Any uses proposed as part of a Zoning Agreement that would otherwise require approval of a Special Land Use Permit and/or Site Plan Review shall be approved as required in Chapter 15 prior to establishment of or commencement of development of the use.
3. The Rezoning Offer shall bear a reasonable and rational relationship and/or benefit to the property in question.
4. The Rezoning Offer may include limitations on the uses permitted on the property in question, specification of lower density or less intensity of development and use, and/or may impose more restrictive measures on the location, size, height, or other measure for and/or of buildings, structures, improvements, setbacks, landscaping, buffers, design, architecture and other features.
5. The Rezoning Offer may also include conditions related to the development of the property that are consistent with the intent of this Section and applicable State, Federal and local regulations. These conditions may include, for example, extension of or improvements to infrastructure serving the site, site-specific improvements intended to minimize the impact of the development on surrounding properties, or such other conditions as deemed important to the development by the Applicant.
6. A Rezoning Offer that includes provisions for preservation of natural features and/or open space, facilities for drainage, facilities for traffic and access, and similar activities that take place on private land shall include a written understanding for permanent maintenance of such features or improvements by entities other than Keeler Township, unless a separate agreement for dedication of the property to the public has been executed. The Zoning Agreement shall also contain a provision for authorization and finance of maintenance by or on behalf of the Township, after notice, in the event that the property owner(s) fail(s) to timely perform necessary maintenance.

G. Procedure for Application, Review and Approval

1. An application for rezoning shall be the same as outlined in Section 18.04. In addition to the required materials listed in Section 18.04, a Zoning Agreement in a recordable format acceptable to the Township shall be submitted, along with any plans necessary to illustrate the Rezoning Offer.
2. The application may be amended during the process of consideration, provided that the applicant enters any amended or additional Rezoning Offers voluntarily.
3. The Township attorney prior to the required Planning Commission public hearing shall review the Zoning Agreement. The Township attorney shall determine that the Zoning Agreement conforms to the requirements of this Section and the Zoning Act, as amended, and shall confirm that the Zoning Agreement is an a form acceptable for recording with the County Register of Deeds.

#### H. Standards of Review

1. Following the public hearing, and further deliberations as deemed necessary by the Planning Commission, the Planning Commission shall make a recommendation based upon the Review Considerations of Section 18.04, B. In addition, the Planning Commission shall consider whether the proposed Zoning Agreement and the Rezoning Offer:
  - a. Are consistent with the intent of this Section.
  - b. Bear a reasonable and rational connection and/or benefit to the property being proposed for rezoning.
  - c. Are necessary to ensure that the property develops in such a way that protects the surrounding neighborhood and minimizes any potential impacts to adjacent properties;
  - d. Are necessary to allow the rezoning to be approved, in that the property could not or would not be rezoned without the proposed Zoning Agreement and Rezoning Offer.
  - e. Lead to a better development than would have been likely if the property had been rezoned without a Zoning Agreement, or if the property were left to develop under the existing zoning classification.
  - f. Are clearly in the public interest, as compared to the existing zoning and considering the site-specific land use proposed by the applicant. In making this determination, the Planning Commission shall find that the benefit to the public as a result of approving the rezoning and Zoning Agreement clearly outweigh any reasonably foreseeable detriments.
  - g. The Planning Commission may recommend approval, approval with recommended changes (related to the Zoning Agreement), or denial of the rezoning and Zoning Agreement; provided however,

that any conditions which add to or amend the Rezoning Offer are acceptable to the applicant.

- h. Upon receipt of the Planning Commission's recommendations, the Township Board shall deliberate upon the rezoning and Zoning Agreement. The Township Board shall approve or deny the Zoning Agreement, provided that any conditions, which add to or amend the Rezoning Offer, are acceptable to the applicant.

I. Revisions by the Township Board

1. Should a Rezoning Offer be revised following the Planning Commission public hearing and recommendation, the Township Board shall be required to conduct its own public hearing, in accordance with the requirements of the Zoning Act.
2. Alternatively, should the Township Board determine that the revisions are of such substantial nature or effect that they are significantly different from the Zoning Agreement reviewed by the Planning Commission, the Township Board shall have the option to remand the application to the Planning Commission to hold a public hearing on the Zoning Agreement as revised and submit a report and recommendation to the Township Board.
3. If an applicant proposes a Zoning Agreement after the Planning Commission has held a public hearing on a rezoning request, the Township Board shall first remand the application to the Planning Commission, who shall hold a new public hearing on the rezoning and proposed alternative Zoning Agreement and submit a report and recommendation to the Township Board.

J. Approval

1. If the rezoning and Zoning Agreement are approved, the zoning classification of the rezoned property shall consist of the district to which the property has been rezoned, plus a reference to the Zoning Agreement. The Zoning Map shall specify the new district, plus a small letter "a" to indicate that the property is subject to a Zoning Agreement (i.e., "R-Ra"). The Township Clerk shall maintain a listing of all properties subject to Zoning Agreements and shall provide copies of the Agreements upon request.
2. Upon rezoning, the use of the property in question shall conform to all of the requirements regulating use and development within the new zoning district; however, the more restrictive requirements of the Zoning Agreement shall apply, and the Rezoning Offer shall supersede all inconsistent regulations otherwise applicable under the Zoning Ordinance.
3. The applicant with proof of recording provided to the township shall record the approved Zoning Agreement with the County Register of Deeds.

4. Prior to development, a site plan shall be approved in accordance with Chapter 14, if otherwise required.

K. Expiration

1. Unless extended by the Township Board for good cause, the rezoning and Zoning Agreement shall expire two (2) years after adoption of the rezoning and Zoning Agreement, unless approved development of the property pursuant to building and other required permits issued by the Township commences within the two (2) year period and proceeds diligently to completion.
2. In the event that approved development has not commenced within the aforementioned two (2) years, the Zoning Agreement shall be void and of no effect.
3. Should the Zoning Agreement become void, all development on the subject property shall cease, and no further development shall be permitted. Until action satisfactory to the Township is taken to bring the property into compliance with the Zoning Agreement, the Township may withhold or, following notice to the owner and a public hearing, revoke permits and certificates (in addition to or in lieu of any other lawful action to achieve compliance).
4. If the property owner applies in writing for an extension of the Zoning Agreement at least fifty (50) days prior to the expiration date, the Township Board may, after recommendation by the Planning Commission, grant an extension of up to one (1) year. No further extensions may be granted.
5. If the rezoning and Zoning Agreement becomes void as outlined above, then the land shall revert back to its original zoning classification as set forth in the Zoning Acts. The reversion shall be initiated by the Township with notice and hearing as required for rezoning by the Zoning Act and this Ordinance.
6. Nothing in the Agreement, nor any statement or other provision shall prohibit the Township from rezoning all or any portion of the property that is part to the Agreement to another zoning classification. Any rezoning shall be conducted in compliance with this Ordinance and the Zoning Act.

L. Continuation

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

M. Amendment

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

## **SECTION 18.06 FEES AND SCHEDULE OF FEES**

- A. The Township Board shall by resolution establish fees for the administration of this Ordinance, including all proceedings and matters that may arise hereunder. A listing of current fees shall be available for review by the public during Township office hours at the Keeler Township Hall. Such fees may be changed from time to time by resolution of the Township Board.
- B. The Township shall not charge fees or assess costs to the applicant for the time expended by Township employees (except when authorized under appropriate provisions of the Freedom of Information Act) or for incidental costs and expenses, but may charge or assess the applicant for all other reasonable costs and expenses incurred by the Township during and in connection with the review process and other related proceedings, whether or not the application is granted either whole or in part.
- C. The applicant shall pay all applicable fees upon the filing of any application, any proposed site plan or any other request or application under this Ordinance and as to which a fee is prescribed. No action shall be taken on any application for any variance, ordinance amendment, site plan review, special land use, or any other review required by this Ordinance by the Township Board, Planning Commission, Board of Appeals, or Zoning Administrator unless or until fees connected with such application, as determined from time to time by the Township Board, have been paid.
- D. Application Review Fees
1. The Township Board in its discretion may also require an applicant to submit to the Township (prior to Township review of an application or proposed site plan) an amount of money determined by the Township to be a reasonable estimate of the fees and costs which may be incurred by the Township in reviewing and acting upon any such application or related matters.
  2. Such costs and expenses to be charged or assessed to the applicant, for reimbursement of the Township's reasonable costs and expenses, may include but shall not be limited to township attorney fees, township engineering fees, cost and fees for services of outside consultants, fees

- and expenses of other professionals who may assist the Township, costs and fees for studies and reports pertaining to the matters in question, special meeting costs, and other reasonable costs and expenses.
3. Fees collected for this purpose shall be retained by the Township for reimbursement of applicable costs and expenses. Any monies paid or deposited by an applicant which are not used or spent by the Township shall be refunded.

## **SECTION 18.07 STOP WORK ORDERS**

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

## **SECTION 18.08 PENALTIES**

- A. Penalties
  1. Any building or structure which is erected, moved, placed, reconstructed, razed, extended, enlarged, altered, maintained, or used; or any use of a lot or land which is begun, maintained, or changed in violation of any term or provision of this Ordinance, is hereby declared to be a nuisance per se.
  2. Any person who violates, disobeys, omits, neglects, or refuses to comply with, or resists the enforcement of any term or provision of this Ordinance, or any amendment thereof, shall be guilty of a misdemeanor and upon conviction shall be fined not more than five-hundred dollars (\$500.00) or shall be imprisoned for not more than ninety (90) days, or both, such fine and imprisonment in the discretion of the Court.
  3. Each and every day during which any violation continues shall be deemed a separate offense. The duly authorized attorney for the Township is empowered to prosecute such violations.
- B. Procedure: The Township Board and/or Township Supervisor may institute injunction, mandamus, abatement, or any other appropriate action or proceedings to prevent, enjoin, abate, or remove any violation of this Ordinance. The rights and remedies provided herein are cumulative and in addition to all other remedies provided by law.



**SECTION 18.09 PERFORMANCE GUARANTEES**

- A. The Planning Commission, Zoning Board of Appeals and Township Board are empowered to require a performance bond or cashier's check, or other suitable negotiable security, in an amount equal to the estimated cost of improvements associated with the project.
- B. Such performance guarantee shall be deposited with the Clerk of the Township at the time of the issuance of the permit authorizing the activity or project to insure faithful completion of the improvements indicated with the approved site plan; if not, said performance bond or cashier's check shall be forfeited.
- C. The Township shall rebate a proportional share of cash deposits only when requested by the depositor, based on the percent of improvements completed, as attested to by the depositor and verified by the Zoning Administrator.
- D. In cases where the improvements indicated with the approved site plan have not been completed in accordance with the approval granted, the amount of the aforementioned performance guarantee may be used by the Township to complete the required improvements. The balance, if any, shall be returned to the applicant.

**SECTION 18.10 EFFECTIVE DATE**

This Ordinance shall be effective October 12, 2004.