

Garfield Township Newaygo County Zoning Ordinance

Updated June 2025

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ARTICLE I - PREAMBLE, TITLE AND PURPOSE

1.1 PREAMBLE

An Ordinance enacted under Act 110, Public Acts of 2006, as amended, governing the unincorporated portions of the Township of Garfield, Newaygo County, Michigan, to provide for the establishment of Zoning Districts within which the proper use of land and natural resources may be encouraged and regulated; to provide for the location, the size and the type of uses that may be made of the minimum open spaces; to provide for sanitary, safety, light, and other protective measures; to provide for the maximum number of families that may be housed in dwellings, buildings and structures, including mobile homes; to provide for the administration and amendment of said Ordinance; to provide for appeals and for the organization and procedures to be followed by the Board of Zoning Appeals; and to provide for penalties for the violations of said Ordinance.

Pursuant to the authority conferred by Act 110 of 2006 and Act 33 of 2008 of the Public Acts of the State of Michigan in such case, made and provided and for the purpose of promoting and protecting the public health, safety, peace, morals, comfort, convenience, and general welfare of the inhabitants of the Township by protecting and conserving the character and social and economic stability of the residential, commercial, industrial and other use areas by regulating the use of land to meet the needs for food, fiber, energy and other natural resources, places of residence, recreation, industry, trade, service and other uses; by securing the most appropriate use of land; prevent overcrowding the land and undue congestion of population; providing adequate light, air and reasonable access; and facilitating adequate and economical provisions of transportation, water, sewer, schools, recreation, and other public requirements, and by other means, all in accordance with a comprehensive plan, now therefore:

1.2 TITLE

The Township of Garfield ordains: This Ordinance shall be known and may be cited as the "Garfield Township Zoning Ordinance".

1.3 PURPOSE

Pursuant to the authority conferred by the Public Acts of the State of Michigan, this Ordinance has been established for the purpose of:

- a. Promoting and protecting the public health, safety, and general welfare.
- b. Protecting the character and the stability of the agricultural, residential and commercial areas within the unincorporated portions of Garfield Township and promoting the orderly and beneficial development of such areas.
- c. Providing adequate light, air, privacy and convenience of access to property.
- d. Regulating the intensity of use of land and lot areas and determining the open spaces surrounding buildings and structures necessary to provide adequate light and air and to protect the public health.
- e. Lessening and avoiding congestion on the public highways and streets

- f. Providing for the needs of agriculture, residence and commerce in future growth.
- g. Promoting healthful surroundings for family life in residential and rural areas.
- h. Protecting the public and adjacent uses from fire, explosion, noxious fumes or odors, excessive heat, dust, smoke, glare, noise, vibration, radioactivity and other health and safety hazards.
- i. Preventing the overcrowding of land and undue concentration of buildings and structures so far as possible and appropriate in each zoning district by regulating the use and bulk of buildings in relation to the land surrounding them.
- j. Enhancing social and economic stability in the Township.
- k. Conserving the taxable value of land, buildings and structures in the Township.
- l. Enhancing the aesthetic desirability of the environment throughout the Township.
- m. Conserving the expenditure of funds for public improvements and services to conform with the most advantageous uses of land.
- n. Provide opportunity for the use of land in a manner which permits a reasonable economic return.
- o. Foster a quality of life consistent with the desires of township residents.
- p. Provide opportunity for the proper use of creative land development techniques, such as conservation design.
- q. Implement the goals and objectives of the Garfield Township Master Land Use Plan.
- r. Ensure open spaces surrounding buildings and structures, necessary to provide adequate light and air and to protect the public health.
- s. Lessening and avoiding congestions on the public highways and streets.
- t. Providing for the needs of agriculture, residence and commerce in future growth.
- u. Promoting healthful surroundings for family life in residential and rural areas.
- v. Protecting the public and adjacent uses from fire, explosion, noxious fumes or odors, excessive heat, dust, smoke, glare, noise, vibrations, radioactivity and other health and safety hazards.
- w. Preventing the overcrowding of land and undue concentration of buildings and structures so far as possible and appropriate in each zoning district by regulating the use and bulk of buildings in relation to the land surrounding them,
- x. Enhancing social and economic stability in the Township.

- y. Conserving the taxable value of land, buildings and structures throughout the Township.
- z. Enhancing the aesthetic desirability of the environment throughout the Township;
and
- aa. Conserving the expenditure of funds for public improvements and services to conform with the most advantageous uses of land.

ARTICLE II - DEFINITIONS

2.1 CONSTRUCTION OF LANGUAGE

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

- a. All words and phrases shall be construed and understood according to the common and approved usage of the language; but technical words, phrases and such as may have a peculiar and appropriate meaning in the law, shall be construed and understood according to such peculiar and appropriate meaning.
- b. The particular shall control the general.
- c. In case of any difference of meaning or implication between the text of this Ordinance and any caption or illustration, the text shall control.
- d. The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
- e. When not inconsistent with the context, words in the present tense shall include the future and words in the singular number shall include the plural.
- f. The word "building" includes the word "structure"; and the word "dwelling" includes the word "residence". A "building" or "dwelling" includes any part thereof.
- g. The words "used" or "occupied" include the words "intended", "designed", or "arranged" to be used or occupied.
- h. The word "person" includes any firm, association, organization, partnership, trust, corporation, or similar entity, as well as an individual.
- i. The word "lot" includes the words "plot" and "parcel".
- j. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and". "or", "either . . . or", the conjunction shall be interpreted as follows:
 - (1) "And" indicates that all the connected items, conditions, provisions, or events shall apply.
 - (2) "Or" indicates that the connected items, conditions, provisions or events may apply singly or in any combination.
 - (3) "Either ... or" indicates that the connected items, conditions, provisions, or events shall apply singly, but not in combination.
- k. Every word importing the singular number only may extend to and embrace the plural number and every word importing the plural number may be applied to the singular number. Every word importing the masculine gender only may extend and be applied to females as well as males.
- l. Whenever a reference is made to several sections and the section numbers are connected by the word "to" the reference includes both sections whose numbers are given and all intervening sections.
- m. In computing a period of days, the first day is excluded and the last day is included. If the

last day of any period is a Saturday, Sunday or legal holiday, the period is extended to include the next day which is not a Saturday, Sunday, or legal holiday.

2.2 DEFINITIONS

For the purpose of this Ordinance, words pertaining to access, building, property, land use, building use, building measurement and enforcement shall have the following meaning:

"A"

ACCESSORY BUILDING (Conventional): A supplemental building or structure, customarily on the same lot or parcel of land as the principal structure or use, occupied by or devoted exclusively to an accessory use, but not for use as a dwelling or lodging purposes or sleeping quarters. An Accessory Building (Conventional) differs from an Accessory Building (Special Situation) as regulated in Section 14.9.

ACCESSORY GROUND-MOUNTED SOLAR ENERGY SYSTEM: A ground-mounted solar energy system with the primary purpose of generating electricity for the principal use on site.

ACCESSORY USE: A use customarily incidental and subordinate to the principal use of the land or building and located on the same lot as the principal use.

AGRICULTURE: Any land or building used for pasturage, floriculture, dairying, horticulture, viticulture and livestock or poultry husbandry.

ALTERATIONS: Any change, addition, or modification in construction or type of occupancy; any change in the structural members of a building, such as walls, partitions, columns, beams, or girders, the consummated act which may be referred to herein as "altered" or "reconstructed".

"B"

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 FACILITY: A use which is subordinate to the principal use of a dwelling as a single-family residence and a use in which transient guests are provided a sleeping room and board in return for payment. Bed and breakfast facilities shall satisfy the following conditions:

- (1) The dwelling unit in which the bed and breakfast takes place shall be the principal residence of the operator/owner.
- (2) A bed and breakfast operation shall be limited to no more than three (3) sleeping rooms.
- (3) Meals shall be served only to residents and overnight guests.
- (4) No premises shall be utilized for a bed and breakfast operation unless there are at least two (2) exits to the outdoors from such premises. Rooms utilized for sleeping shall have a minimum size of one hundred (100) square feet for two (2) occupants.
- (5) Two (2) parking spaces for each dwelling unit plus one (1) additional space per room to be rented, must be provided.
- (6) One (1) announcement sign, not to exceed six (6) square feet in area, non-illuminated and mounted flat against the wall of the principal building.

BOAT HOUSE: An accessory building or portion of a principal structure, designed and used solely for the

storage of boats and boat accessories, owned by an occupant of the principal residence and not including an establishment or building for boat sales or service.

BOARD: The Board of Zoning Appeals of the Township of Garfield.

BREEZEWAY: A covered structure connecting an accessory building with the principal use. For purposes of determining yard and area requirements such connected buildings shall be considered as one integral unit.

BUILDING: Any structure having a roof supported by columns or walls designed or intended for the support, enclosure, shelter or protection of persons, animals or property. When such a structure is divided into separate parts by one or more unpierced walls extending from the ground up, each part is deemed a separate building, except for minimum side yard requirements as hereinafter provided.

BUILDING HEIGHT: The vertical distance measured from the established grade to the highest point of the roof surface for flat roofs, to the deck line of mansard roofs and to the average height between eaves and ridge for gable, hip and gambrel roofs. Where a building is located on sloping terrain, the height may be measured from the average ground level of the grade at the building wall.

BUILDING-MOUNTED SOLAR ENERGY SYSTEM: A solar energy system mounted on racking that is attached to or ballasted on the roof or wall of a building or structure, or which serves as an integral part of a primary or accessory building or structure by replacing or substituting for an architectural or structural component of the building or structure. Building-mounted systems include, but are not limited to, photovoltaic or hot water solar energy systems that are contained within roofing materials, windows, skylights, and awnings.

“C”

CERTIFICATE OF ZONING COMPLIANCE: A certificate issued by the Zoning Administrator to a party or parties intending to initiate any work or change any use of property in the Township.

CHURCH: A building wherein persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, together with all accessory buildings and uses customarily associated with such primary purpose.

CLUB: An organization of persons for special purposes or for the promulgation of agriculture, sports, arts, science, literature, politics or similar activities, but not operated for profit and open only to members and not the general public.

CONDITIONAL USE PERMIT: A permit issued by the Township Board to a person or persons intending to undertake the operation of an activity upon land or within a structure and for those uses not specifically mentioned In this Ordinance which possess unique characteristics and are found to be not injurious to the health, safety, convenience and general welfare of the Township's inhabitants.

"D"

DISTRICTS: An area of land for which there are uniform regulations governing the use of buildings and premises, density of development, yard requirements and height regulations.

DUAL USE: A solar energy system that employs one or more of the following land management and conservation practices throughout the project site:

- (1) Pollinator Habitat: Solar sites designed to meet a score of seventy-six (76) or more on the Michigan Pollinator Habitat Planning Scorecard for solar sites.
- (2) Conservation Cover: Solar sites designed in consultation with conservation organizations that focus on restoring native plants, grasses, and prairie with the aim of protecting specific species (e.g., bird habitat) or providing specific ecosystem services (e.g., carbon sequestration, soil health).
- (3) Forage: Solar sites that incorporate rotational livestock grazing and forage production as part of an overall vegetative maintenance plan.
- (4) Agrivoltaics: Solar sites that combine raising crops for food, fiber, or fuel, and generating electricity within the project area to maximize land use.

DWELLING: A detached building or portion thereof designed or used exclusively as the home, residence or sleeping place of one or more persons. In the case of a mixed occupancy where a building is occupied in part as a dwelling, the part so occupied shall be deemed a dwelling for purposes of this Ordinance and shall comply with the provisions herein relative to dwellings.

Garage space, whether in an attached or detached garage, shall not be considered as part of a dwelling for meeting area requirements. A dwelling shall comply with the following standards:

- (1) The dwelling shall meet the minimum square footage requirements for the district which it is located.
- (2) The minimum width across any front, side, or rear elevation shall be at least twenty (20) continuous feet of exterior wall (e.g. The minimum dimension between any two opposing exterior walls, measured at any point on the horizontal, shall be at least twenty (20) feet.
- (3) The dwelling shall comply in all respects with the Michigan State Construction Code, as promulgated by the Michigan State Construction Code Commission under the provisions of P.A. 230 of 1972, as amended, Including minimum heights for habitable rooms. Where a dwelling is required by law to comply with any Federal or State standards or regulations for construction and where such standards or regulations allow standards of construction which are less stringent than those imposed by the building code in effect in the Township, then in that event, the less stringent Federal or State standard of regulation shall apply.
- (4) The dwelling shall be placed upon and secured to a permanent foundation in accordance with the Building Code. The area between the grade elevation of the lot and the structure shall have a wall of the same perimeter dimensions of the dwelling and constructed of such material and type as required in the applicable code for single-family dwellings. In the event that the dwelling is a mobile home, as defined herein, such dwelling shall be installed pursuant to the manufacturer's set-up instructions, shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the Michigan Mobile Home Commission.
- (5) If the dwelling has wheels, towing mechanisms or undercarriages, they shall be removed.
- (6) The dwelling shall be connected to a public sanitary sewer and to a public water system, if available. Private, on-site water or wastewater disposal facilities shall be approved by the District Health Department.
- (7) The dwelling shall contain a storage area in a basement, located under the dwelling, in an attic area, in closet areas, or In a separate structure of standard construction similar to or of better quality than the principal dwelling. The storage area shall be equal to ten (10) percent of the square

footage of the dwelling or one hundred (100) square feet, whichever shall be less.

(8) The dwelling shall be aesthetically compatible in design and appearance with other residences in the vicinity, with either a roof overhang, or with window sills and roof drainage systems concentrating roof drainage at collection points along the sides of the dwelling; not less than two exterior doors with the second one being in either the rear or side of the dwelling; and having permanently attached steps connected to said exterior door areas or to porches connected to said door areas where a difference in elevation requires the same. The compatibility of design and appearance shall be determined in the first instance by the Building Inspector upon review of the plans (which may include elevation sketches or photographs) submitted for a particular dwelling, subject to appeal by an aggrieved party to the Board of Zoning Appeals within a period of fifteen (15) days from the receipt of notice of said Building Inspector's decision. Any determination of compatibility shall be based upon the standards set forth in this definition of "dwelling" as well as the character, design and appearance of one or more residential dwellings located outside of mobile home parks within two thousand (2,000) feet of the subject dwelling. The foregoing shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, unique land contour, or relief from the common or standard designed home.

(9) The dwelling shall not contain additions or rooms or other areas which are not constructed with similar quality work as the original structure, including permanent attachment to the principal structure and construction of a foundation as required herein.

(10) The dwelling shall conform to all pertinent building and fire codes. In the case of a mobile home, all construction and all plumbing, electrical apparatus and insulation within and connected to said mobile home shall be of a type and quality conforming to the "Mobile Home Construction and Safety Standards" as promulgated by the United States Department of Housing and Urban Development, being 24 CFR 3280, and as from time to time such standards may be amended. Additionally, all dwellings shall meet or exceed all applicable roof snow load and strength requirements.

(11) The foregoing standards shall not apply to a mobile home located in a licensed mobile home park except to the extent required by state or federal law or otherwise specifically required in the ordinance of the Township pertaining to such parks.

(12) The definition of "dwelling" shall also include energy-saving earth shelter homes either

- (a) constructed with a completely earth-covered roof having a structural roof system with a slope of not less than one-half (1/2) inch of rise per foot of run, or
- (b) constructed with a roof which is not completely earth-covered having a slope with at least a five (5) inch rise for each foot of run and in either case containing at least one exposed vertical exterior elevation not less than seven and one-half (7 1/2) feet in height by twenty four (24) feet in width designed and constructed in accordance with standard building code regulations pertinent thereto and without any accommodations for any dwelling units above ground.

DWELLING, SINGLE-FAMILY: A detached building, designed for or occupied exclusively by one family.

DWELLING, TWO-FAMILY: A detached building, designed for or occupied exclusively by two families living independently of each other.

DWELLING, MULTIPLE FAMILY: A building used or designed as a residence for three or more families living independently of each other.

"F"

FAMILY: An individual, or two or more persons related by blood, marriage, or adoption, or parents along with their direct lineal descendants, and adopted or foster children (including domestic employees) or a group not to exceed two persons not related by blood or marriage, occupying a premises and living as a single housekeeping unit with single cooking facilities.

Every additional group of two or less persons living in such housekeeping unit shall be considered a separate family for the purpose of this Ordinance. Said definition shall not apply in instances of group care centers, or state licensed residential facilities as established under Public Act 395 of 1976.

FAMILY, FUNCTIONAL: A group of persons which does not meet the definition of "Family" herein, living in a dwelling unit as a single housekeeping unit and intending to live together as a group for the indefinite future. This definition shall not include any fraternity, sorority, club, hotel or other group of persons whose association is temporary or commercial in nature.

FARM: Any parcel of land containing at least ten (10) acres which is devoted to commercial agricultural production. It includes the necessary farm structures within the prescribed boundaries and the storage of farm equipment used. It excludes the raising of fur-bearing animals, commercial dog kennels, and stone, gravel or sand quarries.

FARM ANIMALS: Livestock, including beef and dairy cattle, goats, sheep, hogs, horses, poultry and similar fowl. Farms animals also means any other animals raised for commercial profit or slaughter.

FARM BUILDINGS: Those buildings and structures accessory to the principal use of farming, agriculture, animal husbandry or related activities.

FENCE: An artificially constructed barrier of any material or combination of materials erected to serve as a physical barrier or to enclose, screen or separate areas.

FENCE HEIGHT: The vertical distance from the highest point of the fence to the finished grade of the ground immediately beneath the fence.

FILLING: The depositing or dumping of any matter into or onto the ground except common household gardening and general maintenance.

FLOOR AREA, GROSS: The sum of all gross horizontal areas of the several floors of a building or buildings, measured from the outside dimensions of the structure. Unenclosed porches, courtyards, or patios, whether covered or uncovered shall not be considered as a part of the gross floor area unless used for commercial purposes such as nursery beds or sales of outdoor equipment.

FLOOR AREA, USABLE: For purposes of computing parking requirements, is that area to be used for the sale of merchandise or services, or for use to serve patrons, clients or customers. Such floor area which is used or intended to be used principally for the storage or processing of merchandise; for hallways, stairways and elevator shafts; or for utilities or sanitary facilities, shall be excluded from this 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.

FOWL: Shall mean any domesticated bird kept for its eggs or flesh, e.g. a chicken, turkey, duck, goose or guinea fowl.

"G"

GARAGE, PRIVATE: An accessory building, or portion of a principal building, designed or used solely for the storage of non-commercial motor vehicles, boats and similar items or equipment, and having no public sales or ship services in connection thereof.

GRADE: A ground elevation established for the purpose of controlling the number of stories and the height of any structure. The building grade shall be determined by the level of the ground adjacent to the walls of any structure if the finished grade is level. If the ground is not level, the grade shall be determined by averaging the elevation of the ground for each face of the structure.

GROUND-MOUNTED SOLAR ENERGY SYSTEM: A solar energy system mounted on support posts, like a rack or pole, that are attached to or rest on the ground.

GUN OR SPORT SHOOTING RANGE: Shall mean an area or facility designed and operated for the practice shooting of either archery or firearms and is operated for commercial purposes.

“H”

HOME OCCUPATIONS: Any use customarily conducted entirely within a dwelling and carried on by the inhabitants thereof, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not involve any alteration of the structure or change the character thereof. Home occupations shall satisfy the following conditions:

- (1) The nonresidential use shall be incidental to the primary residential use.
- (2) The home occupation shall utilize no more than twenty five (25) percent of the floor area of the principal building.
- (3) No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.
- (4) The home occupation shall not involve persons other than those members of the immediate family residing on the premises.
- (5) There shall be no change in the exterior appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one announcement sign, not exceeding two (2) square feet in area, non-illuminated and mounted flat against the wall of the principal building.
- (6) The permission for home occupations as provided herein is intended to secure flexibility in the application of the requirements of this Ordinance; but such permission is not intended to allow the essential residential character of residential districts, in terms of use and appearance, to be changed by the occurrence of non-residential activities.
- (7) Limited retail sales may be permitted on the premises as a part of or in conjunction with a home occupation.

“J”

JUNK: For the purpose of this Ordinance, the term "junk" shall mean any motor vehicles, machinery, appliances, products, or merchandise with parts missing, or scrap materials that are damaged or deteriorated.

JUNK YARD: Any land or building used for abandonment, storage, keeping, collecting, or baling of

paper, rags, scrap metals, other scrap or discarded materials, or for abandonment, demolition, dismantling, storage or salvaging of automobiles or other vehicles not in normal running condition, machinery or parts thereof.

"K"

KENNEL, COMMERCIAL: Any lot or premises used for the commercial sale, boarding, or treatment of dogs, cats, or other domestic pets.

KENNEL, PRIVATE: Any lot or premises used for the private maintenance of up to four (4) dogs, cats, or other household pets, four (4) months of age or older, not involving any commercial activities. The keeping of more than four (4) animals shall be considered a commercial kennel regardless of ownership or species of animals.

"L"

LOT: Land occupied or to be occupied by a building, structure, land use, or group of buildings together with such open spaces or yards as are required under this Ordinance and having its principal frontage upon a street, or a perpetual, recorded private road or easement.

LOT AREA: The total horizontal area within the lot lines of a lot.

LOT, CORNER: A lot which has at least two (2) contiguous sides abutting upon a street for their full length.

LOT, DEPTH: The mean distance from the front lot line of the lot to its opposite rear line measured in the general direction of the side lines of the lot.

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

LOT LINE(S): Any of the lines bounding a lot as defined herein:

FRONT LOT LINE: In the case of an interior lot, it is that line separating said 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 corner lot, the shorter street line shall be considered the front lot line, except in the case of both street lines being equal, the choice may be made at the discretion of the property owner. Once declared and so indicated on the building permit application, the designated front lot shall remain as such.

REAR LOT LINE: That lot line opposite and most distant from the front lot line. In the case of an irregularly shaped lot, the rear lot line shall be an imaginary line parallel to the front lot line not less than ten (10) feet in length, lying farthest from the front lot line and wholly within the lot.

SIDE LOT LINE: Any lot line other than the front lot line or the 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 or lots is an interior side lot line.

LOT OF RECORD: A lot which is part of a subdivision, the map of which has been recorded in the Office of the Register of Deeds in Newaygo County, Michigan, or a parcel or lot described by metes and bounds, the deed to which has been recorded in the Office of the Register of Deeds in Newaygo County, Michigan prior to the adoption of this Ordinance.

LOT, THROUGH: A double-frontage lot, not a corner lot, having a street for both front and rear lot

lines.

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

"M"

MASTER LAND USE PLAN: The statement of policy by the Township Planning Commission relative to the agreed upon and officially adopted guidelines for a desirable physical pattern for future community development. The Plan consists of a series of maps, charts and written material representing in summary form the soundest concept for community growth to occur in an orderly, attractive, economical and efficient manner thereby creating the very best community living conditions.

MAXIMUM TILT: The maximum angle of a solar array (i.e., most vertical position) for capturing solar radiation as compared to the horizon line.

MINIMUM TILT: The minimal angle of a solar array (i.e., most horizontal position) for capturing solar radiation as compared the horizon line.

MOBILE HOME: A moveable or portable dwelling of thirty five (35) feet, or more, in length, containing a minimum of six hundred (600) square feet of living area, which is constructed to be towed on its own chassis, is capable of being connected to public utilities, and is designed for year-round living as a single-family dwelling unit without the necessity for a permanent foundation. The term shall not include pick-up campers, travel trailers, converted buses, or tent trailers.

"N"

NONCONFORMING USE: A building, structure, or use of land lawfully in existence at the time of enactment of this Ordinance, or any amendment thereto, and which does not conform with the regulations of the district or zone in which it is located.

NON-PARTICIPATING LOT(S): One or more lots for which there is not a signed lease or easement for development of a principal-use solar energy system associated with the applicant project.

NUISANCE: Is an offensive, annoying, unpleasant, or obnoxious thing or practice; a cause or source of annoyance, especially a continuing or repeating invasion of any physical characteristics of activity or use across a property line which can be perceived by or affects an individual or the generation of an excessive or concentrated movement of people or things such as:

- (a) noise, (b) dust, (c) smoke, (d) odor, (e) glare, (f) fumes, (g) flashes, (h) vibration,
- (i) shock waves, (j) heat, (k) electronic or atomic radiation, (l) objectionable effluent,
- (m) noise of a congregation of people, particularly at night, (n) passing traffic,
- (o) invasion of street frontage by traffic generated from an adjacent land use which lacks sufficient parking and circulation facilities.

"P"

PARKING SPACE: An area of not less than two hundred (200) square feet, being twenty (20) feet in length and ten (10) feet in width, exclusive of drives, aisles, or entrances giving access thereto and shall be fully accessible for parking of permitted vehicles.

PARTICIPATING LOT(S): One or more lots under a signed lease or easement for development of a

principal-use solar energy system associated with the applicant project.

PHOTOVOLTAIC (PV) SYSTEM: A semiconductor material that generates electricity from sunlight.

PLANNED UNIT DEVELOPMENT: A tract of land developed under single ownership or management as a separate neighborhood or community unit. The development shall be based on an approved site plan which allows flexibility of design not available under normal zoning district requirements. The plan may contain a mixture of housing types, common open space and other land uses.

PLANNING COMMISSION: The Township Planning Commission of the Township of Garfield, Newaygo County, Michigan.

PORTABLE DWELLING: Portable dwelling means a vehicle, camper, tent, or unit designed and intended to provide temporary shelter for recreational or related purposes and which does not meet the criteria contained within the definition of a "dwelling" or "mobile home" hereunder. The term "portable dwelling" encompasses the definition of "recreational vehicle" as defined within the Mobile Home Commission Act (Act 96 of 1987). The terms "travel trailer" and portable dwelling are synonymous.

PRINCIPAL-USE SOLAR ENERGY SYSTEM: A commercial, ground-mounted solar energy system that converts sunlight into electricity for the primary purpose of off-site use through the electrical grid or export to the wholesale market.

PUBLIC UTILITY: Except for Wireless Communication Facilities, any person, firm, corporation, municipal department or board duly authorized to furnish and furnishing under state or municipal regulations to the public electricity, gas, steam, communications, telephone, transportation, water or sewer.

"R"

REPOWERING: Reconfiguring, renovating, or replacing a solar energy system to maintain or increase the power rating of the system within the existing project footprint.

RIGHT-OF-WAY: A street, alley or other thoroughfare or easement permanently established for passage of persons, vehicles, or the location of utilities. The right-of-way is delineated by legally established lines or boundaries.

"S"

SETBACK: The minimum unoccupied distance between the lot line and the principal and accessory buildings, as required herein.

SETBACK, FRONT: The minimum, unoccupied distance, extending the full lot width, between the principal building and the front lot line.

SETBACK, REAR: The minimum required unoccupied distance, extending the full lot width, between the principal and accessory buildings and the lot line opposite the front lot line.

SETBACK, SIDE: The minimum required unoccupied distance, extending from the front setback to the rear setback, between the principal and accessory buildings and the side lot line.

SHOPPING CENTER: Is a business or group of businesses which provides a variety of merchandise and/or services which requires a location on a major road and a large parking area to accommodate vehicular traffic. Such a center may be a small neighborhood center, a discount store, or a mall, though this does not limit such use to be one or any of these.

SIGN: A sign shall include any words, numerals, figures, devices, designs, pictures or trademarks painted upon or otherwise affixed to a building, wall, board, plate, or any structure, so as to inform or attract attention.

SITE PLAN: A plan showing all salient features of a proposed development so that it may be evaluated in order to determine whether it meets the provisions of this Ordinance.

STABLE, RIDING OR BOARDING: A facility where more than three (3) horses for hire, sale or boarding are kept.

SOLAR ARRAY: A photovoltaic panel, solar thermal collector, or collection of panels or collectors in a solar energy system that collects solar radiation.

SOLAR ENERGY SYSTEM (SES): A photovoltaic system or solar thermal system for generating and/or storing electricity or heat, including all above and below ground equipment or components required for the system to operate properly and to be secured to a roof surface or the ground. This includes, but is not limited to, the following equipment and facilities to be constructed by an electric provider or independent power producer: photovoltaic solar panels; solar inverters; access roads; distribution, collection, and feeder lines; wires and cables; conduit; footings; foundations; towers; poles; crossarms; guy lines and anchors; substations; interconnection or switching facilities; circuit breakers and transformers; energy storage systems; overhead and underground control; communications and radio relay systems and telecommunications equipment; utility lines and installations; generation tie lines; solar monitoring stations; and accessory equipment and installations; generation tie lines; solar monitoring stations; and accessory equipment and structures.

SOLAR THERMAL SYSTEM: A system of equipment that converts sunlight into heat.

STREET: A public dedicated right-of-way which affords traffic circulation and principal means of access to abutting property.

STRUCTURE: Anything constructed or erected which requires permanent location on the ground or attachment to something having such location on the ground, including but not limited to all buildings and free-standing signs and not including sidewalks, drives, patios and utility poles.

SUBDIVISION: The division of a lot, tract or parcel of land in greater numbers than permitted under the State Land Division Act for the purpose, whether immediate or future, of sale or of building development.

"V"

VARIANCE: A modification of the literal provisions of the Zoning Ordinance granted when strict enforcement of the Zoning Ordinance would cause undue hardship owing to circumstances unique to the individual property on which the variance is granted.

"W"

WILDLIFE-FRIENDLY FENCING: A fencing system with openings that allow wildlife to traverse over or through a fenced area.

WIRELESS COMMUNICATION FACILITY: Wireless Communications Facility shall mean and include all structures and accessory facilities relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals. This may include, but shall not be limited to, radio towers, television towers, telephone devices and exchanges, microwave, relay facilities, telephone transmission equipment building and commercial mobile radio service facilities.

WIRELESS COMMUNICATION FACILITY - ATTACHED: Attached Wireless Communication Facility shall mean Wireless Communication Facilities that are affixed to existing structures, such as existing buildings, towers, water tanks, utility poles, and the like. A wireless communication support structure proposed to be newly established shall not be included within this definition.

WIRELESS COMMUNICATION SUPPORT STRUCTURES: Wireless Communication Support Structures shall mean structures erected or modified to support wireless communication antennas. Support structures within this definition include, but shall not be limited to, monopoles, lattice towers, light poles, wood poles and guyed towers, or other structures which appear to be something other than a mere support structure.

WIRELESS COMMUNICATION FACILITY CO-LOCATION: Wireless Communication Facility Co-location shall mean the location of two or more wireless communication providers of Wireless Communication Facilities on a common structure, tower, or building, with the view toward reducing the overall number of structures required to support wireless communication antennas within the Community.

"Y"

YARD, FRONT: A yard extending the full width of the lot and lying between the front line of the lot and the nearest line of the principal building.

YARD, REAR: An open space extending the full width of the lot and lying between the rear line of the lot and the nearest line of the principal building.

YARD, SIDE: An open space between the side line of the lot and the nearest line of the principal building and extending from the front yard to the rear yard.

"Z"

ZONING ADMINISTRATOR: The official of Garfield Township or his authorized representative charged with the responsibility of administering this Ordinance

ARTICLE III - ZONING DISTRICTS AND MAP

3.1 ESTABLISHMENT OF DISTRICTS:

For the purpose of this Ordinance, the Township of Garfield is hereby divided into the following Zoning Districts, which shall be known by the following respective symbols and names.

Residential Districts

GR-1 General Residential
Commercial
AG Agricultural Enterprise
RR Rural Residential
AG-R Agricultural Residential
LFR - Lake Front Residential
MRO - Muskegon River Overlay
MH-Mobile Home Residential

Non-Residential Districts

C – General
CD – Corridor Development
I – Limited Industrial

3.2 ZONING DISTRICTS MAP:

The boundaries of the zoning districts enumerated in 3.1 are hereby established as shown on the Zoning Map, Township of Garfield, which accompanies this text. This map with all notations, references and other information shown thereon shall be as much a part of this Ordinance as if fully described herein.

The official zoning map shall be identified by the signature of the Township Supervisor attested by the Township Clerk, under the following words: This is to certify that this is the Official Zoning Map of the Township of Garfield adopted March 1995. If, in accordance with the provisions of this Ordinance, changes are made in district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be made on the Official Zoning Map after amendment has been approved by the Township Board together with an entry on the Official Zoning Map as follows: On (date), by official action of the Township Board, the following change(s) were made: (brief description with reference number to Board proceedings).

One copy of the Official Zoning Map is to be maintained and kept up to date by the Township Clerk, accessible to the public and shall be the final authority as to the current zoning status of properties in the Township.

3.3 INTERPRETATION OF DISTRICT BOUNDARIES:

Where, due to the scale, lack of details, or illegibility of the Zoning Map, there is any uncertainty, contradiction, or conflict as to the intended location of any zoning district boundaries shown thereon, interpretation concerning the exact location of district boundary lines shall be determined, upon written application, to the Board of Appeals. The Board in arriving at a decision on such matters shall apply the following standards:

- a. The boundaries of zoning districts are intended to follow

centerlines of alleys, streets or other rights-of-way, or lot lines, or be parallel or perpendicular thereto, unless such district boundary lines are otherwise clearly indicated on the Zoning Map.

- b. Where district boundaries are so indicated that they approximately follow Lot of Record lines, such lines shall be construed to be boundaries.
- c. In undivided property, or where a district boundary divides a Lot of Record, the location of such boundary, unless shown by dimensions on the Zoning Map, shall be determined by use of the map scale shown thereon.
- d. Boundaries indicated as approximately following Township limits shall be construed as following Township limits.
- e. Boundaries indicated as following railroad lines shall be construed to be the midway between the main tracks.
- f. Boundaries indicated as following shorelines shall be construed to follow such shorelines, and in the event of change in the shoreline shall be construed as moving with actual shoreline; boundaries indicated as approximately following the center line of streams, rivers, lakes or other bodies of water shall be construed to follow such center lines.
- g. A boundary indicated as parallel to, or an extension of, a feature indicated in 3.3 (a) through (f), shall be so construed.
- h. Where physical or natural features existing on the ground are at variance with those shown on the Zoning Map, or in other circumstances not covered by (a) through (g) above, the Board of Zoning Appeals shall interpret the district boundaries.

3.4 ZONING OF VACATED AREAS:

Whenever any street, alley or other public way within the Township shall have been vacated by official governmental action and when the lands within the boundaries thereof attach to and become a part of lands adjoining such street, alley, or public way, such lands shall automatically acquire and be subject to the same zoning regulations as are applicable to lands to which same shall attach, and shall be used for those uses as is permitted under this Ordinance for such adjoining lands.

3.5 ZONING OF FILLED LAND; USE OF WATERS:

Whenever any fill is placed in any lake or stream, the land thus created shall automatically and without further governmental action thenceforth acquire and be subject to the same zoning regulations as are applicable for lands to which the same shall attach or be adjacent, and the same be used for those purposes as are permitted under this Ordinance for such adjoining lands. No use of the surface of

any lake or stream shall be permitted for any purpose not permitted on the land from which the use emanates.

3.6 SCOPE OF PROVISIONS:

- a. Except as may otherwise be provided in this Ordinance, every building and structure erected, every use of any lot, building, or structure established, every structural alteration or relocation of an existing building or structure occurring, and every enlargement of, or addition to, an existing use, building and structure occurring after the effective date of this Ordinance shall be subject to all regulations of this Ordinance which are applicable in the zoning district in which such use, building, or structure shall be located.
- b. Uses are permitted by right only if specifically listed as uses permitted by right in the various zoning districts. Where not specifically permitted, uses are thereby prohibited unless construed to be similar to a use expressly permitted by the Zoning Board of Appeals.
- c. Accessory uses are permitted as indicated for the various Zoning Districts and if such uses are clearly incidental to the permitted principal uses.
- d. The uses permitted subject to special conditions are recognized as possessing characteristics of such unique and special nature (relative to location, design, size, etc.) as necessitating individual standards and conditions in order to safeguard the general health, safety and welfare of the community.

3.7 CONFLICTING REGULATIONS:

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

ARTICLE IV - GR-1 GENERAL RESIDENTIAL DISTRICT

4.1 PURPOSE:

The General Residential District is intended to provide for single-family residential development of a desirable character and at an average density of population comparable to existing development patterns. The regulations contained in this section are designed to ensure residential development of a safe and healthful nature. The GR-1 District will be dominated by approved subdivisions (both existing and future) at a moderate density and in those areas of the Township which can be expected to contain public sewer facilities within a reasonable future timeline or are the best suited for adequately supporting such development without public sewer. When considering the excessive costs of attempting to extend public facilities to virtually any corner of the Township, the establishment of zoning districts requiring adequate lots is vital to insure a safe, potable water supply with treatment of wastewater on the same site.

4.2 USES PERMITTED BY RIGHT:

In the GR-1 General Residential District, no building or land shall be used and no building erected except for one or more of the following specified uses, unless otherwise provided in this Ordinance.

- a. Single-family detached dwelling.

4.3 PERMITTED ACCESSORY USES:

The following are permitted accessory uses.

- a. Home occupations.
- b. Accessory structures normally associated with single family dwellings, such as a private garage, shed for yard tools, playhouse, boathouse, wood shed, sauna, and the like. Accessory structures shall comply with 14.9.
- c. Swimming pools.
- d. Automobile parking.
- e. Pens or enclosures for household pets.

4.4 USES PERMITTED BY CONDITIONAL USE PERMIT:

The following uses of land and structures may be permitted in this District by the application for and the issuance of a Conditional Use Permit as provided for in ARTICLE XVIII.

- a. Religious Institutions: churches, convents, parsonages and other housing for religious personnel.
- b. Educational and Social Institutions: public or private elementary and secondary schools, institutions for higher education; auditoriums and

other places for assembly and centers for social activities; public libraries, museums and art galleries; nursery schools and day care centers.

- c. Institutions for Human Care: hospitals, clinics and nursing or convalescent centers.
- d. Recreational Facilities: public parks, playgrounds and community centers.
- e. Public Buildings and Public Service Installations: municipal or public service buildings; utility and public service facilities and uses; storage yards; telephone exchange buildings; transformer stations and substations.
- f. Two-family and multiple family dwellings in accordance with the provisions of 18.13.
- g. Accessory apartment and Elder Cottage Housing Opportunities (ECHO) in accordance with 18.15.
- h. Planned Unit Developments (PUD) in accordance with 18.14.
- i. Conservation Development Option (see Section 18.18)

4.5 SITE DEVELOPMENT STANDARDS:

ANY RESIDENTIAL LOT OR STRUCTURE CREATED AND RECORDED PRIOR TO THE EFFECTIVE DATE OF THIS ORDINANCE OR ANY AMENDMENT TO THIS ORDINANCE ESTABLISHING A GR-1 DISTRICT MAY BE USED OR MAY CONTINUE TO BE OCCUPIED FOR RESIDENTIAL PURPOSES, EVEN THOUGH THE LOT AREA, LOT WIDTH OR EXISTING SETBACKS ARE LESS THAN THOSE REQUIRED IN THE GR-1 DISTRICT, SAID LOTS OR STRUCTURES SHALL NOT BE CONSIDERED NONCONFORMING PER THE PROVISIONS OF ARTICLE XV AND THEREFORE THE PROVISIONS OF ARTICLE XV SHALL NOT APPLY, THIS WAIVER APPLIES ONLY TO LOTS OR STRUCTURES OF RECORD LOCATED IN AN AREA SPECIFICALLY ZONED GR-1, AND SHALL NOT APPLY TO LOTS OR STRUCTURES OF RECORD LOCATED IN OTHER ZONING DISTRICTS WHICH MAY UNDER CERTAIN CIRCUMSTANCES USE SITE DEVELOPMENT STANDARDS ESTABLISHED FOR THE GR-1 DISTRICT.

The followings maximum and minimum standards shall apply to all uses and structures in the GR-1 District.

- a. Minimum Lot Area: No structure shall be established on any parcel providing less than one (1) acre in lot area.
- b. Minimum Lot Width: The minimum lot width shall be two hundred (200) feet.

- c. Yard Setback Requirements:
- (1) Front Yard: The required front yard setback shall not be less than fifty (50) feet.
 - (2) Side Yard: Twenty five (25) feet. except in the case of a corner lot, where the side yard on the street side shall not be less than the setback required for the front yard.
 - (3) Rear Yard: Thirty (30) feet.
- d. Maximum Height Requirements: No residential structure shall exceed three (3) stories or forty (40) feet, measured from the average finished grade at the front setback line. Residential accessory buildings shall not exceed a height of twenty (20) feet on any residential lot.
- e. Minimum Building Floor: Every dwelling hereafter erected shall have a minimum gross living space per dwelling unit of not less than seven hundred forty (740) square feet. exclusive of basements. garages. porches and breezeways.
- f. Subdivision Lots of Record: For lots created as part of a subdivision recorded prior to adoption of this Ordinance, the following Site Development Standards shall apply:
- (1) Front Yard: Twenty-five (25) feet.
 - (2) Side Yard: Ten (10) feet.
 - (3) Rear Yard: Thirty (30) feet.

ARTICLE V - RR RURAL RESIDENTIAL DISTRICT

5.1 PURPOSE:

The Rural Residential District is intended for application in those areas of Garfield Township where soils have limited constraints for residential development and yet they are some of the poorest agricultural soils in the community. Further, the RR District is intended to provide for a very low density of development and population in areas of the Township that have little chance of ever being served by public water or sewer utilities; therefore private wells and septic systems are to be the norm and must be able to be accommodated on adequate lots and with appropriate soil types. Also, the RR District is consistent with past development patterns in the affected area and its many five (5) or ten (10) acre parcels.

5.2 USES PERMITTED BY RIGHT:

In the RR Rural Residential District, no building or land shall be used and no building erected except for one or more of the following specified uses, unless otherwise provided in this Ordinance.

- a. Single-family detached dwelling.
- b. Farms.

5.3 PERMITTED ACCESSORY USES:

The following are permitted accessory uses.

- a. Home occupation.
- b. Accessory structures normally associated with single family dwellings, such as a private garage, shed for yard tools, playhouse, boathouse, woodshed, sauna, and the like.
- c. Swimming pools.
- d. Automobile parking.
- e. Pens or enclosures for household pets.

5.4 USES PERMITTED BY CONDITIONAL USE PERMIT:

The following uses of land and structures may be permitted in this District by the application for and the issuance of a Conditional Use Permit as provided for in ARTICLE XVIII.

- a. Religious Institutions: churches, convents, parsonages and other housing for religious personnel.
- b. Educational and social institutions: public or private elementary and secondary school and day care centers.
- c. Institutions for Human Care: nursing or convalescent centers
- d. Recreational Facilities: public parks, playgrounds and community centers.

- e. Public Buildings and Public Service Installation: municipal or public service buildings; utility and public service facilities and uses, storage yards; telephone exchange buildings, transformer stations and substations.
- f. Two family and multiple family dwellings in accordance with the provisions of Section 18.13.
- g. Accessory apartment and Elder Cottage Housing Opportunities (ECHO) in accordance with Section 18.15
- h. Planned Unit Developments (PUD) in accordance with Section 18.14.
- i. Conservation Development Option (see Section 18.18).

5.5 SITE DEVELOPMENT STANDARDS:

The following maximum and minimum standards shall apply to all uses and structures in the RR District.

ANY RESIDENTIAL LOT OR STRUCTURE CREATED AND RECORDED PRIOR TO THE EFFECTIVE DATE OF AN AMENDMENT TO THIS ZONING ORDINANCE ESTABLISHING THE RR DISTRICT MAY BE USED OR MAY CONTINUE TO BE OCCUPIED FOR RESIDENTIAL PURPOSES. EVEN THE THOUGH THE LOT AREA, WIDTH OR EXISTING SETBACKS ARE LESS THAN THOSE REQUIRED IN THE RR DISTRICT. SAID LOTS OR STRUCTURES SHALL NOT BE CONSIDERED "NONCONFORMING" PER THE PROVISIONS OF ARTICLE XV AND THEREFORE TYPICAL ZONING REQUIREMENTS PERTAINING TO NONCONFORMING STRUCTURES, SUCH AS ENLARGEMENT, EXPANSION, REPLACEMENT, AND THE LIKE SHALL NOT APPLY. THE YARD AND SETBACK REQUIREMENTS AS CONTAINED BELOW SHALL HOWEVER APPLY IN INSTANCES OF NEW RESIDENTIAL CONSTRUCTION ON PREVIOUSLY VACANT LOTS OR PARCELS IN WHAT IS NOW THE RR DISTRICT.

- a. Minimum Lot Area: No structure shall be established on any parcel providing less than three (3) acres of lot area.
- b. Minimum Lot Area: The minimum lot width shall be two hundred (200) feet.
- c. Yard and Setback Requirements:
 - (1) Front Yard: The required front yard setback shall not be less than fifty (50) feet.
 - (2) Side Yard: Twenty-five (25) feet, except in the case of a corner lot, where the side yard on the street side shall not be less than the setback required for the front yard.
 - (3) Rear Yard: Thirty (30) feet.
- d. Maximum Height Requirements: No residential structure shall exceed three (3) stories or forty (40) feet, measured from the average finished grade at the front setback line. Residential accessory buildings shall not

exceed a height of twenty (20) feet on any residential lot. The maximum height provisions contained herein, shall apply only to residential dwellings and residential accessory buildings and not farm-related structures, such as barns, silos and the like.

- e. Minimum Building Floor Area: Every dwelling hereafter erected shall have a minimum gross living space per dwelling unit of not less than seven hundred forty (740) square feet, exclusive of basements, garages, porches and breezeways.

ARTICLE VI AG-R AGRICULTURAL RESIDENTIAL DISTRICT

6.1 PURPOSE:

The AG-R Agricultural Residential District has as its basis the distinct purpose of preserving the integrity of the Agricultural Enterprise District in Garfield Township. This District will provide for residential development in a rural setting adjacent to agricultural zoning and uses. Through the use of specific lot siting and development controls, it is intended that the demand for a semi-rural lifestyle within portions of Garfield Township may be realized in a way that does not needlessly consume agricultural lands. The AG-R District is also intended to serve as a transition or buffer zone between the Agricultural Enterprise zone and more intense land uses and divert development pressures away from areas of active and prime farmland.

6.2 USES PERMITTED BY RIGHT:

In the AG-R Agricultural Residential District, no building or land shall be used and no building erected except for one or more of the following specified uses, unless otherwise provided in this Ordinance.

- a. One farm dwelling per farm, which serves as the principal residence for the owner, operator or employee(s) of the farm.
- b. Non-farm single-family detached dwellings in accordance with the provisions of this Article.
- c. Farms.
- d. Livestock, including horses, cows, pigs, fowl and other domestic animals, provided they shall be properly housed and fenced so as to not become a public nuisance.

6.3 PERMITTED ACCESSORY USES:

The following are permitted accessory uses.

- a. Those accessory uses as permitted in 4.3 and 9.3.

6.4 USES PERMITTED BY CONDITIONAL USE PERMIT:

The following uses of land and structures may be permitted in this District by the application for and the issuance of a Conditional Use Permit as provided for in ARTICLE XVIII.

- a. Those conditional uses as permitted in 4.4. and 9.4
- b. Conservation Development Option (see Section 18.18).

6.5 SITE DEVELOPMENT STANDARDS:

ANY RESIDENTIAL NON-FARM LOT OR STRUCTURE CREATED AND RECORDED PRIOR TO THE EFFECTIVE DATE OF AN AMENDMENT TO THIS ZONING ORDINANCE ESTABLISHING THE AG-R DISTRICT MAY BE USED OR MAY CONTINUE TO BE OCCUPIED FOR RESIDENTIAL PURPOSES. EVEN THOUGH

THE LOT AREA, WIDTH OR EXISTING SETBACKS ARE LESS THAN THOSE REQUIRED IN THE AG-R DISTRICT FOR NON-FARM LOTS. SAID LOTS AND STRUCTURES SHALL NOT BE CONSIDERED "NONCONFORMING" PER PROVISIONS OF ARTICLE XV AND THEREFORE TYPICAL ZONING REQUIREMENTS PERTAINING TO NONCONFORMING STRUCTURES, SUCH AS ENLARGEMENT, EXPANSION, RELOCATION, REPLACEMENT AND THE LIKE, SHALL NOT APPLY. THE YARD AND SETBACK REQUIREMENTS AS CONTAINED BELOW. SHALL HOWEVER APPLY IN INSTANCES OF NEW RESIDENTIAL CONSTRUCTION ON PREVIOUSLY VACANT LOTS OR PARCELS IN WHAT IS NOW THE AG-R DISTRICT.

Dwellings are permitted on non-farm lots provided that:

- a. An application containing a scaled drawing indicating the location of the proposed dwelling to the surrounding farm(s) shall be submitted to the Zoning Administrator.
- b. The dwelling shall be sited on that portion of the non-farm parcel which separates it as much as possible from adjacent farms and farming activities, including the minimal sharing of property lines by the non-farm lot and adjoining farms.
- c. The dwelling and its lot shall be located on the least productive farmland whenever possible.
- d. The non-farm dwelling shall be sited on the smallest practical area to satisfy the requirements of this Article and the Health Department's on-site sewage disposal regulations.

Site Development Standards:

- a. Minimum Lot Area - Non-Farm Lot: A non-farm lot that is subdivided from a parent parcel shall have a minimum lot area on the smallest practical area to satisfy the requirements of the Newaygo County Health Department's on-site sewage disposal regulations.
- b. Maximum Lot Area Non-Farm Lot: Four (4) acres.

Special review criteria for creation of a non-farm parcel over four (4) acres in size:

- a. The Planning Commission shall have approval authority regarding creation of non-farm parcels over the maximum area of four acres in size.
- b. In determining whether to permit the creation of a non-farm parcel over four (4) acres in size the Planning Commission shall insure that all of the following criteria are met:
 - (1) That the land proposed for such development is not suitable for agricultural purposes by virtue of its soil type, steepness of slope or wooded character.
 - (2) That such tract by virtue of its unique location or limited size cannot

be reasonably farmed.

(3) Where the above conditions can be met then the access road to such tract should not significantly interfere with other tracts within this District by creating new tracts of land which are less than ten (10) acres or which otherwise render agricultural uses impractical.

- c. Minimum Lot Width: The minimum lot width shall be one hundred fifty (150) feet.
- d. Yard and Setback Requirements – Non-Farm Lots:
 - (1) Front Yard: Fifty (50) feet.
 - (2) Side Yard: Ten (10) feet.
 - (3) Rear Yard: Thirty (30) feet.
- e. Minimum Building Floor Area: Every dwelling hereafter erected shall have a minimum gross living space per dwelling unit of not less than one thousand (1,000) square feet, exclusive of basements, garages, porches and breezeways.

ARTICLE VII - LFR LAKEFRONT RESIDENTIAL DISTRICT

7.1 PURPOSE:

It is the intent of the Lakefront Residential District to provide for desirable single-family residential development of both the permanent and second-home variety along the shoreline of Kimball and Pickerel Lakes in Garfield Township. The regulations contained in this Article will protect the economic, property, aesthetic and recreational values associated with the shoreline of these lakes. This District is further intended to preserve water quality and avoid contamination or degradation of these water resources.

7.2 USES PERMITTED BY RIGHT:

In the LFR Lake Front Residential District, no building or land shall be used and no building erected except for one or more of the following specified uses unless otherwise provided in this Ordinance.

- a. Single-family detached dwellings.

7.3 PERMITTED ACCESSORY USES:

The following are permitted accessory uses:

- a. Boat houses provided the following requirements are met:
 - (1) The structure shall not exceed eight (8) feet in height, twenty-four (24) feet in length (measured from the side nearest to the water) and ten (10) feet in width.
 - (2) On lots exceeding eighty (80) feet in width, boat houses may exceed the above-stated dimensional requirements, subject to Site Plan Review by the Planning Commission.
- b. Those accessory uses as permitted in Section 4.03.

7.4 USES PERMITTED BY CONDITIONAL USE PERMIT:

The following uses of land and structures may be permitted in this District by the application for and the issuance of a Conditional Use Permit as provided for in ARTICLE XVIII.

- a. Public and private parks, recreation areas, camps and campgrounds, clubs and golf courses.
- b. Public or private marinas or boat launching facilities.
- c. Conservation development option (see Section 18.18).

7.5 SITE DEVELOPMENT STANDARDS:

The following maximum and minimum standards shall apply to all uses and structures in the LFR District.

- a. Minimum Lot Area: No structure shall be established on any parcel providing less than sixteen thousand (16,000) square feet.
- b. Minimum Lot Width: The minimum lot width shall be eighty (80) feet.
- c. Yard and Setback Requirements:
 - (1) Front Yard: For those lots without lake frontage the required front yard setback shall not be less than fifty (50) feet. For all lake frontage lots no structure shall be placed closer than thirty (30) feet to the water's edge except for every foot of ground elevation above the minimum grade level of the lot, the setback may be reduced by five (5) feet; however, no principal building shall be placed closer than twenty-five feet to the water's edge.
 - (2) Side Yard: Eight (8) feet, except in the case of a corner lot, where the side yard on the street side shall not be less than the setback required for the front yard.
 - (3) Rear Yard: Thirty (30) feet.

ANY RESIDENTIAL LOT OR STRUCTURE CREATED AND RECORDED PRIOR TO THE EFFECTIVE DATE OF THIS ORDINANCE OR ANY AMENDMENT TO THIS ORDINANCE ESTABLISHING A LAKEFRONT DISTRICT MAY BE USED OR MAY CONTINUE TO BE OCCUPIED FOR RESIDENTIAL PURPOSES, EVEN THOUGH THE LOT AREA, LOT WIDTH OR EXISTING SETBACKS ARE LESS THAN THOSE REQUIRED IN THE LAKE FRONT DISTRICT, SAID LOTS OR STRUCTURES SHALL NOT BE CONSIDERED NONCONFORMING PER THE PROVISIONS OF ARTICLE XV AND THEREFOR THE PROVISIONS OF ARTICLE XV SHALL NOT APPLY.

- d. Maximum Height Requirements: No residential structure shall exceed two and one-half (2 ½) stories or twenty-five feet in height, measured from the average finished grade at the front setback line. Residential accessory buildings shall not exceed a height of twenty (20) feet on any residential lot.
- e. Minimum Building Floor Area: Every dwelling hereafter erected shall have a minimum gross living space per dwelling unit of not less than seven hundred forty (740) square feet, exclusive of basements, garages, porches and breezeways.
- f. Subdivision Lots of Record: For lots created as part of a subdivision which was recorded prior to adoption of this Ordinance, the following Site Development Standards shall apply:
 - (1) Front Yard: Twenty-five (25) feet.
 - (2) Side Yard: Six (6) feet.
 - (3) Rear Yard: Twenty (20) feet.

g. Other Requirements:

- (1) No dwelling shall be constructed or placed on lands which are subject to flooding or on land where a minimum of four (4) feet between finished grade and the high groundwater level cannot be met. Land may be filled to meet the minimum requirements of four (4) feet between finished grade and high groundwater only under the following conditions:
 - i. The fill used shall be a pervious material such as sand or gravel.
 - ii. Any and all permits have been acquired, as required by the laws of the State of Michigan, the rules and regulations of the Michigan Department of Environmental Quality and any other governmental entity. Further, it shall be unlawful to alter the shoreline of any lake or tributary thereto in Garfield Township, by excavation or soil removal including the creation of ditches and channels running from or to said lakes.

ARTICLE VIII MRO MUSKEGON RIVER OVERLAY ZONE

8.1 PURPOSE:

In order to preserve the quality of water resources, all land within five hundred (500) feet of the water's edge or of the established high water mark of the Muskegon River, shall comprise the Muskegon River Overlay Zone. The purpose of this Section is to protect water quality, to keep nutrients from entering rivers and streams, to maintain water temperatures at natural levels, to preserve fish and wildlife habitat, to slow the rate of storm water runoff, to reduce erosion and sedimentation and to preserve the aesthetic and scenic values of that portion of Muskegon River that falls within Garfield Township.

8.2 USES PERMITTED BY RIGHT:

- a. Single-family detached dwellings.

8.3 PERMITTED ACCESSORY USES:

- a. Those accessory uses as permitted in Section 4.3.

8.4 USES PERMITTED BY CONDITIONAL USE PERMIT:

The following uses of land and structures may be permitted in this District by the application for and the issuance of a Conditional Use Permit as provided for in ARTICLE XVIII.

- a. Public and private parks, recreation areas, camps and campgrounds, clubs and golf courses.
- b. Public or private marinas or boat launching facilities.
- c. Conservation Development Option (see Section 18.18).

8.5 SITE DEVELOPMENT STANDARDS:

The following maximum and minimum standards shall apply to all uses and structures in the Muskegon River Overlay Zone.

- a. Minimum Lot Area: No structure shall be established on any parcel less than two and one-half (2 1/2) acres in size.
- b. Minimum Lot Width: The minimum lot width is two hundred (200) feet.

ANY RESIDENTIAL LOT OR STRUCTURE CREATED AND RECORDED PRIOR TO THE EFFECTIVE DATE OF THIS ORDINANCE OR ANY AMENDMENT TO THIS ORDINANCE ESTABLISHING A MUSKEGON RIVER OVERLAY DISTRICT MAY BE USED OR MAY CONTINUE TO BE OCCUPIED FOR RESIDENTIAL PURPOSES EVEN THOUGH THE LOT AREA, LOT WIDTH, OR EXISTING SETBACKS ARE LESS THAN THOSE REQUIRED IN THE MUSKEGON RIVER OVERLAY DISTRICT. SAID LOTS OR STRUCTURES SHALL NOT BE CONSIDERED NON-CONFORMING PER THE PROVISIONS OF ARTICLE XV AND THEREFORE THE PROVISIONS OF ARTICLE XV SHALL NOT APPLY.

- c. Yard Setback Requirements:
- (1) Front Yard: For those lots without river frontage, the required front yard setback shall not be less than fifty (50) feet. On all waterfront lots no structure shall be placed closer than one hundred fifty (150) feet to the water's edge. If a parcel has a steep slope down to the river all structures shall be set back at least thirty (30) feet from the edge of the slope and shall maintain the one hundred fifty (150) foot setback from the water as if the water was at the same elevation as the structure.
 - (2) Side Yard: Thirty (30) feet, except in the case of a corner lot, where the side yard on the street side shall not be less than the setback required for the front yard.
 - (3) Rear Yard: Fifty (50) feet.
- d. Maximum Height Requirements: No residential structure shall exceed three (3) stories or forty (40) feet, measured from the average finished grade at the front setback line. Residential accessory buildings shall not exceed a height of twenty (20) feet on any residential lot.
- e. Minimum Building Floor Area: Every dwelling hereafter erected shall have a minimum gross living space per dwelling unit of not less than one thousand (1,000) square feet.
- f. Development Standards:
- (1) Natural Existing Vegetation:
A minimum buffer zone or strip of at least thirty-five (35) feet in width as measured from the water's edge or ordinary high water mark shall be maintained in its natural vegetative state, except for the permitted clearing of dead or noxious plants, or as otherwise permitted in this section. Any vegetation removed shall be replaced with plant materials that are equally effective in retarding runoff, preventing erosion and preserving natural beauty.
 - (i) No fertilizer or other chemicals that affect the natural vegetation may be applied within the buffer zone.
 - (ii) Within the buffer zone a space of no greater than ten (10) feet in width may be selectively trimmed and pruned to allow for the placement of a walkway and/or for a view of the river, with the approval of the Zoning Administrator. Any walkway constructed within the buffer zone shall be on the land side and may be oriented perpendicular or parallel to the water line. Walkways may be constructed of porous materials such as wood chips or gravel.
 - (iii) The Zoning Administrator may allow limited clearing of the buffer zone only when required for construction of a permitted building or structure, provided that the land

cleared must be returned to a vegetative state which is approximately the same quality or greater than that which existed prior to the clearing. The replacement vegetation shall be equally effective in retarding runoff, preventing erosion and preserving natural beauty.

- (iv) Individual trees within the buffer zone which are in danger of falling or causing damage to dwellings or other structures, or causing blockage of the shoreline or waterway, may be removed.
 - (v) The buffer zone shall not be used for any motorized vehicle traffic, parking or for storage of any kind including junk vehicles, waste or garbage or for any use not otherwise authorized in this Ordinance.
- (2) **Alteration of Ground Cover:**
No building permit for any construction, or authorization for any grading of a lot or subdivision shall be granted unless it is first determined that any removal of ground cover conforms to the sedimentation control rules of the Newaygo County Drain Commission. Particular care shall be taken to provide protective measures to control erosion of exposed earth over the winter months, if not seeded and mulched by September 15.
- (3) **Drainage:**
Natural drainage courses shall be protected from grading activity. Areas of natural drainage such as swales, wetlands, ponds or swamps shall be protected and preserved in their natural state, insofar as practical, to provide areas for natural habitat, preserve drainage patterns and maintain the natural characteristics of the land.
- (4) **Slopes:**
Slopes created by grading the site should generally not exceed a slope ratio of one (1) foot of vertical slope (rise) for each three (3) feet of horizontal distance (run). All slopes shall be properly stabilized to prevent erosion and destruction of the natural vegetation.
- (5) **Location of Septic Tank Drain Fields:**
Particular care shall be given to the location of septic tanks and drain fields in the floodplain. In no case will the septic tank drainage system, consisting of a drywell or drain field be located nearer than one hundred (100) feet to the ordinary high water mark of the Muskegon River and shall conform to all regulations of the District Health Department in placement and design.
- (6) **Stairs and Steps on Embankments:**
Stairs, walkways, decks and steps on embankments having a grade exceeding twelve (12) percent must be constructed above grade. Steps may not be embedded into the ground surface.
- (7) **Wetlands:**

No portion of the buffer zone containing wetlands as defined by the Michigan Department of Environmental Quality (MDEQ) shall be altered drained or filled so as to accommodate access or increase river frontage.

- (8) Channelization:
No canal or channel shall be excavated for the purpose of increasing river frontage or improving access.

ARTICLE IX AG AGRICULTURAL ENTERPRISE DISTRICT

9.1 PURPOSE:

The AG Agricultural Enterprise Districts are designed to apply to those areas of Garfield Township where it is necessary and desirable because of existing agricultural enterprises, as well as soil and natural conditions well suited to productive agricultural capability, to preserve, promote, maintain and enhance the use of the land for agricultural purposes and to protect such land from encroachment by non-agricultural uses, or to create contiguous blocks of agricultural land by original designation, or to create same by future annexation of smaller holdings to existing blocks. It is intended that such an agricultural zoning classification will aid in the maintenance of land values at levels supportable by farming activities, and to avoid property value increases through speculation for suburban development, which forces existing, prime farm land into non-agricultural uses.

9.2 USES PERMITTED BY RIGHT:

In an AG Agricultural Enterprise District, no building or land shall be used and no building shall be erected except for one or more of the following specified uses unless otherwise provided in this Ordinance.

- a. Commercial agriculture and horticulture, including general and specialized farming and agricultural activities not limited to:
 - (1) Dairying.
 - (2) Livestock raising, except commercial feedlots; provided that pens or shelters are maintained in a sanitary condition and that such livestock are fenced or otherwise prevented from roaming at large.
 - (3) Poultry raising, except commercial egg production.
 - (4) Raising of grain, grass and seed crops.
 - (5) Orchards.
 - (6) Apiculture (beekeeping).
 - (7) Floriculture (cultivation of ornamental flowering plants).
 - (8) Raising of tree fruits, nuts and berries.
 - (9) Sod farming.
 - (10) Raising or growing of ornamental trees, shrubs and nursery stock, but not including retail sales on the premises.
 - (11) Vegetable gardening.
- b. Farm drainage and irrigation systems.
- c. Forestry or forest management.
- d. Public and private conservation areas and structures for the development, protection and conservation of open space, watersheds, water, soil, forests, and wildlife resources.
- e. Riding or boarding stables subject to the following conditions:
 - (1) Riding or boarding stables may be permitted on parcels of

- not less than forty (40) acres.
- (2) Stables, paddock areas for instruction or paddock areas for the confinement of horses near stables shall be at least two hundred (200) feet from any property line.
- (3) The facility shall be so constructed and maintained that odor, dust, noise or drainage shall not constitute a nuisance or hazard to adjoining premises.
- (4) Adequate off-street parking shall be provided on the site.

f. Commercial kennels.

g. One farm dwelling per farm, which serves as the principal residence for the owner, operator or employee(s) of the farm.

h. Non-farm single family dwellings shall be permitted by the Zoning Administrator, when it is determined that the application therefore meets the following standards and requirements and is subject to the area and dimensional requirements established below and in 4.05 for the GR-1 District.

- (1) The maximum number of non-farm dwellings to be permitted, in excess of the existing farm dwelling, shall be based on the gross area of the tract to be subdivided or parceled, as follows:

Area of Lot of Record at the effective date of this Article	Maximum Number of lots permitted to be created
10 acres or less	0
10 - 19 acres	1
20 - 39 acres	2
40 - 79 acres	3
80 acres or more	4

- (2) The driveway servicing a non-farm dwelling shall be separated from adjacent driveways on the same side of the road by the following distances:
 - i. County Local - 100 feet.
 - ii. County Primary or State Trunk line -125 feet.
 - iii. Minimum distance from intersection of two or more of the above - 100 feet.
- (3) The land use or land cover of the proposed lot, for the last five (5) years shall have primarily been scrub, woodlot, pasture, fallow, or vacant land.
- (4) Applications for a non-farm dwelling that in the opinion of the Zoning Administrator do not meet the standards and requirements noted must apply to the Planning Commission as a Conditional Use.

9.3 PERMITTED ACCESSORY USES:

The following are permitted accessory uses:

- a. Those accessory uses as permitted in Section 4.03.
- b. Accessory uses or structures, clearly incidental to the operation of a farm or other agricultural enterprise, including:
 - (1) Barns, silos, sheds, garages, equipment storage and similar structures, incidental to the permitted principal uses and structures.
 - (2) One roadside stand for the sale of farm produce raised on the property.
- c. Accessory uses or structures in the AG District need not be located on the same lot or premises as the principal residence or use.

9.4 USES PERMITTED BY CONDITIONAL USE PERMIT:

The following uses of land and structures may be permitted in this District, by the application for and the issuance of a Conditional Use Permit as provided for in ARTICLE XVIII.

- a. Those conditional uses as permitted in Section 4.04.
- b. Agricultural service establishments primarily engaged in performing agricultural, animal husbandry or horticultural services on a fee or contract basis, including but not limited to:
 - (1) Sorting, grading and packing fresh (unprocessed) fruits and vegetables.
 - (2) Agricultural product milling and processing.
 - (3) Crop dusting and spraying operations.
 - (4) Grain cleaning.
 - (5) Land grading and excavation.
 - (6) Harvesting and plowing/custom-work operations.
 - (7) Veterinary offices.
 - (8) Bulk feed, seed or fertilizer sales, storage or mixing.
 - (9) Auction sale barns.
- c. Commercial feedlots.
- d. Poultry raising, including commercial egg production.
- e. Retail sales of ornamental trees, shrubs or nursery stock grown on the premises.
- f. Commercial sand or gravel pits, quarries and other mining operations.
- g. Accessory apartment and Elder Cottage Housing Opportunities (ECHO) in accordance with Section 18.15.

- h. Conservation development option (Section 18.18).
- i. Retail sale of building supplies.
- j. Principal-use Solar Energy Systems, subject to Article XVIII Section 18.19

An applicant or application for a Conditional Use Permit, in addition to satisfying all requirements and conditions of Article XVII and Article IX of this Ordinance, must likewise meet or satisfy the following criteria, to wit:

- a. All local, state or federal licensing requirements must strictly be met.
- b. Strict adherence to all local state and federal regulations.
- c. All signs proposed for identification or advertisement of the requested Conditional Use for a home-based business shall meet the following requirements and if approved shall become part of the Conditional Use Permit.
 - (1) One freestanding sign not exceeding thirty two (32) square feet in area.
 - (2) One nameplate affixed to the principal structure not exceeding four (4) square feet in area.
 - (3) One temporary sign per parcel or lot for temporary and seasonal businesses, not exceeding twelve (12) square feet in area and which shall not remain for more the 120 days in any calendar year.
 - (4) Other signs as may be permitted by the Planning Commission as part of the Conditional Use approval.
 - (5) No portable signs shall be permitted.

9.5 SITE DEVELOPMENT STANDARDS:

ANY RESIDENTIAL LOT OR STRUCTURE CREATED AND RECORDED PRIOR TO THE EFFECTIVE DATE OF THIS ORDINANCE OR ANY AMENDMENT TO THIS ORDINANCE ESTABLISHING AG DISTRICT MAY BE USED OR MAY CONTINUE TO BE OCCUPIED FOR RESIDENTIAL PURPOSES, EVEN THOUGH THE LOT AREA, LOT WIDTH OR EXISTING SETBACKS ARE LESS THAN THOSE REQUIRED IN THE AG DISTRICT. SAID LOTS OR STRUCTURES SHALL NOT BE CONSIDERED NONCONFORMING PER THE PROVISIONS OF ARTICLE XII AND THEREFORE THE PROVISIONS OF ARTICLE XII SHALL NOT APPLY.

The following maximum and minimum standards shall apply to all uses and structures in the AG District.

- a. Minimum Farm Size: A farm within an Agricultural Enterprise District shall encompass a minimum of forty (40) acres.
- b. Non-Farm Single Family Dwellings: Non-farm dwellings for farm employees, relatives of the farm owner or operator, or for sale. are permitted as specified in 9.02(h). For each additional non-farm dwelling in excess of the original and principal farm dwelling, all minimum lot area. lot

width, yard and setback requirements established in 4.05, GR-1 General Residential District, shall apply.

Dwelling units which exist at the effective date of this Ordinance shall not be restricted to occupancy by the owner or employees of the farm. Existing units may be sold or parceled off in accordance with the provisions established in 9.02(h).

- a. Minimum Lot Width: The minimum lot width shall be three hundred thirty (330) feet.
- b. Maximum Lot Coverage: The maximum lot coverage by all buildings, including accessory buildings, shall not exceed twenty (20) percent.
- c. Yard and Setback Requirements:
 - (1) Front Yard: The required front yard setback shall not be less than fifty (50) feet.
 - (2) Side Yard: Fifty (50) feet.
 - (3) Rear Yard: Fifty (50) feet.
 - (4) In any case, no permanent or temporary structure housing livestock or for storage of manure, shall be located any closer than one hundred (100) feet to any lot line.
- d. Maximum Height Requirements: No residential structure shall exceed three (3) stories or forty (40) feet, measured from the average finished grade at the front setback line. Residential accessory buildings shall not exceed a height of twenty (20) feet on any residential lot. The maximum height provisions contained herein shall apply only to residential dwellings and residential accessory buildings and not farm-related structures such as barns, silos, and the like.
- e. Minimum Building Floor Area: Every dwelling hereafter erected shall have a minimum gross living space per dwelling unit of not less than seven hundred forty (740) square feet, exclusive of basements, garages, porches and breezeways

ARTICLE X MH MOBILE HOME RESIDENTIAL DISTRICT

10.1 PURPOSE:

The Mobile Home District is intended to provide for the location of mobile home dwellings in an attractive and orderly manner in Garfield Township. It is the particular purpose of this article to concentrate such dwelling units in areas of similar housing so as to not interrupt the continuity of existing, non-mobile home neighborhoods. The regulations and conditions contained herein are intended to ensure that mobile home development will provide a comfortable and pleasing environment for persons who seek mobile home residence.

Further, it is the purpose of this article to provide a range of housing opportunities and flexibility for development within one district.

10.2 USES PERMITTED BY RIGHT:

In the Mobile Home District, no building or land shall be used and no building erected except for one or more of the following specified uses, unless otherwise provided in this Ordinance.

- a. Single-family detached dwelling.
- b. Mobile home parks subject to all current provisions of the Mobile Home Commission General Rules as adopted by the Michigan Mobile Home Commission, which are hereby incorporated by reference as part of this Ordinance.

10.3 PERMITTED ACCESSORY USES:

The following are permitted accessory uses in a Mobile Home Park.

- a. Accessory buildings and uses as are customarily incidental to mobile home park or subdivision development except that this shall not include the sale of mobile home units other than by their individual resident owners or the servicing of mobile home units except as is required for normal maintenance by the individual resident owner.
- b. One office building exclusively for conducting the business operations of a mobile home park.
- c. Utility buildings for laundry facilities and auxiliary storage space for mobile home tenants.
- d. Recreation areas, community building, playground and open space for use by mobile home residents.
- e. Swimming pools.
- f. Signs.
- g. Pens or enclosures for household pets.

- h. Those accessory uses as permitted in 4.3 and which comply with 14.9.

10.4 USES PERMITTED BY CONDITIONAL USE PERMIT:

The following uses of land and structures may be permitted in this District by the application for and the issuance of a Conditional Use Permit as provided for in ARTICLE XVIII.

- a. Those conditional uses as permitted in 4.4.

10.5 SITE DEVELOPMENT STANDARDS:

- a. Mobile Home Parks:
 - (1) Site Plan Review: Prior to the issuance of a permit for construction on a mobile home park or subdivision, a site plan shall be submitted to the Planning Commission for approval (See ARTICLE XIX). Actual construction shall be in accordance with the approved site plan.
 - (2) Minimum Project Area: The minimum project area for a mobile home park or subdivision development shall be thirty (30) acres, with a maximum site size not to exceed forty (40) acres.
- b. Other Development in Mobile Home District: Refer to 4.5 (General Residential District) and apply standards for GR-1 District.

10.6 MOBILE HOME STANDARDS:

- a. A mobile home occupied or placed upon a lot as defined herein, must first meet or exceed the terms and provisions of the Mobile Home Commission Rules promulgated by the Michigan Department of Commerce pursuant to the Mobile Home Commission Act (Act 96 of 1987), including any and all amendments thereto.
- b. A mobile home occupied or placed upon a lot as defined herein, must first meet or exceed the terms and provisions of the Mobile Home Commission Rule aforementioned, including any and all amendments thereto, as they relate to installation procedures and requirements and as they relate to the proper installation of utilities.
- c. A mobile home occupied or placed upon a lot as defined herein must first meet or exceed the terms and provisions of the National Manufactured Housing and Safety Standards Act, and the Manufactured Home Construction and Safety Standards promulgated there under.
- d. A mobile home occupied or placed upon a lot or parcel must possess not less than seven hundred twenty (720) square feet of living area, and must likewise possess dimensions of at least sixty (60) feet in length and twelve (12) feet in width.

ARTICLE XI C GENERAL COMMERCIAL DISTRICT

11.1 PURPOSE:

It is the intent of the General Commercial District to accommodate a variety of retail uses primarily intended to service the residential areas and needs of Garfield Township, and to a lesser extent, adjoining communities or transient consumers. Such activities require land and structure uses that are typically densely grouped, generating a noticeable volume of vehicular or pedestrian traffic. The regulations and conditions contained in this Article are designed to promote the economic viability of existing arterial-oriented commercial areas by encouraging improved site development standards which will provide more safety and convenience for customers and less traffic congestion on adjacent streets and thoroughfares. Regulations and conditions contained herein are further intended to ensure that development in the "C" District will relate harmoniously to surrounding land uses. The location and extent of this district (M37 from the City of Newaygo to 96th Street and for a depth of 500') was selected to reduce traffic congestion on roadways in Garfield Township, to reduce traffic impacts on residential and agricultural land uses and to provide services to the traveling public.

11.2 USES PERMITTED BY RIGHT:

In a C General Commercial District no building or land shall be used and no building erected except for one or more of the following specified uses, unless otherwise provided in this Ordinance.

- a. Offices for personal or business services, such as, but not limited to; financial institutions, real estate offices, offices for attorneys, accountants and similar professionals, medical or dental offices.
- b. Retail establishments marketing convenience goods, such as; groceries, fruit, meats, dairy products, produce, baked goods and alcoholic beverages; stores selling drugs, hardware, novelties and gifts, flowers, books, stationery, tobacco and sundry small household articles.
- c. Personal service establishments performing services on the premises such as; barber and beauty shops, shoe shine and shoe repair shops, self-service laundry and dry cleaning establishments, dry cleaning and laundry pick-up stations, and other personal service establishments similar to and compatible with the above establishments.
- d. Eating and drinking establishments where food or beverage is consumed within a completely enclosed building.

11.3 PERMITTED ACCESSORY USES:

The following are permitted accessory uses:

- a. Signs, subject to the regulations established in ARTICLE XVII
- b. Off-street parking as required in ARTICLE XVI

11.4 USES PERMITTED BY CONDITIONAL USE PERMIT:

The following uses of land and structures may be permitted in this District by the application for and the issuance of a Conditional Use Permit as provided for in ARTICLE XVIII.

- a. Planned shopping centers.
- b. Automobile service stations.
- c. Automatic and self-service car wash establishments.
- d. Hotels, motels and motor hotels.
- e. Commercial garages.
- f. Drive-in restaurants, retail or service establishments.
- g. Open air businesses, such as retail sales of nursery stock, lawn furniture, playground equipment and garden supplies, provided the total sales and storage area is fenced or otherwise enclosed in a permanent manner
- h. Retail lumber yard; building material sales yard.
- i. Auto parts, tire battery and accessory dealers.
- j. Temporary outdoor uses or sales, incidental to the business conducted on the premises
- k. Utility and public service facilities and uses.
- l. Amusement enterprises, including billiard or pool hall, bowling alley, dance hall, nightclub, skating rink, theater and the like, if conducted wholly within a completely enclosed building and provided that said building shall have no openings other than stationary windows or required fire exit within one hundred (100) feet of any residential district.
- m. Multiple family buildings including attached dwelling units, apartment buildings having three (3) or more dwelling units, and multiple family senior citizen developments with or without medical support services.
- n. Those uses permitted by right in the limited industrial district, as contained in section 13.2, EXCEPTING 13.2 (c) truck terminals.
- o. In-door gun or sport shooting range.

11.5 SITE DEVELOPMENT STANDARDS:

The following maximum and minimum standards shall apply to all uses and structures in the General Commercial District.

- a. Minimum Lot Area: No structure shall be established on any parcel providing less than five thousand (5,000) square feet of lot area.

ANY RESIDENTIAL LOT OR STRUCTURE CREATED AND RECORDED PRIOR TO THE EFFECTIVE DATE OF AN AMENDMENT TO THIS ZONING ORDINANCE ESTABLISHING THE GENERAL COMMERCIAL DISTRICT MAY BE USED OR MAY CONTINUE TO BE OCCUPIED FOR RESIDENTIAL PURPOSES. EVEN THOUGH THE LOT AREA, WIDTH OR EXISTING SETBACKS ARE LESS THAN THOSE REQUIRED IN THE GENERAL COMMERCIAL DISTRICT. SAID LOTS AND STRUCTURES SHALL NOT BE CONSIDERED "NONCONFORMING" PER THE PROVISIONS OF ARTICLE XV AND THEREFORE TYPICAL ZONING REQUIREMENTS PERTAINING TO NONCONFORMING STRUCTURES, SUCH AS ENLARGEMENT, EXPANSION, RELOCATION, REPLACEMENT AND THE LIKE, SHALL NOT APPLY, THE YARD AND SETBACK REQUIREMENTS AS CONTAINED BELOW, SHALL HOWEVER APPLY IN INSTANCES OF NEW RESIDENTIAL CONSTRUCTION ON PREVIOUSLY VACANT LOTS OR PARCELS IN WHAT IS NOW THE GENERAL COMMERCIAL DISTRICT.

- b. Minimum Lot Width: The minimum lot width shall be:

- (1) One hundred (100) feet for all property fronting on M37, north of 88th Street (extended) to the Newaygo City limits.
- (2) Two hundred (200) feet for all property fronting on M37, south of 88th Street to 96th Street.

c. Yard and Setback Requirements:

- (1) Front Yard: The required front yard setback shall not be less than thirty (30) feet or equal to the established setback lines.
- (2) Side and Rear Yards: Ten (10) feet except in the case of a corner lot where the side yard shall not be less than the setback required for the front yard.
- (3) Side and Rear Yards Adjacent to a Residential District: No structure shall be less than twenty (20) feet from any residential district boundary line.

d. Maximum Height Requirements: Forty (40) feet measured from the average finished grade at the front setback line, unless the required front yard is increased by one foot for every foot of height above thirty-five (35) feet.

e. Other Requirements:

- (1) Landscaping shall be maintained in all required front, side and rear yards, in accordance with plans approved by the Planning Commission as a part of site plan review.
- (2) Lighting shall be accomplished in a manner such that no illumination source is visible beyond the property lines of the lot upon which the use is located, and such that no illumination shall adversely affect the welfare of an adjacent property.
- (3) Side or rear yards may not be used for storage.
- (4) Where a C District is located adjacent to a residential district, a greenbelt buffer, vertical screen (wall or fence) or berm shall be provided along the adjacent yard as approved by the Planning Commission.
- (5) Commercial driveways:
 - (a) Commercial driveways shall be located so as to limit undue interference with the free movement of roadway traffic and to provide the required sight distance.
 - (b) Driveways, including the radii, but not including right turn lanes, passing lanes and tapers shall be located entirely within the applicants right-of-way frontage. Right-of-way frontage is determined by projecting the lot lines to the edge of the pavement of the road.

ARTICLE XII CD CORRIDOR DEVELOPMENT DISTRICT

12.1 PURPOSE:

It is the intent of the Corridor Development District to accommodate a limited amount of non-residential development activity within a zone that is 1,320 feet in depth from the road right of way, extending in part along the westernmost segment of the M-82 Corridor in Garfield Township. The Corridor Development District will provide for the continuation of low density residential and agricultural activities within its boundary. It will further provide for limited commercial, industrial and institutional uses, both existing and future, in accordance with specific performance criteria. The intent here being to establish a District that incorporates some measure of zoning flexibility to attract the non-residential development that the Township feels is inevitable for this specific area of the community and yet protect the viability of existing residential and agricultural uses.

12.2 USES PERMITTED BY RIGHT:

In the CD Corridor Development District, no building or land shall be used and no building erected except for one or more of the following specified uses, unless otherwise provided in this Ordinance.

- a. Those Uses Permitted By Right in the GR-1 General Residential District.
- b. Those Uses Permitted By Right in the AG Agricultural Enterprise District.

12.3 PERMITTED ACCESSORY USES:

The following are permitted accessory uses:

- a. Those accessory uses as permitted in Section 4.3 and Section 9.3
- b. Any use customarily incidental to the permitted principal use.
- c. Signs, subject to the regulations established in ARTICLE XVII.
- d. Off-street parking as required in ARTICLE XVI.

12.4 USES PERMITTED BY CONDITIONAL USE PERMIT:

The following uses of land and structures may be permitted in this District by the application for and the issuance of a Conditional Use Permit, as provided for in ARTICLE XVIII.

- a. Those Conditional Uses Permitted in Section 4.4 and Section 9.4.
- b. Planned Neighborhood Shopping Center.
- c. Wholesale establishments.
- d. Executive, administrative, professional, accounting or similar office or service facilities.
- e. Indoor recreation centers or health and fitness centers.
- f. Non-manufacturing research and development facilities.
- g. Warehousing or storage buildings.
- h. Contractors establishments including retail sales.
- i. Establishments for the processing, packaging, treatment or assembly of products not manufactured on the site, such as:

- (1) Food products.
- (2) Pharmaceutical products, cosmetics and toiletries.
- (3) Toys, novelties and athletic equipment.
- (4) Furniture, fixtures and office equipment.
- (5) Engineering, optical, medical and similar instruments.
- (6) Electrical instruments or appliances.
- (7) Paperboard containers, and printed, published or bound materials.
- (8) Plastic injection moldings.
- j. Municipal buildings, public service buildings, or public utility buildings, telephone exchange buildings and communication or relay facilities.
- k. Neighborhood/convenience retail establishments.
- l. Service, craft or repair establishments, such as:
 - (1) Woodworking shop, including but not limited to such items as furniture repair, wood carving and cabinet-making.
 - (2) Window shop, including but not limited to window or screen repair, manufacture or installation.
 - (3) Bakery.
 - (4) Small engine repair.
 - (5) Leather or canvas repair and sale shop.
 - (6) Shoe repair and sales.
 - (7) Welding shop.
 - (8) Buggy shop.
 - (9) Fabric/variety shop with items produced by hand, such as knitting, weaving, rug-making, quilting, loom products and the like.
 - (10) Machine shop.
 - (11) Bulk food store.
 - (12) Sale or repair of stoves or furnaces that burn wood or similar material.
 - (13) Other businesses similar to, but not specified above may be considered for approval by the Planning Commission. Examples include, but are not limited to the fabrication of solar panels, building mini-barns and the like.

12.5 SITE DEVELOPMENT STANDARDS:

ANY RESIDENTIAL LOT OR STRUCTURE CREATED AND RECORDED PRIOR TO THE EFFECTIVE DATE OF THIS ORDINANCE OR ANY AMENDMENT TO THIS ORDINANCE ESTABLISHING THE CORRIDOR DEVELOPMENT DISTRICT MAY BE USED OR MAY CONTINUE TO BE OCCUPIED FOR RESIDENTIAL PURPOSES, EVEN THOUGH THE LOT AREA, LOT WIDTH OR EXISTING SETBACKS ARE LESS THAN THOSE REQUIRED IN THE CD DISTRICT. SAID LOTS OR STRUCTURES SHALL NOT BE CONSIDERED NONCONFORMING PER THE PROVISIONS OF ARTICLE XV AND THEREFORE THE PROVISIONS OF ARTICLE XV SHALL NOT APPLY.

The following maximum and minimum standards shall apply to all uses and structures in the CD District.

- a. Minimum Lot Area: No structure shall be established on any parcel providing less than the lot area specified below:
 - (1) For those Uses Permitted By Right in the GR-I General Residential District, a Minimum Lot Area of one (1) acre.
 - (2) For those Uses Permitted By Right in the AG District, a Minimum

- Lot Area of forty (40) acres.
 - (3) For those Uses Permitted By Conditional Use Permit, a Minimum Lot Area of one (1) acre.
 - b. Minimum Lot Width:
 - (1) For those Uses Permitted By Right in the GR-1 General Residential Districts, the Minimum Lot Width shall be two hundred (200) feet.
 - (2) For those Uses Permitted By Right in the AG District, the Minimum Lot Width shall be two hundred (200) feet.
 - (3) For those Uses Permitted By Conditional Use Permit, the Minimum Lot Width shall be two hundred (200) feet.
 - c. Yard and Setback Requirements:
 - (1) Front Yard: The required front yard setback shall not be less than fifty (50) feet.
 - (2) Side Yard: Fifty (50) feet.
 - (3) Rear Yard: Fifty (50) feet.

12.6 OTHER REQUIREMENTS:

The following standards and requirements shall apply for all Uses Permitted By Conditional Use Permit in the CD District:

- a. Landscaping shall be maintained in all required front, side and rear yards, in accordance with plans approved by the Township Planning Commission.
- b. All lighting shall be installed and maintained in such a manner as to confine the illumination source or divert glare to the property upon which the use is located and to prevent glare or illumination from adversely affecting the safety or welfare of an adjacent (especially residential) property.
- c. All exterior building walls facing M-82 shall be finished with face brick, wood, glass, stone or fluted concrete block. Decorative metal panels or other similar building materials may be approved by the Planning Commission, in its sole discretion.
- d. On M-82, curb cuts located on the same side of the street shall be spaced a minimum of one hundred fifty (150) feet apart.
- e. Trash containers and all outside storage shall be enclosed on at least three (3) sides by landscaping or a structure aesthetically compatible with the surrounding property.
- f. When a proposed use abuts an existing single family residence, the Planning Commission in their review of the proposal may establish certain setbacks, landscaping requirements, or screening, fencing or berming requirements considered necessary to protect the health, safety and welfare of adjoining residents.

ARTICLE XIII I LIMITED INDUSTRIAL DISTRICT

13.1 PURPOSE:

It is the purpose of the Limited Industrial District to provide for the development of warehousing, industrial and manufacturing uses that are characterized by their low intensity usage and the absence of objectionable external effects. Regulations as contained within this section are designed to encourage the development of attractive industrial sites, compatible with adjacent uses and serving those persons living and working within the Township.

13.2 USES PERMITTED BY RIGHT:

In an "I" Limited Industrial District no building or land shall be used and no building erected except for one or more of the following specified uses, unless otherwise provided in this Ordinance.

- a. Any production, processing, cleaning, testing, repair, storage, and distribution of materials, goods, foodstuffs, and products not involving a retail activity on the same site.
- b. Wholesale, warehousing, storage or transfer buildings including refrigerated and general storage facilities; excluding the storage of bulk petroleum or related products, or garbage or rubbish.
- c. Truck terminals including maintenance and service facilities.
- d. Retail sales typically incidental to contractor's establishments which require a workshop and retail outlet or showroom as accessory uses, including:
 - (1) Plumbing and electrical contractors.
 - (2) Building material suppliers and wholesalers such as lumber yards and other similar uses.
 - (3) Carpenter shops including door, sash or trim manufacturing.
 - (4) Jobbing and repair machine shops.
 - (5) Commercial garage.
 - (6) Plastic products forming and molding.
 - (7) Printing and publishing.
 - (8) Air conditioning and heating dealers.
 - (9) Furniture re-upholstering and refinishing establishments.
 - (10) Other uses similar to and compatible with the above uses.
- e. Non-manufacturing research and development establishments.
- f. Public buildings and public utility structures

13.3 PERMITTED ACCESSORY USES:

The following are permitted accessory uses:

- a. Accessory uses, relating directly to and servicing the principal use on the site, including:
 - (1) Restaurant or cafeteria for employees.

- (2) Office facilities.
- b. Signs, subject to the regulations established in ARTICLE XVII.
- c. Off-street parking as required in ARTICLE XVI.

13.4 USES PERMITTED BY CONDITIONAL USE PERMIT:

The following uses of land and structures may be permitted in this District by the application for and the issuance of a Conditional Use Permit as provided for in ARTICLE XVIII.

- a. Commercial television and radio towers and public utility microwave or transmitting towers and their attendant facilities.

13.5 SITE DEVELOPMENT STANDARDS:

The following maximum and minimum standards shall apply to all uses and structures in the "I" District.

- a. Minimum Lot Area: No structure shall be established on any parcel providing less than twenty thousand (20,000) square feet of lot area.
- b. Minimum Lot Width: The minimum lot width shall be one hundred (100)feet.
- c. Yard and Setback Requirements:
 - (1) Front Yard: The required front yard setback shall not be less than fifty (50) feet.
 - (2) Side Yard: Twenty (20) feet except in the case of a corner lot where the side yard on the street side shall not be less than the setback required for the front yard.
 - (3) Side and Rear Yards Adjacent to a Residential District: No structure shall be located less than fifty (50) feet from any residential district boundary line.
- d. Maximum Height Requirements: Forty (40) feet measured from the average finished grade at the front setback line, unless each required yard setback is increased by one foot for every foot of height above forty (40) feet.
- e. Other Requirements:
 - (1) Unless specifically mentioned, all activities in this District shall be carried on in completely enclosed buildings.
 - (2) Storage of finished, or unfinished material, or any equipment or machinery necessary to the operation is permitted, but all storage areas shall be effectively screened by a solid, uniformly finished wall or fence with solid entrance and exit gates. Said wall or fence shall in no case be lower that the enclosed storage.
 - (3) Landscaping shall be maintained in all required front, side and rear yards, in accordance with plans approved by the Planning Commission as part of site plan review.

- (4) Lighting shall be accomplished in a manner such that no illumination source is visible beyond the property lines of the lot upon which the use is located, and such that no illumination shall adversely affect the welfare of an adjacent property.

ARTICLE XIV SPECIAL PROVISIONS

The following special provisions establish miscellaneous regulations which have not been specifically provided for in other portions of this Ordinance, yet are applicable to all Zoning Districts unless otherwise indicated.

14.1 UNSAFE BUILDINGS:

Nothing in this Ordinance shall prevent compliance with an order by an appropriate authority to correct, improve, strengthen, or restore to a safe condition any building declared to be unsafe.

14.2 ONE BUILDING PER LOT:

No more than one principal building may be permitted on a lot or parcel, unless specifically provided elsewhere in this Ordinance.

14.3 ACCESS TO A STREET:

Any one lot of record created after the effective date of this Ordinance, without any frontage on a street shall not be occupied without access to a street provided by an easement or other right-of-way no less than twenty (20) feet wide. No more than one lot may be served by such an access route.

14.4 BUILDING GRADES:

The finished surface of the ground areas outside the walls of any building constructed or altered shall be so designed that surface waters shall flow away from the building walls in such a direction and collection that inconvenience or damage to adjacent properties shall not occur.

14.5 REQUIRED WATER SUPPLY AND SANITARY SEWERAGE FACILITIES:

Any structure erected for human occupancy after the effective date of this Ordinance and used for dwelling, business, industrial, or recreational purposes shall be provided with a safe, sanitary and potable water supply, and with a safe and effective means of collection, treatment and disposal of human, commercial, or industrial wastes. All such installations shall comply with the requirements of the State of Michigan and the District Health Department.

14.6 MOVING BUILDINGS:

No building, structure or dwelling which has been wholly or partially erected on any premises located within or outside the Township of Garfield shall be moved to or placed upon any other premises in this Township without full conformance to all provisions of this Ordinance in the same manner as a new building.

14.7 PRIOR BUILDING PERMITS:

Any building permit issued prior to the effective date of this Ordinance shall be valid even though not conforming to the provisions of this Ordinance; provided that

construction is commenced within ninety (90) days after the date of permit issuance and carried on diligently without interruption for a continuous period in excess of ninety (90) days.

14.8 FENCES WALLS AND SCREENS:

a. Location and Height Requirements:

(1) Front Yard:

- (a) Any solid fence or wall with a maximum height of three (3) feet.
- (b) A substantially open fence, such as chain link or split rail with a maximum height of four (4) feet.
- (c) Fences in the front yard setback of waterfront lots shall be constructed in such a manner as to not obstruct vision of the water.

(2) Side or Rear Yard:

- (a) A maximum height of six (6) feet is allowed, provided the yard does not abut a street right-of-way.
- (b) No fence shall exceed six (6) feet in height unless the Planning Commission approves a Site Plan for the fence and it is demonstrated that such fence is necessary for public safety, proper screening or for the proper operation of the principal use.
- (c) In Agricultural, Commercial, Corridor Development or Industrial zones, the maximum fence height in a side or rear yard shall be eight (8) feet.

(3) Additional Requirements In All Zoning Districts:

- (a) Fences shall not be erected within any public road right-of-way or private road easement.
- (b) A fence, wall or any planting shall not be erected, planted or maintained in such a way as to obstruct vision or interfere with traffic visibility at driveway entrances to a street, on a curve, or within thirty (30) feet of the point of intersection of two streets.
- (c) Fences which exceed the maximum height as stated above, may be allowed by the Zoning Administrator up to a height of ten feet if it is demonstrated that such fence is necessary for public safety, protection of agricultural produce or crops, or it is necessary for the proper operation of the principal use being conducted on the property.

b. Fences and Site Plan Review:

- (1) All fences, walls or screens required as part of the Site Plan Review process shall be constructed of durable, weather-resistant and easily-maintainable materials, as approved by the Planning Commission.
- (2) The materials, finishes and forms of fences and screen walls required as part of the Site Plan Review process shall be compatible with surrounding land uses or structures, as determined by the Planning Commission.
- (3) The Planning Commission shall determine the degree or extent of

opaqueness of any fence, wall or screen as required as part of the Site Plan review process.

14.9 ACCESSORY BUILDINGS:

Accessory Building (Conventional): The regulations in this subsection shall apply to accessory buildings in the LFR Zoning District:

- a. No accessory building which is not attached and made structurally a part of the principal building shall be closer than ten (10) feet to any other structure on the lot.
- b. No accessory building shall be closer to any side or rear lot line than the side yard requirement of the LFR Zoning District.
- c. Attached or detached accessory buildings may be located in the front yard, in front of the principal building, but not closer to the front lot line than the required front setback.

Accessory Building (Special Situation): The regulations in this subsection shall apply to accessory building in all zoning districts, **except** the LFR Zoning District.

- a. An Accessory Building (Special Situation) may or may not be located on the same lot or parcel of land as the principal building and it may or may not be constructed prior to the construction of a principal building.
- b. All accessory buildings, regardless of size or use, require a Zoning Compliance or Building Permit prior to construction.
- c. No accessory building shall be used for dwelling purposes or living space.
- d. Front or side yards may not be used for storage.
- e. All requirements within Section 14.9(a) shall also apply.

14.10 VARIANCE OF REQUIREMENTS FOR LOTS OF RECORD:

Any residential lot created and recorded prior to the effective date of this Ordinance may be used for residential purposes even though the lot area and/or dimensions are less than those required for the District in which the lot is located, provided that yard dimensions and other requirements of the District, not involving lot area or width are met.

14.11 ALLOCATION OF LOT AREA:

No portion of a lot can be used more than once in complying with the provisions for lot area and yard dimensions for construction or alteration of buildings.

14.12 YARD ENCROACHMENTS PERMITTED:

The following elements of structures may extend or project into a required yard area:

- a. Unenclosed porches or other ground level unenclosed features, such as patios, terraces and decks.

- b. Certain architectural features not exceeding eighteen (18) inches in width, such as cornices, eaves, gutters, chimneys, bay windows, balconies and similar features.

14.13 HEIGHT REQUIREMENTS EXCEPTIONS:

The following are exempted from height limit requirements, provided that no portion of the excepted structure may be used for human occupancy.

- a. Those purely ornamental in purpose, such as church spires, belfries, cupolas, domes, ornamental towers, flagpoles, monuments.
- b. Those necessary appurtenances to mechanical or structural functions, such as chimneys and smokestacks, water tanks, elevator and stairwell penthouses, ventilators, bulkheads, radio towers, masts and aerials, television antennas, fire and hose towers, wire transmission structures, cooling towers.
- c. Those structural extensions deemed necessary for appropriate building design, such as cornices or parapet walls may extend a maximum of five (5) feet above height limitations and shall have no window openings.
- d. Public utility structures.
- e. Agriculture-related structures, such as barns, silos, elevators and the like.

14.14 CONVERSION OF DWELLINGS:

The conversion of any building into a dwelling, or the conversion of any dwelling so as to accommodate an increased number of dwelling units or families, shall be permitted only within a district in which a new building for similar occupancy would be permitted under this Ordinance and only when the resulting occupancy will comply with the requirements governing new construction in such district with respect to minimum lot size, lot area per dwelling unit, dimensions of yards and other opens spaces and off-street parking.

14.15 PLAT VIOLATIONS:

Where the Supervisor certifies to the Building Inspector that an area has been subdivided in violation of the Plat Act of the State of Michigan, no additional building permits shall be issued until such area is platted. Where a supervisor's or proprietor's plat has been made and is in the process of recording, this requirement may be waived.

14.16 FLOOD HAZARD AREA REGULATIONS:

It is the purpose of this Section to significantly reduce hazards to persons and damage to property as a result of flood conditions in Garfield Township and to comply with the provisions and requirements of the National Flood Insurance Program.

- a. In addition to the definitions set forth in Section 2.2, the following words shall have the meanings hereinafter set forth.
 - (1) AREA OF SPECIAL FLOOD HAZARD: That land in the flood plain within Garfield Township, subject to a one (1) percent or greater chance of flooding

- in any given year.
- (2) **BASE FLOOD:** The flood having a one (1) percent chance of being equal or exceeded in any given year.
 - (3) **DEVELOPMENT:** Any man-made changes to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, mobile home placement, excavation or drilling operations located within the Area of Special Flood Hazard.
 - (4) **Flood INSURANCE RATE MAP (FIRM):** The official map on which the Federal Insurance Administration had delineated both the Areas of Special Flood Hazard and the risk premium zones applicable to Garfield Township.
 - (5) **FLOOD INSURANCE STUDY:** The official report provided by the Flood Insurance Administration that contains flood profiles, flood boundaries and the water surface elevation of the base flood.
- b. The areas of Special Flood Hazard identified by the Federal Insurance Administration in an engineering report entitled "The Flood Insurance Study for the Township of Garfield" (Dated 8/8/75), with all accompanying Flood Insurance Rate Maps and Flood Boundary-Floodway Maps is hereby adopted by reference and declared to be a part of this Ordinance. The Flood Insurance Study is on file with the Township Clerk.
 - c. The Zoning Administrator shall review all building permits and development proposals to determine compliance with the requirements of this Section.
 - d. All development shall be prohibited within Areas of Special Flood Hazard, as defined herein.
 - e. Variances from the requirements of this Section may be granted by the Board of Appeals upon a determination of compliance with the general standards for variances contained in this Ordinance and each of the following specific standards:
 - (1) A showing of sufficient cause.
 - (2) A determination that failure to grant the variance would result in exceptional hardship to the applicant.
 - (3) A determination that the granting of a variance would not result in flood heights in excess of those delineated in the Flood Insurance Study; nor pose additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing laws or ordinances.

The variance granted shall be the minimum necessary, considering the flood hazard, to afford relief to the applicant.

14.17 SINGLE FAMILY MOBILE HOME DWELLINGS:

It is the purpose of this Section to provide standards for the development of mobile home dwellings on individual parcels, in such a manner as to enhance the desirable character of residential areas and undeveloped lands in Garfield Township. The following standards shall apply:

- a. Mobile homes shall meet the definition and size requirements as established in Section 2.2.

- b. Each mobile home shall be properly electrically grounded and sufficiently anchored to a reinforced concrete slab, four (4) inches or more in thickness; said concrete slab to be not less than the length and width of said mobile home. The slab shall be constructed, graded and placed in such manner as to provide adequate support to said mobile home, with maximum potential load, during all seasons.
- c. Each mobile home shall be anchored to its stand in such a way as to keep it stable during high winds.
- d. Uniform skirting of each mobile home base shall be required within thirty (30) days after initial placement. Such skirting shall be a minimum of twenty-six (26) gage solid sheet metal, aluminum or other non-corrosive metal or material of equal strength and so constructed and attached to the mobile home as to prevent entry of rodents and insects. Storage of flammable goods and articles underneath any mobile home shall be prohibited.
- e. All minimum lot area, lot width, lot coverage and yard and setback requirements of the respective zoning district shall be met.
- f. Only one (1) mobile home shall be permitted on a lot or parcel.

14.18 PORTABLE DWELLINGS:

It is the purpose of this Section to provide standards for limited; restricted utilization of portable dwellings as herein defined. Such uses will be limited and restricted so as not to detract from the aesthetic or property values of residential areas of the Township. Portable dwellings may be used in accord with the provisions following:

- a. General Standards:
 - (1) An application for a permit shall be made in writing to the Zoning Administrator indicating the size of the unit involved, its proposed location on the lot or parcel, the length of stay requested and such other information as may be necessary. The Zoning Administrator in issuing a permit shall specify all time limitations and other conditions.
 - (2) All units shall be self-contained as to potable water supply and storage of wastewater; and capable of removing wastewater off-site for disposal at regulated dumping facilities; or have available an approved on-site well and septic or tile field.
 - (3) All minimum lot area, lot width, lot coverage and setback requirements of the respective zoning district shall be met.
 - (4) In the event the involved parcel is located in an area of special flood hazard as defined within Article XXIV or within the boundaries of the 100 year flood as designated by the Muskegon River Flood Plain Study (Newaygo County, January 1987) and Flood Insurance Rate Map for Garfield Township (# 260469 A) dated 9/29/86, the following provisions shall likewise be applicable:
 - (a) The units shall be on wheels and be capable of movement and/or removal without modification or alteration.
 - (b) The unit must be a "recreational vehicle" as defined within the Mobile

Home Commission Act (Act 419 of 1976 cited as MCL 125.1102; MSA 19.855 (1) et. seq.)

- (c) The unit shall not be left "unoccupied". For purposes of this provision only, the term "unoccupied" means that the unit in question is not being utilized for overnight occupancy during any evening of a temporary stay.
 - (d) Each unit shall display in plain view a completed informational placard obtained from the Zoning Administrator, containing therein the following information: name and address of the owner of said unit or his/her adult representative, including said individual's home telephone number and telephone number wherein he/she can be reached at all times.
- b. The use, occupancy or storage of portable dwellings are prohibited in the following areas and districts within the Township of Garfield:
- (1) General Commercial District.
 - (2) Upon a buildable empty lot within a subdivision or plat as defined within the Subdivision Control Act (Act 288 of 1967). For purposes of this provision, the term "buildable empty lot" means a lot for which a certificate of zoning compliance and building permit could be obtained if applied for.
- c. A portable dwelling may be utilized or occupied in accord with the permit requirements stated hereunder, except as otherwise prohibited, in the following areas and districts within the Township of Garfield:
- (1) Lakefront Residential Zoning District
 - (2) AG District
 - (3) GR-1 District
 - (4) CD District - Residential only
 - (5) RR District
- d. Storage of Portable Dwellings:
- (1) A portable dwelling may be stored upon a lot possessing a dwelling as defined within Section 2.2, in the following areas and districts within the Township of Garfield:
 - (a) All zones **except** Commercial.
 - (2) The term "stored" means placement of a portable dwelling upon a lot for purposes of safekeeping, maintenance and conservation and not for use or occupancy, between periods of recreational use thereof. Permits shall not be required for storage of a portable dwelling in accord with the provisions hereof.
- e. Permits:
- (1) The use or occupancy of a portable dwelling within the Township of Garfield shall be by permit only.
 - (2) Permit fees shall be determined by the Township Board.
 - (3) In addition to filing an application for a permit on a form provided by the Township, an applicant must concurrently complete and file a "compliance form" specifically indicating therein the manner, method and means by which waste matter will be disposed of. The applicant will specify on the compliance

form the establishment or establishments, including the location thereof, where waste matter will be disposed.

- f. The spirit and intent of the Ordinance shall be maintained, and aesthetic and property values will be protected and enhanced. An individual or individuals utilizing or occupying a portable dwelling may not create a nuisance or disturbance, or otherwise interfere with other property owners' use and enjoyment of their respective parcels. However, Township resources shall not be expended for the purpose of prosecuting a cause of action which is civil in nature and is essentially a dispute between adjacent property owners for which civil injunction relief may be available. Township resources may be utilized to prosecute a violation which constitutes a nuisance or nuisance per se as defined within MCL 125.294; MSA 5.2963 (24) and case precedent existing there under, if the involved ongoing violation is adversely affecting the inviolable right of the general populace to the peaceful enjoyment of their respective parcels.
- g. All terms and provisions of this Ordinance, including yard and setback requirements, must at all times be complied with relative to the use, occupation or storage of a portable dwelling, except that storage need meet only a six (6) foot minimum setback, and storage shall not occur within a front yard area.

14.19 USE OF FLAG LOTS:

A flag lot has minimal frontage on the street, yet at a point some distance from the street meets all Ordinance requirements of lot width and area. The "pole" portion of a flag lot is typically a private drive or lane.

A flag lot may be used for residential purposes without the minimum required frontage on a street, in the following instances and with the following stipulations:

- a. The flag lot makes it possible to better utilize irregularly shaped properties or areas with resource limitations

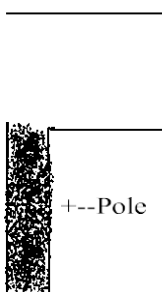


- b. Where flag lots are utilized to eliminate direct access to major arterial roadways.



- c. Stipulations:
- (1) Access shall be provided by a right-of-way, no less than twenty (20) feet wide.
 - (2) No more than one lot may be served by such an access route.
 - (3) All site development standards of the applicable zoning district shall be met.
 - (4) No more than ten (10) percent of the lots in a subdivision may be flag lots.
 - (5) Flag lots shall not be permitted in a subdivision when their intent is to avoid the costs of constructing an access road.

Commentary: The pole portion of the flag lot, as indicated on the following illustration, shall not be considered as part of a lot in the application of said site development standards - lot area, lot width, lot coverage and yard and setback provisions.



14.20 ANTI-FUNNELING PROVISIONS:

Funneling is herein defined as the use of an inland waterfront parcel or property as common open space, providing waterfront and water access for a larger development that is not contiguous to the waterfront. The key characteristics of a waterfront funneling situation include, but are not limited to the following:

- a. Non-riparian property owners being provided access to the water.
- b. Non-waterfront property under a separate legal description.
- c. Riparian and non-riparian parcels are often separated by a public or private roadway.

PROHIBITION: Waterfront funneling practices are hereby prohibited in Garfield Township. Said prohibition shall not apply against the use of any public park or public access site maintained by a unit of government.

14.21 PRIVATE SWIMMING POOLS:

Private swimming pools may be installed in any district as an accessory use to any principal permitted use if the conditions provided herein are met:

- a. A permit shall be applied for and issued by the Building Inspector before construction or substantial alteration or reconstruction of any swimming pool.
- b. Before any permit is issued, plans and specifications shall be approved by the Building Inspector and the District Health Department.

- c. The Newaygo County Building Inspector and District Health Department may impose reasonable conditions, rules and regulations regarding the use of said pool, fencing, water supply, water filtration and sanitary conditions.
- d. Private swimming pools shall be classified as a structure and shall conform to all setback provisions required of accessory buildings as contained in this Article.

14.22 BASEMENT DWELLINGS:

The use of a basement of a partially completed dwelling as a living unit is permitted under the following conditions:

- a. The requirements of the Building Code of current adoption or enforcement in the Township as they pertain to the use of a basement for dwelling purposes, shall be met.
- b. The occupancy of a basement of a partially completed dwelling shall not exceed twelve (12) months.

14.23 SETBACKS FROM WATERCOURSES AND WETLANDS:

In no case shall any permanent structure be erected closer than fifty (50) feet to the bank of a recognized watercourse or wetland. This minimum fifty (50) foot setback shall be maintained in trees, grass or its natural state. For those watercourses designated as a "Trout Stream" by the Michigan Department of Natural Resources, this setback shall be one hundred fifty (150) feet.

14.24 WIRELESS COMMUNICATION FACILITIES

- a. Exempt Uses: The following uses shall be exempt from the provisions and requirements of this section:
 - (1) Private mobile radio service facilities with antennas less than 100' in height.
 - (2) Citizen band radio facilities and short wave receiving facilities.
 - (3) Federally licensed amateur (ham) radio facilities.
 - (4) Satellite dishes.
 - (5) Governmental facilities which are subject to state or federal law or regulations which preempt municipal regulatory authority.
- b. Permitted Uses: Subject to the standards and conditions set forth in this section, Wireless Communication Facilities shall be permitted uses in all zoning districts under the following circumstances:
 - (1) When an existing structure will serve as an Attached Wireless Communication facility within a non-residential zoning district, and the existing structure is not, in the discretion of the Administrative Official, proposed to be materially altered or materially changed in appearance.
 - (2) When an existing structure will serve as an Attached Wireless

Communication Facility within a residential zoning district and the accessory building associated with the Wireless Communication Facility is either not visible from any residence or can be screened to that extent and where the existing structure is not, in the discretion of the Administrative Official, proposed to be either materially altered or materially changed in appearance.

- (3) When the proposed co-location upon an Attached Wireless Communication Facility which had been pre-approved for such co-location as part of an earlier approval by the Township.
 - (4) When the existing structure which will serve as an Attached Wireless Communication Facility is a utility pole located within a right-of-way, where the existing pole is not proposed to be modified in a manner which, in the discretion of the Administrative Official, would materially alter the structure and/or result in an impairment of sight lines or other safety interests.
- c. Conditional Use: A Wireless Communication Facility may be authorized under the procedures as provided in Article XVIII, as a Conditional Use, if it is demonstrated by an applicant to the satisfaction of the Planning Commission and as agreed to by the Township Board that a Wireless Communication Facility may not reasonably be established as a permitted use under this Section and is required in order to operate a wireless communication service. An application for a Wireless Communication Facility as a Conditional Use must comply with the standards and conditions set forth in Article XVIII and the following specific regulations:
- (1) At the time of the submittal, the applicant shall demonstrate that location of a facility under the conditions required for a Permitted Use cannot meet the need required for operation of a system. The applicant shall demonstrate the need for the facility to be located as proposed based upon the presence of one or more of the following factors:
 - (a) Proximity to an interstate or major thoroughfare.
 - (b) Areas of population concentration.
 - (c) Concentration of commercial, industrial, and/or other business centers.
 - (d) Areas where signal interference has occurred due to tall buildings, masses of trees, or other obstructions.
 - (e) Topography of the proposed facility location in relation to other, facilities with which the proposed facility is to operate.
 - (f) Other specifically identified reason(s) creating facility need.
 - (2) Wireless Communication Facilities shall be of a design such as a steeple, bell tower, or other form which is compatible with the existing character of the proposed site, neighborhood and general area, as approved by the Township.
 - (3) The proposal shall be reviewed inconformity with the co-location requirements of this section. In residential neighborhoods, locations shall be considered first on the following sites, not stated in any order of

priority, subject to application of all other standards contained in this section.

- (a) Municipally owned site
 - (b) Other governmentally owned site.
 - (c) Religious or other institutional site.
 - (d) Public park or other permanent open space areas when compatible.
 - (e) Public or private school site.
 - (f) Other locations if none of the above is available.
- (4) The applicant must demonstrate that a practical co-location is not available for the coverage area and capacity needs.
- (5) Any new or modified Wireless Communication Facilities shall be designed and constructed so as to meet the co-location requirements of this section.
- d. Standards and Conditions Applicable to all Facilities: All applications for Wireless Communication Facilities whether Permitted Uses or Conditional Land Uses shall be reviewed in accordance with the following standards and conditions, and, if approved, shall be constructed and maintained in accordance with such standards and any conditions imposed with a Conditional Land Use approval:
- (1) Facilities shall be located and designed to be harmonious with the surrounding area. Among other things, all reasonable attempts shall be made and thoroughly explored to utilize existing structures on which to place facilities, i.e., to utilize Attached Wireless Communications Facilities.
 - (2) Wireless Communication Facilities shall comply with applicable federal and state standards relative to the environmental effects of radio frequency emissions, as confirmed by submission of a certification of compliance by the applicant's licensed engineer.
 - (3) Applicants shall demonstrate a justification for the proposed height of the structures and an evaluation of alternative designs which might result in lower heights. Structures which require or are proposed to have high intensity strobe lighting shall not be permitted.
 - (4) The maximum height of the new or modified support structure and antenna shall be the minimum height demonstrated to be necessary for reasonable communication by the applicant and by other entities to co-locate on the structure. The accessory building contemplated to enclose such things as switching equipment shall be limited to the maximum height for accessory structures within the respective district
 - (5) The setback of a new or materially modified support structure from any residential district shall be at least the height of the highest point of any structure on the premises. The setback of the support structure from any existing or proposed rights-of-way or other publicly traveled roads shall be

no less than the height of the structure.

- (6) Where the proposed new or materially modified support structure abuts a parcel of land zoned for a use other than residential, the minimum setback of the structure, and accessory structures, from that parcel shall be in accordance with the required setbacks for principal buildings as provided in the schedule of regulations for the zoning district in which the support structure is located.
- (7) There shall be unobstructed access to the support structure, for operation, maintenance, repair and inspection purposes, which may be provided through or over an easement. This access shall have a width and location determined by such factors as:
 - (a) The location of adjacent thoroughfares and traffic and circulation within the site; utilities needed to service the tower and any attendant facilities; the location of buildings and parking facilities; proximity to residential districts and minimizing disturbance to the natural landscape; and, the type of equipment which will need to access the site.
- (8) The division of property for the purpose of locating a Wireless Communication Facility is prohibited unless all zoning requirements and conditions are met.
- (9) Where an Attached Wireless Communication Facility is proposed on the roof of a building, if the equipment enclosure is proposed as a roof appliance or penthouse on the building, it shall be designed, constructed and maintained to be architecturally compatible with the principal building. The equipment enclosure may be located within the principal building or may be an accessory building. If proposed as an accessory building, it shall conform with all district requirements for principal buildings, including yard setbacks. For co-location facilities served by an accessory building, there should be a single, architecturally uniform accessory building for all providers.
- (10) The design and appearance of the support structure and all accessory buildings shall be reviewed and approved so as to minimize distraction; reduce visibility, maximize aesthetic appearance, and ensure compatibility with surroundings. It shall be the responsibility of the applicant to maintain the Wireless Communication Facility in a neat and orderly condition.
- (11) The support system shall be constructed in accordance with all applicable building codes and shall include the submission of a soils report from a geotechnical engineer, licensed in the State of Michigan. This soils report shall include soil borings and statements confirming the suitability of soil conditions for the proposed use.
- (12) The requirements of the Federal Aviation Administration, Federal Communication Commission, and Michigan Aeronautics Commission shall be noted.

- (13) A maintenance plan, and any applicable maintenance agreement, shall be presented and approved as part of the site plan for the proposed facility. Such plan shall be designed to ensure long term, continuous maintenance to a reasonably prudent standard.
 - (14) The use of high intensity (strobe) lighting on a Wireless Communication Facility shall be prohibited, and the use of other lighting shall be prohibited absent a demonstrated need.
- e. Applications: Applications made which do not include the signature of the licensed operator of a wireless communication service at the time of Township processing may be tentatively approved, but shall not receive final approval unless and until the application has been amended to include a signature on behalf of a licensed operator. A tentative approval shall be valid for ninety (90) days. If, during a ninety (90) day tentative approval period, final approval is granted to authorize a Wireless Communication Facility within two miles of the property on which a facility has been tentatively approved, such tentative approval shall thereupon expire unless the applicant granted tentative approval demonstrates that it would not be feasible for it to co-locate on the facility that has been newly granted final approval.
- f. Antenna: The antenna and other attachments on a Wireless Communication Facility shall be designed and constructed to include the minimum attachments required to operate the facility as intended at the site, both in terms of number and size of such attachments, and shall be designed and constructed to maximize aesthetic quality.
- g. Application Requirements: A site plan prepared in accordance with Article XIX shall be submitted, showing the location, size, screening and design of all buildings and structures, including fences, and the location and size of outdoor equipment, and the location, number, and species of proposed landscaping.
- (1) The site plan shall also include a detailed landscaping plan where the support structure is being placed at a location which is not otherwise developed, or where a developed area will be disturbed. The purpose of landscaping is to provide screening and aesthetic enhancement for the structure base, accessory buildings and enclosure.
 - (2) The application shall include a signed certification by a State of Michigan licensed professional engineer with regard to the manner in which the proposed structure will fall, which certification will be utilized, along with other criteria such as applicable regulations for the district in question, in determining the appropriate setback to be required for the structure and other facilities.
 - (3) The application shall include a description of the monetary security to be posted with the Township to ensure removal of the facility when it has been abandoned or is no longer needed, as provided in the "Removal" paragraph below. In this regard, the security shall, at the election of the applicant, be in the form of:
 - (a) Cash

- (b) Surety Bond.
 - (c) Letter of Credit or,
 - (d) An agreement in a form approved by the Township Attorney and recordable at the office of the Register of Deeds, establishing a promise of the applicant and owner of the property to remove the facility in a timely manner as required under this section, with the further provision that the applicant and owner shall be responsible for the payment of any costs and attorneys fees incurred by the Township in securing removal.
- (4) The application shall include a map showing existing and known, or proposed Wireless Communication Facilities within the Township, and within areas surrounding the borders of the Township, which are relevant in terms of potential co-location or in demonstrating the need for the proposed facility.
 - (5) The name, address and phone number of the person to contact for engineering, maintenance and other notice purposes. This information shall be continuously updated during all times the facility is on the premises.
 - (6) The application fee, in the amount specified by Township Board.
 - (7) The owner or duly authorized representative of all ownership interest in the land on which the Wireless Communication Facility is proposed to be located shall sign the application. In addition, if a licensed entity intended to be the operator on the facility does not sign the application, approval shall be restricted as provided in this Section.
- h. Confidential Information: Any information provided with the application which is trade secret and/or other confidential commercial information which, if released would result in commercial disadvantage to the applicant, may be submitted with a request for confidentiality in connection with the development of governmental policy. This ordinance shall serve as the promise to maintain confidentiality to the extent permitted by law. The request for confidentiality must be prominently stated in order to bring it to the attention of the Township.
- I. **Co-Location:** Co-location shall be deemed to be practical for purposes of this section where all of the following are met:
- (1) The owner of the existing wireless communication facility will accept market rent or other market compensation and the applicant will undertake to pay market rent or other market compensation for co-location.
 - (2) The site on which co-location is being considered, taking into consideration reasonable modification or replacement of a facility, is able to provide structural support.
 - (3) The co-location being considered is technologically reasonable, e.g., the co-location will not result in unreasonable interference,

given appropriate physical and other adjustment in relation to the structure, antennas, and the like.

- (4) The height of the structure necessary for co-location will not be increased beyond a point deemed to be permissible by the Township, taking into consideration the intent and purpose of this section and the several standards contained herein.
- (5) Requests for co-location of wireless facilities that occur after the initial review and approval of a Wireless Communication Facility shall be reviewed and approved by the Zoning Administrator. Any such application for co-location may be referred by the Zoning Administrator to the Planning Commission for review and comment.

j. Penalty for Failure to Co-locate or allow Co-location:

- (1) The policy of the Townships is to require co-location whenever possible. Therefore, if a party who owns or otherwise controls a Wireless Communication Facility shall fail or refuse to alter a structure so as to accommodate a proposed and otherwise feasible co-location, such facility shall thereupon and thereafter be deemed to be a nonconforming structure and use and shall not be altered, expanded or extended in any respect.
- (2) The party who owns or otherwise controls a Wireless Communication Facility shall fail or refuse to permit a feasible co-location and this requires the construction and/or use of a new wireless communication support structure, the party failing or refusing permit a feasible co-location shall be deemed to be in direct violation and contradiction of the policy, intent and purpose of the Township and consequently such party shall take responsibility for the violation and shall be prohibited from receiving approval for a new Wireless Communication Support Structure within the Township for a period of five years from the date of the failure of refusal to permit the co-location. Such party may seek and obtain a variance from the Zoning Board of Appeals if and to the limited extent the applicant demonstrates entitlement to variance relief, which in this context shall mean a demonstration that enforcement of the five year prohibition would unreasonably discriminate among providers of functionally equivalent wireless communication services, of that such enforcement would have the effect of prohibiting the provision of personal wireless communication.

k. Effect and Approval: Subject to the provisions of Article XVIII for approval of Conditional Land Uses, final approval under this section shall be effective for a period of six (6) months.

- (1) The construction of a Wireless Communication Facility is commenced within two miles of the land on which a facility has been approved, but on which construction has not been commenced during the six month period of effectiveness, the approval of the facility that has not been commenced shall be void thirty (30) days following notice from the Township of the commencement of the other facility unless the applicant granted approval of the facility which has not been commenced demonstrates that it would not be feasible for it to co-locate on the facility that has been newly

commenced.

- (2) Review of an application for co-location and review of an application for a permit for use of a facility permitted under this Section, may be expedited by the Township.

I. Removal: A condition of every approval of a Wireless Communication Facility shall be adequate provision for removal of all or part of the facility by users and owners upon the occurrence of one or more of the following events;

- (1) When the facility has not been used for 180 days or more. For purposes of this section, the removal of antennas or other equipment from the facility, or the cessation of operations (transmission and/or reception of radio signals) shall be considered as the beginning of a period of nonuse.
- (2) Six months after new technology is available at reasonable cost as determined by the municipal legislative body, which permits the operation of the communication system without the requirement of the support structure, or with a support structure which is lower and/or more compatible with the area.
- (3) The situations in which removal of a facility is required may be applied and limited to portions of a facility.
- (4) Upon the occurrence of one or more of the events requiring removal, the property owner or persons who had used the facility shall immediately apply or secure the application for any required demolition or removal permits, and immediately proceed with and complete the demolition/removal, restoring the premises to an acceptable condition as reasonably determined by the Township Board.
- (5) If the required removal of a facility or a portion thereof has not been lawfully completed within sixty (60) days of the applicable deadline, and after at least thirty (30) days written notice, the Township may remove or secure the removal of the facility or required portions thereof, with its actual cost and reasonable administrative charge to be drawn, collected and/or enforced from or under the security posted at the time application was made for establishing the facility.
- (6) The person who had used the facility shall immediately notify the Township Clerk in writing if and as soon as use of a facility ceases

14.25

NON-FARM ANIMALS

a. In the General Residential, Rural Residential, and Muskegon River Overlay District and on non-farm parcels in the AG Residential District, the raising and keeping of fowl, rabbits, domestic animals and farm animals, including horses, cows and pigs shall be permitted provided they are properly housed and fenced so as not to become a public nuisance and subject to the following area restrictions:

- (1) The raising and keeping of fowl and/or rabbits and/or other small animals

commonly raised for human consumption in numbers no greater than 20 total.

- (2) Large domestic animals shall be limited as follows; one (1) horse or cow or similar animal or sheep, goat or pig for each two (2) acres, provided that any shelter housing a pig(s) shall be a minimum of fifty feet (50 ft.) from any property line.
 - (3) Stockyards, feedlots and other areas where livestock are raised and/or kept in numbers greater than is provided for in this Section are prohibited.
- b. The raising and keeping of fowl, rabbits and/or other small, domestic (non-farm) animals shall meet the following requirements:
- (1) Said animals are to be kept in one completely enclosed and covered coop (which is herein defined as an enclosure or cage) at all times. The coop shall not exceed eighty (80) square feet in area or eight (8) feet in height. Fowl and animals shall not be allowed to roam the parcel or any other property such as the public right of way.
 - (2) The enclosed area where the fowl, rabbits and /or other small animals are kept shall be located within the rear yard, not within the main building or any attached accessory building and shall be at least twenty (20) feet from any dwelling and at least ten (10) feet from any property line.
 - (3) Materials used to construct the enclosed area shall not include tarps, plastic, fabric, rubber, paper, cardboard or other non-traditional building materials.
 - (4) The enclosed area shall be kept clean and neat at all times. Fowl and animal feed shall be kept in rodent-proof, sealed containers.
 - (5) The enclosed area where the fowl, rabbits and/or other small animals are kept shall be screened from view from the street and neighboring properties with a sight-obscuring fence, wall or landscaping.
 - (6) The interpretation of whether a particular animal or class of animals and/or pets, the comfort or support of said animals, or the suitability of a specific property for such activity, falls within the above provisions, shall be determined by the Zoning Board of Appeals. The Zoning Board of Appeals shall consider the potential danger of keeping all animals within the Township and whether they pose a threat to the health, safety and welfare of the residents of the Township.
- c. The keeping of animals not generally considered to be domestic, or endangered species are prohibited, unless properly licensed. The keeping of said animals shall be in quantities no greater than that permitted for domestic animals and shall be subject to site plan review and approved by the Planning Commission

14.26 SHARED DRIVEWAYS: MINIMUM STANDARDS FOR DESIGN AND CONSTRUCTION.

- a. Definition: Shared Driveway: An improved or unimproved path or road extending

to two lots, dwellings or structures and intended to provide ingress and egress for its' occupants.

- b. Standards: All shared driveways shall:
 - (1) Be located within an easement of not less than thirty-three (33) feet.
 - (2) Have a minimum cleared width of twenty (20) feet, which shall be maintained by those using the shared driveway.
 - (3) Have a minimum driving surface at least twelve (12) feet wide,
 - (4) Have only one shared driveway per easement
 - (5) Be constructed in a good and workmanlike manner, so as to sufficiently control storm water runoff and allow for effective stormwater drainage by means of ditches constructed on either side of the drive or by sloping the sides of the drive from the centerline or by other effective methods.
 - (6) Have a firmly compacted sand and gravel base of not less than ten (10) inches in depth of which at least six (6) inches shall be compacted road gravel.
 - (7) Be located not closer than twenty-five (25) feet to any stream or drainage course except where it crosses a stream or drainage course.
 - (8) Be a minimum of one hundred (100) feet from any other shared driveway or public or private road.
- c. Site Plan Review: Prior to construction of a shared driveway, the owner or applicant shall first obtain Site Plan Review approval from the Garfield Township Planning Commission, in accordance with the provisions of ARTICLE XVI of the Zoning Ordinance.
 - (1) The plan for a shared driveway shall accurately show the location, route, dimensions and grade of the shared driveway, adjacent or intersecting public or private roads, the lots, buildings or dwelling units existing or proposed which will be provided access by the shared driveway; the location of any drainage courses, lakes, streams or other natural bodies of water within the shared driveway easement.
- d. Maintenance: Maintenance, repair and liability for shared driveways shall be the responsibility of the benefiting property owners to the shared driveway and not the responsibility of Garfield Township. A shared driveway maintenance agreement shall be recorded at the Office of the Register of Deeds of Newaygo County

14.27 ACCESSORY USE SOLAR ENERGY SYSTEMS

- a. Applicability. Building-mounted SES and accessory ground-mounted SES are an accessory use of property. This section does not apply to solar energy collectors mounted on fences, poles, or on the ground with collector surfaces less than ten (10) feet, nor shall it apply to a solar energy system used to power a single device or specific piece of equipment such as a lawn ornament, light, weather station, thermometer, clock or other similar device.
- b. Permit Required. No building-mounted SES or accessory ground-mounted SES shall be installed or operated without obtaining a zoning compliance permit from the Zoning Administrator prior to installation.
- c. Application. Applications for a Accessory use SES shall include equipment renderings,

horizontal and vertical elevation drawings, a sketch drawing depicting the location of all devices and such other materials as may be required by the Zoning Administrator.

- d. **Compliance with Other Codes.** All building-mounted SES and accessory ground-mounted SES shall be constructed, installed, used, operated, and maintained in strict accordance with the Michigan Building Code, the National Electric Code, and the manufacturer's specifications.
- e. **Height and Protrusion.** Building-mounted SES attached to the roof or wall of a structure shall be attached directly to the structure and shall not be higher than the peak of the building to which they are attached or extend more than 5 feet above or outside of the structure. Nor may a building-mounted SES extend beyond the eaves of the building's roof. Accessory ground-mounted SES shall not exceed sixteen (16) feet measured from the ground to the top of the system when oriented at maximum tilt.
- f. **Noise.** The sound pressure level of a building-mounted SES and all ancillary solar equipment shall not exceed fifty-five (55) dBA at the property line of an adjoining non-participating lot or at a public or private road or right-of-way or easement.
- g. **Glare.** All components of the system shall be designed, maintained and operated to avoid glare and reflection of sunlight and other artificial lighting which may affect navigation by air, water, and roadway. Solar energy system designs shall comply with all Federal Aviation Administration siting requirements. Glare and reflection of sunlight from any component of a solar energy system shall not have a negative impact on any non-participating property.
- h. **Wiring.** On-site power lines between solar panels, buildings, and inverters shall be placed within the underlying structure or underground.
- i. **Visibility.** An accessory ground-mounted SES in the GR1, RR, AG-R, LFR, or MH zoning districts shall be located in the side or rear yard to minimize visual impacts from the public rights-of-way.
- j. **Decommissioning.** Following the operational life of the building-mounted SES or accessory ground-mounted SES, or the abandonment or cessation thereof (whichever occurs first), the property owner or lessor shall promptly perform decommissioning and removal of the solar energy system and all components and parts. At all times, while any of the building-mounted SES components or parts are present on the property, broken solar panels shall be promptly repaired or removed from the site. There shall be no on-site storage of broken or malfunctioning solar panels.
- k. **Nonconformities.** The installation of a building-mounted SES or accessory ground-mounted SES on a nonconforming building, structure, lot, or use shall not be considered an expansion of the nonconformity.

A Principal-Use Solar Energy System conditional use permit holder under Article XVIII shall enter into a host community agreement with the Township within 90 days after issuance of the permit. The host community agreement shall require that, upon commencement of any operation, the energy facility owner must pay the Township Three Thousand (\$3,000) dollars per megawatt of nameplate capacity located within the Township. The payment shall be used as determined by the Township for police, fire, public safety, or other infrastructure, or for other projects as agreed to by the Township and the permit holder within said 90 days.

ARTICLE XV

NONCONFORMING USES AND STRUCTURES

15.1 PURPOSE

It is the intent of this Article to Permit the lawful use of land or a structure to continue exactly as the use or structure existed at the time of the enactment or any amendment of this Zoning Ordinance, although the use or structure may not conform with the provisions of this Ordinance as enacted or amended. However, it is recognized that nonconforming uses and structures may adversely affect the value of nearby property and orderly development within the Township, or may otherwise be inconsistent with the purposes and intent of this Ordinance and with the public health, safety and general welfare. Accordingly, the gradual removal and elimination of nonconforming uses and structures is desirable. This Article is intended to permit such uses and structures to continue, subject to restrictions which are intended to minimize disharmony and incompatibility.

15.2 REGULATIONS APPLICABLE TO ALL NONCONFORMING USES:

A nonconforming use, major or minor, may be continued so long as it remains otherwise lawful, subject to the following provisions.

- a. Enlargement: A nonconforming use shall not be enlarged, expanded, extended or increased, so as to occupy a greater area of land or structure than was occupied at the effective date of adoption or amendment of this Ordinance.
- b. Relocation: A nonconforming use may be conducted only on the portion of the lot or parcel occupied by the use at the effective date of adoption or amendment of this Ordinance and shall not be moved or relocated, in whole or in part to any other portion of the lot or parcel, or to any other location, unless the use would then conform with the requirements of this Ordinance.
- c. Increase In Scope or Intensity: Except as otherwise permitted by this article, a nonconforming use shall not be increased in scope or intensity by changing the hours of operation, the number of employees, the type or nature of activities conducted on the property, or any other aspect of the nonconforming use, so as to increase to any degree the impacts caused by the nonconforming use on any other property.
- d. Anti-backsliding: Any nonconforming use which is changed, in whole or in part, for any reason to a conforming use, or to a more conforming use, shall to that extent thereafter continue to be used for a conforming use, or a more conforming use, and shall not revert to its prior nonconforming status, or to a less conforming use.

15.3 NONCONFORMING USES DEFINED

- a. Minor - Nonconforming due to non-use characteristics of lot or structure, i.e. size of lot, width of lot, setbacks, or living area of structure.
- b. Major - Nonconforming due to use characteristics of structure in relation to zoning district, i.e. commercial use located in Residential District.

15.4 MAJOR NONCONFORMING USES:

A Major Nonconforming Use may be continued so long as it remains otherwise lawful, subject to the following provisions:

- a. Change in Use: A Major Nonconforming Use shall not be changed to any use other than a use permitted in the zoning district in which the property is located.
- b. Abandonment of Use: If a Major Nonconforming Use of land or a structure ceases for any reason for a period of more than ninety (90) days, that discontinuance shall be considered conclusive evidence of intent to abandon the nonconforming use. The Board of Zoning Appeals may extend the time limit of discontinuance not to exceed an additional ninety (90) days, upon presentation of evidence satisfactory to the Board that an unnecessary hardship would exist if the ninety (90) day limitation were to be strictly enforced. At the end of this ninety (90) day period, plus any extension if granted, the nonconforming use shall not be reestablished or recommenced and any future use of the property shall fully conform with the provisions of this Ordinance.

15.5 MINOR NONCONFORMING USE:

A Minor Nonconforming Use may be continued, so long as it remains otherwise lawful subject to the following provisions.

- a. Change in Use: A Minor Nonconforming Use shall not be changed to another nonconforming use without the prior approval of the Board of Zoning Appeals. The Board may grant such approval only if it finds that the proposed nonconforming use will be more conforming, or will otherwise have a less deleterious effect on neighboring properties than the existing nonconforming use; and that no structural alterations are necessary to accomplish the proposed change in use. In no event shall a minor nonconforming use be changed to a less conforming use. In permitting a change the Board may require appropriate conditions and safeguards.
- b. Abandonment of Use: Minor or Major Nonconforming uses that have been abandoned or where the use has been discontinued for a period of ninety (90) days for any reason, that discontinuance shall be considered evidence of intent to abandon the nonconforming use. The nonconforming use shall thereafter not be reestablished, and any future use shall fully conform with the provisions of this Ordinance.

15.6 RE-ESTABLISHMENT OF USE OR STRUCTURE:

- a. A nonconforming use shall not be continued, or re-established after damage, destruction or removal of the structure in which the nonconforming use is conducted, if the estimated expense or repair or reconstruction of the structure at the time of that damage, destruction, or removal exceeds the state equalized value of the use or structure, exclusive of the value of the land.
- b. A nonconforming structure shall not be continued, re-established, or reconstructed in its non-conforming condition after damage, destruction, or

removal of the structure, if the estimated expense of repair or reconstruction of the structure at the time of damage, destruction or removal exceeds the state equalized value of the use or structure, exclusive of the value of the land.

15.7 NONCONFORMING STRUCTURES:

A nonconforming structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- a. Structural Alterations: No Nonconforming Use whether Minor Nonconforming Use or Major Nonconforming Use may be extended, enlarged, altered, remodeled or modernized, without approval of the Zoning Board of Appeals, which approval shall be granted only upon a finding of all of the following facts:
 - (1) That the enlargement or extension will not substantially extend the probable duration of the nonconforming use and that all enlargements since the use became nonconforming do not exceed fifty percent of the area of the original structure.
 - (2) That the enlargement or extension will not become a precedent for other Nonconforming uses in the area.
 - (3) That the enlargement or extension will not interfere with the use of other properties in the vicinity for uses for which they have been zoned, nor with their use in compliance with all of the provisions of this Code.
- b. Relocation: A nonconforming structure shall not be moved or relocated, in whole or in part, to any structure of the lot or parcel, or to any other location, unless the structure thereafter fully complies with all applicable site development regulations as provided by this Ordinance.
- c. Anti-backsliding A nonconforming structure which is changed in whole or in part, for any reason, so as to conform, or more closely conform, with the applicable site development regulations shall to that extent thereafter continue to conform, or more closely conform, with those regulations and shall not revert to its prior nonconforming status, or to a less conforming structure.

15.8 REPAIRS AND MAINTENANCE:

Such repair and maintenance work as are required to keep either a Minor or Major nonconforming structure in a safe and sound condition may be made with approval of the Zoning Administrator subject to the following conditions:

- a. Nonconforming structures, whether minor nonconforming uses or major nonconforming uses, damaged by fire, wind or natural disaster, or the public enemy, may be restored or rebuilt, provided that the cost thereof does not exceed one-half the value of such building or structure after such rebuilding or restoration, such determination to be made by the Zoning Administrator or on appeal to the Zoning Board of Appeals.
- b. In the event any Minor or Major nonconforming structure is damage by fire, wind

or natural disaster, or the public enemy, and the cost thereof exceeds one-half the value of such building or structure after such rebuilding or restoration, the same shall be permitted only with the approval of the Zoning Board of Appeals, which approval shall be granted only upon either of the following findings:

- (1) That such rebuilding or restoration will not substantially extend the probable duration of the Minor or Major nonconforming use; or
- (2) That circumstances are such that the land previously occupied by the Minor or Major nonconforming structure cannot then be advantageously used for a use permitted in the zoning district.

15.9 PRIOR CONSTRUCTION APPROVAL:

This Article shall not be deemed to require a change in the plans, construction, or designated use of any structure for which prior to the effective date of adoption or amendment of this Ordinance, a building permit was obtained and actual construction was lawfully commenced on the site. Further, actual construction must have been commenced within six (6) months of the issuance of the building permit and must thereafter be diligently carried on to completion, without any period of suspension or abandonment of work in excess of six (6) months.

15.10 CHANGE OF OWNERSHIP OR OCCUPATION:

The ownership, occupation or management of an existing nonconforming use or nonconforming structure may be changed, but the use or structure shall not be enlarged, expanded, extended, increased, relocated, or changed as otherwise prohibited by this Article.

15.11 ELIMINATION OF NONCONFORMING USE OR STRUCTURE

The Township may acquire by purchase, condemnation, or other means, private property, or an interest in private property, for the removal of any nonconforming use or structure. The cost or expense, or a portion thereof, may be paid from general funds or assessed to a special district in accordance with applicable statutory authority.

15.12 EFFECTIVE DATE OF ZONING ORDINANCE

The lawful use of any building or structure and of any land or premises as existing and lawful at the time of the enactment of this Zoning Ordinance (March 1, 1995) or, an amendment to this Zoning Ordinance, shall be considered as a lawful nonconforming use as further defined in Article II.

Any building shall be considered to have been lawfully in use for the purpose for which constructed if on the effective date of this Zoning Ordinance, a building permit has been obtained, or otherwise a substantial start has been made toward construction and is thereafter pursued diligently to completion.

ARTICLE XVI PARKING REQUIREMENTS

16.1 PURPOSE:

It is the purpose of these requirements that parking space shall be provided and adequately maintained by each property owner in every zoning district for the off-street storage of motor vehicles used by the occupants, employees, or patrons of each building constructed or altered under the provisions of this Ordinance.

16.2 GENERAL PROVISIONS:

- a. Plans and specifications showing required off-street parking spaces, including the means of access and interior circulation shall be submitted to the Zoning Administrator for review at the time of application for a building permit.
- b. Off street parking for other than residential uses shall be either on the same lot or within five hundred (500) feet of the building it is intended to serve, measured from the building entrance to the nearest point of the parking lot.
- c. No parking area which exists at the time this Ordinance becomes effective and is provided for the purpose of complying with the provisions of this Ordinance shall thereafter be relinquished or reduced in any manner below the requirements established by this Ordinance.
- d. No commercial repair work, servicing or selling of any kind shall be conducted in any parking area, except that which is specifically permitted by this Ordinance. No items such as plastic animals, streamers, cloth signs, children's play areas, mechanical entertainment devices or any other similar device shall be permitted in the parking area

16.3 SCHEDULE OF REQUIREMENTS

USE	NUMBER OF SPACES
Residential	Two (2) for each dwelling unit.
Institutional Uses, Churches, Hospitals, Auditoriums, Theaters, Clubs (Public and Private)	One (1) for every four (4) persons permitted by State law to occupy the building.
Schools or Colleges	One (1) for each full-time teacher or administrator and one (1) for each four (4) students.
Retail Businesses	One (1) for each five hundred (500) square feet of usable floor area. (See definition)
Restaurants, Taverns Bowling Alleys	One (1) for every four (4) patron seats Eight (8) for each alley.
Motels, Hotels	One (1) for each occupancy unit.
Barber, Beauty Shops	Two (2) for each chair
Car Washes, Automatic	Fifteen (15) parking spaces for each bay
Car Washes, Self-Service	Three (3) parking spaces for each bay.

Offices, Banks	One (1) for each two hundred (200) square feet of usable floor area
Auto Service Stations	Two (2) for each service bay plus one (1) for each employee
Industrial	One (1) for each two (2) employees in the largest working shift.

16.4 DESIGN AND CONSTRUCTION REQUIREMENTS:

- a. Minimum area per space shall be two hundred (200) square feet.
- b. Each space shall be clearly accessible to a public street.
- c. Parking areas shall be accessible by drives at least twenty (20) feet wide, except in residential districts.
- d. Parking areas shall be maintained in a smooth, dust-free condition and provided with adequate drainage.
- e. Parking areas for more than ten (10) vehicles shall be lighted, if used after dark, to insure safety of users and in a manner which minimizes the glare of lights visible to adjacent properties.
- f. Parking adjoining a residential district shall not be closer than ten (10) feet to the property line and a screen shall be provided to buffer adjacent residential properties.
- g. Parking areas shall not be located closer than ten (10) feet to the street right-of-way line.
- h. Parking areas shall be landscaped in an attractive manner and shall be maintained in a litter free condition.

ARTICLE XVII SIGN REGULATIONS**17.1 PURPOSE:**

It is the purpose of this article to regulate the size, placement and general appearance of all privately owned signs in order to promote the public health, safety, morals, convenience, general welfare and the stated purpose of this Ordinance. These purposes include the enhancement of the aesthetic desirability of the environment and the reduction of hazards to life and property in Garfield Township.

17.2 DEFINITIONS:

In addition to the definitions contained in Section 2.02 the following words shall have the meanings hereinafter set forth.

- a. **BILLBOARDS:** A sign that is affixed to or erected upon a free-standing framework designed or intended to be used for posting information not pertaining directly to the use of the premises on which it is located.
- b. **FREE STANDING SIGNS:** A structure erected for the purpose of advertising a business or activity on the same parcel. Such structure shall not be attached to a building and may also be known as a pole sign.
- c. **ILLUMINATED SIGNS:** A sign that provides artificial light directly (or through any transparent or translucent material) from a source of light connected with such sign, or a sign illuminated by a light so shielded that no direct rays from it are visible from any public right-of-way or from the abutting property.
- d. **POLE SIGNS:** A free-standing sign supported by one (1) or more uprights, poles or braces placed in or upon the ground surface and not attached to any building.
- e. **PORTABLE SIGNS:** A free-standing sign not permanently anchored or secured to either a building or the ground, but usually anchored or secured to a trailer or frame capable of being moved from place to place.
- f. **SURFACE DISPLAY AREA:** The surface display area of any sign is the entire area within a single continuous perimeter enclosing the extreme limits of lettering, representations, emblems, or other figures together with any material or color forming an integral part of that display or used to differentiate the sign from the background against which it is placed. Structural members bearing no sign copy shall not be included. Both sides or all faces of a free standing or projecting sign shall be included in calculating surface display area.
- g. **TEMPORARY SIGN:** A display or informational sign with or without a structural frame and intended for a period not to exceed ninety (90) days of display, including seasonal produce sales, decorative displays for holidays or public demonstrations.

17.3 SIGNS PERMITTED IN ALL DISTRICTS:

The following signs shall be permitted in all zoning districts subject to the requirements stated herein.

- a. House numbers and nameplates identifying the occupant or address of a parcel of land and not exceeding two (2) square feet in display surface area.
- b. "For sale" signs attached to vehicles.
- c. Flags bearing the official design of a nation, state, municipality, institution or organization.
- d. Traffic or other municipal signs, also private traffic control signs which conform to the requirements of the Michigan Manual of Uniform Traffic Control Devices.
- e. Institutional Bulletin Boards located on the premises to which the sign pertains and not exceeding fifty (50) square feet in area.
- f. Election signs subject to the following:
 - (1) They shall not be placed closer than one hundred (100) feet from any polling place entrance.
 - (2) No election sign shall exceed thirty-two (32) square feet in area.
- g. One (1) temporary, non-illuminated real estate sign per lot, advertising the sale or lease of property or building, not exceeding twelve (12) square feet in surface display area (but no more than six (6) square feet per side); such sign being placed no closer to the street line than one-half the required setback for a principal building.
- h. Signs located on the premises of a farm or commercial agricultural operation which identify and advertise such items as, but not limited to, the name of the farm, the farm operator's name; seed, fertilizer, herbicide, pesticide, feed, feed supplements, livestock, test plots, farm organizations, agricultural awards and similar agricultural activities or facilities.
- i. Signs identifying the owner, operator, or name of a farm or commercial agricultural operation when located on farm or agricultural buildings and without display area limitations.
- j. Traffic control, directional, warning or informational signs either placed by or authorized by a public agency and without display area limitations.
- k. "No hunting", "no trespassing", "garage sale" and off-premises directional signs not exceeding six (6) square feet in surface display area.

17.4 SIGNS IN RESIDENTIAL DISTRICTS:

Signs shall be permitted subject to the following restrictions:

- a. One (1) non-illuminated sign announcing a home occupation or professional service not to exceed sixteen (16) square feet in surface display area and attached flat against a building wall.
- b. Signs advertising new subdivision or major developments may be permitted by the Planning Commission for no more than one (1) year, provided they do not exceed twenty-five (25) square feet in area.
- c. Public institutions and churches permitted in residential districts shall comply with regulations for commercial uses.

17.5 SIGNS IN COMMERCIAL OR INDUSTRIAL DISTRICTS:

Signs shall be permitted subject to the following restrictions:

- a. Signs shall pertain exclusively to the business carried on within the building.
- b. Signs may be placed flat against the main building or parallel to the building on a canopy and may face only the public street or parking areas that are a part of the development. Signs shall not project above the roof line or cornice.
- c. Signs painted or affixed to a building shall not exceed ten (10) percent of the surface area of the building face to which it is attached.
- d. Signs may be illuminated, but no flashing or moving illumination shall be permitted. The source of illumination shall be shielded from traffic and adjacent properties and shall not be visible beyond the property line of the parcel on which the sign is located.
- e. Free standing signs, shall:
 - (1) Not obstruct a clear view of traffic.
 - (2) Not exceed twenty-five (25) feet in height.
 - (3) Not exceed one (1) per property, regardless of the number of businesses.
 - (4) Set back at least ten (10) feet, measured from the right-of-way line to the leading edge of the sign.
 - (5) Not exceed one hundred (100) square feet in surface display area.

17.6 OUTDOOR ADVERTISING STRUCTURES:

Outdoor advertising structures and billboards other than those signs which exclusively advertise businesses on the premises on which they are located shall be permitted by Conditional Use Permit in the C - General Commercial and I- Limited Industrial Districts in accordance with the following limitations:

- a. Location: Outdoor advertising structures shall be located:
 - (1) One hundred (100) feet from the right-of-way line of the street on which it fronts.

- (2) Five hundred (500) feet from any residential zoning district and five hundred (500) feet from any existing residence.
- b. Maximum Sign Height: Forty (40) feet.
- c. Maximum Sign Area: The total area of a sign panel shall not exceed three hundred (300) square feet.
- d. Sign Panel Limitations: Only one (1) sign panel facing the same direction and no more than two (2) sign panels per outdoor advertising structure or billboard. Illumination: Outdoor advertising structures may be illuminated providing however, that said illumination is not visible beyond the property lines of the parcel upon which the structure is located.
- f. Maintenance: Outdoor advertising structures shall be adequately maintained. Such maintenance shall include proper alignment of structure, continued readability of structure and preservation of structure with paint or other surface finishing material. If an outdoor advertising structure is not maintained, written notice of any disrepair shall be issued by the Zoning Administrator to the owner of said structure. If the disrepair is not corrected within thirty (30) days said structure shall be removed at the owner's expense.

17.7 ELECTRONIC OR DIGITAL DISPLAY SIGNS:

For electronic or digital display signs, the following requirements shall apply:

- a. The sign shall not have any flashing text, display, or images or imitate or resemble an official traffic or governmental sign or signal.
- b. Any image or message displayed on a sign shall have a minimum display time duration of at least ten (10) seconds and shall be a static display. Transition time between change of messages shall be no longer than two (2) seconds.
- c. Such sign shall not be of an intensity or brilliance as to impair or interfere with the vision of motorists, or that it interferes with the effectiveness of an official traffic sign, device or signal. All such signs shall be equipped with an automatic dimmer control which produces a distinct illumination change between daylight and nighttime hours.

ARTICLE XVIII CONDITIONAL USE PERMIT

18.1 PURPOSE:

Until recent years, the regulation of all uses of land and structures through zoning has been accomplished by assigning each use to one or more use districts. However, the functions and characteristics of an increasing number of new kinds of land uses combined with conclusive experience regarding some of the older, familiar kinds of uses calls for a more flexible and equitable procedure for properly accommodating these activities in the community. It should be recognized that the forces that influence decisions regarding the nature, magnitude, and location of such types of land use activities are many and varied depending upon functional characteristics, competitive situations and the availability of land. Rather than assign all uses to special, individual, and limited zoning districts, it is important to provide controllable and reasonable flexibility in requirements for certain kinds of uses that will allow practicable latitude for the investor, but that will allow practicable latitude for the security of the health, safety, convenience and general welfare of the community's inhabitants.

In order to accomplish such a dual objective, provision is made in this Ordinance for a more detailed consideration of certain specified activities as each may relate to proposed conditions of location, design, size, operation, intensity of use, generation of traffic and traffic movements, concentration of population, processes and equipment employed, amount and kind of public facilities and services required, together with many other possible factors. Land and structure use possessing these particularly unique characteristics are designated as Conditional Uses and may be authorized by the issuance of a Conditional Use Permit with such conditions and safeguards attached as may be deemed necessary for the protection of the public welfare.

The following sections, together with previous references in other Articles, designate what uses require Conditional Use Permit and the procedures for obtaining such a permit.

18.2 APPLICATION PROCEDURES:

- a. Applicant: Any person owning or having an interest in the subject property may file an application for one or more conditional use permits provided for in this Ordinance in the zoning district in which the land is situated.
- b. Application: Applications shall be submitted through the Township Clerk to the Planning Commission. Each application shall be accompanied by the payment of a fee in accordance with the duly adopted "Schedule of Fees" to cover costs of processing the application. No part of any fee shall be refundable.
- c. Data Required in Application: Every application shall be accompanied by the following information and data:
 - (1) Special form supplied by the Township Clerk filled out in full by the applicant.
 - (2) Site plan, plot plan, or development plan, drawn to a readable scale, of

the total property involved showing the location of abutting streets, the location of all existing and proposed structures, the types of buildings and their uses.

- (3) Preliminary plans and outline specifications of the proposed development statement with supporting evidence regarding findings specified in 18.4.

18.3 REVIEW AND FINDINGS:

- a. Planning Commission Public Hearing: The Planning Commission shall set a date for public hearing within forty five (45) days after receipt of an application. The Township Clerk shall cause to be published one notice of public hearing, not less than fifteen (15) days in advance of such hearing and shall notify by regular mail or personal delivery the parties of interest and all property owners or occupants of any structures within three hundred (300) feet of the subject property. The notice shall include:
 - (1) The nature of the request.
 - (2) The property(ies) for which the request has been made.
 - (3) A listing of all existing street addresses within the property subject to the conditional use.
 - (4) The location where the application documents can be viewed and copied.
 - (5) The date, time and location of when the hearing on the conditional use will take place.
 - (6) The address at which written comments should be directed prior to the hearing on the application.
- b. The Planning Commission shall review the proposed development and accompanying Site Plan, prior to submitting its recommendations for action to the Township Board, in terms of the standards set forth in 18.4.
- c. Issuance of Conditional Use Permit: Upon conclusion of hearing procedures, the Planning Commission shall recommend action to the Township Board including any limitations or specific requirements desired. Following favorable action by the Township Board, the Clerk shall issue a Conditional Use Permit with all conditions clearly specified in writing.

18.4 GENERAL STANDARDS FOR MAKING DETERMINATIONS:

The Planning Commission shall review the particular facts and circumstances of each proposal in terms of the following standards and shall find adequate evidence showing that the proposed use:

- a. Will be harmonious with and in accordance with the general objectives of the Master Land Use Plan of current adoption;
- b. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such a use will not change the essential character of the same area;

- c. Will not be hazardous or disturbing to existing or future neighboring uses;
- d. Will be a substantial improvement to property in the immediate vicinity and to the community as a whole;
- e. Will be served adequately by essential public facilities and services; such as highways, streets, police and fire protection, drainage structures, refuse disposal, or schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such service;
- f. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;
- g. Will not involve uses, activities, processes, materials, and equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.
- h. Will be consistent with the intent and purposes of this Ordinance.

18.5 CONDITIONS AND SAFEGUARDS:

- a. Prior to granting any Conditional Use Permit the Planning Commission may impose any additional conditions or limitations upon the establishment, location, construction, maintenance or operation of the use authorized by the Conditional Use Permit as in its judgment may be necessary for the protection of the public interest. Conditions imposed shall further be designed to protect natural resources, the health, safety and welfare, as well as the social and economic well-being of those who will utilize the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity and the community as a whole; and be consistent with the general standards as established in this Ordinance and therefore be necessary to meet the intent and purpose of the regulations contained therein.
- b. Conditions and requirements stated as part of Conditional Use Permit authorization shall be a continuing obligation of Conditional Use Permit holders. The Zoning Administrator shall make periodic investigations of developments authorized by a Conditional Use Permit to determine compliance with all requirements. The Planning Commission may as part of the approval of a Conditional Use Permit, designate that the Permit be brought back before the Planning Commission within a specified time period, to review the use or activity and determine Compliance of the Permit with all conditions and limitations imposed.
- c. Conditional Use Permits may be issued for time periods as determined by the Planning Commission and Township Board. Conditional Use Permits may be renewed in the same manner as originally applied for.
- d. In cases where it is anticipated that a use will only be needed for a specified period of time, or in cases where compatibility cannot be easily determined and a

trial period is desired, the Planning Commission and Township Board shall have the authority to issue Temporary Conditional Use Permit approval. If the Planning Commission and Township Board approve a Temporary Conditional Use Permit, they shall establish the expiration date of such approval in their motion to approve.

- e. In authorizing a Conditional Use Permit, the Township Board may require that a cash deposit, certified check, bond or other financial guarantee acceptable to the Township, of ample sum be furnished by the developer to insure compliance with such requirements as drives, walks, utilities, parking, landscaping and the like. The financial guarantee shall be deposited with the Township Clerk at the time of issuance of the permit authorizing the use or, activity. As work progresses, the Township Board may authorize a proportional rebate of the financial guarantee upon completion of significant phases or improvements.
- f. Continuance of a Conditional Use Permit by the Township shall be withheld only upon a determination by the Zoning Administrator to the effect that:
 - (1) Such conditions as may have been prescribed in conjunction with the issuance of the original permit included the requirements that the use be discontinued after a specified time period.
 - (2) Violations of conditions pertaining to the granting of the permit continue to exist more than thirty (30) days after an order to correct has been issued.
- g. All plans, specifications and statements submitted with the application for a Conditional Use Permit shall become, along with any changes ordered by the Planning Commission, a part of the conditions of any Permit issued thereto.
- h. The foregoing general standards are basic to all conditional uses; and the specific requirements accompanying the following Sections relating to particular uses are in addition to and shall be required in all applicable situations.

18.6 APPEALS:

A person considering himself aggrieved by a decision of the Township Board in the granting or denial of a Conditional Use Permit shall have the right to appeal said decision to the Board of Zoning Appeals. The appellant shall file a letter with the Township Clerk, within thirty (30) days of the decision of the Township Board. The appellant's letter shall specify with particularity the reason(s) that the appellant is appealing the decision of the Township Board and the appellant's appeal shall be limited to those issues stated with particularity in said letter. The appeal shall be based and considered solely on the record including the appellant's letter of appeal, the minutes of public hearings and site plans and other documentation presented to the Township Board prior to its decision.

18.7 NON-RESIDENTIAL STRUCTURES AND USES IN RESIDENTIAL DISTRICTS:

- a. Uses Requiring Special Use Permits: The following uses of land and structure are permitted in one or more residential districts.

- (1) Religious Institutions: Churches, convents, parsonages and other housing for religious personnel.
 - (2) Educational and Social Institutions: Public or private elementary and secondary schools, institutions for higher education; auditoriums and other places for assembly and centers for social activities; public libraries, museums and art galleries; nursery schools and day care centers.
 - (3) Recreational Facilities: Public and private parks, playgrounds, community centers, parkways, golf courses and similar recreational facilities.
 - (4) Public Buildings and Public Service Installations: Municipal administrative or public service buildings; utility and public service facilities and uses, but excluding storage yards; telephone exchange buildings, transformer stations and substations.
- b. General Standards: Inasmuch as the non-residential uses permitted in residential districts may have an adverse affect on residential properties if not properly located and designed, the following general standards must be met prior to development of such uses:
- (1) Hazardous areas must be adequately fenced to avoid accidents, such areas include public utility substations.
 - (2) Any permitted non-residential structure should preferably be located at the edge of a Residential District, abutting a Commercial Industrial District, or a public open space.
 - (3) If possible, all permitted non-residential uses should front on a major street (county primary or state trunk-line).
 - (4) Motor vehicle entrance and exit should be made on a major street to avoid the impact of traffic generated by the non-residential use upon the residential area.
 - (5) Site locations should be chosen which offer natural or man-made barriers that would lessen the effect of the intrusion of a nonresidential use into a residential area.
 - (6) Non-residential uses should not be located so as to cause costly public improvements.
 - (7) Non-residential structures shall be located no closer than one hundred (100) feet to adjacent property lines.

18.8 PUBLIC UTILITY STRUCTURES AND SUBSTATIONS:

Adequate planting materials to screen exposed facilities from view shall be required. Evergreens are recommended, however, selected deciduous trees may be used when appropriate.

18.9 COMMERCIAL KENNELS AND STABLES:

- a. Shall be located and constructed so as to minimize the potentially adverse effects of noise on adjacent properties.
- b. Shall be located and constructed so as to minimize the potentially adverse effects of odors on adjacent properties.

18.10 PUBLIC OR PRIVATE SANITARY LAND FILLS OR JUNK YARDS:

- a. Such uses shall be established and maintained in accordance with all applicable State of Michigan statutes.
- b. Shall be fenced around the entire periphery of the property in use with a solid screen of sound construction, painted, or otherwise finished neatly and inconspicuously.
- c. All activities shall be confined within the fenced areas. No equipment, material, signs, or lighting shall be used or stored outside the fenced area.
- d. Fences shall be set back one hundred (100) feet from any public street.
- e. No burning beyond the limited amount normally associated with a residence shall be permitted.
- f. Junk, automobiles or other debris may not be stacked in any manner such that it could be visible outside the site. Junk yards or landfills shall not be located in areas which are impossible to screen from view from adjacent properties or public streets.

18.11 COMMERCIAL SAND OR GRAVEL PITS, QUARRIES AND OTHER MINING OPERATIONS:

- a. The soil erosion control standards of Newaygo County shall be followed.
- b. All areas shall be rehabilitated progressively as they are worked out. Rehabilitated sites shall be reasonably natural and inconspicuous and lacking in hazard. All slopes and banks shall be graded to angles not in excess of those found in the natural topography of surrounding areas, and they shall be treated to prevent erosion.
- c. Before issuance of a Conditional Use Permit, a surety bond for compliance may be required, in an amount established by the Township Board.
- d. All permitted installation shall be maintained in a neat, orderly condition, so as to prevent injury to any property, individual, or the community in general.
- e. The Township shall establish routes for truck traffic movement in and out of the development in order to minimize wear on public streets, to prevent hazards and damage to properties and to avoid densely populated residential areas.

- f. As a part of the Conditional Use Permit review process, Garfield Township may require additional assurances or compliances with provisions, specific to the application at hand and in excess of the above mentioned items.

18.12 MISCELLANEOUS CONDITIONAL USES:

- a. Inasmuch as such commercial/industrial uses may have a substantial impact on land use, traffic patterns, aesthetics, the environment, and the general welfare of the Township, the following standards must be met by such uses:
 - (1) Whenever possible, entrance and exit shall be made on a major street (county primary or state trunk line).
 - (2) Whenever possible, existing trees on the site shall be preserved. In addition, new landscaping shall be added to enhance the beauty of the development.
 - (3) Screening shall be provided for uses which exhibit a cluttered appearance due to outdoor operations, which generate unusual noises, or require lighting which may shine onto adjacent properties.

18.13 TWO FAMILY AND MULTIPLE FAMILY DWELLINGS:

- a. The developer shall submit his plans to the following agencies for their comments in writing to be delivered to the Planning Commission prior to a public hearing:
 - (1) Newaygo County Road Commission.
 - (2) District Health Department.
 - (3) Newaygo County Drain Commissioner.
 - (4) The Board of Education of the School District in which the project is located.
 - (5) District Fire Chief.
- b. Inasmuch as such residential uses may have a substantial impact on land use, traffic patterns, aesthetics, the environment and the general welfare of the Township, the following standards must be met by such uses:
 - (1) No building shall be closer than fifty (50) feet to another, except when abutting walls contain no windows, in which case the distance may be reduced to twenty-five (25) feet.
 - (2) No building shall be longer than one hundred and fifty (150) feet in any direction.
 - (3) Motor vehicle entrance and exit shall be only from a major street (county primary or state trunk-line) to avoid the impact of traffic generated on neighboring uses.
 - (4) Recreational facilities for the residents shall be provided in easily accessible areas, including play equipment for children as well as adult recreation areas.

- (5) The appeal and character of the site shall be preserved and enhanced by retaining and protecting existing trees and other site features; and, additional new landscaping shall be added for privacy, shade, beauty of buildings and grounds and to screen objectionable features. The landscaping plan shall be submitted in conjunction with the site plan with the application.
- (6) All of the elements of the site plan shall be harmoniously and efficiently organized in relation to topography, the size and type of buildings. Arrangement of buildings shall be in favorable relationship to the natural topography, existing desirable trees, views within and beyond the site, and exposure to the sun and other buildings on the site.

18.14 PLANNED UNIT DEVELOPMENTS (PUD):

- a. Intent: Permitting flexibility in the placement and interrelationship of buildings and uses will foster more creative design and a desirable quality of development. Allowing greater flexibility, however, is possible without sacrificing adequate light, air, safety and privacy. PUD's are intended to foster efficient and economical use of land, resources, public services and energy. The criteria contained herein are further intended to:
 - (1) Result in a more efficient development pattern.
 - (2) Preserve existing natural assets.
 - (3) Provide for an alternative yet desirable style of residential development.
 - (4) Encourage the preservation of open space.
 - (5) Affect the long-term aesthetic and economic values of a given development.
- b. General Requirements, Restrictions and Standards:
 - (1) Minimum Project Area: Five (5) acres.
 - (2) Location: PUD's may be located in all zoning districts as approved by the Township.
 - (3) Uses Permitted:
 - (a) All uses permitted in the zoning district for which the PUD is approved.
 - (b) Additional uses that are compatible with the Township Master Plan, and integral to the specific PUD (such as a day care center in a residential or industrial PUD project).
 - (4) Performance Objectives:
 - (a) Yard, setback, lot size, type of dwelling unit, height and frontage requirements are typically waived for a PUD. The Planning Commission may however determine that certain setbacks be established within all or a portion of a PUD site.
 - (b) Access: Every structure or dwelling unit shall have access to a public or private street.
 - (c) Land Usage: The type of structures and uses that are part of a PUD plan shall be arranged so as not to negatively impact other

- existing or proposed structures or uses or the surrounding neighborhood.
- (d) Residential Privacy: PUD's shall provide reasonable visual and acoustical privacy for dwelling units.
 - (e) Off-Street Parking: Parking convenient to all dwelling units and other uses, shall be provided pursuant to the requirements of this Ordinance.
 - (f) Development Concept: All of the elements of the site plan shall be harmoniously and efficiently organized in relation to topography, lot size and type, the character of adjoining properties and the type and size of proposed structures. Buildings shall be arranged so as to utilize the natural topography and vegetation.
 - (g) Utilities: PUD's shall where feasible, place all utilities underground, including electricity and telephone. Storm sewer facilities including retention basins, may be necessary in order to minimize storm water run-off.
 - (h) Landscaping: Site appeal shall be preserved and enhanced by retaining existing trees or other site features, or by adding new landscaping.
- (5) Residential Density: The density (dwelling units per acre) of a PUD shall not exceed the density of the zoning district in which it is located, except as provided herein. In order to preserve the maximum amount of open space, it is possible to increase the total density of the PUD by increasing the percentage of open space, according to the following schedule:

<u>Percentage of Common Open Space</u>	<u>Bonus Lots or Units Percentage</u>
25%	None
25 -30%	Five Percent Additional Lots or Units
30 - 35%	Ten Percent Additional Lots or Units
35 -40%	Fifteen Percent Additional Lots or Units
40 -45%	Twenty Percent Additional Lots or Units
45 -50%	Twenty-five Percent Additional Lots or Units

- (6) Open Space: means a usable area of sufficient size, shape and location to provide recreational opportunities for residents of the Township and/or the PUD. Examples of "open space" include open fields, wooded areas, streams, ponds and recreational facilities (ball fields, golf courses, pools, etc.). The amount of "open space" within a PUD shall not be less than twenty-five (25) percent of the total land area of the project.

c. Procedures:

- (1) Application: Applications shall be submitted through the Township Clerk to the Planning Commission.
- (2) Pre-Application Conference: Prior to the submittal of a PUD request, the

applicant shall meet with the Planning Commission to discuss the proposed development and the review standards contained herein. Such a conference shall be informal and not binding on either party.

- (3) Preliminary PUD Review:
- (a) In addition to those requirements in Section XVIII the applicant shall submit the following:
- (1) A sketch of the properties, streets and uses within one-half mile of the site.
 - (2) A site plan to scale, showing existing or proposed:
 - streets
 - lots and buildings
 - parking
 - residential units and densities
 - natural features and open space.
 - (3) A narrative describing:
 - the overall objectives of the PUD
 - total estimated development cost by phase
 - the method of providing water and sewer services and other utilities
 - the preservation and maintenance of all project open space.
- (b) Following receipt and review of a PUD application, the Planning Commission shall hold a public hearing on the proposed development. Upon conclusion of the public hearing, the Planning Commission shall transmit a recommendation on to the Township Board as provided in 18.3(b).
- (4) Final Review:
- (a) Prior to receiving final approval, the applicant shall submit a detailed site plan containing the following information to the Planning Commission for their review.
- (1) Engineering information on all underground utilities, including water and sewer, storm drainage, gas, electric and telephone.
 - (2) The location and design of all proposed structures, streets and parking areas.
 - (3) A final grading plan.
 - (4) A detailed landscaping plan.
 - (5) The location of all signs and lighting.
- (b) The applicant shall also submit a schedule of intended development phases and preliminary architectural sketches or a statement as to the type/style of proposed buildings.
- (c) The Planning Commission shall forward their recommendation on to the Township Board who will make a final decision to approve or deny the project.

- d. Site Condominium Subdivisions: Pursuant to authority conferred by Section 141 of the Condominium Act (MCLA 559.2421) Public Act 59 of 1978, as amended, all Site Condominium Subdivisions must be reviewed and approved as a Planned Unit Development. All of the procedures for review and approval of a site

condominium project shall be those as provided in Section 18.14, except as expressly provided below.

- (1) Preliminary Review:
 - (a) In addition to those requirements in 18.14(c) a Site Condominium applicant shall submit the following:
 - (1) A description of the common elements of the project as contained in the Master Deed.
 - (2) The use and occupancy restrictions as contained in the Master Deed.
 - (3) A Consent to Submission of Real Property to Condominium Project stating all parties which have ownership interest in the proposed site condominium subdivision; or evidence of authority or right that the developer has a legal option to purchase the subject property from the owner(s) of record.
 - (b) The Planning Commission shall consult with the Township Attorney regarding the adequacy of the site condominium plans, deed restrictions and compliance with all requirements of the Condominium Act.
- (2) Final Review:
 - (a) Utilities: The site condominium plans shall include all necessary easements granted to Garfield Township and/or Newaygo County for the purpose of constructing, operating, inspecting, maintaining, repairing, altering, replacing, and/or removing pipelines, mains, conduits and other installations of a similar character for the purpose of providing public utilities, including conveyance of sewage, water and storm water run-off across, through and under the property subject to said easement, and excavating and refilling ditches and trenches necessary for the location of said structures. The Township Board may require the developer to enter into an agreement with the Township for the imposition of a special assessment for the construction of water and sewer lines within all easements and/or rights of way within the site condominium subdivision. This requirement in as much as it deals with the establishment of a Special Assessment District under Act 188 of 1954, as amended, is not a waiver of any developer's or his grantee's rights to contest the confirmation of any Special Assessment Roll as provided in the Act.
 - (b) Private Streets: If a site condominium subdivision is proposed to have private streets, the Township Board may require that the private streets be developed to the minimum design, construction, inspection, approval and maintenance requirements of the Newaygo County Road Commission.
 - (c) Master Deed: All provisions of the site condominium plans which are approved by the Township Board must be incorporated, as approved, in the Master Deed for the site condominium subdivision. Any proposed changes to the approved site condominium plans must be reviewed and approved by the Township pursuant to the procedures set forth herein. A copy of

the Master Deed as approved by the Township, must be filed with the Newaygo Counter Register of Deeds.

- (d) Plan Modification: Minor changes to an approved site condominium plan may be authorized by the Zoning Administrator, providing the changes comply with all applicable requirements of the Ordinance and all other Township regulations and/or State law. Any other changes shall require a formal approval by the Planning Commission and Township Board as an amendment to the initial approval.

18.15 ACCESSORY APARTMENT OR "ECHO" HOUSING:

- a. It is the intent of this Section to provide standards that will allow extended family living in what have traditionally been single-family (only), zoning districts and neighborhoods. Such provisions will permit the conversion of a single family dwelling to include an accessory apartment, as a means of accommodating an elderly parent or other family member, or extending the economic life of a large, older home. Also permitted will be the placement of detached, removable, self-contained residential units designed for installation on the same lot as the principal dwelling - usually in the rear yard. It is intended that by providing housing opportunities for the elderly or an extended household, allowing independence yet close contact to younger family members, a vital need can be met without diminishing the quality of affected neighborhoods.
- b. Accessory Apartment: In addition to those requirements set forth in 18.04, the following provisions shall be met.
- (1) Only owner occupants are permitted to install or rent accessory apartments.
 - (2) There shall be no visible change in the exterior appearance of the dwelling containing the accessory apartment.
 - (3) All improvements associated with construction of the accessory apartment shall meet current, applicable codes.
 - (4) Any additional parking as needed or required by this ordinance shall be provided in off-street space.
 - (5) Adequate provision for wastewater disposal, either by public sanitary sewer or expanded private on site facilities, shall be required.
- c. Elder Cottage Housing Opportunities (ECHO): In addition to those requirements set forth in 18.04 the following provisions shall be met.
- (1) Only owner occupants of the principal dwelling are permitted to install ECHO housing units.
 - (2) ECHO housing units shall be temporary in nature and are to be removed upon cessation of the occupancy for which they are intended. Conditional Use Permits for ECHO housing may be issued for time periods as determined by the Township
 - (3) The front and side yard requirements applicable to the principal dwelling shall be complied with in placement of the ECHO housing unit. The Planning Commission shall determine rear yard requirements upon consideration of lot size and placement of surrounding structures or uses.
 - (4) The ECHO housing unit shall meet all applicable codes for manufactured housing or mobile home dwellings.

- (5) Any additional parking as needed or required by this Ordinance shall be provided in off-street space.
- (6) Adequate provision for wastewater disposal, either by public sanitary sewer or expanded private on-site facilities, shall be required.
- (7) The Planning Commission may impose any other reasonable conditions including lot coverage, landscaping, skirting, of mobile home units and similar requirements deemed necessary to protect adjoining properties and the public welfare.

18.16 FUNCTIONAL FAMILIES:

- a. Intent: It is the intent of this section to recognize and provide for alternative living arrangements which may vary from those of the traditional, biological family and to avoid overcrowding, conserve property values, protect the public health, safety and welfare and preserve traditional family values.
- b. Development Standards:
 - (1) Minimum Floor Area: A dwelling unit occupied by a functional family shall contain a minimum of one hundred twenty-five (125) square feet of living space per person, excluding garages, unenclosed porches and unfinished basements.
 - (2) Parking: A property occupied by a functional family shall have a minimum of one (1) on-site parking space for every vehicle regularly parked on the premises. For purposes of this section, a parking space shall be defined as a dust-free gravel, or hard surfaced area, not to include lawn areas.
 - (3) Maximum Occupancy: In no case shall more than six (6) persons reside in a dwelling as a functional family.

18.17 OTHER CONDITIONAL USES

- a. Land and structure uses that are not specified in any other section of this Ordinance may be considered for approval under the conditional use permit process, providing that they will not seriously impact surrounding properties by depreciative quality and value of such property and will not be generally injurious to the community as a whole
- b. All standards expressed elsewhere in this Ordinance are applicable to uses permitted by this Section as well as any specific, reasonable standard which the Township wishes to apply to consideration of the proposed use

18.18 CONSERVATION DEVELOPMENT REQUIREMENTS

- a. Access: An Open Space Community shall have direct access to an approved public roadway.
- b. Open Space Community Design Criteria: In all Open Space Communities, at least two (2) of the following items must be present:
 - (1) Preservation of Natural Amenities: Sites preserving a significant quantity of any of the following:
 - (2) Organic Amenities: Significant views and vistas, mature woodlands, wetlands, or lowland areas, prairie, bodies of open water (such as ponds,

- streams, natural drainage ways) wildlife habitat or corridors, and mature trees of a significant size.
- (3) Non-organic Amenities: Farmhouses, barns or other farm-related buildings of value for restoration or preservation, stone or wood fence lines, other buildings or foundations of historic value.
 - (4) Recreational Facilities: The submittal shall include both passive and/or active recreational areas for residents within the Open Space Community. Passive recreation areas shall include such items as pathway systems, common greenspace of a substantial size, open preserves, natural amenity areas or other areas or uses consistent in nature. Active recreation areas shall include children play facilities, sports fields and other fitness areas that are consistent in nature.
 - (5) Preservation of Agriculture: Land uses such as orchards, horse stables, active farms, or other similar agriculture uses, shall be preserved, where feasible or viable (this provision excludes intensive animal raising facilities and similar uses). A buffer area shall be maintained between the agricultural use and the residential unit.
- c. **Submission Requirements: Parallel Plan**: A "parallel" or "yield plan" shall be prepared by the applicant showing a feasible development under the requirements of the specific zoning district in which the subject parcel is located. All lots, roads and other improvements shall be designed so that they do not adversely impact wetlands, floodplains or drainage ways. It shall be determined by the Planning Commission that this parallel plan (conventional subdivision) is capable of being constructed in conformance with all current subdivision regulations should the Open Space Community Option be denied or not be constructed.
- d. **Site Analysis**: A Site Analysis Plan shall be submitted showing the following site features:
- (1) Wetlands
 - (2) Water areas such as streams or ponds.
 - (3) Woodlands and farmlands.
 - (4) Soils and topography.
 - (5) Drainage patterns and County drains.
 - (6) Historic and/or cultural features.
 - (7) Wildlife habitat areas.
 - (8) View sheds and view corridors.
 - (9) Existing easements.
 - (10) Existing and proposed rights-of-way.
 - (11) Existing utilities.
 - (12) Adjacent development within two hundred (200) feet.
- e. **Conservation Area Plan**: The site analysis elements noted above shall be used to outline the primary and secondary conservation areas. In primary conservation areas, no development is to occur. In secondary conservation areas, development can occur, but special care must be taken to minimize adverse impacts.
- (1) Primary Conservation Areas: Floodplains, regulated wetlands, drainage ways, easements, an exterior road buffer, or other exceptional natural elements.

- (2) Secondary Conservation Areas: Farmland, woodlots, marginal wetlands, tree lines, soils that are sensitive to development, soils prone to flooding, aesthetic views, etc.
- f. Site Design Requirements -Open Space Community: Unless otherwise provided herein, all other applicable provisions of this Zoning Ordinance shall apply.
- (1) Minimum Lot Size: None.
 - (2) Minimum Yard Setbacks: None.
 - (3) Road System: Single loaded roadways are encouraged, with home sites along only one side of the street. This type of development will allow for a greater number of views and vistas into the open spaces or farmland.
 - (4) Exterior Road Buffer: The developer shall preserve a minimum of a one hundred fifty (150) foot undeveloped buffer from the right of way of any County Road or State Highway that adjoins the site.
 - (5) Minimum Open Space: A minimum of fifty (50) percent of the gross land area of the site shall be reserved for common open space.
 - (6) Houses Abutting the Open Space: A minimum of fifty (50) percent of all dwelling units within the development shall abut or overlook the dedicated open space.
 - (7) Access to Open Space: Access points or paths shall be provided to afford access to open space and common areas. These access points shall link the open space to the roadway, sidewalks or the remainder of the development.
 - (8) Natural Area: An undisturbed greenbelt shall be required around any natural features or farmland preserved within the common open space areas.
 - (9) Pedestrian Circulation: Adequate pedestrian circulation shall be provided for on-site circulation. Adequate access shall be provided to all open space/recreational spaces from the residential areas. Natural paths or bike paths are encouraged within the development. Paths shall be constructed of gravel, woodchip or other similar material as approved by the Planning Commission.
 - (10) Garages: A minimum of fifty (50) percent of all dwelling units shall have side, rear or alley-entry garages or other configurations not opening to the street. Garages that face the roadway shall not extend beyond the front plane of the residence and are encouraged to be recessed at least five (5) feet from the front plane of the house.
 - (11) Architectural Character: A diversity of single-family housing styles, colors and configurations are encouraged throughout the development.
- g. Dedication of Open Space: The dedicated open space shall be set aside in an irrevocable conveyance that is acceptable to the Township Attorney and approved by the Township Board and may include:
- (1) A Conservation Easement as established by the State of Michigan Conservation and Historic Preservation Act, Public Act 197 of 1980, as amended.
 - (2) Master Deed as established by the State of Michigan Condominium Act, Public Act 59 of 1978, as amended.
 - (3) Distributed gift or sale of the development rights to all property owners within the Open Space Community.

- h. Public Input: Any applicant or potential applicant for a Conservation Development Option project shall conduct a neighborhood meeting and invite by mail or other means (with suitable records kept) all property owners within three hundred feet of the proposed project site. The intent of the neighborhood meeting shall be to discuss the project plan with surrounding residents or property owners and to obtain their comments or input. Minutes of the meeting shall be kept by the applicant and provided to the Township.
- i. A Conservation Development that includes a site condominium subdivision shall also meet the requirements of Public Act 59 of 1978 as amended and shall be reviewed and processed consistent with the procedures and requirements contained therein. (See also Section 18.14 (d) of this Zoning Ordinance.)

18.19 PRINCIPAL-USE SOLAR ENERGY SYSTEMS

- a. Definition. A commercial, ground-mounted solar energy system that converts sunlight into electricity for the primary purpose of off-site use through the electrical grid or export to the wholesale market.
- b. Regulations. The Planning Commission may only approve a Principal-Use SES as a special land use in the AG district subject to the procedures and standards for conditional uses in this ordinance and all of the following requirements:
 - (1) Minimum Lot Size. A principal-use SES shall not be constructed on parcels less than eighty (80) acres in size provided, however, that the Planning Commission may consider a joint application of adjacent properties so long as the total acreage of all participating parcels is not less than the minimum acreage provided for in this section.
 - (2) Height. Total height for a principal-use SES shall not exceed sixteen (16) feet measured from the ground to the top of the system when oriented at maximum tilt.
 - (3) Setbacks. Setback distance shall be measured from the property line or road right-of-way to the closest point of the solar array at minimum tilt or substation and as follows:
 - a. Fifty (50) feet from any property line of a non-participating lot.
 - b. For Principal-Use SES with an output capacity greater than 50 megawatts, Seventy-Five (75) feet from any public or private right-of-way or easement.
 - c. For Principal-Use SES with a total output capacity of 50 megawatts or less, one hundred fifty (150) feet from any public or private right-of-way or easement.
 - d. Three hundred (300) feet from any existing non-participating dwelling unit.
 - e. A principal-use SES is not subject to property line setbacks for common property lines of two or more participating lots, except that road right-of-way setbacks shall apply.
 - f. Seventy-five (75) feet, or such other setback as may be required by the Newago County Drain Commission, from a stream, river, pond, lake, wetland, drain, or lands located within a 100-year floodplain as identified by the Federal Emergency Management Agency.

- (4) Fencing. A principal-use SES shall be secured with perimeter fencing to restrict unauthorized access. Perimeter fencing shall be eight (8) feet in height. All access doors to principal-use SES and related components and structures shall be locked to prevent entry by unauthorized persons. Fencing is not subject to setbacks as a component of the principal-use SES. The Planning Commission may require wildlife-friendly fencing with openings that allow wildlife (except for deer) to traverse over or through a fenced area or Knox boxes and keys for emergency personnel access.
- (5) Screening/Landscaping. A principal-use SES shall be buffered by installed trees and/or native vegetative plantings to provide for a visual buffer between the solar facility and (a) an adjacent public right of way, and (b) any adjacent, occupied residential structure existing on a non-participating parcel as of the date of Planning Commission approval of the principal-use SES. Any required screening and landscaping shall be placed outside the perimeter fencing.
- a. When current zoning district screening and landscaping standards are determined to be inadequate based on a legitimate purpose consistent with Township planning documents, the Planning Commission may require substitute screening.
 - b. The Planning Commission may reduce or waive screening requirements provided that any such adjustment is in keeping with the intent of this Ordinance.
 - c. Screening and landscaping detail shall be submitted as part of the site plan that identifies the type and extent of screening for a principal-use SES, which may include planting, strategic use of berms, and fencing.
- (6) Ground Cover. A principal-use SES shall include the installation of ground cover vegetation maintained for the duration of the operation until the site is decommissioned. The application shall include a ground cover vegetation establishment and management plan as part of the site plan. The following standards apply:
- a. Sites bound by Farmland Development Rights (PA 116) Agreement must follow the Michigan Department of Agriculture and Rural Development's Policy for Allowing Commercial Solar Panel Development on PA 116 Lands.
 - b. Ground cover at sites not enrolled in PA 116 must implement one or more of the four types of Dual Use defined in this ordinance:
 - i. Pollinator Habitat
 - ii. Conservation Cover
 - iii. Forage
 - iv. Agrivoltaics
 - c. Project sites that are included in a brownfield plan adopted under the Brownfield Redevelopment Financing Act, PA 381 of 1996, as amended, that contain impervious surface at the time of construction or soils that cannot be disturbed, are exempt from ground cover requirements.
- (7) Lot Coverage. The total area of a single principal-use SES, including all components, shall not exceed 1,500 acres in total size on all participating lots.
- (8) Land Clearing. Land disturbance or clearing shall be limited to what is minimally necessary for the installation and operation of the SES and to ensure sufficient all-season

access to the solar resource given the topography of the land. Topsoil distributed during site preparation on the parcel shall be retained on site.

- (9) Environmental Impact. The Planning Commission shall review potential impacts on wildlife, water, and other environmental factors present on the site. The principal-use SES applicant must provide all permits and related information from state and federal agencies.
- (10) Access Drives. The principal-use SES applicant must maintain an emergency access road to the site that is accessible to Fire Department response apparatus. All access drives within the SES shall be designed to minimize the extent of soil disturbance, water runoff, and soil compaction on the premises. The use of geotextile fabrics and gravel placed on the surface of the existing soil for the construction of temporary drives during the construction of the SES is permitted, provided that the geotextile fabrics and gravel are removed once the SES is in operation.
- (11) Wiring. SES wiring, including communication lines and distribution lines, shall be co-located on existing poles wherever possible. Any above-ground wiring components within the footprint of the SES shall not exceed the height of the solar array at maximum tilt.
- (12) Lighting. Principal-use SES lighting shall be limited to inverter and/or substation locations, site entrance locations, and operations and maintenance buildings only. Light fixtures shall have downlit shielding and be placed to keep light on-site and glare away from adjacent properties, bodies of water, and adjacent roadways. Flashing or intermittent lights are prohibited.
- (13) Glare. All solar energy system location/tilt components shall be designed, maintained and operated to avoid glare and reflection of sunlight and other artificial lighting which may affect navigation by air, water, and roadway. Solar energy system designs shall comply with all Federal Aviation Administration siting requirements. Glare and reflection of sunlight from any component of a solar energy system shall not have a negative impact on any non-participating property.
- (14) Public Safety. Principal-use SES shall have an emergency shutdown procedure in place and shall provide the local fire department site safety plans to include electrical, fire, smoke, and hazardous materials release, emergency response protocols and identification of typical hazards related to, electrical, fire, smoke and hazardous materials pertinent to the facility. Principal-use SES projects shall provide each affected local fire department with any special equipment reasonably required, in the discretion of the chief local fire official, to safely and efficiently extinguish fires at the facility site. At the Township's request, all principal-use SES facilities shall provide first responder training at the site.
- (15) Signage. No advertising or non-project graphics are permitted on any part of the solar arrays or other components of the USES. Entrance gate signs, directional signs or other information that may be required by authorities having jurisdiction over such electrical operations or for the safety and welfare of the public, are permitted.
- (16) Noise. The sound pressure level of a principal-use SES and all ancillary solar equipment shall not exceed fifty-five (55) dBA at the property line of an adjoining non-participating lot or at a public or private road right-of-way or easement.

- (17) Inspection. The Township shall have the right, upon approving any principal-use SES, to inspect the premises on which the SES is located upon reasonable notice during normal business hours.
- (18) Repowering. In addition to repairing or replacing SES components to maintain the system, a principal-use SES may at any time be repowered, without the need to apply for a new special land use permit, by reconfiguring, renovating, or replacing the SES to increase the power rating within the existing footprint. A proposal to change the project footprint of an existing SES shall be considered a new application, subject to the conditional use standards at the time of the request.
- (19) Decommissioning. A decommissioning plan is required at the time of application.
- a. The decommissioning plan shall include at a minimum:
 - i. A written description of the proposed service life of the principal-use SES.
 - ii. The anticipated manner in which the project will be decommissioned, including a description of which above-grade and below-grade improvements will be removed, retained (e.g., access drive, fencing), or restored for viable reuse of the property consistent with the zoning district,
 - iii. The projected decommissioning costs prepared by an independent third-party Registered Engineer for removal of the SES (net of salvage value in current dollars) and soil stabilization, less the amount of the surety bond posted with the State of Michigan for decommissioning of panels installed on PA 116 lands, and,
 - iv. The method of ensuring that, prior to commencing construction, funds will be available to cover 100% of the costs of site decommissioning and stabilization from an acceptable source as determined by the Planning Commission (in the form of surety bond, irrevocable letter of credit, or cash deposit).
 - b. A review of the amount of the performance guarantee based on inflation, salvage value, and current removal costs shall be completed every five (5) years, for the life of the project, and approved by the Planning Commission. An SES owner may at any time:
 - i. Proceed with the decommissioning plan approved by the Planning Commission under this section and remove the system as indicated in the most recent approved plan, or,
 - ii. Amend the decommissioning plan with Planning Commission approval and proceed according to the revised plan.

- c. Decommissioning an SES must commence when the soil is dry to prevent soil compaction and must be complete within eighteen (18) months after abandonment. An SES that has not produced electrical energy for twelve (12) consecutive months shall prompt an abandonment hearing.
 - i. An abandonment hearing shall be held as a public hearing in the same manner the use was established at the Planning Commission. During the hearing, the Planning Commission will hear comments and make a determination if the SES has been abandoned. If the Planning Commission determines the SES has been abandoned, the decommissioning shall immediately proceed as described within the approved decommissioning plan.
- (20) Transfers. The owner of a Principal-Use Solar Energy System shall provide written notice of any assignment of the assets comprising the Principal-Use Solar Energy System to a third party within 60 days of consummating such assignment. Any assignment must include an express written agreement that the new owner agrees to carry out the terms of the conditional use and site plan approval.

ARTICLE XIX SITE PLAN REVIEW

19.1 PURPOSE:

It is the purpose of this article to require site plan review approval for certain buildings, structures and uses that can be expected to have a significant impact on natural resources, traffic patterns, adjacent parcels and the character of future development. These regulations are intended to provide for the orderly development of Garfield Township; the stability of land values by preventing impairment or depreciation; and the conservation of natural resources.

19.2 USES REQUIRING SITE PLAN APPROVAL:

Unless provided for by this Ordinance, all new uses and structures, or modifications of uses and structures, shall require site plan approval as follows:

- a. Final Site Plan Approval by the Zoning Administrator:
 - (1) All buildings, structures and uses not subject to site plan approval by the Planning Commission or Township Board. Pursuant to site plans approved by the Zoning Administrator, said Administrator may, at his discretion, waive any of the site plan elements required herein, provided however, the resultant plan shall be of sufficient detail to ensure compliance with the provision of this Ordinance.
 - (2) Land divisions and lot splits.
- b. Final Site Plan Approval by the Planning Commission:

The following buildings, structures and uses require final site plan approval by the Planning Commission:

 - (1) All those uses requiring Conditional Use Permit review as specified.
 - (2) All new construction, including the expansion of existing buildings and structures, other than single or two-family dwellings permitted by right in the zoning district in which they are located, shall require site plan review.
 - (3) All land uses, excepting single or two-family dwellings permitted by right in the zoning district in which they are located, shall require site plan review.

19.3 OPTIONAL SKETCH PLAN REVIEW:

Preliminary sketches of proposed site and development plans may be submitted for review to the Planning Commission prior to final review. The purpose of such procedure is to allow discussion between a developer and the Planning Commission to better inform the developer of the acceptability of the proposed plan prior to incurring extensive engineering and other costs which might be necessary for final Site Plan approval. Sketch plans will include as a minimum the following:

- a. The name and address of the applicant or developer, including names and addresses of all officers of a corporation or partners of a partnership.
- b. The legal description of the property.
- c. Sketch drawings showing tentative site and development plans.

The Planning Commission shall not be bound by any tentative approval given at this time.

19.4 SITE PLAN REQUIREMENTS:

Each site plan submitted shall contain the following information, unless specifically waived by the Planning Commission, in whole or in part.

- a. Date, North Arrow and Scale - All site plans shall be submitted at the following scales:

3 acres or less	one inch = 20 feet 3
to 10 acres	one inch = 50 feet
10 acres or more	one inch = 100 feet
- b. Site Plan Sheet Size -All drawings must be submitted on a twenty-four inch by thirty-six inch (24 in. x 36 in.) sheet size.
- c. Legal Descriptions, Parcel Identification Number and Dimensioning - The legal description of the subject parcel and Parcel Identification Number (e.g. property description number used for tax assessment purposes). All lot and/or property lines are to be shown and dimensioned, including required setbacks. Legal descriptions shall be provided for all newly created lots or parcels. In the event the project will comprise a portion of an existing parcel, the boundaries of said existing parcel shall be detailed on the site plan.
- d. Drives, Sidewalks, Curbs, Signs, Lighting, Parking and Loading, Recreation and Common Areas - The location and dimensions of all existing drives, sidewalks, curb openings, signs, exterior lighting, curbing, parking areas (with dimensions of a typical parking space), unloading areas, recreation areas, common use areas and areas which have been conveyed for public use and purpose.
- e. Abutting Roads, Streets - The location and pavement width and right-of-way width of all abutting roads, streets, alleys and easements.
- f. Plan Preparer- The name and firm address of the individual responsible for the preparation of the site plan.
- g. Property Owner and Applicant -The name and address of the property owner and applicant.
- h. Regional Location Sketch - Provide a location sketch drawn to scale showing the relationship of the proposed use to the area and major landmarks within one-half mile.
- i. Utilities and Infrastructure - Size and location of all existing utilities, including utility poles, drainage, telephone, electric, water, sewer, gas, etc. and proposed connections to public sewer or water supply systems.
- j. Properties within Three Hundred (300) Feet - The site plan shall depict existing plats, buildings, ownership and zoning of all properties within three hundred (300) feet of the subject property boundaries. Ownership of land and buildings within the three hundred (300) feet distance shall be provided.

- k. Contour Intervals - Topography at contour intervals of not less than two (2) feet. For multiple-family and mobile home developments, contour intervals shall be shown as follows:
- | AVERAGE SLOPE OF SITE | REQUIRED CONTOUR INTERVAL |
|---------------------------------|------------------------------|
| Two (2) feet contour interval. | Zero (0) to Ten (10) Percent |
| Five (5) feet contour interval. | Over Ten (10) Percent |
- l. Proposed Site Development - Proposed building sites and lots with dimensions; parking areas including landscaping and drives, streets and street right-of-way widths, setback lines, distances between buildings and lot lines, location of sewers and water mains, permanent open spaces, types, size and locations of dwellings to be erected (single-family, two-family, multiple-unit buildings) proposed commercial structures if any, including parking areas and floor area devoted to business use.
- m. Building Height - The height of all existing and proposed buildings and structures shall be shown.
- n. Land Use Schedule, Site Coverage, Open Space, Public Areas, Etc. - A proposed schedule of land area by use category, building ground coverage, required lot area of the zoning district for each use and proposed lot areas and preserved open space per lot for the development and areas to be conveyed for public use and purpose.
- o. Architectural Sketches - Architectural sketches showing typical building features and floor areas.
- p. Summary Schedules and Views - Summary schedules and views should be affixed as applicable in residential developments, which give the following data:
- (1) The number of dwellings proposed by type, including typical floor plans for each type of dwelling.
 - (2) The number and location of one-bedroom units, two-bedroom units, etc.
 - (3) The residential area of the site in acres and in square feet, including breakdowns of both measures for any sub-areas or staging areas (excluding all rights-of-way) and also indicate total square footage of rights-of-way for each sub-area or staging area.
 - (4) Typical elevation views of the front and side of each type of building.
 - (5) Estimated construction dates (start and completion dates). Construction phasing, if proposed shall be fully detailed indicating the sequence, timing, number and type of units and related elements of each phase.
 - (6) Surface Water Drainage Facilities - The location and size of all surface water drainage facilities.
 - (7) Soil and Ground Water Detail - Adequate information concerning soils, groundwater, water table and the impact of the proposed activities on each.
 - (8) Other Agency Reviews, Regulation and Approvals - The applicant shall ensure and be able to demonstrate, to the satisfaction of the Township, that all necessary reviews and approvals of other local, County, State and Federal agencies and associated regulations are satisfactorily met, complied with and completed.

- q. Landscaping - The location of all proposed landscaping and the location, height and types of fences and walls.
- r. Additional Plan Detail - Such additional information as the Planning Commission may deem necessary in order to determine the impact of the proposed use on the public health, safety and the general welfare.

19.5 ACTION ON APPLICATION AND PLANS:

- a. Upon receipt of an application for Site Plan Review, the Township Clerk shall transmit one (1) copy of the site plan to each of the following agencies considered to be impacted or affected by the request for their review and comment. (e.g. curb cut - Newaygo County Road Commission, etc.)
 - (1) Newaygo County Road Commission
 - (2) District 5 Health Department
 - (3) Newaygo County Drain Commissioner
 - (4) Township Fire Chief

The Clerk shall forward copies of the site plan to the Planning Commission, Zoning Administrator and the Township Engineer (if plan requires engineering analysis).

- b. A hearing will be scheduled by the Chairman of the Planning Commission for a review of the application and plans as well as the recommendations of the agencies and officials mentioned in (a) above. Copies of the application, plans, comments, etc. will be provided to Planning Commission members for review prior to the hearing which will be held not more than forty-five (45) days following date of receipt of plans and application by the Township Clerk.
- c. Following the hearing, the Planning Commission will have the authority to approve, disapprove, or modify the proposed plans in accordance with the purposes of this article. Any required modification shall be stated in writing, together with the reason therefore and delivered to the applicant. The Planning Commission may either approve the plans contingent upon the required modifications, if any, or may require a further review after the same have been included in the proposed plans of the applicant. The decision of the Planning Commission shall be made within one-hundred (100) days of receipt of the application by the Township Clerk.
- d. Two copies of the approved Site Plan with any required modifications shall be maintained as part of the Township records for future review and enforcement. One copy shall be signed and dated with the date of approval by the Chairman of the Planning Commission for identification of the finally approved plans. If any variances from the Zoning Ordinance have been obtained from the Board of Appeals, the minutes concerning the variance, duly signed, shall also be filed with the Township records as a part of the Site Plan and delivered to the applicant for his information and direction.

19.6 STANDARDS FOR SITE PLAN APPROVAL:

In conducting a site plan review, it shall be determined whether the applicant has established that the site plan is consistent with this Ordinance, the adopted Master Plan of the Township. That the site plan is adequate to provide for the health, safety and general welfare of the persons on the site and in the surrounding area and that the site plan complies with the following criteria:

- a. Maintenance of a proper relationship between the existing streets and highways within the vicinity and proposed deceleration lanes, service drives, entrance and exit, driveways and parking areas to assure the safety and convenience of pedestrian and vehicular traffic.
- b. The site will be so developed as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Ordinance.
- c. The landscaping shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal and by topographic modifications which result in maximum harmony with adjacent areas.
- d. Special attention shall be given to proper site surface drainage so that removal of storm waters will not adversely affect neighboring properties.
- e. The site plan shall provide reasonable, visual and sound privacy for all dwelling units. Fences, walks, barriers and landscaping shall be used as appropriate for the protection and enhancement of property and for the privacy of its occupants.
- f. All buildings or groups of buildings shall be so arranged as to permit emergency vehicle access by some practical means to all sides.
- g. Every structure or dwelling unit shall have access to a public street, walkway or other area dedicated to common use.
- h. There shall be provided a pedestrian circulation system which is insulated as completely as reasonably possible from the vehicular circulation system. All loading and unloading areas and outside storage areas, including areas for the storage of trash, which face or are visible from residential properties or public thoroughfares, shall be screened by a vertical screen consisting of structural (fence) or plant materials no less than six (6) feet in height.
- i. Exterior lighting shall be so arranged 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.
- j. The site plan demonstrates that the proposed use will be adequately served by necessary improvements, including but not limited to sewage collection and treatment, potable water supply, storm drainage, lighting, roads and parking.
- k. Storm drainage measures shall comply with the following:
 - (1) Appropriate measures shall be taken to ensure that the removal of surface

waters will not adversely affect neighboring properties, the public stormwater drainage system or nearby bodies of water, or cause erosion.

- (2) The use of detention or retention ponds may be required.
 - (3) Surface water on all paved areas shall be collected at locations so that it will not obstruct the flow of vehicular or pedestrian traffic or create standing water that may interfere with traffic.
 - (4) Areas of natural drainage such as swales, wetlands, ponds or swamps shall be protected from grading activity and preserved as much as practical in their natural state to provide areas for natural habitat, preserve drainage patterns and maintain the natural characteristics of the land.
 - (5) Catch basins or other protective measures may be required to contain oil filters or traps to prevent contaminants from being discharged to the natural drainage system. Other provisions may be required to contain runoff or spillage from areas where hazardous materials are stored or proposed to be stored.
- I. No grading, filling or construction of improvements shall commence for any development that requires site plan approval until said approval has been properly secured.
 - m. Existing mature trees shall be retained and incorporated into the project design where feasible. Removal of mature trees of twelve (12) inch caliper or greater shall be discouraged.
 - n. The existing landscape shall be preserved in its natural state, as much 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 or Township Board 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 or private property.
 - o. Where known, groundwater flow patterns shall not be interrupted.
 - p. Slopes created by the grading of the site should generally not exceed a slope ratio of one (1) foot of vertical slope to three (3) feet of horizontal distance. All slopes shall be properly stabilized to prevent erosion and destruction of the natural vegetation.

19.7 MODIFICATION OF APPROVAL OF SITE PLAN:

Once site plan approval has been granted by the Planning Commission, changes to the approved site plan shall require a resubmission and payment of fees.

19.8 FINANCIAL GUARANTEES:

In approving the site plan, the Planning Commission may require that a cash deposit, certified check, bond, or other financial guarantee acceptable to the Township, of ample sum be furnished by the developer to insure compliance with such requirements as drives, walks, utilities, parking, landscaping and the like. The financial guarantee shall be deposited with the Township Clerk at the time of issuance of the permit authorizing the

project or activity. As work progresses, the Planning Commission may authorize a proportional rebate of the financial guarantee upon completion of significant phases or improvements.

19.9 APPEALS AND QUESTIONS OF INTERPRETATION:

Any person considering himself aggrieved by the decision of the Planning Commission in granting or denial of Site Plan Review shall have the right to appeal said decision to the Township Board. The appeal shall be exclusive and must be filed with the Township Clerk within ten (10) days of the decision of the Planning Commission.

19.10 CONFORMITY TO APPROVED SITE PLAN:

Property which is the subject of Site Plan approval must be developed in strict compliance with the approved Site Plan and any amendments thereto. If construction and development does not conform with such approved Plan, the approval shall be revoked by the Zoning Administrator by written notice. Such revocation will be posted upon the premises involved and mailed to the developer at his last known address. Upon revocation of such approval, all further construction activities shall cease upon the site other than for the purpose of correcting the violation.

However, the Planning Commission may upon proper application of the developer and after a hearing, approve a modification in the Site Plan to coincide with the developer's construction, provided such construction complies with the criteria contained in this Article.

Approval of the Site Plan shall be valid for a period of one (1) year after the date of approval. If a building permit has not been obtained and on site development actually commenced within one year, the Site Plan approval shall become void and a new application required.

ARTICLE XX ADMINISTRATION AND ENFORCEMENT

20.1 ADMINISTRATION:

The administration and enforcement of this Ordinance shall be the responsibility of the Township Supervisor. The Supervisor shall have the right to delegate said responsibility to appropriate Township officers or employees. The person or persons administering and enforcing this Ordinance shall be known as the Zoning Administrator.

20.2 DUTIES OF ZONING ADMINISTRATOR:

- a. The Zoning Administrator shall have the power to issue Certificates of Zoning Compliance and to make inspections of premises necessary to carry out his duties in the enforcement of this Ordinance.
- b. If the Zoning Administrator shall find any provision of this Ordinance is being violated, he shall notify the person responsible for such violations and order the action necessary to correct it. He shall order discontinuance of any illegal work being done; or shall take any other action authorized by this Ordinance to ensure compliance with, or to prevent violation of, its provisions.

20.3 VIOLATIONS:

The Zoning Administrator shall investigate any alleged violation of the Zoning Ordinance coming to his attention. If a violation is found to exist, he shall serve notice, via certified U.S. mail, upon the person responsible for such violation, indicating the nature of the violation and stating the action necessary to correct it. If said owner fails to correct the stated violation within fourteen (14) days after issuance of such notification, the matter shall be referred to the Township Attorney for commencement of prosecution procedures.

Alternatively, upon discovering a violation, the Zoning Administrator may immediately issue a citation ticket, thereby requiring the violator to appear in the 78th District Court for criminal or civil arraignment within a ten (10) day time period.

20.4 CERTIFICATE OF ZONING COMPLIANCE:

- a. A building permit for erection, alteration, moving or repair of any building shall not be issued until a preliminary Certificate of Zoning Compliance has been issued. Issuance of such certificate shall indicate that the plans for which the building permit is requested comply with the Zoning Ordinance.

Note: As used herein, the term "repair" shall not include those items of minor remodeling, routine maintenance or aesthetic enhancement, such as replacing roofing, siding, fixtures, doors, windows wiring, plumbing and the like. A Certificate of Zoning Compliance is therefore not required for those activities which in the determination of the Zoning Administrator have no substantial impact on the dimensions or value of an existing building.

- b. It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected,

changed, converted, or wholly or partly altered, or enlarged in its use or structure until a final Certificate of Zoning Compliance shall have been issued therefore by the Zoning Administrator. The Certificate shall state that the building, structure, and lot, and use thereof, conform to the requirements of this Ordinance.

- c. The Zoning Administrator shall maintain a record of all Certificates of Zoning Compliance and said record shall be open for public inspection. Failure to obtain a Certificate of Zoning Compliance shall be a violation of this Ordinance.
- d. It shall not be necessary for a legal nonconformity existing on the effective date of this Ordinance to obtain Certificates of Zoning Compliance in order to maintain its legal nonconforming status. However no nonconforming building, structure, or use shall be renewed, changed, or extended until a preliminary Certificate of Zoning Compliance shall have been issued by the Zoning Administrator. The certificate shall state specifically wherein the nonconforming building, structure or use differs from the provisions of this Ordinance.
- e. The applicant for a final Certificate of Zoning Compliance shall notify the Zoning Administrator when final inspection is desired. The final Certificate of Zoning Compliance shall be issued upon final inspection or written notice shall be given to the applicant stating the reasons why said Certificate cannot be issued. Such notice shall be sent to the applicant not later than fifteen (15) days after the Zoning Administrator is notified that the building, structure or premises is ready for inspection.
- f. Permits will be invalid three hundred sixty five (365) days from date of issue.

20.5 FEES:

The Township Board shall periodically establish by resolution a schedule of fees for administering this Ordinance. The schedule of fees shall be posted on public display in the office of the Zoning Administrator and may be changed only by the Township Board. No certificate shall be issued unless such fees have been paid in full.

20.6 APPEARANCE TICKETS:

In all arrests and prosecutions for violation of this Ordinance, appearance tickets and the appropriate procedures set forth in Act 147, Public Acts of 1968, as amended, may be used whenever appropriate.

20.7 FLOODPLAIN MANAGEMENT ADMINISTRATIVE RULES:

- a. With regard to the National Flood Insurance Program, and the regulations of development within the flood hazard area zone, as prescribed in Article XXIII, the duties of the Zoning Administrator shall include, but are not limited to:
 - (1) Notification to adjacent communities and the Department of Natural Resources of the proposed alteration or relocation of any watercourse, and the submission of such notification to the Federal Insurance Administration.
 - (2) Verification and recording of the actual elevation in relation to mean sea level of the lowest floor, including basements, of all new or substantially

improved structures constructed within the flood hazard area, and in the case of flood proofed structures, the elevation to which the structure was flood proofed.

- (3) Recording of all certificates of flood proofing and written notification to all applicants to whom variances are granted in a flood hazard area zone indicating the terms of the variance, the increased danger to life and property, and that the cost of flood insurance will increase commensurate with the increased flood risk and may reach amounts in excess of \$25 for \$100 of insurance coverage per year. A record of all variance notifications and variance actions shall be maintained together with the justification for each variance.
- b. All records and maps pertaining to the National Flood Insurance Program shall be maintained in the office of the Zoning Administrator or within the Township Offices and shall be open for public inspection.
 - c. It shall be the responsibility of the Zoning Administrator to obtain and utilize the best available flood hazard date for purposes of administering this ordinance in the absence of data from the Flood Insurance Administration.

20.8 FLOOD HAZARD AREA APPLICATION INFORMATION:

- a. In addition to the information required with an application for a zoning compliance permit, a conditional use permit or any other type of development permission required under this ordinance, the following information shall be submitted as a part of an application for permission to commence any type of development within a flood hazard area zone:
 - (1) The elevation in relation to mean sea level of the lowest floor, including basement, of all structures.
 - (2) Where flood proofing will be employed, the elevation in relation to mean sea level to which a structure will be flood proofed.
 - (3) Where flood proofing will be employed, a certificate from a registered professional engineer or architect that the flood proofing criteria of this ordinance will be met.
 - (4) Where it can be determined that development is proposed within the flood hazard area zone on the FIRM or the regulatory floodway, a certification as required by this ordinance.
 - (5) A description of the extent to which any watercourse will be altered or relocated as a result of proposed development.
 - (6) Proof of development permission from appropriate local, state and federal agencies as required by Section 24.4, including a floodplain permit approval, or letter of no authority from the Michigan Department of Natural Resources under authority of Act 245, Public Acts of 1929, as amended by Act 167, Public Acts of 1968.
 - (7) Base flood elevation data where the proposed development is subject to Public Act 288 of 1967 or greater than five acres in size.
 - (8) Additional information which may be reasonably necessary to determine compliance with the provisions of this ordinance.

ARTICLE XXI BOARD OF ZONING APPEALS**21.1 CREATION AND MEMBERSHIP:**

A Board of Zoning Appeals is hereby established in accordance with Act 110 of the Public Acts of 2006, as amended. The Board shall consist of five (5) members appointed for three year terms on a rotating basis. All members shall be appointed by the Supervisor with the approval of the Township Board. One of the members shall also be a member of the Planning Commission. Members may be reappointed. An employee or contractor of the Township, may not serve as a member of the Board. A member of the Board may disqualify himself or herself from a vote in which the member has a conflict of interest. Two alternate members to the Zoning Board of Appeals may also be appointed. Alternate members shall be appointed for a term of three years. The alternate members of the Board may be called to sit as regular members of the Board if a member is absent, unable to attend one or more meetings, or if there is a conflict of interest. The alternate member shall have the same voting rights as a regular member of the Board.

21.2 PROCEDURES:

- a. The Board of Zoning Appeals shall adopt rules and regulations to govern its procedures. The Board of Zoning Appeals shall appoint one of its members as Chairman. The concurring vote of a majority of the members of the Board of Zoning Appeals shall be necessary to revise any order, requirement, decision or interpretation of the Zoning Administrator or to decide in favor of an applicant any matter upon which they are required to pass under this Ordinance or to effect any variation in this Ordinance.
- b. Meetings of the Board of Zoning Appeals shall be held at the call of the Chairman and at such other times as the Board in its rules of procedure may specify. Minutes shall be kept of each meeting and the Board shall record into the minutes all findings, conditions, facts and other relevant factors, including the vote of each member upon each question, or if absent or failing to vote indicating such fact, and all of its official actions. All meetings and records shall be open to the public. All minutes shall be filed in the office of the Township Clerk.
- c. The Board of Zoning Appeals shall fix a reasonable time and date for a hearing. The Board shall give due notice of the hearing to the parties of interest and to all property owners and occupants within three hundred (300) feet of the property in question. Such notice shall be given in a newspaper of general circulation in the Township. The Board of Zoning Appeals may notify the parties of interest and abutting property owners and occupants by regular mail or personal delivery. All notices of a hearing shall be mailed and published not less than fifteen (15) days prior to the date on which the hearing is to be held.

21.3 DUTIES AND POWERS:

- a. The Board of Zoning Appeals shall perform its duties and exercise its powers as provided in Act 110 of the Public Acts of 2006 as amended, so that the objectives of the Ordinance shall be attained, the public health, safety and welfare secured and substantial justice done. The Board of Zoning Appeals shall hear and decide

only those matters which it is specifically authorized to hear and decide as provided therein; administrative review, variance and expansion of nonconforming buildings and structures.

- b. The Board of Zoning Appeals shall not have the power to alter or change the Zoning District classification of any property, nor make any change in the terms or intent of this Ordinance, but does have power to act on those matters for which this Ordinance provides an administrative review, interpretation variance or exception.
 - (1) Review: The Board of Zoning Appeals shall hear and decide appeals from and review any order, requirements, decision or determination of the Zoning Administrator.
 - (2) Interpretation: The Board of Zoning Appeals shall have the power to:
 - (a) Interpret, upon request, the provisions of this Ordinance in such a way as to carry out the intent and purpose of this Ordinance.
 - (b) Determine the precise location of the boundary lines between Zoning Districts when there is dissatisfaction with a decision made by the Zoning Administrator.
 - (c) Classify a use which is not specifically mentioned as a part of the use regulations of any zoning district so that it conforms to a comparable permitted or prohibited use, in accordance with the purpose and intent of each district.
 - (d) Determine the parking space requirements of any use not specifically mentioned in 16.3 either by classifying it with one of the groups listed in that Section or by an analysis of the specific needs.

21.4 VARIANCES:

- a. The Board of Zoning Appeals shall have the power and duty to authorize upon appeal in specific cases such variance from the provisions of this Ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Ordinance would result in unnecessary hardship or practical difficulty.
- b. A variance shall not be granted by the Board of Zoning Appeals unless and until the following conditions are met:
 - (1) A written application for a variance is submitted, demonstrating:
 - (a) That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district.
 - (b) That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance.
 - (c) That the special conditions and circumstances do not result from the actions of the applicant.
 - (d) That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to

other lands, structures, or buildings in the same district.

- c. Any nonconforming use of neighboring lands, structures, or buildings shall not be considered grounds for the issuance of any variance.
- d. The Board of Zoning Appeals shall make findings that the requirements of this Section have been met by the applicant.
- e. The Board of Zoning Appeals shall further find that the reasons set forth in the application justify the granting of the variance and that it is the minimum variance that will make possible the reasonable use of the land, building or structure.
- f. The Board of Zoning Appeals shall further find that the granting of the variance will be in harmony with the general purpose and intent of this Ordinance and will not be injurious to the neighborhood, or otherwise detrimental to the public interest.
- g. In granting any variance, the Board of Zoning Appeals may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance.
- h. Under no circumstances shall the Board of Zoning Appeals grant a variance to allow a use not permissible under the terms of this Ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this Ordinance in said district.
- i. In exercising the above mentioned powers, the Board of Zoning Appeals may, so long as such action is in conformity with the terms of this Ordinance, reverse or affirm, wholly or partly or may modify the order, requirements, decision, or determination appealed from and may make such order, requirements, decision, or determination as ought to be made, and to that end shall have the powers of the public official from whom the appeal is taken.
- j. Each variance granted under the provisions of this Ordinance shall become null and void unless the occupancy of land or buildings, or the construction authorized by such variance has commenced within three hundred sixty five (365) days after the granting of such variance.

21.5 APPEALS:

- a. Appeals concerning interpretations and administration of this Ordinance shall be made by filing a notice of appeal specifying the grounds thereof with the Township Clerk within a period of thirty (30) days from the occurrence of the contested action. The Clerk shall transmit to the Board copies of all papers to constituting the record upon which the action appealed from was taken.
- b. A fee shall be paid to the Township Clerk at the time of filing the notice of appeal and shall be deposited in the Township's general fund. The appeal fee shall be established by the Township Board.

- c. Any party or parties may appear at the hearing in person or by agent or attorney.
- d. The Board of Zoning Appeals shall decide upon all matters within a reasonable time. The decision of Board shall be in the form of a resolution containing a full record of its findings and determinations in each case.
- e. An appeal shall stay all proceedings in furtherance of the action appealed, unless the Building Inspector or Zoning Administrator certifies to the Board, that a stay would in his opinion, cause imminent peril to life or property, in which case the proceedings should not be stayed, other than by a restraining order granted by the court.

21.6 DUTIES ON MATTERS OF APPEAL:

All questions concerning application of the provisions of this Ordinance shall first be presented to the Zoning Administrator. Such questions shall be presented to the Board of Zoning Appeals only on appeal from the decisions of the Zoning Administrator. Recourse from decisions of the Board of Zoning Appeals shall be to the Circuit Court of Newaygo County, as provided by law.

ARTICLE XXII CHANGES AND AMENDMENTS

22.1 AMENDMENT INITIATION:

Only the Township Board may amend this Ordinance. Proposals for amendments or changes may be initiated by the Township Board on its own motion, by the Planning Commission, or by petition of one (1) or more owners of property to be affected by the proposed amendment.

22.2 SUMMARY OF AMENDMENT PROCESS

- a. Petitioner submits application and fee.
- b. Clerk transmits application to Planning Commission, sets hearing date and publishes notices of hearing as prescribed in 22.3, below.
- c. Planning Commission holds hearing, makes a decision and transmits a summary of the comments received at the public hearing along with the decision to the Township Board.
- d. Township Board either enacts or rejects proposed change as an Ordinance amendment and publishes either a summary of the amendment, including the geographic area affected, or the text of the amendment change, in the local newspaper.

22.3 PROCEDURES:

The procedure for making amendments to this Ordinance shall be in accordance with Act 110 of the Public Acts of 2006, as amended:

- a. A petition, together with a completed and signed application and fees, shall be filed with the Township Clerk.
- b. The Clerk shall review the application as to form and, when it is approved, transmit same to the Township Planning Commission for review and report.
- c. The Clerk shall at the same time, establish a date for a public hearing on the petition for the Planning Commission and shall give proper notice of the hearing as provided in Act 110, Public Acts of 2006, as amended.
- d. The Clerk shall also, for any proposed amendment to the Zoning Map, give notice thereof, and of the public hearing, to the owner of the property in question, to all persons to whom any real property within three hundred (300) feet of the premises in question is assessed, and to the occupants of any structures within three hundred (300) feet.
- e. The notice shall be delivered personally or by mail to the respective owners or occupants. If the notice is delivered by mail, an affidavit of mailing shall be filed with the Planning Commission prior to the hearing.
- f. The notice shall be made not less than fifteen (15) days prior to the hearing.

- g. Requirements of written notice to property owners shall not apply to comprehensive revisions to the Zoning Ordinance.
- h. Public hearing requirements shall also apply to amendments initiated by the Township Board or the Township Planning Commission.

The Clerk shall give notice of hearing in the following manner:

- a. By one (1) publication in a newspaper of general circulation in the Township, not less than fifteen (15) days before the date of the public hearing.
- b. By mailing, using regular mail, not less than fifteen (15) days in advance of the hearing, a notice of hearing to each public utility or railroad that chooses to register its name and mailing address with the Township Clerk and to all adjoining units of government within one mile of the property in question. An affidavit of mailing shall be maintained.
- c. The notice shall include:
 - (1) The nature of the zoning amendment being requested.
 - (2) The property(ies) for which the zoning amendment has been requested.
 - (3) A listing of all existing street addresses within the property subject to the zoning amendment.
 - (4) The location where the application documents can be viewed.
 - (5) The date, time and location of when the hearing on the zoning amendment will take place.
 - (6) The address at which written comments should be directed prior to the hearing on the zoning amendment.
- d. An affidavit of mailing shall be maintained in the manner prescribed in Section 22.3 regarding notice to adjacent properties, and the owner of the property in question.

22.4 APPLICATION INFORMATION:

The petitioner shall submit a detailed description of the petition to the Township Clerk. When the petition involves a change in the Zoning Map, the petitioner shall submit the following information:

- a. A legal description of the property.
- b. A scaled map of the property, correlated with the legal description, and clearly showing the property's location.
- c. The name and address of the petitioner.
- d. The petitioner's interest in the property and if the petitioner is not the owner, the name and address of the owner.
- e. Date of filing with the Township Clerk.

- f. Signature(s) of petitioner(s) and owner(s) certifying the accuracy of the required information.
- g. The desired change and reasons for such change.

22.5 FACT FINDING:

- a. In reviewing any petition for a zoning amendment, the Planning Commission shall identify and evaluate all factors relevant to the petition, and shall report its findings in full, along with its recommendations for disposition of the petition, to the Township Board, within sixty (60) days of the filing date of the petition.
- b. The facts to be considered by the Planning Commission shall include, but not be limited to, the following:
 - (1) Whether the requested zoning change is justified by a change in conditions since the original Ordinance was adopted or by an error in the original Ordinance.
 - (2) The precedents, and the possible effects of such precedents, which might likely result from approval or denial of the petition.
 - (3) The compatibility of the Township or other government agencies to provide any services, facilities, and/or programs that might be required if the petition were approved.
 - (4) Effect of approval of the petition on adopted development policies of Garfield Township and other government units.
 - (5) All findings of fact shall be made a part of the public records of the meetings of the Planning Commission and the Township Board. An amendment shall not be approved unless these and other identified facts be affirmatively resolved in terms of the general health, safety, welfare, comfort and convenience of the citizens of Garfield Township, or of other civil divisions where applicable.

22.6 TOWNSHIP PLANNING COMMISSION:

It shall be the duty of the Township Planning Commission to advise the Township Board of matters of planning and zoning and to assume the duties of the Zoning Board prescribed by Act 110, of the Public Acts of 2006, as amended.

ARTICLE XXIII SEVERABILITY, VESTED RIGHT, REPEAL, PENALTIES AND
EFFECTIVE DATE

23.1 SEVERANCE CLAUSE:

Sections of this Ordinance shall be deemed to be severable and should any section, paragraph, or provision hereof be declared by the courts to be unconstitutional or invalid, such holdings shall not affect the validity of this Ordinance as a whole or any part hereof, other than the part so declared to be unconstitutional or invalid.

23.2 VESTED RIGHT:

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

23.3 REPEAL:

All ordinances and amendments thereto enacted and/or adopted by the Township of Garfield and/or the Township Board of the Township of Garfield by virtue of Act 110 of the Public Acts of 2006, as amended, and all ordinances and parts of ordinances inconsistent with the provisions of this Ordinance are hereby repealed as of the effective date of this ordinance. The repeal of existing ordinances or parts of ordinances and their amendments does not affect or impair any act done, offense committed or right accrued or acquired, or liability, penalty, forfeiture or punishment incurred prior to the time it was enforced, prosecuted or inflicted.

23.4 PENALTIES:

Violations of the provisions of the Ordinance or failure to comply with any of its requirements, including violations of conditions and safeguards established in connection with variances and conditional uses and violations of approved site plans, shall constitute a misdemeanor. Any person who violates this Ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than one hundred dollars (\$100) or imprisoned for not more than ninety (90) days, or both, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense.

23.5 EFFECTIVE DATE:

This Ordinance shall take effect following adoption and upon publication in accordance with the provisions and procedures of Act 110 of the Public Acts of 2006, as amended

ARTICLE XXIV

FLOOD HAZARD AREAS

24.1 DEFINITIONS:

- a. **AREA OF SHALLOW FLOODING:** A designated AO zone on a community's Flood Insurance rate Map (FIRM) with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.
- b. **AREA OF SPECIAL FLOOD HAZARD:** The land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year.
- c. **BASE FLOOD:** The flood having a one percent chance of being equaled or exceeded in any given year
- d. **DEVELOPMENT:** Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.
- e. **EXISTING MANUFACTURED HOME PARK OR SUBDIVISION:** A manufactured home park for which the construction of facilities for servicing the lot on which the manufactured homes are to be affixed (including at a minimum the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets) are completed before the effective date of floodplain management regulations adopted by the Township of Garfield.
- f. **EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION:** Expansion to an existing manufactured home park or subdivision means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, either final site grading or pouring of concrete pads, or the construction of streets).
- g. **FLOOD OR FLOODING:** A general and temporary condition of partial or complete inundation of normally dry land areas from:
 - (1) The overflow of inland or tidal waters.
 - (2) The unusual and rapid accumulation or runoff of surface waters from any source.
 - (3) The collapse or subsidence of land along the shore of the lake or other body of water as a result of undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or an unanticipated force of nature, such as a flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding.
- h. **FLOOD HAZARD BOUNDARY MAP (FIBM):** An official map of a community issued by FEMA, where the boundaries of the areas of special flood hazards have been designated as Zone A.
- i. **FLOOD INSURANCE RATE MAP (FIRM):** An official map of a community, on which FEMA has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.
- j. **FLOOD INSURANCE STUDY:** The official report provided by the Federal Insurance Administration. The report contains flood profiles, the water surface elevation of the base flood and may include a flood boundary and floodway.
- k. **FLOOD HAZARD AREA:** Land which on the basis of available floodplain information is subject to a one (1) percent or greater chance of flooding

- in any given area.
- l. FLOOD PLAIN: Any land area susceptible to being inundated by water from any source. (See definition of flood).
 - m. FLOODWAY: The channel of a river or other watercourse and the adjacent land areas designated in the Flood Insurance Study which must be reserved in order to discharge the base flood.
 - n. HARMFUL INCREASE: An unnaturally high stage on a river, stream or lake which causes, or may cause damage to property, threat to life, personal injury, or damage to land or water resources.
 - o. MOBILE HOME: A structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. It does not include recreational vehicles or travel trailers. The term "mobile home" is synonymous with "manufactured housing".
 - p. NEW CONSTRUCTION: Structures for which the start of construction commenced on or after the effective date of this Ordinance.
 - q. SUBSTANTIAL IMPROVEMENT: Any repair, reconstruction or improvement of a structure, the cost of which equals or exceed fifty (50) percent of the market value of the structure, either (1) before the improvement or repair is started, or (2) 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 (1) any project for improvement of a structure to comply with existing state or local health or safety code specifications, which solely necessary to insure safe living conditions, or (2) any alteration of a structure listed on the National Register of Historic Places or a State inventory of historic places.

24.2 INTENT:

- a. It is the purpose of this Article to significantly reduce hazards to persons and damage to property as a result of flood conditions in Garfield Township, and to comply with the provisions and requirements of the National Flood Insurance Program, as constituted in accord with the National Flood Insurance Act of 1968, and subsequent enactments and rules and regulations promulgated in furtherance of this program by the Federal Emergency Management Agency, as published in the Federal Register, Vol. 41, No. 207, Tuesday, October 26, 1976, and redesignated at 44 CFR 31177, May 31, 1979.
- b. Further, the objectives of this Article include:
 - (1) The protection of human life, health and property from the dangerous and damaging effects of flood conditions.
 - (2) The minimization of public expenditures for flood control projects, rescue and relief efforts in the aftermath of flooding, repair of damaged public facilities and utilities, and the redevelopment of flood damaged homes, neighborhoods, commercial and industrial areas.
 - (3) The prevention of private and public economic loss and social disruption as a result of flood conditions.
 - (4) The maintenance of stable development patterns not subject to the blighting influence of flood damage.

- (5) To insure that the public has access to information indicating the location of land areas subject to periodic flooding; and
- (6) To preserve the ability of floodplains to carry and discharge a base flood.

24.3 DELINEATION OF THE FLOOD HAZARD OVERLAY ZONE:

- a. The flood hazard area zone shall overlay existing zone districts delineated on the official Garfield Township Zoning Map. The boundaries of the flood hazard area zone shall coincide with the boundaries of the 100-year flood as shown on the Flood Insurance Rate Map for Garfield Township (# 260469A) dated September 29, 1986 and the Muskegon River Floodplain Study (Newaygo County, January 1987). Within the flood hazard area zone, a regulatory floodway shall be designated. The boundaries of the regulatory floodway shall coincide with the floodway boundaries indicated on the Muskegon River Floodplain Study (January 1987). The Flood Insurance Rate Map dated September 29, 1986, the Muskegon River Floodplain Study (January 1987) and flood hazard boundary map (August 8, 1975) are adopted by reference and declared to be a part of this Ordinance. The more restrictive document shall be applicable to any given circumstance, situation or issue that may arise hereunder. The term "flood hazard area" as used in this Ordinance shall mean the flood hazard area zone and the term "floodway" shall mean the designated regulatory floodway.
- b. Where there are disputes as to the location of a flood hazard area zone boundary, the Zoning Board of Appeals shall resolve the dispute in accord with Article XXI.
- c. In addition to other requirements of this ordinance applicable to development in the underlying zoning district, compliance with the requirements of this Article shall be necessary for all development occurring within the flood hazard area zone. Conflicts between the requirements of this Article and other requirements of this Ordinance or any other Ordinance shall be resolved in favor of this Article, except where the conflicting requirement is more stringent and would further the objectives of this Article. In such cases the more stringent requirement shall be applied.

24.4 DEVELOPMENT PERMIT:

- a. Development, including the erection of structures and placement of mobile homes, within a flood hazard area shall not occur except upon issuance of a zoning compliance permit in accord with the requirements of Section 20.4 and the following standards:
 - (1) The requirements of this Article shall be met.
 - (2) The requirements of the underlying zone districts and applicable general provisions of this Ordinance shall be met.
 - (3) All necessary development permits shall have been issued by appropriate local, state and federal authorities, including a floodplain permit, approval, or letter of no authority from the Michigan Department of Environmental Quality. Where a development permit cannot be issued prior to the issuance of a zoning compliance permit, a letter from the issuing agency indicating intent to issue contingent only upon proof of zoning compliance shall be acceptable.

24.5 GENERAL STANDARDS FOR FLOOD HAZARD REDUCTION:

- a. All new construction and substantial improvements within a flood hazard area, including the placement of prefabricated buildings and mobile homes, shall:
 - (1) Be designed and anchored to prevent flotation, collapse or lateral movement of the structure.
 - (2) Be constructed with materials and utility equipment resistant to flood damage; and
 - (3) Be constructed by methods and practices that minimize flood damage.
- b. All new and replacement water supply systems shall minimize or eliminate infiltration of floodwaters into the systems.
- c. All new and replacement sanitary sewage systems shall minimize or eliminate infiltration of flood waters into the systems and discharges from systems into flood waters. On-site waste disposal systems shall be located to avoid impairment to the system or contamination from the system during flooding.
- d. All public utilities and facilities shall be designed, constructed and located to minimize or eliminate flood damage.
- e. Adequate drainage shall be provided to reduce exposure to flood hazards.
- f. The Zoning Administrator or his representative shall review development proposals to determine compliance with the standards in this section. Compliance with the standards of this section shall likewise be certified by a registered professional engineer or architect.
- g. Land shall not be divided in a manner creating parcels or lots which cannot be used in conformance with the requirements of this Article.
- h. The flood carrying capacity of any altered or relocated watercourse not subject to state or federal regulations designed to insure flood carrying capacity shall be maintained.
- i. Available flood hazard data from federal, state or other sources shall be reasonably utilized in meeting the standards of this section. Data furnished by FEMA shall take precedence over data from other sources.

24.6 SPECIFIC BASE FLOOD ELEVATION STANDARDS:

- a. On the basis of the most recent available base flood elevation data the following standards shall apply in the flood hazard area zone.
 - (1) All new construction and substantial improvements of residential structures shall have the lowest floor, including basement elevated to at least one (1) foot above base flood level.
 - (2) All new construction and substantial improvements of nonresidential structures shall have either:
 - (a) The lowest floor, including basement, elevated to at least one foot above base flood level, or

- (b) Be constructed such that at the base flood level, together with attendant utility and sanitary facilities, the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall certify that the standards of this subparagraph are satisfied and that the flood proofing methods employed are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with a base flood in the location of the structures. Such certification shall be submitted to the Zoning Administrator and shall indicate the elevation to which the structure is flood proofed.

- b. The most recent base flood elevation data received from the Federal Insurance Administration shall take precedence over data from other sources.

24.7 MOBILE HOME STANDARDS (NEW CONSTRUCTION OR SUBSTANTIAL IMPROVEMENT):

- a. All mobile homes shall be anchored to resist flotation, collapse, or lateral movement by providing over the top and frame ties in accord with the following specifications:
 - (1) Over-the-top ties shall be provided at each of the four corners of the mobile home, with two additional ties per side at intermediate locations, except that on mobile homes less than fifty (50) feet in length one tie per side shall be required.
 - (2) Frame ties shall be provided at each corner of the home with five additional ties per side at intermediate points, except that on mobile homes less than fifty (50) feet in length four ties per side shall be required.
 - (3) All components of the anchoring system shall be capable of carrying a force of 4,800 pounds.
 - (4) All additions to a mobile home shall be similarly anchored.
 - (5) The terms and provisions of Sections 14.17 shall be met.
Each stand or lot must be elevated so that the lowest floor will be at least one foot above base flood level.
- b. An evacuation plan indicating alternate vehicular access and escape route shall be filed with the County of Newaygo Civil Defense Departments for mobile home parks and mobile home subdivisions.
- c. Mobile homes within the flood hazard area zone on the Flood Insurance Rate Map shall be located in accord with the following standards:

24.8 FLOODWAY PROTECTION STANDARDS:

- a. New construction, substantial improvements and all other development, including fill, shall be prohibited within the flood hazard area zone on the FIRM, except where it is demonstrated to the Zoning Administrator that the cumulative effect of

the proposed development will not harmfully increase the water surface elevation of a base flood. In determining whether a harmful increase will occur, compliance with current State statutes and flood management rules shall be required, provided that the allowable increase shall not exceed one foot. The provisions of this section shall not apply within the regulatory floodway. The provisions of subsection (2) shall be applied to land situated within the regulatory floodway.

- b. All development occurring within the regulatory floodway shall comply with the following standards:
 - (1) Encroachments, including fill, new construction, substantial improvements and other development shall be prohibited. Exception to this prohibition shall only be made upon certification by a registered professional engineer or the Department of Environmental Quality that the development proposed will not result in any increases in flood levels during a base flood discharge and compliance with current State statutes and flood management rules.
 - (2) The placement of mobile homes shall be prohibited except in mobile home parks and mobile home subdivisions which exist at the time this Article is adopted.
 - (3) Development which is permitted in the regulatory floodway shall meet the requirements of section 24.4 and 24.7.
- c. The uses of land permitted in an underlying zoning district shall not be construed as being permitted within the regulatory floodway, except upon compliance with the provisions on this section.

24.9 TOWNSHIP PROPERTY WITHIN FLOOD HAZARD AREA ZONE:

Property within a flood hazard area zone owned by the Township shall remain as open space and shall be and hereby is designated a "natural area" not open or available for public use.

24.10 DISCLAIMER OF LIABILITY:

The degree of flood protection required by this Ordinance is considered reasonable for regulatory purposes and is based upon engineering and scientific methods of study. Larger floods may occur on rare occasions. Flood heights may be increased by manmade or natural causes, such as ice jams and bridge openings restricted by debris. Approval of the use of land under this Article shall not be considered a guarantee or warranty of safety from flood damage. This Ordinance does not imply that areas outside the flood hazard area will be free from flood damage. This Ordinance does not create liability on the part of Garfield Township or any officer or employees thereof for any; flood damages that result from reliance on this Ordinance or any administrative decision lawfully made there under.

24.11 FLOOD HAZARD AREA ZONE VARIANCES:

- a. Variances from the provisions of Article XXIV Flood Hazard Areas shall only be granted by the Zoning Board of Appeals upon a determination of compliance with the general standards for variances contained in this Ordinance and each of the

following specific standards:

- (1) A variance shall not be granted within a regulatory floodway except upon proof of issuance of a valid permit therefore by the Michigan Department of Environmental Quality provided that the allowable increase including the increase used as the design standard for delineating the floodway, shall not exceed one foot.
 - (2) A variance shall be granted only upon:
 - (a) A showing of good and sufficient cause.
 - (b) A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
 - (c) A determination that the granting of a variance will not result in flood heights in excess of those permitted by this Ordinance, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing laws or ordinances.
 - (3) The variance granted shall be the minimum necessary considering the flood hazard, to afford relief to the applicant.
- (b) The Garfield Township Zoning Board of Appeals may attach conditions to the granting of a variance to insure compliance with the standards contained in this Ordinance.

24.12 MAPPING DISPUTES:

- a. Where disputes arise as to the location of the flood hazard area boundary or the limits of the floodway, the Zoning Board of Appeals shall resolve the dispute and establish the boundary location. In all cases, the decision of the Zoning Board of Appeals shall be based upon the most current floodplain studies issued by the Federal Insurance Administration. Where Federal Insurance Administration information is not available, the best available floodplain information shall be utilized.
- b. Where a dispute involves an allegation that the boundary is incorrect as mapped and Federal Insurance Administration floodplain studies are being questioned, the Zoning Board of Appeals shall modify the boundary of the flood hazard area or the floodway only upon receipt of an official letter of map amendment issued by the Federal Insurance Administration.
- c. All parties to a map dispute may submit technical evidence to the Zoning Board of Appeals