

BARTON TOWNSHIP ZONING ORDINANCE

**DRAFT
MAY 2024**

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**ZONING ORDINANCE OF THE TOWNSHIP OF BARTON COUNTY OF NEWAYGO,
STATE OF MICHIGAN**

TITLE AND PREAMBLE

An Ordinance to establish zoning districts, provisions and regulations for the unincorporated portions of the Township of Barton pursuant to the provisions PA 110 of 2006 Michigan Zoning Enabling Act, as amended, to set forth regulations and minimum standards for the use and protection of lands and structures within each district; to establish provisions for the administration, enforcement and amendment of this Ordinance; to establish a Zoning Board of Appeals; and to prescribe penalties for the violation of the provisions herein.

THE TOWNSHIP BOARD OF BARTON TOWNSHIP, NEWAYGO COUNTY, MICHIGAN, under the authority of the Michigan Zoning Enabling Act, Act 110 of 2006, as amended, HEREBY ORDAINS AS Follows.

ARTICLE I- SHORT TITLE AND PURPOSE

1.01 SHORT TITLE

This ordinance shall be known as the Zoning Ordinance of the Township of Barton.

1.02 PURPOSE

The fundamental purposes of this ordinance are:

1. To implement the goals, objectives, and future land use recommendations of the Township's Master Plan and to regulate the intensity of land use and parcel areas in a manner compatible with said Plan.
2. To conserve and protect lands, waters, and other natural resources in the Township for their most suitable purposes to meet the needs of the state's residents for food and fiber.
3. To protect productive agricultural lands for agricultural uses.
4. To reduce hazards to life and property from flooding and air and water pollution.
5. To secure safety from fire and other dangers of excessive public costs which result from unguided community development.
6. To avoid undue concentration of population by regulating and limiting the density of uses of land.
7. To provide places of residence.
8. To ensure that the uses of the land shall be situated in appropriate locations and relationships for the conservation of property values.
9. To lessen congestion in the public highways and streets.
10. To facilitate the economical provision of adequate streets and highways, educational and recreational facilities, sewerage, drainage, and water supply systems while avoiding the installation of such utility services to illogical locations; and
11. To enhance the social and economic stability of Barton Township.

1.03 SCOPE

It is not intended by this Ordinance to repeal, annul, or interfere with existing provisions of other laws or ordinance, except those specifically repealed by this Ordinance or with any private restrictions placed upon property by covenant, deed or with other private agreement unless contrary hereto.

1.04 CONTROL

Where this Ordinance imposes a greater restriction than is imposed or required by such rules, regulations or private restrictions, the provisions of the Ordinance shall control.

ARTICLE II- DEFINITIONS

2.01 DEFINITIONS

For the purpose of this Ordinance certain terms and words are herewith defined:

1. **Accessory Use:** A use that is an incidental or insubstantial part of the total activity that takes place on a lot or is commonly associated with the principal use and integrally related to it.
2. **Adult Foster Care Home:** Pursuant to Act 218 of the Public Acts of 1979 as amended: means a governmental or non-governmental establishment having as its principal function the receiving of adults for foster care. It includes facilities and foster care family homes for adults who are aged, emotionally disturbed, developmentally disabled, or physically handicapped who require supervision on an ongoing basis but who do not require continuous nursing care. Adult Foster Care Homes shall not include nursing homes.
3. **Animal, Dangerous:** Any animal, which, without provocation, attacks or injures a person who is peaceably conducting themselves in any place where they lawfully may be. Dangerous Animals shall also include any animal, which, because of its size, vicious propensity, or other characteristic, would constitute a danger to human life, property, or Domestic Animals if not restrained or kept in a safe manner.
4. **Animal, Domestic:** Any domesticated animal such as, but not limited to, dogs, cats, etc.
5. **Animal, Exotic:** Any non-domestic animal such as, but not limited to, bear, deer, large snakes, large reptiles or large members of the cat family.
6. **Automobile Repair Facility:** A building, structure or parcel of land, or any portion thereof, used for the diagnosing, repairing, cleaning, equipping and/or painting of motor vehicles.
7. **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.
8. **Bed and Breakfast:** A private residence that offers sleeping accommodations to tourists and is the owner's personal residence.
9. **Building:** See Structure.
10. **Building Area:** The maximum projected area of a building and its accessory buildings, excluding steps, open porches, terraces, and cornices.
11. **Building Coverage:** The area on a lot occupied by buildings and structures, including accessory buildings.
12. **Building Envelope:** The three-dimensional space on a lot within which a structure is

permitted to be built, which is defined by maximum building height regulations and minimum yard setbacks under this Ordinance.

13. **Building Height:** The vertical distance measured from the grade, as defined herein, to: (1) if the roof is flat, the highest point; (2) if a gable, hip, gambrel or mansard roof, the average height measured between the eave and the highest point of the roof; (3) where no roof beams exist, or there are structures partly or wholly above the roof, the highest point of the building structure.
14. **Building Inspector:** The building inspector of Barton Township, Michigan
15. **Billboard or Signboard:** An outdoor sign advertising services or products, activities, persons, or events which are not made, produced, assembled, stored, distributed, leased, sold, or conducted upon the premises upon which the billboard is located.
16. **Car Wash:** A building and equipment used for the commercial washing, waxing, detailed cleaning of the interior and exterior of automobiles and trucks for the public. Such facilities shall include self-wash, automated and hand-wash facilities, as well as any combination thereof.
17. **Cemeteries:** Privately owned property which guarantees perpetual care of grounds used solely for the interment of deceased human beings or customary household pets.
18. **Day Care Center or Childcare Center:** A facility, other than a private residence, receiving one (1) or more preschool or school age children for care for periods of less than twenty-four (24) hours a day, and where the parents or guardians are not immediately available to the child. Childcare center or day care center includes a facility that provides care for not less than two (2) consecutive weeks, regardless of the number of hours of care per day. The facility is described as a childcare center, day care center, day nursery, nursery school, parent cooperative preschool, play group, or drop-in center. Childcare center or day care center does not include any of the following:
 - a. A Sunday school, a vacation bible school, or a religious instructional class that is conducted by a religious organization where children are in attendance for not more than 3 hours per day for an indefinite period, or not more than 8 hours per day for a period not to exceed 4 weeks during a 12-month period.
 - b. A facility operated by a religious organization where children are cared for not more than 3 hours while persons responsible for the children are attending religious services.
19. **Day Care, Family:** A private residence in which one (1) but not more than six (6) minor children are received for care and supervision for periods of less than twenty-four (24) hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Family day care home includes a home that gives care to an unrelated minor child for more than four (4) weeks during a calendar year.
20. **Day Care, Group:** A private residence in which more than seven (7) but not more than twelve (12) minor children are given care and supervision for periods of less than

twenty-four (24) hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Group day care home includes a home that gives care to an unrelated minor child for more than four (4) weeks during a calendar year.

21. **Disposal:** The act of burying, incinerating, burning or any other act of getting rid of solid waste and/or toxic or hazardous substances, including the storage or piling of such substances before or after the act of disposal.
22. **Disposal Area:** Any area of land upon which a disposal facility is located or proposed for location either wholly or partially in Barton Township.
23. **Disposal Facility:** A facility, incinerator, sanitary landfill, pit, excavation, incineration facility consuming solid wastes or any other method of disposal of waste materials and/or toxic or hazardous substances (except of the disposal of human wastes approved by the District 10 Health department, and the disposal or use of solid waste and/or toxic or hazardous substances in agricultural operations provided such are in compliance with federal and state licensing and permit requirements and standards, and except for the disposal by burning or incineration of wood or other natural forest products for residential heating purposes or for the production or generation of electrical energy.)
24. **Drive-through Business:** A principal or accessory use of an establishment that by design, physical facilities, services or by packaging procedures encourages or permits some or all customers to receive services, obtain goods or be entertained while remaining in their vehicles.
25. **Dwelling:** Any structure or portion thereof which is designed for the use exclusively for residential purposes containing one or more dwelling units.
26. **Dwelling, Multiple Family:** A building which is a dwelling designed for or occupied by three or more families, with separate housekeeping, cooking, and sanitary facilities for each.
27. **Dwelling, Single Family:** A detached building containing one dwelling unit and designed for, or occupied by, only one family.
28. **Dwelling, Two-Family:** A building containing two separate dwelling units designed for, or occupied by, two families.
29. **Dwelling Unit:** A group of rooms located within a building and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, sanitation, cooking, and eating purposes.
30. **Eating and Drinking Establishment:** A retail establishment selling food and drink for consumption on the premises, including, but not limited to, restaurants, taverns, coffee houses, bakeries, lunch counters, refreshment stands and similar facilities selling prepared foods and drinks for immediate on-site consumption or for take-out.
31. **Essential Services:** The erection, construction, alteration, installation, placement, use, repair or maintenance by public utilities or municipal or other governmental

entities or agencies of underground, surface or overhead gas, electrical, steam, fuel, sewage, drainage or water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, towers, antennae, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals and hydrants in connection therewith, but not including buildings which are necessary for the furnishing of adequate service by such utilities or municipal or other governmental entities or agencies for the general health, safety or welfare.

32. **Family:** A head of a household, his or her spouse, children or legal wards living together in a dwelling as a single housekeeping unit.
33. **Farm:** The land, plants, animals, buildings, structures, including ponds used for agricultural or aquacultural activities, machinery, equipment, and other appurtenances used in the commercial production of farm products.
34. **Farm Operation:** A condition or activity which occurs on a farm in connection with the commercial production of farm products, and includes, but is not limited to marketed produce at roadside stands; noise; odors; dust; fumes; operation of machinery and irrigation pumps; ground and aerial seeding and spraying; the application of chemical fertilizers, conditioners, insecticides, pesticides, and herbicides; and the employment and use of labor.
35. **Farm Products:** Those plants and animals useful to man and including, but not limited to forages and sod crops, grains, and feed crops, dairy and dairy products, poultry, and poultry products; livestock, including breeding and grazing, fruits, vegetables, flowers, seeds, grasses, trees, fish, apiaries, equine and other similar products; or any other product which incorporates the use of food, feed, fiber, or fur.
36. **Farm Product Processing Facility:** A facility involved in the complete or partial conversion of any agricultural product into a commercial product of any kind, or in the processing of agricultural-related waste products. A Farm Product Processing Facility may include, but shall not be limited to, ethanol processing plants, slaughter operations, canning operations, methane processing and refining plants, and similar facilities.
37. **Fence:** A constructed barrier erected to enclose, screen, or separate lots or portions of lots.
38. **Financial Institution:** Commercial establishments such as banks, credit agencies, investment companies, brokers and dealers of securities and commodities, security and commodities exchanges, and insurance agencies.
39. **Floor Area:** The area of all floors computed by measuring the dimensions of the outside walls of a building excluding attic and basement floor, unenclosed porches and patios, terraces, breezeways, carports, verandas, and garages.
40. **Gasoline Station with Convenience Store:** Any building, structure or land used for the dispensing, servicing, sale or offering for sale at retail, of any automobile fuels, oils, or accessories that also includes a retail establishment offering for sale such items as prepackaged food products, household items, newspapers and magazines, and sandwiches and other freshly prepared foods, such as salads, for off-site

consumption.

41. **Garage - Private:** An accessory building or an accessory portion of a principal building designed or used primarily for the storage of noncommercial motor vehicles and residential tools and equipment owned and used by the occupants of the building to which it is accessory.
42. **Golf Course:** A tract of land laid out for at least nine holes for playing the game of golf and improved with tees, greens, fairways, and hazards such as waterways, which may include such accessory uses as a pro shop, a clubhouse, driving range, practice greens and service buildings.
43. **Governmental Office:** The offices of any department, commission, independent agency, or instrumentality of the United States, of a state, county, incorporated or unincorporated municipality, township, authority, district, or other governmental unit.
44. **Grade:** The median level of the finished surface of the ground adjacent to the exterior walls of the building, determined by subtracting the lowest elevation point from the highest, dividing the result by 2 and adding the resulting quotient to the lowest point.
45. **Grade, Finished:** The final elevation of the ground level after development.
46. **Grade, Natural:** The elevation of the ground level in its natural state, before construction, development, filling, or excavation.
47. **Greenhouse:** Land, or portion thereof, including a building whose roof and sides are made of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of delicate or out-of-season plants for subsequent sale or for personal enjoyment.
48. **Home Occupation:** An activity carried out for gain by a resident and conducted as a customary, secondary, incidental, and accessory use in the resident's dwelling, but not a hobby. Without limiting the foregoing, any dwelling used by an occupant of that dwelling to give instruction in a craft or fine art within the dwelling shall be considered a home occupation.
49. **Home Occupation, Major:** A home occupation, profession, activity, or use outside of the principal residence that is evident to neighbors by virtue of an increased amount of customer traffic, delivery or other vendor traffic, or other commercial activity which is not normally associated with a residential community.
50. **Home Occupation, Minor:** A home occupation within the principal residence involving activities which do not affect the residential character of the neighborhood and which, under normal circumstances, would not be detectible by neighbors.
51. **Household Pet:** An animal accepted as spending much of their time in the residence kept as a pet including, but not limited to, all dogs and cats. Dangerous or exotic animals as defined herein shall not be permitted as household pets.
52. **Lot, Corner:** A lot situated at the intersection of two (2) or more streets.

53. **Recycling or Salvage Yard:** An open area used for the collection, storage, dismantling, dumping, display, resale, exchange, baling, cleaning, or handling of second hand, salvaged or used waste materials, machinery, vehicles, trailers, equipment, furnishings, or parts thereof.
54. **Kenel:** Any lot or premises used for the sale, boarding, breeding, treatment, or training of household pets.
55. **Lot:** A parcel of land occupied, or intended to be occupied, by a main building or a group of such buildings and accessory buildings or utilized for the principal use and uses accessory thereto, together with such yards and open spaces as are required under the provisions of this Ordinance. A lot may or may not be specifically designated as such on public records.
56. **Lot Area:** The total area within the boundaries of the lot, excluding any road rights-of-way or access easements.
57. **Lot, Corner:** A lot situated at the intersection of two (2) or more streets.
58. **Lot, Flag:** A parcel of land separated from a road right-of-way by another parcel and may be accessed through an easement.
59. **Lot, Front of:** The distance between side lot lines at the street right-of-way. If the side lot lines do not intersect the street right-of-way, the lot frontage shall be only that portion of the lot line abutting the street that coincides with the street right-of-way. For an arc-shaped lot line, the lot frontage shall be the tangent or chord dimension toward the interior of the lot.
60. **Lot, Interior:** A lot with frontage on one road and abutted by other lots.
61. **Lot of Record:** A lot shown on a document or map on file with the Newaygo County Register of Deeds or in common use by Township or county officials, and which exists as so shown, or any part of such lot held in a record ownership separate from that of the remainder thereof. A lot of record is not necessarily in compliance with this ordinance (i.e., it may be non-conforming lot).
62. **Lot, through:** A lot that fronts on two parallel roads or that fronts on two roads that do not intersect at the boundaries of the lot. Also known as a "double frontage lot.
63. **Lot Width:** The horizontal straight-line distance between the side lot lines, measured between the two (2) points where the front setback line intersects the side lot lines.
64. **Manufactured Housing:** As used herein the term "manufactured housing" shall mean a movable or portable dwelling constructed to be towed on its own chassis and designed for permanent year-round living as a single-family dwelling. Provided, however, that the term "Manufactured Housing" shall not include motor homes, campers, recreational vehicles (whether licensed or not as motor vehicles) or other transportable structures designed for temporary use, and which are not designed primarily for permanent residence and connection to sanitary sewage, electrical power, and potable water utilities.

65. **Manufactured Housing Community:** An area where three or more manufactured housing units are parked or intended to be parked, designed, or intended to be used as living facilities for one or more families.
66. **Mine, Sand and Gravel:** A facility, property, or portion thereof designed, constructed, or used for the commercial open pit or subterranean extraction of sand, gravel, or minerals. This term also includes quarrying, groundwater diversion, soil removal, milling and crushing, and other preparation customarily done as part of a mining activity.
67. **Mini/Self-Storage Facility:** A building or portions of buildings offered to the public for a fee on a monthly or yearly basis for the storage of goods.
68. **Nonconforming Structure:** A structure, building or portion thereof lawfully existing before the effective date of this ordinance, or the effective date of amendments hereto, which thereafter does not conform to the provisions in the district in which it is located relative to building height, bulk, area, or setbacks.
69. **Nonconforming Use:** A use, which lawfully occupied a building or land before the effective date of this ordinance, or the effective date of amendments thereafter, which does not contain a use of land permitted in the district in which it is located.
70. **Nursery:** An establishment for the growth, display, and/or wholesale of plants, shrubs, trees, and materials used in indoor or outdoor planting, conducted within or without an enclosed building.
71. **Nursing Home:** As pursuant to Act 368 of the Public Acts of 1978 as amended: means a nursing care facility, including a county medical care facility, but excludes a hospital or a facility which provides organized nursing care and medical treatment to 7 or more unrelated individuals suffering or recovering from illness, injury, or infirmity.
72. **Outdoor Wood Burning Furnace:** A boiler, stove or furnace that is fueled by natural wood and other approved fuels and that is not located inside a building or structure intended for habitation or occupancy by humans and domestic animals, and that is installed and operated to provide heat or hot water for a building or structure occupied by humans and domestic animals.
73. **Parallel Plan:** A site plan used to illustrate the number of dwelling units which are feasible on a particular site under standard zoning restrictions and applicable Township regulations.
74. **Park:** A tract of land, designated, maintained, and used by the public for active and/or passive recreation and which is owned and controlled by a public entity or unit of government.
75. **Parking Area:** An area used for the parking of motor vehicles for a fee or as an accommodation for clients, customers, residents, employees, or the public.
76. **Parking Space:** A surfaced area, enclosed in the main building, in an accessory building, or unenclosed, permanently reserved for temporary storage of one

automobile and connected with a street or alley which affords satisfactory ingress and egress for automobiles.

77. **Place of Public Assembly:** A place of public assembly shall include theaters, churches, auditoriums, sports arenas, lecture halls and other similar facilities intended for entertainment, instruction, worship, or similar activities involving assembled groups of people numbering fifty (50) or more.
78. **Planned Unit Development:** An area of minimum contiguous size, as specified by this Ordinance, to be planned and developed as a single entity containing mixed or varied uses, having sites with unusual topography or unique settings within the community, or on land which exhibits difficult and costly development problems.
79. **Principal Use:** The primary or predominant use of any lot.
80. **Professional Office:** A facility used primarily for conducting the affairs of a business, profession, service, industry, or government, or like activity, and may include ancillary services for office workers, such as a coffee shop or child-care facilities.
81. **Professional Service Establishment:** An establishment engaged in providing services (as opposed to products) to individuals, businesses, industries, governments, and other enterprises, including printing, legal, engineering, consulting, and other similar services.
82. **Public Utility:** Any facility, including but not limited to buildings, property, and roads, which are leased or otherwise operated or funded by a governmental body or public entity.
83. **Retail Business:** An establishment engaged in selling goods or merchandise to the public for personal or household consumption and rendering services incidental to the sale of such goods.
84. **Right-of-Way:** Land acquired by reservation, dedication, forced dedication, prescription, or condemnation and intended to be occupied by a road, crosswalk, railroad, trailway, electric transmission lines, pipeline, water line, sanitary storm sewer, and other similar essential services, whether public or private, for public purposes.
85. **Road:** Any existing or planned publicly controlled and dedicated or privately held vehicular access way, used, or intended to be used for access to public or private lands and/or for the conveyance of traffic.
86. **Road, Local:** A public road designated a local road by the Newaygo County Road Commission which is not part of the County Primary Road System, which is intended primarily for access to abutting properties. A local road also includes seasonal roads.
87. **Road, Primary:** Those roads of considerable continuity which are designated as primary roads by the Newaygo County Road Commission.
88. **Roadside Stand:** A building or structure from which agricultural products produced on the premises are sold.
89. **Sawmill:** A facility where logs or partially processed logs are sawn, split, shaved,

stripped, dried, or chipped. For the purposes of this ordinance, this shall not include the processing of timber for use on the same lot by the owner or resident of that lot.

90. **Sign:** Any words, lettering, parts of letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names or marks, or combinations thereof, by which anything is made known such as the designation of an individual, a firm, an association, a profession, a business, a commodity, or a product which are visible from any public way and used as an outdoor display.
91. **Solid Waste:** Any hauled in toxic waste materials (including liquids) or substances as defined by State Law and Regulation, (excepting the disposal of human waste as regulated by federal or state law, or wastes disposed upon property within the township which originates within the confines of such property and incidental to a legal primary use of such property and which pose no threat to the property, concerns or health, safety and general welfare of the township or its residents), or materials or substances (including liquid) used in conjunction with agricultural production provided such substances or materials and the use thereof are registered and licensed under applicable state and federal laws, excluding substances or materials which are wood or other natural forest products which are used for heating homes or in burning or incineration for the generation of electricity shall be brought to the public attention.
92. **Site Plan:** The development plan for one or more lots on which is shown the existing and proposed conditions of the lot, including topography, vegetation, drainage, wetlands, and waterways; landscaping and open spaces; walkways; means of ingress and egress; circulation and utility services; structures and buildings; signs and lighting; berms, buffers, and screening devices; surrounding development and legal description pursuant to Article XIII of this Ordinance.
93. **Special Land Uses:** Land uses which will be permitted in a zoning district only after review and approval of the Township Planning Commission.
94. **Story:** That portion of a building included between the surface of any floor and the surface of the floor above it; where there is no second floor, story shall mean the space between the floor and the ceiling next above it. A story shall not include a basement.
95. **Swimming Pool:** A constructed basin or structure for the holding of water for swimming and aquatic recreation. Swimming pool does not include plastic, canvas or rubber portable pool temporarily erected upon the ground holding less than three hundred (300) gallons of water.
96. **Structure:** Anything constructed or erected which requires permanent location on the ground or attachment to something having such location. The term building shall mean the same.
97. **Structure, Accessory:** A subordinate structure on the same lot as the principal structure occupied or devoted to an accessory use. Where an accessory structure is attached to a principal structure; such an accessory structure shall be considered part of the principal structure.
98. **Structure, Principal:** The structure that contains the principal use of the lot on which it is situated. In a residential district a dwelling is the principal structure on a lot.

99. **Township Board:** The Board of Trustees of Barton Township, Michigan.
100. **Toxic or Hazardous:** Any material, liquid, solid or other matter which is harmful or dangerous to human health or to birds, fish, wildlife, trees or other plants, as listed in the Michigan Critical Material Register published by the Michigan Department of Natural Resources, or determined to be toxic, harmful or hazardous by the U.S. Environmental Protection Agency, pursuant to Public Law 94-469, or as regulated by and as defined by the Hazardous Waste Management Act, 1979 P.A. 64.
101. **Tributary:** A stream that flows into a river, a larger stream, or a lake.
102. **Use:** The purpose for which land or a building thereon is designed, arranged, or intended to be occupied or used, or for which it is maintained
103. **Warehouse:** A structure used for storage and repackaging of goods, wares, raw materials, equipment, parts, and other materials by and for the owner or operator of the facility, or as a commercial service on behalf of the owner(s) of such items.
104. **Well, Extraction:** Wells installed for the commercial extraction of ground water. This definition may include any surface or subsurface pumping or processing equipment, or facilities associated therewith, but shall not include irrigation wells.
105. **Wetland:** A wetland means both a State regulated wetland and any swamp, bog, or fen of at least one-half acre in area and any other land that is regularly inundated by water and is of at least one-half acre in area.
106. **Wireless Communication Antenna:** Any mounted device that radiates or captures electromagnetic waves, digital signals, analog signals, radio frequencies, wireless communication signals, optical, laser or other communication signals; including, but not limited to cellular, PCS, land mobile radio, marine, paging, AM/FM radio antenna, television antenna, satellite dishes, and licensed amateur radio facilities.
107. **Yard:** An open space between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard or the depth of the rear yard, the minimum horizontal distance between the lot line and the foundation wall of the principal structure shall be used.
108. **Yard, Front:** A yard extending across the front of the lot between the side lot lines and located between the building and the front lot line.
109. **Yard, Rear:** A yard extending across the rear of the lot between the side lines and located between the building and the rear lot line.
110. **Yard, Side:** A yard between the principal building and the side lot line.
111. **Zoning Administrator:** The person appointed by the Township Board to administer this Ordinance.

112. **Zoning Board of Appeals:** The Barton Township Zoning Board of Appeals, as established in this ordinance.

ARTICLE III - CLASSIFICATIONS OF DISTRICTS

3.01 ZONE DISTRICTS

For the purpose of this Ordinance, Barton Township is hereby divided into Zoning Districts to be known as:

AR Agricultural Residential District
GO Greenbelt Overlay District

3.02 MAP

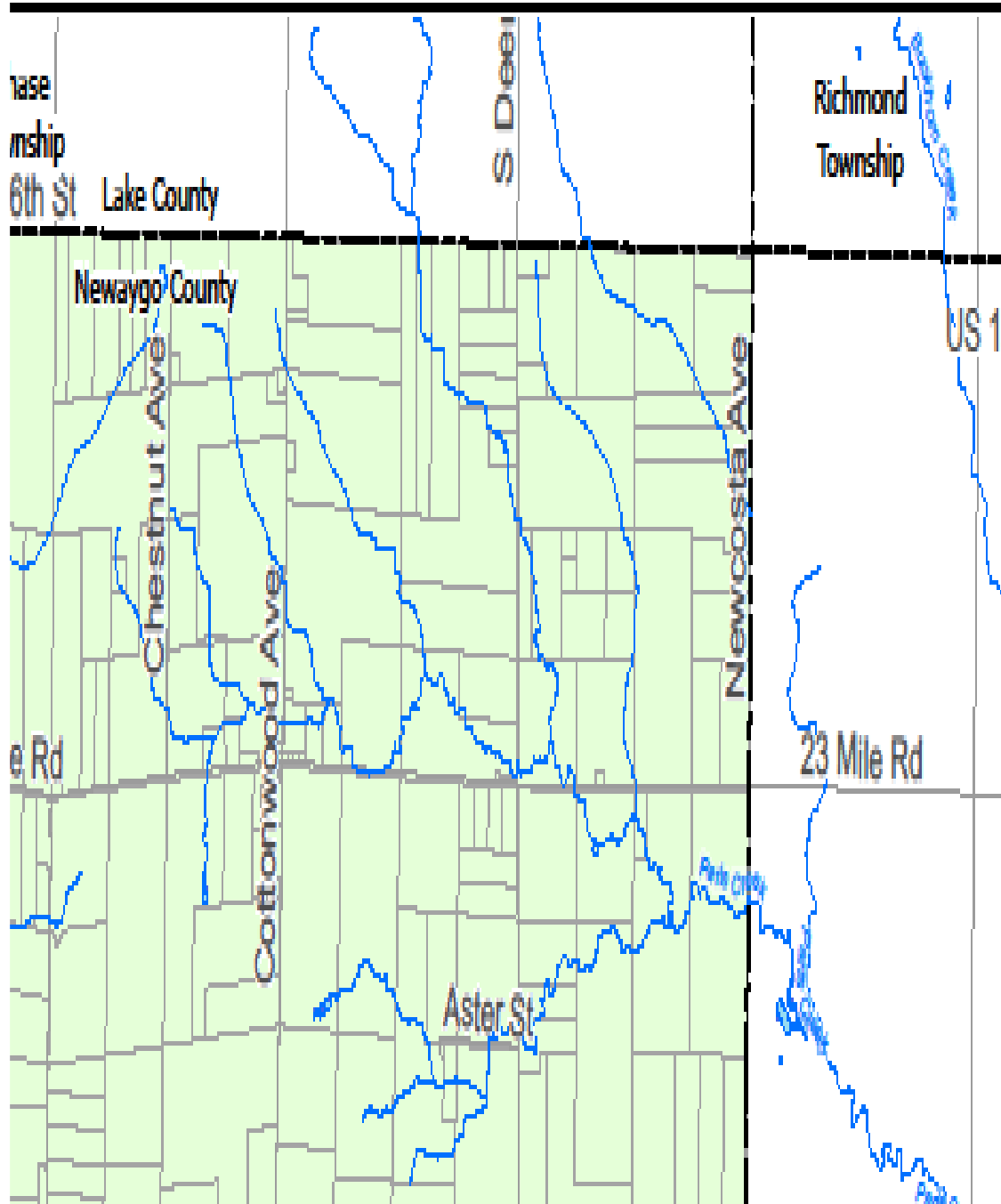
The map entitled Zoning Map delineating the above districts is hereby declared part of this Ordinance. Except where references by dimensions are shown on said map, the district boundary lines follow lot lines, municipal boundary lines, section lines, fractional lines or the centerlines of highways, streets, or alleys as they existed at the time of the adoption of this Ordinance.

3.03 LOT DIVIDED BY ZONE LINE

Where a district boundary line of the Zoning Map divides a lot, the least restricted use shall not extend beyond such line.

Barton Township
Newaygo County, Michigan

Zoning Map



ARTICLE IV – AR - AGRICULTURAL RESIDENTIAL DISTRICT

4.01 INTENT

This district is intended primarily to conserve and protect appropriate Township lands for wildlife, farming, and timber cutover and agricultural uses. Low density single-family residential use, institutional and public uses are also permitted.

4.02 DISTRICT PROVISIONS

Following is a list of uses permitted by right, special land uses, site and building placement standards, and building form standards applicable to the AR District.

4.03 PERMITTED USES

1. Single-family detached residential dwelling including manufactured homes.
2. Two-Family Dwelling
3. Farm and Farm Operation, including fowl raising and beekeeping, raising and grazing of animals and the packing, processing, and sales of commodities raised on the premises.
4. Roadside stands
5. Temporary living quarters during construction of a residence
6. Storage Building
7. Uses significantly similar to the listed uses.

4.04 ACCESSORY USES

1. Accessory Uses and Structures
2. Adult Foster Care (1-6)
3. Foster Family Home (1-6)
4. Family Day Care Home (1-6)
5. Minor Home Occupation

4.05 SPECIAL LAND USES

1. Accessory Dwelling
2. Adult Foster Care Group Home (7-20)
3. Adult Foster Care Congregate Facility (>20)
4. Adult Foster Care Camp (>4)
5. Assisted Living Facility
6. Bed and breakfast Inns
7. Boarding and Riding Stable
8. Cemetery
9. Children's Camp
10. Child Caring Facility
11. Captive wildlife (deer farms, Zoological parks, etc.)
12. Composting facilities
13. Drive-through Business
14. Eating and Drinking Establishment
15. Essential Service
16. Extraction Well
17. Farm Product Processing Facility

- 18. Golf Course
- 19. Governmental Administration and Public Service Buildings
- 20. Greenhouse and Plant Nursery
- 21. Group and Intergenerational Daycare
- 22. Kennel
- 23. Major Home Occupation
- 24. Multi-Family Dwelling
- 25. Nursing Home
- 26. Parks and public Recreation
- 27. Place of Public Assembly
- 28. Resorts, campgrounds, and dude ranch
- 29. Retail Sales
- 30. Sand and Gravel Mining
- 31. Sawmill
- 32. Self-storage Facility
- 33. Veterinary office, hospital, or clinic
- 34. Warehouse
- 35. Wireless Communications Antennae

4.06 ADDITIONAL STANDARDS

- Outdoor lighting
- Signage
- Site Plan Review
- Parking and Loading

DIMENSIONAL STANDARDS			
Minimum Lot Area	5 Acres	Minimum Lot Width	300 ft
Minimum Setback Requirements		Maximum Building Height	35 ft
Front	30 ft.	Minimum Floor Area	n/a
Side	30 ft.		
Rear	30 ft.		

No accessory structure and no structure exceeding a height of thirty (30) inches shall be erected in any required front yard.

Accessory Structures shall be at least ten (10) feet from any dwelling and any other accessory structure on the lot.

Accessory structures in the rear yard are permitted five (5) feet from lot lines.

ARTICLE V - GREENBELT OVERLAY

5.01 INTENT

The intent of the Greenbelt Overlay is to preserve the water quality in rivers and streams of the Township and to prevent deterioration of these streams and the major Great Lakes tributaries into which they drain.

5.02 BOUNDARY

The Greenbelt Overlay includes land within three hundred (300) feet of the free-flowing streams illustrated on the zoning map.

5.03 PERMITTED USES

Dwelling, Single-family
Farm and Farm Operation
Parks

5.04 ADDITIONAL PROVISIONS

The following regulations apply to all lands within the Greenbelt Overlay:

1. No structure may be erected within fifty (50) feet of the water's edge.
2. A strip twenty-five (25) feet wide, bordering the riverbanks, shall be planted, and maintained in trees and shrubs, or if undisturbed, it shall be left in its natural state. One opening five (5) feet or less in width is permitted on each lot to provide convenient access to the water.
3. Trees and shrubs may be pruned or trimmed for a distance not to exceed fifty (50) feet to obtain a view of the river or stream.
4. Plans for any construction, grading or any lot or subdivision preparation which involves removal of ground cover shall conform to the sedimentation control rules of the Newaygo County Soil Conservation District and no building permit shall be issued until such conformity is assured.
5. No septic tank drain fields may be closer than one hundred (100) feet to the water's edge and shall in placement and design conform to all regulations of the District 10 Health Department.
6. The following structures are exempt from the provisions of this Article:
 - a. Pumphouses
 - b. Docks not extending more than five (5) feet into the water.

ARTICLE VI- GENERAL PROVISIONS

6.01 ZONING AFFECTS ALL STRUCTURES AND LAND AND THE USE THEREOF

It is the intent of this ordinance to specifically prohibit uses which are not listed in this ordinance as permitted uses or special land uses. Subject to the provisions of Article X, uses that are being conducted upon land within the respective districts set forth in Article III of this ordinance that are not listed as permitted uses or special approval uses within the district in which the land is located shall be deemed in violation of this ordinance. Uses that are contrary to or in violation of local, state, or federal law, ordinances, or other regulations are prohibited. The use of all land and structures and the construction, reconstruction, alteration, repair and moving of all structures within Barton Township shall conform to all applicable provisions of this ordinance unless a nonconforming situation is a matter of record on the effective date of this ordinance. The regulations set forth in this Article shall apply in all zoning districts to all permitted uses and special uses, unless otherwise specifically indicated. This Article provides detail on how the standards of this ordinance shall be applied.

No building or land shall be used, and no building shall be hereafter erected, structurally altered, or relocated except for one or more of the uses herein permitted within the district in which such building, structure, or land is located or for a use similar to and harmonious with such permitted uses.

6.02 ACCESSORY BUILDINGS

All accessory buildings shall meet the yard, setback and building height requirements of this Ordinance. If an accessory building is attached to a principal building by either a common foundation, common wall, or common roof element, it shall be deemed to be a part of the principal structure and the entire structure shall comply with the terms of this Ordinance.

1. Requirements for all accessory buildings and structures
 - a. No accessory buildings or structures shall be allowed on any parcel that does not have a principal use.
 - b. Accessory uses shall not involve the conduct of any business, trade, or industry, except as may otherwise be allowed in this ordinance.
 - c. The architectural character of all accessory buildings or structures shall be compatible and similar to the principal building.
 - d. The distance between accessory buildings or structures and any other building or structure shall not be less than ten (10) feet.
 - e. Accessory buildings or structures shall be considered as attached to a principal building when:
 - i. The distance between the buildings is not greater than twenty (20) feet.
 - ii. The connection is solidly covered and enclosed by a breezeway, portico, or covered colonnade.

- iii. The connection has a common wall, roofline, or similar architectural feature.
- iv. The attachment has an interior connection via a doorway or hallway.
- f. Accessory buildings or structures shall not exceed the height limitation of the district in which it is located.
- g. Except as otherwise required in this ordinance, accessory buildings or structures shall not be located closer than five feet to the rear lot line and shall not occupy more than thirty percent (30%) of the rear yard.
- h. Accessory buildings or structures shall not be closer to any side lot line or front lot line than the principal building is permitted.

2. **Agricultural Accessory Buildings**

Accessory buildings on farm parcels shall be allowed without a size or number limitation in accordance with the following:

- a. The building is accessory to a farm and used exclusively for agricultural purposes.
- b. The parcel on which the building is located meets the minimum parcel size of the district in which it is located.
- c. The farm on which the building is located uses Generally Accepted Agricultural Management Practices as determined by the Michigan Department of Agriculture.
- d. The building is subject to the setback requirements of the district in which it is located.
- e. The parcel on which the building is located has an "Agricultural" assessment classification.

6.03 ANIMALS

The raising and keeping of fowl, rabbits, domestic 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 restrictions:

1. It is under the control of its owner or other responsible person by means of a leash, cord, rope, strap, chain, or lead held by such owner or person and securely fastened to the collar or harness attached to the animal.
2. It is securely enclosed, confined or restrained on the premises where it may lawfully be so as to be unable to enter upon the public way or to molest persons lawfully using the public way.
3. Kept in a space free from health hazards including excessive animal waste, overcrowding of animals or other conditions that endanger the animal's health.

4. Provided adequate protection from the elements suitable for the age and species of the animal and weather conditions to maintain the animal in a state of good health, including structures or natural features such as trees and topography.
5. Kept free from disease and illness, and in a condition of proper body weight and temperature for the age and species of the animal, unless the animal is undergoing appropriate treatment.
6. The keeping or housing of dogs or cats shall be permitted as an accessory use in all zoning districts. No more than five (5) total dogs or cats in any combination shall be permitted, unless authorized as a Kennel as appropriate.
7. The keeping or housing of fowl and/or rabbits and/or other small animals commonly raised for human consumption in numbers no greater than is required to satisfy the personal needs of the human occupiers of the premises. Said small animals and/or fowl shall be properly contained. Holding areas shall be a minimum of twenty-five (25) feet from all property lines.
8. The keeping or housing livestock in stockyards, feedlots, or 'Concentrated Animal Feeding Operations' (CAFOs), as defined by the Michigan Department of Agriculture GAAMPs, shall be permitted only as authorized by Section 14.12(k) and the Michigan Department of Agriculture.
9. Keeping of Exotic Animals shall be prohibited, unless the owner has obtained a permit from the State of Michigan authorizing such activity and complies with the Township Zoning Ordinance.
10. Keeping or housing of Dangerous Animals shall be prohibited on any private or public property, other than the owner's property, unless such animal is securely muzzled or caged. Adequate safeguards shall be taken to prevent unauthorized access to a Dangerous Animal on the owner's premises.
11. Prohibited Acts. It shall be unlawful for any owner to keep, harbor or have charge of any animal, whether licensed or unlicensed, when any one or more of the following facts exists:
 - a. The animal has an ugly or vicious disposition, shows vicious habits and/or has molested any person or animal lawfully in or upon any public street or place.
 - b. The animal is suffering from rabies or affected with hydrophobia, mange, other infectious or dangerous disease.
12. The animal, by destruction of property or trespassing upon the property of other, has become a public nuisance in the vicinity where kept, as witnessed by an authorized Township Official or any two (2) persons from two (2) separate households in the vicinity where the animal is kept.
13. The animal, by loud barking, howling, yelping, whining, meowing or other sound, has become a public nuisance in the vicinity where kept, as witnessed by a Township Official or any two (2) persons from two (2) separate households in the vicinity where the animal is kept.

14. No person shall cause or permit any animal kept by him or her to run at large within the Township. Animals, which are on any street, alley, sidewalk, path, public park, or any other public place, without being restrained, shall be deemed to be running at large. It shall be unlawful to permit any animal to run at large on the property of another without the permission of the owner of that property.

6.04 BASEMENT DWELLING

The use of a basement more than four (4) feet below grade, in a completed building for sleeping quarters or a dwelling unit, is prohibited unless there are two means of direct access to the outside. Where one wall is entirely above grade level of the yard adjacent to said wall and access or egress to the out-of-doors is provided through said wall, the structure is not a basement dwelling.

6.05 CLEAR VISION AREAS

All clear vision corners at the intersection of two (2) streets or at the mouth of a driveway shall be determined by connecting lines extending thirty (30) feet along each street (public or private) or driveway.

6.06 CORNER LOTS

Where two intersecting streets bound a lot, the front yard requirements shall be met on one abutting street only if the minimum side lot requirements are met for that district.

6.07 DEMOLITION OF BUILDINGS

No building or structure of more than two hundred (200) square feet shall be demolished or moved off-site unless a Township zoning permit and building permit have first been obtained. Such demolition shall be subject to all of the following requirements:

1. All utilities shall be disconnected (including but not limited to sanitary sewer system connections and removal of any septic tank) and water supply wells shall be properly capped to prevent groundwater contamination (or may be reused if in compliance with District #10 Health Department requirements) and written confirmation thereof shall be submitted to the Township prior to the issuance of any permits for demolition.
2. It shall not be obnoxious to occupants of surrounding properties due to dust, noise, vibration, traffic, and the like.
3. Adequate provision shall be made for the safety of person and property.
4. All waste materials shall be removed from the demolition site.
5. All debris and rubble (including concrete and brick shall be removed from the demolition site. Foundations and basements must be demolished and removed.
6. The demolition site shall be restored to a level grade using clean fill. Clean fill shall consist of natural soil having no detectable contaminants, and may contain some rock, clean brick, ceramics reused in construction, concrete, asphalt paving fragments being "virtually inert",

sediments, stone from quarries, borrow pits, etc., or reclaimed asphalt directly reused in construction of roads, bridges, incidental construction, parking areas, etc.

In accordance with State law, a demolition permit is required from the Building Official before work may commence. A cash deposit, certified check, irrevocable bank letter of credit, or surety bond acceptable to the Township shall be deposited with the appropriate Township official to guarantee compliance with all the requirements of this section and completion of the demolition and all required cleanup and removal within the time specified in the permit. The amount of such financial guarantee shall be determined by the Township Board.

6.08 ESSENTIAL SERVICES

Essential Services may be located in any zoning district subject to the review and approval of the Planning Commission and Township Board.

6.09 EXCAVATION OF TOPSOIL

Topsoil can be stripped, excavated, and removed on any lot in the AG or RR district, provided that all County permits are obtained and provided to the Township Clerk.

6.10 EXISTING LOTS OF RECORD

A lot or other parcel of land in an agricultural or residential district which is platted or otherwise of record as of the effective date of this ordinance may be developed and used for one single-family detached dwelling if the lot or other parcel of land has a minimum lot area of 6,500 square feet and if the permitted single-family detached dwelling complies with all current minimum setback requirements of the zoning district in which the lot or other parcel of land is located, and has frontage on a public or private street.

Where two (2) or more such non-complying lots are adjacent to each other and in common ownership, such lots shall be combined so that the lot or lots created by this combination comply with the minimum requirements of this Ordinance.

6.11 HEIGHT LIMITATIONS

The height limitations of all districts may be exceeded by the following structures, provided that required yards for said structures shall be increased by one-half (1/2) foot for each foot said structure exceeds the height limitation: parapet walls, silos and farm barns, monuments, cupolas, spires or other ornamental projects, water towers and fire towers.

6.12 HOME OCCUPATIONS

Minimum Conditions for Permitted Home Occupations - The following minimum conditions shall apply to all permitted home occupations.

1. Home occupations may be conducted within the principal residence or accessory buildings by members of the family residing on the property.
2. Signage shall be allowed in accordance with the Sign provisions of this ordinance.

3. In no event shall the use of a principal residence for a home occupation alter the residential character of the principal residence.
4. No article or material used in connection with the home occupation shall be stored other than in the principal residence or accessory building.
5. The home occupation may increase vehicular traffic flow and parking by no more than two additional vehicles at a time. Any need for parking generated by the conduct of such home occupation shall be met off the street and in areas other than in the required front yard.
6. In no case shall a home occupation be open to the public nor have deliveries earlier than 7:00 AM in the morning nor later than 8:00 PM at night.
7. A home occupation shall not create noise, dust, vibration, smell, smoke, glare, electrical interference, fire hazard, or any other hazard or nuisance to any greater or more frequent extent than would normally be generated in a similarly zoned residential district.

Permitted Home Occupations - The following home occupations shall be permitted uses:

1. Antique shops
2. Architecture and interior design work
3. Auto body repair
4. Beauty salons and barbershops licensed by the State of Michigan provided there is no more than one beauty or barber chair installed.
5. Bookkeeping, accounting, and financial planning
6. Cabinet making and carpentry work.
7. Computer programming and other computer related work
8. Consulting and counseling services
9. Drafting and illustration services
10. Dressmaking, sewing, and tailoring.
11. Furniture upholstery
12. Gun dealer and gun repair service

13. Instruction in a craft or fine art, including but not limited to rug weaving, quilting, pottery and ceramics, model making, woodworking, lapidary work and jewelry making, but any sales on the premises shall be of only arts and crafts made on the premises and shall occur only occasionally.
14. Musical instrument instruction, except that no instrument may be electronically amplified so as to be audible beyond the parcel of land where the use occurs.
15. Office of building contractor or building trades persons, salesperson, sales representative, manufacturer's representative, minister, priest, or another member of the clergy
16. Pet Grooming
17. Painting, sculpturing, and writing
18. Private tutoring
19. Secretarial services
20. Small household appliance repair including television, watch, and audio/video equipment repair.
21. Storage and distribution of direct sale products, such as home cleaning products, cosmetics, food containers and the like (but excluding sales on the premises)
22. Telephone solicitation work; telephone answering service.
23. Travel booking service.
24. Vehicle, marine, motorcycle, recreational vehicle, or small engine sales and/or repair

Non-listed, but Similar, Home Occupations - In addition to the above permitted home occupations, there shall also be permitted home occupations which are similar in nature and effect to those specifically listed in this section.

The determination whether a proposed home occupation is sufficiently similar in nature and effect to a home occupation specifically listed in this section may be made by the Zoning Administrator, but in the discretion of the Zoning Administrator, such determination may be made by the Planning Commission at a public meeting.

In determining whether a proposed home occupation is sufficiently similar to one listed in this section, the Zoning Administrator, or the Planning Commission, as the case may be, shall consider and make findings upon the following standards:

1. Whether the home occupation is incidental and secondary to the use of the premises as a dwelling.

2. Whether the nature of the home occupation is in keeping with the residential use of the property.
3. Whether the likely effects of the home occupation upon adjacent and nearby lands would be within the scope of the effects likely to result from other, similar home occupations that are specifically permitted in this section.
4. Whether the home occupation will have appreciable adverse effects upon adjacent and nearby lands and the uses thereof.

6.13 KEEPING OF ANIMALS

1. **Household Pets** - The keeping of household pets for pleasure or companionship, including cats, dogs, gerbils, hamsters, guinea pigs, rabbits, or household fish and birds, is permitted in any zoning district. However, no more than eight (8) properly licensed adult dogs, cats, or other household pet of one (1) type (except fish), or any combination thereof, six months of age or older, shall be kept or housed in or at one (1) dwelling unit. The owner of a household pet shall not permit or enable them to run at large, and they may not be kept for sale, boarding, breeding, or training purposes.
2. **Exotic or Wild Animals** - Except as otherwise provided in this section, it is unlawful in this Township for a person to possess, breed, exchange, buy, sell, or attempt or offer to buy or sell, the following exotic or wild animals:
 - a. Non-human primates
 - b. Venomous cold-blooded reptiles and other cold-blooded animals that, if in contact with humans, are capable of inflicting fatal injury to the average human.
 - c. All poisonous animals
 - d. Constrictor snakes, six feet in length or more
 - e. Exotic or wild family cats including but not limited to bobcat, cheetah, cougar, jaguar, leopard, lion, lynx, mountain lion, panther, puma, and tiger.
 - f. Non-domesticated omnivores or carnivores including hybrid crosses of non-domesticated carnivores.
 - g. Crocodylian (by example, crocodiles, alligators)
 - h. Piranha fish
 - i. Chondrichthyes (sharks)
 - j. Poisonous spiders, venomous or poisonous insects

- k. Proboscides (by example, elephants)
- l. Perissodactyls (non-ruminant ungulate mammals with odd numbered toes, by example rhinoceros)

- 3. **Prohibited Facilities** - Wildlife Sanctuaries and Nature Preserves for exotic or wild animals are prohibited. Exceptions to this prohibition shall be as follows: Zoological parks and aquariums that are accredited by the American Association of Zoological Parks and Aquariums, wildlife sanctuaries, nature preserves, circuses, bona fide scientific, medical, educational and research facilities or state licensed wild animal rehabilitation facilities.

6.14 MANUFACTURED HOUSING

A manufactured home will be considered a dwelling unit in the AR and RR Districts if the floor area and lot area requirements of the district are met. All mobile home dwellings must have a HUD number, meet HUD requirements, and have a HUD sticker.

Regulations that apply to dwelling units shall also apply to mobile homes, such as setback, lot requirements, distance from other buildings, etc.

6.15 MINIMUM STREET FRONTAGES AND LOT WIDTH

Except for private streets serving just a single parcel, every principal building and use shall be located on a lot which has the required minimum frontage on an accessible public or private street.

- 1. Lots located on a curved street or on the curved portion of a cul-de-sac street may have a width at the front lot line of less than the required minimum if the lot is not less than fifty (50) feet wide at a distance of twenty-five (25) feet from the front lot line and meets the required lot width at the front setback line.
- 2. The minimum street frontage and minimum lot width required by this section shall be maintained throughout the entire length of the parcel and shall be provided with land that is owned by the lot owner. Land over which the lot owner has an easement, license, or other non-ownership interest may not be used to meet the minimum street frontage or minimum lot width required by this section.

6.16 MIXED OCCUPANCY

Before issuing a zoning permit for any premises intended for use as a combination of dwelling and commercial occupancy or where an increased number of dwelling units would result from a proposed alteration, the Zoning Administrator shall request a report from the District 10 Health Officer pertaining to any hazards that exist or may be expected to exist from the proposed use, together with his or her recommendations for any additional provisions or alterations necessary in the interest of safety or health. Such recommendations shall be complied with before issuance of a permit.

6.17 OPEN SPACE PRESERVATION OPTION

In the event a developer or owner of property elects to submit a proposed development under the open space option provided in this section, the provisions in this section shall supplement the existing regulations applicable within the referenced zoning district.

Property meeting the eligibility requirements of this section may be developed, at the owner's discretion, with the same number of dwelling units on a portion of the land as specified herein that, as determined by the Planning Commission, could have otherwise been developed on the same land under current ordinances, laws, and rules, subject to and in accordance with the regulations of this Section.

The density of dwelling units shall not exceed the density customarily developable in the zoning district in which the proposed development is located, developed with a conventional layout and with all applicable laws and ordinances being observed.

A parallel plan shall be submitted to the Planning Commission to establish the maximum permitted density. The parallel plan shall identify how a lot could be developed under the conventional standards of the specific zoning district in which the property is situated (without application of this Section), and the requirements of all other applicable State and Township regulations and standards. The parallel plan shall provide lots with building envelopes of sufficient size, taking into consideration sanitary sewage disposal capacity (only on property where there is a question of soil capacity will it be necessary to undertake actual soil analysis or County review), topography, easements or encumbrances, drainage retention/detention areas, along with all necessary roads and road-related improvements, without impacting natural areas and features required to be preserved under applicable law and ordinance. All unbuildable areas and areas with limitations to development must be accurately identified on the parallel plan, including, but not limited to, wetlands, watercourses, drains, steep slopes, woodlands, and similar features. It is not the intent of this provision to require detailed engineering in the preparation of this plan; however, it must be a realistic plan of development, taking into consideration the actual assets and constraints of the property.

The Planning Commission shall make the determination that a parallel plan is acceptable once it meets all applicable Township Ordinance requirements and, based on the parallel plan, determine the number of units permitted under the open space option provided in this section.

The following design and application requirements shall apply to a proposed Open Space Development under this section. The design requirements shall be incorporated into a preliminary plat if the land is proposed to be developed as a subdivision under the Land Division Act, a condominium plan if the land is proposed to be developed as a condominium project, and otherwise incorporated into a site plan in accordance with the requirements of this Ordinance.

A minimum of 50% of the gross site area (not including existing road right-of-way) shall be preserved as permanent open space in an undeveloped state in the manner set forth herein.

Permanent open space shall include the site's most significant natural, environmental, agricultural and/or cultural features including, but not limited to, the following:

1. Wetlands and natural watercourses

2. Woodlands
3. Recreational pathways and other permitted recreational facilities
4. Buffers from major thoroughfares and more intense land uses
5. Similar feature acceptable to the Planning Commission
6. An "undeveloped state" shall not include a golf course.

The applicant for an Open Space Development shall be entitled to an approval under this Section, provided the following aspects of the proposed development plan shall be reviewed following a public hearing for approval by the Planning Commission.

The area and width of the resulting individual lots and building setback requirements under the open space option shall be reasonable and rationally related to the type of development proposed and shall comply with the standards, requirements, and intent of the zoning district in which the proposed development is located to the maximum extent feasible. In no event shall a lot size be reduced more than fifty percent (50%) of the required lot size, and lot width and setback may be reduced no greater than thirty- three percent (33%) of the required lot width and setback in the district. Factors to be considered in determining the reasonableness of the area, width and setback requirements shall include the amount of open space, the density as determined by the Planning Commission under the parallel plan, and the required setbacks, minimum lot width, and maximum lot coverage for the zoning district. Final area, width and setback requirements under the open space option plan shall be approved by the Planning Commission.

Lot layout and configuration shall result in lots or units feasible for development and use of residences, and in the maintenance of a reasonable buffer between an open space development hereunder and adjacent public thoroughfares and other land, which is developed, or may be developed, for non-cluster residential development. Each lot or unit shall be depicted on the plan with a proposed building envelope in which a proposed residence may be constructed and used, including all improvements, without the necessity of the grant of a variance by the Zoning Board of Appeals.

Open space areas shall be accessible to all lots in the development, either directly from the internal road network or, if approved in the discretion of the Planning Commission, directly from another manner of access providing perpetually existing and maintained pedestrian accessibility to all lots.

Preserved open space shall be connected to adjacent open space, public land, and existing or planned bike paths, where feasible, as determined by the Planning Commission.

Approval of an Open Space Development does not constitute a change in the zoning of the property, and except as specifically provided in this Section, all other regulations applicable within the zoning district of the property and development shall apply.

1. Restrictions.

Nothing in this Section shall allow the construction of multi-family residential units in a single-family residential district.

Nothing in this Section shall allow a development to result in the creation of a nuisance or a danger or hazard to the health, safety and welfare of any person or property.

Any development proposed utilizing the open space option provided in this Section shall comply with all applicable zoning regulations.

2. Open Space Maintenance and Preservation

All open space shall remain perpetually in an undeveloped state by means of a conservation easement to be recorded with the Newaygo County Register of Deeds. All such conservation easements shall clarify ownership, access/use rights, and perpetual maintenance, and shall be approved by the Planning Commission prior to final approval of the development and shall be received and approved as to substance and form by the Township attorney prior to acceptance by the Planning Commission.

Nothing in this Section shall be construed to require the property owner to convey fee title ownership of the open space to the public.

3. Review Process

All proposed Open Space Developments shall be submitted and reviewed in accordance with the procedure applicable under this Ordinance to the type of development being proposed (i.e., subdivision, condominium, site condominiums, etc.) and in accordance with the development standards in this Section and other applicable ordinances. In addition to all other submittals and information required under this Ordinance, all open space option plans submitted to the Township shall include a resource inventory that contains the following:

- a. All wetlands and bodies of water; and
- b. An analysis of on-site soils and topography to identify limitations to development.

In addition to all other review considerations applicable under other Sections of this Ordinance to the type of development being proposed (i.e., subdivision plat, condominium, site condominiums, etc.), as part of its review and decision to approve or deny approval of the plans or subdivision plat in which the developer seeks to utilize the open space option under this Section, the Planning Commission shall determine that the plans and materials satisfy requirements of this section as part of the overall review process applicable to the development.

6.18 OUTDOOR LIGHTING

The following requirements shall be considered by the Planning Commission and Zoning Administrator in the review of all site plans submitted for approval under the terms of this Ordinance.

The following types of lighting shall be regulated by this section:

1. Parking lot lighting and site lighting for commercial, industrial, and institutional developments.
2. Multiple Family Developments including Grouped Housing parking lot lighting and site lighting.
3. Building facade lighting.
4. Other forms of outdoor lighting which, in the judgment of the Planning Commission is similar in character, luminosity and/or glare to the foregoing.
5. All forms of neon lighting

Standards: Lighting shall be designed and constructed in such as manner to ensure that direct or directly reflected light is confined to the development site. Lamps and luminaries shall be shielded, hooded and/or louvered to provide a glare free area beyond the property line and beyond any public right-of-way, or the light source is not directly visible from beyond the boundary of the site.

The light from any illuminated source shall be designed so that the light intensity or brightness at any property line shall not exceed one (1) footcandle.

Lighting fixtures shall have one hundred percent (100%) cut off above the horizontal plane at the lowest part of the point light source. The light rays may not be emitted by the installed fixture at angles above the horizontal plane. No light fixture shall be mounted higher than twenty (20) feet above the average grade of the site.

Outdoor recreation area lighting may use standard color metal halide sources and standard sports lighting fixtures if they are mounted at a sufficient height and properly equipped with baffling, glare guards or lenses to meet the requirements of this section.

There shall be no lighting of a blinking, flashing, or fluttering nature, including changes in light intensity, brightness, or color. Beacon and search lights are not permitted.

No colored lights shall be used at any location or in any manner so as to be confused with or construed as traffic control devices.

Exempted areas and types. The following types of outdoor lighting shall not be covered by this Ordinance:

1. Residential decorative lighting such as porch lights, low level lawn lights, and special seasonal lights such as for Christmas decorating, and residential yard lights whether building mounted or pole mounted.
2. Lighting associated with single family housing.
3. Lighting associated with farms.

4. Municipal street lighting

6.19 OUTDOOR STORAGE

1. Outdoor storage is prohibited in the front yard of any parcel. Outdoor storage is allowed in the rear and side yard provided the items being stored are related to the residential use of the property and it is enclosed by a solid fence or wall of not less than six (6) and no more than eight (8) feet in height which is adequate to conceal such outdoor storage from adjacent properties and from public view or adequately screened in accordance with the landscape and greenbelt provisions of this ordinance.
2. Operable and properly licensed vehicles, watercraft, boat trailers, travel trailers, motor homes, campers, or similar recreational vehicles owned by the occupant of the lot, may be stored in the front yard provided they are stored for a period not exceeding 90 days.
3. Recreational Vehicles (RV's) may be stored year-round in the side or rear yard of any residential parcel.
4. On agricultural parcels, outdoor storage is permitted only if the objects or goods stored consist of farm machinery, farm equipment and/or farm products necessary for an existing farm operation on the same lands on which such storage occurs; provided, however, that inoperable machinery, unrepared or unusable equipment and other non-functioning machinery, equipment or devices shall be stored only within a fully enclosed, fenced area located at least 200 feet away from any street right-of-way line. The outdoor accumulation, storage or placement of junk, junked objects or other trash, refuse or debris is prohibited. Farms and farm operations shall comply with Generally Accepted Agricultural Management Practices, as adopted by the Michigan Department of Agriculture.
5. If materials or wastes are stored outside which might cause fumes, odors, and dust or which constitute a fire hazard or which may be edible by rodents or insects, then such materials shall be stored only in closed containers and screened from public view and adjacent properties. No materials or wastes shall be deposited on a lot or property in such form or manner that they may be moved off the lot or property by natural causes or forces. Waste materials shall not be allowed to accumulate on a lot or property in such a manner as to be unsightly, constitute a fire hazard, or contribute to unsanitary conditions.
6. Portable storage pods used for moving and storage, on-site storage containers, and mini-storage containers for moving household belongings are allowed for a period of not more than thirty (30) days.

6.20 OUTDOOR WOOD-FIRED BOILERS AND FURNACES

Outdoor wood-fired boilers can create noxious and hazardous smoke, soot, fumes, odors, air pollution, particles, and other products of combustion, particularly when restricted airflow and low operating temperatures are present. This can be detrimental to citizens' health and can deprive

neighboring residents of the enjoyment of their property. These regulations are intended to eliminate noxious and hazardous conditions caused by outdoor wood-fired boilers.

A drawing providing the location and other relevant details of the proposed outdoor wood-fired boiler and of nearby residences must be provided by the owner. An outdoor wood-fired boiler shall not be permitted within the Township unless it complies with each of the following:

Parcel Size - An outdoor wood-fired boiler may be installed and used only on parcels of land greater than five (5) acres in area.

Setback - The outdoor wood-fired boiler shall be located no less than one hundred fifty (150) feet from the nearest building which is not on the same property as the outdoor wood-fired boiler.

Chimney Height - The outdoor wood-fired boiler shall have a chimney that extends at least fifteen (15) feet above the ground surface. The Mechanical Inspector may approve a lesser height on a case-by-case basis if necessary to comply with manufacturer's recommendations and if the smoke from the lower chimney height does not create a nuisance for neighbors. If necessary, the Zoning Administrator will determine what constitutes a nuisance.

Fuel - No fuel other than natural wood without additives, wood pellets without additives, and agricultural seeds in their natural state may be burned. The following materials are specifically prohibited:

1. Rubbish or garbage, including but not limited to food waste, food wraps, packaging, animal carcasses, paint or painted materials, furniture, composite shingles, construction or demolition debris or other household or business wastes.
2. Waste oil or other oily wastes (unless specified by the manufacturer)
3. Asphalt and products containing asphalt.
4. Treated or painted wood including, but not limited to plywood, composite wood products or other wood products that are painted, varnished, or treated with preservatives.
5. Any plastic material including, but not limited to nylon, PVC, ABS, polystyrene or urethane foam, and synthetic fabrics, plastic films, and plastic containers.
6. Rubber, including tires and synthetic rubber-like products.
7. Grass clippings

An outdoor wood burning furnace shall be operated in accordance with the manufacturer's recommendations to minimize adverse impacts on neighboring properties, and the owner must verify that the outdoor wood-fired boiler will comply with all applicable state and federal statutes.

6.21 PRINCIPAL USE

No lot may contain more than one (1) principal building. Groups of apartment buildings or retail business buildings under single ownership shall be deemed a principal use collectively. Adjoining lots in single ownership shall be combined into a single lot with a unique tax

identification number.

6.22 PRIVATE RESIDENTIAL DRIVEWAYS

No building permit shall be issued for a residential building, dwelling, or structure, which is to be served by a driveway unless the proposed driveway complies with the standards in this section. An applicant for a building permit shall provide documentation as required by the Zoning Administrator to ensure the applicant is complying with the minimum standards of this Ordinance.

1. The application for a zoning permit for a building, dwelling, or structure, which is to be served by a driveway connecting to a public road, shall include a driveway permit as issued by the County Road Commission.
2. The driving surface of the driveway shall be adequately maintained and repaired year-round by the property owner, or by those persons with a legal right to use the driveway, to ensure that the private street is safe for travel at all times and so that suitable access is provided for emergency vehicles. All persons who have deeded access to a private street are responsible for compliance with this requirement.

6.23 PRIVATE STREETS

The Township has determined that it is in the best interest of the public health, safety, and welfare to regulate the construction, improvement, extension, relocation, and use of private streets. Private streets shall be designed with adequate width, surface, and grade to assure safe passage and maneuverability of private and emergency vehicles and shall be designed and constructed in accordance with the design, construction, inspection, approval, and maintenance requirements of the Barton Township Design and Construction Standards.

All private streets shall be named and identified as required by the Barton Township Addressing and Street Naming Ordinance. All private streets, whether new or existing, shall at all times be improved, maintained, repaired, and snowplowed so as to ensure that the private street is safe for travel at all times and so that suitable access is provided for emergency vehicles, in addition to meeting the specific standards stated in this section. All persons who have deeded access to a private street are responsible for compliance with this requirement.

1. **Public Hearing Required** - Following the submittal of a completed application for a private street, the planning commission shall advertise and hold a public hearing. Notice of the hearing shall be provided to all taxpayers of record within 300 feet of the private street and one notice shall be published in the newspaper of local circulation. If the private street is included in a proposed planned unit development, Special Land Use, site condominium, or other land development requiring Planning Commission consideration, then the Commission may consider approval of the private street as a part of the proceedings for the development.
2. **Application** - An applicant wishing to construct a private street must make application to the Township for a permit. This application will include complete sets of plans for the private street to be constructed and maintained such that in all weather conditions the private street shall be passable and shall readily afford emergency access to the dwellings, buildings or other structures serviced by the private street.

- 3. Procedures for Approval of a Private Street** - The Planning Commission shall review the application for the private street, and shall approve the application if, in its discretion, the Planning Commission determines that the following standards have been satisfied:

That the private street complies with Site Plan Review and all other applicable requirements of this Ordinance.

That the private street is designed in accordance with the Barton Township Design and Construction Standards.

That the private street would not create conditions that may be detrimental to the health, safety, or welfare of persons or property, through their creation of hazardous or potentially hazardous situations.

In approving an application for a Private Street, the Planning Commission may require that the applicant comply with reasonable terms and conditions relating to the placement, design, construction, and use of the private street, consistent with the terms of this section and other applicable Township Ordinances.

- 4. Authorization to Construct** - Authorization to begin construction of the proposed private street shall be granted by the Zoning Administrator. No private street shall be constructed until written permission has been issued. In determining whether to issue a construction permit, the Zoning Administrator or his or her designee, shall consider the approval of the private street by the Planning Commission, whether the private street can be constructed safely and without serious adverse effects upon adjacent or nearby lands or property interests and whether the private street meets the design standards of this section.

The private street must be under construction within twelve (12) months and completed within twenty-four (24) months. Failure to complete construction within twenty-four (24) months shall constitute forfeiture of escrow.

- 5. Periodic Inspection** - From time to time the Township may inspect the private street construction associated with the approved site plan for the development. If during any inspection, the Township determines that work is not acceptable and according to the approved site plan, the Owner will be advised in writing of specific defects to be remedied. The Owner will have thirty (30) days to file an appeal to the Township's remedy notification.

- 6. Final Inspection and Compliance** - Upon completion of construction of a private street, the Township, or his or her designee, shall inspect the completed construction to determine whether it complies with the approved plans and specifications for the street, the approval given therefore by the Planning Commission, and the terms of this section and other applicable provisions of this Ordinance.

The applicant shall provide the Township with a set of "as-built" drawings, bearing a certificate and statement from a registered engineer certifying that the private street has been completed in accordance with the requirements of this section and other provisions of this Ordinance and with the terms of approvals given by the Planning Commission.

After receiving the certified as-built drawings, on-site inspection of the completed construction, and written approval of the private street by the Township, the Zoning Administrator shall issue and submit to the applicant a certificate of compliance. The

certificate shall state that based upon the inspection of the construction the private street complies with this section, other applicable provisions of this Ordinance and the Planning Commission approvals.

If the completed private street does not satisfy the requirements of this section, other applicable provisions of this Ordinance or approvals given by the Planning Commission, the applicant shall be notified in writing of such noncompliance and shall be given a reasonable period of time in which to correct the stated deficiencies.

No zoning permits or other permits shall be issued for any dwelling, or other building, structure or use, the primary access to which is to be provided by a private street, until the private street has been approved in accordance with this section.

7. **Surety** - If a private street has not yet been completed and approved in accordance with this section and other applicable provisions of this Ordinance, but the applicant has submitted to the Township a performance bond, with acceptable surety, or a letter of credit, conditioned upon the timely and full completion of the private street in accordance with this section, then one building permit may be issued for a dwelling or for other principal building, structure or use, the primary access to which is to be provided by the private street; provided, however, that no such permit shall be issued unless the Township also determines that persons and vehicles may traverse the incomplete private street in sufficient safety. In such a case, the further construction of the private street shall be pursued diligently to completion.

As a condition of approval of a private street, the Township may require that the applicant provide a performance bond, letter of credit, or other acceptable surety, conditioned upon the timely and faithful performance by the applicant under the terms of this section and under the terms of any approvals given for the private street by the Planning Commission.

8. **Certificate of Occupancy** - A Certificate of Occupancy for a dwelling or other building, the primary access to which is to be provided by a private street, shall not be issued until the private street has been laid out and constructed with sufficient width, surface, and grade to assure the safe passage and maneuverability of fire, police, ambulance, and other emergency service vehicles.

If the private street is proposed as part of a Planned Unit Development or a Special Land Use, the provisions of this section may be modified by the Planning Commission and Township Board (where Township Board approval is otherwise required) upon a determination that the requirements of the Planned Unit Development or Special Land Use and the requirements of this section would nevertheless be sufficiently accommodated.

9. **Existing Private Streets and Easements** - The provisions of this Ordinance shall apply to existing private streets to the extent stated in this subsection.

Notwithstanding the provisions of this Ordinance, a building or structure may be erected upon a lot or parcel abutting a private street or easement created or constructed adjacent to that property before the effective date of this Ordinance if:

The lot or parcel was platted or otherwise of legal record as an individual lot or parcel as of the effective date of this Ordinance.

The private street has a cleared area of at least sixteen (16) feet, graded to be passable by emergency vehicles, and has sufficient gravel or other surface to be passable by vehicles on a year-round basis.

Notwithstanding the other provisions of this Ordinance, if a building or structure is proposed to be erected upon a lot that was not platted or otherwise of legal record as an individual lot or parcel as of the effective date of this Ordinance, and if the private street abutting the lot or parcel was constructed before the effective date of this Ordinance, then the building or structure may be erected if that part of the private street which from its intersection with the public right-of-way, and extending across or adjacent to the lot or parcel on which the building or structure is to be constructed, is brought into compliance with the requirements of this Ordinance.

No private street, which does not meet the requirements of this Ordinance, shall be extended in length, unless the entire length of the private street, both the existing portion, and the new, extended portion, is brought into compliance with the provisions of this Ordinance.

Except for private streets serving just one parcel, a turn-around shall be provided at the end of the private street in accordance with the requirements of the Barton Township Design and Construction Standards.

6.24 PRIVATE SWIMMING POOLS

Private swimming pools are permitted provided the following regulations are complied with:

The pool shall be maintained in a clean and healthful condition in accordance with District 10 Health Department requirements.

No swimming pool shall be emptied in any manner that will cause water to flow upon another lot or be emptied on any adjacent land or road.

Every swimming pool shall be completely enclosed by a fence meeting the requirements of the Michigan Building Code. No opening shall be designed or maintained as to permit access to the pool except under the supervision of the owner by their permission.

6.25 RECYCLING OR SALVAGE YARDS

All recycling or salvage yards shall meet the requirements of the Barton Township Junk Ordinance, as amended.

6.26 REFUSE

Any refuse or discarded material that creates a health hazard is prohibited.

6.27 RESTORING UNSAFE BUILDINGS

Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition of any structure declared unsafe by the building inspector.

6.28 REQUIRED AREA OR SPACE

No lot, yard, parking area or other space shall be so divided, altered or reduced as to make it less than the minimum required under this Ordinance. If already less than the minimum required, it shall not be further divided or reduced.

6.29 RIGHT-TO-FARM ACT

Nothing in this ordinance shall prevent a landowner from operating pursuant to and in accordance with the Right-to-Farm Act, being PA 93 of 1981, as amended, and Generally Accepted Agricultural Management Practices as promulgated by the Michigan Department of Agriculture.

6.30 SOLID WASTE

Before the application to the ground of solid waste brought in from a source other than directly from the applicant's farm, a permit must be obtained. All State and Federal compliance records and forms must be shown at the time the permit is requested. When a State regulated substance (sludge/fertilizer) is to be applied, a notification letter to Barton Township is required along with copies of all data collected by and for the State prior to application of the solid waste. The letter and information are to be kept on file in the Township Clerk's office.

6.31 TRAFFIC VISIBILITY AND CORNER CLEARANCE

On any corner lot, no fence, structure, or planting except deciduous trees which are over thirty (30) inches in height shall be erected or maintained within twenty (20) feet of the intersection of rights-of-way to prevent traffic hazards resulting from traffic hazards arising from inadequate visibility.

6.32 SURVEY FOR LAND DIVISION

A land survey is required for all land divisions and shall be completed by a professional surveyor registered in the State of Michigan, unless this requirement is waived by the Zoning Administrator.

6.33 TEMPORARY USES OF STRUCTURES

Temporary use permits for a temporary building to be used for up to one (1) year prior to the construction of the principal building is allowed following application to the Zoning Administrator. The Zoning Administrator shall issue a Temporary Use Permit for the following temporary uses of structures:

1. A temporary office or yard for construction materials and/or equipment, which is both incidental and necessary to construction at the site where located. Each permit shall be valid for a period of not more than six (6) calendar months and shall be renewed by the Zoning Administrator for four (4) additional successive periods of six (6) calendar months or less at the same location if such building or yard is still incidental and necessary to construction at the site where located.
2. A temporary office, which is both incidental and necessary for the sale or rental of real property in a new subdivision or housing project. Each permit shall specify the location of the office and area and shall be valid for a period of not more than six (6) calendar months

and shall be renewed by the Zoning Administrator for four additional successive periods of six (6) calendar months or less at the same location if such office is still incidental and necessary for the sale or rental of real property in a new subdivision or housing project.

3. An individual trailer or mobile home may be used as temporary living or working quarters for up to one (1) year while a dwelling is being constructed on the same premises. A reasonable extension may be granted prior to completion of the dwelling. The use of an individual trailer or mobile home as a temporary dwelling may be approved for a period of up to one (1) year for persons having short term or temporary employment. Such permit shall only be valid for one designated site and no trailer may be parked in a required front yard. Temporary buildings for uses incidental to construction work shall be removed promptly upon completion or abandonment of work.
4. Construction of a new single-family dwelling on a parcel on which a single-family dwelling is already located, may be allowed without the removal of the existing dwelling, in accordance with the following requirements:
 - a. The property owner must comply with all of the representations in the property owner's application to the Township for the proposed dwelling.
 - b. The property owner must comply with all Federal, State, County and Township laws, ordinances, rules, and regulations applicable to the property.
 - c. The property owner shall complete the construction of the proposed dwelling and shall fulfill all of the requirements to receive an occupancy permit from the Township for the proposed dwelling within one year after approval has been granted.
 - d. Within 90 days after the property owner receives an occupancy permit for the proposed dwelling, the property owner shall completely remove the existing dwelling from the property. The removal of the existing dwelling shall include the complete removal of the structure and all connections to it, as well as restoration of the grounds to a clean level surface unless otherwise approved by the Township.
 - e. A notarized agreement along with required fees and exhibits shall be completed and accepted by the Township.
 - f. To ensure compliance by the property owner with the requirements of this section, the property owner shall post a performance guarantee to consist of a cash deposit, certified check, irrevocable bank letter of credit, or surety bond. The performance guarantee shall be an amount adequate to remove the existing structure as described above as provided by a certified demolition company, plus 25%, and it shall be maintained until the removal of the existing dwelling has been fully completed. The performance guarantee shall be posted with the Township before construction of the proposed dwelling has begun. The performance guarantee may be used by the Township to remove the existing dwelling or to restore the grounds if the property owner has not completed these tasks within 90 days after receiving a certificate of occupancy for the proposed dwelling, or if the property owner fails to comply with any requirements of this section.

Approval for temporary occupancy of a registered recreational vehicle may be provided in cases of hardship, such as reconstruction and repair of a damaged dwelling unit and other similar cases as determined appropriate, or while a single-family dwelling is being constructed on the same property. Such temporary use shall commence under the following conditions:

1. A zoning permit and building permit for the construction of a residence shall have both been issued.
2. A building address has been assigned.
3. Electrical utility has been provided by utility company on site.
4. No rent is charged to the occupant of the recreational vehicle.
5. The temporary placement shall meet the same setbacks from all property lines as principal buildings in the zoning district in which it is located.
6. Not more than one recreational vehicle shall be allowed.
7. The recreational vehicle is connected to a wastewater disposal system that has been approved by the District 10 Health Department.
8. Additional conditions of approval may be required to mitigate potential adverse impacts upon neighboring residences and may include requirements for additional setbacks.
9. Such use shall terminate within thirty (30) days after occupancy of the residence being constructed, or at the end of 180 days, whichever occurs sooner.
10. Thirty (30) day extensions of time may be granted not more than two times by showing good cause.

The temporary location of an individual mobile home may be permitted by a temporary permit for a period of one (1) year for persons having employment on the property. The permit may be renewed each year as needed.

1. A mobile home may be permitted under a temporary permit for temporary living quarters while a dwelling is being constructed on the same premises for a period of one (1) year. The permit may be renewed each year until construction is completed.
2. The use of a mobile home as second living quarters on a farm for members of the owner's family or for an unrelated family having permanent employment on the farm is permitted. Such use shall only be permitted through a yearly permit which shall be renewed after each twelve (12) month period.
3. Arrangement for a safe water supply and sewage disposal must be made and must be in conformity with and approved by the District 10 Health Department.

6.34 UNCLASSIFIED USES

Where a proposed use of land or use of a building is not expressly authorized, contemplated, or named by this ordinance in any of the zoning districts, or where the Zoning Administrator

has a question as to the appropriateness of a use that involves other features which are not expressly authorized, contemplated, or specified in this ordinance, the Zoning Administrator shall request a determination by the Planning Commission.

6.35 WALLS AND FENCES

All walls and fences hereinafter constructed shall conform to the following standards:

1. Fences and walls shall not exceed four (4) feet in height in the front yard and six (6) feet in height located in the side or rear yard.
2. A well-maintained wire protective fencing without height limitation is permitted in all yards.
3. Fences may be constructed on the property boundary, providing no part of the fence extends beyond the property boundary.
4. On corner lots, no fence in excess of 36 inches in height, shall be erected, constructed, located, or maintained in a front yard that is within 100 feet of a right-of-way, (or in the front or rear yard of any waterfront lot that is within 100 feet of a right-of-way). However, fences of up to 48 inches in height may be allowed provided they are not solid and can be seen through.
5. The height of fence posts shall be the same as that of the fencing material.
6. Fences shall be constructed of conventional fence material such as wood slats, wire, vinyl, chain link, etc. Non-conventional materials such as, but not limited to, tree stumps, doors, tires, or junk is prohibited.
7. No fence, hedge or other landscaping shall be erected, constructed, located, or maintained within any clear vision corner.
8. A zoning permit for the construction, installation, enlargement, or alteration of a fence shall not be required.

Fences associated with a Farm Operation shall be exempt from this requirement:

6.36 WETLANDS

A permit is required prior to any development in wetland areas regulated by Part 303 of the Natural Resources and Environmental Protection Act, 1994 PA 451.

6.37 YARDS

Every lot must provide front, rear, and side yards as required within its zoning district. All front yards must face upon a road. For local roads, required front yards must start at thirty-three (33) feet from the center of the road. For primary roads, the required front yard shall be measured from a line fifty (50) feet from the centerline of the street or highway. The following modification may be made:

On a lot facing upon a local road where lots adjoining it on both sides have been built upon with a setback less than required by this Ordinance, the front yard may conform to the established

front yard setback provided, however, that no front yard may hereafter be less than one-half of the requirements of this Ordinance.

6.38 ZONING PERMIT

No structures shall hereafter be erected, enlarged, or reconstructed until a zoning permit has been obtained from the Zoning Administrator, provided however, that construction shall be commenced within one (1) year after said date. However, a zoning permit is not required for:

1. An unattached building 10' X 12' or smaller (120 sq. feet or less).
2. 6' X 6' or smaller unenclosed porch.

ARTICLE VII - NON-CONFORMING USES

7.01 CONTINUANCE OF NON-CONFORMING USE OR STRUCTURE

The lawful use of any land or structure, exactly as such existed at the time of the enactment of this Ordinance, may be continued even though such use or structure does not conform to the provisions of this Ordinance. Structures, or uses non-conforming due to heights, yards and area or parking provisions may be extended, altered, or modernized provided that no additional encroachment of the height, area or parking provisions occur.

7.02 UNLAWFUL USE NOT AUTHORIZED

Nothing in this Ordinance shall be interpreted as authorization or approval of the continuance of a nonconforming use of a structure.

7.03 CHANGE OF USE

The use of a non-conforming building may be changed to another non-conforming use if the Planning Commission finds that such new use would markedly decrease the degree of non-conformance and would enhance the desirability of adjacent conforming uses. This shall not be construed to permit the conversion of a non-conforming use to a prior non-conforming use or to waive the provisions of this Article.

7.04 RESTORATION AND REPAIRS

Such repairs and maintenance work as are required to keep a non-conforming building or structure in sound condition may be made. If a non-conforming building or structure is damaged or destroyed, its reconstruction shall be in accordance with this Ordinance.

7.05 NON-CONFORMING DUE TO RECLASSIFICATION

The foregoing provisions of this Article shall also apply to buildings, land or uses which hereafter become non-conforming due to any reclassification of districts or any subsequent change in the regulations of this Ordinance.

7.06 NON-CONFORMING USE DISCONTINUED

No building or premises where non-conforming use has ceased for more than twelve (12) months shall be devoted to a non-conforming use.

7.07 NON-CONFORMING SIGNS AND BILLBOARDS

Non-conforming signs and billboards may be maintained until such time as the sign structure, frame or supports must be replaced, renovated, altered, or moved. At such time, the sign shall be removed. This shall not be construed to prohibit the re-lettering or repainting of a sign or billboard.

7.08 EXISTING LOTS AND PARCELS

Any lot or parcel created prior to the effective date of this Ordinance that fails to comply with the minimum requirements of its district may be used in the following manner:

1. A lot in single ownership at the effective date of this Ordinance which contains less than the zoning district's width and area requirements and is not adjacent to lots owned by the same person, family, partnership, or corporation may be sold and/or utilized for a single-family dwelling, provided, however, that the building setbacks must conform to the requirements of the district in which said lot is located.
2. Two (2) or more adjacent lots containing less than the district requirements and owned by the same person, family, partnership, or corporation, at the effective date of this Ordinance, shall be combined to meet the zoning district requirements.

ARTICLE VIII - PARKING AND LOADING SPACES

8.01 REQUIREMENTS

Prior to the issuance of a zoning permit for any principal structure, there shall be provided off-street parking space with adequate access to all spaces. The proper number of parking spaces for any given use as specified is based upon considerations of the maximum number of motor vehicles that can be expected on the premises at the same time during an average day. Required off-street parking spaces shall consist of a parking strip, parking bay, driveway, garage, or combination thereof and shall be located on the premises they are intended to serve.

Joint use of off-street parking areas may be provided collectively by two or more buildings or uses, provided the total number of parking spaces shall not be less than the sum of the requirements of the space requirements computed separately. In the instance of dual function of off-street parking spaces where operating hours or parking needs of individual buildings or uses occur at distinctly different times, the Planning Commission may grant an exception.

When units of measurement determining the number of required parking spaces result in a fractional space, any fraction up to and including one half shall be disregarded and fractions over one-half shall require one parking space. In cases of uses not specifically mentioned, the requirements of off-street parking spaces shall be in accord with the use which the Zoning Administrator considers is similar in type.

Off-street parking areas shall not be used for commercial repair work, storage of merchandise, or servicing or selling of trucks or motor vehicles.

Whenever an addition is made to an existing building, the parking area shall be increased sufficiently to meet the requirements of this Article. The conversion of an existing residence to another use shall be deemed as a new use which must meet all provisions of this Article.

8.02 RESIDENTIAL OFF-STREET PARKING

<u>Number of Parking Spaces</u>	<u>Per Unit of Measure</u>
One family, two family	1½ for each dwelling unit
For multiple family	1½ per dwelling unit
Housing for elderly	One for each two units, and one for each employee.

8.03 NON-RESIDENTIAL SPECIAL LAND USES

<u>Number of Parking Spaces</u>	<u>Per Unit of Measure</u>
One space for each worker on each shift.	
Plus	
One for each 200 square feet of floor area unless determined otherwise as part of the SLU approval.	

8.04 SITE DEVELOPMENT REQUIREMENTS

All off-street parking areas shall be designed, constructed, and maintained in accordance with the following standards and requirements:

1. No parking area shall be constructed until a permit therefore is issued by the Zoning Administrator.
2. Before such permit is issued, plans and specifications shall be submitted to the Zoning Administrator showing the location, capacity, size, site design, surfacing, marking, lighting, drainage, curb cuts, entrances, exits, and any other detailed features essential to the design and construction of the proposed parking facility.
3. Plans for the layout of off-street parking facilities shall be in accord with the following minimum requirements:

	<u>Square footage</u>	<u>Width</u>	<u>Length</u>
0 Degrees (parallel parking)	200 ft.	10 ft.	20 ft.
30 to 50 degrees	170 ft.	8 ft. - 6 in.	20 ft.
54 to 74 degrees	170 ft.	8 ft. - 6 in.	20 ft.
75 to 90 degrees	200 ft.	10 ft.	20 ft.

4. All parking spaces shall be provided access by means of maneuvering lanes. Backing directly onto a street shall be prohibited.
5. Adequate ingress and egress to the parking lot by means of clearly defined drives shall be provided for all vehicles. Ingress and egress to a parking lot lying in an area zoned for other than single family residential use shall not be across land zoned for single family residential use.
6. Each entrance and exit to and from any off-street parking area shall be at least 25 feet from adjacent property located in any single-family residential district.
7. No part of any parking area or access drive shall be closer than five (5) feet to any non-residential property line unless connected to another adjoining parking area by driveways.
8. No part of any parking area or access drive shall be closer than twenty-five (25) feet to any residentially used lot or intersecting street right-of-way.
9. Except for single family and two-family residential lots, all parking areas with a capacity of eight or more vehicles shall provide adequate lighting throughout the hours when the parking area is in operation. All lighting shall conform to the provisions of this ordinance.

Access - Adequate ingress and egress to the parking area by means of clearly limited and defined drives shall be provided.

1. For one-way access drives, not less than twelve (12) or more than sixteen (16) feet. One-way drives must be marked as being one-way.
2. For two-way access drives, not less than twenty-four (24) or more than thirty (30) feet in

width.

3. Where a turning radius is necessary, it will be of such an arc as to allow an unobstructed flow of vehicles, and so located as to secure the most appropriate development of the individual property.

Surface – Parking areas for Special Land Uses shall use asphalt, concrete, permeable concrete, crushed asphalt, or concrete pavers. and provide adequate drainage. However, parking areas for public recreation and related uses may use asphalt, concrete, crushed concrete, crushed limestone, or other material at the discretion of the Planning Commission.

8.05 UNITS OF MEASUREMENTS

For the purpose of this section "Floor Area" shall mean the gross floor area of all floors of a building or an addition to an existing building excluding basements and those areas used exclusively for storage of goods or supplies.

8.06 LOCATION OF OFF-STREET PARKING FACILITIES

Required off-street parking facilities shall be located on the same lot as a principal use.

8.07 COMMUNITY PARKING

The provisions of this Article may be met by financial participation in a municipal or community-parking program designed to serve a larger area and approved by the Township Board.

8.08 REQUIRED OFF-STREET LOADING AND UNLOADING SPACE

There shall be provided and maintained, on the same premises with every building, structure, or part thereof involving the receipt or distribution of vehicles, materials, or merchandise, adequate space for standing, loading, and unloading to avoid undue interference with public use of dedicated public streets.

Loading shall be provided in addition to the off-street parking space required in this Article and shall not be considered as supplying off-street parking space.

Each loading space shall be at least twelve (12) feet in width, twenty-two (22) feet in length and have a clearance of fourteen (14) feet above grade.

8.09 PARKING VARIATION

Where it can be demonstrated that the parking requirements of this Article would provide an excessive amount of parking area of the needs of a particular use, a site plan with lesser area may be approved and permitted, provided all the following conditions are present:

Said use does not provide services to the public.

The maximum number of employees and visitors during any one eight- hour period can be demonstrated to be less than the parking space required by this Ordinance.

An agreement to provide additional parking if an increase in employees or visitors shall occur at a future time is made a part of the site plan.

Approval of lesser requirements shall be valid only for the stated use. An Occupancy Permit for a new use shall not be issued unless a new site plan is reviewed, and parking arrangements are found to be in accordance with the requirements of this Ordinance.

ARTICLE IX - SIGNS

No sign may obstruct the vision of traffic (including ingress and egress) causing a hazard or produce a hazard or adversely affect the surrounding property.

No sign shall be within fifty (50) feet of the center of the road.

No sign shall be lighted by flashing or intermittent illumination. All light sources except for diffuse lighting within translucent signs used for the illumination of signs, business building or areas surrounding them shall be completely shielded from the view of vehicular traffic on roads abutting such business properties and adjoining properties.

Billboards are prohibited.

9.01 SIGNS PERMITTED WITH RESIDENTIAL USES

1. One non-illuminated professional or nameplate sign not more than 4 X 4 feet in area.
2. One non-illuminated temporary sign pertaining to the lease or sale of the premises upon which it is placed, not to exceed eight (8) square feet in total area.
3. One subdivision sign in subdivision developments is permitted.
4. Signs shall not be erected nearer any street or road than 15 feet from the edge of the right-of-way.

9.02 SIGNS PERMITTED WITH AGRICULTURAL USES

1. Same as for residential above
2. Customary farm and farm crop signs.

9.03 SIGNS PERMITTED WITH SPECIAL LAND USES

No sign shall be permitted that does not pertain to the use conducted on the property, and shall meet all the following requirements:

1. A sign or signs aggregating not more than twelve (12) square feet for parking.
2. Temporary pennants, flags or banners may be permitted for a period of not more than thirty (30) days without a permit if they are kept in a state of good repair.

9.04 PENNANTS AND BANNERS

Temporary pennants, flags or banners may be permitted for a period of not more than thirty (30) days without a permit if they are kept in a state of good repair.

ARTICLE X - SITE PLAN REVIEW

The intent of this article is to provide for consultation and cooperation between the applicant and the Planning Commission in order that the objectives of the applicant may be accomplished in the utilization of the land which is the subject of the site plan within regulations of this Ordinance and with minimum adverse effect on the use of adjacent streets and highways and existing and future uses and environment in the immediate area and vicinity.

10.01 SITE PLAN REQUIRED

The Zoning Administrator shall not issue a Zoning Permit for any principal use until a site plan has been reviewed and approved by the Planning Commission under the following circumstances:

1. Residential subdivisions, Condominiums and Planned Unit Developments.
2. Special Land Uses.
3. Expansions, alterations, and additions Special Land Uses allowed by this Ordinance.
4. Multi-Family Residential exceeding two units.
5. As otherwise might be required by this Ordinance.

All plans not reviewed by the Planning Commission shall be reviewed by the Zoning Administrator who shall ensure that the site plan is in conformance with this Ordinance. Review of a site plan for a Planned Unit Development is also required in accordance with the procedures noted in this Ordinance.

10.02 APPLICATION PROCEDURES

Request for site plan review shall be made at least thirty (30) days prior to the next Planning Commission meeting. An application for Site Plan Review, plus at least ten (10) copies of a Site Plan, consisting of the following:

1. A completed application form, as provided by the Township.
2. Payment of a fee, in accordance with a fee schedule, as determined by the Township Board.
3. A legal description of the subject property.
4. Ten (10) copies of the Site Plan, which shall include and illustrate at a minimum the following information, unless waived by the Zoning Administrator as clearly inapplicable to the site under consideration:
 - a. Small scale sketch of properties, streets, and use of land within one thousand (1,000) feet of the subject property.
 - b. A Site Plan at a scale of not more than one (1) inch equals one hundred (100) feet showing any existing or proposed arrangement of:
 - 1) Existing adjacent streets and proposed streets.

- 2) Lots.
- 3) Parking lots and access points.
- 4) Proposed buffer strips or screening.
- 5) Natural features including, but not limited to, open space, stands of trees, brooks, ponds, hills, and similar natural assets both on the subject property and within one hundred (100) feet of the property lines.
- 6) Location of any signs not attached to the building.
- 7) Existing and proposed buildings.
- 8) General topographical features including contour intervals no greater than two (2) feet.
- 9) Location of snow storage
- 10) A narrative describing:
 - i. The overall objectives of the proposed development.
 - ii. Number of acres allocated to each proposed use and gross area in building, structures, parking, public and/or private streets and drives and open spaces.
 - iii. Dwelling unit densities by type, if applicable.
 - iv. Proposed method of providing sewer and water service as well as other public and private utilities.
 - v. Proposed method of providing storm drainage.

10.03 ACTION ON APPLICATION AND SITE PLANS.

Upon receipt of the completed application and plans, the Zoning Administrator shall record the date of their receipt and transmit one copy to each Planning Commissioner; one (1) copy to the Fire Department, when necessary, one (1) copy to other area review agencies when applicable and retain one (1) copy in the Township offices.

A meeting shall be scheduled by the Chairman of the Planning Commission for a review of the application, plans, and of the recommendation of the Township Zoning Administrator with regard thereto. Members of the Planning Commission shall be delivered copies of the same for their preliminary information and study. If a public hearing is required, the applicant and adjoining property owners to the subject property shall be notified of the date, time, and place of the hearing on the application not less than fifteen (15) days prior to such date.

The Planning Commission shall reject, approve, or modify the site plan, as it pertains to requirements and standards contained in this ordinance. Any modifications required by the Planning Commission shall be stated in writing to the applicant and shown on a revised and

resubmitted site plan.

10.04 SITE PLAN REVIEW STANDARDS

In the process of reviewing a site plan, the Planning Commission shall consider the following:

1. The uses proposed will not harm the public health, safety, or welfare. All elements of the site plan shall be designed to consider the site's topography, the size and type of plot, the character of adjoining property and the type and size of buildings. The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Ordinance.
2. Safe, convenient, uncontested, and well-defined vehicular and pedestrian circulation within and to the site shall be provided. Drives, streets, and other elements shall be designed to promote safe and efficient traffic operations within the site and at its access points.
3. The arrangement of public or common ways for vehicular and pedestrian circulation shall be connected to existing or planned streets in the area.
4. The landscape shall be preserved in its natural state, insofar as practical, by removing only those areas of vegetation or making those alterations to the topography which are necessary to develop the site in accordance with the requirements of this Ordinance. The Planning Commission may require that landscaping, buffers and/or greenbelts be preserved and/or provided to ensure that proposed uses will be adequately buffered from one another and from surrounding public and private property.
5. Appropriate measures shall be taken to ensure that removal of surface waters will not adversely affect neighboring properties or nearby bodies of water. Provisions shall be made to accommodate storm water, prevent erosion and the formation of dust. The use of detention/retention ponds may be required. Surface water on all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic or create standing water.
6. All buildings or groups of buildings shall be arranged to permit necessary emergency vehicles access as required by the Fire Department and Sheriff's Department.
7. All loading and unloading areas and outside storage areas, including refuse storage stations, shall be screened from the view of the street and/or adjacent properties.
8. Exterior lighting shall be arranged so that 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. All lighting shall conform to requirements for outdoor lighting in the general provisions article of this Ordinance.
9. Off-Street parking and loading areas where required with particular attention to noise, glare, and odor effects of each use in the plan on adjoining properties and properties in the proposed development, pursuant to the parking requirements in the general provisions article of this Ordinance.
10. The general purposes and spirit of this Ordinance and the Master Plan of the Township.

10.05 APPROVED SITE PLANS

Upon approval of the Site Plan, the Chairman or Secretary of the Planning Commission shall sign and date three (3) copies thereof. One (1) signed copy shall be made a part of the Commission's files; one (1) copy shall be forwarded to the Zoning Administrator for issuance of a Zoning Permit; and one (1) copy shall be returned to the applicant.

Time limits on site plans:

1. Each development shall be under construction within one (1) year after the date of approval of each Final Site Plan by the Planning Commission.
2. The Planning Commission may grant one six (6) month extension provided the applicant applies for such an extension prior to the date of expiration of the site plan.

10.06 AMENDMENT TO THE SITE PLAN

No changes shall be made to an approved Site Plan prior to or during construction except upon application to the Zoning Administrator according to the following procedures.

Minor changes to an approved Site Plan involving changes in the location of buildings and structures, adjustment of utilities, walkways, trafficway, landscaping and building size up to ten (10) percent of the approved area, parking areas, and similar minor changes may be approved by the Zoning Administrator. The Zoning Administrator shall report all administratively approved changes of a site plan to the Planning Commission at their next regularly scheduled meeting.

Major changes or amendments to an approved Site Plan involving change in the number and location of accesses to public streets and alleys, a reduction in the number of parking spaces, relocation of more than 10% of a building, and increase in the gross floor area or heights of buildings, a reduction in the open space, and similar major changes, shall require the approval of the Planning Commission, in the same manner as the original application was submitted, reviewed, and approved.

10.07 APPEALS

Regarding site plan approval decisions, an appeal may be taken to the Zoning Board of Appeals in the manner as other administration decisions. The concurring vote of a majority of the members of said Board shall be necessary to reverse any decision by the Planning Commission, or to decide in favor of the applicant. The appeal may be taken by any person aggrieved or by any officer, department, board, or bureau of the Township, County, or State. The Zoning Board of Appeals shall state the grounds of each determination.

10.08 PERFORMANCE GUARANTEES

To assure compliance with applicable Township ordinance requirements and any conditions or other requirements on the approval of a site plan, the Planning Commission shall require, as a condition of site plan review and approval, a financial guarantee in the form of a cash deposit or other form of guarantee under which a surety is obligated to the Township, under the terms of this Section.

1. The purpose of a financial guarantee is to assure the proper construction, installation, operation, and maintenance of required common improvements and facilities including but not limited to streets, sidewalks, utilities, storm water drainage systems, outdoor lighting, landscaping, and screening and other required common improvements.
2. A financial guarantee may be in the form of a (1) cash deposit, (2) certified check made payable to the Township or (3) an irrevocable bank letter of credit. The form and nature of the financial guarantee is subject to Planning Commission approval. The instruments whereby the guarantee is made are subject to the approval of the Zoning Administrator, though such approval may be referred to the Planning Commission.
3. The amount of the financial guarantee shall be as determined by the Township, or otherwise determined by the Planning Commission, but shall not be less than 5% of the cost of the common improvements involved. Upon request, the applicant shall submit its accounting or estimate of the cost of all required common improvements. The applicant's accounting or estimate may be considered by the Township and/or the Planning Commission for the purpose of establishing the amount of the financial guarantee, but the applicant's accounting or estimate is not binding on the Township or the Planning Commission.
4. The required amount of a performance surety may be a percentage of the total cost of the common improvements involved, or it may cover the cost, or a percentage of the cost, of only certain specified improvements. There may be separate performance sureties for separate, discrete portions of the improvements to be guaranteed.
5. If the financial guarantee is provided by a cash deposit in the form of a certified check, the certified check shall be accompanied by an agreement on the part of the applicant, the terms of which shall state that the Township may expend the cash for completion of the specified improvements, to the Township's satisfaction.
6. The performance surety shall continue until all common improvements required to be guaranteed shall be fully completed and approved. If the guarantee is in the form of a performance surety or bank letter of credit which has a specified term, the applicant shall renew the bond or letter of credit before any expiration date, so long as the subject improvements have not been completed and approved.
7. The performance surety shall be released when all subject improvements are completed, inspected, and approved by the Township. As phases of a development or project are completed, a performance surety may be released in stages comparable in amount to the extent of improvements that have been satisfactorily completed. After portions of a performance surety have been approved for release, the applicant may submit an identical form of performance surety, in an appropriately reduced amount. The amount of a performance surety to be released at any stage of construction is within the sole discretion of the Township.
8. Inspection and Approval of Completed Improvements:
 - a. Upon completion or substantial completion of all required improvements, the applicant shall notify the Township in writing, to the attention of the Zoning Administrator. The Township will then inspect all improvements as to which the notice of completion has been given. The inspection and a written inspection report shall be accomplished by

the Township official or agent most appropriate for the task, and may include the Township, the building official, the Zoning Administrator or their designees or others.

- b. Based on the inspection report, the Township shall determine whether the required improvements are complete or whether further work or correction is required. The Township will notify the applicant in writing as to the inspection report and the decision made by the Township as to whether the improvements are deemed complete; in the case of further construction or other work being required, the notification shall specify what is required, and shall provide a specific period in which the deficiencies are to be completed.
- c. Upon the completion of further work or construction because of deficiencies determined by the Township, the applicant shall notify the Township, and the Township will then re-inspect the improvements and determine whether they are complete; if deficiencies remain, further proceedings shall be as stated above with respect to the initially noted deficiencies.
- d. After the applicant has completed all required improvements, and following inspection and approval by the Township, the Township may retain for a reasonable period up to two years, an amount up to 15% of the amount then remaining under the performance surety, for the purpose of assuring the continued quality and maintenance of the construction or other work. If during such period, repairs or improvements are necessary because of faulty construction or otherwise, the applicant shall proceed promptly to make such repairs or carry out such maintenance, but in the absence thereof, the Township may utilize the amount remaining under the performance surety, to pay the cost of such work. At the end of the period of retention of the specified remaining portion of the performance surety, up to two years, the amount remaining shall be released by the Township, in the absence of any repair, maintenance or other work for which the retention was made.

9. Enforcement Against the Performance Surety:

- a. In the case of default of performance by the applicant or any of its contractors or agents, the Township may proceed, with or without notice to the applicant, to enforce the performance surety or bank letter of credit, in the manner and to the extent specified in the appropriate instrument. Upon receipt of the funds covered by the performance surety or letter of credit, the Township may use such funds to pay the cost of completion of the required improvements; in the case of enforcement against a cash deposit, the Township may likewise utilize the deposit for completion of required improvements.
- b. Upon enforcement against a performance surety, the Township may utilize all or any portion of the resulting funds for all aspects of necessary work, administration and other undertakings associated with completion of the required improvements, including the cost of labor and materials, administrative costs, attorney and engineering fees and all other Township costs and expenses relating to the enforcement against the guarantee and the resulting work, construction, installation, maintenance and other undertakings necessary to complete the improvements satisfactorily.

- c. Completion of all required improvements within the time specified as a condition of site plan approval is a requirement under the terms of this ordinance. In the case of such violation, the Township shall have all remedies available by law, including civil infraction citation and other penalties under the Administration and Enforcement Article of this ordinance. In addition, in such circumstances, the Township may issue a stop order on construction work; may refuse to issue any other building permits; may refuse to issue any certificates of occupancy; and may take such other action in the matter as permitted by law.

- d. In the case of common improvements to be constructed or installed by other governmental agencies or public utilities which will themselves own the improvements to be installed, or if improvements are covered by other satisfactory performance sureties by another governmental agency, then no performance surety under the terms of this Section shall be required.

ARTICLE XI - SPECIAL LAND USES

11.01 PURPOSE AND INTENT

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

11.02 APPLICATION

An application for permission to establish a special land use shall be submitted in accordance with the following procedures:

Applications for a special land use shall be submitted at least thirty (30) days prior to the next Planning Commission meeting through the Zoning Administrator who will review the application for completeness, then transmit it to the Planning Commission. Applications not meeting the requirements shall be returned to the applicant for completion.

An application for a Special Land Use approval shall consist of the following:

1. Ten (10) copies of a Site Plan meeting the requirements of this ordinance.
2. A completed application form as provided by the Township.
3. Payment of a fee, in accordance with a fee schedule as determined by the Township Board.
4. A legal description of the subject property.
5. A statement regarding compliance with the criteria required for approval and other criteria imposed by this Ordinance affecting the special land use under consideration.
6. Other materials as may be required by the Planning Commission.

The Zoning Administrator may, with the approval of the Planning Commission, waive the submission of materials outlined in this section if such materials are determined to be not applicable to the application.

11.03 REVIEW PROCEDURES

A complete application for special land use approval shall be submitted not less than thirty (30) days prior to the date on which the Planning Commission shall first consider it. The Zoning Administrator shall determine whether the application is complete and, if it is determined to be complete, shall schedule a public hearing.

After the public hearing and upon review of the merits of the special land use application, the

Planning Commission may deny, approve, or approve with conditions the special land use application. The Planning Commission's decision shall be incorporated in a motion containing conclusions reached relative to the proposed special land use which specifies the basis for the decision and any conditions imposed.

In arriving at its decision, the Planning Commission shall refer to and be guided by those standards set forth in this Ordinance. If the facts regarding the special land use meet the standards and requirements set forth in this Ordinance, the Planning Commission shall approve the Special Land Use application.

The Planning Commission may require additional conditions deemed necessary for the protection of the general welfare, individual property rights, and to ensure that the purposes of this Ordinance are met.

A request for approval of a special land use application which complies with all the standards of this Ordinance, other applicable ordinances, and state and federal statutes shall be approved.

11.04 BASIS OF DETERMINATION

The Planning Commission shall review the application under consideration and shall only approve a special land use upon a finding of compliance with all the following standards, as well as applicable standards established elsewhere in this Ordinance:

1. The Special Land Use shall be designed, constructed, operated, and maintained in a manner harmonious with the character of the surrounding property and the surrounding area.
2. The Special Land Use shall not change the essential character of the surrounding area.
3. The Special Land Use shall not be hazardous to adjacent property or involve uses, activities, materials or equipment which will be detrimental to health, safety or welfare of persons or property through the creation of hazardous or potentially hazardous situations or the excessive production of traffic, noise, smoke, fumes, or glare.
4. The Special Land Use shall not place demands on public services and facilities exceeding current capacity.

The Planning Commission may impose conditions with the approval of a special land use which are necessary to ensure compliance with the standards for approval stated in this section and any other applicable standards contained in this Ordinance. Such conditions shall be considered an integral part of the special land use application and shall be enforced by the Zoning Administrator. If, after establishment of the special land use, the approved use is found not to comply with the approval granted by the Planning Commission, said use shall have sixty (60) days to correct any problems as determined by the Planning Commission. If infractions are not corrected within sixty (60) days, the provisions of this article shall be initiated.

11.05 APPROVAL TERM AND EXPIRATION

A Special Land Use approval shall be valid for one (1) year from the date of approval unless

approval is revoked as provided in this article or the special land use has been initiated or construction necessary for such use has been initiated and is proceeding meaningfully toward completion, in which case the approval shall remain valid.

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

A special land use approval including conditions imposed is attached to and shall run with the land for which the approval is granted and shall be binding upon subsequent owners and all occupants of the subject land.

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

11.06 REVOCATION OF SPECIAL LAND USE APPROVAL

The Planning Commission may revoke any Special Land Use approval or take any other action allowed by law if the applicant fails to comply with any of the applicable requirements in this Article, any conditions placed on the approval by the Planning Commission or any other applicable provisions of this Ordinance. Prior to revoking a special land use approval, the Planning Commission shall conduct a Public Hearing and give notice of such hearing in accordance with state law.

11.07 EXISTING SPECIAL LAND USES

Special land uses approved by the Township prior to the adoption of this Zoning Ordinance may continue this status provided the rules; regulations; requirements and conditions of the special exception are met.

11.08 LIST OF SPECIAL LAND USES

1. Accessory Dwelling
2. Adult Foster Care Group Home (7-20)
3. Adult Foster Care Congregate Facility (>20)
4. Adult Foster Care Camp (>4)
5. Assisted Living Facility
6. Bed and breakfast inns
7. Boarding and Riding Stable
8. Captive wildlife (deer farms, Zoological parks, etc.)
9. Cemetery
10. Children's Camp
11. Child Caring Facility
12. Composting facilities
13. Drive-through Business
14. Eating and Drinking Establishment
15. Essential Service
16. Extraction Well
17. Farm Product Processing Facility
18. Golf Course

19. Governmental Administration and Public Service Buildings
20. Greenhouse and Plant Nursery
21. Group and Intergenerational Daycare
22. Kennel
23. Major Home Occupation
24. Multi-Family Dwelling
25. Nursing Home
26. Parks and public Recreation
27. Place of Public Assembly
28. Resorts, campgrounds, and dude ranch
29. Retail Sales
30. Sand and Gravel Mining
31. Sawmill
32. Self-storage Facility
33. Veterinary office, hospital, or clinic
34. Warehouse
35. Wireless Communications Antennae

1. ACCESSORY DWELLING

Accessory dwelling units such as elder residences may be permitted as a special land use on a parcel of land if a detached single-family dwelling is located on such parcel and if all of the following requirements are complied with.

1. Only one such dwelling unit shall be permitted on each premises and the use of the accessory dwelling unit, shall be limited to use as the residence of family members of the owner or the lessee of the principal single-family dwelling. Legal evidence or affidavit of such shall be required prior to the issuance of a building permit for an accessory dwelling.
2. The premises shall be the principal address of the owner or lease holder of the property.
3. The accessory dwelling shall be erected as an integral part of the principal dwelling structure or as an integral part of an otherwise permitted accessory building such as an attached or detached garage.
4. The minimum square footage of habitable floor area provided in the accessory dwelling shall be two hundred eighty (280) square feet for one person and four hundred (400) square feet for two persons. The maximum amount of floor area allowed in an accessory dwelling shall be six hundred fifty (650) square feet or fifty percent (50%) of the total floor area of the principal dwelling, whichever is larger.
5. In such instance that the accessory dwelling unit is to be a part of an otherwise permitted accessory building, the habitable floor area shall not comprise more than fifty percent (50%) of the total floor area of an accessory structure.
6. Whether an integral part of the principal dwelling structure, attached, or detached accessory building, the accessory dwelling shall be equipped with its own domestic water supply, sanitary facilities approved by the District 10 Health Department, food preparation facilities, and means of outdoor entrance and exit.

7. Detached accessory buildings containing an accessory dwelling unit shall comply with the provisions of this ordinance except that such building shall be located in the side or rear yard only and not be located closer than twenty-five (25) feet from the side or rear lot line.
8. If attached to or integrated within the principal dwelling structure, only one (1) front entrance to the structure shall be visible from the front yard and there shall be no external evidence of occupancy by more than one (1) domestic unit (family).
9. All building additions made to an existing structure to facilitate the provision of an accessory dwelling shall be done in a manner that conforms architecturally to the existing structure.
10. Detached accessory buildings containing an accessory dwelling shall be constructed to conform architecturally with the principal dwelling or an alternate architectural style similar to that for single-family homes in the zoning district.
11. Manufactured homes shall be permitted as an accessory dwelling unit structure.

2. ADULT FOSTER CARE GROUP HOME

Adult foster care group homes as defined, licensed, and regulated by the state under Act No. 218 of the Public Acts of 1979 and the associated rules promulgated by the State of Michigan may be permitted as a Special Land Use if authorized by the Planning Commission, subject to the following conditions and standards:

1. An adult foster care group home shall not be located within a one thousand five hundred (1,500) foot radius of any other adult foster care home or any adult day care facility, measured from property lines in any direction, including any such foster care home or adult day care facility located in any adjacent municipality; provided, however, that the provisions of this subsection A shall not apply to an adult foster care group home that is State-licensed for twelve (12) or fewer residents.
2. The operator of the group home shall have a license and/or certificate as required by appropriate federal, state, or local agencies, if any is required, demonstrating the operator's qualifications to operate the group home. A true copy of the license and/or certificate shall be submitted to the Township zoning administrator and shall be subject to the administrator's approval. The group home shall not commence operations until such approval of the license and/or certificate has been given.
3. Residential services, counseling or other services or treatment shall be provided only to the residents of the foster care group home.
4. An adult foster care group home, irrespective of the title under which it may be licensed, shall not include, or be State licensed for care or treatment of persons who have been released from a correctional institution or who are serving a term of probation after being convicted of the commission of a crime involving violence, attempted violence, illegal sale or use of a controlled substance or criminal sexual conduct.

3. ADULT FOSTER CARE CONGREGATE FACILITY

Standards and regulations to be provided at a later date.

4. ADULT FOSTER CARE CAMP

Standards and regulations to be provided at a later date.

5. ASSISTED LIVING FACILITY

In considering Assisted Living Facilities, the Planning Commission shall issue a Special Land Use permit, if the facility meets all of the following standards:

1. Facilities may be located not closer than one thousand five hundred (1,500) feet to any of the following:
 - a. A facility offering substance abuse treatment and rehabilitation service to seven (7) or more people licensed under article 6 of the public health code, 1978 PA 368, MCL 333.6101 to 333.6523.
 - b. A community correction center, resident home, halfway house, or other similar facility that houses an inmate population under the jurisdiction of the department of corrections.
2. Property maintenance is consistent with the visible characteristics of the neighborhood.
3. The combined total surface area of all signs shall not exceed thirty-two (32) square feet.
4. Parking areas must comply with the Parking and Loading requirements of this ordinance. An Assisted Living facility must provide off-street parking accommodations as follows:
 - a. One (1) space per two (2) staff employees or staff volunteers whether full-time or part-time.
 - b. One (1) space per every four (4) children.
 - c. One (1) space per each Assisted Living facility vehicle.

The distances required herein shall be measured along a public road, street, or place and open to the public as a matter of right for the purpose of vehicular traffic.

6. BED AND BREAKFAST INNS

In considering such authorization, the Planning Commission shall consider the following standards:

1. The number of bedrooms.

2. The effect of the proposed operation on the adjoining properties and the surrounding neighborhood.
3. Potential traffic that will be generated by the proposed bed and breakfast operation.
4. One parking space must be provided for every bedroom.

7. BOARDING AND RIDING STABLE

The special land use shall comply with all of the following requirements:

1. The special use shall have a land parcel area of at least one acre for each animal on the premises at any one time, but in any event, the land parcel shall not be smaller than five acres.
2. The use may be accessory to the residential use of the land or accessory to some other permitted principal use.
3. All buildings, arenas, exercise areas or other areas in which animals are kept shall be located at least 100 feet away from any property line and at least 50 feet from any occupied dwelling or any building used by the public and shall be located within a rear yard or at least one hundred fifty (150) feet from the front property line if the boarding or riding stable is the principal use. If horses are confined by permitted fencing, they may be pastured to the property lines, if permitted by the Planning Commission in its approval of the special land use.
4. The special land use shall not result in serious adverse effects on adjacent or nearby lands or streets by reason of odor, dust, noise, storm water drainage or other adverse effects.
5. Manure shall be stored, managed and removed in a manner that minimizes off-site odors or other adverse impacts, under the terms of a waste management plan approved by the Planning Commission in its discretion.
6. The total ground floor area of all buildings shall not exceed five percent of the area of the land parcel or 6,000 square feet, whichever is the larger.
7. All applicable regulations of the District 10 Health Department with respect to on-site septic systems, water supply wells, groundwater protection and manure management shall be fully complied with.
8. Driveway access to the special land use from the adjacent public street shall be subject to the approval of the County Road Commission.
9. There shall be adequate off-street parking area for motor vehicles, including trucks and trailers.
10. If future expansion of the use is contemplated, the applicant shall indicate the proposed area for such expansion, though the expansion need not necessarily be approved at the time of approval of the original special land use.
11. Any signs shall comply with the applicable sign requirements of this Ordinance.

12. Paddocks, turnout areas, pens, corrals and other areas in which horses may be located or ridden shall comply with the requirements of the Planning Commission in its approval of the special land use, including requirements as to the area of pens and corrals, the type of fencing, the location and size of gates, the adequacy of areas for snow removal and storage, the types of shelters for horses, the assurance of safety for horses and persons on the premises and other matters with respect to the design, layout, construction, maintenance and operation of the special land use.

13. All aspects of the special land use shall comply with applicable provisions of Michigan law.

8. **CAPTIVE WILDLIFE** (deer farms, Zoological parks, etc.)

The special land use shall comply with all of the following requirements:

1. The property shall consist of at least 80 acres of land.
2. The combined ground floor area of all buildings and storage facilities shall not exceed 12,000 square feet.
3. There shall be sufficient buffer zones and/or fencing to avoid adverse effects on adjoining or nearby agricultural or residential uses. No building, structure, parking lot or unenclosed recreational facility shall be located within 50 feet of any side or rear property line. There shall be sufficient buffer zones and/or fencing where necessary for the protection of adjacent wildlife habitats or erosion hazard areas.
4. There shall be no outdoor public address system.
5. Any outdoor lighting shall not project onto, nor shall light sources be visible from, adjacent or nearby lands or public or private streets.
6. Access to the facility shall be from an approved public or private street.
7. There shall be sufficient on-site motor vehicle parking area, as determined by the Planning Commission in its consideration of the use, based upon the anticipated number of motor vehicles on site at any one time.
8. There shall be no retail sales on the premises.
9. The facility shall be designed and intended for use by fewer than 1,000 persons at any one time.
10. Access drives shall be adequate to accommodate fire department and other emergency vehicles.
11. Sanitary sewage disposal facilities and water supply shall be adequate and in compliance with applicable regulations, including the sewage disposal and water supply regulations of the District 10 Health Department. Garbage service and litter cleanup shall be provided on a regular basis.
12. There shall be no sleeping accommodations on the premises.

9. CEMETERY

Cemeteries shall comply with P.A. 251 of 1968, Cemetery Regulations Act of the State of Michigan, and rules promulgated by the Michigan Department of Commerce.

10. CHILDREN'S CAMP

Standards and regulations to be provided at a later date.

11. CHILD CARING FACILITY

In considering Child Caring Facilities, the Planning Commission shall issue a Special Land Use permit, if the facility meets all of the following standards:

5. Is located not closer than one thousand five hundred (1,500) feet to any of the following:
 - c. Another Child Caring Facility or licensed group day-care home.
 - d. An adult foster care small group home or large group home licensed under the adult foster care facility licensing act, 1979 PA 218, MCL 400.701 to 400.737.
 - e. A facility offering substance abuse treatment and rehabilitation service to seven (7) or more people licensed under article 6 of the public health code, 1978 PA 368, MCL 333.6101 to 333.6523.
 - f. A community correction center, resident home, halfway house, or other similar facility that houses an inmate population under the jurisdiction of the department of corrections.
6. Maintains the property consistent with the visible characteristics of the neighborhood.
7. The combined total surface area of all signs shall not exceed thirty-two (32) square feet.
8. Parking areas must comply with the Parking and Loading requirements of this ordinance. A child caring facility must provide off-street parking accommodations as follows:
 - d. One (1) space per two (2) staff employees or staff volunteers whether full-time or part-time.
 - e. One (1) space per every four (4) children.
 - f. One (1) space per each child caring facility vehicle.
9. A child caring facility operator must provide an outdoor program that promotes the child's coordination, active play, and physical, mental, emotional, and social development based on their age. The play area must:
 - a. Adjoin the indoor premises directly or be reachable by a safe route or method; Have adequate drainage and be free from health and safety hazards.

- b. Contain a minimum of seventy-five (75) usable square feet per child using the play area at any one time.
- c. Be enclosed by means of a minimum four (4)-foot fence or wall.
- d. All classrooms, nurseries, or playrooms must have interior windows for viewing.
- e. The distances required herein shall be measured along a public road, street, or place and open to the public as a matter of right for the purpose of vehicular traffic, not including an alley.

12. COMPOSTING FACILITY

Standards and regulations to be provided at a later date.

13. DRIVE THROUGH BUSINESS

The following requirements together with any other applicable requirements of this Ordinance shall be complied with:

All automobile queuing for a drive-through window shall be separated from other on-site traffic patterns.

Pedestrian areas shall be clearly marked.

The drive-through lane(s) shall be designed to accommodate a full-size passenger vehicle pulling a recreation-vehicle trailer.

The applicant shall demonstrate to the satisfaction of the Planning Commission that vehicle stacking areas for the drive-through facility are adequate to handle the highest volume at the facility without encroaching on the public right-of-way or the drive aisles, parking, or pedestrian areas on site.

Any commercial establishment with a drive-through facility which adjoins a property zoned or used for residential purposes shall be effectively screened from view from such property.

14. EATING AND DRINKING ESTABLISHMENT

If alcohol is sold the setback to residential uses is 300'; 500' to a church or a park; 600' to schools, colleges, youth organization, recreational facility for children under 18.

Hours of operation are not open 2 am to 6:30 am.

Must have food.

Allows live music, dancing, entertainment, but with certain hours, decibels, size, occupancy load, number of entertainers,

Limited number of seats outdoors

15. ESSENTIAL SERVICE

Electrical substations, gas regulator stations, utility pump and metering stations gasoline or oil pipelines and other above-ground public utility or governmental unit facilities, shall meet the following standards:

- 1. Electrical substations and/or gas regulator stations shall be enclosed with a fence or wall a minimum of six (6) feet high and adequate to obstruct passage of persons or materials.
- 2. Public utility or governmental unit facilities shall be constructed and maintained in a neat and orderly manner.
- 3. All buildings shall be landscaped and conform to the general character of the architecture of the surrounding neighborhood.

16. EXTRACTION WELL

The following requirements together with any other applicable requirements of this Ordinance shall be complied with:

All extraction wells shall be established, operated, and maintained in conformity with all state and federal statutes and regulations pertaining thereto.

No new extraction well shall be located nearer than three hundred (300) feet from an adjoining property line unless such adjoining property shall contain an existing extraction well.

A new extraction well shall be considered a principal use, regardless of other activities carried out on the site.

An existing extraction well may be reworked, deepened, or otherwise operated as an existing use without reference to this section, whether it is currently working or not; provided all State and Federal statutes and regulations are fully met.

A new extraction well site shall be completely fenced to always prohibit unauthorized entry.

A new extraction well shall include measures or controls satisfactory to the Planning Commission to minimize any objectionable dust, fumes, or odors at any property line.

Height limitations for the zoning district in which the extraction well is located shall apply to drilling equipment, unless specifically waived by the Planning Commission. In considering a request for such a waiver, the Planning Commission may require site improvements, screening, increased setbacks, or other measures to mitigate the imposing nature of tall structures.

A new extraction well shall include measures or controls satisfactory to the Newaygo County Engineer and Newaygo County Drain Commissioner to prevent excessive runoff or discharge to any natural or man-made stream or lake. There shall be no off-site discharge of storm water except to an approved drainage system in accord with the Township's engineering requirements. Noise generated on site from any source shall not exceed 60 decibels measured at any property line.

17. FARM PRODUCT PROCESSING FACILITY

The following requirements together with any other applicable requirements of this Ordinance shall be complied with:

The Planning Commission may establish hours of operation for such uses consistent with the character of the land uses in the vicinity.

The applicant shall demonstrate that the proposed use. does not significantly affect traffic circulation and transportation safety in the area in which it is proposed.

Such processing facilities which are regulated at the state or national level shall provide verification that such use and facilities conform to all applicable laws and regulations.

The Township shall be provided copies of all required permits from any local, state, or federal agency. It shall be the applicant's responsibility to ensure that permits do not expire without renewal.

Such facilities shall be located and designed such that no objectionable noise exceeding 60 decibels shall be carried onto adjoining property zoned for, or occupied by, residential uses. Such facilities shall be located and designed to minimize potential odor or fumes that may be carried onto adjacent properties.

18. GOLF COURSE

The following requirements together with any other applicable requirements of this Ordinance shall be complied with:

The design and layout of a golf course shall be configured to prevent stray golf shots from traveling off the site and onto rights-of-way, neighboring properties or lands within the golf course development designed for uses other than the playing of golf.

All off-street parking shall comply with the parking requirements of the general provisions Article of this Ordinance, to provide for adequate parking for banquets, weddings, golf tournaments, conferences, etc.

Stormwater management facilities satisfactory to the Newaygo County Drain Commissioner and the Michigan Department of Environment Great Lakes and Energy intended to prevent the runoff of stormwater carrying excess concentrations of fertilizer or nutrients from entering natural streams.

19. GOVERNMENT ADMINISTRATION AND PUBLIC SERVICE BUILDING

When owned and operated by a governmental agency or nonprofit organization and when authorized by the Planning Commission as a Special Land Use unless such requirement is preempted by state law. In considering such authorization, the Planning Commission shall consider the following standards:

- 1. The size, nature, and character of the proposed use.
- 2. The necessity for such use for the surrounding neighborhood.

3. The proximity of the proposed use to adjoining properties, specifically including proximity to occupied dwellings.
4. The parking facilities provided for the proposed use.
5. Any traffic congestion or hazards which will be occasioned by the proposed use.
6. How well the proposed use harmonizes, blends with, and enhances adjoining properties and the surrounding neighborhood.
7. The effect of the proposed use on adjoining properties and the surrounding neighborhood.

20. GREENHOUSE AND PLANT NURSERY

1. Adequate off-street parking shall be provided.
2. The required minimum setbacks of greenhouses and other buildings and permanent structures shall be as required by the Planning Commission in its approval of the special land use.
3. The outdoor display of plants and related authorized merchandise, including the locations of planted trees and shrubs available for sale, shall take place only at locations and under such terms and conditions as are specified by the Planning Commission in its approval of the special land use.

21. GROUP AND INTERGENERATIONAL DAY CARE

The following requirements together with any other applicable requirements of this Ordinance shall be complied with:

Building and lot shall conform to the yard, setback, and height standards of the zoning district in which it is located.

All required state and local licensing shall be always maintained.

All outdoor areas used for the care and supervision of patrons shall have appropriate fencing for the safety of the children in the group day-care home, consisting of a minimum 6-foot-high privacy fence along the area adjoining another residence, and a minimum 4-foot-high fence in the remaining area.

Any dumpsters on site shall be enclosed on four (4) sides with an opaque fence equipped with a lockable gate.

Such facilities shall be located at least 1,500 feet from any one of the following:

1. A licensed or pre-existing operating group day-care home.
2. An adult care small group home (1-12 adults).

3. An adult foster care large group home (13-20 adults).
4. A facility offering substance abuse treatment and rehabilitation service to 7 or more people.
5. A community correction center resident home halfway house or similar facility under jurisdiction of the Department of Corrections.

Such facilities shall always be maintained in a manner consistent with the character of the surrounding neighborhood.

Hours of operation shall not exceed sixteen (16) hours during a 24- hour period. The Planning Commission shall not prohibit evening operations completely but may establish limitations on hours of operation and/or activities between the hours of 10 PM and 6 AM.

22. KENNELS

Kennels for the keeping of dogs or other domestic pets, shall be permitted in accordance with the following standards:

1. All buildings, animal runs, or exercise areas in which animals are kept shall be located a minimum of one hundred (100) feet from any property line and a minimum of one hundred fifty (150) feet from any occupied dwelling or any building used by the public and shall be located within a rear yard.
2. All kennels shall be constructed and maintained so that odor, dust, noise, and drainage shall not create a nuisance or hazard to adjoining properties.
3. All animal waste shall be removed or managed in a manner that minimizes off-site odors and must have a waste management plan approved by the Planning Commission.
4. Kennels may be accessory to the residential use of the parcel or the principal use.
5. Kennels shall comply with Newaygo County and Michigan state law.
6. Activities such as exercising in which animals are outdoors, shall be permitted only between the hours of 8:00 AM and 8:00 PM.

23. MAJOR HOME OCCUPATION

In considering a home occupation in an accessory building for approval as a Special Land Use, the Planning Commission shall consider and make findings upon the following standards:

1. Whether the nature of the home occupation is in keeping with the residential use of the property, including the accommodation of a personal celebratory occasion or assembly that is associated with a residential land use.
2. Whether the likely effects of the home occupation upon adjacent and nearby lands would be within the scope of the effects likely to result from other, similar home occupations that are specifically permitted in this section.

3. Whether the home occupation will have appreciable adverse effects upon adjacent and nearby lands and the uses thereof.
4. In approving any such special land use, the planning commission may impose restrictions and limitations upon the use, including, but not limited to, restrictions and limitations concerning the following:
 - a. The floor area of the use.
 - b. The area, height, bulk, and location of any accessory building proposed for use by the home occupation.
 - c. Whether the storage or display of goods, inventory, or equipment would be visible from outside the accessory building.
 - d. Whether combustible toxic or hazardous materials will be used or stored on the premises.
 - e. Whether there would be any offensive noise, vibrations, smoke, dust, odors, heat, or glare noticeable at or beyond the property line, or whether there would be machinery or electrical activity that would interfere with nearby radio or television reception.
 - f. Effects on motor vehicle and/or pedestrian traffic.
 - g. The amount of off-street parking provided, and the location thereof.
 - h. The number of customers or guests that are likely to attend or visit the premises at one time, per hour or per day.
 - i. Whether the building is considered to be historic or of vintage design or character.
5. The following shall apply if the home occupation is expected to have more than 20 customers or guests at one time:
 - a. The accessory building must comply with all building code requirements for commercial buildings, including mechanical, electrical, and plumbing codes.
 - b. Driveways must be designed for two-way entry and exit in compliance with township guidelines for parking lots, and be gravel surfaced for a distance of not less than 75 feet onto the property from the right-of-way.
 - c. All buildings must receive approval for use from the fire chief and must meet all occupancy requirements.
 - d. All guests or customers must vacate the premises before 11:00 p.m.
 - e. With the exception of surface material, all parking areas must comply with township guidelines for parking lots.

- f. The parcel on which the home occupation is located shall be primarily rural, which by definition has less than 13 homes within 1,500 feet, or where no homes are located within 660 feet of the property boundaries.
- g. The types of materials to be displayed and sold out-of-doors shall be specified by the Planning Commission in its approval of the use.
- h. The special land use, if approved, shall specify the minimum setbacks of any outdoor display and sale area from the property lines.
- i. The sale and display area may be required to be adequately screened from view from adjacent residential lands.

24. MULTIPLE FAMILY DWELLING

The following requirements together with any other applicable requirements of this Ordinance shall be complied with:

Parking areas intended for the use of residents of Multiple Unit Dwellings shall be located within two hundred (200) feet of the building.

Dwelling units shall not be located on the street level or basement except in those locations where resident privacy can be provided by building design, courtyards, topography, or similar design, such as daylight or walkout dwelling units along the riverfront or into a secured and private side or rear yard.

No multiple unit structure shall be located closer than twenty (20) feet from any other multiple unit structure located on the same lot.

Groups of Multiple Unit Dwellings located on one lot shall have common ownership. For the purposes of this paragraph, a condominium unit shall be considered a single lot.

Safe pedestrian and vehicular circulation patterns shall be established in group building developments, as determined by the Planning Commission.

25. NURSING HOME

1. All living units in the building shall have a minimum of two hundred (200) square feet.
2. All medical waste facilities shall be safely secured and meet the requirements of the Michigan Department of Health.
3. The site shall front upon a paved road. The ingress and egress for off-street parking facilities for guests, patients, employees, and staff shall be from said paved road.
4. Minimum setbacks for all buildings shall be seventy-five (75) feet.

5. Any emergency entrances shall be visually screened from view of adjacent residential uses by a structure or by a sight-obscuring wall or fence of six (6) feet in height. Access to and from the emergency entrance shall be directly from a paved road.
6. No more than thirty percent (30%) of the gross site area shall be occupied by buildings.
7. Any outdoor recreation, sitting, or walking areas shall be served by a sidewalk connecting all such areas, with all egress doors on the main building, the off-street parking area, and sidewalk adjacent to the front property line.
8. The use shall be screened from the view of any abutting property, as outlined in the Site Plan Review (Landscaping Requirements) section of this Ordinance.

26. PARKS AND PUBLIC RECREATION

Standards and regulations to be provided at a later date.

27. PLACE OF PUBLIC ASSEMBLY

A place of public assembly shall be located so that its primary access directly onto a primary road, as defined in this ordinance.

A place of public assembly shall be located on a lot of land with a minimum area of five (5) acres. Provided, however, that such facility shall meet the maximum lot coverage requirements of this ordinance.

28. RESORTS, CAMPGROUNDS, AND DUDE RANCHES

The special land use shall comply with all of the following requirements:

1. The resort property shall consist of at least 80 acres of land.
2. The combined ground floor area of all clubhouses, other buildings and storage facilities shall not exceed 12,000 square feet.
3. There shall be sufficient buffer zones and/or fencing to avoid adverse effects on adjoining or nearby agricultural or residential uses. No building, structure, parking lot or unenclosed recreational facility shall be located within 50 feet of any side or rear property line. There shall be sufficient buffer zones and/or fencing where necessary for the protection of adjacent wildlife habitats or erosion hazard areas.
4. There shall be no outdoor public address system.
5. Any outdoor lighting shall not project onto, nor shall light sources be visible from, adjacent or nearby lands or public or private streets.
6. Access to the resort shall be from an approved public or private street.
7. There shall be sufficient on-site motor vehicle parking area, as determined by the Planning Commission in its consideration of the use, based upon the anticipated number of motor vehicles on site at any one time.

8. The resort shall be designed and intended for use by fewer than 100 persons at any one time.
9. Access drives shall be adequate to accommodate fire department and other emergency vehicles.
10. Sanitary sewage disposal facilities and water supply shall be adequate and in compliance with applicable regulations, including the sewage disposal and water supply regulations of the District 10 Health Department. Garbage service and litter cleanup shall be provided on a regular basis.

29. RETAIL SALES

In considering such authorization, the Planning Commission shall consider the following:

1. The necessity for such use for the surrounding neighborhood.
2. The proximity of the intended use to adjoining properties specifically including proximity to occupied dwellings.
3. The size, nature, and character of the proposed use.
4. Potential traffic congestion which might be occasioned by the intended use.
5. Parking facilities to be provided for the proposed use.
6. The effect of the proposed use on adjoining properties and the surrounding neighborhood.

30. SAND AND GRAVEL MINING

The following requirements together with any other applicable requirements of this Ordinance shall be complied with:

Site Plan Requirements: In addition to the regular application for a Special Land Use Permit and payment of fees, the application shall include the following information:

Name and address of owner(s) of land which removal will take place.

Name, address, and telephone number of person, firm, or corporation who will be conducting the actual removal operation.

A plan for extraction and reclamation for the total project which shall include:

Surface overburden and topsoil stripping and stockpiling plans.

Provisions for grading, re-vegetation, and stabilization that will minimize soil erosion, sedimentation, and public safety problems.

Surface water drainage provisions and outlets.

Rehabilitation: All extraction areas shall be rehabilitated progressively as they are worked out. Rehabilitated sites shall appear natural and inconspicuous and shall be lacking in hazard. All slopes and banks remaining above water level and below water level to a depth of five (5) feet shall be graded to angles which do not exceed one (1) foot in elevation for each three (3) feet of horizontal surface and they shall be treated to prevent erosion or any other potential deterioration. Site Development Requirements:

Excavation below the existing grade of adjacent roads or property lines shall not take place within twenty-five (25) feet from any adjacent property line or road right-of-way.

No machinery will be erected or maintained within one hundred (100) feet of any property or road right-of-way line.

If fencing is deemed a necessary requirement of the special land use permit, the Planning Commission shall specify the type and location of the required fencing.

Interior access roads, parking lots, haul road, loading and unloading areas and stockpiled materials shall be maintained to limit the nuisance caused by windblown dust.

No hours of operation on Sundays or the following holidays:

New Year's Day- January 1st
Memorial Day - Last Monday of May
Independence Day- July 4th
Labor Day - First Monday in September
Thanksgiving Day- Fourth Thursday in November
Christmas Day - December 25th

Failure to maintain all required State or Federal licenses and/or to develop and maintain a surface mining operation in accord with the terms of the special use permit may result in the immediate revocation of said permit and all other sanctions and/or penalties available to the Township.

Evidence of Continuing Use: When activities on or the use of the mining area, or any portion thereof, have ceased for more than one (1) year or when, by examination of the premises or other means, the Zoning Administrator determines a manifestation of intent to abandon the mining area, the Zoning Administrator shall give the operator written notice of their intention to declare the mining area or portion thereof abandoned. Within thirty (30) days following receipt of said notice, the operator shall have the opportunity to rebut the Zoning Administrator's evidence and submit other relevant evidence to the contrary. If the Zoning Administrator finds the operator's evidence of continued use satisfactory, it shall not declare abandonment.

Financial Guarantees: A minimum performance guarantee of \$3,000.00 plus a minimum \$2,000.00 per excavated acre shall be filed with the Township Treasurer. The performance guarantee shall be in the form of an irrevocable bank letter of credit, a certified check, or cash. The amount of a financial guarantee filed with the Township may be one-half (1/2) the total amount required, if approved by the Planning Commission. The financial guarantee shall be returned when all conditions stipulated in the Special Land Use Permit shall have been complied with and the Special Land Use Permit revoked prior to its release. There shall be no partial release of the financial guarantee.

Issuance of a Special Land Use Permit: Permits for surface mining shall be issued to the operator.

If an operator disposes of his interest in an extraction area prior to final reclamation by sale, lease, assignment, termination of lease, or otherwise, the Planning Commission may release the operator from the duties imposed upon him by this Ordinance, as to the operation, but only if the successor, operator, or property owner assumes the obligations of the former operator with reference to the reclamation activities. At that time the special land use permit may be transferred. Permit Expiration: If approval for a special land use permit is granted by the Planning Commission it shall be for a specific period of time not to exceed five (5) years. Those permits granted for a period exceeding one (1) year shall be inspected a minimum of once a year by the Zoning Administrator to ensure compliance with the permit and Ordinance.

Modification of the Site Plan: This Site Plan may be modified at any time by mutual consent of the operator and the Planning Commission to adjust to changed conditions, technology or to correct an oversight. The Planning Commission may require the modification of the Site Plan when:

Modification of the plan is necessary so that it will conform to the existing laws.

It is found that the previously approved plan is clearly impractical to implement and maintain.

The approved plan is obviously not accomplishing the intent of the Ordinance.

31. SAWMILL

The following requirements together with any other applicable requirements of this Ordinance shall be complied with:

Planning Commission may require that outside storage area shall be screened from view on all sides by a six (6) foot or greater solid, decorative fence or wall, or landscaped equivalent.

The applicant shall comply with the requirements of the Fire Department to incorporate provision to minimize fire risks on the site.

The Planning Commission may stipulate hours of operation.

Appropriate measures shall be incorporated in the proposed site plan to mitigate fugitive saw dust.

The Planning Commission may establish shipping and transport routes for trucks serving the facility to limit truck traffic on surrounding roads to those best suited, in the judgment of the Planning Commission and the Newaygo County Road Commission, to accommodate such traffic. All parking areas and truck maneuvering areas shall be treated to minimize dust and the site plan shall demonstrate provisions to contain blowing dust, trash, and debris on the site.

Activities shall not generate noise exceeding 60 decibels for more than 4 hours in a 24-hour period at any property line.

32. SELF-STORAGE FACILITY

The following requirements together with any other applicable requirements of this Ordinance shall be complied with:

The area of the proposed site shall be at least one (1) acre.

The use shall be established and maintained in accordance with all applicable Local, State and Federal laws.

All storage shall be inside an enclosed building. No outdoor storage is allowed.

The cumulative area of the storage building(s) areas shall not exceed 50% of the area of the lot on which it is located.

Parking shall be provided as needed for the office uses as provided in the parking requirements in the general provisions Article of this ordinance.

All aisles shall be forty at least (40) feet in width.

33. VETERINARY OFFICE, CLINIC, HOSPITAL OR OFFICE

Buildings wherein animals are kept, dog runs, and/or exercise areas shall not be located nearer than one hundred (100) feet to any adjacent occupied dwelling or any adjacent building used by the public, and shall not be located in any required front, rear, or side yard setback area.

34. WAREHOUSE

The following requirements together with any other applicable requirements of this Ordinance shall be complied with:

All local, county, state and federal laws, rules and regulations pertaining to the emission of odor, dust, smoke, gas, noise, vibration, and the like, shall be met at all times during operation of any Public Warehouse.

All exterior lighting shall be in accordance with the lighting requirements of the general provisions article of this ordinance.

The applicant shall disclose the nature of any perishable, flammable, toxic, or hazardous substances to be stored on the facility and the nature of all appropriate and proposed protection procedures and devices.

No processing or manufacturing shall take place within a warehouse.

All parking areas and truck maneuvering areas shall be treated to minimize dust and the site plan shall demonstrate provisions to contain blowing dust, trash, and debris on the site.

No material shall be stored outdoors except within areas effectively screened from view from adjoining properties and rights-of-way.

No trucks, trailers or other equipment shall be stored in the front yard or closer than ten (10) feet to any side or rear lot line.

35. WIRELESS COMMUNICATION ANTENNA

The following standards shall apply to all Wireless Communication Antenna:

The Telecommunications Act of 1996 as amended on February 6, 1996, sets forth provisions concerning placement, location and construction of towers and related facilities for communication. The purpose of this section is to establish general guidelines for the siting of Communication Towers, which include antenna structures. In order that such towers not cause visual pollution, create a safety hazard, or reduce property values on adjacent properties, reasonable regulations for the location, use of existing structures (e.g., water towers, school and church steeples, tall buildings), design of structures and towers, is appropriate. Communication Towers are hereby specifically determined neither to be essential services nor to be public utilities as such terms are used in this Ordinance. The intent of these provisions is to encourage users of towers to:

Protect land uses from potential adverse impacts of towers.

Place the location of new towers in non-residential-zoned areas.

Minimize the total number of towers throughout the community.

Strongly encourage the joint use of new and existing tower sites as a primary option rather than construction of additional single-use towers.

Locate them, to the extent possible, in areas where the adverse impact on the community is minimal.

Configure them in a way that minimizes the adverse visual impact of the towers and antennas through careful design, siting, landscape screening, and innovative camouflaging techniques.

Enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively, and efficiently.

Consider the public health and safety of personal wireless service facilities.

Avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures.

In furtherance of these goals, the Township shall give due consideration to natural features, the Township Master Plan, zoning map, existing land uses, and other characteristics and policies of the Township in approving sites for the location of towers and antennas.

It is not the intent to regulate ham radio antennae under this section.

The following uses may be approved by the Zoning Administrator after conducting an administrative review:

Antennas on Existing Structures: Compact platform-type, omni directional, or singular-type antenna which is not attached to a new communication tower may be approved by the Zoning Administrator as a co-location or as an accessory use to any commercial, industrial, professional, institutional, or multi-family structure, provided:

The antenna does not extend more than ten (10) feet above the highest point of the structure.

The antenna complies with all applicable FCC and FAA regulations.

The equipment building for such co-located equipment can be incorporated into an existing structure or cabinet, and

The antenna complies with all applicable building codes.

Microcell Networks: Installing a cable microcell network using multiple low-powered transmitters/receivers attached to existing wireline systems, such as conventional cable or telephone wires, or similar technology that does not require the use of towers.

Antenna Placement on Publicly Owned Facilities. Communication Towers may be installed on publicly owned facilities, and their accessory equipment and shelters may be installed on publicly owned property, in any zoning district, with a lease approved by the Township Board, and subject to the requirements of the Site Plan Review provisions of this ordinance.

Additional Information Required for Review. In addition to the requirements of the Site Plan Review provisions of this ordinance, Communication Tower applications shall include:

Name and address of the proposed operator of the site.

Name and address, including phone number of the person responsible for determining feasibility of co-location as provided in this section.

Preliminary design of all proposed structures, including elevations and renderings showing the proposed facility from four vantage points located not less than 200 feet nor more than 500 feet from the proposed tower location.

Registered Engineer's certification of the design and safety of the proposed tower to withstand winds of 85 miles per hour. Such certification shall set forth the fall zone area for the proposed tower. If such fall zone area is less than that of a circle whose radius is equivalent to the height of the proposed tower, such certification shall provide structural calculations and detail sufficient to demonstrate the accuracy of such lesser fall zone area determination. Such certification shall be provided by an engineer licensed to practice in Michigan.

Method of fencing, and finished color and, if applicable, the method of camouflage and illumination.

A notarized statement signed by the applicant indicating the number and type of additional antennae the proposed tower will accommodate through co-location.

Each applicant shall provide an inventory of existing towers, tall structures, antennas, or sites approved for towers or antennas, that are either within the jurisdiction of Barton Township, or within one mile of the border thereof, including specific information about the location, height, and design of each tower or tall structure. The Zoning Administrator may share such information with other applicants applying for approvals under this ordinance or other organizations seeking to locate antennas within the Township, provided, that the Zoning Administrator is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.

The separation distance from other towers described in the inventory of existing sites shall be shown on an updated site plan or map. The applicant shall also identify the type of construction of the existing tower(s) and the owner/operator of the existing tower(s), if known. The applicant shall also demonstrate the reasons such existing towers or tall structures cannot be used in lieu of the proposed communication tower.

Availability of Suitable Existing Towers, Other Structures, or Alternative Technology. No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Planning Commission that no existing tower, structure, or alternative technology that does not require the use of towers or structures can accommodate the applicant's proposed antenna.

General Provisions. Construction of Communication Towers including their accessory equipment is subject to the following provisions:

A Communication Tower shall be considered a principal use and shall be placed on lots (whether the land is owned or leased by the tower owner) which have an area no less than the minimum parcel area and width for the district.

All setbacks for the zoning district shall be met and in addition, no tower shall be placed closer to any property line than the radius of the certified fall zone and in no case less than 200 feet from any residence or 200 feet from a zoning district which does not permit Communication Towers as a Special Use.

All proposed towers of more than thirty-five (35) feet in height shall be submitted to the Michigan Aeronautics Commission and FAA for review and approval prior to Township approval. All towers must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the state or federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this ordinance shall bring such towers and antennas into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense.

The tower and/or antenna shall be painted or screened to blend into the background.

The service building shall be aesthetically and architecturally compatible with buildings within three hundred feet of the property on which it is located.

All connecting wires from towers to accessory buildings and all electrical and other service wires to the facility shall be underground.

Monopole tower design is preferred. If the applicant proposes to use a guyed or lattice tower, the applicant shall demonstrate why a monopole design cannot be used.

The Planning Commission may require landscape screening of the service building and fencing. Signs: No signs shall be allowed on an antenna or tower, except for one sign of not more than two (2) square feet, listing the name, address, and contact telephone number of the operator and not more than two (2) signs not to exceed two (2) square feet signaling "danger" or "no trespassing."

Towers shall be enclosed by a locked gate and security fencing at least 6 feet in height and shall be equipped with an appropriate anti-climbing device.

Applicant shall certify its intent to lease excess space on the proposed tower for co-located antennae of other operators. Such certification shall include a commitment to respond to any requests for information from another potential shared use applicant; to negotiate in good faith and allow for leased shared use if an applicant demonstrates that it is technically practicable, and to make no more than a reasonable charge for a shared use lease.

Notwithstanding the provisions of this section, the maximum height for a Wireless Communication Tower shall be two hundred (200) feet.

Separation distances between proposed and pre-existing towers are as follows: monopole over 35 feet in height - 1,500 feet; lattice and guyed towers - 5,000 feet.

Removal of Abandoned Antennas and Towers. A Wireless Communication Tower that is unused for a period of twelve (12) months shall be removed at the owner's expense. The applicant or owner is responsible for the removal of an unused tower. Failure to remove the wireless communication tower following reasonable notice shall be sufficient cause for the Township to remove the structure.

Bonds. The owner of a Wireless Communications Tower; including equipment/accessory buildings, shall post a bond with the Barton Township in an amount to cover the reasonable estimated costs and expenses of dismantling and removing the communication tower if the Wireless Communication Tower is abandoned, and the owner fails to dismantle and/or remove the same within 180 days. Said bond shall be with a reputable insurance or guarantee company. The amount of the bond shall be established by the Planning Commission and may be adjusted from time to time to reflect changing costs and expenses of dismantling and removing the facility.

Nonconforming Uses.

Pre-existing towers that do not meet the requirements of this section shall be allowed to continue in use as they presently exist. Routine maintenance shall be permitted on such preexisting towers. New construction, other than routine maintenance on a pre-existing tower shall comply with the requirements of this ordinance. Modifications to height and type of construction of pre-existing towers shall not be permitted, except in conformance with this Section.

Rebuilding Damaged or Destroyed Nonconforming Towers. Nonconforming towers that are damaged or destroyed may not be rebuilt except in conformance with the requirements of this Section.

ARTICLE XII - PLANNED UNIT DEVELOPMENT

12.01 PURPOSE

It is the purpose of this section to permit in the Township flexibility in the regulation of land development, and to encourage innovation and variety in land use and design of projects of sufficient size to be considered self-contained, to the extent the projects are physically and visually separated from other land uses in the immediate vicinity, are not an integral part of other already developed or committed land uses, and will not have any adverse economic, social, or environmental impact on surrounding land uses. Barton Township allows only residential PUDs with a single density or a mixed density of dwelling units, and a single type or multiple types of dwelling units. A small amount of nonresidential use is permitted under limited circumstances. Planned Unit Developments may be located anywhere in the Township upon approval by the Planning Commission.

Planned Unit Developments are also subject to Site Plan Review provisions of this Ordinance.

12.02 OBJECTIVES

Planned unit developments in accordance with this section are intended:

1. To permit flexibility in the regulation of land development.
2. To encourage innovation in land use and variety in design, layout, and type of structures constructed.
3. To achieve economy and efficiency in the use of land, natural resources, energy, and the providing of public services and utilities.
4. To encourage useful open space and to provide improved housing suited to the needs of the residents of the region and Township.
5. To encourage the innovative use, re-use, and improvement of existing sites and buildings.

Planned unit developments shall meet the following general standards:

1. The use will be compatible with adjacent land use, the natural environment, and the capacities of affected public services and facilities, and that such use is consistent with the public health, safety and welfare of Barton Township residents and the benefits of the development are not achievable under any single zoning classification.
2. The use shall be consistent with the Barton Township Master Map as set forth in this section.
3. The use and development are warranted by the design and additional amenities made possible with and incorporated by the development proposal.
4. The development consolidates and maximizes usable open space.
5. Landscaping is provided to ensure that proposed uses will be adequately buffered from one another and from surrounding public and private property and to create a pleasant

pedestrian scale outdoor environment.

6. Vehicular and pedestrian circulation, allowing, safe convenient, non- congested and well-defined circulation within and access to the development shall be provided.
7. Existing important natural, historical, and architectural features within the development shall be preserved.

12.03 DIMENSIONAL & USE RESTRICTIONS

In acting upon the application, the Planning Commission may alter lot size limits, required facilities, buffers, open space areas, setback requirements, height limits, building size limits, off-street parking regulations, landscaping rules, and miscellaneous regulations, where such regulations or changes are consistent with the intent, objectives, and standards set forth in this Section.

The Planning Commission may also authorize principal and other uses not permitted in the district where the land is located, provided that such are consistent with the intent of this section, the standards set forth herein. Dimensional and parking use restrictions of the underlying zoning shall not apply to the area within an approved PUD unless expressly retained in the permit.

12.04 PUD APPLICATION

A planned unit development application shall be submitted to the Township Planning Commission for review, analysis, and hearing process. An application fee as established by the Township Board is required and shall be non-refundable. All land for which application is made must be owned by the applicant and the parcel must be capable of being planned and developed as one integral land use unit. The application must be signed by all applicants and must contain the materials described in this Section.

1. Developer's intent and objectives (physical, social, and environmental)
2. A certified boundary survey and legal description of the property.
3. A statement of present ownership of all land contained in the PUD.
4. A population profile for the development.
5. Proposed financing.
6. Development staging.
7. Soil types and ability of soils to accommodate the proposed development.
8. Estimated impact of the proposed development on roads, schools, and utilities, including water and sewer, fire protection and emergency services.

9. Estimated impact of the proposed development on the environment which includes:
 - a. A written assessment and analysis of the proposed development regarding the water, air, and natural features.
 - b. Any adverse environmental effects which cannot be avoided if the proposal is implemented.
 - c. Mitigation measures proposed to minimize the impact.
 - d. Any irreversible environmental changes which would be involved in the proposed action should it be implemented.
 - e. Waste emissions and methods of handling smoke, dust, noise, odors, liquids, solids, and vibrations, if applicable.
 - f. Market and economic feasibility.
 - g. Such other information pertinent to the development or use.
10. Ten copies of a Preliminary Site Plan, that includes:
 - a. A scale drawing of the site and proposed development thereon, including the date, name and address of the preparer, a certified boundary survey and legal description of the property.
 - b. Property parcel number (from the Assessment Roll of the Township).
 - c. Topography of the site at two (2) foot contour intervals, its relationship to adjoining land, and proposed changes in topography.
 - d. Itemization of existing man-made features, existing land use and zoning for the entire site and surrounding area within one hundred (100) feet.
 - e. Show all water features, springs, streams and creeks, lakes and ponds, wetlands, flood plains.
 - f. Proposed setbacks from property lines and building separations distances.
 - g. Locations, heights and sizes of structures and other important features.
 - h. A rendering of the exterior elevation of the buildings and structures.
 - i. A land use tabulation summary shall be provided in the margin of the plan indicating types of uses, acreage for each land use, number of units, densities, and land use intensities.
 - j. Also include percentage of land covered by buildings, parking, and landscape open space, or reserved for open space.
 - k. Dwelling unit density, when pertinent.

- l. Location of public and private rights-of-way and easements contiguous to and within the proposed development which are planned to be continued, created, relocated, or abandoned, including grades and types of construction of those upon the site.
- m. Curb-cuts, driving lanes, parking, and loading areas.
- n. Location and type of drainage, sanitary sewers, storm sewers and other facilities.
- o. Location and nature of fences, landscaping, and screening. Also show proposed landscape massing, open spaces and their intended use and active and passive recreation facilities.
- p. Proposed earth changes.
- q. Signs and on-site illumination.
- r. The location of all existing trees having five (5) inches or greater diameter breast height, identified by common or botanical name. Trees proposed to remain, to be transplanted or to be removed shall be so designated. Cluster of trees standing in closed proximity (3-5 feet or closer) may be designated as a "stand" of trees, and the predominant species, estimated number and average size shall be indicated.
- s. Any additional material information necessary to consider the impact of the project upon adjacent properties and the public as may be requested by the Planning Commission.

12.05 PROCEDURE

A public hearing by the Township Planning Commission shall be held on each planned unit development request properly filed under the terms of this ordinance. Notice of the public hearing shall be given as required by Section 15.2 of this Ordinance.

The notice of the public hearing shall contain the following:

1. Description of the nature of the planned unit development request.
2. Description of the property which is the subject of the planned unit development.
3. Time and place of consideration of and public hearing on the planned unit development request.
4. When and where written comments will be received concerning the request.

12.06 DECISIONS

If the Planning Commission determines that the PUD application is consistent with the intent of the ordinance as expressed above and with the other standards and requirements herein contained, it shall recommend its findings to the Township, which shall, following a public hearing with notice given as required by Section 15.2 of this Ordinance, then make a final decision to

enter an order authorizing development and use in accordance with the application and material submitted, modified as the Planning Commission may consider necessary to carry out the intent and standards of this ordinance and containing any lawful conditions or restrictions which the Planning Commission may consider necessary to carry out the purposes of this ordinance and to protect the public health, safety and welfare. The decision of the Planning Commission shall be a discretionary decision. The order shall recite the findings of fact and the reasons upon which it is based. Said order, findings, conditions of approval and other requirements of the Planning Commission, may be set forth in a Development Agreement prepared by the Township Attorney and the completion and execution of said Development Agreement shall be accomplished prior to the issuance of a land use permit.

12.07 EFFECT

After approval of a planned unit development, the land to which it pertains shall be developed and used in its entirety only as authorized and described in the order approving the planned unit development or only as authorized by the provisions of this Ordinance which would apply if the planned unit development order had not been issued.

12.08 PHASED PUDS

Each phase of a PUD shall be planned, developed, and approved to exist as a complete development able to stand on its own in the event subsequent phases are not implemented.

12.09 AMENDMENTS

An order approving a planned unit development may be amended as follows:

Minor amendments - Minor amendments are those which will have no foreseeable effect beyond the property boundary such as minor changes in the location of buildings, the alignment of utilities, and the alignment of interior roadways and parking areas. Minor amendments for good cause may be authorized by the Zoning Administrator provided no such changes shall increase the size or height of structures, reduce the efficiency or number of public facilities serving the PUD, reduce usable open space, or encroach on natural features proposed by the plan to be protected.

Major amendments - Any amendment not qualifying as a minor amendment is considered a major amendment and must be approved by the Township Board of Trustees according to the procedures authorized by this section for approval of a planned unit development.

12.10 TERMINATION

The PUD order shall expire two years from date of final approval if the applicant has not commenced substantial construction and is diligently proceeding to completion. Upon written request stating the reasons therefore, and with a positive recommendation from the Planning Commission, the Township Board may extend an order. An order may be canceled by written agreement executed by the owner of the land to which it pertains and the Zoning Administrator at any time when the development and use of the land is in conformance with all provisions of this ordinance which would apply if such order had not been issued. The order may be rescinded at any time by the Planning Commission notice to the current owners and occupiers of the PUD area and after a hearing on the violation. Upon termination of an order the zoning requirements shall revert to the current requirements for the zoning district designated for the property prior to the order.

12.11 ORDINANCE AMENDMENT

A planned unit development approval shall not be considered an amendment to this Ordinance.

ARTICLE XIII - ADMINISTRATION AND ENFORCEMENT

13.01 ZONING ADMINISTRATION

For purposes of administering and enforcing this ordinance, the Zoning Administrator shall be the Chief Administrative Officer of the Township. The Zoning Administrator may appoint one or more individuals as his designee or designees to perform all or some of his duties under, and enforce the terms of, this ordinance. Such designee or designees shall have the same powers and authority as the Zoning Administrator to the extent necessary to carry out the designated duties and enforcement.

If the Zoning Administrator or his designees finds that any of the provisions of this ordinance are being violated, they shall notify in the person responsible for such violations, in person and/or in writing, indicating the nature of the violation and ordering the action necessary to correct it.

The Zoning Administrator shall order discontinuance of an illegal use of land, buildings, or structures; removal of illegal buildings or structures or of illegal additions, alterations, or structural changes; and discontinuance of any illegal work being done. The Zoning Administrator shall take any other action authorized by this ordinance to ensure compliance with or to prevent violation of its provisions.

The Zoning Administrator and his designees are authorized to issue civil infraction tickets for violations of this ordinance and to commence such other legal proceedings as may be necessary to enforce this ordinance.

The Zoning Administrator shall have the authority to grant certificates of zoning compliance, and to make inspections of buildings, structures, or premises necessary to carry out their duties and the enforcement of this ordinance.

It shall be unlawful for the Zoning Administrator to approve any plans or issue any permits until such plans have been inspected in detail and found to comply with this ordinance. To this end, the Zoning Administrator may require that every application for a permit for construction, moving, alteration, or change of use of any structure or building shall be accompanied by a written statement and plans or plats drawn to scale showing the following in sufficient detail to enable the Zoning Administrator to ascertain whether the proposed work is in conformance with this ordinance and all other applicable ordinances, codes, and laws.

1. The actual shape, location, and dimensions of the lot. If the lot is not recorded with the County Registrar of Deeds, a recorded survey and legal description may be required to be provided, and a parcel identification number must be obtained.
2. The shape, size, and location of all buildings and other structures to be erected, altered, or moved, and of any other buildings or other structures already on the lot.
3. The existing and intended use of the lot and of all structures and buildings upon it.
4. Such other information concerning the lot or adjoining lots, or other matters as may be essential for determining whether the provisions of this ordinance are being observed.
5. Any other information required by other Sections of this ordinance or by otherwise applicable ordinances, codes, or laws, if the applicant is seeking a building permit from the Zoning Administrator.

If the proposed construction, moving, alteration, or change of use set forth in the application is in conformity with the provisions of this ordinance, the Zoning Administrator shall issue a zoning compliance permit. If an application for such zoning compliance permit is not approved, the Zoning Administrator shall state in writing on an appropriate denial form the cause for such disapproval.

The Zoning Administrator may accept a preliminary application and a lesser number of submitted documents in situations where a basic clarification is desired prior to proceeding with further technical work; and the Zoning Administrator may on such preliminary submittal take the formal action of tentative denial or tentative approval.

Issuance of a zoning compliance permit shall in no case be construed as waiving any provisions of this ordinance.

The Zoning Administrator is under no circumstance permitted to grant exceptions to the actual meaning of any clause, order, or regulation contained in this ordinance to any person making application to construct, move, alter, or use either buildings, structures, or land. The Zoning Administrator is under no circumstances permitted to make changes to this ordinance or to vary the terms of this ordinance in carrying out his duties.

The Zoning Administrator shall not refuse to issue a zoning compliance permit when the applicant complies with conditions imposed by this ordinance. Violations of contracts between private parties such as covenants or private agreements, which may result upon the granting of said zoning compliance permit, are not cause for refusal to issue a zoning compliance permit.

Where the Zoning Administrator has designated the Building Official as his designee under this section, for purposes of buildings and structures that are otherwise required under this ordinance or other ordinances or statutes to obtain a building permit, the building permit is deemed to include and serve for all purposes as a zoning compliance permit for such structure or building, and no additional application or review fee shall be required beyond the fees charged for the building permit. For all other buildings and structures regulated under this ordinance, including, without limitation, accessory structures, all the following shall be submitted to and reviewed by the Zoning Administrator in the manner set forth in this section for purposes of obtaining the required zoning compliance permit:

1. An application for issuance of a zoning compliance permit on a form provided by the Zoning Administrator.
2. The materials required for Site Plan approval as required in this ordinance.
3. The payment of application and review fees in amounts to be determined by resolution of the Township Board of Trustees.

13.02 NOTICE OF PUBLIC HEARING

Except as stated otherwise in this ordinance, whenever a public hearing on a zoning application is required by this ordinance or by the Michigan Zoning Enabling Act, as amended, notice of the public hearing shall be published and delivered in accordance with the requirements of this section.

The notice shall be published once, at least 15 days before the date of public hearing, in a newspaper of general circulation in the Township.

For applications involving the rezoning of ten or fewer adjacent properties, for applications to the Zoning Board of Appeals involving a specific parcel of land, for all planned unit development and special land use applications, and for other applications as to which a public hearing is required under this ordinance or the Zoning Enabling Act, Act 110 of 2006, as amended, a notice of public hearing shall be given in the manner set forth in Section 103 (MCL 125.3103) of the Michigan Zoning Enabling Act, as amended.

1. The applicant and the owner of the subject property, if different from the applicant.
2. All persons to whom real property is assessed for property taxes within 300 feet of the property that is the subject of the application regardless of whether the property or structure is in the Township.
3. One occupant of each dwelling unit or spatial area in each building that contains four or fewer dwelling units and is located within 300 feet of the subject property regardless of whether the property or structure is in the Township; and
4. The owner or manager of a building containing more than four dwelling units, who shall be requested in writing to post the notices at the primary entrance of the building, but failure of such posting, shall not constitute a lack of notice to the owners or occupants of such dwelling units.
5. If the above-described 300-foot radius extends outside the Township's boundaries, the notice shall nevertheless be provided outside of the Township's boundaries, within the 300-foot radius, to all persons stated above in this subsection.

The notice of public hearing shall include the following information:

1. A description of the application or request.
2. An identification of the property that is the subject of the application or request. The notice shall include a listing of all existing street addresses within the property; provided, however, that street addresses do not need to be created and listed if no such addresses currently exist within the property; and provided further that street addresses do not need to be listed if eleven or more adjacent properties are being proposed for rezoning.
3. The date and time when the application or request will be considered, the location of the public hearing.
4. The location or address where written comments concerning the application or request will be received; the time within which such written comments may be submitted.
5. Any other information required under the Zoning Enabling Act, Act 110 of 2006, as amended.

ARTICLE XIV - ZONING BOARD OF APPEALS

14.01 ESTABLISHMENT

The Zoning Board of Appeals (ZBA) is established and shall have the authority and responsibilities conferred by law and this ordinance.

14.02 MEMBERSHIP

The Zoning Board of Appeals shall consist of three (3) members. One (1) of the regular members of the zoning board of appeals shall be a member of the Planning Commission. The remaining regular members of a ZBA, and any alternate members shall be selected from the electors of the township residing within the township. The members selected shall be representative of the population distribution and of the various interests present in the Township.

One (1) regular or alternate member of a Zoning Board of Appeals may be a member of the Township Board. Such a member shall not serve as chairperson of the ZBA. An employee or contractor of the Township may not serve as a member of the ZBA.

The Township Board may appoint to the Zoning Board of Appeals not more than 2 alternate members for the same term as regular members. An alternate member may be called as specified in the zoning ordinance to serve as a member of the ZBA in the absence of a regular member if the regular member will be unable to attend 1 or more meetings. An alternate member may also be called to serve as a member for the purpose of reaching a decision on a case in which the member has abstained for reasons of conflict of interest. The alternate member appointed shall serve in the case until a final decision is made. An alternate member serving on the ZBA has the same voting rights as a regular member.

A member of the ZBA, who is also a member of the Planning Commission or the Township Board, shall not participate in a public hearing on or vote on the same matter that the member voted on as a member of the Planning Commission or the Township Board. However, the member may consider and vote on other unrelated matters involving the same property.

A member of the ZBA may be paid a reasonable per diem and reimbursed for expenses actually incurred in the discharge of his or her duties.

14.03 QUORUM

A zoning board of appeals shall not conduct business unless a majority of the regular members of the zoning board of appeals are present.

14.04 TERMS OF OFFICE

A member of the Zoning Board of Appeals shall have a term of office of three years and until the member's successor is appointed and qualifies; provided however, that the terms of the members first appointed shall be for varying numbers of years, none of them exceeding three years, so as to provide for differing expiration dates of members' terms.

The terms of the ZBA members who are a Township Board member, and a Planning Commission member shall coincide with their respective terms as members of the Township Board and the Planning Commission.

A member of the ZBA may be reappointed.

A vacancy in the office of a member of the ZBA shall be filled for the remainder of the unexpired term in the same manner as the original appointment is made. A successor shall be appointed not more than 1 month after the term of the preceding member has expired.

14.05 REMOVAL AND CONFLICT OF INTEREST

A member of the zoning board of appeals may be removed by the Township Board for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing.

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

14.06 JURISDICTION

The ZBA shall act upon all questions arising in the administration of this ordinance, including interpretation of the Zoning Map and the text of this ordinance.

The Board of Appeals shall hear and decide all appeals from any order, requirement, decision, or determination made by the Zoning Administrator, other administrative official or body authorized to enforce the provisions of this ordinance.

The Board of Appeals shall hear and decide all petitions for dimensional variances.

The Board of Appeals shall hear and decide all matters assigned to it for decisions under the terms of this ordinance.

The Board of Appeals shall have jurisdiction and authority over any aspect or part of an application for approval of a special land use, planned unit development or hardship planned unit development.

An appeal to the Board of Appeals stays all proceedings in furtherance of the action appealed from; provided, however, that if the body or officer from whom the appeal is taken certifies to the Board of Appeals, after the notices of appeal is filed, that by reason of facts stated in such certification, a stay, in the opinion of the body or officer, will cause imminent peril to life or property, then such proceedings may be stayed only by a restraining order issued by the Board of Appeals or the circuit court.

14.07 VARIANCES

If an applicant seeks a nonuse variance relating to the construction, structural changes, or alteration of buildings or structures relating to dimensional requirements of this ordinance or to any other nonuse related standard in this ordinance, the ZBA may grant a variance from such requirements and standards if it finds that the spirit of the ordinance is observed, public safety is secured, and substantial justice is done by doing so, and only if the applicant demonstrates and the ZBA finds that practical difficulties, as set forth below, are in the way of carrying out the strict letter of this ordinance:

1. Strict compliance with the restrictions governing area, setbacks, frontage, height, bulk, density, and other similar items unreasonably prevents the owner from using the property for a permitted purpose or would render conformity with said restrictions unnecessarily burdensome.
2. The variance would do substantial justice to the applicant as well as to other property owners in the zoning district and a lesser relaxation of the restrictions would not give substantial relief to the proponent and be more consistent with justice to others.
3. The plight of the property owner is due to unique circumstances of the property in that special conditions exist which are peculiar to the land, structures, or buildings involved and which are not applicable to other lands, structures, or buildings in the same zoning district; and
4. The applicant's problem is not self-created.

The ZBA may impose conditions upon the granting of a variance to insure that public services and facilities affected by the granting of the variance will be capable of accommodating increased service and facility loads caused by the granting of the variance, to protect the natural environment and conserve natural resources and energy, to ensure compatibility with adjacent and nearby uses of land, to promote the use of the land in a socially and economically desirable manner, to ensure that the spirit of this Ordinance is observed, public safety is secured and substantial justice done. The conditions shall be designed to protect natural resources, the health, safety, and welfare, as well as the social and economic well-being, of those who will use the land on which the variance is granted, residents and landowners immediately adjacent to said land, and the community as a whole, and shall be related to the valid exercise of the police power and matters which are affected by the variance.

14.08 TIME LIMITATIONS ON VARIANCES

Within twelve months after the granting of a variance, the applicant shall obtain all required permits and begin the construction or other work authorized by the variance and shall proceed diligently towards the completion thereof. The construction or other work authorized by a variance shall be completed not later than one year after commencing the construction or other work. The Board of Appeals may grant an extension of up to one additional year, upon request by the applicant and if the Board finds that the Township Ordinances and conditions of property and surrounding area supporting the variance have not changed, extenuating circumstances have prevented the completion of the authorized work, and if the Board determines that an extension is otherwise justified. Any request for such an extension shall be considered at a public meeting of the Board of Appeals, but a public hearing shall not be required. If not, the variance becomes null and void.

14.09 APPEALS AND OTHER APPLICATIONS FOR RELIEF

An appeal to the Zoning Board of Appeals may be taken by a person aggrieved or by an officer, department, board, or bureau of this state or Barton Township. In addition, a variance in this ordinance may be applied for and granted under Section 4 of the uniform condemnation procedures act, 1980 PA 87, MCL 213.54, and as provided under Act 110 of 2006, Michigan Zoning Enabling Act, as amended. The Zoning Board of Appeals shall state the grounds of

any determination made by the board.

An appeal under this section shall be taken within such time as prescribed by the Zoning Board of Appeals by general rule, by filing with the body or officer from whom the appeal is taken and with the Zoning Board of Appeals a notice of appeal specifying the grounds for the appeal. The body or officer from whom the appeal is taken shall immediately transmit to the Zoning Board of Appeals all the papers constituting the record upon which the action appealed from was taken.

An application or appeal shall be filed not later than 30 days after the order, decision, or determination as to which the application or appeal is taken.

An application seeking relief within the jurisdiction of the Board of Appeals shall apply for such relief by means of application form provided by the Township and shall pay the required application fee and deposit any required sum into a Township escrow account for the purpose of any required reimbursement of Township expenses incurred in the consideration of the application.

14.10 DECISIONS OF THE BOARD OF APPEALS

The Board of Appeals shall decide all applications and appeals within a reasonable time.

The Board of Appeals may reverse or affirm, in whole or in part, or may modify, the order, decision, or determination that is being appealed. For such purpose, the Board shall be determined to have all the powers of the Township officer or body from whom the appeal was taken. In its decision, the Board of Appeals may direct the issuance of all relevant Township permits.

In cases requesting a variance, the Board of Appeals shall, if it determines that relief is warranted, grant only such relief as is necessary to relieve the practical difficulties that the Board of Appeals finds to exist. Such decision shall be binding upon the Zoning Administrator, or other Township officials having authority in the circumstances. The Township building official shall incorporate the terms and conditions of the Board of Appeals' decision in any permit issued to the applicant pursuant to the decision.

A decision of the Board of Appeals shall be final; provided, however, that a party aggrieved by the Board of Appeals' decision may appeal to the circuit court, within the time, to the extent and in the manner permitted by law.

A member of the Board of Appeals who is also a member of the Township Board or the Planning Commission shall not participate in a public hearing on or vote on the same matter that the member voted on as a member of the Township Board or the Planning Commission. However, the member may consider and vote on other unrelated matters involving the same property.

14.11 APPEALS FROM DECISIONS OF THE BOARD OF APPEALS

Any party aggrieved by a decision of the Board of Appeals may appeal to the circuit court. As provided by law, the circuit court shall review the record in the case and the decision of the Board of Appeals for the purpose of ensuring that the decision complies with all the following requirements.

1. That it complies with the Constitution and laws of the state.
2. That it is based upon proper procedures.
3. That it is supported by competent material and substantial evidence on the record of the Board of Appeals.
4. That it represents the reasonable exercise of discretion as granted by law to the Board of Appeals.

If, as provided by law, the circuit court finds the record inadequate to accomplish the required review, or if the court determines that additional material evidence exists that with good reason was not presented, the circuit court is authorized by law to order further Township proceedings, in which event the Board of Appeals may modify its findings and decision as a result of the new proceedings or may affirm its original decision. The supplementary record and decision in such further proceedings shall be filed with the circuit court. As provided by law, the court may affirm, reverse, or modify the decision of the Board of Appeals.

An appeal from a decision of the Board of Appeals shall be filed within 30 days after the Board of Appeals issues its decision in writing signed by the chairperson if there is then a chairperson or signed by another member of the Board of Appeals, if there is then no chairperson, or within 21 days after the Board of Appeals approves the minutes of the meeting at which its decision was taken.

ARTICLE XV - AMENDMENTS AND DISTRICT CHANGES

15.01 INITIATION OF AMENDMENTS

This Ordinance may be amended or supplemented from time to time in accordance with Act 110 2006, the Zoning Enabling Act, as amended. Amendments to this Ordinance may be initiated by the Township Board, the Planning Commission, or by any interested person or persons by petition to the Planning Commission.

15.02 AMENDMENT PETITION

All petitions for amendment to this Ordinance shall be in writing, signed and filed with the Township Clerk for presentation to the Planning Commission. The submission shall be made as set by the resolution adopted by the Township Board for establishing submission deadlines. Such petitions shall include the following:

1. The petitioner's name, addresses, and interest in the petition and, if applicable, the name, address, and interest of each person having a legal or equitable interest in any land which is to be rezoned.
2. The nature and effect of the proposed amendment.
3. If the proposed amendment would require a change in the zoning map, a fully dimensioned map showing the land would be affected by the proposed amendment, a legal description of such land, the present zoning district of the land, the zoning district of all abutting lands, and all public and private right-of-way and easements bounding and intersecting the land to be rezoned.
4. The alleged error, if any, in the Ordinance which would be corrected by the proposed amendment, with a detailed explanation of such alleged error and detailed reason why the proposed amendment will correct the same.
5. The changed or changing conditions in the area or in the Township that make the proposed amendment necessary to the promotion of the public health, safety, and general welfare.
6. All other circumstances, factors, and reasons which the petitioner offers in support of the proposed amendment.

15.03 PROCEDURE

The procedure for making amendments shall be as follows:

1. The Planning Commission shall authorize the preparation of the proposed amendment to be considered.
2. The Planning Commission shall set a time and place for a public hearing on the proposed amendment and shall arrange for notice of such public hearing to be given in accordance with Act 110 of 2006, the Zoning Enabling Act, as amended.
3. At said hearing, the Planning Commission shall establish that the applicant has paid to

the Township the fee established by the Township Board and that proper notices have been made.

4. The Planning Commission shall hold said public hearing, noting all comments and reports requested, or noting the absence of such.
5. The Planning Commission may make minor changes in the amendment to reflect objections raised at the hearing or to correct technical errors. The changed text shall be forwarded as above without further hearing. If the Planning Commission desires to make major changes in the proposed amendment, it shall either adjourn the hearing, announcing at that time the time and place of the continuation thereof, or set a time and place for a new public hearing as called for above.
6. The Planning Commission desires to make major changes in the proposed amendment, it shall either adjourn the hearing, announcing at that time the time and place of the continuation thereof, or set a time and place for a new public hearing as called for above.
7. If the Township Board determines that the proposed amendment should be modified or rejected, it may refer the proposed amendment back to the Planning Commission for consideration and for comments within a time specified by the Township Board. After receiving the report of the Planning Commission, the Township Board shall grant a hearing on the proposed amendment to a property owner who requests a hearing by certified mail, addressed to the Clerk.
8. Additionally, the Township Board may hold a public hearing on the proposed amendment if considers it necessary.
9. The Township Board shall adopt the Ordinance in the prescribed manner and shall publish the Ordinance amendment or a summary of the regulatory effect of the Ordinance amendment within fifteen (15) days.
10. The Township Board shall then file the Ordinance in the official ordinance book of the Township seven (7) days after publication with a certification by the Clerk authenticating the record.
11. An amendment to this Ordinance or the entire Ordinance may be the object of a referendum in accordance with Act 110 of 2006, Michigan Zoning Enabling Act, as amended.

ARTICLE XVI - SEPARABILITY, REPEALS AND EFFECTIVE DATE

16.01 SEPARABILITY

In case any Article, Section or provision of this Ordinance shall be held invalid in any court, the same shall not affect any other Article, Section, or provision of this Ordinance, except so far as the Article, Section or provision so declared invalid shall be inseparable from the remainder of any part thereof.

16.02 REPEALING CONFLICTING ORDINANCES

All ordinances or parts thereof in conflict with any of the terms of this Ordinance are hereby repealed to such extent as they are so in conflict or inconsistent provided that the adoption of this Ordinance shall not prevent or bar the continuance or institution of any proceedings for offenses heretofore committed in violation of any existing Ordinance.

16.03 EFFECTIVE DATE

This Ordinance was approved by the Township Board on _____, 2024, and is ordered to take effect seven (7) days following its publication or publication of a notice of adoption.

Publication Date: _____, 2024

Effective Date: _____, 2024