

Otisco Township

Zoning Ordinance

1986 As Amended
Through April 23, 2014

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Table of Contents

Article I	I-I
Preamble	I-I
1.100	Enactment And Authority	I-I
1.110	Short Title	I-I
1.120	Purposes	I-I
Article II	.....	II-1
Definitions	.....	II-1
1.200	Usage	II-1
1.210	Words And Terms Defined	II-1
Article III	.....	III-1
Establishment Of Districts	.....	III-1
1.300	Establishment Of Districts	III-1
1.310	Zoning Map	III-1
1.320	Waterfront Conservation District (W-C)	III-3
1.330	Agricultural Conservation District (A-C)	III-5
1.340	Rural Conservation District (R-C)	III-7
1.350	Low Density Residential District (R-1)	III-9
1.360	Medium To High Density Residential District (R-2)	III-10
1.370	Planned Unit Development District (Pud)	III-11
1.380	Commercial District (C-1)	III-12
1.390	Industrial District (I-1)	III-14
1.3.10.0	Manufactured Housing Community District (Mhc)	III-16
Article IV	.....	IV-1
Regulations	.....	IV-1
1.400	Effect Of Zoning	IV-1

1.410	Application Of Regulations	IV-1
1.420	Bulk Table	IV-2
1.430	General Regulations	IV-4
1.440	Additional General Regulations.....	IV-10
1.450	Nonconformities.....	IV-11
1.460	Site Plan Review And Approval.....	IV-13
1.470	Special Use Permits	IV-16
Article V	.....	V-1
Supplemental Regulations For Specific Uses		V-1
1.500	Supplemental Regulations For Specific Uses.....	V-1
1.520	Planned Unit Development District (Pud).....	V-1
1.530	Natural River Zoning District	V-12
1.540	Signs And Billboards.....	V-Error! Bookmark not defined.
1.550	Design Standards And Conditions For Certain Uses.	V-14
1.560	Adult-Oriented Businesses:	V-18
1.570.	Private Roads.....	V-23
1.580.	Outdoor Free-Standing Wood-Burning Furnaces.	V-37
Article VI	.....	VI-1
Administration		VI-1
1.600	Zoning Administrator	VI-1
1.610	Application Procedures For Zoning Compliance Permits	VI-1
1.620	Application Procedures For Special Use Permits By Planning Commission.....	VI-4
1.630	Performance Bonding For Compliance.....	VI-6
1.640	Schedule Of Fees.....	VI-7
1.650	Zoning Board Of Appeals.....	VI-8
1.660	Application Procedure For Appeals / Variances And The Decision Process.....	VI-12
1.670	Standards For Variances	VI-13
1.680	Violations	VI-15
Article VII	.....	VII-1
Amendments		VII-1

1.700	Amendment Procedure	VII-1
1.720	Amendment Review Procedure.....	VII-1
1.730	Concurrent Review And Approval	VII-4
Article VIII	.....	VIII-1
Miscellaneous	.....	VIII-1
1.800	Interpretation Of Ordinance	VIII-1
1.810	Severability (Separability).....	VIII-1
1.820	Effective Date.....	VIII-1
1.830	Repeal Of Previous Ordinance.....	VIII-1
Article IX	.....	IX-1
Open Space Preservation	.....	IX-1
1.9.0.0	Applicability.....	IX-1
1.9.1.0	Definitions	IX-1
1.9.2.0	Qualifying Conditions	IX-1
1.9.3.0	Permitted Uses	IX-2
1.9.4.0	Process	IX-2
1.9.5.0	Application And Review Procedure	IX-2
1.9.6.0	Requirements For Open Space	IX-6
1.9.7.0	Individual Lots, Streets, And Other Improvements; Miscellaneous Provisions	IX-8
1.9.8.0	Amendments To An Approved Residential-Open Space Pud.....	IX-11
1.9.9.0	Performance Guarantees	IX-11
1.9.10.0	Time Limitations For Development.....	IX-11
1.9.11.0	Savings Clause	IX-12

OTISCO TOWNSHIP
IONIA COUNTY, MICHIGAN
ZONING ORDINANCE

Amendment March 13, 2007 by Ordinance No. 2007-02

AN ORDINANCE TO ESTABLISH GENERAL POWER OF LOCAL GOVERNMENT UNITS TO REGULATE USE OF LAND AND STRUCTURES BY ZONING; UNIFORMITY OF REGULATION; AUTHORITY TO ADOPT REGULATIONS TO ACHIEVE SPECIFIC LAND MANAGEMENT OBJECTIVES OR SOLVE SPECIFIC LAND USE PROBLEMS; AUTHORITY TO ADOPT REGULATIONS DESIGNATING OR LIMITING LOCATION, HEIGHT, BULK, NUMBER OF STORIES, USES, AND SIZE OF DWELLINGS, BUILDINGS AND STRUCTURES THAT MAY BE ERECTED OR ALTERED WITHIN OTISCO TOWNSHIP.

ARTICLE I

PREAMBLE

1.100 Enactment and Authority

Amendment March 13, 2007 by Ordinance No. 2007-02
The Township Board of Otisco in the County of Ionia, under the authority of the *Michigan Zoning Enabling Act, PA 110 of 2006 (Effective July 1, 2006)*, as amended, hereby ordains, enacts and publishes this Zoning Ordinance.

1.110 Short Title

This ordinance shall be known as the "Otisco Township Zoning Ordinance".

1.120 Purposes

The Otisco Township Zoning Ordinance is hereby established in accordance with the needs of Otisco Township. The text, map, and schedules contained herein shall constitute this Ordinance. Said Ordinance is necessary to protect and promote the public health, safety and general welfare of the Township and is adopted for the following purposes:

- 1.121 To insure that new development takes place in an environmentally consistent and sound manner and that the potential for flood hazard, soil erosion, and disturbances to the natural drainage network and surface and groundwater contamination is minimized, thereby protecting natural resources and preserving scenic and environmental quality, as well as minimizing the public burden.

- 1.122 Maintain land use restrictions along the Flat River pursuant to the Natural Rivers Act, P.A. 231 of 1970.
- 1.123 Encourage approaches to land development that take natural features such as soils, topography, steep slopes, hydrology, and natural vegetation into account in the process of site design.
- 1.124 To preserve the agricultural economic base of the township.
- 1.125 Discourage non-farm development in areas consisting primarily of U.S.D.A. designated prime and unique farmland.
- 1.126 Make lands which are less suitable for agricultural use more attractive to develop than prime and unique agricultural land, thereby encouraging development to occur in the areas less suitable for agriculture.
- 1.127 Encourage a general low density pattern of residential development consistent with the rural/agricultural character found in most areas of the township and encourage higher densities in areas appropriate for such development.
- 1.128 Establish density standards that are consistent with the natural capability of soils to handle on-site septic systems and which promote the preservation of the township's rural and agrarian qualities.
- 1.129 Encourage higher densities of development in locations where future public utilities and services can be most economically and efficiently provided.
- 1.130 Provide for the basic service and shopping needs of the township's residents by allowing commercial development to take place in suitable areas in a manner which limits commercial strip development, minimizes conflicts with surrounding land uses and prevents unnecessary conflicts with the movement of traffic along major highways.
- 1.131 Provide for the growth in light industrial development in areas that are easily accessible by major transportation facilities and which are capable of being most economically and efficiently served by public utilities and services.
- 1.132 To increase the tax base of the township and the availability of jobs within the community, thereby increasing the ability of the township to provide services, bettering the economic well-being of residents and improving the overall quality of life in the area.
- 1.133 Minimize delays due to review and processing of development applications.
- 1.134 Prevent the wide scale scattering of intensive and higher density non-farm land uses in the rural countryside.
- 1.135 Provide for the separation between conflicting land uses by avoiding conflicts between incompatible land uses, designating suitable transitional districts and/or requiring greenbelt or buffer areas.

- 1.136 Maximize the efficiency, safety, and ease of maintenance of the road system. Make provisions for road improvements that will promote growth in a way that is consistent with adopted goals and policies relating to land use.
- 1.137 To provide a wide range of housing opportunities within the township.
- 1.138 To adopt regulations requiring the adequate siting and screening of those land uses which tend to have a blighting influence on the community.
- 1.139 To provide necessary resources and expertise to enforce the provisions of the zoning ordinance.

ARTICLE II

DEFINITIONS

1.200 Usage

For the purpose of this ordinance, certain numbers, abbreviations, terms and words used herein shall be used, interpreted and defined as set forth in this article.

1.201 Unless the context clearly indicates to the contrary, words used in the present tense include the future tense; words used in the singular number include the plural; and words used in the plural number include the singular; the word "herein" means in this ordinance; the word "regulation" means the regulations of this ordinance; and the words "this ordinance" shall mean "the ordinance text, tables and maps included herein, as enacted or subsequently amended".

1.203 A "person" includes a corporation, firm, partnership, as well as an individual, or an unincorporated association of persons such as a club or any other entity; "shall" is always mandatory; a "lot" includes plot or parcel, a "building" includes a structure; a "building" or "structure" includes any part thereof; "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged or designed to be used or occupied".

1.204 The "Township" is Otisco Township in the County of Ionia, State of Michigan; the "Township Board", "Board of Appeals", and "Planning Commission" are respectively the Township Board, Zoning Board of Appeals, and Township Planning Commission of Otisco Township.

1.210 Words and Terms Defined

ACCESSORY BUILDING: A building or structure located on the same lot with the principal or main building. An accessory building is detached from the main building. Where an accessory building is attached to a main building in any manner by a wall or roof, it shall be considered a part of the main building.

ACCESSORY USE: A use customarily and normally incidental and subordinate to the principal use or structure, and located in the same lot with such principal use or structure.

AGRICULTURE: Raising and storing of crops, animals and animal products, forestry, the preparation and marketing of certain agricultural products, and other commonly accepted agricultural operations for commercial purposes, including the sale of products. All commercial sales and retailing activities shall be accessory and secondary to the primary farm activity, and seventy-five (75%) percent of the total dollar value of such retailing activities shall include products grown and raised on the premises.

AGRICULTURAL LAND: Means substantially undeveloped land devoted to the production of plants and animals useful to humans, including, but not limited to, forage and sod crops, grains, feed crops, field crops, dairy products, poultry and poultry products, livestock, herbs, flowers, seeds, grasses, nursery stock, fruits, vegetables, Christmas trees, and other similar uses and activities. (Amendment March 13, 2007 by Ordinance No. 2007-02)

AIRPORT: Means an airport licensed by the Michigan Department of Transportation, Bureau of Aeronautics under Section 86 of the Aeronautics Code of the State of Michigan, 1945 PA 327, MCL 259.86. (Amendment March 13, 2007 by Ordinance No. 2007-02)

AIRPORT APPROACH PLAN, and AIRPORT LAYOUT PLAN: Means a plan, or an amendment to a plan, filed with the Zoning Commission under Section 151 of the Aeronautics Code of the State of Michigan, 1945 PA 327, MCL 259.151. (Amendment March 13, 2007 by Ordinance No. 2007-02)

AIRPORT MANAGER: Means that term as defined in Section 10 of the Aeronautics Code of the State of Michigan, 1945 PA 327, MCL 259.10. (Amendment March 13, 2007 by Ordinance No. 2007-02)

AIRPORT ZONING REGULATIONS: Means airport zoning regulations under the Airport Zoning Act, 1950 (Ex Sess) PA 23, MCL 259.431 to 259.465, for an airport hazard area that lies in whole or part in the area affected by a zoning ordinance under this act. (Amendment March 13, 2007 by Ordinance No. 2007-02)

ALTERATIONS: Any change, addition or modification in construction or types of occupancy, and any change in the roof or supporting members of the building or structure, such as bearing walls, partitions, columns, beams, girders, foundations or any change which may be referred to herein as "altered" or "reconstructed".

AUTOMOBILE REPAIR - MAJOR: Any activity involving the general repair, rebuilding or reconditioning of motor vehicles, engines, or trailers; collision services, such as body, frame, or fender straightening and repair, overall painting and vehicle rust-proofing.

AUTOMOBILE REPAIR - MINOR: Any activity involving minor repairs to motor vehicles and the incidental replacement of parts of such vehicles. A place where either gasoline or any other fuel or lubricating oil or grease for operating motor vehicles is offered for sale to the public and applied directly into motor vehicles, including sale of accessories, greasing, oiling and minor automotive repair on the premises.

AUTOMOBILE OR CAR WASH ESTABLISHMENT: A building, or portion thereof, the primary purpose of which is that of washing motor vehicles.

BASEMENT OR CELLAR: A portion of a building having more than one-half (1/2) of its height below grade.

BLUFF: The top of a steep bank rising sharply from the water's edge.

BOARDING, LODGING, OR ROOMING HOUSE: A dwelling primarily used for the purpose of providing long term lodging or both meals and lodging for compensation. Such house is to be distinguished from a hotel, motel, or an institutional use such as a convalescent or nursing home.

BOTTOM LAND: The land area of an inland lake or stream which lies below the ordinary high-water mark and which may or may not be covered by water. (P.A. 346 of 1972).

BUILDABLE AREA: Contiguous land excluding land subject to flooding six (6) months of the year, poor drainage, excessive slopes, rock outcrops, and land encumbered by easements.

BUILDING: A structure, either temporary or permanent having a roof.

BUILDING HEIGHT: The building height is the vertical distance measured from the average finished grade at the front building line to the highest point of the roof surface.

BUILDING, MAIN OR PRINCIPAL: A building in which is conducted the principal use of the lot on which it is situated.

CEMETERY: The term cemetery, as used herein, shall be deemed to refer to any public cemetery owned, managed or controlled by the Township and any cemetery located within the Township.

CONSERVATION EASEMENT: Means that term as defined in Section 2140 of the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.2140. (Amendment March 13, Ordinance 2007-02)

CONSTRUCTION: The building, erection, alteration, repair, renovation (or demolition or removal) of any building, structure or structural foundation; or the physical excavation, filling and grading of any lot other than normal maintenance shall constitute construction. This does not include agricultural operations other than the erection of buildings.

CONVALESCENT HOME, NURSING HOME, GROUP HOME OR FOSTER CARE HOME: A convalescent home, nursing home or group home is a home wherein six (6) or more persons are cared for. Said home is for the aged or infirm, or a place for those suffering bodily disorders, mental illness, mental retardation and for the care of un-parented children. Said home shall conform and qualify for license under State Law.

COORDINATING ZONING COMMITTEE: Means a coordinating zoning committee as described under Section 307. [FN1] (Amendment March 13, Ordinance 2007-02)

DEVELOPMENT RIGHTS: Means the right to develop land to the maximum intensity of development authorized by law. (Amendment March 13, Ordinance 2007-02)

DEVELOPMENT RIGHTS ORDINANCE: Means an ordinance, which may comprise part of a zoning ordinance, adopted under Section 38. [FN2] (Amendment March 13, Ordinance 2007-02)

DWELLING, MULTIPLE FAMILY: A building or portion thereof, used or designed for occupancy by more than two (2) families living independently of each other. This definition does not include single family attached dwellings or two-family dwellings.

DWELLING, SINGLE FAMILY: A building or portion thereof containing one dwelling unit and designed for occupancy by one family and meeting all of the minimum requirements of this ordinance, and which is not attached to any other structure except a permitted accessory building. Single family dwelling shall include mobile homes and modular homes.

DWELLING, SINGLE FAMILY (ATTACHED): A group of three (3) or more single family dwelling units which are joined to one another by a common party wall, but not a common floor-ceiling. Each unit shall have its own outside entrance. For the purposes of this Ordinance, dwellings such as semi-detached, row houses, patio-house and townhouse shall be deemed a single family dwelling.

DWELLING, TWO-FAMILY: A detached building used or designed for use exclusively by two (2) families living in separate dwelling units and each doing their own cooking in said building. It may also be termed duplex.

DWELLING, UNDERGROUND: See Underground Homes definition.

DWELLING UNIT OR DWELLING: A dwelling unit is any building or portion thereof having cooking facilities, which is occupied wholly as the home, residence or sleeping place of one (1) family, either permanently or temporarily, but in no case shall a motor home, trailer coach, automobile chassis, tent or portable building be considered a dwelling. In case of partial occupancy, where a building is occupied in part as dwelling unit, the part so occupied shall be deemed a dwelling unit for the purposes of this Ordinance and shall comply with the provisions herein relative to dwellings. Dwelling unit shall include mobile homes and modular homes.

EFFICIENCY UNIT (STUDIO): A dwelling unit for one (1) individual or small family consisting of one (1) room, exclusive of bathroom, hallway, closets and the like.

ESSENTIAL PUBLIC SERVICES: The erection, construction, alteration or maintenance by public utilities or municipal departments or commissions of underground or overhead gas, electrical, steam, or water transmission, or distribution systems, collection, communication, supply or disposal systems (including towers, structures, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, telephone exchanges and/or repeater buildings, electrical substations, gas regulators, stations, and other similar equipment and accessories in connection therewith) reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions for the public health, safety or general welfare.

FAMILY: An individual or group of two or more persons related by blood, marriage or adoption, together with foster children and servants of the principal occupants, with not more than one additional unrelated person, who are domiciled together as a single, domestic housekeeping unit in a dwelling unit; or a collective number of individuals domiciled together in one dwelling unit whose relationship is of a continuing non-transient domestic character and who are cooking and living as a single nonprofit housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization, or group of students or other individuals whose domestic relationship is of a transitory or seasonal nature or for an anticipated limited duration of a school term or terms or other similar determinable period.

FAMILY DAY-CARE HOME and GROUP DAY-CARE HOME: Means those terms as defined in Section 1 of 1973 PA 116, MCL 722.111, and only apply to the bona fide private residence of the operator of the family or group day-care home. (Amendment March 13, Ordinance 2007-02)

FARM AND AGRICULTURAL PRODUCTS: Farm and agricultural products are those plants and animals useful to human beings produced by agriculture and include, but are not limited to, forages and sod crops, grains and feed crops, field crops, dairy and dairy products, poultry and poultry products, cervidae, livestock, including breeding and grazing, equine, fish, and other aqua cultural products, bees and bee products, berries, herbs, fruits, vegetables, flowers, seeds, grasses, nursery stock, trees and tree products, mushrooms, and other similar products, or any other product which incorporates the use of food, feed, fiber, or fur, as determined by the Michigan Commission of Agriculture & Rural Development and, as further defined by the Michigan Right-to-Farm Act, P.A. 93 of 1981, as amended. (Amendment April 23, 2014, Ordinance 2014-02)

FARM DWELLING: A dwelling occupied by a person or family engaged in the practice of agriculture on the same parcel or adjacent parcels of land.

FEEDYARD: A commercial venture, not part of a principal agricultural use, involving the handling, and feeding of cattle or other livestock.

FLOOR AREA: The sum of the gross horizontal areas of the several floors of the building measured from the interior faces of the exterior walls from the center line of walls separating two (2) buildings. Floor area shall not include elevator shafts, stairwells, floor space used for mechanical equipment, attic space having headroom of seven (7) feet or less, or interior balconies or mezzanines. Any space devoted to off-street parking or loading shall not be included in floor area. Areas of basements, utility rooms, breezeways, porches, or attached garages are not included except, however, that the floor area of the building shall include the basement floor area when more than one-half (1/2) of the basement height is above the established curb level, or finished lot grade, whichever is higher.

GREENBELT OR BUFFERSTRIP: The strip of land not less than ten (10) feet in width which is planted and maintained with trees acceptable to the Zoning Administrator of from five (5) to six (6) feet in height spaced not more than ten (10) feet apart; or a hedge row of suitable shrubs not less than four (4) feet in height; not more than three (3) feet apart.

GREENWAY: Means a contiguous or linear open space, including habitats, wildlife corridors, and trails, that links parks, nature reserves, cultural features, or historic sites with each other, for recreation and conservation purposes. (Amendment March 13, Ordinance 2007-02)

HOME OCCUPATION: Any occupation or profession carried on within a portion of a Residential dwelling that is a use of the residential dwelling unit. (Amendment June 8, 1999, Ordinance 1999-06)

IMPROVEMENTS: Means those features and actions associated with a project that are considered necessary by the body or official granting zoning approval to protect natural resources or the health, safety, and welfare of the residents of a local unit of government and future users or inhabitants of the proposed project or project area, including roadways, lighting, utilities, sidewalks, screening, and drainage. Improvements do not include the entire project that is the subject of zoning approval. (Amendment March 13, Ordinance 2007-02)

INTENSITY OF DEVELOPMENT: Means the height, bulk, area, density, setback, use, and other similar characteristics of development. (Amendment March 13, Ordinance 2007-02)

JUNK YARD: Any land used primarily for outdoor collecting, storage and abandonment of waste paper, rags, scrap metal or discarded materials; or which is used for the outdoor collecting, dismantling, storage and salvaging of machinery, vehicles or other personal property, whether or not such materials or parts thereof are for sale.

LEGISLATIVE BODY: Refers to the county board of commissioners of a county, the board of trustees of a township, the council of a city or village, or other similar duly elected representative body of a county, township, city, or village. (Amendment March 13, Ordinance 2007-02)

LOADING SPACE: An off-street space on the same lot with the building or group of buildings, for temporary parking for a commercial vehicle while loading or unloading merchandise or materials. Off-street loading space is not to be included as off-street parking space in computation of required off-street parking. A loading space is five hundred (500) square feet of area.

LOCAL UNIT OF GOVERNMENT: Means a county, township, city, or village. (Amendment March 13, Ordinance 2007-02)

LOT: A plot or parcel of land that conforms to the minimum provisions of this ordinance. A lot may or may not be the land shown on a duly recorded plat.

LOT AREA: The measurement of the total horizontal area of a lot bounded by lot lines, excluding street or road rights-of-way.

LOT, CORNER: A lot in which lot lines form an interior angle of less than one hundred thirty-five (135) degrees at the intersection of two (2) street lines. A lot abutting on a curved street or streets shall be deemed a corner lot if the tangents to the curve (measured at the points of intersection of the side lot lines with the street lines) intersect at an interior angle of less than one hundred thirty-five (135) degrees.

LOT, COVERAGE: The measurement of the area of a lot that is covered by all roofed buildings and/or structures located on the lot, stated in terms of a percentage of total lot area. Roofed buildings shall include all buildings, porches, arbors, breezeways, patio roofs, and the like, whether open box-type and/or lathe roofs, or fully roofed, but shall not be deemed to include fences, walls, or hedges used as fences, or swimming pools.

LOT LINE: A boundary line of a lot.

LOT LINE, FRONT: The exterior line or right-of-way of a road on which a lot fronts or abuts. In the case of a corner lot, the front lot line shall be the shortest boundary line adjacent to a street right-of-way.

LOT LINE, REAR: Any lot line, other than a front lot line, which is opposite and most distant from the front lot line.

LOT LINE, SIDE: Any lot line not a front or rear lot line.

LOT OF RECORD: A lot which actually exists in a subdivision plat as shown on the records of the County Register of Deeds, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

LOT WIDTH: The minimum distance between side lot lines as measured at the front yard setback.

MANUFACTURED HOME: A structure, transportable in one or more sections, which is built on a chassis and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure, excluding, however, a vehicle designed and used as temporary living quarters for recreational, camping, or travel purposes, including a vehicle having its own motor power or a vehicle moved on or drawn by another vehicle. Also referred to as a “mobile home” in this Ordinance. (Amended by Ordinance 2003-02 June 10, 2003)

MANUFACTURED HOUSING COMMUNITY: A parcel or tract of land under the control of a person upon which three or more manufactured homes are located on a continual non-recreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefore, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a manufactured home. Also referred to as a “mobile home park” in this Ordinance. (Amendment by Ordinance 2003-02 June 10, 2003)

MOTEL, HOTEL, OR MOTOR HOTEL: A building or a series of attached, semi-detached or detached rental units providing long term or transient lodging with motor vehicle parking in an area contiguous to the building.

NONCONFORMING LOT OF RECORD (Substandard Lot): A lot of record lawfully existing at the effective date of this Ordinance, or affecting amendment, and which fails to meet the minimum area requirements of the zoning district in which it is located. If more than one (1) lot of record is held in common ownership and said lots are contiguous, undeveloped and substandard in size to the minimum lot size in the zoning districts, they shall, for the purpose of this ordinance, be held as one (1) lot or as many lots as shall leave no lot substandard.

NONCONFORMING STRUCTURE: A structure, or portion thereof, lawfully existing at the effective date of this Ordinance, or affecting amendment, and which fails to meet the minimum yard setback requirements of the zoning district in which it is located.

NONCONFORMING USE: A use lawfully existing in a building or on land at the effective date of this Ordinance, or affecting amendment, and which fails to conform to the use regulations of the zoning district in which it is located.

OTHER ELIGIBLE LAND: Means land that has a common property line with agricultural land from which development rights have been purchased and is not divided from that agricultural land by a state or federal limited access highway. (Amendment March 13, Ordinance 2007-02)

PLANNING COMMISSION: The Otisco Township Planning Commission which has been authorized by the Township Board to carry out the powers and responsibilities pursuant to according to P.A. 33 2008 as amended, the Michigan Planning Enabling Act. (Amendment April 23, 2014, Ordinance 2014-02)

POPULATION: Means the population according to the most recent Federal Decennial Census of according to a special census conducted under Section 7 of the Glenn Steil State Revenue Sharing Act of 1971, 1971 PA 140, MCL 141907, whichever is the most recent. (Amendment March 13, Ordinance 2007-02)

PRINCIPAL USE: The primary or predominant use of a lot and the principal purpose for which a premise exists.

QUARRY, QUARRYING OPERATION: Any place where stone, gravel, sand, minerals, or other natural materials, including topsoil, is removed for the purpose of sale or any other commercial purposes, other than such as may be incidental to excavating in connection with or in anticipation of building development or landscaping on the site.

RECREATION VEHICLES: A vehicle primarily designed as temporary living quarters for recreational, camping, or travel purposes, including a vehicle having its own motor power or a vehicle mounted on or drawn by another vehicle (Act 419, Michigan P.A. of 1975, as amended).

RIVER'S EDGE (Ordinary High Water-Mark): The line between upland and bottomland which persists through successive changes in water levels below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the surface soil, and the vegetation.

ROAD FRONTAGE: The length of the lot line which borders a public road.

ROAD OR STREET, PRIVATE: An irrevocable easement running with the land to one or more owners of adjacent properties which provides access to those adjacent properties and which is not dedicated for general public use.

ROAD OR STREET, PUBLIC: Any public right-of-way which provides vehicular access to adjacent properties.

SANITARY LANDFILL: Any operation that is required to be licensed by the State of Michigan or its agencies as a sanitary landfill and/or is subject to the requirements of having such a license.

SCHOOL: Any public or private day care center, elementary, middle, junior high or secondary school accredited or licensed by the State of Michigan that provides education or child care to more than six (6) persons. As used herein, school does not include colleges, universities, dormitories, commercial schools, including art, dance, music, business or technical schools.

SETBACK: The minimum horizontal distance from a lot line inward toward the part of the building nearest to that lot line.

SEWAGE TREATMENT FACILITY: A sewage treatment facility, also known as waste treatment plant, is a series of tanks, screens, filters, and other processes by which pollutants are removed from the water.

SEPTIC SYSTEM, SEPTIC TANK: An individual system or tank approved by the County Health Department and used for waste disposal when a sewer line is not available to carry them to a sewage treatment facility.

SITE PLAN: Includes the documents and drawings required by the zoning ordinance to insure that a proposed land use or activity is in compliance with local ordinances and state and federal statutes. (Amendment March 13, Ordinance 2007-02)

SITE PLAN REVIEW: The submission of plans for review, as part of the process of securing zoning approval.

SPECIAL USE PERMIT: A permit for a use that would not be appropriate generally or without restriction throughout the zoning district; but which, if controlled as to the number, area, location or relation to the Township, would not adversely affect the public health, safety, order, comfort, convenience, appearance, prosperity, and general welfare. Such uses shall be permitted when the specific review criteria provided in this Ordinance for them are met.

STATE LICENSED RESIDENTIAL FACILITY: Means a structure constructed for residential purposes that is licensed by the state under the Adult Foster Care Facility Licensing Act, 1979 PA 218, MCL 400.701 to 400.737, or PA 116, MCL 722.111 to 722.128, and provides residential services for 6 or fewer persons under 24-hour supervision or care. (Amendment March 13, Ordinance 2007-02)

STOCKYARD: A commercial venture, not a part of a principal agricultural use, involving the buying, selling, or shipping of cattle or other livestock.

TEMPORARY BUILDING OR USE: A structure or use permitted by the Zoning Administrator to exist during periods of construction of the main use or for special events, as may be permitted herein, not to exceed six (6) months.

UNDERGROUND HOME: A dwelling unit, the roof of which may be covered with earth and which on at least two (2) sides does not extend upward more than the surrounding grade levels within fifty (50) feet. One side of said dwelling must be entirely exposed.

UNDEVELOPED STATE: Means a natural state preserving natural resources, natural features, scenic or wooded conditions, agricultural use, open space, or a similar use or condition. Land in an undeveloped state does not include a golf course but may include a recreational trail, picnic area, children's play area, greenway, or linear park. Land in an undeveloped state may be, but is not required to be, dedicated to the use of the public. (Amendment March 13, Ordinance 2007-02)

VARIANCE: A varying or relaxation of any of the requirements of the zoning ordinance by the Zoning Board of Appeals; where such variance will not be contrary to the public interest.

YARD: A required open space on a lot, unoccupied and unobstructed by any building or structure or portion thereof, provided that fences, walls, posts, porches, decks and other customary yard accessories, ornaments and furniture may be permitted in any yard subject to any additional requirements limiting the height or location of such facilities contained herein.

YARD, REQUIRED FRONT: The minimum required yard measured from the front lot line into the interior lot area.

YARD, REQUIRED REAR: The minimum required yard measured from the rear lot line into the interior lot area.

YARD, REQUIRED SIDE: The minimum required yard measured from the side lot line into the interior lot area.

ZONING ADMINISTRATOR: The person officially designated by the Township Board to administer and enforce this Ordinance.

ZONING BOARD OF APPEALS: The Otisco Township Zoning Board of Appeals (ZBA), the members of which have been duly appointed by the Otisco Township Board, and which is authorized as a body to interpret, hear appeals, and grant variances only in accordance with, the provision of this Ordinance.

ZONING COMPLIANCE PERMIT: A permit signifying compliance with the provisions of this Ordinance as to use, activity, bulk and density, and with the requirements of all other development codes and ordinances currently in effect in Otisco Township.

ZONING JURISDICTION: Refers to the area encompassed by the legal boundaries of a city or village or to the area encompassed by the legal boundaries of a county or township outside the limits of incorporated cities and villages. The zoning jurisdiction of a county does not include the areas subject to township zoning by a township that has adopted a zoning ordinance under this act. (Amendment March 13, Ordinance 2007-02)

ARTICLE III
ESTABLISHMENT OF DISTRICTS

1.300 Establishment of Districts (Amendment by Ordinance 2003-02 June 10, 2003)

Otisco Township is hereby divided into the following Districts:

- W-C WATERFRONT CONSERVATION DISTRICT
- A-C AGRICULTURAL CONSERVATION DISTRICT
- R-C RURAL CONSERVATION DISTRICT
- R-1 LOW DENSITY RESIDENTIAL DISTRICT
- R-2 MEDIUM TO HIGH DENSITY RESIDENTIAL DISTRICT
- PUD PLANNED UNIT DEVELOPMENT DISTRICT
- C-1 COMMERCIAL DISTRICT
- I-1 INDUSTRIAL DISTRICT
- MHC MANUFACTURED HOUSING COMMUNITY DISTRICT

1.310 Zoning Map

- 1.311 The areas and boundaries of such districts noted in Section 1.300 are hereby established to scale as shown on a map entitled "Zoning Map of Otisco Township", and is referred to herein as the "Zoning Map." Said Zoning Map, together with everything shown thereon, is hereby adopted by reference and declared to be a part of this Ordinance.
- 1.312 Regardless of the existence of copies of the zoning map which may be made or published, the official zoning map shall be located at a place designated by the board and shall be the final authority as to the current zoning status within the Township.
- 1.313 When uncertainty exists as to the boundaries of districts as shown on the zoning map, the following rules shall apply:
- A. Boundaries indicated as approximately following the centerline of rivers, waterways, roads, streets, highways, or alleys shall be construed to follow such centerlines.
 - B. Boundaries indicated as approximately following platted or non platted lot lines shall be construed to follow such lot lines.
 - C. Boundaries indicated as approximately following Township boundaries shall be construed to follow Township boundaries.
 - D. Boundaries indicated as following shorelines, stream beds, or the perimeter of a water body or water course shall be construed to follow the general established seasonal high water limit of such shoreline or stream bed, and in the event of a more than temporary or seasonal change in shoreline or stream bed shall be construed as moving with the newly formed / established seasonal high water limit.

- E. Boundaries indicated as parallel to or extensions of features indicated in sub-section 1.321 through 1.324 above shall be so construed. Distances not specifically indicated on the official Zoning Map shall be determined by the scale of the official Zoning Map.
- F. Where physical or cultural features existing on the ground are at variance with those shown on the Zoning Map, or in other circumstances not covered by sub-sections A. through E. above, the Zoning Administrator shall interpret the district boundaries. Upon appeal, the Zoning Board of Appeals reserves the right to review and uphold or override the interpretation of the Zoning Administrator.

1.320 WATERFRONT CONSERVATION DISTRICT (W-C)

1.321 District Objective

This district is established to implement public objectives embodied in the Flat River Natural River Management Plan adopted by the Natural Resources Commission, and endorsed by the Otisco Township Board and those objectives stated in Otisco Township Land Use Plan. These public objectives seek to preserve and enhance the values of the Flat River area as well as to promote the public health, safety and general welfare of this community and the state as a whole.

1.322 Uses Permitted as a Matter of Right:

- A. Single family dwellings
- B. Agricultural uses, not including farm buildings
- C. Parks, playgrounds and outdoor recreation uses
- D. Water related uses such as docks and bridges
- E. Residential support uses such as lawns and gardens
- F. State Forest, State Game Area.

1.323 Uses permitted by special use permit:

- A. Customary Home Occupations (Resolution No. 2006-07)
- B. Recreation, resorts, and camp grounds
- C. Bed and Breakfast

1.324 Permitted Accessory Uses:

Uses and structures which are customarily incidental to the above permitted principal uses, when located on the same lot or parcel as the principal use, are also allowed. Accessory structures shall not be located within the front yard of the lot or parcel. Permitted uses include:

- A. Attached or unattached automobile garages or carports
- B. Keeping not more than two roomers or boarders by a resident family
- C. Non-commercial recreational facilities including swimming pool, hot tubs, saunas, outdoor free standing furnace, basketball or tennis court, gazebo, garden shed, playground equipment and similar facilities when located on the same lot as a principal use or structure
- D. One unlighted name plate or sign, not over 2 square feet in area identifying a primary or accessory use.

1.325 Bulk Regulations

See Section 1.420, Bulk Table

1.326 Additional regulations

Additional regulations of the natural rivers program apply to all properties in this district.
See section 1.530

1.330 AGRICULTURAL CONSERVATION DISTRICT (A-C)

1.331 District Objective:

The agricultural conservation district has been established to preserve prime soils for agricultural use and to protect viable agricultural enterprises. It is to be applied to areas which have soils well suited to agricultural activities as identified by the USDA. The district is designed to preserve these areas by restricting the intrusion of incompatible uses into prime agricultural areas. Accessory uses described herein are also allowed, according to their compatibility with existing uses.

1.332 Uses Permitted by a Matter of Right:

The following uses are allowed, except as may be otherwise provided for elsewhere in this Ordinance.

- A. Agricultural, including horticulture, forestry, and the raising or keeping of livestock, poultry or fur-bearing animals, and accessory buildings necessary to such farms including the operation of a roadside produce stand on a seasonal basis.
- B. Greenhouses, sod farms, and garden nurseries
- C. Township Offices
- D. Cemetery

1.333 Uses Permitted by Special Use Permit

When authorized by the Planning Commission, the following uses are allowed in the A-C District, subject to the compliance with special provisions associated with each such use and subject to their compatibility with existing uses.

- A. Single family dwellings may be approved by the planning commission based on the standards contained below.
- B. Churches
- C. Schools and Day Care Centers
- D. Stockyards, feed yards of less than 10 acres where livestock are raised or kept.
- E. Commercial riding stables and dude ranches
- F. Personal Air Strip
- G. Housing for temporary or migratory workers.
- H. Customary Home Occupations, as an accessory to a permitted use.
- I. Wireless Communication Antennas and Towers. (Ordinance No. 99-12, 11/4/1999)
- J. Kennels
- K. Bed and Breakfast

1.334 Permitted Accessory Uses:

Uses and structures which are customarily incidental to the above permitted principal uses, when located on the same lot or parcel as the principal use, are also allowed. Accessory structures shall not be located within the front yard of the lot or parcel. Permitted uses include:

- A. Attached or unattached automobile garages or carports
- B. Keeping not more than two roomers or boarders by a resident family
- C. Non-commercial recreational facilities including swimming pool, hot tubs, saunas, outdoor free standing furnace, basketball or tennis court, gazebo, garden shed, playground equipment and similar facilities when located on the same lot as a principal use or structure.

1.335 Bulk Regulations

See Section 1.420. Bulk Table

1.336 Special Standards for the approval of Single Family Dwellings

Single family dwellings are permitted in this district when authorized by the planning commission. In considering such authorization, the planning commission shall consider the following standards:

- A. The location of proposed dwelling and lot in respect to whether the land is presently being utilized or is capable of being used for the production of agricultural crops, and whether the soil characteristics of the proposed lot are such that the land is substantially less productive than other land within the district.
- B. The location of said dwelling and lot in respect to whether it would interfere with or substantially hinder existing or potential farming operations or activity within the area.
- C. Whether the size of the proposed lot exceeds the reasonable size necessary to accommodate the proposed dwelling.
- D. The present or future ability of the township, county, and school district to provide adequate vehicular access, emergency services, educational services, or other necessary public services to the proposed dwelling.

1.340 RURAL CONSERVATION DISTRICT (R-C)

1.341 District Objective:

This is a zoning district for uses which are primarily rural in nature, including residential and agricultural uses undertaken as principal uses. Accessory uses and certain non-residential uses described herein are also allowed, according to their compatibility with existing uses.

1.342 Uses Permitted by a Matter of Right:

The following uses are allowed, except as may be otherwise provided for elsewhere in this Ordinance.

- A. Agriculture, including horticulture, forestry, and the raising or keeping of livestock, poultry or fur-bearing animals, and accessory buildings necessary to such farms including the operation of a roadside produce stand on a seasonal basis.
- B. Single family dwellings
- C. Greenhouses, sod farms, and garden nurseries
- D. State Forest, State Game Area
- E. Township Offices
- F. Cemetery

1.343 Uses Permitted by Special Use Permit:

When authorized by the Planning Commission, the following uses are allowed in the R-C District, subject to compliance with special provisions associated with each such use and subject to their compatibility with existing uses.

- A. Two-family dwellings
- B. Churches
- C. Schools and Day Care Centers
- D. Stockyards, feed yards and other areas of less than 10 acres where livestock are raised or kept.
- E. Commercial riding stables and dude ranches
- F. Recreational and Tourist Resorts, Campgrounds
- G. Private clubs, lodges, social or recreational uses including hunting camps or clubs, shooting ranges, outdoor concerts or festivals, bicycle courses.
- H. Personal Air Strip
- I. Golf Course
- J. Quarry, Quarrying operations
- K. Housing for temporary or migratory workers.
- L. Customary Home Occupations, as an accessory to a permitted use.
- M. Wireless Communication Antennas and Towers. (Ordinance No. 99-12, 11/4/1999)

N. Kennels

O. Bed and Breakfast

1.344 Permitted Accessory Uses:

Uses and structures which are customarily incidental to the above permitted principal uses, when located on the same lot or parcel as the principal use, are also allowed.

Accessory structures shall not be located within the front yard of the lot or parcel.

Permitted uses include:

A. Attached or unattached automobile garages and carports

B. Keeping not more than two roomers or boarders by a resident family

C. Non-commercial recreational facilities including swimming pool, basketball or tennis court, gazebo, garden shed, playground equipment, hot tubs, saunas, outdoor free standing furnace, and similar facilities when located on the same lot as a principal use or structure.

1.345 Bulk Regulations

See Section 1.420, Bulk Table

1.350 LOW DENSITY RESIDENTIAL DISTRICT (R-1)

1.351 District Objective:

The regulations of this district are intended to encourage a suitable environment for low density residential development, and compatible supportive uses. To this end, permitted uses are limited to low density residential development together with required recreational, religious, and educational facilities and agricultural uses.

1.352 Uses Permitted as a Matter of Right:

- A. Single family detached dwellings
- B. Agricultural operations, subject to the following limitations:
 - 1. All stables and buildings housing farm animals shall be located at least 75 feet from adjoining R- or PUD-zoned property.
 - 2. All farm buildings shall be located at least 50 feet from adjoining R- or PUD-zoned property.
- C. Public parks and playgrounds
- D. Cemeteries

1.353 Uses Permitted by Special Use Permit:

- A. Churches
- B. Schools and Daycare Centers
- C. Customary Home Occupation
- D. Wireless Communication Antennas and Towers (Ordinance No. 99-12, 11/4/1999)
- E. Nursing or Convalescent Homes, Adult Foster Care
- F. Bed and Breakfast

1.354 Permitted Accessory Uses:

Same as 1.324

1.355 Bulk Regulations

See Section 1.420, Bulk Table

1.360 MEDIUM TO HIGH DENSITY RESIDENTIAL DISTRICT (R-2)

1.361 District Objective:

The regulations in this district are intended to encourage the creation of medium density residential subdivisions. Such development is viewed as a desirable alternative to the strip residential development located along existing thoroughfares. Regulations permit medium density residential development and compatible recreational, educational, or religious uses.

1.362 Uses Permitted as a Matter of Right:

- A. Single family detached dwellings
- B. Public parks and playgrounds

1.363 Uses Permitted by Special Use Permit:

- A. Churches
- B. Schools and Day Care Centers
- C. Customary Home Occupations
- D. Multiple Family housing
- E. Nursing or Convalescent Homes, Adult Foster Homes
- F. Agricultural operations, subject to the following limitations:
 - 1. All stables and buildings housing farm animals shall be located at least 75 feet from adjoining R- or PUD- zoned property
 - 2. All farm buildings shall be located at least 50 feet from adjoining R- or PUD- zoned property
- G. Bed and Breakfast

1.364 Permitted Accessory Uses:

Same as 1.324

1.365 Bulk Regulations

See Section 1.420, Bulk Table

1.370 PLANNED UNIT DEVELOPMENT DISTRICT (PUD)

See Section 1.520

1.380 COMMERCIAL DISTRICT (C-1)

1.381 District Objectives:

This district is intended to permit local retail business and service uses which are desirable to serve the residents of the community. The intent of the district is also to encourage the concentration of business uses to the mutual advantage of both consumers and merchants, and thereby avoid the encouragement of marginal business throughout the community.

1.382 Use Permitted as a Matter of Right:

- A. Retail businesses which sell products such as groceries, produce, meat, dairy products, drugs, dry goods, clothing, hardware, appliances or furniture.
- B. Personal Service Establishments such as barber or beauty shops, repair shops for shoes, radio, television or jewelry, self-service laundries, and photographic studios.
- C. Professional offices licensed by the State of Michigan
- D. Post offices and Governmental offices.
- E. Commercial schools including art, dance, music, business, and technical.
- F. Automobile service or gas stations, including minor automobile repair.
- G. Skilled trades shops for the commercial sale or repair of items involving carpentry, electrical work, stone or masonry work, plumbing, heating or refrigeration, furniture repair, home decorating, or sign making: provided such uses shall be conducted entirely within an enclosed building no closer than fifty (50) feet to any Residential District.
- H. Hospitals, medical and dental clinics.

1.383 Uses Permitted by Special Use Permit of the Planning Commission:

The following uses are eligible for special use permits only when conducted within an enclosed area, and is no closer than one hundred (100) feet to any residential district:

- A. Amusement and entertainment activities.
- B. Automobile, recreational vehicle and mobile home sales and service establishments.
- C. Industrial cleaning or dry cleaning facilities.
- D. Retail building materials supply yard, excluding cement mixing.
- E. Retail lumber yards.
- F. Storage yards for construction equipment, motor vehicles and draying equipment.
- G. Sale and storage of agricultural products and livestock, and related farm implements.
- H. Sale and storage of combustible fuels, provided that said activity is located at least three hundred (300) feet from any residential district.
- I. Agricultural storage, milling or processing.
- J. Automobile or car wash establishments.
- K. Restaurants

L. Wireless Communication Antennas and Towers. (Ordinance No. 99-12, 11/4/1999)

1.384 Permitted Accessory Uses:

- A. Accessory uses and structures which are customarily incidental to any of the aforementioned principal uses are permitted when located upon the same lot or parcel.
- B. Signs pursuant to the requirements of 1.540
- C. Off-street parking

1.385 Bulk Regulations:

See Section 1.420, Bulk Table.

1.386 Prohibited Uses:

The following uses are prohibited in the C-1 District:

- A. Residential uses, including convalescent homes.
- B. Those uses permitted in the I-1 zone, unless specifically permitted in the C-1 zone.

1.390 INDUSTRIAL DISTRICT (I-1)

1.391 District Objectives:

This zone provides for appropriate locations for most light industrial uses, including the processing, assembly, treatment and storage of materials. Such uses are to be confined to this district since they are generally incompatible with other uses due to the noise, emissions, and traffic typically associated with such uses. This zone also provides for uses which are lawful but which, due to their nature, would otherwise have an adverse impact on residential or commercial properties in terms of property values, incidence of crime, public health factors and changes in character. (Ordinance 2004-05 June 8, 2004)

1.392 Uses Permitted as a Matter of Right:

- A. The production, testing, manufacture, compounding, processing, packaging, or treatment of products or materials from previously prepared materials or from agricultural products.
- B. Wholesale establishments including automotive equipment, drugs, chemicals, dry goods, apparel, food, farm products, electrical goods, hardware, machinery, equipment, metals, paper products and furnishings and lumber and building products.
- C. Warehouses, cartage businesses.
- D. Laboratories including experimental, film and testing.
- F. Trade or industrial schools, veterinary hospitals, clinics or kennels.
- G. Motor freight terminal including garaging and maintenance of equipment, freight forwarding, packing and crating services.
- H. Central dry cleaning plant.
- I. Municipal buildings, public service buildings.
- J. Electricity regulating substations, and pressure control stations for gas, water and sewage.
- K. Grain storage and milling feed store, storage and sales of agricultural products and similar uses.
- L. Retail lumber yards.
- M. Contractor's yards, building materials storage.
- N. Automobile repair establishments including major automobile repair, body shop, and truck service establishment.
- O. Stockyards.

1.393 Uses permitted by Special Use Permit of the Planning Commission:

- A. Wireless Communications Antennas and Towers. (Ord. 1999-12)
- B. Adult-oriented businesses. (Ord. 2004-05)
- C. Massage establishments. (Ord. 2004-05)
- D. Wastewater treatment facilities including incinerators, and licensed sanitary landfills

1.394 Permitted Accessory Uses:

Same as 1.384

1.395 Bulk Regulations:

See Section 1.420 Bulk Table

1.396 Prohibited Uses:

All residential uses are specifically prohibited in the I-1 zone.

**1.3.10.0 MANUFACTURED HOUSING COMMUNITY DISTRICT (MHC)
(Ordinance 2003-02 June 10, 2003)**

1.3.10.1

The Manufactured Housing Community District is established to provide for higher density single-family detached, residential dwelling units. This district allows the provision of a diversified and affordable housing type within Otisco Township. Through the Manufactured Housing Community District, manufactured homes are intended to serve as an alternative housing type to other forms of residential development.

In recognition of the growing trend toward manufactured housing communities and the need for well-located and properly developed areas to accommodate them, regulations are hereby prescribed for such use with appropriate construction and site development standards.

The regulations established by state law, Michigan Public Act 96 of 1987, as amended, the Michigan Manufactured Housing Commission rules, and the provisions of this district shall govern all manufactured housing communities in the Township. Regulations of this district are intended to insure that manufactured housing communities meet the development standards established by this ordinance and to promote the health, safety, and welfare of the Township's residents.

1.3.10.2 Uses Permitted by a Matter of Right

Land, buildings and structures in the MHC District may be used for the following purposes:

- A. State-licensed manufactured housing communities, as regulated by Sections 1.3.10.4 through 1.3.10.6 of this Ordinance.
- B. Manufactured homes within a state-licensed manufactured housing community, as regulated by Sections 1.3.10.4 through 1.3.10.6 of this Ordinance.
- C. Accessory uses customarily incidental to the permitted use, including:
 - 1. Recreational facilities for use of manufactured housing community residents.
 - 2. Solid waste collection and storage facilities.
 - 3. Laundry and restroom facilities.
 - 4. Open space and recreational uses.
 - 5. Meeting rooms, group kitchen and food service facilities when designed solely for the use of residents of the manufactured housing community.
 - 6. Office, maintenance and storage buildings when designed solely for the operation and maintenance of the manufactured housing community.
 - 7. Temporary buildings or trailer offices, but only when incidental to construction of a manufactured housing community.

1.3.10.3 Uses Permitted by Special Use Permit:

The following uses may be permitted as a special land use upon approval by the Planning Commission in accordance with Article IV, Section 1.470 and Article VI, Section 1.620 of this Ordinance:

- A. Storage warehouses for use by residents of a manufactured housing community which are accessible by the internal roads of a manufactured housing community.
- B. Customary Home Occupations. (Resolution No. 2006-07)

1.3.10.4 Manufactured Housing Community Design Requirements

All manufactured housing communities shall comply with the following design requirements:

A. Access and Roads.

1. The community's internal roads shall have access to a public thoroughfare or shall be connected to a public thoroughfare by a permanent easement.
2. Two access points shall be provided to a public thoroughfare to allow a secondary access for emergency vehicles. A boulevard entrance extending to the first intersection of a community road shall be interpreted as satisfying this requirement.
3. All internal roads shall be constructed of concrete or bituminous asphalt and supported by a suitable subgrade in compliance with the standards of the American Association of State Highway and Transportation Officials ("AASHTO").
4. An internal road that has no exit at one end shall terminate with an adequate turning area. Parking shall not be permitted within the turning area.
5. Safe-sight distance shall be provided at intersections.
6. An offset at an intersection or an intersection of more than two internal roads is prohibited.
7. The following types of internal roads shall have driving surfaces that are not less than the following widths:

(a) One-way, no parking	16 feet
(b) Two-way, no parking	21 feet
(c) One-way, parallel parking, one side	24 feet
(d) One-way, parallel parking, two sides	33 feet
(e) Two-way, parallel parking, one side	31 feet
(f) Two-way, parallel parking, two sides	41 feet
8. All entrances to communities that have 300 or more home sites shall be a minimum of 30 feet in width. The entrance shall consist of an ingress lane and a left and right egress turning lane at the point of intersection between a public road and the community's internal road, and shall be constructed as follows:

- (a) All turning lanes shall be a minimum of 10 feet in width and 60 feet in depth, measured from the edge of the pavement of the public road into the community.
 - (b) The turning lane system shall be tapered into the community internal road system commencing at a minimum depth of 60 feet.
 - (c) The ingress and right egress turning lanes of the ingress and egress road shall connect to the public road with a curved line that has a minimum radius of 15 feet. The intersection of the public road and ingress and egress road shall not have squared corners.
9. An orderly street name system and unit numbering system shall be established by the community owner and the plan of such system approved by the Township Fire Department. Manufactured home space numbers shall be located uniformly on each space, housing unit or identification marker, throughout the community, and street names shall be adequately marked at all internal road intersections.
 10. Appropriate traffic control signs shall be provided on all internal roads, and a regulation stop sign shall be installed at the point of intersection with a public road, unless a traffic control device is provided.

B. Driveways.

1. Improved hard-surface driveways shall be provided on the site where necessary for convenient access to service entrances of buildings, and at delivery and collection points for fuel, refuse, and other materials.
2. The minimum width of driveways shall be 10 feet. The entrance to the driveway shall have the flare or radii, and horizontal alignment for safe and convenient ingress and egress.

C. Resident Vehicle Parking.

1. All home sites shall be provided with two parking spaces.
2. If vehicle parking is provided on the home site, it shall be in compliance with both of the following provisions:
 - (a) The parking space shall be constructed of concrete or bituminous asphalt and supported by a suitable subgrade in compliance with the standards of AASHTO.
 - (b) The parking spaces may be either in tandem or side by side. If spaces are in tandem, then the width shall not be less than 10 feet and the combined length shall not be less than 40 feet. If spaces are side by side, then the combined width of the two parking spaces shall not be less than 19 feet and the length shall be not less than 20 feet.
3. If the two resident vehicle parking spaces required by this section are provided off the home site, then the parking spaces shall be within 30 feet of the home site and each parking space shall have a clear parking width of 10 feet and a clear length of 20 feet.

4. If parking bays are provided for resident vehicle parking, they shall contain individual spaces that have a clear parking width of 10 feet and a clear length of 20 feet.

D. Visitor Parking Facilities.

1. A minimum of one parking space for every three home sites shall be provided for visitor parking.
2. Visitor parking shall be located within 500 feet of the home sites the parking is intended to serve, as measured along a road or sidewalk.
3. If parking bays are provided for visitor parking, they shall contain individual spaces that have a clear parking width of 10 feet and a clear length of 20 feet.

E. Sidewalks.

1. Sidewalks shall be constructed in the community and maintained for the safe and convenient movement from all home sites to principal destinations within the community and connection to the public sidewalks outside the community. Sidewalks shall be installed along one side of all internal collector roads within the community and to the public right-of-way and to all service facilities including but not limited to central laundry, central parking, and recreation areas. Sidewalks shall also be required along that portion of a community fronting along public thoroughfares.
2. All common sidewalks shall be constructed in compliance with all of the following requirements:
 - (a) Sidewalks shall have a minimum width of 4 feet and shall be constructed in compliance with Act 8 of the Public Acts of 1973, being Section 125.1361 et seq. of the Michigan Compiled Laws, an act which regulates sidewalks for handicappers.
 - (b) All sidewalks shall meet the standards established in Rule 928 of the Manufactured Housing Commission Rules and AASHTO standards.
3. An individual sidewalk with a minimum width of 3 feet shall be constructed between at least one entrance, or patio, porch, or deck if provided, and the parking spaces on the home site or parking bay, whichever is provided, or the common sidewalk.

F. Lighting.

1. Minimum Illumination Standards.
 - (a) Access points shall be lighted. If the public thoroughfare is lighted, then the illuminated level shall not be more than the average illumination level of the adjacent illuminated thoroughfare.
 - (b) At all internal road intersections and designated pedestrian crosswalks, the minimum illumination shall not be less than .15 foot candle.
 - (c) Internal roads, parking bays, and sidewalks shall be illuminated at not less than .05 foot candle.

- (d) If a community directory is provided, then it shall be illuminated at not less than 3.15 horizontal foot candles on any entry on the directory.
- 2. Outdoor Lighting Regulations and Maximum Illumination.
 - (a) All outdoor light fixtures shall be shielded with I.E.S. full cut-off fixtures.
 - (b) All outdoor light fixtures shall be installed and placed to ensure that light does not spill onto adjacent properties or roadways above an illumination level of 0.1 foot candles and does not produce an unacceptable glare.
 - (c) Outdoor light fixtures shall not exceed a height of 30 feet above the ground, directly below the fixture.
 - (d) An outdoor light fixture shall not have a light source which is greater than 400 watts.

G. Utilities.

- 1. All electrical, telephone, cable television, natural gas, and other utility services shall be installed underground and specifically designed in conformance with the Manufactured Housing Commission Rules. When separate meters are installed, each meter shall be located in a uniform manner on each housing site.
- 2. All manufactured housing sites and all other buildings within the community shall be connected to the water system of the Township, if it is available to the community, or to another state-approved system. The community water system shall conform to Parts 2-4 of the Michigan Department of Environmental Quality manufactured housing community standards and shall be subject to review by the Township Engineer.
- 3. Fire hydrants shall be installed in all communities for which public water systems are available and shall be in compliance with the requirements and provisions of the fire code. There shall be no more than 500 feet between hydrants as measured along adjacent roadways within the community.
- 4. All manufactured housing sites and all other buildings within the community shall be connected to the sanitary sewage system of the Township, if it is available to the community, or to another state-approved system. The community's sanitary sewage system shall conform to the Michigan Department of Environmental Quality manufactured housing community standards and shall be subject to review by the Township Engineer.
- 5. All storm water drainage systems shall be constructed in accordance Parts 2-4 of the Michigan Department of Environmental Quality manufactured housing community standards. Additional requirements for a community may be established by the Ionia County Drain Commissioner, pursuant to Section 11(3) of Public Act 96 of 1987, as amended.

H. Site Size, Spacing and Setback Requirements.

1. Home Site Area. The manufactured housing community shall be developed with sites averaging 5,500 square feet per manufactured housing unit. This 5,500 square feet average may be reduced by twenty (20%) percent provided that each individual site shall be equal to at least 4,400 square feet. For each square foot of land gained through the reduction of the average site below 5,500 square feet, at least an equal amount of land shall be dedicated as open space. This open space shall be in addition to that required under R 125.1946, Rule 946 and R 125.1941 and R 125.1944, Rules 941 and 944 of the Michigan Administrative Code, and Section 1.3.10.4.J of this Ordinance.
2. Required Distances Between Homes and Other Structures.
 - (a) Home sites shall be arranged to allow for, and manufactured homes shall be located to comply with, all of the following minimum separation distances, as measured from the wall/support line or foundation line, whichever provides the greater distance:
 - (i) For a home not sited parallel to an internal road, 20 feet from any part of an attached structure of an adjacent home that is used for living purposes.
 - (ii) For a home sited parallel to an internal road, 15 feet from any part of an attached structure of an adjacent home that is used for living purposes if the adjacent home is sited next to the home on the same internal road or an intersecting internal road.
 - (iii) 10 feet from either of the following:
 - (I) The parking space on an adjacent home site.
 - (II) An attached or detached structure or accessory of an adjacent home that is not used for living purposes.
 - (iv) 50 feet from permanent community-owned structures, such as either of the following:
 - (I) Club houses.
 - (II) Maintenance and storage facilities.
 - (v) 100 feet from a baseball or softball field.
 - (vi) 25 feet from the fence of a swimming pool.
 - (b) Attached or detached structures or accessories that are not used for living space shall be a minimum of 10 feet from an adjacent home or its adjacent attached or detached structures.
 - (c) Any part of a home, or an accessory structure, such as steps, porches, supported or unsupported awnings, decks, enclosed carports or garages, or similar structures shall be set back the following minimum distances:
 - (i) 10 feet from the edge of an internal road.
 - (ii) 7 feet from a parking bay off a home site.
 - (iii) 7 feet from a common sidewalk.
 - (iv) 25 feet from a natural or man-made lake or waterway.

- (d) A carport shall be in compliance with both of the following setbacks if it is completely open, at a minimum, on the two long sides and the entrance side:
 - (i) Support pillars that are installed adjacent to the edge of an internal road shall be set back 4 feet or more from the edge of the internal road or 2 feet or more from the edge of a sidewalk.
 - (ii) Roof overhangs shall be set back 4 feet or more from the edge of the internal road.
3. Setbacks From Property Boundary Lines.
- (a) Homes, permanent buildings and facilities, and other structures (except as noted below) shall not be located closer than 25 feet from the property boundary line of the community.
 - (b) Club houses, maintenance and storage facilities, and pools and their related amenities (including fencing of maintenance and storage facilities) shall not be located closer than 50 feet from the boundary lines of an adjoining property that is zoned or used for residential purposes. Athletic fields shall not be located closer than 100 feet from the boundary lines of an adjoining property that is zoned or used for residential purposes.
 - (c) If homes, permanent buildings and facilities, and other structures abut a public right-of-way, then they shall not be located closer than 50 feet from the boundary line. If the boundary line runs through the center of the public road, then the 50 feet shall be measured from the road right-of-way line.

I. Screening/Landscaping.

Manufactured housing communities shall be landscaped as follows:

1. If a manufactured housing community abuts an existing residential use, the community shall be required to provide landscape screening along the boundary abutting the residential use.
2. If the community abuts a non-residential development, it need not provide screening.
3. In all cases, however, a community shall provide landscape screening along the boundary abutting a public right-of-way.
4. The landscaping shall consist of evergreen trees and/or shrubs at least three feet in height at planting which are spaced so they provide a continuous screen at maturity. Alternative screening devices may be utilized if they conceal the manufactured housing community as effectively as the required landscaping described above.
5. Exposed ground surfaces in all parts of the community shall be paved or covered with ornamental stone or protected with grass, trees, or shrubs that are capable of preventing soil erosion. The ground surface and all parts of the community shall be graded and equipped to drain all surface water in a safe and efficient manner.
6. All grass and shrubbery within a manufactured housing community shall be kept mowed and maintained in a neat and attractive manner. Any dead, diseased or damaged plant or grass materials shall be replaced with comparable plantings within six (6) months.

J. Open Space Requirements.

Manufactured housing communities shall provide open space in accordance with the following requirements:

1. A community that contains 50 or more home sites shall not have less than 2 percent of the community's gross acreage dedicated to designated open space, but in no case less than 25,000 square feet. At least one-half of the required open space, up to two acres, shall be dedicated to community recreational uses.
2. Community recreation uses within the required open space may include, but are not limited to, picnic areas, athletic fields, playgrounds, walking trails, shuffleboard courts and lawn game areas.
3. Required setbacks may not be used in the calculation of open space area.

K. Site Constructed Buildings and Dwellings.

1. Site constructed buildings within the community such as community buildings or laundries, but not including manufactured homes and their accessory storage buildings, shall be reviewed by the Township at the time of submission for a building permit.
2. The maximum height of any community or similar building shall not exceed 35 feet, or two stories in height, whichever is less. Storage or service buildings shall not exceed 15 feet, or one story in height.
3. Community or service buildings shall not be located adjacent to an adjoining parcel that is either zoned or developed for single-family residential purposes.
4. Site-built single-family dwellings may be located in a community as follows:
 - (a) One single-family dwelling may be permitted for the exclusive use of the community owner or manager in a community of 30 acres or less.
 - (b) Two single-family dwellings may be permitted for the exclusive use of the community owner, manager, or caretaker in a community in excess of 30 acres.
 - (c) Any such single-family dwellings permitted under this section shall comply in all respects with the requirements of single-family dwellings in the R-1 Low Density Residential District.

L. Signs.

There shall be a maximum of one sign per road frontage with an entrance which shall bear only the name of the community. Such a sign shall be located from the street a distance equal to the setbacks established in Rule 944(2) of the Manufactured Housing Commission Rules. The sign may be lighted, provided that the source of the light is not visible and is not of the flashing or intermittent type. One sign, not exceeding 32 square feet in area shall be permitted for the first entrance provided to the community. For multiple entrances, a 16 square foot sign shall be permitted at each entrance after the first. Signs may be double-faced, but each side of the sign shall have identical copy and be flush with the other side.

M. RV Storage.

If boats, boat trailers and utility trailers are permitted to be parked within the manufactured housing community, adequate parking spaces for such vehicles in a central or collective parking area shall be provided. This area shall be in addition to the automobile parking requirements of this ordinance and shall be adequately locked, fenced, permanently buffered and surfaced in accordance with Rule R125.1922(1).

N. Minimum Community Area.

A manufactured housing community shall not be located on a parcel of land less than fifteen (15) acres in size.

O. Compliance with Regulations.

The design, layout, construction and use of a manufactured housing community shall in all other respects comply with the regulations on the design, construction and use of manufactured housing communities, the sale and leasing of manufactured housing lots and all other aspects of the construction and use of manufactured housing communities, as set forth in the rules of the Michigan Manufactured Housing Commission, as amended from time to time.

1.3.10.5 Manufactured Homes within Manufactured Housing Communities; Operation of Communities.

A. Home Size.

Manufactured homes within a community shall not contain less than 890 square feet, as measured by the outside dimensions, nor have an outside width of less than 13 feet.

B. Installation.

The installation of manufactured housing on each site within the community shall conform to the requirements of Rule 602 and Rule 602A of the Manufactured Housing Commission Rules. All utility connections to homes within the community shall be performed in accordance with the requirements of Rule 603 of the Manufactured Housing Commission Rules.

C. Skirting shall be installed around all manufactured housing units and meet all of the following requirements:

1. All skirting shall be installed prior to the issuance of a certificate of occupancy, and in no case shall it be installed less than 60 days following the placement of the home on the home site, unless weather does not permit compliance with this schedule. In the event that such installation is delayed due to weather, or for other similar reasons, a temporary certificate of occupancy may be issued for a period not to exceed 90 days.

2. Such skirting shall be compatible aesthetically with the appearance and construction of the manufactured housing unit. All skirting shall meet the requirements established by the rules of the Michigan Manufactured Housing Commission.
3. Individual manufactured housing units shall be skirted around the perimeter of the manufactured housing unit to conceal the underbody from view. Skirting shall be vented in accordance with the requirements of Rule 604 of the Manufactured Housing Commission Rules. All skirting shall be manufactured of fire resistant material and certified as such by the manufacturer. Skirting shall be installed in a manner so as to resist damage under normal weather conditions and shall be properly maintained.

D. Storage of Personal Property

1. Except as otherwise noted in this Ordinance, no personal property, including tires, shall be stored outside or under any mobile home, or within carports which are open on any side.
2. Bicycles and motorcycles may be parked in carports. Seasonal outdoor storage of outdoor cooking grills is permitted so long as they are kept on a finished wooden deck, a concrete or bituminous asphalt patio or equivalent type of surface associated with the home.
3. Storage sheds with a maximum area of one hundred forty-four (144) square feet may be placed upon any individual mobile home site for the storage of personal property. Storage sheds shall be constructed with durable, weather- and rust-resistant materials, and shall be maintained so as to reasonably maintain their original appearance and so as to be free from mechanical and structural defects.

E. Towing mechanisms shall be removed from all homes at the time of installation and stored so as not to be visible from the exterior of the community. Towing mechanisms, including axles, may, however, be stored under manufactured homes within a community.

F. A manufactured home shall be used only as a single-family dwelling. This provision shall not be construed to preclude the siting of model manufactured homes on licensed sites in a manufactured housing community.

G. No manufactured home shall be occupied for dwelling purposes unless it is placed on a site or lot and connected to water, sanitary sewer, electrical, and other facilities as may be necessary, prior to building official inspection and approval.

H. New or pre-owned manufactured homes, which are to remain on-site in the manufactured housing community, may be sold by the resident, owner or a licensed dealer or broker, provided that manufactured housing development management permits the sale.

- I. The owner or operator of any community shall be responsible for all street maintenance within the confines of the community and shall be responsible for all snow removal within the confines of the community. Streets shall be maintained in reasonable repair so that they are reasonably safe and convenient for vehicular travel. The owner or operator shall also be responsible for picking up trash and garbage within the confines of the community.
 - 1. Where community dumpsters are provided, they shall be set back not less than 50 feet from the boundary line of the community.
 - 2. The owner and operator of the community shall be responsible for ensuring that all community garbage dumpsters do not overflow and that they do not create offensive odors at community home sites or on adjacent properties.
- J. Swimming pools, if provided, shall be in compliance with Act 368 of the Public Acts of 1978, as amended, and the rules promulgated there under.
- K. Individual fuel oil, liquid petroleum, or other fuel tanks or combustible personal property shall not be permitted to be stored in or under any home.
- L. Each home site shall have approved garbage containers that meet the requirements of the Manufactured Housing Commission. The containers shall be kept in sanitary conditions at all times. It shall be the responsibility of the community operator to ensure that all garbage containers do not overflow and to ensure that all areas within the community are maintained free from any trash or other discarded materials, and that garbage collection areas do not create offensive odors on community home sites or on adjacent properties.
- M. Every community shall be equipped with fire extinguishment equipment in good working order, with type, size and number so located as to be in compliance with Rule 702A of the Manufactured Housing Commission Rules. Each fire extinguisher shall be periodically examined and kept at all times in a useable condition in compliance with the regulations of the State Police Fire Marshal Division.

1.3.10.6 Review and Approval of Preliminary Manufactured Housing Community Plans

A. Review.

Prior to the establishment of a new manufactured housing community, an expansion of a manufactured housing community, or construction of any building within the community not previously approved, a plan shall be presented to the Planning Commission for its review and approval.

B. Application.

All plans submitted to the Planning Commission for review under this section shall contain the following information:

- 1. The date, north arrow and scale. The scale shall not be less than one inch equals fifty feet for property under three acres and at least one inch equals one hundred feet for those three acres or more.

2. All site and/or property lines are to be shown in dimension.
 3. The location and height of all existing and proposed structures on and within the subject property, and existing within one hundred feet of the subject property.
 4. The location and typical dimensions of all existing and proposed internal drives, sidewalks, curb openings, signs, exterior lighting, parking areas (showing dimensions of a typical parking space), unloading areas, community buildings, open space and recreation areas.
 5. The location and the pavement and right-of-way width of all abutting roads, streets, or alleys.
 6. The name and firm address of the professional civil engineering, registered landscape architect, landscaping firm, or architectural firms responsible for the preparation of the site plan.
 7. The name and address of the property owner and developer.
 8. The location of all community rubbish receptacles and landscaping and the location, height, and type of fences and walls.
 9. Location of all fire hydrants, if applicable.
 10. The number of manufactured housing sites proposed.
 11. The submittal shall contain a narrative of the arrangements to be made for water supply and sewage disposal service, including approximate capacity, source of water supply, discharge points for sewage disposal, and description of storm water management facilities.
 12. Utility and other easements.
 13. Existing wetlands.
 14. Proposed sign locations.
 15. Demonstration that all required setbacks and separation distances will be met.
- Provided, however, that detailed construction plans shall not be required to be submitted to the Township.

C. Fee.

Fees for the review of a manufactured housing community plan shall be established by resolution of the Township Board.

D. Decision.

1. The plan shall be reviewed by the Planning Commission for compliance with the design standards for manufactured housing communities contained in Section 1.366 of this Ordinance, and the regulations of the State Manufactured Housing Commission. If it is determined that the manufactured housing community complies with the Ordinance and regulations, it shall be approved.

2. The plan shall be approved, approved with conditions, or denied within sixty (60) days after received by the Township, unless the applicant consents to allow a longer period of review. The 60-day review period, or other review period of alternate duration consented to by the applicant, shall not commence, in any case, until the lands for which the plan have been submitted have been zoned in the MHC District.

ARTICLE IV
REGULATIONS

1.400 Effect of Zoning

Zoning affects every structure and use. Except as hereinafter specified , no building, structure or premises shall hereafter be used or occupied, and no building or part thereof or other structure shall be erected, moved, placed, reconstructed, extended, enlarged or altered, except when in conformity with the regulations herein specified for the zoning district in which it is located.

In case any building or part thereof is used, erected, altered or occupied contrary to law or to the provisions of this Ordinance, such building or use shall be declared a nuisance and may be required to be vacated, torn down, or abated by any legal means and shall not be used or occupied until it has been brought into conformance.

1.410 Application of Regulations

The regulations set by this Ordinance throughout the Township and within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land.

1.411 All buildings, structures or land may hereafter be used, constructed, altered or occupied, only when in conformity with all of the regulations herein specified for the district in which it is located.

1.412 No building or other structure shall hereafter be altered:

A. To accommodate or house a greater number of persons or families than permitted by the Zoning District; and

B. To have narrower or smaller rear yards, front yards, or side yards, than permitted in this Ordinance.

1.413 No yard or lot existing at the time of passage of this Ordinance shall be subdivided or reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.

1.414 **Unclassified Uses.** Where a proposed use of land or use of building is not contemplated or specified herein or where the Zoning Administrator has a question as to the appropriateness of a use which, although basically permitted, involves other features which were not contemplated or specified by this Ordinance, the Zoning Administrator shall request a determination by the Planning Commission. If the Planning Commission determines that such use is not contemplated or specified by this Ordinance, or that it involves features which were not contemplated or specified herein, then the Planning Commission may permit such use as a special use only after it determines that it will have no adverse effect upon adjacent property, that the use is similar to other uses in the district in which it is proposed to be placed, and the spirit, purpose and intent of the zoning ordinance and land use plan are not impaired by permitting such use at the proposed location.

1.420 Bulk Table

The accompanying table entitled "Section 1.420, Table of General Bulk Regulations", shall be deemed to be part of this section, and is referred to herein as "Bulk Table". The bulk table shall govern the lot size, lot width, lot coverage, required front yard, rear yard, side yard, and building height within the respective districts of the township.

Otisco Township Zoning Ordinance

Section 1.420 - TABLE OF GENERAL BULK REGULATIONS

(Italic is an amendment by ordinance 2003-02 June 10, 2003)

District	Identification	Minimum Lot Size	Minimum lot width (feet)	Maximum coverage (percent)	Minimum front yard (feet)	Minimum rear yard (feet)	Minimum side yard (feet)	Maximum building height (feet)
Waterfront Conservation	W-C	1 Acre	150	20	40	25	25	35
Agricultural Conservation	A-C	1 Acre	150	20	40	25	25	35
Rural Conservation	R-C	1 Acre	150	20	40	25	25	35
Low Density Residential	R-1	1 Acre	150	20	35	25	25	35
Medium Density Residential	R-2							
Without Sewer		12,000 Sq Ft	90	30	30	25	10	35
With sewer		8,700 Sq Ft	80	30	30	25	7.5	35
Planned Unit Development	PUD	2 Acres						
Commercial	C-1	1 Acre	150	40	50	10	10	40
Industrial	I-1	1 Acre	150	40	50	10	10	40
<i>Manuf'd Housing Comm'ty</i>	<i>MHC</i>	<i>See section 1.3.10.4 H</i>	----->					

1.430 General Regulations

- 1.431 Zoning Compliance Permit Required - Conformance to Zoning. In accordance with other Township codes, ordinances and regulations duly adopted by the Township Board, and in accordance with this Ordinance, no building or land use activity shall hereafter be erected, relocated, altered, moved or expanded in its exterior dimension or use, and no excavation for any building shall be begun until a Zoning Compliance Permit has been issued; provided however, that compliance permits for all buildings of 120 square feet or less shall be issued without fee. With respect to this Zoning Ordinance eligibility for a permit shall be established upon conformance with the provisions contained herein. Zoning Compliance Permits are required prior to obtaining a county building permit.
- 1.432 Certificate of Occupancy Required. No building, dwelling or other structure, or platted or non platted land subject to the provisions of this Ordinance shall be occupied, inhabited, or used until a Certificate of Occupancy is issued. See Article VI for further clarification and application procedures.
- 1.433 Mixed Occupancy. Before issuing a zoning compliance 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 Health Department as to any hazards that exist or may be expected to exist from the proposed use, together with his recommendations for any additional provisions or alterations necessary in the interest of the public safety and health. Such recommendations shall be incorporated into the application and be set forth as conditions of obtaining the compliance permit.
- 1.434 Temporary Permits. The following temporary uses are permitted by temporary permit in certain districts as regulated herein. All such uses shall be terminated within 30 days after expiration of said permit:
- A. For recreational travel trailers and recreation vehicles, see Section 1.438D.
 - B. The use of an individual trailer or mobile home as a temporary dwelling may be approved by the Zoning Administrator in the Agricultural or Residential Districts for a period of up to 90 days for persons temporarily displaced from their home due to fire, flood, wind, or similar natural causes. No such trailer or mobile home may be parked in a required front yard space.
 - C. Signs and Supplies. The storage of construction supplies, machinery, and temporary storage buildings; as well as the customary display of trade, contractor, or architect's identification signs in connection with a construction project may be authorized by the Zoning Administrator for a period up to twelve (12) months.
 - D. Temporary Structures Removed. Temporary buildings for uses incidental to construction work shall be removed promptly upon completion or abandonment of work.

1.435 Structures.

- A. Restoring Unsafe Buildings. Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition of any part of any building or structure declared unsafe by the Building Inspector or the County Health Department.
- B. Each dwelling unit and principal structure shall be equipped with adequate sewage disposal facilities to comply with the Sanitary Code in effect at the time of the erection of said dwelling or principal structure. Where public utilities exist within 200 feet, the owner or developer shall be required to hook up with such system.
- C. Structures to Have Access and Yard Space. Every principal structure hereafter erected or moved shall be on a lot adjacent to a public or private street. Every lot must provide front, rear, and side yards as required within its zone district. All front yards must face upon a street.
- D. Erection of More than One Principal Structure is Prohibited. In any district, not more than one structure housing a permitted principal use may be erected on a single lot, except groups of apartment buildings, farm building or retail business buildings or other groups of buildings deemed by the Planning Commission to be a principal use collectively.
- E. Exceptions to Height Regulations. The height limitations contained in the Table of General Bulk Regulations do not apply to parapet walls, grain elevators, silos and farm barns, monuments, towers, spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, or other appurtenances, usually required to be placed above the roof level and not intended for human occupancy.
- F. Exceptions to Yard Setback Regulations. The setback limitations contained in the Table of General Bulk Regulations do not apply to steps, awnings, unenclosed porches, or similar facilities which may project into a minimum required yard area; provided however, that said facilities may not extend more than five (5) feet into the minimum required yard area.
- G. Uninhabitable Dwellings. Whenever it shall be certified by the Health Department or the Zoning Administrator that a vacant dwelling is unfit for human habitation, or dangerous to life or health by reason of want of repair, or of defects in drainage, plumbing, ventilation, or the construction of the same, or by reason of existence on the premises of a nuisance likely to cause sickness among occupants thereof, or for any cause, the Township Board may issue an order to the owner of such dwelling not to occupy or cause to be occupied the said dwelling until all dangers there from have ceased, and the owner has secured a certificate of occupancy from the Zoning Administrator, as provided in Article VI of this Ordinance.

- H. House Moving. Any person desiring to move any structure upon streets or highways within the Township shall file a written application with the Zoning Administrator which shall become valid when the proper bond of \$25,000.00 has been filed with the Township Board and approved by it. The permit shall state the streets or highways along which the structure shall be moved. No building shall be moved into the Township of Otisco or from one District to another unless such building complies with the district requirements. The owner or contractor shall cause written notice thereof to be given the telephone and electric light companies and others whose property may be affected by such removal. Fees for permits for moving buildings and structures herein provided shall be established by resolution of the Township Board.
- I. Accessory Buildings and Uses. No accessory building or use larger than 144 square feet may be built upon any lot on which there is no principal building, except the following:
1. Farm accessory buildings shall not be subject to above restrictions.
 2. Adjoining lots in single ownership may be considered one lot.
- J. Wireless Communication Antennas and Towers. Under the following guidelines for the installation and maintenance of communication antennas and towers within the Township. (Ordinance No. 99-12, 11/4/1999)
1. An engineering study must be submitted showing that there is a reasonable need for the tower in order to provide for personal wireless services or functionally equivalent services and that it is not reasonably possible to co-locate on an existing tower to provide such service. In addition, a minimum of two alternative site locations shall be submitted.
 2. A copy of engineer's sealed drawings, design calculations and specifications meeting safety regulations shall be submitted.
 3. Show proof that tower meets with FCC, FAA, and National Environmental Acts policy rules. All towers must meet with applicable state and federal statutes, rules and regulations.
 4. Storage of any hazardous or toxic materials must meet all current federal, state and local laws, rules and regulations.
 5. At all times, safety and general welfare of the Township residents is first.
 6. Towers must be built to handle at least three additional antennas.
 7. The total overall height of the tower and antennas shall not exceed 450 feet above the ground level and be no less than the distance of its height from any property line.
 8. The area around the tower and compound must be kept compatible with surrounding areas.

9. Any equipment used in conjunction with the tower other than antennas placed upon the tower shall be located within a completely enclosed unmanned building. The building shall not be larger than 500 square feet in area. Only one low wattage (150 watts or less) shielded wall-mounted security light over the entrance to the building is permitted. Shielding of the light shall be to direct light down to the ground. There shall be no storage or placement of personal property outside such building.
10. No advertising logo, trademark, figurines or other similar marking or lettering shall be placed on the tower or any attachments thereto or any building used in conjunction therewith.
11. Upon discontinued use of the structures by all users, structures will be removed in compliance with applicable zoning and building codes.
12. Special use Permit may require any fees which are in effect for communication towers.
13. The notice for a public hearing concerning “Wireless Communication Antennas and Towers” special use permit shall be published in a newspaper of general circulation in the local unit of government. (Ordinance 2007-02 March 13, 2007)
 - a. Notice shall also be sent by mail or personal delivery to the owners of property for which approval is being considered. Notice shall also be sent to all persons to whom real property is assessed within 2,500 feet of the property and to the occupants of all structures within 2,500 feet of the property regardless of whether the property or occupant is located in the zoning jurisdiction.
 - b. The notice shall be given not less than 15 days before the date the application will be considered for approval. If the name of the occupant is not known, the term “occupant” may be used in making notification under this subsection. The notice shall do all of the following:
 - Describe the nature of the request.
 - Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used.
 - State when and where the request will be considered.
 - Indicate when and where written comments will be received concerning the request

1.436 Lots.

- A. New Lots To Be Buildable. All newly created lots shall have buildable area. The net buildable area of a lot shall be a continuous piece of land excluding land subject to flooding six (6) months of the year, poor drainage, steep slopes, rock outcrops, and land encumbered by easements preventing the use of the land.
- B. All new lots created shall meet the minimum lot size regulations of this ordinance.

- C. Corner Lots. On a corner lot, each lot line which abuts a street shall be deemed to be a front lot line, and the required yard along both lot frontages shall be a required front yard. The owner shall elect, and so designate in his application for permit, which of the remaining two required yards shall be the required side yard and which the required rear yard.
- D. Traffic Visibility and Corner Clearance. In order to prevent traffic safety hazards arising from inadequate visibility at street intersections, only fences, structures or plantings which do not total more than thirty (30) inches in height above the curb line may be erected or be allowed to remain within twenty (20) feet of the intersection of right-of-way lines.

1.437 Utilities

- A. The installation of all electrical work, including equipment, shall in every case be done in a safe and workmanlike manner. The regulations of the current National Electric Code, which is in effect at the time of the beginning of construction of any building, shall be considered as good standard practice by the Zoning Administrator. Installation shall comply with the requirements of the electrical utility company servicing the area.
- B. The installation of all interior plumbing work shall comply with the State Plumbing Code of Michigan.

1.438 Parking and Loading Spaces

- A. Standards for Parking Areas in Non-Residential Zones. Every parcel of land hereafter established as a parking area in a non-residential zone shall be developed and maintained in accordance with the following requirements:
 - 1. Parking areas shall be effectively screened on any side which adjoins premises situated in a residential zone by a screening of evergreen hedge or other natural landscaping. If owners of adjacent residential properties agree, the screening may be a solid, uniformly painted fence or wall. No part of any parking area or access drive shall be closer than five (5) feet to any property line unless connected to another adjoining parking area by driveways. No access drive shall be less than 20 feet in width nor closer than 25 feet to any residentially zoned lot or intersecting street right-of-way lines.

2. Every parking area shall be surfaced with an asphalt or similar durable surface approved by the Zoning Administrator, provided, however, that where access to the parking area is from an unpaved roadway, durable dustless surface may be permitted. Adequate lighting shall be provided to protect the users of the parking area. Such lighting shall be arranged to reflect the light away from any adjoining residential buildings or streets. All drainage and surfacing plans shall be approved by the County Road Commission.
All such parking areas shall be adequately graded and drained so as to dispose of any surface water which might accumulate upon the parking area.
 3. The parking area, driveways, signs, lighting, and landscaping shall be reviewed and approved by the Township Planning Commission, prior to issuance of a zoning compliance permit, to insure its adequacy in relation to traffic safety and protection of adjacent property.
- B. Required Off-Street Parking Spaces. Each principal use shall provide adequate off-street parking for expected employees, customers, clients or residents. The following shall be considered the minimum number of spaces to be provided by each use:
1. Residential uses - 2 spaces per dwelling unit
 2. Churches, schools, assembly halls, theaters and similar uses - one space per each 4 seats in the largest assembly room therein.
 3. Retail uses - one space per 400 square feet of floor area
 4. Professional offices, banks, services uses, clinics, government facilities and similar uses - one space per 200 square feet of floor area
 5. Industrial uses and similar uses - one space per employee.
 6. For any use not specified, the required off-street parking shall be determined by the Zoning Administrator.
- C. Required Off-Street Loading and Unloading Space. In all districts, every building erected which is to be occupied by manufacturing, storage, retail store, wholesale store, warehouse market, hotel, hospital, mortuary, laundry or uses similarly requiring the delivery or distribution of materials or merchandise shall provide and maintain on the same premises off-street loading space. Each loading space shall be at least 12 feet in width, 22 feet in length and have a clearance of 14 feet above grade. Such space may occupy all or any part of the required side or rear yard.
- D. Parking, Storage or Use of Recreational Travel Trailers (Recreation Vehicles) On A Seasonal Basis. Recreation vehicles, as defined in this Ordinance, are regulated as follows:
1. As an intended principal use, recreation vehicles shall not be parked or nor allowed to remain on otherwise vacant lots for a period of time not to exceed twenty (20) consecutive days.

2. All such vehicles which have been parked or allowed to remain on vacant lots for a period of time in excess of a total of twenty (20) days within any three month period, shall be deemed to be in violation of this Ordinance. Thereafter, any further use involving a structure used as sleeping quarters shall conform to the regulations of this zoning ordinance; as well as to the requirements of the building code (for site built structures) or the U.S. Dept. of Housing and Urban Development (for mobile homes). An in ground sanitary waste disposal system in accordance with the Health Department regulations is also required.

1.439 Animals, Livestock and Fowl (Use, Shelter and Storage).

- A. No animals, livestock or fowls, other than common household pets shall be permitted to be used, sheltered or stored in the R and C zoning districts, or any platted subdivision in the R-1, R-2 or PUD Districts, unless otherwise specified in this Ordinance.
- B. Where animals, livestock and fowl other than common household pets are permitted and proposed to be used, sheltered or stored, feedlots, animal pens and other structures used for the keeping of said animals shall be setback a minimum of fifty (50) feet from any side lot line or zoning district boundary, and one hundred (100) feet from any existing residence.

1.440 Additional General Regulations

- 1.441 Essential Public Services may be located in any zone subject to the approval of the Township Board, provided that the review by the Township Planning Commission shall precede Township Board action where a structure is to be erected. However, the following structures shall not require Township approval: local distribution lines for gas and/or electric power, telephone lines, power poles and telephone poles, and power or communication substations which have a ground floor covering of less than four hundred (400) square feet in area.
- 1.442 Excavation of Top Soil. Top soil shall not be stripped, excavated or otherwise removed from any premises for sale or for use other than on the premises except when in connection with construction and grading operations, the top soil is in surplus amounts; or as a product of authorized excavation of muck, peat, sand, gravel or other mineral deposits.
- 1.443 Refuse. The storage, or dumping ground, collection or placing of discarded material, building materials, inoperable or unlicensed motor vehicles or refuse is prohibited in all zones except when such location has been designated by the Township Board and approved in accordance with the Otisco Township Junk and Salvage Yard Ordinance #7.
- 1.444 General Lighting and Screening Requirements.
 - A. All lighting upon any premises, regardless of zone, shall be so arranged in a manner so as to not produce any glare which is a nuisance or annoyance to residents or occupants of adjoining premises or to the traveling public or public highways.

- B. Walls and Fences. Retaining walls and fences not more than four (4) feet in height are permitted within the required yards of all zones except as regulated in 1.436,D. Walls and solid fences of not more than six (6) feet in height are permitted in side or rear yards in any zone.

A well maintained wire protective fencing without height limitation may be required for nonresidential uses where nuisance impacts are anticipated to occur in the absence of such fence.

- C. It shall be unlawful to install, construct or maintain an electric or barbed wire fence within a platted subdivision.
- D. It is unlawful to construct any private fence or barrier within a public right-of-way.
- E. In the event of any controversy as to the adequacy of any proposed or existing screening or the creation of any nuisance or annoyance by artificial lighting, the Zoning Board of Appeals shall have the right and is hereby given the authority to interpret and determine the screening and lighting provisions and the purpose herein sought to be accomplished.

1.450 Nonconformities.

- 1.451 Continuanace of Nonconforming Use and Structures. Lawful nonconforming uses or structures as defined in Article II may be continued but shall not be enlarged, extended, added to or altered unless each such enlargement, extension, alteration or addition is in conformity with the provisions of this Ordinance.
- 1.452 Discontinuance of Nonconforming Uses and Structures. If the nonconforming use of any land or structure shall terminate for a continuous period of over nine (9) months or more, such use shall not be reestablished and any future use of such land or structure shall be in conformity with this Ordinance.
- 1.453 Restoration and Repair.
 - A. Such repairs and maintenance work as are required to keep a nonconforming building or structure in a sound condition may be made.
 - B. In the event any nonconforming building or structure shall be damaged by fire, wind, or any Act of God or the public enemy, it may be rebuilt or restored within one (1) year, provided the cost of restoration thereof shall not exceed sixty (60) percent of the replacement value of such building or structure. Such determination shall be made by the Zoning Administrator.

1.454 Change of Use. The use of a nonconforming building may be changed to another nonconforming use if the Board of Appeals finds that such new use would markedly decrease the degree of nonconformance and would enhance the desirability of adjacent conforming uses. This shall not be construed to permit the conversion of a nonconforming use to a prior nonconforming use nor to waive the other provisions of this Article.

1.455 Specific Nonconforming Uses Eliminated. All existing junk yards, as herein defined, with a location which is approved under the regulations may continue if the operator obtains a license from the Township Board or its agent, and complies with the requirements of Section 1.451.

Nonconforming 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 comply with all provisions of this Ordinance. This shall not be construed to prohibit the lettering or repainting of a sign or billboard.

1.456 Nonconforming Lots of Record (Substandard Lots). Any lot platted or created prior to the effective date of this Ordinance that fails to comply with the minimum requirements of its zone district may be used in the following manner:

- A. A lot in single ownership at the effective date of this Ordinance which contains less than 80 percent of the Zone District 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.
- B. Any lot which meets 80 percent or more of the zone district width and area requirements may be sold and or utilized as a separate lot whether in single ownership or not; provided, however that the front yard must conform to the requirements of the Zone District in which said lot is located.
- C. Two (2) or more adjacent lots containing less than 80 percent of the zone district requirements and owned by the sane person, family, partnership or corporation, at the effective date of this Ordinance, shall be redivided to meet at least 80 percent of the zone district requirements; provided that the Board may permit the use or redivision of less than four (4) such lots in conformity with the established character of existing adjoining homes.

1.457 Expansion

- A. Nonconforming uses shall not be extended, added to or enlarged.
- B. Nonconforming structures shall not be extended, added to or enlarged, unless each such extension, alteration, or addition is intended to bring said structure into conformity with the provisions of this Ordinance.
- C. Nonconforming lots of record (substandard lots) shall not be extended, added to or enlarged, unless each such action results in more conforming lot sizes.

1.460 Site Plan Review and Approval

It is recognized that land uses and their location may possess distinct characteristics which may affect the community, its residents and its thoroughfares. It is, therefore, necessary to require submission of a site plan for review and approval in accordance with guidelines and criteria set forth herein in order to ensure safe development and to avoid adverse impacts to the Township and its citizens.

- 1.461 Site Plan Review by Zoning Administrator. All applications for zoning compliance permits, special use permits, rezoning and variances, as governed in this Ordinance, shall first require site plan review by the Zoning Administrator.
- 1.462 Site Plan Approval. Unless otherwise noted herein, all requests for zoning compliance permits must have site plan approval by the Zoning Administrator. All requests for special use permits must have site plan approval by the Township Planning Commission.
- 1.463 Standards for the Review of Site Plans. The site plan is to be reviewed in order to determine:
- A. That the proposed use conforms to the uses permitted either by right or by special use permit in the respective zoning district;
 - B. That the dimensional arrangement of buildings and structures conforms to the required yards, setbacks and height restrictions of the Ordinance, unless waived by variance granted by the Zoning Board of Appeals (ZBA);
 - C. That the proposed use conforms to all use and design provisions and requirements (if any) as found in the zoning ordinance for certain specific uses, unless waived by variance granted by ZBA;
 - D. That there is a proper relationship between the existing and proposed streets and highways within the vicinity in order to assure the safety and convenience of pedestrian and vehicular traffic;
 - E. That the proposed on-site buildings, structures and entryways are situated and designed to minimize adverse effects upon owners and occupants of adjacent and surrounding properties by providing for adequate design of access/egress, interior/exterior circulation, storm drainage, erosion, grading, lighting and parking, as specified by this zoning ordinance or any county or state law;
 - F. That as many natural features of the landscape shall be retained as possible where they can be useful to the development on the site or where they furnish a barrier or buffer between the project and adjoining properties (used for dissimilar purposes) or where they assist in preserving the general safety, health, and appearance of the neighborhood, i.e., controlling erosion or the discharge of storm waters, etc.

- G. That any adverse effects of the proposed developments and activities emanating there from upon adjoining residents or owners shall be minimized by appropriate screening, fencing, or landscaping (as provided or required in the zoning ordinance);
- H. In the case where the current use is commercial or industrial, not publicly sewered, and the application is to change, convert, add or expand such commercial or industrial use, a statement from the Health Department must be submitted certifying that the present on-site septic disposal system is adequate to meet the needs of the changed, converted, added or expanded use after development.
- I. That all buildings and structures are accessible to emergency vehicles; and
- J. That the site plan as approved is consistent with the intent and purpose of zoning which is to promote the public health, safety, and general welfare to encourage the use of lands in accordance with their character and adaptability; to avoid the overcrowding of population; to lessen congestion on the public roads and streets; to reduce hazards of life and property; and to facilitate the Township Land Use Plan.

1.464 Conditional Approval.

- A. Reasonable conditions may be required by the Zoning Administrator for zoning compliance permits (or the Planning Commission for special use permits) with the approval of a site plan. The conditions may include, but are not limited to, conditions necessary to insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to insure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall meet all of the following requirements:
 - 1. Be designed to protect natural resources, the health, safety and general welfare and the social and economic well-being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole;
 - 2. Be related to the valid exercise of the police power, and purposes which are affected by the proposed use or activity; and
 - 3. Be necessary to meet the intent and purpose of the zoning ordinance, be related to the standards established in the ordinance for the land use or activity under consideration, and be necessary to insure compliance with those standards.

- B. The conditions imposed with respect to the approval of a site plan shall be recorded in the record of the approval action, and shall remain unchanged except upon the mutual consent of the designated site plan approval body and the landowner. A record of conditions which are changed shall be maintained by the respective approval body.
- Upon approval of the plan, the designated site plan approval body shall sign three (3) copies thereof. Two (2) copies shall be kept by the Township, and the third shall be returned to the applicant. All subsequent actions relating to the activity authorized by the approved site development plan shall be consistent with the plan unless a change conforming with the zoning ordinance receives mutual agreement with the landowner and the respective site plan approval body. For special uses, refer to Section 1.472 C.
- 1.465 Compliance with design standards for certain uses enumerated in this zoning ordinance is required.
- 1.466 Final Approved Site Plan on File. A copy of the Final Approved Site Plan (and all "Revised, Final Approved Site Plans") shall be so marked and placed on file as the officially approved document of the applicant along with copies of any and all permits requested for the property in question Approval of "Revised, Final Site Plans" can be made only by the designate body or the official who first gave final approval.
- 1.467 Conformity to Approved Site Plan. Property which is the subject of site plan approval must be developed in strict compliance with the approved site plan, and with any revisions, amendments or modifications made thereto. If construction and development does not conform with such approved plan, the approval thereof shall be revoked by the Zoning Administrator by written notice of such revocation posted upon the premises involved and mailed to the developer at his last known address. Upon revocation of such approval, all further construction activities shall cease upon the site, other than for the purpose of correcting the violation.
- 1.468 Performance Bond. The designated site plan approval body is empowered to require a performance bond or in its discretion, a certified check, as specified in Section 1.630 to be posted by the applicant in order to insure that all zoning requirements and conditions of approval will be completed in accordance with the approved site development plan.
- 1.469 Site Plan Specifications. An applicant shall submit three (3) copies of all required information. The information to be submitted as part of the site plan document must include the following:
- A. A vicinity area map at a convenient scale, showing proximity to any railroads, streams, streets and street intersections; the location of the nearest public roads on all sides; and all public facilities or amenities such as, schools, firehouses, houses of worship, recreational areas, etc.

- B. A map of applicant's entire subject property and all surrounding properties at a designated scale; and which shall display the following in detail (however, applicants for zoning compliance permits for single family and two-family residences and agricultural uses need only summarize):
1. The name of all owners of record of adjacent property;
 2. Existing fire, school and other special district boundaries within five (500) hundred feet of the tract, if any;
 3. Boundaries of property and existing lot lines as shown on the existing plat or tax map;
 4. Existing public streets, easements, or other reservations of lands;
 5. Location of all existing structures on the site, as well as those of adjacent properties within one (100) hundred feet of subject lot line;
 6. The proposed location and use of any building or structure;
 7. The proposed location of any use not requiring a structure, including walkways, benches, fences, and recreational facilities;
 8. Location and design of all driveways, parking and loading areas, if any;
 9. Location of all existing and proposed water lines, valves and hydrants, and all sewer lines, if any;
 10. Proposed fencing, screening and landscaping; and
 11. Location of existing watercourses, wooded areas, and rock outcrops, if any.
- C. A copy of any covenants or deed restrictions that are intended to cover all or any part of the tract;
- D. Where the applicant wishes to develop the project in stages, a site plan indicating total development shall be presented for approval of the entire parcel; and
- E. The Zoning Administrator (for zoning compliance permits) and the Planning Commission (for special use permits) may require additional data where it is warranted due to special conditions of the site or complexity of the proposed development.

1.470 Special Use Permits

In order that this Ordinance be flexible and reasonable, special uses are provided for herein and require special use permits by the Planning Commission. Conformance to special use standards is required, in addition to all other requirements of this Ordinance. All such uses are hereby declared to possess characteristics of such unique and distinct form that each specific use shall be considered on an individual case. The granting of a special use permit does not negate the requirement for any other permit(s).

1.471 Standards for the Consideration of Special Uses. The following standards shall be met:

- A. The special use in combination with the location proposed for such use shall not impair the general health, safety and welfare of the community-at-large. In general, there must be:
 - 1. Safe access to the property in question and adjacent properties to fire and police protection;
 - 2. No dangerous or hazardous traffic circulation on and off the site is created by the proposed use;
 - 3. Transportation design proposals by the applicant, if necessary, which will mitigate any potential traffic impact by the proposed use; and
 - 4. An appropriate relationship, similarity and compatibility between the location and scale of the proposed use to the size and type of uses, structures and buildings currently existing in the immediate vicinity, and which collectively comprise the overall character of the area.
- B. The special use shall not decrease the market value of adjacent buildings, uses and structures which are permitted by right under current zoning, if the proposed use is granted;
- C. The special use shall be in harmony with the Township Land Use Plan. This considers whether the location and size of the proposed use, the nature and intensity of the activities involved, the size of the site with respect to existing and future streets, parks and drainage systems will be in harmony with the Township Land Use Plan and the character of land use which is intended by said Township Plan for the area or district in question;
- D. The applicant's proposed use, its location and intensity and the height of its buildings, walls, fences and other structures shall not adversely impact the appropriate character of development intended for the area as deemed desirable by the Otisco Township Land Use Plan;
- E. The special use shall not cause any hazards arising from storage and use of inflammable fluids; and
- F. The special use shall not be environmentally objectionable to nearby properties by reason of noise, fumes, pollution, vibration, or lights to an extent which is more than would be the operations of any use permitted by right for that district wherein the special use is proposed.

1.472 Conditional Approval.

- A. Reasonable conditions may be required with the approval of a special land use by the Planning Commission. The conditions may include, but are not limited to, conditions necessary to insure that public service and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural resources and energy, to insure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall meet all of the following requirements:
 - 1. Be designed to protect natural resources, the health, safety and welfare and the social and economic well-being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole;
 - 2. Be related to the valid exercise of the police power and purposes which are affected by the proposed use or activity; and
 - 3. Be necessary to meet the intent and purpose of the zoning ordinance, be related to the standards established in the ordinance for the land use or activity under consideration, and be necessary to insure compliance with those standards.
- B. The conditions imposed with respect to the approval of a special land use shall be recorded in the record of the approval action, and shall remain unchanged except upon the mutual consent of the Planning Commission and the landowner. The Planning Commission shall maintain a record of conditions which are changed.
- C. Before granting a special land use permit in addition to finding that it meets all of the previously stated requirements, the Planning Commission must find:
 - 1. The proposed use will not adversely affect existing adjacent uses within 500 feet; and
 - 2. That there will be no adverse effect upon the public health, safety or general welfare and that it will not impair the intent of the ordinance.

1.473 Compliance with design standards for certain uses enumerated in this zoning ordinance is required.

1.474 Site Plan Approval Required. Site plan approval by the Planning Commission is required for all special use permits. Site plans may be initially reviewed by the Zoning Administrator for content.

1.475 Time Limitation. A special use permit shall be deemed to authorize only one (1) particular special use and shall expire if the special use shall cease to function for more than twelve (12) months for any reasons, or has not begun within twelve (12) months from date of issuance.

1.476 Existing Violations. No permit shall be issued for a special use for a property where there is an existing violation of this Ordinance.

- 1.477 Basis for Decision in Writing. It is further provided that in granting or denying a special use permit. The Planning Commission shall specify in the written decision the particular reason relied upon and its relation to the proposed use.
- 1.478 Appeals. Any and all appeals regarding a decision or condition imposed upon a special use application may be made to the Zoning Board of Appeals within thirty (30) days from the date of decision or imposed condition.

ARTICLE V

SUPPLEMENTAL REGULATIONS FOR SPECIFIC USES

1.500 Supplemental Regulations for Specific Uses

In addition to the regulations set forth in Articles III and IV, the following are specific regulations and design standards for uses listed in said articles, and shall be the minimum governing requirements for the protection of the public health, safety and general welfare of the community.

1.510 *Reserved for Future Use*

1.520 Planned Unit Development District (PUD)

1.521 Description and Purpose. The Planned Unit Development (PUD) zoning district is intended to permit and control the development of lands as planned unit developments for compatible uses permitted by this Ordinance. Such planned unit developments, if authorized under the terms of this Chapter, permit a greater degree of flexibility in the use, area, height, bulk and placement of buildings, structures and accessory uses than would otherwise be the case in other zoning districts established by the Ordinance. The PUD provisions of this Chapter have been established in order to:

- A. Encourage the use of land in accordance with its character and adaptability.
- B. To conserve natural resources and energy.
- C. To encourage innovation in land use planning.
- D. To provide enhanced housing, employment, traffic circulation and recreational opportunities for the people of the Township.
- E. To bring about a greater compatibility of design and use between neighboring lands.

- F. To provide for the regulation of legal land uses not otherwise authorized within this Ordinance.

The PUD Zoning District is also intended to permit and control the development of lands for detached single family residential dwelling units established under the Michigan Condominium Act and commonly referred to as Site Condominiums.

It is intended that all land uses in a PUD district shall be afforded reasonable protection from encroachment or interference by other incompatible land uses, and that reasonable protection from PUD land uses also be afforded to uses adjacent to or affected by each PUD District. It is not intended that the provisions of this Chapter be utilized to circumvent other provisions of the Zoning Ordinance or Land Use Plan. It is intended that land uses resulting from application of the provisions of this Chapter will be those uses which are not substantially inconsistent with other zoning districts and comprehensive land use planning areas existing at the time of application for any PUD approval. Modifications of and departures from the general nature of such districts and areas are intended to be approved only in such cases where the intents and purposes of this Chapter and the Zoning Ordinance have been complied with.

All zoning of lands pursuant to this Chapter shall, where appropriate, include reasonable conditions regarding the emission and transmission of injurious or obnoxious noise, vibration, gas, smoke, dust, dirt, litter, odor, light glare, traffic congestion, ease of police and fire protection, drainage, lateral land support, blighting influences, effect on surrounding property values, light and air, overcrowding of persons, sanitation, surface and groundwater quality, water supply and sewage disposal, general appearance and character of the surrounding area and other similar considerations which have an effect on the achievement of the purposes of this Ordinance.

- 1.522 Uses Permitted in PUD District. Land in the PUD zoning district may be used for all or any of the uses permitted by this Ordinance in other zoning districts, as well as any other legal land use not otherwise authorized by this Ordinance, subject to adequate public health, safety, and welfare protection mechanisms being designed into the development.
- 1.523 Eligibility for PUD Rezoning. In order to be eligible for PUD rezoning the proposed area shall consist of a minimum of two (2) acres.

1.524 Procedure for PUD Rezoning. Lands within the Township which are eligible for rezoning to the PUD District may be zoned in such district in accordance with the procedures and requirements set forth in this Chapter. The rezoning of lands to the PUD District is a two stage process, commencing with the submission and approval of a Preliminary Development Plan and concluding with the submission of a Final Development Plan, and the rezoning of lands to the requested PUD land use, by action of the Planning Commission and Township Board. In the discretion of the Planning Commission, a pre-application conference between the Planning Commission and any PUD applicant may be convened before submission of a Planned Unit Development application.

1.525 Preliminary Development Plan.

- A. Preliminary Plan Submission. Each applicant for PUD rezoning, must submit to the Zoning Administrator eight (8) copies of a Preliminary Development Plan. The Zoning Administrator shall transmit one (1) copy to the Secretary of the Planning Commission, one (1) copy to the Township Board, and retain six (6) copies for further use.
- B. Preliminary Plan Content. Each PUD Preliminary Plan shall include the following, unless waived by the Planning Commission:
 - 1. All the material required by Sections 1.469 and 1.710 of this Ordinance (site plan review and amendment application materials).
 - 2. A written legal description of all the lands proposed within the PUD.
 - 3. A narrative describing the following:
 - a. The overall objectives of the PUD.
 - b. Source and method of financing.
 - c. Number of acres allocated to each use.
 - d. Gross residential densities where applicable.
 - e. Proposed method for providing sewage disposal, potable water, and other public and private utilities, and written approval from the Ionia County Health Department for such methods, if applicable.
 - f. Proposed method for providing storm drainage.
- C. Review of Preliminary Development Plan. The Planning Commission shall review the Preliminary Development Plan to verify PUD eligibility and make recommendations to the applicant based upon the requirements of this Ordinance and the following specific considerations where applicable:
 - 1. Pedestrian and vehicle movement areas, vehicle and materials storage and loading areas, refuse storage and pick-up areas, and other service areas with particular reference to: vehicle and pedestrian safety and convenience, traffic flow and control, alternate and marginal access to alleviate excessive peak-hour traffic congestion, and emergency access in case of fire or catastrophe.
 - 2. Utilities with reference to locations, availability and ownership and compatibility.

3. Screening and buffering with reference to type, dimensions and character.
 4. Signs, if any, and proposed exterior lighting with reference to size, height, setback, glare, traffic safety, economic effect, and compatibility and harmony with properties within and adjacent to the PUD area.
 5. Yards and other open spaces with reference to the arrangement and densities of land uses within the PUD and those yards required in the existing and surrounding zoning districts.
 6. The height, area and bulk of all structures with reference to the requirements of this Ordinance for such structures within and surrounding the proposed PUD.
 7. General compatibility with adjoining properties and properties within the proposed PUD.
 8. The purpose and intent of this Ordinance, as well as compatibility with other ordinances and statutes which regulate land development.
- D. Transmittal of Recommendations on Preliminary Development Plan. The Planning Commission may approve or disapprove the Preliminary Development Plan, either in whole or in part; and may adopt or recommend to the applicant changes or additions in, or conditions upon, the Preliminary Development Plan. After taking any such action, the Planning Commission shall forward to the applicant its written approval or disapproval, together with any recommendations regarding changes, additions, or conditions. A copy of the Planning Commission action shall be forwarded to the Township Board. In the course of its consideration of the Preliminary Development Plan, the Planning Commission may convene an advisory public hearing for the purpose or receiving comments relative to the Preliminary Development Plan, and give public notice of such hearing in the same manner as is provided in this Ordinance for public hearings on requested special use permits.

1.526 Final Development Plan and Rezoning to PUD.

- A. Submission of Final Development Plan for Rezoning. Within a period not to exceed six (6) months after the date of receiving the action taken by the Planning Commission on the Preliminary Development Plan, the applicant shall submit to the Zoning Administrator eight (8) copies of the Final Development Plan which shall include an application for rezoning to the PUD uses shown in the Final Development Plan. The Final Development Plan shall set forth all of the matters shown and included in the Preliminary Development Plan, except as changed or modified by action of the Planning Commission, and shall also include any conditions or other matters adopted by the Planning Commission with regard to the Preliminary Development Plan. The Zoning Administrator shall promptly transmit copies of the Final Development Plan as follows: one (1) copy to the Township Clerk; five (5) copies to the Planning Commission, with two (2) copies to be retained by the Zoning Administrator. Except as may conflict with other provisions of this Chapter, the application for PUD rezoning shall be reviewed and acted upon in accordance with the provisions of this Ordinance regarding amendments to the Zoning Ordinance and in compliance with the Michigan Zoning Enabling Act PA 110 of 2006, as amended. (Amendment April 23, 2014, Ordinance 2014-01)

- B. Contents of Final Development Plan. Each Final Development Plan shall include all of the following information, except any of such information which is found by the Planning Commission to be not reasonably necessary for consideration of the requested PUD:
1. A site plan, or series of plans, based on an accurate certified land survey, drawn to a scale which renders enough detail to allow the Planning Commission to make accurate interpretations. The site plan shall show all of the information required by Section 1.469 of this Ordinance (site plan review requirements).
 2. Preliminary architectural sketches and/or a general statement as to the type of construction and materials to be used in the proposed buildings or structures. Height and area of buildings and structures shall be described.
 3. The period of time within which the project will be completed.
 4. Proposed staging of the project, if any.
 5. Gross areas of buildings and parking.
 6. Delineation of the one hundred (100) year flood plain, if applicable and any proposed uses therein.
 7. A description of all aspects of such plan which might have an adverse effect on public health, safety and welfare.
 8. Current proof of ownership of the land to be utilized or evidence of a contractual ability to acquire such land, such as an option or purchase contract.
 9. Method of financing and commitments or other proof of ability to obtain financing.
 10. Additional information which the Planning Commission may request which is reasonably necessary to evaluate the proposed PUD and its effect on the surrounding neighborhood and the Township in general.
- C. Public Hearing by Planning Commission. The Planning Commission shall convene a public hearing on the Final Development Plan PUD rezoning, in accordance with the provisions of the Michigan Zoning Enabling Act, PA 110 of 2006 as amended and all applicable provisions of this Ordinance, for the purpose of considering and receiving comments upon the Final Development Plan PUD rezoning. The Planning Commission shall publish notice of the request in a newspaper of general circulation in the local unit of government, in accordance with this Section and in accordance with Section 1.623 B. 4. a. 1) and 2). (Amendment April 23, 2014, Ordinance 2014-01)
1. Notice shall also be sent by mail or personal delivery to the owners of property for which approval is being considered. Notice shall also be sent to all persons to whom real property is assessed within 2,500 feet of the property and to the occupants of all structures within 2,500 feet of the property regardless of whether the property or occupant is located in the zoning jurisdiction.

2. The notice shall be given not less than 15 days before the date the application will be considered for approval. If the name of the occupant is not known, the term “occupant” may be used in making notification under this subsection. The notice shall do all of the following:
 - a. Describe the nature of the request.
 - b. Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used.
 - c. State when and where the request will be considered
 - d. Indicate when and where written comments will be received concerning the request.
- D. Recommendations of Planning Commission. After the required public hearing, the Planning Commission shall make recommendations to the Township Board regarding the approval or disapproval, in whole or in part, of the Final Development Plan PUD rezoning. Such recommendations may include recommended changes in the Final Development Plan or conditions to be imposed thereon. The Planning Commission shall transmit such recommendations to the Township Board.
- E. Action by Township Board.
1. Upon receiving the recommendations of the Planning Commission on the Final Development Plan PUD rezoning, the Township Board shall approve or disapprove, in whole or in part, the Final Development Plan PUD rezoning, following a public hearing with notification as required by Section 1.526 C. If the Final Development Plan is approved or disapproved only in part, or if the Township Board imposes conditions or requirements not previously imposed by the Planning Commission, the matter shall first be referred to the Planning Commission, which shall then forward its recommendations thereon to the Township Board, after which the Township Board may proceed to take action to approve or disapprove the Final Development Plan PUD rezoning. Such action by the Township Board shall take place in the same manner as is provided in the Ordinance and in the Michigan Zoning Enabling Act, PA 110 of 2006, as amended, for the rezoning of lands to any zoning district. If approved by the Township Board, a copy of any amendment of this Ordinance rezoning lands to the PUD Zoning District shall be forwarded to the Township Clerk for filing with the Township Zoning Ordinance. (Amendment April 23, 2014, Ordinance 2014-01)

2. In reviewing the Final Development Plan PUD rezoning, the Township Board shall determine:
 - a. Whether the plan complies with the terms and provisions of this Ordinance;
 - b. Whether the proposed project promotes the intent and purposes of the Ordinance, including this Chapter;
 - c. Whether it will be compatible with adjacent uses of lands, the natural environment and the capacities of public services and facilities affected by the project; and
 - d. Whether the proposed project will be consistent with the public health, safety and general welfare.
3. The Township Board may impose reasonable conditions upon its approval of any Final Development Plan. Such conditions may include those necessary to insure that public services and facilities affected by a proposed PUD development will be capable of accommodating increased public service demands caused by the proposed land use or activity, to protect the natural environment and to conserve natural resources and energy, to insure compatibility with adjacent uses of lands in a socially and economically desirable manner. Any conditions so imposed shall satisfy all of the following requirements:
 - a. Be necessary to satisfy the intent and purposes of this Ordinance and be related to the standards established in the Ordinance for the proposed PUD Development.
 - b. Be related to the valid exercise of the police power.
 - c. Be designed to protect natural resources, the health, safety and general welfare of those who will use the proposed project and the residents and owners of lands immediately adjacent to the proposed project and the Township as a whole.
4. Any conditions imposed in connection with the approval of a Planned Unit Development shall be recorded in the official record of the action of approval and shall remain unchanged except upon the mutual consent of the Township Board and the owners of the lands involved.

1.527 General Provisions for PUD Districts. The following provisions shall apply to all Planned Unit Development Districts:

- A. Time Limitations on Development. Each PUD Development shall be under construction within one (1) year after the date of Township Board approval of the Final Development Plan. If this requirement is not met, The Planning Commission may, in its discretion, grant an extension of time, not exceeding one (1) year, for the commencement of construction, provided that the applicant presents reasonable and valid evidence to the effect that the development has encountered unforeseen difficulties, but is then ready to proceed without further delay. If the development is not commenced within one (1) year after issuance of the building permit, or within the above stated one (1) year extension, if granted, any building permit issued for the development shall thereupon be void and of no further effect, and the Planning Commission and Township Board may initiate and carry out proceedings for the rezoning of the lands to some other zoning district.
- B. Performance Bonds. In its review of any Final Development Plan, the Planning Commission may require reasonable agreement or other undertaking by the applicant to guarantee and assure the completion of the proposed PUD, to the extent and in the manner specified in the Final Development Plan, including a performance bond in such amount and upon such terms as the Planning Commission may determine to be necessary to assure the timely and proper completion of the development in accordance with the Final Development Plan.
- C. Required Improvements prior to Occupancy. The Planning Commission may require that all required improvements be constructed and completed prior to occupancy. In the event that said improvements are partially completed to the point where occupancy would not impair health, safety and general welfare of the residents, but are not fully completed, the Planning Commission may grant occupancy so long as the developer deposits a performance bond with the Township Clerk in an amount equal to the cost of the improvements yet to be made, said improvements to be completed within one (1) year of the date of occupancy.
- D. Additional Provisions. All provisions of this Ordinance and other applicable ordinances of the Township shall apply to the PUD District except where inconsistent therewith, in which case the provisions of this Chapter shall control.

- E. Minor Changes to an approved PUD Plan. Minor changes in the location and siting of buildings, structures, landscaping and buffering, streets or parking areas after the adoption of the Final PUD by the Township Board, may be approved by the Planning Commission without additional public hearings if required by engineering or other circumstances not foreseen at the time the final PUD plan was approved. No change authorized by this subsection may cause any of the following:
1. A change in the use or character of the development.
 2. An increase in overall coverage of structures.
 3. An increase in the intensity of use.
 4. An increase in the problems of traffic circulation and public utilities.
 5. A reduction in approved open space.
 6. A reduction of off-street parking and loading space.
 7. A reduction in required pavement widths.

All other changes must be made by the Township Board in accordance with Article VII following a recommendation by the Planning Commission. Any changes which are approved in the final PUD plan must be filed as amendments in accordance with the procedure established for the filing of the initial final plan documents.

- 1.528 Condominiums. Pursuant to authority conferred by Section 141 of the Michigan Condominium Act (Public Act 59 of 1978 as amended), no lands may be used for a Condominium or Site Condominium as defined herein unless such use has been approved as a planned unit development under the terms of this Chapter.

In determining whether to approve a site condominium subdivision, the Township Board shall consult with the Planning Commission and any other professionals it deems necessary regarding the adequacy of the site condominium plans, deed restrictions, utility systems and streets, subdivision layout and design, and compliance with all requirements of the Condominium Act.

A. Definitions. The following definitions shall apply:

1. **Condominium Act** means Public Act 59 of 1978, as amended.
2. **Condominium** includes condominium project and means a plan or project consisting of not less than two Condominium Units established in conformance with the Condominium Act. The term includes projects consisting of detached single family residential units established under the Condominium Act commonly referred to as "Site Condominiums".
3. **Condominium Dwelling** means the building constructed upon a lot or condominium unit which is intended for residential purposes.
4. **Condominium Structure** means a building or structure constructed upon a lot or condominium unit which is intended for office, industrial, business, or recreational purposes.

5. **Condominium Unit** means that portion of the condominium project designed and intended for separate ownership and use, as described in the Master Deed, regardless of whether it is intended for residential, office, industrial, business, recreational, use as a time-share unit, or any other type of use.
 6. **Lot** shall mean the same as "Home site" and "Condominium Unit".
 7. **Mobile Home Condominium Project** means a condominium project in which mobile homes are intended to be located upon separate sites which constitute individual condominium units.
 8. **Master Deed** means the condominium document recording the condominium project to which is attached as exhibits and incorporated by reference the approved bylaws for the project and the approved condominium subdivision plan for the project.
 9. **Setback - Front Yard** shall be equal to the distance between the front yard area line and the condominium dwelling or condominium structure.
 10. **Setback - Rear Yard** shall be equal to the distance between the rear yard area line and the condominium dwelling or condominium structure.
 11. **Setback - Side Yard** shall be equal to the distance between the side yard area line and the condominium dwelling or condominium structure.
 12. **Site Condominium Subdivision** shall be a division of land on the basis of condominium ownership which is not subject to the provisions of the Subdivision Control Act, Public Act 288 of 1967, as amended.
- B. Zoning Compliance. All Condominiums, including Condominium Projects, Condominium Structures and Site Condominiums shall comply with the following requirements:
1. The requirements of Section 1.523 and 1.527.
 2. All minimum lot size, setback, road frontage, lot width, lot width-to-depth ratio, sign, height, density and all other use and dimensional and area requirements applicable within the zoning district where the land is located (prior to a PUD approval) shall also be applicable to the approved PUD except to the extent that any such requirement is expressly waived or altered pursuant to the PUD review and approval process by the Township Board (upon recommendation of the Planning Commission). (Resolution No. 2006-08)
- C. Condominium (including Site Condominium) Review procedure.
1. Except as otherwise provided in this Chapter, the procedure for application, review and approval of planned unit developments set forth in Sections 1.525 and 1.526 shall apply to Condominiums including Site Condominiums. For such purposes, a Condominium shall be designated a Condominium Planned Unit Development.

2. All applications for Condominium Planned Unit Development approval shall contain the following information, in addition to the requirements of Section 1.525:
 - a. A statement of the general common elements of the Condominium of Condominium Project to be contained in the Master Deed;
 - b. The use and occupancy restrictions of the Condominium;
 - c. Such other information as will reasonably assist the Planning Commission and Township Board in considering and evaluating the Condominium Planned Unit Development.

- D. Consent. All Condominium projects shall provide a "Consent to Submission of Real Property to Condominium Project" stating the names of all parties which have ownership interests in the proposed Condominium or other written evidence that the applicant has a legal right to purchase the subject property from the owners of record.

- E. Mobile Home Condominium Project. All Mobile Home Condominium Projects shall conform to the requirements of this ordinance.

- F. Master Deed. All provisions of the Condominium Planned Unit Development as approved by the Township Board must be incorporated in the recorded Master Deed of the Condominium Planned Unit Development. Subsequent proposed changes to the approved Condominium Planned Unit Development must be reviewed and approved by the township pursuant to this Chapter. A copy of the Master Deed as recorded with the Ionia County Register of Deeds must be provided to the township within ten days after such recording.

- G. Private Streets. All private streets within a Condominium Planned Unit Development shall comply with the requirements set forth in Section 1.550 (F) of this Ordinance.

- 1.529 Fees. A fee as set by the Township Board and listed in the Township Schedule of Fees shall accompany all PUD applications in order to defray the cost of administration and inspection. The schedule of fees may include the cost of hiring any consultants necessary to evaluate the application.

1.530 Natural River Zoning District

- 1.531 Area Affected. These regulations apply to that area comprising the Flat River and its designated tributaries, its flood plain and all lands lying between the river's edge and a line, each point of which is three hundred (300) feet horizontal from and perpendicular to the river's edge. This area encompasses all islands and lands on each side of the river, and is as shown on the official Otisco Zoning Map, which is a part of this ordinance.
- 1.532 Building Setback. The minimum setback for any building or accessory structure shall be one-hundred (100) feet from the ordinary high water mark or twenty-five (25) feet from an identified or documented 100-year floodplain, whichever results in the greatest distance from the edge of the water. (Ordinance 2004-04 April 13, 2004)
- 1.533 Natural Vegetation Strip. To minimize erosion, stabilize the riverbank, protect water quality, keep nutrients out of the water, maintain water temperature at natural levels, preserve fish and wildlife habitat, to screen man-made structures, and also to preserve aesthetic values of the natural river area, a natural vegetation strip shall be maintained on each parcel or lot between the river's edge and a line, each point of which is twenty five (25) feet horizontal from and perpendicular to the river's edge.

Within the natural vegetation strip, trees and shrubs may be selectively pruned or removed for a filtered view of the river upon approval of the Department of Natural Resources or their representative. Said pruning and removal activities shall insure a live root system stays intact to provide for stream bank stabilization and erosion control and shall insure that any footpath to the river's edge is no greater than four (4) feet in width, and any footpath shall meander down to the river's edge in a manner which protects the soil and vegetation from erosion while also screening any structures from a direct river view.

Dead, diseased, unsafe, or fallen trees and noxious plants and shrubs, including poison ivy, poison sumac, poison oak, and other plants regarded as a common nuisance in Section 2, Public Act 359 of 1941, as amended, may be removed.

Planting of perennial native species in the natural vegetation strip is encouraged, especially where exposed soil and steep slopes exist, and in reforestation efforts. (Ordinance 2004-04 April 13, 2004)

- 1.534 Removal of Logs and Debris from the River. A riverfront owner may clean deadfall logs and other debris from the river to maintain a safe, clean, and free-flowing river when, after consultation with a Department of Natural Resource's fisheries biologist, removal is undertaken in a manner which will least disrupt fish and wildlife habitat, riverside vegetation and limit sediment disruption on the river bottom.

- 1.535 Earth Changing Activities. All earth changes, including dredging, cutting, filling and grading, within five-hundred (500) feet of the river's edge shall be done in accordance with the requirements of a permit issued by the local soil erosion and sedimentation control enforcement agency pursuant to Public Act 347 of 1972, as amended. Commercial mining and extraction of topsoil or subsurface sand, gravel or minerals is not permitted within three-hundred (300) feet of the river's edge.
- 1.536 Dredge and Fill Activities. All dredge and fill activities and construction of permanent structures, including docks, lying below the ordinary high water mark of the river are subject to the provisions of Public Act 346 of 1972, as amended.

1.550 Design Standards and Conditions for Certain Uses. (Amendments 1998)

In addition to Article III, IV and the Bulk Table, the following site facility and design standards with respect to certain uses, herein specified, shall control:

A. Single-Family Dwellings and Duplexes (except mobile homes in mobile home parks)

1. AREA.

- a. Every dwelling unit shall have exclusive of basements, porches, garages, breezeways, terraces or attics, a floor area of not less than:

Single Family	960 square feet
Two Family (duplex)	960 square feet for the first unit and 480 for the second

- b. There shall be a minimum interior floor to ceiling height of 7 1/2 feet.

2. FOUNDATIONS FOR DWELLINGS. All dwelling units and any additions thereto shall be constructed upon and attached to a solid permanent foundation located under the entire perimeter of the ground floor of the dwelling unit with a depth of at least 42 inches below grade and such foundation shall comply with the County Building Code and all applicable State regulations.
3. STORAGE AREAS REQUIRED. All dwelling units shall provide storage areas (either within a basement or in an attic, or in a separate, fully enclosed structure), of not less than 15% of the living area of the dwelling unit, exclusive of storage space for automobiles. Said storage areas shall not be counted in determining whether the dwelling unit complies with the minimum floor area requirements of this Ordinance.
4. MINIMUM WIDTH REQUIRED. Any single family dwelling unit shall have a minimum width of 24 feet (at the foundation) across any front, side, or rear elevation.
5. MINIMUM INGRESS AND EGRESS. All dwelling units shall provide two separate doors located on the front and side or front and rear of the structure.
6. STEPS OR PORCH AREAS REQUIRED. All dwelling units shall provide permanent steps or porch areas where there exists an elevation differential of more than 1 foot between a door and the surrounding grade.
7. ADDITIONS. All additions or alterations to a dwelling shall be constructed of at least the same quality materials and workmanship as the original structure and be manufactured for that purpose.

B. Multiple-Family housing.

1. Minimum lot size shall be three (3) acres.
2. Units designed for use by senior citizens may provide accessory services such as central dining facilities, indoor and outdoor recreational facilities, lounge areas and workshops.
3. Each dwelling unit shall contain a minimum square footage as follows:

Efficiency	375 square feet
One bedroom	600 square feet
Two or more bedrooms	550 square feet plus 100 square feet for each bedroom.
4. Minimum spacing between detached buildings shall not be less than the height of the higher building as measured from the lowest first floor elevation.

C. Private Open Air Businesses (Permanent and Temporary).

1. Minimum lot area shall be one (1) acre.
2. Minimum lot width shall be two hundred (200) feet.
3. The off-street parking requirements of section 1.438 shall be provided, except that in no case shall fewer than six spaces be provided.
4. Roadside produce stands are limited to seasonal operations and sales of products generally indigenous to Ionia County and may be located in the A-R District. All other open air businesses are to be located in the Commercial District.
5. The storage or materials display areas shall meet all the yard setback requirements applicable to any building in the district;
6. The storage of any soil, fertilizer, or similar loosely packaged materials shall be sufficiently contained to prevent any adverse effect upon adjacent properties.

D. Churches and other places of worship.

1. Minimum lot width shall be one hundred, fifty (150) feet.
2. Minimum lot area shall be three (3) acres.
3. For every foot of height by which the building, exclusive of spire, exceeds the maximum height limitation for the district, an additional foot of front, side or rear yard setback shall be provided.
4. The lot shall be located with access to a street or road adequate to handle the expected traffic generated by the church.

- E. **Automobile Disposal and Junkyards.** For this use, the following more restrictive provisions shall take precedent above all other provisions which may relate to setbacks, screening etc.. All uses shall be established and maintained in accordance with all applicable State of Michigan statutes. If any of the requirements of this subsection are less than those in applicable state statutes, the state requirements shall prevail.
1. The site shall be a minimum of ten (10) acres in size.
 2. There shall be a required yard setback of at least one hundred (100) feet from any public street or any lot line. The front yard setback shall be planted with trees, grass, and shrubs to minimize the appearance of the installation. Nothing shall be piled, stored or accumulated in any required yard area.
 3. A solid fence or wall at least eight (8) feet in height shall be provided along the setback lines of the entire site in order to screen said site from surrounding property. Such fence or wall shall be of sound construction, painted, or otherwise finished neatly and inconspicuously.
 4. All activities shall be confined to within the fenced-in area. There shall be no stocking of material above the height of the fence or wall, except that movable equipment used on the site may exceed the wall or fence height. No equipment, material, signs, or lighting shall be used or stored outside the fenced-in area.
 5. No open burning shall be permitted and all industrial processes involving the use of equipment for cutting, compressing or packaging shall be conducted within a completely enclosed building.
 6. Wherever a side or rear lot line of such use abuts a residential use or a residential zoning district, the required yard shall be doubled and shall contain plant materials, grass, and structural screens to effectively minimize the appearance of the installation.
 7. The facility shall be licensed and comply with all other regulations contained in the Otisco Township Auto Salvage Yard Ordinance, adopted by the Township Board of June 29, 1957.

F. Private Roads and Streets. (Ordinance amendment No. 2007-03 December 11, 2007)

See section 1.570 Private Roads

1. All parcels and lots not having the required frontage on a public street must be accessible by a private road, except as otherwise expressly provided in Section 1.570 of this Ordinance. Please see Section 1.570 of this Ordinance for regulations regarding shared drives, private roads, and service drives.
2. Street alignments and curb openings at intersection streets shall conform to the County Road Commission standards for platted streets.
3. Maintenance and repair of private roads shall be the responsibility of the owner or people to whom the easement is intended and shall not be the responsibility of the Township.

G. Home Occupations (Amendments per Ordinance 99-06 dated June 8, 1999)

A home occupation shall include an occupation or profession carried on by a member of a family residing on the premises, which is clearly incidental and secondary to the principal single-family residential use and does not change the character thereof. The above requirements as well as all standards listed below must be met to be considered a "home occupation." Home occupations are authorized in all districts having residential dwellings, upon approval of a special use permit granted by the planning commission. (Res. No. 2006-7)

1. Shall be conducted entirely within the dwelling. No portion of the use or operation shall occur out of doors or within any accessory building.
2. Shall be carried on only by residents of the dwelling.
3. No article is sold or offered for sale on the premises except as is produced within the dwelling or is provided incidental to the service or profession conducted within the dwelling.
4. Has no exterior storage of materials, equipment or products.
5. Creates no nuisance due to heat, glare, noise, smoke, vibration, noxious fumes, odors, vapors or gases or any other disturbances at any time resulting from such occupation.
6. Does not create a hazard of fire, explosion, radioactivity or any other dangerous condition.
7. Displays not more than one (1) non-illuminated sign not greater than twelve (12) square feet in size relating to such home occupation, refer to section 1.542 regarding set back of signs.
8. Provides adequate off-street parking.
9. The maximum percentage of floor area shall not exceed 25% of the total finished floor area of the dwelling. Only one home occupation shall occur in the dwelling.
10. The use shall not result in the generation of automobile and truck traffic incompatible with the surrounding neighborhood. Vehicles used for the delivery of merchandise shall not exceed step-type vans pursuant to size and weight.

11. Art and music instruction shall be classified as a permitted home occupation, subject to the standards of this Ordinance.
12. The use of the dwelling for the home occupation shall be clearly incidental, secondary and subordinate to its use for single-family purposes by the occupants. The dwelling must be actively used as a residence.
13. Notwithstanding the above requirements, Subsections (1.), (2.) and (9.) may be modified pursuant to a special use permit approved by the Planning Commission to permit the following variations:
 - a. Use of an accessory building for the home occupation use. Not to exceed 50% of the floor space of the primary dwelling.
 - b. To permit no more than one (1) employee who does not reside in the dwelling involved.
 - c. To permit the maximum percentage of floor area for the use not to exceed 50% of the total finished floor area of the dwelling.
 - d. Such home occupation shall not require external alterations or construction features, not customary to dwellings.

1.560 Adult-Oriented Businesses: (Ordinance 2004-05 June 8, 2004)

- A. Definitions. As used herein, the following terms shall have the indicated meanings:
1. “Adult-Oriented Business” means a business or commercial establishment engaging in one or more of the following enterprises:
 - (a) “Adult cabaret” means a nightclub, restaurant, or other establishment which regularly features or displays:
 - (1) Live performances predominantly characterized by an emphasis on the exposure of any specified anatomical area or by any specified sexual activity; or
 - (2) Films, motion pictures, video cassettes, slides, other photographic reproductions or visual media predominantly characterized by an emphasis on the depiction or description of any specified sexual activity or any specified anatomical area.
 - (b) “Adult merchandise store” means an establishment that emphasizes merchandise that is predominantly distinguished or characterized by its emphasis on matter depicting, describing or relating to any specified sexual activity or any specified anatomical area. An establishment emphasizes merchandise that is predominantly distinguished by its emphasis on matter depicting, describing or relating to any specified sexual activity or any specified anatomical area if any one or more of the following applies to the establishment:

- (1) At least 25% of the establishment's retail floor space (i.e., excluding bathrooms, office areas, fitting rooms, eating areas, storage rooms/closets, etc.) is used for the sale of merchandise that is predominantly distinguished or characterized by its emphasis on matter depicting, describing or relating to any specified sexual activity or any specified anatomical area.
 - (2) At least 25% of the establishment's visible inventory is comprised of merchandise that is predominantly distinguished or characterized by its emphasis on matter depicting, describing or relating to any specified sexual activity or any specified anatomical area.
 - (3) At least 25% of the establishment's gross revenues are generated from the sale or rental of merchandise that is predominantly distinguished or characterized by its emphasis on matter depicting, describing or relating to any specified sexual activity or any specified anatomical area.
 - (4) The establishment is operated consistent with its being an adult-oriented business (e.g., advertising is directed to an "adults only" market; the establishment self-imposes [or imposes consistent with state or federal law] prohibitions on minors being present in the establishment).
 - (5) The establishment displays merchandise that is predominantly distinguished or characterized by its emphasis on matter depicting, describing or relating to any specified sexual activity or any specified anatomical area such that that merchandise is visible to patrons in the store and without cover (as opposed to a situation where a the minimum amount of such merchandise, while available for sale or rental, is covered or otherwise shielded from the view of patrons).
 - (6) A comparison of (i) the establishment's ratio of general product to merchandise that is predominantly distinguished or characterized by its emphasis on matter depicting, describing or relating to any specified sexual activity or any specified anatomical area, and (ii) other retail establishments' ratio of general product to merchandise that is predominantly distinguished or characterized by its emphasis on matter depicting, describing or relating to any specified sexual activity or any specified anatomical area, indicates that the establishment emphasizes merchandise depicting, describing or relating to any specified sexual activity or any specified anatomical area
- (c) "Adult theater" means a theater, hall, auditorium, or similar establishment which regularly features live performances predominantly characterized by an emphasis on the exposure of any specified anatomical area or by any specified sexual activity or which regularly or primarily shows films, motion pictures, video cassettes, slides, other photographic reproductions or visual media predominantly characterized by an emphasis on the depiction or description of any specified sexual activity or any specified anatomical area. This definition includes, without limitation, establishments which offer individual viewing booths.

2. “Massage Establishment” means any building, room, place or establishment where body massage is regularly practiced on the human body, to club members or to the general public for a charge. The term “massage establishment” shall not include:
 - (a) Hospitals, nursing homes, medical clinics;
 - (b) The office of a state-licensed physician, surgeon, osteopath or chiropractor;
 - (c) the establishment of a barber, manicurist, beautician or cosmetologist who is duly licensed under the laws of this state, or another state within the United States, or the federal government, and who practices within the established limits of his or her license, and who administers a massage in the normal course of his or her duties in which massages are administered only to the scalp, face, neck, hands, feet or shoulder; or
 - (d) The establishment of a myomassaologist who is a current member of the American Massage Therapy Association or other national massage therapy organization with comparable prerequisites for certification.
3. “Massage” means any method of applying pressure on, friction against, stroking, kneading, rubbing, tapping, pounding, vibrating or stimulating the external parts of the body, for remedial or hygienic or other purposes, with the hands, with or without the aid of any mechanical, magnetic or electrical apparatus or appliances, with or without supplementary aids such as rubbing alcohol, liniments, antiseptics, oils, powder, creams, lotions, ointments or other similar preparations.
4. “Material” means anything tangible, whether through the medium of reading, observation, sound, or in any other manner, including, but not limited to, anything printed or written, any book, magazine, newspaper, pamphlet, picture, drawing, pictorial representation, motion picture, photograph, video tape, video disk, film, transparency, slide, audiotape, audio disc, computer tape, holographic images, or any other medium used to electronically produce or reproduce images, or any mechanical, chemical, or electronic reproduction. Material includes undeveloped photographs, molds, printing plates, and other latent representational objects whether or not processing or other acts are required to make the content of the material apparent. This definition is intended to include material which is the product of any technology, whether that technology is available on the effective date of this Ordinance or becomes available after that date.
5. “Merchandise” means material and novelties.
6. “Novelty” means any instrument, device, or paraphernalia which depicts or describes any specific anatomical area or any specific sexual act, or which is designed for use, or commonly used, in connection with specific sexual activities, excluding condoms and other birth control and disease prevention products.
7. “Specified anatomical area” means any one or more of the following:
 - (a) Less than completely and opaquely covered human genitals, anus, or female breast at or below the top of the areola; or
 - (b) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

8. "Specified sexual activity" means any of the following:
 - (a) The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breast; or
 - (b) A sex act, actual or simulated, including intercourse, oral copulation or sodomy; or
 - (c) Masturbation, actual or simulated; or
 - (d) Excretory functions as part of or in connection with any of activities set forth in (a), (b) or (c) above.

B. Requirements. Adult-oriented businesses and massage establishments must, in addition to all other requirements of Articles III, IV and the Bulk Table, meet each of the following requirements:

1. Such a use may be located only within a zone district where the use is expressly allowed,
2. An adult-oriented business or massage establishment shall not be located within a 750-foot radius of any lot zoned or occupied for residential purposes, or upon which is located a school, public park, library, child care facility, or church or place of worship.
3. An applicant seeking approval pursuant to this section shall file a complete application on an application form prepared and made available by the Township. The Planning Commission shall approve the application if the Planning Commission determines that each of the following criteria is met:
 - (a) That the establishment of such a use in the proposed location will not adversely affect the public interest;
 - (b) That the establishment of such a use in the proposed location will not be injurious to nearby uses, particularly lots zoned or occupied for a residential purposes or the school, public park, library, child care facility, or church or place of worship;
 - (c) That the establishment of such a use in the area will not be inconsistent with the spirit and intent of this Ordinance; and
 - (d) That the establishment of such a use in the proposed location would comply with all applicable regulations of this Ordinance and other applicable statutes, ordinances, rules and regulations.

Notwithstanding Section 1.478, within ten (10) days after the Planning Commission makes its decision, any person aggrieved by the decision of the Planning Commission under this section may appeal the decision, in writing, to the Township Board which shall decide the appeal within thirty (30) days after the Planning Commission's decision. The decision of the Township Board (or of the Planning Commission, if a timely appeal to the Township Board is not taken) shall be a final, non-appealable decision.

4. A use regulated by this section shall not be located within a 750-foot radius of any other such use.

5. For the purpose of this Section 1.560, the measurement of a radius shall be measured in a straight line from the actual location of the use to the nearest property line of the residential property, public park, school, child care facility, church or place of worship, or other adult-oriented business or massage establishment.
6. A use regulated by this section shall not be located in the same structure or on the same parcel as another such use.
7. All on-site parking areas shall comply with the requirements of this Ordinance and additionally shall be illuminated on any days the business is open from sunset until at least sixty (60) minutes after closing.

1.570. Private Roads.

(Ordinance No. 2007-03 December 11, 2007) (Original Ordinance used 1.480 in place of 1.570)

A. Purpose.

The Township of Otisco has determined that it is in the best interests of the public health, safety and welfare of Township residents and landowners to establish minimum standards and regulations for private roads, shared drives, and service drives in order to provide safe, convenient and adequate access for servicing, fire protection and emergency vehicles.

- This Section 1.570 shall establish minimum guidelines for the construction of roads, bridges, tunnels, culverts, signage, etc. for private roads, shared drives, and service drives to provide adequate access, maneuverability and load bearing capacity.
- This Section 1.570 shall ensure that the private access ways to a parcel of land or group of parcels shall be so constructed and maintained to provide minimum required protection for wetlands, drainage ditches, waterways, etc.
- This Section 1.570 shall provide minimum maintenance standards to ensure safe access to each principle building on any parcel of land that is accessed by the private road/drive or service drive, including snow removal, for the protection of the public emergency personnel and emergency vehicles.

B. Definitions.

For purposes of the Otisco Township Zoning Ordinance, as amended, and this Section 1.570, the following words, phrases, and terms shall be defined as follows:

1. **County Engineering Department:** Shall mean the Engineering Department of the Ionia County Road Commission or other County representative designated by the Township Board.
2. **Drain Commission:** The Ionia County Drain Commissioner.
3. **Existing Lawful Private Road:** Shall mean a lawful and legally fully constructed and maintained private road which existed on the effective date of this section. To be considered lawful and legally fully constructed and maintained, a private road must have been constructed and maintained in accordance with the existing Township ordinances. Any portion of a private road which is created, improved, re-routed, expanded, or extended after the effective date of this section, shall not be considered part of the existing lawful private road.
4. **Frontage:** means the continuous linear distance of that portion of a parcel abutting upon a public or lawful private road right-of-way or easement.
5. **MDOT:** The Michigan Department of Transportation.
6. **Parcel:** Means a lawful tract of land which can be legally described with certainty and is capable of being located by survey.

7. **Planning Commission:** Is the body designated by the Otisco Township Board to administer the provisions of this Section 1.570 where specified herein.
8. **Private Road:** Shall mean any undedicated path, trail, or road extending from a public street or private road or right-of-way providing the primary means of access to three (3) or more parcels or principle buildings, dwellings or structures, or any combination thereof, and intended to provide ingress and egress for the occupants thereof, whether such road is created by a private right-of-way agreement, easement, or prescription. The term “road” shall be synonymous with the terms street, avenue, court, place, way, land, boulevard, or any other thoroughfare. The phrase “private road” shall also include any and all portions of a private road or private street.
9. **Private/Shared Driveways:** Shall mean an undedicated path, trail or road extending from a public street or private road, easement, or right-of-way to no more than two (2) parcels or principal buildings, dwellings or structures, intended to provide ingress and egress primarily for the occupants thereof.
10. **Road Commission:** The Ionia County Road Commission.
11. **Service Drive:** Shall mean a private road/street where the movement of through traffic is the primary function and service to adjacent land uses in a secondary function. A service drive does not serve a single family residence or a single family residential parcel.
12. **Soil Erosion and Sediment Control:** Shall be administered by the Ionia County Drain Commission, and/or the Michigan Department of Environmental Quality or its representatives or designees, in accordance with Part 91 of the Soil Erosion and Sedimentation Control, of the Natural Resources and Environmental Protection Act (NREPA), 1994 PA 451, as amended.
13. **Standards for Construction:** Shall be in accordance to the Current Rules for Street Development as amended by the Ionia County Road Commission, the Michigan Department of Transportation (MDOT) current Specifications for Constructions and the American Association of State Highway and Transportation Officials (AASHTO) Standards for Construction.

C. Location Permitted.

Private roads may be utilized (if approved under this Section 1.570) in any zoning district where residential dwellings are permitted under the Otisco Township Zoning Ordinance, as amended.

D. Private Road Prohibition.

Private roads may be utilized for residential or agricultural purposes. No private road may be created or used for commercial, business, industrial or mercantile uses or purposes. Notwithstanding such prohibition, commercial, business, industrial, or mercantile facilities or operations may utilize service drives.

E. Special Use Approval Required.

No private road shall be constructed, commenced, or utilized (and no private road construction permit shall be issued for a private road) until and unless the applicant has obtained a special use approval and a zoning compliance permit from Otisco Township.

Upon applying for a special use approval, if the proposed private road is located in the AC/RC District, the Planning Commission shall also determine that the following conditions are met before granting a special use approval:

1. The area to be served by the private road is poorly suited for agricultural production due to existing soil conditions, slope, or due to the presence of natural vegetation such as woodlots, brush land, and wetlands.
The Planning Commission, in making its determination, may consider factors such as, but not limited to, past and present uses of the parcel, past productivity, and the difficulty in making the parcel suitable for farming.
2. There will be a minimal likelihood of conflicts arising between the uses served by the private road and the surrounding agricultural activities.

F. Application and Review.

1. An application for a private road or shared driveway shall be submitted by the applicant to the Township with the following and shall be processed under the following procedures:
 - (a) A completed application form, supplied by the Township, containing the names and addresses of the owners and any other parties having any legal interest in the private road or the property across which the road is to be constructed.
 - (b) A detailed written description of the development to be served by the private road.
 - (c) Identification by parcel number of all properties having any legal interest in the private road.
 - (d) Ten (10) copies of a site plan, drawn to scale, prepared by a registered engineer, showing the precise location, grade, route, elevation contours on a USGS datum within all areas to be disturbed or altered, dimensions, and design of the private road and any proposed extensions thereto, existing and proposed curb cuts, and the location and distance to any public streets which the private road is to intersect.
 - (e) A survey of the private road right-of-way or easement by a registered land surveyor, together with surveys for each parcel to be served by the private road.

- (f) The location of all public or private utilities, including but not limited to, water, sewer, telephone, gas, electricity, and television cable to be located within the private road right-of-way or easement or within twenty (20) feet of either side thereof. Copies of the instruments describing and granting such easements shall be submitted with the application.
 - (g) The location of any lakes, streams, wetlands, and drains within the proposed right-of-way or easement or within one-hundred (100) feet thereof.
 - (h) The location of any other buildings and structures located, or to be located, within one-hundred (100) feet of the proposed right-of-way or easement.
 - (i) A copy of the proposed maintenance agreement or restrictive covenant which provides for the continued maintenance and repair, and the financing thereof by the parties in interest, of the private road or shared driveway, which complies with the requirements of this Section 1.570.
 - (j) An application fee and escrow amount as specified and established by resolution of the Township Board.
 - (k) A shared driveway plan must meet all requirements stated above except providing elevation contours.
2. The Review Procedures will be as follows:
- (a) The application, along with all other required information, shall be forwarded to the Planning Commission.
 - (b) The Planning Commission shall hold a public hearing on the application, after establishing a date for the hearing, and providing notice of such hearing in a newspaper of general circulation in the township and to all owners of property within three-hundred (300) feet of the subject property at least fifteen (15) days prior to such hearing.
 - (c) The Planning Commission shall consider the request based on the standards of this Section 1.570 and the general special use standards located elsewhere in this Ordinance, as well as the design requirements contained in this Section 1.570 and all other relevant provisions of this Ordinance.
 - (d) The Planning Commission shall review the application and such other information available to it through the public hearing or from any other sources, including recommendations and reports of the Planning Consultant, Township Engineer, Fire Chief, Township Attorney, or others; and shall approve, approve with conditions, or deny the request, and shall state the basis for the decision and any conditions which are imposed.
 - (e) No application for a private road approval which has been disapproved shall be resubmitted for a period of one (1) year from the date of disapproval, except as may be permitted after learning of new and significant facts or conditions which might result in favorable action upon resubmitted.
 - (f) Pursuant to with the “Ionia County Storm Water Guidelines and Standards” as established and administered by the Ionia County Drain Commissioner, all construction shall be in accordance with the provision as stated in Part 91, Soil Erosion and Sedimentation Control of the Natural Resources and Environmental Protection Act.

- (g) There shall be compliance with Act 451 of the Public Acts of 1994, being sections 324.9101 to 324.9123 of the Michigan Compiled Laws Annotated.
- (h) A statement of the method and construction techniques to be used in the crossing of any natural stream, wetland, or drainage course. Such methods shall satisfy the requirements of the Ionia County Drain Commissioner, the local soil erosion enforcing agent, the Township Engineer, Department of Natural Resources/ Department of Environmental Quality, and any other local, state, or federal agencies having jurisdiction thereof.
- (i) Any other requirements from local, state, or federal agencies having jurisdiction thereof.
- (j) Upon completion of construction of the private road, the applicant/owner shall remove and properly dispose of, any and all trees, shrubs, construction debris, and rubbish.
- (k) Once a special use approval has been granted for a private road, the Township may issue a private road construction permit. However, no construction on a private road shall commence until and unless both a special use approval has been granted by the Planning Commission and the Township has issued a private road construction permit.
- (l) All shared driveway reviews will be administered and permitted by the Township Zoning Administrator and will not require planning commission review unless the Zoning Administrator deems necessary.

G. Planned Unit Developments.

If the private road is proposed as a part of a planned unit development (PUD) project, the provisions of this Section 1.570 regarding private road standards may be modified for the PUD project by the Township Board at its sole discretion for good cause shown.

H. Fees.

Fees for the permits and approvals required hereunder shall be set by the Township Board from time to time by resolution. In addition to normal administrative costs associated with review of the application, said fees may be of sufficient amount to cover the costs of having the Township Attorney, Township Planner, and/or Township Engineer attend meetings, review the application, private road plans, specifications, and maintenance agreement and do the necessary inspection.

Additionally, the Township may require that the applicant put sufficient funds in escrow to cover the costs of having the Township Attorney, Township Planner, and Township Engineer review the private road plans, specifications and maintenance agreement and to do the necessary inspections. All costs associated with the private road shall be paid prior to final approval being granted, with the unused balance of the escrow account returned upon final approval.

I. Design Standards.

The following are the minimum design and construction specifications and materials for private driveways, private roads, and service drives. All construction shall be in accordance to Michigan Department of Transportation's (MDOT) current specifications for construction and the American Association of State Highway and Transportation Officials (AASHTO). Any variance from design requirements shall require prior approval from the Township Zoning Board of Appeals (but only if a special use has been approved where applicable and the Planning Commission expressly authorizes the applicant to file a variance request with the Zoning Board of Appeals), the Drain Commissioner and their designees.

1. Private Driveways and Shared Driveways

- (a) A driveway permit shall be obtained from and constructed in accordance with the Ionia County Road Commission specifications for a private driveway extending from a public or private road.
- (b) Private driveways and shared driveways shall be constructed and maintained, such that, in all weather conditions the driveway shall be passable and shall readily afford emergency/maintenance vehicles access to the dwellings, buildings or other structures serviced by such driveways.
- (c) A shared driveway shall have a minimum cleared width of twenty-eight (28) feet, and a minimum cleared height of eighteen (18) feet. The shared driveway roadbed shall be a minimum of twenty (20) feet wide and constructed of a minimum sub base of twelve (12) inches of sand and six (6) inches of finished compacted MDOT 22A gravel.
- (d) The shared driveway shall be constructed with roadside ditches and culverts as required by the Township Engineer to ensure adequate and reasonable drainage runoff.
- (e) All shared drives shall have a recorded, permanent right-of-way and minimum sixty-six (66) foot-wide easement for ingress and egress and utilities. If the drive has the potential to become a private road, sufficient easement shall be maintained to allow for future upgrading, as provided in this ordinance for private roads.
- (f) For shared drives, the applicant may still wish to submit an application for a private road approval if there is any possibility that the property owners involved will want to have more than two parcels or dwellings serviced by the shared drive in the future due to land divisions. Otherwise, the private easement or right-of-way for the shared drive may not be able to meet the requirements for a private road (including, but not limited to, a proper recorded maintenance agreement, construction standards, etc.).

(g) No easement or private right-of-way shall serve or provide primary access to a single parcel or lot unless there is a recorded, permanent right-of-way or private easement with a minimum width of sixty-six (66) feet for ingress and egress, and also utilities. In that case, the applicant may still wish to submit an application for a private road approval to the Township if there is any possibility that the property owner will want to have more than one or two parcels or dwellings serviced by the easement or right-of-way in the future due to land divisions. Otherwise, the private easement or right-of-way for the single lot or parcel may not be able to meet the requirements for a private road (including, but not limited to, a proper recorded maintenance agreement, construction standards, etc.).

2. Private Roads

- (a) A private road shall have a recorded, permanent right-of-way and easement, with a minimum width of sixty-six (66) feet, and provide a turn-a-round to be constructed to Ionia County Road Commission Rules for Plat Street Development. The instrument establishing the easement and right-of-way shall expressly permit public or private utilities to be installed within the right-of-way or, if not within the right-of-way, then within twenty (20) feet on either side thereof. A permit shall be required from the Ionia County Road Commission for all new road construction and/or utility installations performed after final approval and acceptance of the original development.
- (b) The layout of private roads, with respect to their location, intersections, cul-de-sacs, vertical street alignment, street grades, horizontal curves, curb openings at intersections, street, etc., shall conform to the Ionia County Road Commission Rules for Plat Street Development.
- (c) All gravel roads shall have a road bed not less than twenty-two (22) feet wide and shall have a minimum of twelve (12) inches, Granular Material Class II sub base, unless existing sub-grade materials meet Class II specifications, and six (6) inches of finished compacted, Type 22A Aggregate Base. Final approval of construction dimensions shall be determined by the Township Engineer.
- (d) All hard surfaced private roads shall have a road bed not less than twenty-two (22) feet wide with two (2) foot of Type 23A Aggregate Shoulders, a minimum of twelve (12) inches, Granular Material Class II sub base, unless existing sub-grade materials meet Class II Specifications, and six (6) inches of finished compacted Type 22A Aggregate Base with a minimum of 3.0 inches of Type 13A Hot Mix Asphalt or 6.0 inches of concrete. Final approval of construction dimensions shall be determined by the Township Engineer. All private roads serving ten or more parcels or dwellings shall be hard surfaced.
- (e) All private road approaches off public roadways shall be constructed in accordance to Ionia County Road Commission requirements and approvals before the expiration date of the permit.

- (f) All private roads shall have and maintain a cleared vertical height of eighteen (18) feet above the roadway and shall have and maintain a minimum cleared width of four (4) feet outside of edge of the constructed width on both sides of roadway.
- (g) Any private road designed for fifty (50) or more lots, parcels, or dwelling units shall have multiple road entrances or connections to a public road. A traffic impact study may be required by the Township in order to determine the number of necessary private road approaches and locations.
- (h) No private road shall extend for distance of more than two thousand six hundred forty (2,640) feet in length from the nearest connecting public street right-of-way as measured along a straight line perpendicular to the public road or for more than four thousand (4,000) feet in length as measured along the centerline of the private road, without a second direct access thereto being available from the public street.
- (i) The private road design criteria for crown, horizontal and vertical curves shall be in accordance to the Current Rules for Street Development as amended by the Ionia County Road Commission.
- (j) A private road shall be constructed so as to sufficiently control storm water runoff, by means of leaching basins, culverts, and drainage ditches, or such other effective methods as may be required by the Township Engineer and the Drain Commissioner to ensure adequate drainage and control of storm water runoff.
- (k) Culverts shall be placed at all natural drainage courses or other waterways. Culvert sizes and grades shall be determined using the Ionia County Drain Commission storm runoff calculations formula. Applicant(s) shall submit culvert calculations and construction plans to the Drain Commissioner and the Township Engineer for review and approval. Materials for culverts shall also conform to Drain Commission requirements.
- (l) All private roads shall be constructed and continuously maintained in such a manner that (i) their use does not pose a danger to the health, safety and welfare of the inhabitants of the Township or other persons, and (ii) in all weather conditions the roads shall be passable and shall readily afford emergency vehicles access to the dwellings, buildings or other structures serviced by such private roads. All private roads shall be promptly snowplowed when three (3) inches or more of snow has accumulated.

(m) The applicant/property owner(s) shall record a Private Road Maintenance Agreement between the owners of the lands served by the private road and any other parties having an interest in the property upon which the private road is located. This agreement shall permanently run with the land and shall be recorded with the Ionia County Register of Deeds and a recorded copy filed with the Township. This agreement shall assure that the costs of maintenance, improvements, and snow removal as required by this Ordinance shall be the responsibility of the owners of the lands served by the private road and any property owners association consisting of the owners of such lands, and shall provide for the equitable apportionment of these costs among those benefited. The Agreement shall provide the Township with the right to assess such costs against the owners of those properties benefited, plus up to a twenty-five (25) percent administrative fee, as authorized in Section 10(2)(n) of this Ordinance, in the event of a failure of those benefited to privately perform those duties.

Prior to the Private Road Maintenance Agreement being executed and recorded, it shall be approved by the Township Attorney.

(n) The applicant for a private road and the owners of the affected lands agree that by applying for and obtaining approval of the private road, they shall indemnify the Township, the Ionia County Road Commission and the Ionia County Drain Commission and shall hold them harmless for, from, and against any and all claims of personal injury or property damage arising out of or in any way related to the use of the private road or the failure to properly construct, maintain, repair, and replace the private road, in whole or in part. The applicant and the owners of the affected lands further agree that in the event of a failure of the owners and/or applicant to perform these duties for the health, safety and general welfare of the public and the users of the lands served by the private road, the Township shall have the right to perform such improvements and specially assess all costs incurred against the properties benefited by such improvements, including all Township expenses associated with such special assessment and an additional administrative fee up to twenty-five (25) percent of all such costs of improvement incurred.

(o) Any intersection between a private and a public road or between more than one private road shall be designed and constructed to provide for clear vision and safe turning and travel of vehicles in all directions at the posted speed limit, including not less than a clear vision triangular area extending ten (10) feet along each street right-of-way line as measured from the intersecting right-of-way lines. For roads that present increased safety risks as a result of topographic, vegetative or other factors, the Township may require an additional clear vision triangle of twenty-five (25) feet or more as directed by the Ionia County Road Commission and/or Township Engineer.

- (p) A private road name sign and stop sign shall be erected at the intersection of the private road with another private road or a public road. A sign stating “private road not maintained by Ionia County Road Commission” shall be placed on all private roads that intersect a public road, which is clearly legible when entering onto the private road. The signs must conform to the State Manual of Uniform Traffic Control Devices. The stop sign shall also have the private road name affixed to it. All signs shall be erected and maintained by those responsible pursuant to the agreement described in this Section 1.570, above.
 - (q) All street lighting on a private road and at the intersection of a private road and public road shall be installed at the expense of the project developer and or the property owners served by the private road. All expenses related to the operation and maintenance of the street lighting will be equally assessed to the property owners served by the private road. If requested, the Township may coordinate the installation of the lighting with the electric supplier and or the Ionia County Road Commission. All street lighting shall be of a nature so as to project the light downwards with a minimum of upward lighting.
 - (r) A dwelling unit which derives its primary access from a private road shall display a house number in a manner so that the number is at all times readily visible from the private road. The house numbers shall be a minimum of three (3) inches in height.
 - (s) Vehicle parking will not be permitted in or along private roads.
 - (t) Every resident, occupant or owner of a dwelling with an address within the Township that is not already in conformance with the Article IV (Addressing System) of the Ionia County Address Ordinance of 2000 or current, shall be in conformance within sixty (60) days of the effective date of this subsection.
3. Service Drives
- (a) A service drive may include a private drive, which connects some or all of the parcels, subdivision lots or site condominium units, or may simply be a connection lane between the various parking lots servicing the individual parcels, subdivision lots or site condominium units. In any event, the following standards shall apply to whatever is deemed by the Planning Commission or the Township Engineer to be a service drive.
 - (b) A service drive shall have a recorded, permanent right-of-way or easement, with a minimum width of 66 feet and shall provide a means of turn-a-rounds to be constructed to Road Commission Rules for Plat Street Development. The instrument establishing the easement or right-of-way shall expressly permit public and private utilities to be installed within the right-of-way or, if not within the right-of-way, then within twenty (20) feet on either side thereof.
 - (c) A permit shall be required from the Township for all new drive construction and/or utility installations performed after final approval and acceptance of the original development.

- (d) A minimum of fifteen (15) feet snow storage/landscaping area shall be reserved along both sides of the service drive, and no part of the service drive shall be within fifteen (15) feet of the right-of-way of a state or county highway.
- (e) Vehicles parking will not be permitted in or along services drives.
- (f) A recordable service drive maintenance agreement shall be approved by the Township (in the same fashion and with the same requirements as for a private road maintenance agreement as specified above) and shall be recorded with the Ionia County Register of Deeds and a recorded copy filed with the Township. The maintenance agreement shall also specify the method of private financing of all maintenance, improvements, and snow removal, and apportionment of these costs among those benefited. Such an agreement shall not be recorded until and unless it has been approved by the Township Attorney.
- (g) If two (2) or more businesses are accessed directly off a service drive, it shall require a road name (and road sign) that is not the same or similar to any other public or private street name in Ionia County.
- (h) All street lighting on a service drive and at the intersection of a service drive and public road shall be installed at the expense of the project developer and or the property owners served by the service drive. All expenses related to the operation and maintenance of the street lighting will be equally assessed to the property owners served by the service drive. If requested, the Township may coordinate the installation of the lighting with the electric supplier and or the Ionia County Road Commission. All street lighting shall be of a nature so as to project the light downwards with a minimum of upward lighting.
- (i) Every service drive must be approved by the Planning Commission pursuant to the site plan review and approval process of this Ordinance.

J. Access and safe passage.

Driveways, private roads, existing private roads and service drives shall be constructed and maintained with sufficient width, surface and grade to assure easy year-around access, safe passage and maneuverability of police, fire, ambulance and other safety vehicles. Maintenance shall include the clearing and trimming of all trees and undergrowth necessary to assure such access, safe passage and maneuverability.

K. Disclosure.

The following statement shall be put in a deed restriction and recorded for any parcels serviced by a private road before each parcel is sold: "This property does not abut or front on a public road. If a public road or street does not abut or service the property, it is private and is not required to be maintained by any governmental unit. There may be additional costs borne by the landowners."

L. Performance Guarantee.

The Township may, as a condition of issuing a private road construction permit, require the applicant to post cash, a bond, an irrevocable bank letter of credit or other security in order to ensure compliance with the requirements of this Ordinance.

- The amount of the bond or security, if required by the Township, shall be equal to one hundred twenty-five (125) percent of the total estimated cost for completing construction of the private road, all inspection costs, and related costs.
- The bond, cash deposit, letter, of credit, escrow, or unspent portions thereof, will be returned to the applicant by the Township upon completion of the private road to the standards required by this Ordinance.
- The type, form, language, and amount of such security shall be as specified by the Township.

M. Time Limit.

Each private road shall be under substantial construction within one (1) year after the date the private road is approved as a special land use. If this requirement is not satisfied, the Planning Commission may grant an extension of such period of time (except that in the case of planned unit developments, such an extension may be granted only by the Township Board), provided however, that reasonable evidence is submitted, to demonstrate that the construction or other development of the private road has encountered unforeseen difficulties but is ready to proceed to completion. Should these requirements not be satisfied within a period of one (1) year after the special land use for the private road has been approved, the private road permit and the special land use for the private road shall be deemed null and void.

N. Inspections.

With prior written notification to the applicant, the Township, the Ionia County Road Commission, the Ionia County Drain Commissioner, and/or their respective designees shall have the right to enter upon the property where any private road or driveway is or will be located to conduct such inspections as may be reasonably necessary to assure that the private road or driveway is sufficiently constructed, designed and maintained so as to be in compliance with this Ordinance and to allow access, safe passage and maneuverability of fire department and other emergency vehicles.

The Township, the Ionia County Road Commission, Ionia County Drain Commissioner, and/or their respective designees may notify any property owner or occupant who has failed to comply with the terms of this Ordinance that if the condition of the private road or driveway is not corrected, emergency services may have difficulty in reaching a dwelling or property served by the private road or driveway. It is the responsibility of the property owner or property owners involved to construct, maintain, and repair the private road, service, drive, or drive involved to ensure that every dwelling, building, and other portion of the property involved is easily accessible by emergency services, including, but not necessarily limited to, police, fire, and ambulance.

O. Certificate of Compliance.

1. Upon completion of construction of the private road, the Township (and/or its designees) shall inspect the completed construction to determine whether it complies with the approved plans, specifications, permit, and this Ordinance.
2. The applicant shall provide the Township with a set of “as-built” construction plans along with a certificate and statement from a registered engineer certifying the private road has been completed in accordance with the requirements of this section and other provision of this ordinance and with the terms of approval granted by the Planning Commission.
3. After receiving the certified as-built construction plans and written approval of the private road by the Zoning Administrator, following the inspector’s review of the completed construction, the Zoning Administrator shall issue and submit to the applicant a Certificate of Compliance stating based upon the inspection of the construction, the private road/service drive complies with this section, other applicable provisions of this ordinance and the Planning Commission approval.
4. If the completed private road or service drive does not fully comply with the requirements of the permit, the special use approval, or this Ordinance, the applicant shall be notified of the noncompliance in writing. Failure to correct the deficiencies will result in the denial of any further permits relating to the development and could subject the applicant (and property owners involved) to the enforcement provisions of this Ordinance as well as other potential delays and sanctions.

P. Permits for Building.

No building permit shall be issued for any building, dwelling, or structure the primary access to which is to be provided by a private road unless a private road construction permit has been issued by the Township and the road has either been completed in accordance with the approved permit and this Ordinance or, at the Township’s discretion, the applicant for the building permit or owner of the private road right-of-way have provided the Township with a performance guarantee in an amount determined by the Township to be sufficient to ensure full completion of the private road in full compliance with the private road permit and this Ordinance within one (1) year from the date of the issuance of the building permit.

Q. Conflict with Other Ordinances.

To the extent that any other ordinances regulate the subject matter regulated by this Section 1.570, the ordinances shall be construed together, if possible, and the remedies of the ordinances shall be cumulative. Where the provisions of any other ordinance conflict with the provisions of this Section 1.570, this Section 1.570 shall prevail and its terms shall control. If any part of this Section 1.570 conflicts with any other part, it shall be administratively appealed to the Township Zoning Board of Appeals for a final determination of intent. The remainder of this Section 1.570 shall remain in full force and effect.

R. Effect.

This Section 1.570 shall apply to all private roads constructed from and after the effective date of this section. In addition, if an existing private road is extended, expanded, or lengthened after the date adoption of this Section 1.570 by an increase in its length for the purpose of providing access to one (1) or more additional principle buildings, dwellings, parcels, or structures, the provisions of this Section 1.570 shall thereupon apply to the entire length of such private road; that is, to both the part of such private road existing on the effective date of this section and the part of such road laid out or constructed after such effective date.

Further, if after the date of adoption of this Section 1.570, one (1) or more additional principle buildings, dwellings, parcels, or structures are created, built, or erected along (or are so situated as to be given access by) an existing private road, the provisions of this Section 1.570 shall thereupon apply to the entire length of such existing private road where parcels or buildings are created or constructed after such effective date of this section.

S. Additional Parcels.

No lot or parcel of land shall be added to or along a private road and no existing lot or parcel with frontage on a private road shall be split or divided unless a special land use permit is obtained pursuant to this Section 1.570, or if a special land use permit has already been approved for such private road, no land split or division along the private road shall occur unless and until the Planning Commission approves an appropriate amendment to the existing special land use. If additional lots or parcels are added to or along a private road or if a lot or parcel fronting on a public road is split or divided, then the entire length of the private road (that is, the total distance from the point where the private road intersects the public street to the very end of this private road) shall fully comply with this Section 1.570, based on the total number of lots or parcels of land then fronting on the private road. [*Creation of the third parcel on a private drive creates the requirement of that drive being upgraded to a private road.]

- T. If an applicant desires to split or divide one or more lots or parcels along a lawful nonconforming private road or to extend a lawful nonconforming private road and there are difficulties or hardship in upgrading all existing portions of the lawful nonconforming private road to the requirements of this Section 1.570 for a new private road, the Planning Commission may, pursuant to the granting of a special use approval, vary some or all of the requirements of subsections I, K, R, and S of this Section 1.570. The Planning Commission may also attach reasonable conditions to the granting of any such special use approval, including, but not limited to, road improvement or upgrade requirements and modifications to the existing private road.

**1.580. Outdoor Free-Standing Wood-Burning Furnaces. (Ordinance No. 2008-01
September 9, 2008)**

A. Purpose.

Otisco Township (the “Township”) finds that outdoor free-standing wood-burning furnaces, as hereinafter defined, are a potential source of unhealthy amounts of particulate matter and may emit unhealthy amounts of air pollution, including carbon monoxide and other toxic air pollutants. The Township further finds that the unregulated use and placement of outdoor free-standing wood-burning furnaces may result in public and private nuisances and be a threat to the public health, safety, and welfare by the emission of smoke and sparks. Therefore, under the authority granted by MCL 125.3101 et seq., the Township Board for Otisco Township hereby adopts this ordinance/ordinance amendment for the protection of the public health, safety, and general welfare of persons and property within the Township.

B. Definitions.

1. The term, phrase, or word(s) “outdoor free-standing wood-burning furnace”, or “furnace” as used in this Section 1.580 shall mean any device or structure that (1) is designed, intended, or used to provide heat and/or hot water to any residence, dwelling, building, or other structure; (2) operates by the burning of wood, coal, corn, or other solid fuel; and (3) is not located entirely within a residential dwelling.
2. The terms and words “lot”, “lot line”, “side yard”, and “rear yard” shall have the meanings assigned to them in the Otisco Township Zoning Ordinance, as amended.
3. The word “person” shall mean any natural person, corporation, entity, partnership, limited liability company, limited liability partnership, or other incorporated or unincorporated voluntary association.

C. Regulations and requirements.

Every outdoor free-standing wood-burning furnace shall comply with all of the following regulations and requirements:

1. No outdoor free-standing wood-burning furnace shall be installed or located in the front yard of a lot or between a dwelling and the public road right-of-way or private road or access easement. Where the lot involved has frontage on a lake, river or stream, an outdoor free-standing wood-burning furnace may be located between the lake, river or stream and the dwelling (so long as all other setbacks and requirements of this Ordinance are met) and shall not be located between the dwelling and the public road right-of-way or private or access easement. No outdoor free-standing wood-burning furnace shall be located on a lot, or property less than one (1) acre in size or within one hundred (100) feet of a public road right-of-way or private or access easement. Furthermore, no outdoor free-standing wood-burning furnace shall be located in a side yard except where there is not sufficient room or it is not feasible to place the outdoor free-standing wood-burning furnace in the rear yard and such location in a side yard is approved by the Otisco Township Planning Commission as a special use. In no event shall an outdoor free-standing wood-burning furnace be located within twenty-five (25) feet of any lot line of the lot on which it is located. Finally, no outdoor free-standing wood-burning furnace shall be located within two-hundred-fifty (250) feet from any house or residential dwelling on any lot or property which adjoins the property or lot on which the outdoor free-standing wood-burning furnace is located unless the Township Planning Commission approves a location which is closer to any house or residential dwelling on any adjoining property as a special use.
2. No outdoor free-standing wood-burning furnace shall be installed, used or located within twenty-five (25) feet of the principal residence or structure for which it is intended to supply heat and/or hot water. Furthermore, all brush and shrubbery shall be cleared within a twenty-five (25) foot radius of the location on any outdoor free-standing wood-burning furnace, and such twenty-five (25) foot cleared area shall be maintained free of brush and shrubbery at all times. Any fire wood or other allowed fuel stored within such twenty-five (25) foot radius shall either be covered or otherwise reasonably protected against accidental ignition or combustion.
3. Every outdoor free-standing wood-burning furnace shall have a smoke stack or chimney that shall not be less than twenty (20) feet tall from the ground and shall include a spark arrester.
4. Every outdoor free-standing wood-burning furnace shall only be used to burn fuel designed on intended to be burned in the furnace. No garbage, household trash, petroleum products, rubber, construction waste, or other solid waste shall be burned in such a furnace regardless of design or manufacturer's intended fuel source.

5. Every outdoor free-standing wood-burning furnace shall be kept in good condition and reasonable repair at all times and shall also always comply with all state, federal, and local laws, codes, ordinances, and regulations applicable to such furnaces.

D. Existing outdoor free-standing wood-burning furnaces.

This Section 1.580 shall not apply to any outdoor free-standing wood-burning furnace that was lawfully installed, connected and operating as of the effective date of this Section 1.580.

E. Permit.

Prior to the installation, connection or operation of any outdoor free-standing wood-burning furnace after the effective date of this Section 1.580, a Zoning Compliance Permit shall first be obtained. An application for such permit must be made to the Otisco Township Zoning Administrator. Furthermore, no such furnace shall be installed or used prior to the issuance of any other required permit under an applicable mechanical, building, or other code.

ARTICLE VI
ADMINISTRATION

1.600 Zoning Administrator

A Zoning Administrator shall be designated and appointed by the Otisco Township Board to perform such tasks, for such term, subject to such conditions, and at such rate of compensation as the Township Board shall determine.

1.601 Duties of the Zoning Administrator. It shall be the responsibility of the Zoning Administrator to enforce and administer the provisions of this Ordinance and in so doing shall perform the following duties;

- A. Issue Permits. All applications for zoning compliance permits and special use permits shall be submitted to the Zoning Administrator, who may issue such permits and certificates of occupancy when all applicable provisions of this Ordinance have been met and approval has been granted by the proper body or official.
- B. Record Applications. The Zoning Administrator shall maintain and keep in an orderly, accessible manner, files of all applications for all of the above permits, and for variances; and shall keep records of all such permits and variances issued. These shall be filed at a location designated for such purpose and shall be open to public inspection.
- C. Inspections. The Zoning Administrator shall be empowered to make inspections of buildings or premises in order to properly carry out the enforcement of this Ordinance.
- D. Enforcement. The Zoning Administrator shall investigate alleged violations and enforce corrective measures when required.
- E. Under no circumstances is the Zoning Administrator permitted to make changes in this Ordinance, nor to vary the terms of this Ordinance while carrying out the duties prescribed herein. It shall be the responsibility of the Township Board to assure that the Zoning Administrator enforces the provisions of this Ordinance.

1.610 Application Procedures for Zoning Compliance Permits

Prior to the construction, development or razing of any use, structure or building, or the moving of any structure or the restoration and structural improvement (other than normal repairs and minor improvements) of any existing use or structure, or the conversion from one use to any other use, a zoning compliance permit shall first be obtained. An application for a required zoning compliance permit must be made to the Zoning Administrator. For uses permitted only by special use permit, see Section 1.620.

- 1.611 Contents of Application. Among the information to be supplied by the applicant and which shall constitute the application package, the following shall be included:
- A. An "Application For Zoning Compliance Permit" completed as fully as possible with all data, descriptions and information, as called for therein;
 - B. A site plan where required;
 - C. Description of proposed use and of the building (dwelling, structure, barn, garage, etc.) or improvements;
 - D. The yard, open space and parking space dimensions (as shown on a site plan);
 - E. A statement from the County Health Department must be submitted certifying that the present or proposed on-site septic disposal system is adequate to meet the needs of the proposed use.
- 1.612 A fee as may be set by the Township Board and listed in the Township's Schedule of Fees shall accompany any plans or applications in order to defray the cost of administration and inspection.
- 1.613 General Procedural Steps. Upon submission of an application, the Zoning Administrator:
- A. Reviews the application package:
 - 1. To make sure that it is the proper application for the zoning action requested.
 - 2. To see that all required information is submitted.
 - 3. To determine conformance with zoning regulations, unless waived by variance from the Zoning Board of Appeals.
 - B. Takes one or more of the following preliminary actions:
 - 1. Requests from the applicant that any omitted or pertinent and necessary information now be submitted.
 - 2. If necessary, requests the Board of Appeals to interpret an unclear ordinance provision.
 - 3. Where required, reviews site plan according to site plan review standards for approval as set forth in Section 1.4.6
 - 4. If necessary, discusses the application and site plan with the Planning Commission for advisory comments.
 - 5. Makes a site inspection to verify accuracy of the application and to gather additional information.
- 1.614 Upon satisfaction of the standards for site plan review/approval, and of any additional requirements or conditions that may be needed to meet those standards, the Zoning Administrator shall approve site plan and issue a zoning compliance permit. One copy of the zoning compliance permit shall be returned to the owner or applicant. A performance bond may be required to ensure compliance with any imposed or proposed public improvements, requirements, specifications, and conditions.

- 1.615 Denial of Zoning Compliance Permit. If the application for Zoning Compliance Permit is denied by the Zoning Administrator the reason or cause for denial shall be stated in writing.
- 1.616 A Zoning Compliance Permit shall be valid for one (1) year. A valid Zoning Compliance Permit is eligible for one (1) additional one-year extension granted by the Zoning Administrator as a reasonable length of time within which to begin construction.
- 1.617 Inspection. At least one site inspection by the Zoning Administrator must be held to ensure compliance with the provisions of this ordinance.

1.620 Application Procedures for Special Use Permits by Planning Commission.

Prior to construction or physical development of a proposed special use, as specified by this ordinance, an application for a required special use permit must be obtained. An application for a special use permit must be made to the Zoning Administrator.

1.621 Contents of Application. Among the data to be supplied by the applicant and which shall constitute the application package, the following shall be included:

- A. Names and address of applicant or applicants;
- B. Location, shape, area and dimension of the lot, and of the proposed structure or improvement (shown on the site plan);
- C. Description of proposed use and of the building (dwelling, structure, barn, garage, etc.) or improvements;
- D. The proposed number of sleeping rooms, dwelling units, occupants, employees, customers and other users;
- E. The yard, open space and location of parking spaces (as shown on the site plan), and;
- F. A required site plan which must be approved before any granting of a special use permit.

1.622 A fee as set by the Township Board and listed in the Township Schedule of Fees shall accompany any plans or applications in order to defray the cost of administration and inspection. The schedule of fees may include the cost of hiring any consultants necessary to evaluate the application.

1.623 General Procedural Steps. Upon submission of an application for a special use permit:

- A. The Zoning Administrator:
 - 1. Reviews application package:
 - a. To make sure that it is the right application for zoning action requested;
 - b. To see that all required information is submitted, and;
 - c. To make sure that the proposed use is permitted in a particular district by special use permit.
 - 2. Takes one or more of the following actions:
 - a. Requests from the application that any omitted necessary information now be submitted;
 - b. If necessary, seeks ordinance interpretation from the Board of Appeals;
 - c. Make advisory comments about the site plan based on site plan review standards, and/or
 - d. Forwards the complete application with comments to the Planning Commission for review and approval.

B. The Planning Commission:

1. Reviews the site plan according to site plan review standards, as set forth in the zoning ordinance. See Section 1.463.
 2. Reviews the proposed special use according to standards for special use permits, as set forth in this Ordinance. See Section 1.471.
 3. Reviews for compliance with any and all additional site facility design requirements and standards, as may be required by the Ordinance.
 4. Notice of application for a special land use shall be published in a newspaper of general circulation in the local unit of government. (Ordinance 2007-02 March 13, 2007)
 - a. Notice shall also be sent by mail or personal delivery to the owners of property for which approval is being considered. Notice shall also be sent to all persons to whom real property is assessed within 300 feet of the property and to the occupants of all structures within 300 feet of the property regardless of whether the property or occupant is located in the zoning jurisdiction.
 - 1) In the case of a single structure containing more than four dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses or organizations, a single notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure.
 - 2) In structures containing four or fewer dwelling units, only one occupant of each unit must be given notice for a public hearing. (Amendment April 23, 2014, Ordinance 2014-01)
 - b. The notice shall be given not less than 15 days before the date the application will be considered for approval. If the name of the occupant is not known, the term “occupant” may be used in making notification under this subsection. The notice shall do all of the following:
 - Describe the nature of the request.
 - Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used.
 - State when and where the request will be considered
 - Indicate when and where written comments will be received concerning the request.
 5. Holds a public hearing.
- 1.624 Conditional Approval. Reasonable conditions may be required with the approval of a special use permit by the Planning Commission. See Section 1.472, Conditional Approval.

- 1.625 Final Approval, Denial or Approval with Conditions to be in Writing. When an application for a special use permit is finally approved, denied, or approved subject to conditions, the decision must be incorporated into an official written statement which contains the conclusions relative to the special use permit request. The decision shall specify the basis for the decision, and any conditions which may be imposed in the case of approvals.
- 1.626 An approved special use permit must be utilized within one (1) year during which time construction of the approved special use must begin. A valid special use permit is eligible for one additional one-year extension granted by the Planning Commission as a reasonable length of time within which to begin construction. See Section 9.475.
- 1.627 Inspection. At least two (2) site inspections by the Zoning Administrator must be held: one during development, and one before the use or structure is occupied. If development is phased or in stages, then one inspection per phase or stage shall be made.
- 1.628 Appeals. See Section 1.478 and 1.660.

1.630 Performance Bonding for Compliance

Upon authorizing any Zoning Compliance Permit, Special Use permit PUD or variance, the body or official which administers the requests, as designated by this Ordinance, may require that a cash or surety bond be submitted to: (1) insure compliance with any and all the requirements, specifications and conditions imposed with such permit or variance; and (2) to insure the discontinuance of a temporary use by a stipulated time.

- 1.631 Amount of Bond. The amount of bond to be submitted by the applicant shall be equal to the total estimated cost of all required improvements and conditions of site plan and zoning approval, including contingencies. If development is staged or phased over time, a separate bond for each stage or phase shall be submitted at the beginning of each stage or phase as a prerequisite.
- 1.632 Return of Performance and Rebates. During project development, as specific improvements and conditions of site plan and zoning approval are satisfactorily completed, as attested to by the Zoning Administrator, the Township Board shall direct the Township Clerk to return or rebate a portion of the cash or surety bond equal to the cost of the specific improvement or condition complied with.
- 1.633 Withholding and Partial Withholding of Performance Bond. Upon the failure to comply with any or all of the requirements of this Ordinance, an approved site plan, or with any or all conditions of zoning approval, the bond, or portion thereof, shall be forfeited by the applicant. The Township Board shall determine the cost of the zoning and site plan requirement to be completed according to the most current construction prices, including the cost of administration. The amount determined shall be the amount of bond forfeited. The Township Board shall apply said forfeited bond toward zoning enforcement upon the site, and/or toward completing the necessary improvements, requirements or conditions of zoning approval upon the site.

1.634 Performance Bond For Moving of Buildings Other Than Mobile Homes. The Zoning Administrator shall require a bond prior to the relocation off the premises of principal structures (other than mobile homes) and any accessory structure having more than one hundred, forty-four (144) square feet of floor area. The bond shall be determined according to a guideline of \$5,000 for each 1,000 square feet or fraction thereof of floor area of the structure to be moved. Said bond shall be conditioned on the applicant completing the move within such reasonable period as shall be prescribed in the permit and complying with such regulations as to health and safety as the Zoning Administrator, Fire Inspector or the Township Board may from time-to-time prescribe, including filling or excavation and proper treatment of utility connections.

1.640 Schedule of Fees

Upon the filing of an application for a Zoning Compliance Permit, Special Use Permit, Board of Appeals review, variance or rezoning, an administrative fee shall accompany said application. The Township Board shall determine and set a schedule of fees to be charged. Fees shall be collected prior to processing of any requested permit, variance, appeals, rezoning, etc.

1.650 Zoning Board of Appeals

A Zoning Board of Appeals (ZBA) is hereby authorized in accordance with the Michigan Zoning Enabling Act, PA 110 of 2006, as amended, to carry out the responsibilities provided therein, and those delegated herein. (Amendment April 23, 2014, Ordinance 2014-01)

1.651 Membership. Membership to the Zoning Board of Appeals (ZBA) shall consist of three (3) members. The first member shall be a member of the Planning Commission. The second and third members shall be appointed by the Township Board from among the electors of the Township residing outside of any incorporated areas. Membership shall be representative of the local population including the various interests located in the township.

A. A member of the Township Board may serve as a member of the Zoning Board of Appeals. No elected official shall serve as a Chairperson. (Amendment April 23, 2014, Ordinance 2014-01)

B. No employees or contractors to the Township Board may serve on or be hired by the Zoning Board of Appeals.

C. Terms of office shall be three (3) years, except for the representative from the Planning Commission, whose term shall be limited to term of office as a member of the Planning Commission.

D. Successive members shall be appointed within one (1) month after the preceding member's expiration date.

E. The Zoning Board of Appeals is authorized to prepare an annual budget.

F. Members may be removed by the Township Board for non-performance of duty or misconduct in office, based on written charges and after a public hearing.

G. Where member conflicts of interest exist, such member shall disqualify himself from voting. Failure to do so constitutes misconduct in office.

H. (Ordinance 2007-02 March 13, 2007)

The legislative body may appoint not more than two alternate members for the same term as regular members to the Zoning Board of Appeals. A member of the Township Board may serve as an alternate member of the Zoning Board of Appeals. An alternate member may be called as specified to serve as a member of the Zoning Board of Appeals in the absence of a regular member if the regular member will be unable to attend one 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. The alternate member has the same voting rights as a regular member of the Zoning Board of Appeals. (Amendment April 23, 2014, Ordinance 2014-01)

- I. A member of the Zoning Board of Appeals 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. The member may consider and vote on the other unrelated matters involving the same property. (Amendment April 23, 2014, Ordinance 2014-01)
- 1.652 Powers and Duties. The Zoning Board of Appeals shall have all the power and duties prescribed by the Michigan Zoning Enabling Act, PA 110 of 2006, as amended, and by this ordinance which are specified as follows: (Amendment April 23, 2014, Ordinance 2014-01)
- A. Hear Appeals. The Zoning Board of Appeals shall hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, permit, decision or refusal made by the Zoning Administrator or by any other official in administering or enforcing any provisions of this Ordinance. Upon appeal, the Zoning Board of Appeals may reverse or affirm, wholly or in part, or modify the order, requirement, decision, or determination, as in its opinion ought to be made in the premises, and to that end shall have all the power of the official from whom the appeal is taken, and may direct the issuance of a permit.
 - B. Interpretation. The Zoning Board of Appeals shall have the power to:
 - 1. Interpret, upon request, the provisions of this Ordinance in such a way as to carry out the intent and purpose of the Ordinance.
 - 2. Determine the precise location of the boundary lines between zoning districts, where uncertainty exists.
 - 3. Classify a use which is not specifically mentioned as part of the use regulations of any zoning district providing that it conforms to a comparable permitted or regulated use (in accordance with the purpose and intent of each district), until such time when the unclassified use is properly assigned or classified by amendatory legislation.
 - C. Variances. The Zoning Board of Appeals shall have the power to authorize, upon appeal, variances from the specific requirements of this ordinance, such as, lot area and width regulations, building height and other bulk regulations, off-street parking and loading space requirements, provided all of the conditions listed in Section 1.670 can be satisfied.
- 1.653 Organization and Conduct of Business.
- A. Rules of Procedure and Decision-Making. The Zoning Board of Appeals shall adopt its own rules of procedure as may be necessary to conduct its meetings and carry out its function. The Board shall choose its own chairperson, and in his absence, an acting chairperson. The Zoning Board of Appeals shall formulate decisions based upon the standards and other various provisions of this Ordinance.

- B. Meetings. Meetings shall be held at the call of the Chairperson and at such times as the Zoning Board of Appeals may determine. All meetings by the Board shall be open to the public. The Board may declare any meeting, or part of any meeting, a study meeting to pursue matters of business without comment or interruption from the public in attendance. A quorum of three (3) members is required.
- C. Records. Minutes shall be recorded of all proceedings which shall contain the evidence received, the findings of fact and data relevant to every case considered, together with the votes of the members and the final disposition of each case. Such minutes shall be filed at a location designated by the Township Board and shall be made available to the general public.
- D. Procedure for Appeals / Variance and the Decision Process. See Section 1.660.
- E. Hearings. All appeals and requests before the Zoning Board of Appeals shall require public hearing with proper notification as required by Section 1.623 B. 4. (Amendment April 23, 2014, Ordinance 2014-01)
- F. Decisions. A concurring vote of a majority of the members of the Zoning Board of Appeals is necessary in order to take any action on a matter before the Zoning Board of Appeals.

1.654 Conditions of Zoning Board of Appeals Approval.

- A. Reasonable conditions may be required with the approval of a variance by the Zoning Board of Appeals. The conditions may include, but are not limited to, conditions necessary to insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to insure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall meet all of the following requirements:
 1. Be designed to protect natural resources, the health, safety and welfare, and the social and economic well-being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
 2. Be related to the valid exercise of the police power and purposes which are affected by the proposed use or activity.
 3. Be necessary to meet the intent and purpose of the zoning ordinance, be related to the standards established in the ordinance for the land use or activity under consideration, and be necessary to insure compliance with those standards.
- B. The conditions imposed with respect to the approval of a special land use shall be recorded in the record of the approval action, and shall remain unchanged except upon the mutual consent of the Zoning Board of Appeals shall maintain a record of conditions which are changed.

- C. In the event the Zoning Board of Appeals grants a variance, the individual or his successor in interest shall not use the property in question in such a way that it would exceed those rights given by the zoning ordinance or the variance, or fail to follow any conditions placed thereon by the Zoning Board of Appeals. In the event the use of the property exceeds those rights given by the zoning ordinance or the variance, or fails to follow the conditions placed upon the variance, the variance shall immediately terminate and it shall be deemed a violation of this ordinance.
- 1.655 Time Limit on Decision of Zoning Board of Appeals. Any decision of the Zoning Board of Appeals on an appeal or application for a variance which has resulted in granting a zoning compliance permit, special use permit or variance shall be valid for a period of one (1) year with an additional one (1) year extension granted by the Zoning Administrator. This is construed to be a reasonable period of time within which to begin construction.
- 1.656 Final Action on Appeals. The decision of the Zoning Board of Appeals shall be final. (Ordinance 2007-02 March 13, 2007)
- A. Any party aggrieved by a decision of the Zoning Board of Appeals may appeal to circuit court for the county in which the property is located. The circuit court shall review the records of the Zoning Board of Appeals of the decision to ensure that the decision meets all of the following requirements: (Amendment April 23, 2014, Ordinance 2014-01)
1. Complies with the constitution and laws of the state.
 2. Is based upon proper procedure.
 3. Is supported by competent, material, and substantial evidence on the record.
 4. Represents the reasonable exercise of discretion granted by law to the Zoning Board of Appeals.
- B. If the court finds the record inadequate to make the review required by this section or finds that additional material evidence exists that with good reason was not presented, the court shall order further proceedings on conditions that the court considers proper. The Zoning Board of Appeals may modify its findings and decision as a result of the new proceedings or may affirm the original decision. The supplementary record and decision shall be filed with the court. The court may affirm, reverse, or modify the decision.
- C. An appeal under this section shall be filed within 30 days after the Zoning Board of Appeals certifies its decision in writing signed by the chairperson or 21 days after the Zoning Board of Appeals approves the minutes of its decision. The court shall have jurisdiction to make such further orders as justice may require. An appeal may be had from the decision of any circuit court to the court of appeals. (Amendment April 23, 2014, Ordinance 2014-01)

1.657 Effect of Appeals Proceedings (Stay of proceedings). An appeals shall stay all proceedings in furtherance of the action appealed from, unless the officer or body from whom the appeal is taken certifies to the Board of Appeals (after the Notice of Appeal shall have been filed with that officer or body), that by reason of facts stated in the certificate, a stay would cause immediate peril of life or property.

1.660 Application Procedure for Appeals / Variances and the Decision Process.

When any order, requirement, decision or determination is subsequently appealed to the Zoning Board of Appeals or when a variance is requested, as provided for in this ordinance, the appellant shall file a Notice of Appeal with fee to the Zoning Administrator who shall forward all records and materials to the Zoning Board of Appeals. If appealing a determination or order, the Zoning Administrator shall also send copies of all materials to the official or body of officials from whom the appeal is taken. Such body or official shall also make all records available to the Zoning Board of Appeals for review.

1.661 General Procedural Steps by Zoning Board of Appeals.

- A. The Zoning Board of Appeals reviews the appeal form to make sure that it is the proper form for the action requested, and to see that all required information is submitted.
- B. The Township Clerk shall place said appeal form on the calendar for hearing at the next meeting of the Zoning Board of Appeals, and shall publish notice of the request in a newspaper of general circulation in the local unit of government, and in accordance with the requirements of Section 1.623 B. 4. (Amendment April 23, 2014, Ordinance 2014-01)
 - a. Notice shall also be sent by mail or personal delivery to the owners of property for which approval is being considered. Notice shall also be sent to all persons to whom real property is assessed within 300 feet of the property and to the occupants of all structures within 300 feet of the property regardless of whether the property or occupant is located in the zoning jurisdiction.
 - b. The notice shall be given not less than 15 days before the date the application will be considered for approval. If the name of the occupant is not known, the term "occupant" may be used in making notification under this subsection. The notice shall do all of the following:
 - Describe the nature of the request.
 - Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used.
 - State when and where the request will be considered.
 - Indicate when and where written comments will be received concerning the request.

- C. At the hearing, rules and procedures for the conduct of the hearing as may be established in the Bylaws of the Zoning Board of Appeals shall be followed:
 - 1. Any party may be heard in person or by agent or attorney;
 - 2. The Zoning Board of Appeals may adjourn the hearing in order to permit the obtaining of additional information or to cause such further notice as it deems proper to be served upon such other property owners as it decides may be interested in said application or appeal. If the hearing is adjourned, persons previously notified and persons already heard, need not be notified of the time of resumption of said hearing.

- D. Following the hearing, the Zoning Board of Appeals shall formulate its decision, as follows:
 - 1. The Zoning Board of Appeals shall consider the merits of the individual application or appeal within the context of any and all standards and considerations established in this ordinance. In the case of variances, the standards of Section 1.670 shall control.
 - 2. The Zoning Board of Appeals may reverse or affirm, wholly or part, or may modify the order, requirement, decision or determination of issue, as in its opinion ought to be made, and to that end shall have all the powers of the official or body of officials from whom the appeal was taken, and may direct the issuance of a permit.
 - 3. The written decision of the Zoning Board of Appeals shall not be final until five (5) days after it is made unless the Zoning Board of Appeals shall find the immediate effect of such order is necessary for the preservation of property or personal rights, and shall so certify on the record. In the written decision on the application or appeal, the Zoning Board of Appeals must include the reasons, for decision and facts supporting such decision.

1.670 Standards for Variances

Where there are practical difficulties in the way of carrying out the strict letter of this ordinance, the Zoning Board of Appeals shall have the power, in passing on appeals, to vary or modify any of its rules, regulations, or provisions of the zoning ordinance by granting variances only when all of the following conditions exist: (Amendment April 23, 2014, Ordinance 2014-01)

- 1.671 Zoning requirements cannot be met by an existing lot or that the physical topography inhibits the lawful location of a structure or its accessories such as garage, sheds, etc. If the Zoning Board of Appeals finds that local requirements, as written, can be met, variance must be denied. Increased financial return alone shall not be deemed sufficient to warrant a variance.

- 1.672 The appellant must show that a variance:
- A. Will not be contrary to the public interest and it is not for a self-made hardship;
 - B. Will not cause a substantially adverse effect upon adjacent property values;
 - C. Will relate only to the property under control of the appellant
 - D. Will not jeopardize the preservation of a substantial right, although the spirit of the ordinance shall be observed, public safety secured, and substantial justice be done;
 - E. Will not adversely affect or diminish the purpose of this ordinance;
 - F. Will not increase the hazard of fire, flood or similar dangers;
 - G. Will not increase traffic congestion;
 - H. Will not produce nuisance conditions to occupants or nearby premises, whether by reason of dust, noise, fumes, odor, vibrations, smoke or lights; and
 - I. Will not otherwise impair public health, safety, comfort, or general welfare of the residents of the township.

1.680 Violations (Ordinance 2006-02 March 14, 2006)

Any building erected, moved, altered, razed, or converted, or any use of land which is begun or changed subsequent to the effective date of this ordinance, or its amendment, and is in violation of any provision of this ordinance or the requirements thereof or any condition attached to a zoning compliance permit, occupancy permits, site plan, special use permit, decision of the Zoning Board of Appeals or a variance, is hereby declared to be a public nuisance per se, and shall be abated by any court of competent jurisdiction.

Any person, corporation, or firm who violates, disobeys, omits, neglects, or refuses to comply with any provision of this ordinance or any condition attached to a zoning compliance permit, certificate of occupancy, special use permit, Zoning Board of Appeals decision, variance or other zoning approval granted hereunder shall be responsible for a civil infraction violation.

A violation of this ordinance constitutes a municipal civil infraction. Any person who violates, disobeys, omits, neglects or refuses to comply with any provision of this ordinance, or any permit or approval issued hereunder, or any amendment thereof, or any person who knowingly or intentionally aids or abets another person in violation of this ordinance, shall be in violation of this ordinance and shall be responsible for a civil infraction. The civil fine for a municipal civil infraction shall be not less than one hundred dollars (\$100.00) for the first offense and not less than two hundred dollars (\$200.00) for subsequent offenses, in the discretion of the Court, in addition to all other costs, damages, expenses and remedies provided by law. For purposes of this section, 'subsequent offense' means a violation of the provisions of this ordinance committed by the same person within twelve (12) months of a previous violation of the same provision of this ordinance or similar provision of this ordinance for which said person admitted responsibility or was adjudged to be responsible. Each day during which any violation continues shall be deemed a separate offense.

ARTICLE VII
AMENDMENTS

1.700 Amendment Procedure

This ordinance may be amended or supplemented in accordance with the Zoning Enabling Act. Amendments may be initiated by the Township Board, the Planning Commission, or by any person, firm or corporation filing an application with the Zoning Administrator.

1.710 Amendment Application Procedure.

Any application for amendment to this Ordinance shall be submitted and reviewed in accordance with the Zoning Enabling Act and the following procedures:

1.711 Application. Applications for an amendment shall be submitted to the Zoning Administrator who shall review the application for completeness and, if complete, transmit it to the Planning Commission. Each application shall be accompanied by the payment of a fee in accordance with the schedule of fees adopted by resolution of the Township Board to cover the costs of processing the application.

1.712 Required Information. An application for an amendment shall be accompanied by the following documents and information:

- A. A completed application for an amendment on a form supplied by the Zoning Administrator.
- B. A map, if applicable, drawn to scale containing the following:
 - 1. Legal description of the area affected by the proposed amendment.
 - 2. Present and proposed zoning classifications of the area affected by the proposed amendment.
 - 3. Present and proposed use of any property to be rezoned.
 - 4. Small scale sketch of properties, streets and uses of land within one-half (1/2) mile of the area affected by the proposed amendment.
- C. Language of the proposed amendment, if applicable.
- D. A statement with regard to compliance with the Township Land Use Plan and the reason and necessity for such amendment.

1.720 Amendment Review Procedure.

Any proposed amendment initiated by any of the methods enumerated above shall be reviewed in accordance with the following procedures:

1.721 (Ordinance 2007-02 March 13, 2007)

The Planning Commission shall hold not less than (1) public hearing on the proposed amendment, and shall publish notice of the request in a newspaper of general circulation in the local unit of government and in accordance with the requirements of Section 1.623 B. 4. (Amendment April 23, 2014, Ordinance 2014-01)

- A. Notice shall also be sent by mail or personal delivery to the owners of property for which approval is being considered. Notice shall also be sent to all persons to whom real property is assessed within 300 feet of the property and to the occupants of all structures within 300 feet of the property regardless of whether the property or occupant is located in the zoning jurisdiction.
- B. The notice shall be given not less than 15 days before the date the application will be considered for approval. If the name of the occupant is not known, the term “occupant” may be used in making notification under this subsection. The notice shall do all of the following:
 - Describe the nature of the request.
 - Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used.
 - State when and where the request will be considered.
 - Indicate when and where written comments will be received concerning the request.

1.722 (Ordinance 2007-02 March 13, 2007)

If an individual property or several adjacent properties are proposed for rezoning, the township Planning Commission shall publish notice of the request in a newspaper of general circulation in the local unit of government.

- A. Except for rezoning requests that are proposed for 11 or more adjacent parcels, notice shall also be sent by mail or personal delivery to the owners of property for which approval is being considered. Notice shall also be sent to all persons to whom real property is assessed within 300 feet of the property and to the occupants of all structures within 300 feet of the property regardless of whether the property or occupant is located in the zoning jurisdiction, and in accordance with the requirements of Section 1.623 B. 4. (Amendment April 23, 2014, Ordinance 2014-01)

B. The notice shall be given not less than 15 days before the date the application will be considered for approval. If the name of the occupant is not known, the term “occupant” may be used in making notification under this subsection. The notice shall do all of the following:

- Describe the nature of the request.
- Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used.
- State when and where the request will be considered.
- Indicate when and where written comments will be received concerning the request.

1.723 Following the hearing, the township Planning Commission shall submit the proposed zoning ordinance amendment including any zoning maps to the County Planning Commission for review and recommendation. If the recommendation of the County Planning Commission has not been received by the township within thirty (30) days after receipt of the amendment by the county, it shall be conclusively presumed that the county has waived its right for review and recommendation.

1.724 The township Planning Commission shall transmit a summary of comments received at the public hearing and its recommendation to the Township Board.

1.725 The Township Board may hold additional hearings if the Township Board considers it necessary. The Township Board shall publish notice of the request in a newspaper of general circulation within Otisco Township. The notice shall be given not less than 15 days before the date the application will be considered for approval and in accordance with the requirements of Section 1.623 B. 4. (Ordinance 2007-02 March 13, 2007) (Amendment April 23, 2014, Ordinance 2014-01)

1.726 The zoning ordinance, as well as subsequent amendments or supplements shall be filed with the township clerk and one (1) notice of ordinance adoption shall be published in a newspaper of general circulation in the township within fifteen (15) days after adoption. The notice of ordinance shall include the following information:

- A. In the case of a newly adopted zoning ordinance the following statement: "A zoning ordinance regulating the development and use of land has been adopted by the township board of the Township of Otisco, Ionia County, Michigan".
- B. In the case of an amendment to an existing zoning ordinance, either a summary of the regulatory effect of the amendment, including the geographic area affected, or the text of the amendment.
- C. The effective date of the ordinance or amendment.
- D. The place and time where a copy of the ordinance may be purchased or inspected.

- 1.727 The Township Board may give the ordinance or amendment immediate effect upon publication as set forth above or upon any date specified by the board. In the absence of an effective date, the ordinance shall take effect thirty (30) days after publication.
- 1.728 An amendment for the purpose to conform a provision of the zoning ordinance to the decree of a court of competent jurisdiction as to any specific lands may be adopted by the township board and the notice of the adopted amendment published without referring the amendment to any other board or agency provided for in this act.
- 1.729 The Township Board may refer any proposed amendments to the Zoning Ordinance to the Planning Commission for a report thereon within a time specified by the Township Board. (Amendment April 23, 2014, Ordinance 2014-01)

1.730 Concurrent Review and Approval

If an application for a zoning map amendment for a proposed use which would require special land use and/or site plan review is received by the Planning Commission, then proceedings for special land uses, and/or site plan review may occur concurrently with the review of the proposed map amendment.

ARTICLE IX

(Amendment Resolution 2003-02, Jan. 21, 2003)

OPEN SPACE PRESERVATION

1.9.0.0 Applicability

The provisions of this Article are intended to carry out the provisions of Public Act No. 110 of 2006, as amended, being MCLA 125.3101 et seq. (“The Michigan Zoning Enabling Act”). In order for a landowner to exercise the open space preservation option of that statute, the land involved must be rezoned to a planned unit development (“PUD”) zoning designation pursuant to this Article and all of the requirements of this Article must be met. Additionally, the PUD provisions of Section 1.520 of this Ordinance shall also apply except to the extent that an express provision of this Article modifies the PUD process. Act No. 110 requires that townships having a population of 1,800 or more and which have a zoning ordinance must adopt provisions in their zoning ordinances known as “open space preservation” provisions, which permit lands satisfying certain criteria to be developed, at the option of the landowner, with the same number of dwellings on a portion of the land specified in the zoning ordinance, but not more than 50%, that, as determined by the townships could otherwise be developed under existing ordinances, laws, and rules on the entire land area. The purpose of this Article is to adopt open space preservation provisions consistent with the requirements of Act No. 110.

1.9.1.0 Definitions

For purposes of this Article, the following definitions shall apply:

1.9.1.1 “Land zoned for residential development” shall mean any land located in the AC, RC, R1 and R2 (single-family dwellings only) zoning districts pursuant to this Ordinance.

1.9.1.2 “Act No. 110” shall mean Public Act No. 110 of 2006, as amended, being MCLA 125.3101 et seq.

1.9.2.0 Qualifying Conditions

1.9.2.1 Land may be developed pursuant to the provisions of this Article and Act No. 110 only if all of the following requirements and conditions are met:

A. The land is located in the AC, RC, R1 or R2 (single-family dwellings only) zoning districts pursuant to this Zoning Ordinance;

- B. The development of land pursuant to this Article shall not depend upon the extension of a public sanitary sewer or a public water supply system to the land, unless the development of the land without the exercise of the clustering or open space option provided for by this Article would also depend on such extension; and
 - (1) The clustering or open space option provided pursuant to this Article shall not have previously been exercised with respect to the same land.
- C. If all of the preceding conditions and requirements listed in this – Qualifying Conditions are satisfied, the land may be developed, at the option of the landowner, in accordance with the provisions and requirements of this Article.

1.9.3.0 Permitted Uses

Only those residential land uses permitted by the zoning district in which the land is located shall be permitted on land developed or used pursuant to the provisions of this Article.

1.9.4.0 Process

Only land located in the AC, RC, R1 and R2 (single-family dwellings only) zoning districts is eligible for the open space preservation option provided for in this Article and pursuant to Act No. 110. Should the owner of a property within the AC, RC, R1 and R2 (single-family dwellings only) zoning districts desire to take advantage of such option, the landowner must apply for a PUD rezoning approval pursuant to the procedural requirements of Section 1.520 of this Zoning Ordinance. Once the land is zoned for a PUD pursuant to this Article, it will be deemed a “Residential-Open Space Preservation PUD.” All of the normal minimum lot size, setback, road frontage, lot width, width-to-depth ratio, and other dimensional, frontage, and area requirements governing the development of land within the zoning district where the land is located shall apply except to the extent that such standards are expressly varied pursuant to this Article or where the Planning Commission and Township Board approve such a variation pursuant to the PUD approval process.

1.9.5.0 Application and Review Procedure

- 1.9.5.1 The application requirements and review procedures for land proposed to be developed pursuant to the provisions of this Article shall be those stated in Sections 1.460 and 1.520 of this Ordinance, governing site plans and planned unit developments, except as otherwise expressly provided in this Applications and Review Procedure and this Article.

1.9.5.2 In addition to the application materials required by Sections 1.460 and 1.520 of this Ordinance, an application for the development of land under the provisions of this Article shall also include the following:

- A. The Existing Zoning Plan. The applicant shall prepare and submit to the Township a site plan for the purpose of demonstrating the number and location of dwelling units that could be developed on the land at issue under its existing zoning if the clustering or open space option provided for by this Article were not exercised. The Existing Zoning Plan may be conceptual in nature, but shall include at least the following information:
- (1) Date, north arrow and scale, which shall not be more than 1" = 100', and, in all cases, the scale shall be the same as that utilized for the site development plan illustrating the proposed development using the clustering option permitted by this Article.
 - (2) Location of all streets and driveways, existing and proposed.
 - (3) Location of all lots, illustrating lot area, frontage, and the width of each lot to demonstrate compliance with the minimum requirements of the applicable zoning district.
 - (4) Location of all utilities that would be necessary to serve a development under the Existing Zoning Plan and which would not be located within any public road right-of-way or private street easement, or on buildable lots. Such utilities include, but are not limited to, storm water retention or detention basins, community sewage treatment systems and community water supply facilities.
 - (5) If development under the Existing Zoning Plan would require the use of septic tanks and drain fields, the Existing Zoning Plan shall illustrate the location of all septic tanks and drain fields. The applicant shall submit proof that the proposed septic tank and drain field location for each lot would be approved, or has been approved, by the Ionia County Health Department.
 - (6) The location of all portions of the land that are unbuildable for residential purposes due to the presence of wetlands, severe slopes, flood plains, or other features prohibiting development for residential purposes.
 - (7) If any portion of the land has frontage on a lake, river, or street, the Existing Zoning Plan shall show each such body of water, as well as the number and location of dwelling units that could be developed with frontage on or access to each such body of water under existing zoning if the open space or clustering option provided for by this Article were not exercised.
- B. The Site Development Plan. The applicant shall also submit a site plan for the open space or clustering option permitted by this Article, which, in addition to the site plan requirements specified Sections 1.460 and 1.520 of this Ordinance, shall also include all of the following information:
- (1) Date, north arrow and scale, which shall not be more than 1" = 100', and, in all cases, the scale shall be the same as that utilized for the Existing Zoning Plan.

- (2) The site development plan shall clearly illustrate the portions of the land that are proposed to remain in a perpetually undeveloped state and the portions of the land that will be used for clustered development.
- (3) The site development plan shall indicate the total number of acres of land that are proposed to remain in a perpetually undeveloped state, the total number of acres of land that are proposed to be used for cluster development, and the percentage of each, as compared to the total site acreage.
- (4) The site development plan shall illustrate the location of all lots and proposed building envelopes and shall indicate the lot area, frontage, and width of each lot, and the proposed front, side and rear yard building setbacks. The number of lots on the site development plan shall not exceed the number of lots on the Existing Zoning Plan, as approved by the Planning Commission, and reduced to accommodate non-dwelling structures, if necessary, as described later in this Article.
- (5) The site development plan shall also illustrate the location and type of all proposed structures or improvements that are not dwellings.
- (6) If the proposed clustered development will include septic tanks and drain fields, the site development plan shall illustrate the location of all septic tanks and drain fields. The applicant shall submit proof that the proposed septic tank and drain field location for each lot has been approved by the Ionia County Health Department.
- (7) If the development is to be served by public streets, proof that the Ionia County Road Commission has approved the design, layout and construction of the streets.
- (8) If any portion of the land has frontage on a lake, river, or street, the site development plan shall show the proposed location and number of dwelling units with proposed frontage on or access to a body of water.
- (9) The location of any proposed private street(s).
- (10) The site development plan shall demonstrate that each of the proposed residential lots and proposed building envelopes is “buildable” and fully suited for the construction and use of a single-family residential dwelling.

- C. Developable Area. When reviewing an application submitted under the terms of this Article, the Planning Commission shall determine whether the Existing Zoning Plan accurately reflects the number and location of dwelling units that could be developed on the land under its existing zoning if the clustering or open space option provided by this Article were not exercised. If the Planning Commission determines that the number and/or location of dwellings shown on the Existing Zoning Plan exceeds the number of dwellings that could be permitted or developed on the land if it were developed under its existing zoning if the clustering or open space option provided by this Article were not exercised (or the locations are not accurate), the applicant shall submit a revised Existing Zoning Plan which accurately reflects the number and location of dwellings which could have been developed under existing zoning if the Act No. 110 option were not exercised pursuant to this Article. For purposes of determining the number and location of dwellings that would have been permitted or developed on the land under its existing zoning if the clustering or open space option were not exercised, the following shall be deemed land not developable and shall be excluded from the formula of determining otherwise developable land area under existing ordinances:
- (1) Wetlands as defined by Michigan law.
 - (2) Land located under a lake, pond, river, or stream.
 - (3) Land with slopes exceeding 30%.
 - (4) Land for which an on-site private septic system or private well could not be utilized under Ionia County Health Department regulations.
 - (5) Land located within a flood plain or which is subject to periodic flooding.
- D. The Restrictions Document. The applicant shall submit a copy of the proposed deed restrictions, restrictive covenants, conservation easement, plat dedication, or other legal document which the applicant proposes to utilize if the proposed open space or cluster development is approved pursuant to this Article and which would have the legal effect of preserving in perpetuity the open space required by this Article in an undeveloped state. Such document shall be reviewed and approved by the Township and the Township Attorney (as to form and content) prior to recording. At a minimum, the document(s) shall provide for all of the following:
- (1) Indicate the proposed permitted use(s) of the undeveloped open space.
 - (2) Require that the open space be maintained forever in an undeveloped condition, without buildings, structures, or other improvements, except such drainage improvements, utilities, riding trails, hiking trails, picnic areas, park or playground equipment, growing of crops, agricultural structures, or similar improvements which are approved by the Planning Commission.
 - (3) Require that the undeveloped open space be maintained by the parties who have an ownership interest in it.

(4) Provide standards for scheduled maintenance of the undeveloped open space, including necessary pruning and harvesting of trees and new plantings.

The approved restrictions document shall be fully executed by all of the owner(s) of the land and shall be recorded with the Ionia County Register of Deeds before any lots are sold and before any building permits are issued.

E. If the site development plan complies and all aspects of the proposed development satisfy all requirements of this Article, the Planning Commission and Township Board shall approve the site development plan and the planned unit development rezoning for the proposed development.

1.9.6.0 Requirements for Open Space

1.9.6.1 Required Open Space. At least 50%, but no more than 80%, of the land proposed for development under the provisions of this Article shall remain in a perpetually undeveloped state (i.e., “open space”) by means of a conservation easement, plat dedication, restrictive covenant, or other legal instrument that runs with the land as approved by the Township Board (upon recommendation by the Planning Commission) and the Township Attorney.

1.9.6.2 Lands to be Set Aside as Open Space. It shall be the Township Board (upon recommendation from the Planning Commission) that determines which 50% or more of the land shall be set aside for open space, as well as which portion or portions of the land may be developed. At the discretion of the Township Board (upon recommendation from the Planning Commission), the land to be set aside as permanent open space need not be contiguous. The Township Board (upon recommendation from the Planning Commission) shall also determine what percentage of the total land area (between 50% and 80%) shall be set aside as permanent open space.

1.9.6.3 The following areas shall not constitute open space and may not be utilized to satisfy the open space requirement:

- A. Any areas located within or under any public street easement or right-of-way.
- B. Property located under or within any private street or road easement.
- C. The land located under or the area within any easement for overhead utility lines.
- D. The area within a platted lot or site condominium unit.
- E. Off-street parking areas.
- F. Detention and retention ponds.
- G. Community drain fields.
- H. The lands or area located underneath a lake, pond, river, or stream.

- I. The area within a wetland as defined by Michigan law.
- J. Lands with slopes exceeding 30%.
- K. Areas subject to flooding or within a flood plain.

1.9.6.4. Standards for Open Space. The following standards shall apply to the open space required pursuant to this Article:

- A. The open space shall not include a golf course.
- B. The open space may include a recreational trail, picnic area, children's play area, greenway, linear park, an agricultural use or other use which, as determined by the Planning Commission, is substantially similar to these uses.
- C. The open space shall be available for all residents of the development, subject to reasonable rules and regulations. The open space may be, but is not required to be, dedicated to the use of the public.
- D. If the land contains a lake, stream or other body of water, the Planning Commission may require that a portion of the open space about the body of water.
- E. A portion of the open space shall be located along the public street frontage abutting the land. The depth of this area shall be at least 50 feet, not including public right-of-way, and this area shall be left in its natural condition or be landscaped to help to preserve or enhance the existing views.
- F. A portion of the open space shall be reasonably useable by the residents of the land for passive recreational uses such as hiking or picnicking.
- G. Open space shall be located so as to be reasonably accessible to the residents of the development. Safe and convenient pedestrian access points to the open space from the interior of the clustered development shall be provided.
- H. Open space shall be located so as to preserve significant natural resources, natural features, scenic or wooded conditions, bodies of water, wetlands or agricultural land.

1.9.6.5. Use of Open Space. All dwelling units and other structures and improvements shall be located outside that portion of the land designated as open space. However, the Township Board (upon recommendation by the Planning Commission), at its discretion, may permit structures or improvements to be located in the open space if the structures and/or improvements would be consistent with the designated purpose of the open space. By way of example only, park or playground equipment could be permitted on open space designated for recreational use, or agricultural structures could be permitted on open space designated for agricultural use.

1.9.7.0 Individual Lots, Streets, and Other Improvements; Miscellaneous Provisions

- 1.9.7.1 Underlying Zoning District. The development of land under this Article shall comply with all requirements of this Ordinance applicable to the zoning district in which the land is located, except those setback, area, lot width to depth ratio, and yard size requirements that must be adjusted to allow the clustering option permitted under this Article where approved by the Township Board (upon recommendation from the Planning Commission).
- 1.9.7.2 Uniform Lot Size. Lots for dwellings in the clustered portion of the development shall be as uniform in area as is reasonably practicable, unless otherwise approved by the Township Board (upon recommendation from the Planning Commission).
- 1.9.7.3 Building Envelopes. The location and area of building envelopes, as proposed by the applicant, shall be subject to the review and approval of the Township Board (upon recommendation from the Planning Commission). The location and area of building envelopes shall be established to achieve the intent and purpose of the zoning district in which the land is located.
- 1.9.7.4 Required Street Frontage. Each lot shall have a minimum of at least 60 feet of frontage on a lawful street, measured at the street right-of-way line.
- 1.9.7.5 Lot Width. Each lot shall have a minimum width equal to no less than 1/2 the minimum lot width specified for the zoning district in which the land is located, unless otherwise approved by the Township Board (upon recommendation from the Planning Commission). Notwithstanding the provisions of this subsection, each lot which abuts or has frontage on a lake, river, stream or creek shall have frontage on such body of water equal to or greater than the minimum lot width requirement for the zoning district in which the land is located.
- 1.9.7.6 Maximum Number of Lots. The clustered portion of the development shall contain no more than the maximum number of lots, as determined from the Existing Zoning Plan approved by the Planning Commission and Township Board, and as reduced to reflect the inclusion of non-dwelling unit structures, if any, as described in subsection (1.9.7.8).
- 1.9.7.7 Non dwelling Unit Structures. Lots containing non-dwelling structures such as a clubhouse and its related amenities, shall be subject to all requirements of this Article applicable to lots containing dwellings and shall further be subject to all other requirements of this Ordinance and other Township ordinances applicable to the type of structure proposed. However, the Township Board (upon recommendation by the Planning Commission) may, at its discretion, permit the enlargement of a lot containing a non-dwelling structure so as to reasonably accommodate it.

1.9.7.8 Reduction in Lots for Non-dwelling Structures. If structures other than dwellings, such as a clubhouse, are constructed on a lot in the clustered portion of the land, the number of dwelling lots permitted in the clustered portion of the land shall be reduced as follows:

- A. The area of a lot or lots occupied by non-dwelling structures, shall be calculated and then divided by the average area of a dwelling lot that could be situated in the clustered development if the non-dwelling structures were not included in the clustered development, as determined from the approved Existing Zoning Plan. If this number is a fraction, it shall be rounded up to the nearest whole number.
- B. The number calculated under subsection (A) shall be subtracted from the number of dwelling lots that could be permitted in the clustered development in the absence of the non-dwelling structures, as determined from the approved Existing Zoning Plan, in order to determine the maximum number of dwelling lots permitted to be included in the clustered portion of the development with the non-dwelling structures included.

1.9.7.9 Perimeter Lots. Notwithstanding any other provision of this Article, the Township Board (upon recommendation from the Planning Commission) may require that the clustered development be designed and constructed with lot sizes and setbacks on the perimeter that will be reasonably consistent with the lot sizes and setbacks of adjacent uses (planned or existing).

1.9.7.10 Sidewalks. The Township Board (upon recommendation from the Planning Commission) may require sidewalks.

1.9.7.11 Grading. Grading within the clustered development shall comply with the following requirements:

- A. To preserve the natural appearance of the land, all graded areas, cuts and fills shall be kept to a minimum. Specific requirements may be placed by the Township Board on the area of land to be graded or to be used for building, and on the size, height, and angles of cut-and-fill slopes and the shape thereof. Retaining walls may be required by the Township Board.
- B. All areas indicated as open space on the approved development plan shall be undisturbed by grading, excavating, structures or otherwise, except as permitted by the Township Board (upon recommendation from the Planning Commission). Drainage improvements, utility lines, riding trails, hiking trails, picnic areas, and similar recreational improvements and amenities may be placed in open space areas if approved by the Township Board (upon recommendation from the Planning Commission).
- C. Grading within the clustered development shall be planned and carried out so as to avoid erosion, pollution, flooding or other adverse effects upon the land, and so as to have only such minimal effect upon lakes, streams, wetlands, and the environmental characteristics of the land as may be reasonably feasible.

1.9.7.12 **Private Streets.** Private streets within a clustered development shall conform to the private street requirements (and approval process) of this Ordinance. The Township Board (upon recommendation from the Planning Commission) may, however, modify the requirements for private streets and in doing so, shall consider the following criteria:

- A. The number and type of dwelling units served by the private street;
- B. Traffic generation;
- C. Existing topography and vegetation;
- D. Security provisions;
- E. Inter-relationship with the public street network;
- F. Future installation of public utilities; and
- G. Likelihood of public dedication of the roadway.

1.9.7.13 **Other Laws.** The development of land under this Article is subject to all other applicable Township ordinances, and state and federal laws, rules and regulations, including, but not limited to, rules relating to suitability of groundwater for on-site water supply for land not served by a public water system, and rules relating to the suitability of soils for on-site sewage disposal for land not served by public sanitary sewers.

1.9.7.14 **Access to or Frontage on Lakes and Streams.**

- A. An approved Residential – Open Space Preservation PUD or other approved development pursuant to Act No. 110 and this Article, shall comply fully with the lake access, frontage, and other requirements contained in Section 1.320 of this Ordinance with regards to lakes, rivers and streams if the property at issue has frontage on a lake, river or stream.
- B. No approved Residential – Open Space Preservation PUD or other development approved pursuant to Act No. 110 and this Article shall permit any more lots or dwellings to have access to or frontage upon a lake, river or stream than would be otherwise legally permissible under existing zoning.

1.9.7.15 **County Drain Commissioner Approval.** Any matters involved with drainage, retention/detention ponds, water runoff, and similar matters associated with any proposed development pursuant to this Article shall require the approval of the Ionia County Drain Commissioner and shall be subject to the applicable rules and regulations of the same.

1.9.8.0 Amendments to an Approved Residential-Open Space PUD

1.9.8.1 An approved site plan and any conditions imposed upon its approval pursuant to an approved Residential-Open Space Preservation PUD shall not be changed except upon the mutual consent of the Township Board (after recommendation by the Planning Commission) and the applicant, except as otherwise stated below with respect to minor changes.

1.9.8.2 A minor change may be approved by the Planning Commission. The following items shall be considered minor changes:

- A. Reduction of the size of any building, building envelope, or sign.
- B. Movement of buildings or signs by no more than ten (10) feet.
- C. Plantings approved in the landscaping plan may be replaced by similar types of plantings.
- D. Changes requested by the Township for safety reasons.
- E. Changes which will preserve natural features of the land without changing the basic site layout.

1.9.9.0 Performance Guarantees

The Township Board, at its discretion, may require reasonable performance guarantees. Such guarantees shall be conditioned upon faithful compliance with all of the provisions and requirements of this Article and the approved site plan and PUD. Such performance guarantees shall be in the form of a performance bond, irrevocable letter of credit, or cash deposit in an amount and form deemed by the Township Board to be appropriate.

1.9.10.0 Time Limitations for Development

Each development approved and permitted pursuant to this Article shall be under substantial construction within one (1) year after the date of approval of the site plan and PUD by the Planning Commission and Township Board. If this requirement is not met, the Planning Commission may, at its discretion, grant an extension not exceeding one (1) year, provided that the applicant submits reasonable evidence showing that unforeseen difficulties or special circumstances have occurred which caused excusable delay in the commencement of the cluster or open space development. If the approved development has not been commenced within the above-stated time period or any authorized extension thereof, any zoning permits and building permits issued for the development or any part thereof shall be of no further effect. The applicant shall then be required to seek a new approval (as if starting over again) from the Planning Commission and Township Board pursuant to the requirements of this Article.

1.9.11.0 Saving Clause

If for any reason a court of competent jurisdiction determines that the Township cannot require an applicant to obtain a PUD rezoning approval as a prerequisite for exercising the clustering or open space/preservation development option pursuant to Act No. 110 or this Article, all other procedures and requirements of this Article shall remain applicable, including the site plan approval requirements of Section 1.460 of this Ordinance. If a court of competent jurisdiction determines that zone district(s) in addition to those listed in Section 1.9.1.1 of this Article are considered “lands zoned for residential development,” the requirements of this Article shall apply to the lands in such additional zone district(s).