

KEELER TOWNSHIP

VAN BUREN COUNTY MICHIGAN

ZONING ORDINANCE

2025

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KEELER TOWNSHIP ZONING ORDINANCE

CHAPTER 1 - TITLE, PURPOSE, SCOPE, AND LEGAL BASIS

SECTION 1.00 TITLE

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

SECTION 1.01 PURPOSE

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

SECTION 1.02 SCOPE

- A. Zoning affects all structures and land uses within the Township.
- B. This Ordinance shall not repeal, abrogate, annul, or in any way impair or interfere with existing provisions of other laws, ordinances, or regulations, except those repealed herein by specific reference, or with private restrictions placed upon property by covenant, deed, or other private agreement, or with restrictive covenants running with the land to which the Township is a party.
- C. Where this Ordinance imposes greater restrictions, limitations, or requirements upon the use of buildings, structures, or land; the height of buildings or structures; lot coverage; lot areas; yards or other open spaces; or any other use or utilization of land than are

imposed or required by such existing laws, ordinances, regulations, private restrictions, or restrictive covenants, the provisions of this Ordinance shall control.

SECTION 1.03 LEGAL BASIS

This Ordinance is enacted pursuant to the Michigan Zoning Enabling Act (Act 110 of 2006, as amended).

SECTION 1.04 REPEAL

- A. The Township of Keeler Zoning Ordinance, adopted September 27, 2004, as amended, and any prior zoning ordinances of the Township of Keeler are hereby repealed effective coincident with the effective date of this Ordinance. The repeal of said ordinances shall not have the effect of releasing or relinquishing any penalty, forfeiture, or liability incurred under said ordinance, or any part thereof, and said ordinance shall be treated as still remaining in force for the purpose of instituting or sustaining any proper action for the enforcement of such penalty, forfeiture or liability.

- B. Conditions which have been attached to land, buildings, structures, and uses resulting from actions under a prior ordinance shall remain in effect unless specifically waived by this Ordinance, or through proper amendment, subject to the requirements of this Ordinance.

SECTION 1.05 SEVERABILITY

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

CHAPTER 2 - DEFINITIONS

SECTION 2.00 RULES APPLYING TO TEXT

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

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

SECTION 2.01 A

ACCESSORY APARTMENT. A dwelling unit attached to, and clearly accessory and subordinate to, a commercial building.

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

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

ADULT FOSTER CARE FACILITY. A home or facility that provides foster care to adults, including facilities and foster care family homes for adults who are aged, mentally ill, developmentally disabled, or physically disabled who require supervision on an ongoing basis but who do not require continuous nursing care, as defined and regulated by the Adult Foster Care Facility Licensing Act (Act No. 218 of the Public Acts of Michigan of 1979; MCL 400.701 et seq., as amended).

ADULT FOSTER CARE FAMILY HOME. A private residence with the approved capacity to receive at least three (3) but not more than six (6) adults to be provided with foster care. The adult foster care family home licensee must be a member of the household and an occupant of the residence.

ADULT FOSTER CARE SMALL GROUP HOME. An adult foster care facility with the approved capacity to receive at least 3 but not more than 12 adults to be provided with foster care.

ADULT FOSTER CARE LARGE GROUP HOME. An adult foster care facility with the approved capacity to receive at least 13 but not more than 20 adults to be provided with foster care.

ADULT FOSTER CARE CONGREGATE FACILITY. An adult foster care facility with the approved capacity to receive more than 20 adults to be provided with foster care.

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

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

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

ADULT MASSAGE CLINIC. Is any place where for any form of consideration or gratuity, a massage, alcohol rub, administration of fomentations, electric or magnetic treatment or any other treatment or manipulation of the human body occurs as part of or in connection with

“Specified Sexual Activities” or where any person providing such treatment, manipulation or service related thereto exposes “Specified Anatomical Areas.” This provision shall not apply to a medical doctor, osteopathic physician, chiropractor, licensed massage therapist, or similar medical professional licensed by the State of Michigan to perform medical procedures on the human body.

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

SPECIFIED ANATOMICAL AREAS.

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

SPECIFIED SEXUAL ACTIVITIES.

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

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

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

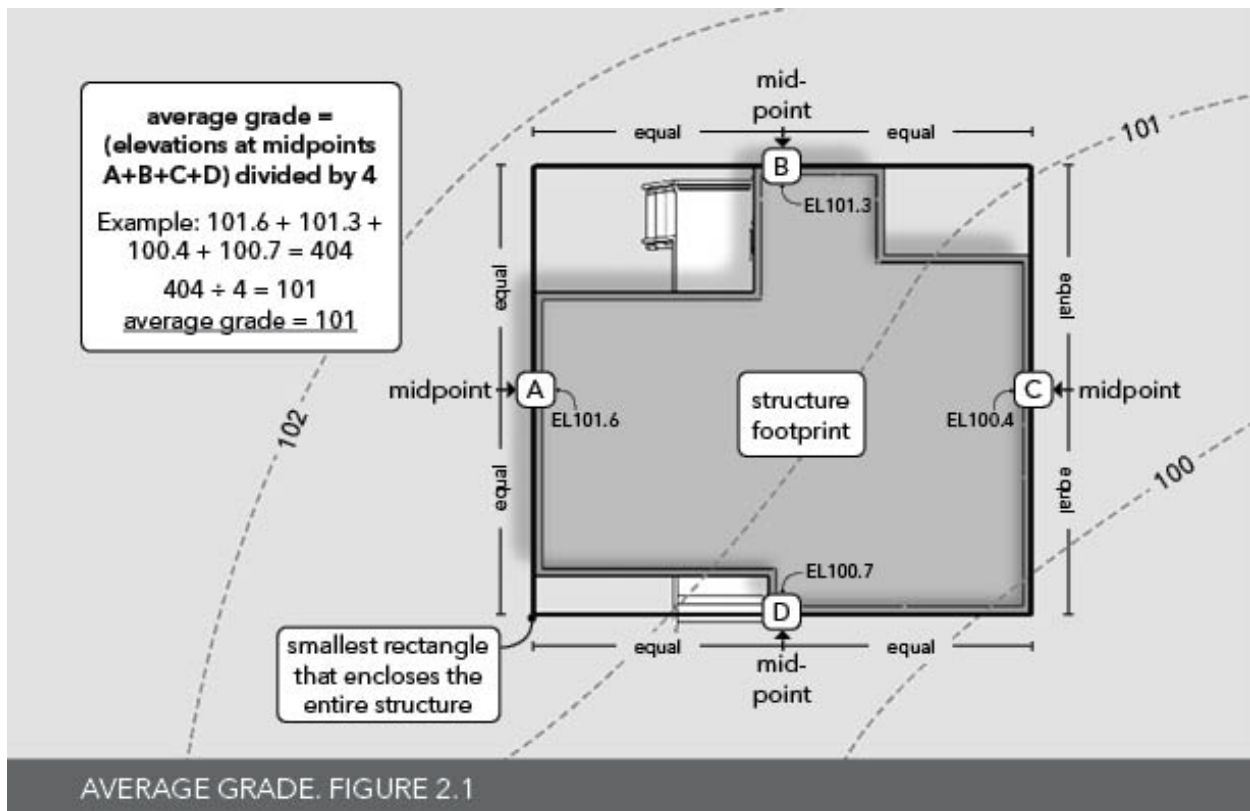
ANEMOMETER TOWER. A freestanding tower containing instrumentations such as anemometers that is designed to provide present moment wind data for use by the supervisory control and data acquisition (SCADA) system which is an accessory land use to a utility grid wind energy system.

AMBIENT. The sound pressure level exceeded 90% of the time or L_{90} .

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

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

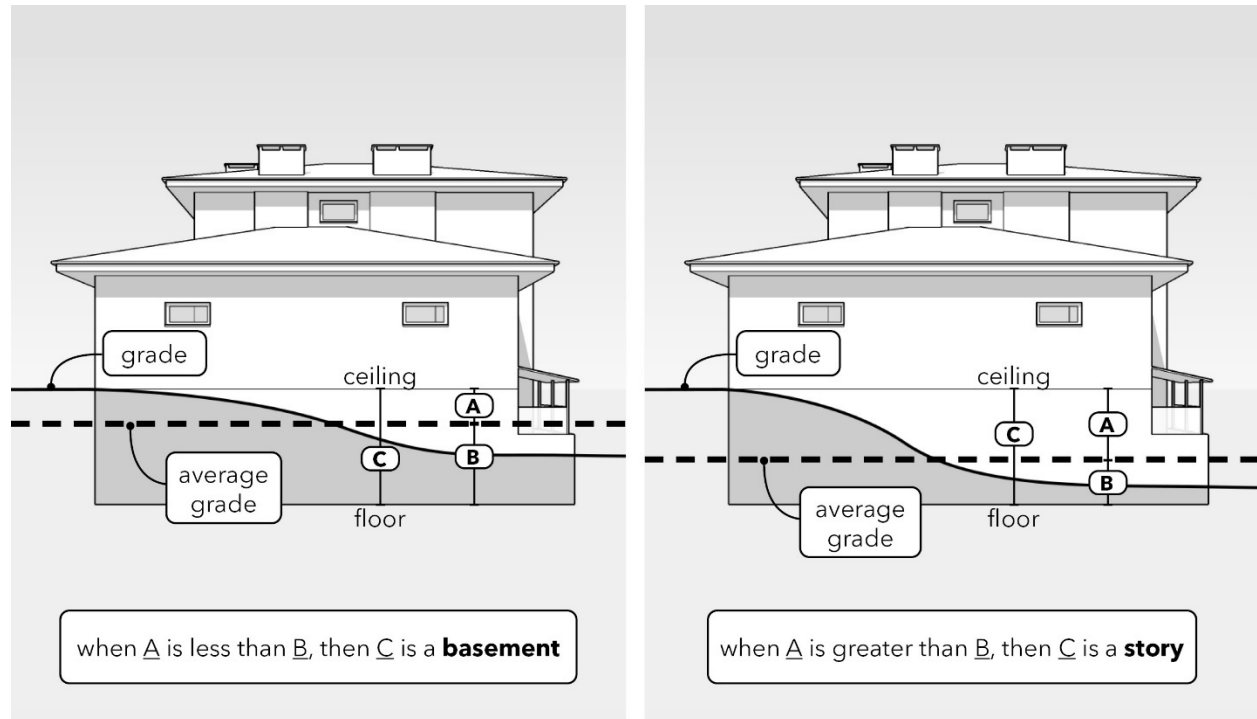
AVERAGE GRADE (See Also GRADE). The average grade level is calculated by first drawing the smallest rectangle that encloses the entire structure, including all occupied floor area, then calculating the average of the pre-construction grade elevations of existing lot grades at mid-points, measured horizontally, of each side of this rectangle. For irregular lots, if the rectangle enclosing the proposed structure would extend beyond the property lines, the Zoning Administrator will determine how to treat the irregularity to most closely approximate the smallest enclosing rectangle. See below for example.



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

SECTION 2.02 B

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



BASEMENT. FIGURE 2.2

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

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

BODY SHOPS. (See AUTOMOTIVE REPAIR SHOP)

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

BOWLING ALLEY. An establishment that devotes more than 50 percent of its gross floor area to bowling lanes, equipment, and playing area, for the sport of ten-pin or duck-pin bowling with customary accessory uses such as snack bars.

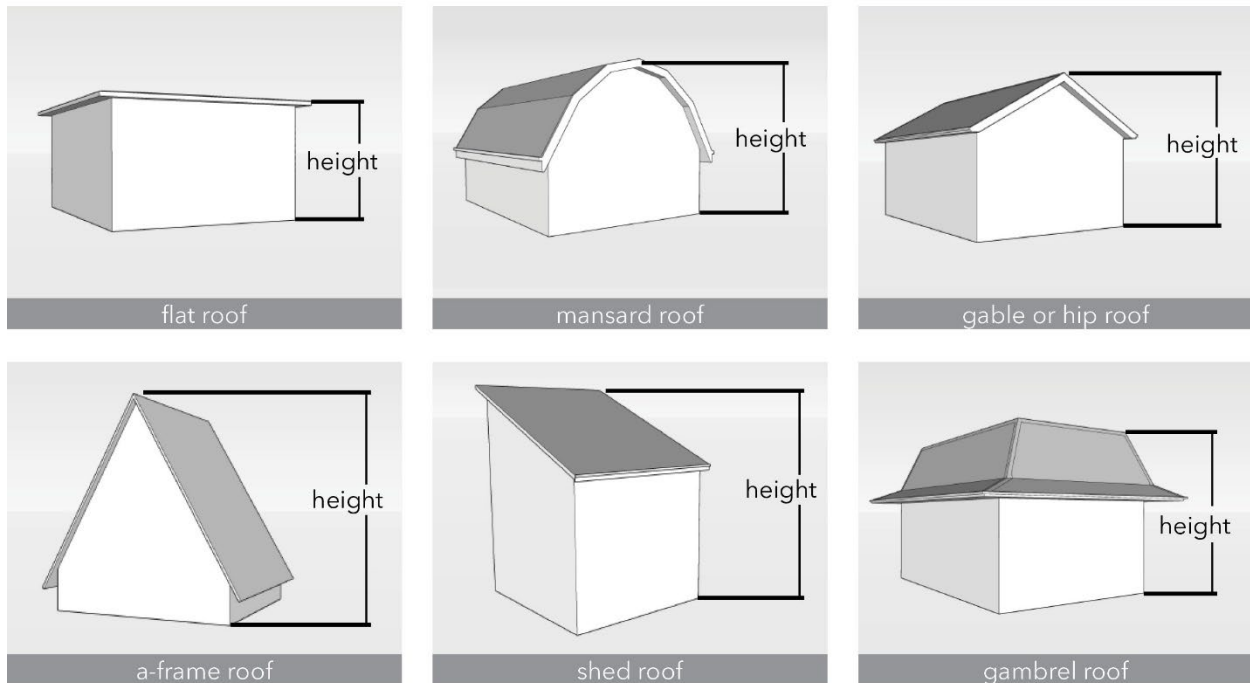
BREWERY. A facility operated by a brewer duly licensed by the State of Michigan Liquor Control Commission (MLCC) to brew ales, beers, and/or similar beverages.

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

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

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

BUILDING HEIGHT. The vertical distance measured from the average grade to the highest point of the roof.



BUILDING HEIGHT. FIGURE 2.3

BUILDING INSPECTOR. (See also ZONING ADMINISTRATOR) The person designated by the Township Board to administer the provisions of the adopted Building Codes for Keeler

Township. The Building Inspector may also serve as the Township Zoning Administrator.

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

SECTION 2.03 C

CAMPGROUND, PUBLIC OR PRIVATE. Any parcel or tract of land under the control of any person, organization, or governmental entity, wherein sites are offered for the use of the public or members of any organization for the establishment of five (5) or more temporary living sites generally for recreational purposes through use of tents or recreational vehicles.

CAMPGROUND, SMALL PRIVATE. Any privately-owned parcel or tract of land wherein four or fewer temporary living sites are offered for the use of invited guests generally for recreational purposes through use of tents or recreational vehicles

CASH VALUE. (see TRUE CASH VALUE)

COMMERCIAL GREENHOUSE AND NURSERY. A retail business building or structure constructed chiefly of glass, glass-like or translucent material, cloth, OR whose principal activity is the selling of plants grown on the site and having outside storage, growing, or display.

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

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

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

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

CONDOMINIUM (CONDOMINIUM PROJECT). A development subject to Michigan Public Act

59 of 1978, as amended. A condominium project shall be equivalent to Subdivision as used in this Ordinance and Subdivision Regulations.

CONSUMER BREW-ON-PREMISE. A component of a brewery or micro-brewery operation that allows a consumer to participate in the brewing process under the supervision of a state licensee.

CONTRACTOR'S SHOWROOMS AND STORAGE YARDS. Facilities or places of business primarily engaged in production, retail or wholesale sale from the premises, and storage, of materials used in the construction of buildings or other structures, but specifically excluding automobile or equipment supplies otherwise classified herein. Typical uses include building material stores and home supply establishments.

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

SECTION 2.04 D

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

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

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

DAY CARE HOME, GROUP. Any private residence in which the operator permanently

resides as a member of the household, licensed by the Michigan Family Independence Agency, in which more than six (6) but not more than twelve (12) minor children or adults are given care and supervision for periods of less than twenty-four (24) hours per day, unattended by a parent or legal guardian, except children or adults related to the operator of the home by blood, marriage, or adoption. Group day-care homes include homes that give care to unrelated minor children or adults for more than four (4) weeks during a calendar year.

dB(A): the sound pressure level in decibels. It refers to the “a” weighted scale defined by ANSI (American National Standards Institute). A method for weighting the frequency spectrum to mimic the human ear.

DECIBEL: The unit of measure used to express the magnitude of sound pressure and sound intensity.

DISTILLERY. A facility operated by a distiller duly licensed by the State of Michigan Liquor Control Commission (MLCC) to manufacture spirits.

DISTILLERY, SMALL. A facility operated by a small distiller duly licensed by the State of Michigan Liquor Control Commission (MLCC) to manufacture spirits within the limits established by the State of Michigan for a small distiller.

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

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

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

DRUG STORES OR PHARMACIES. An establishment or building or part thereof where the majority of retail sales within said store are prescription or non-prescription drugs, cosmetics, and related supplies.

DRY-CLEANING AND LAUNDRY ESTABLISHMENTS. A commercial establishment providing dry cleaning and laundry services on-site for businesses and residents, but which does not include a dry-cleaning plant.

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

DWELLING, SINGLE FAMILY. A detached dwelling designed exclusively for and occupied exclusively by one (1) family.

DWELLING, TWO-FAMILY (DUPLEX). A dwelling designed exclusively for occupancy by two (2) families living independently of each other.

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

SECTION 2.05 E

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

ESSENTIAL PUBLIC SERVICES. The erection, construction, alteration, or maintenance by public utilities or municipal departments of underground, surface, or overhead gas, electrical, steam, fuel, or water transmission, distribution, collection, communication (except communication towers), supply, or disposal systems, including towers, antennas, satellite dishes, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants, and similar equipment, but not including buildings and storage yards, which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general health, safety or welfare.

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

SECTION 2.06 F

FAMILY.

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

FAMILY DAY CARE HOME. See Day Care Home, Family

FARM. The land, plants, animals, buildings, structures, including ponds used for agricultural or

aquacultural activities, machinery, equipment, and other appurtenances used in the commercial production of farm products.

FARM OPERATION. The operation and management of a farm or a condition or activity that occurs at any time as necessary on a farm in connection with the commercial production, harvesting, and storage of farm products, and includes, but is not limited to:

- A. Marketing produce at roadside stands or farm markets.
- B. The generation of noise, odors, dust, fumes, and other associated conditions.
- C. The operation of machinery and equipment necessary for a farm including, but not limited to, irrigation and drainage systems and pumps and on-farm grain dryers, and the movement of vehicles, machinery, equipment, and farm products and associated inputs necessary for farm operations on the roadway as authorized by the Michigan vehicle code, Act No. 300 of the Public Acts of 1949, being sections 257.1 to 257.923 of the Michigan Compiled Laws.
- D. Field preparation and ground and aerial seeding and spray
- E. The application of chemical fertilizers or organic materials, conditioners, liming materials, or pesticides.
- F. Use of alternative pest management techniques.
- G. The fencing, feeding, watering, sheltering, transportation, treatment, use, handling, and care of farm animals.
- H. The management, storage, transport, utilization, and application of farm by-products, including manure or agricultural wastes.
- I. The conversion from a farm operation activity to other farm operation activities.
- J. The employment and use of labor.

FARM LABOR HOUSING. Dwellings used for on-farm housing of permanent and seasonal employees.

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

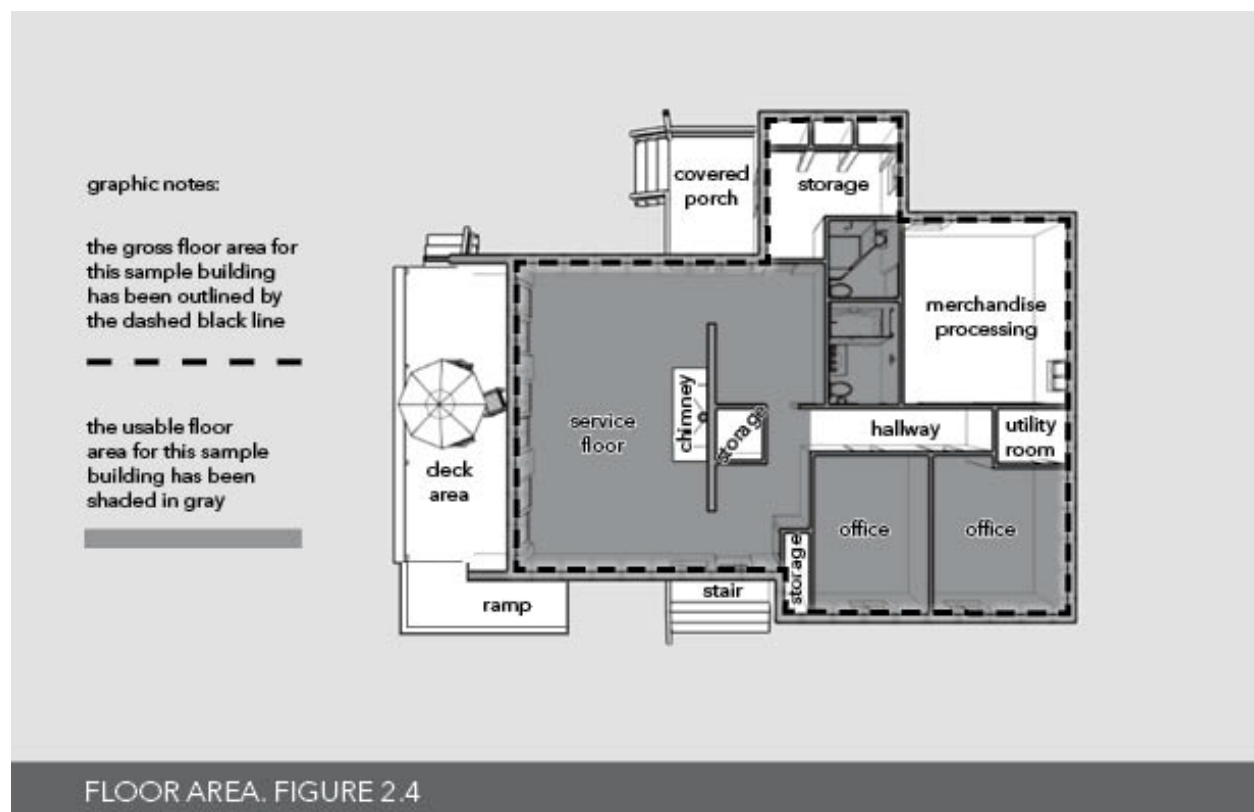
FINANCIAL INSTITUTION. An establishment where the principal business is the receipt, disbursement, or exchange of funds and currencies, investments, or insurance, such as banks, savings and loans, insurance companies, or credit unions.

FLOOD. A general and temporary condition of partial or complete inundation of normally dry land areas caused by one of the following conditions:

- A. The overflow or rise of inland waters.
- B. The rapid accumulation or runoff of surface waters from any source.

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

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



FLOODPLAIN. An area of land that is subject to a one percent chance of flooding in any given year.

FUNERAL HOME AND MORTUARY ESTABLISHMENT. A facility used for the preparation of the deceased for burial and for visitation and for the conduct of memorial and funeral services.

SECTION 2.07 G

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

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

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

GROUP DAY CARE HOME. See Day Care Home, Group.

SECTION 2.08 H

HEALTH CARE CENTER. A facility or institution, whether public or private, principally engaged in providing services for health maintenance, diagnosis or treatment of human diseases, pain, injury, deformity, or physical condition, including but not limited to a general hospital, diagnostic center, treatment center, rehabilitation center, extended care center, nursing home, intermediate care facility, outpatient laboratory, or central services facility serving one or more such institutions.

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

HOTEL. See MOTEL/HOTEL.

SECTION 2.09 I

INDOOR RECREATIONAL FACILITY. A permanent building containing facilities for recreational activities, such as tennis, billiards, platform games, swimming, exercise rooms, handball and similar activities.

INOPERATIVE VEHICLES. Any motor vehicle which is without current registration, unlicensed, or can no longer propel itself.

SECTION 2.10 J

JUNK. Any worn out or discarded materials including, but not necessarily limited to, scrap iron

and other metals, waste paper, rags, rubber, tires, bottles, inoperable motor vehicles and parts, construction material, household wastes, garbage, discarded appliances, and yard debris.

JUNK YARD (SALVAGE YARD). An open area where waste, used or secondhand materials are bought and sold, exchanged, stored, baled, packed, disassembled, or handled. These materials include, but are not limited to: scrap iron and other metals, paper, rags, rubber, tires, and bottles. A "junk yard" or "salvage yard" includes automobile wrecking yards and includes any area of more than two hundred (200) square feet for storage, keeping or abandonment of junk, but does not include uses established entirely within enclosed buildings.

SECTION 2.11 K

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

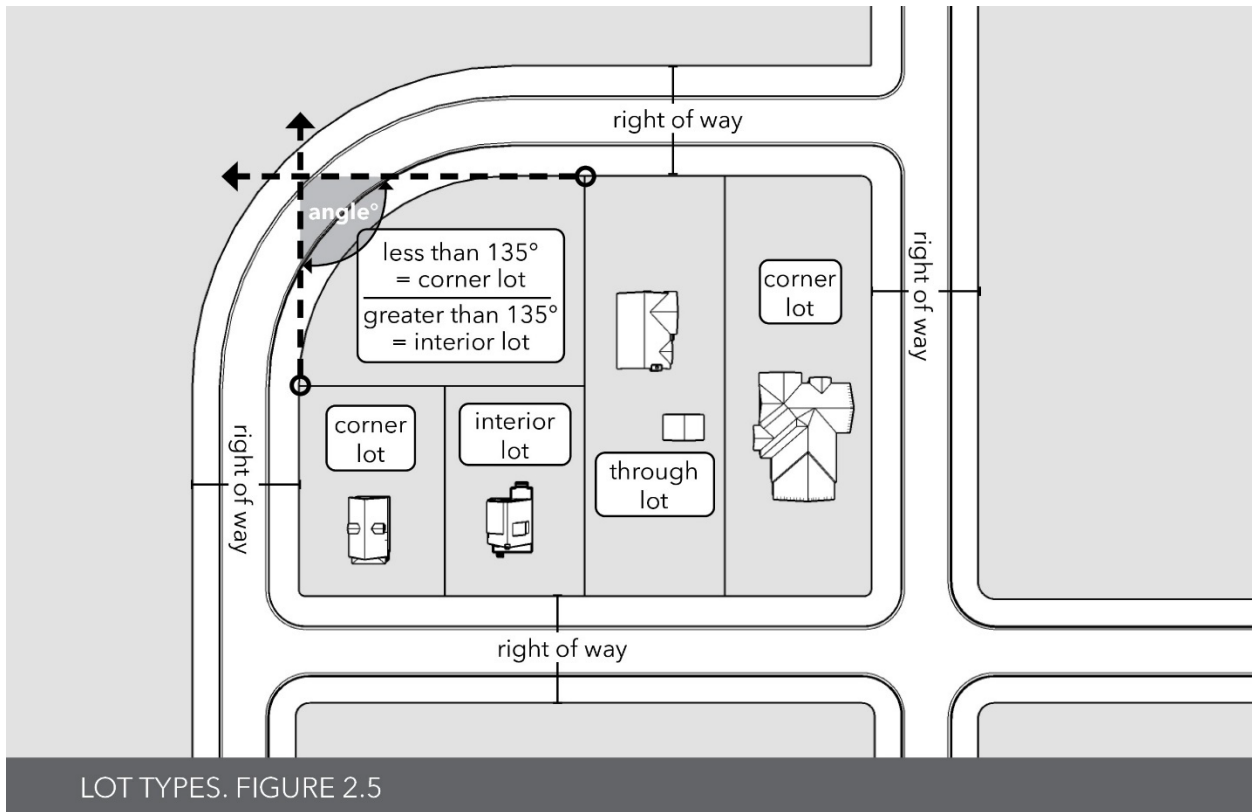
SECTION 2.12 L

LABORATORIES (EXPERIMENTAL, FILM, OR TESTING). A building or group of buildings in which are located facilities for scientific research, investigation, testing, or experimentation, but not facilities for the manufacture or sale of products, except as incidental to the main purpose of the laboratory.

LEASE UNIT BOUNDARY. the boundary around a property leased for purposes of a Wind Energy System, including adjacent parcels to the parcel on which the Wind Energy System tower or equipment is located. For purposes of setback, the Lease Unit Boundary shall not cross road rights-of-way.

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

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



LOT, CORNER. Any lot having at least two (2) contiguous sides abutting upon a street, provided that the interior angle at the intersection of such two sides is less than one hundred thirty-five (135) degrees. A lot abutting upon a curved street or streets shall be considered a corner lot if the tangents to the curve, at its points of beginning within the lot or at the points of intersection of the side lot lines with the street line, intersect at an interior angle of less than one hundred thirty-five (135) degrees.

LOT, INTERIOR. A lot other than a corner lot or through lot.

LOT, THROUGH. Any interior lot having frontage on two parallel streets. In the case of a row of double frontage lots, all yards of said lots adjacent to streets shall be considered frontage, and through yard setbacks shall be provided as required.

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

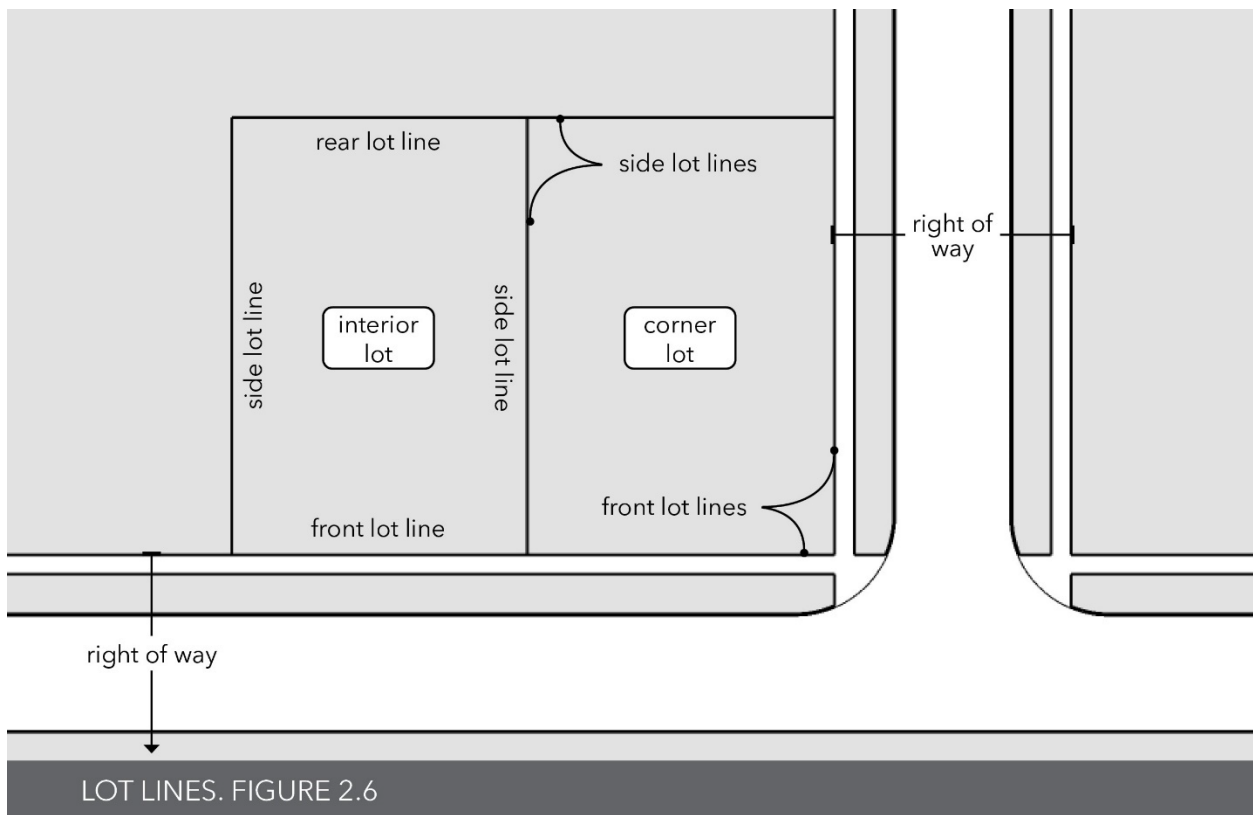
LOT COVERAGE. The part of the lot occupied by buildings, including accessory buildings.

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

LOT, LAKEFRONT. A lot having a property line abutting a shoreline.

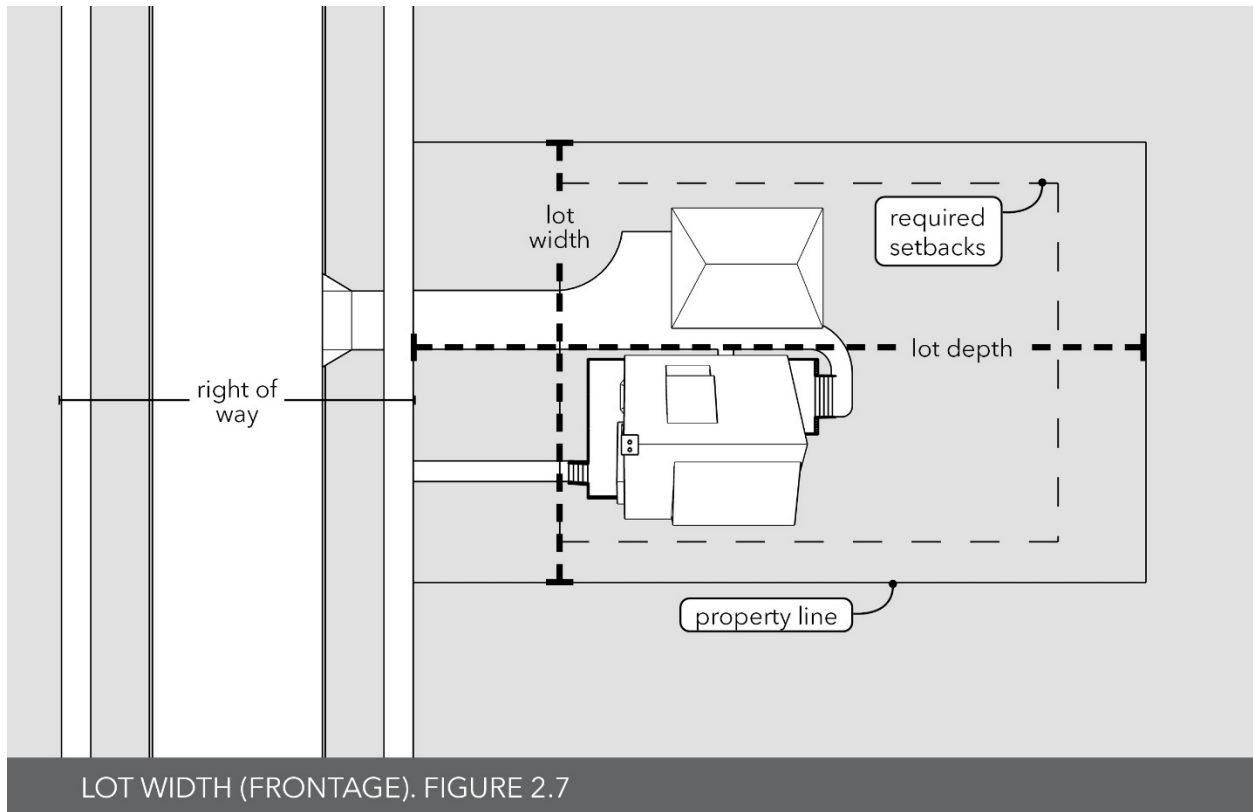
LOT LINES. The lines bounding a lot as defined herein:

- A. FRONT LOT LINE. In the case of an interior lot, it is the line separating the lot from the street. In the case of a through lot or a corner lot, it is that line separating said lot from either street. In the case of a lot having frontage on a body of water, the front lot line shall be considered that lot line on the waterfront.
- B. REAR LOT LINE. That lot line opposite the front lot line. In the case of a lot which is pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten (10) feet long, lying farthest from the front lot line and wholly within the lot.
- C. SIDE LOT LINE. Any lot line other than the front lot line or rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot is an interior side lot line.



LOT OF RECORD. Any parcel of land, the dimensions of which are shown on a document or map on file with the Van Buren County Register of Deeds as of the date of adoption of this Ordinance or any relevant amendment thereto which would affect such lot, which lot actually exists as shown or any part of a parcel held in a record ownership separate from that of the remainder thereof.

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



LUMBER AND PLANING MILL. A facility where logs or partially processed cants are sawn, split, shaved, stripped, chipped, or otherwise processed to produce wood products, not including the processing of timber for use on the same lot by the owner or resident.

SECTION 2.13 M

MAIN BUILDING. A building in which the principal use is situated.

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

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

MANUFACTURING AND PROCESSING ESTABLISHMENT. An establishment engaged in the mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the creation of products, and the blending of materials, usually in a continuous and regular action or succession of actions.

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

MEDICAL AND DENTAL OFFICES AND CLINICS. A facility in which medical, health, and related providers maintain offices and provide services to patients on an outpatient basis.

MICRO-BREWERY. A facility operated by a micro brewer duly licensed by the State of Michigan Liquor Control Commission (MLCC) to brew ales, beers, meads, and/or similar beverages within the limits established by the State of Michigan for a micro brewer.

MOTEL/HOTEL. A building or group of buildings on the same lot, whether detached or in connected rows, containing sleeping or dwelling units which may or may not be independently accessible from the outside, with garage or parking spaces located on the lot, and designed for, or occupied by, automobile travelers. The term shall include any building or building groups designated as motor lodges, transient cabins, or by any other title intended to identify them as providing lodging, with or without meals, for compensation on a transient basis. Motels and hotels do not include Bed and Breakfast establishments or Boarding Houses.

SECTION 2.14 N

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

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

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

SECTION 2.15 O

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

ON SITE WIND ENERGY SYSTEM. A land use for generating electric power from wind and is an accessory use that is intended to primarily serve the needs of the consumer at that site.

OPEN AIR BUSINESSES. Retail sales establishments operated substantially in the open air, including uses such as:

- A. Bicycle, utility truck or trailer, motor vehicles, boats, or home equipment sales, repair, or rental services.
- B. Outdoor display area and sale of motor homes, recreation vehicles, manufactured homes, farm equipment, construction equipment, snowmobiles, swimming pools and similar activities.
- C. Retail sales of trees, fruits, vegetables, shrubbery, plants, seeds, topsoil, humus, fertilizer, trellises, lawn furniture, playground equipment and other home garden supplies and equipment, but not including lumberyards.
- D. Tennis courts, archery courts, shuffleboard, horseshoe courts, miniature golf, golf driving range, pickleball courts, children's amusement parks or similar recreational uses (transient or permanent).

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

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

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

SECTION 2.16 P

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

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

PLACE OF PUBLIC ASSEMBLY. Buildings, structures and grounds, including theaters, churches, auditoriums, sports arenas, concert halls, lecture halls and other similar facilities intended for commercial or non-commercial entertainment, instruction, worship or similar activities involving assembled groups of people numbering thirty (30) or more.

PLANNED UNIT DEVELOPMENT (PUD). A development of land that is under unified control and designed and developed as a whole in a single development operation or programmed series of development stages. The development may include streets, circulation ways, utilities, buildings, open spaces, and other site features and improvements.

PLANNING COMMISSION. The Keeler Township Planning Commission.

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

PRINCIPAL USE. The primary use to which the premises is devoted.

PRIVATE CLUB, FRATERNAL ORGANIZATION, OR LODGE HALL. Buildings and facilities, owned or operated by a corporation, association, person or persons, for a social, educational, or recreational purpose, to which membership is required for participation and not primarily operated for profit nor to render a service that is customarily carried on as a business.

PROFESSIONAL OFFICES. A building or group of buildings used primarily for conducting the affairs of a business, profession, service, industry, or government, or like activity, and may include ancillary services for office workers, such as a coffee shop or child-care facilities.

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

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

SECTION 2.17 Q

Reserved for future use.

SECTION 2.18 R

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

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

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

RESEARCH AND/OR DEVELOPMENT FACILITY. An establishment for carrying on investigation in the natural, physical, or social sciences, which may include engineering, product development, and the mass manufacture, fabrication, processing, or sale of products or services.

RESTAURANT. An area or structure in which the principal business is the preparation and sale of food and beverages to the customer in a ready-to-consume state. Operations may or may not include outdoor seating areas, drive-through service, or outdoor food service.

RETAIL STORES. An establishment engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods.

ROTOR. An element of a Wind Energy System that acts as a multi-bladed airfoil assembly, thereby extracting through rotation, kinetic energy directly from the wind

SECTION 2.19 S

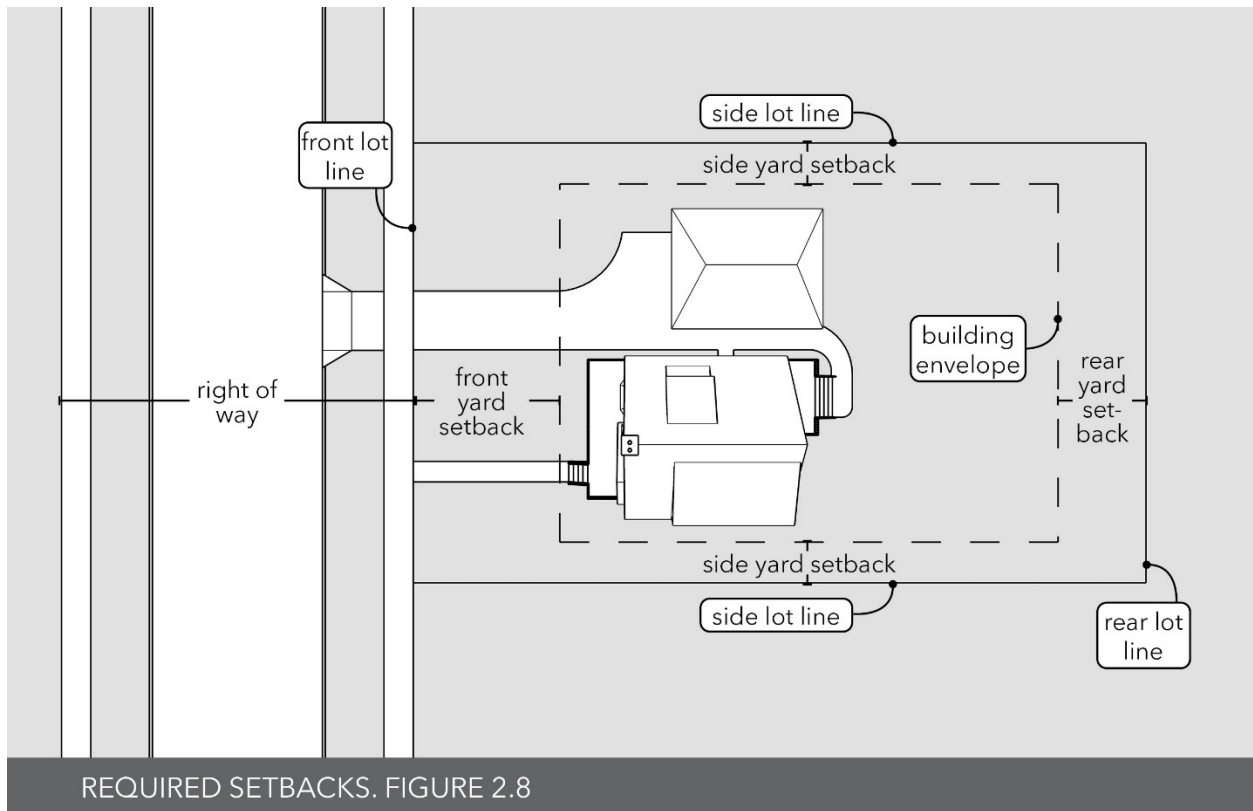
SALVAGE YARD. (See JUNK YARD)

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

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

SETBACK. (See SETBACK, REQUIRED and YARD) The horizontal distance between a front, rear, or side lot line and a building line. In instances where a setback is measured from a street, such measurement shall be from the street right-of-way or easement, as applicable.

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



SIGN. (See Section 14 – SIGNS)

SHADOW FLICKER. Alternating changes in light intensity caused by the moving blade(s) of a Wind Energy System casting shadows on the ground and stationary objects, such as but not limited to a window at a dwelling.

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

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

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

SOUND PRESSURE. An average rate at which sound energy is transmitted through a unit area in a specified area. The pressure of sound is measured at a receiver.

SOUND PRESSURE LEVEL. The sound pressure mapped to a logarithmic scale and reported in decibels (dB).

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

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

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

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

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

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

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

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

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

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

SECTION 2.20 T

TAVERN. A commercial establishment licensed to sell at retail and serve beer, wine, liquor or other alcoholic beverages for consumption on the premises and where the service of food is incidental to the sales and consumption of such beverages.

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

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

TOWNSHIP. Unless otherwise specified, Township shall mean Keeler Township, Van Buren County, Michigan.

TOWNSHIP BOARD. The Township Board of Keeler Township.

TRADE OR INDUSTRIAL SCHOOL. A secondary or higher education facility primarily teaching usable skills that prepare students for jobs in a trade and meeting the state requirements as a vocational facility.

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

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

SECTION 2.21 U

USE, PRINCIPAL. The primary use to which the premises is devoted.

UTILITY GRID WIND ENERGY SYSTEM. A land use for generating power by use of wind at multiple tower locations in a community and includes accessory uses such as but not limited to a SCADA tower or an electric substation. A Utility Grid Wind Energy System is designed and built to provide electricity to the electric utility grid.

UTILITY AND PUBLIC SERVICE BUILDING. Buildings such as power plants or substations, water treatment plants or pumping stations, sewage disposal or pumping plants, and other similar public service structures operated by a public utility, or a railroad, whether publicly or privately owned, or by a municipal or other governmental agency, including the furnishing of electrical, gas, rail or passenger bus transport, communication, public water, and sewer services.

SECTION 2.22 V

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

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

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

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

VEHICLE WASH ESTABLISHMENT. Any building or premises or portions thereof used for washing automobiles.

VETERINARY CLINIC. A building, or any portion thereof, used for the treatment of animals as outpatients. Kenneling of animals shall be indoors and shall be limited to those requiring

overnight care due to medical reasons.

SECTION 2.23 W

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

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

WETLAND, REGULATED. Certain wetlands regulated by the Michigan Department of Environment, Great Lakes, and Energy under the provisions of Act 451 of the Public Acts of 1994.

WHOLESALE AND WAREHOUSING ESTABLISHMENT. An establishment or place of business primarily engaged in storing and selling merchandise to retailers; to industrial, commercial, institutional, or professional business users; to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

WILD OR EXOTIC ANIMAL. Any animal which is not typically domesticated or found on farms or in residential homes, but which is typically found in the wild, zoos, circuses, wildlife sanctuaries or nature preserves.

WIND ENERGY SYSTEM (WES). A land use for generating power by use of wind; utilizing use of a wind turbine generator and includes the turbine, blades, and tower as well as related electrical equipment. This does not include wiring to connect the Wind Energy System to the grid. See also ONSITE WIND ENERGY SYTEM and UTILITY GRID WIND ENERGY SYSTEM.

WIND SITE ASSESSMENT. An assessment to determine the wind speeds at a specific site and the feasibility of using that site for construction of a Wind Energy System

WINERY. A facility operated by a wine maker duly licensed by the State of Michigan Liquor Control Commission (MLCC) to manufacture, bottle and sell wine.

WINERY, SMALL. A facility operated by a small wine maker duly licensed by the State of Michigan Liquor Control Commission (MLCC) to manufacture, bottle and sell wine within the limits established by the State of Michigan for a small wine maker.

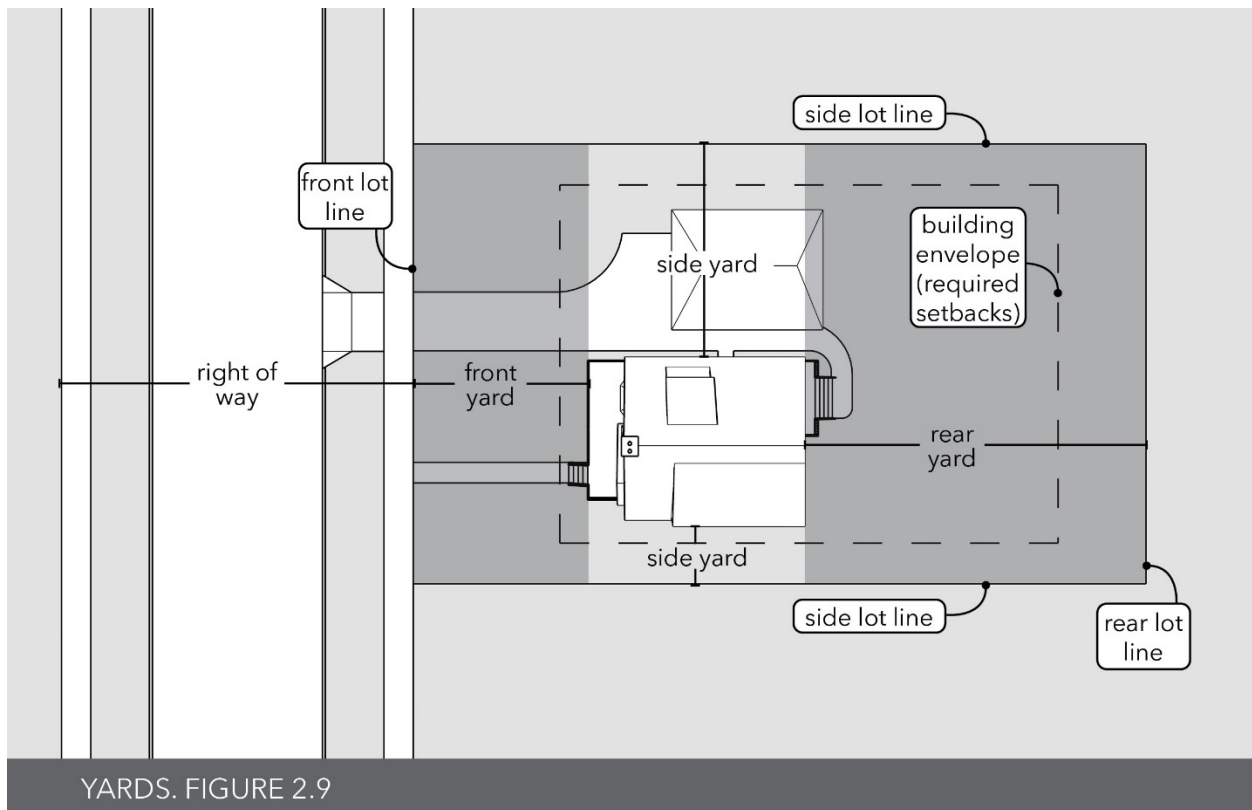
SECTION 2.24 X

Reserved for future use.

SECTION 2.25 Y

YARDS. The open spaces on the same lot with a main building that are unoccupied and unobstructed from the ground upward except as otherwise provided in this Ordinance.

- A. **FRONT YARD.** An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the building line of the main building. In the case of a lot having frontage on a body of water, the front yard shall be considered that area between the shoreline and the building line of the main building. In the case of a corner lot, all lot lines abutting a street (public or private) shall be considered a front lot line with front yards provided for each.
- B. **REAR YARD.** An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the building line of the main building. In the case of a corner lot, the rear yard may be opposite either street frontage.
- C. **SIDE YARD.** An open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point on the side lot line to the building line of the main building.



YARDS. FIGURE 2.9

SECTION 2.26 Z

ZONING ACT. The Michigan Zoning Enabling Act; Act 110 of 2006, as amended.

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

ZONING BOARD OF APPEALS. (See BOARD)

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

CHAPTER 3 - GENERAL PROVISIONS

SECTION 3.00 AREA, HEIGHT AND USE CONDITIONS AND EXCEPTIONS

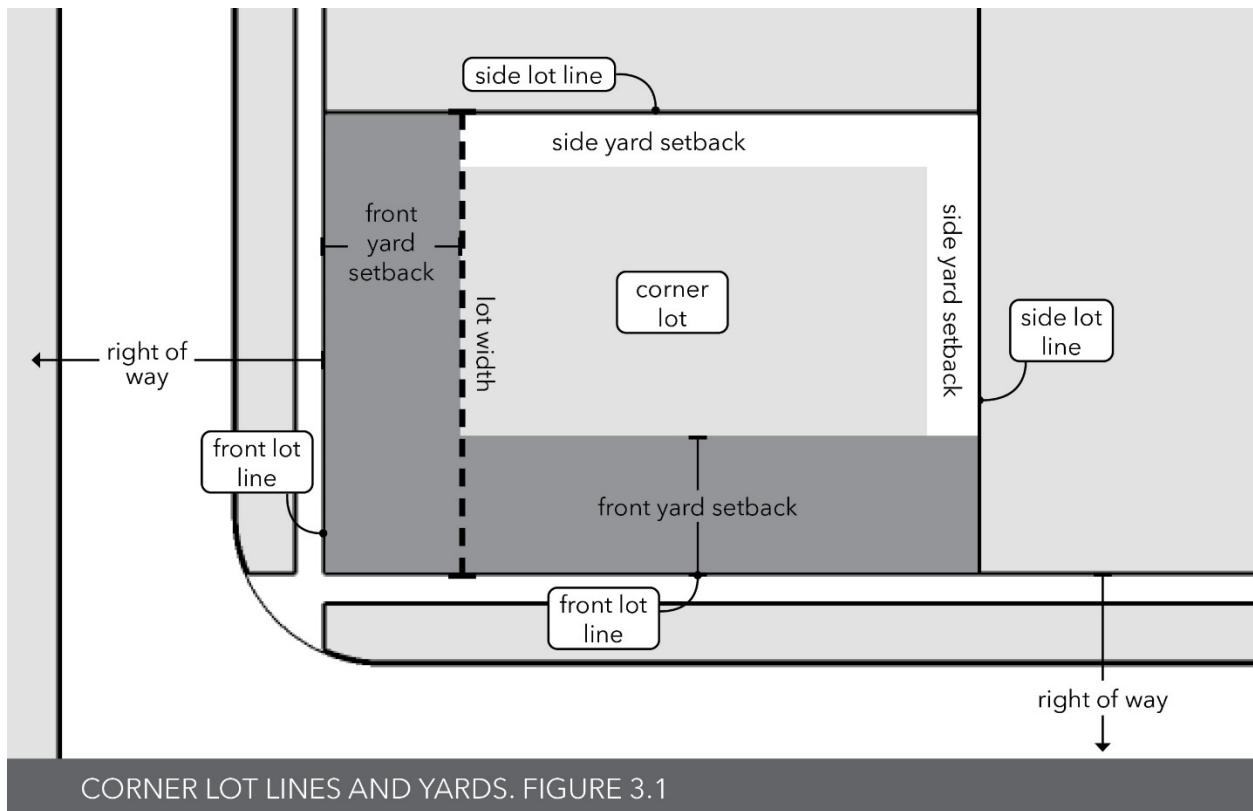
- A. Required Area or Space. A lot or lots in common ownership or a yard, court, parking area, frontage, dimension, or other space shall not be divided, altered or reduced so as to make it not in conformance with the minimum requirements of this Ordinance. If already less than the minimum requirements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

SECTION 3.01 REQUIRED YARDS AND LOTS

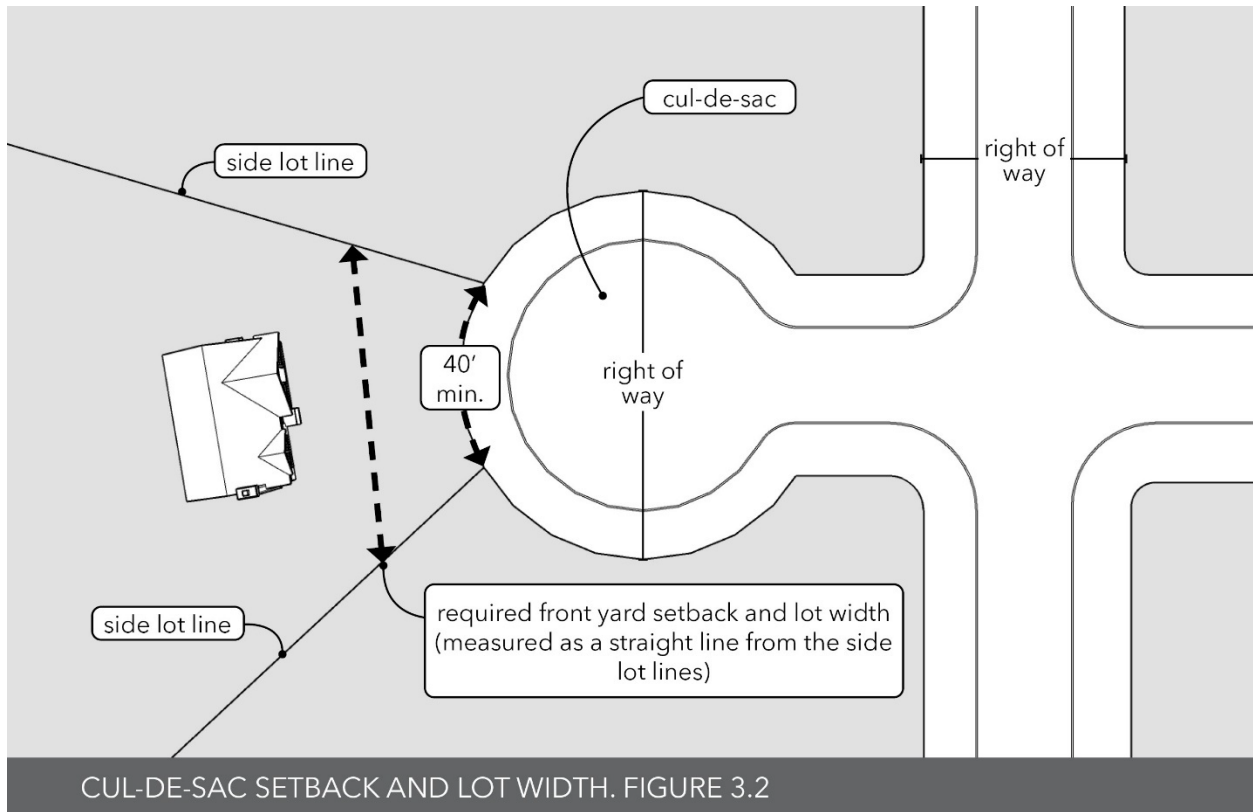
- A. Minimum Requirements. All lots, yards, parking areas or other spaces created after the effective date of this Ordinance shall comply with the minimum requirements of the District in which they are located.
- B. Exclusion of Private Street Easements, Public Right-of-Way, and Bottomlands in Computing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

C. Measuring Setbacks and Lot Widths.

1. For non-lakefront lots, required front yard setbacks shall be measured from the right-of-way line of a public road or easement of a private road.
2. Side yard setbacks shall be measured from the side lot lines and rear yard setback shall be measured from the rear lot line or easement.
3. Except as may be noted in 6, below, the minimum lot width required in each zoning district shall be maintained across the entire length of the lot. All lots shall have frontage on a public or private street for a distance equal to or greater than the minimum lot width specified for the district in which the lot is located.
4. On corner lots, through lots or lots with multiple street frontages, the front yard requirements shall apply on all streets, except that a lakefront lot shall not be considered as a through lot, and the waterfront side shall be considered the front yard and the street side shall be considered the rear yard. Corner lots shall have two front lot lines and two side lot lines and no rear lot line.

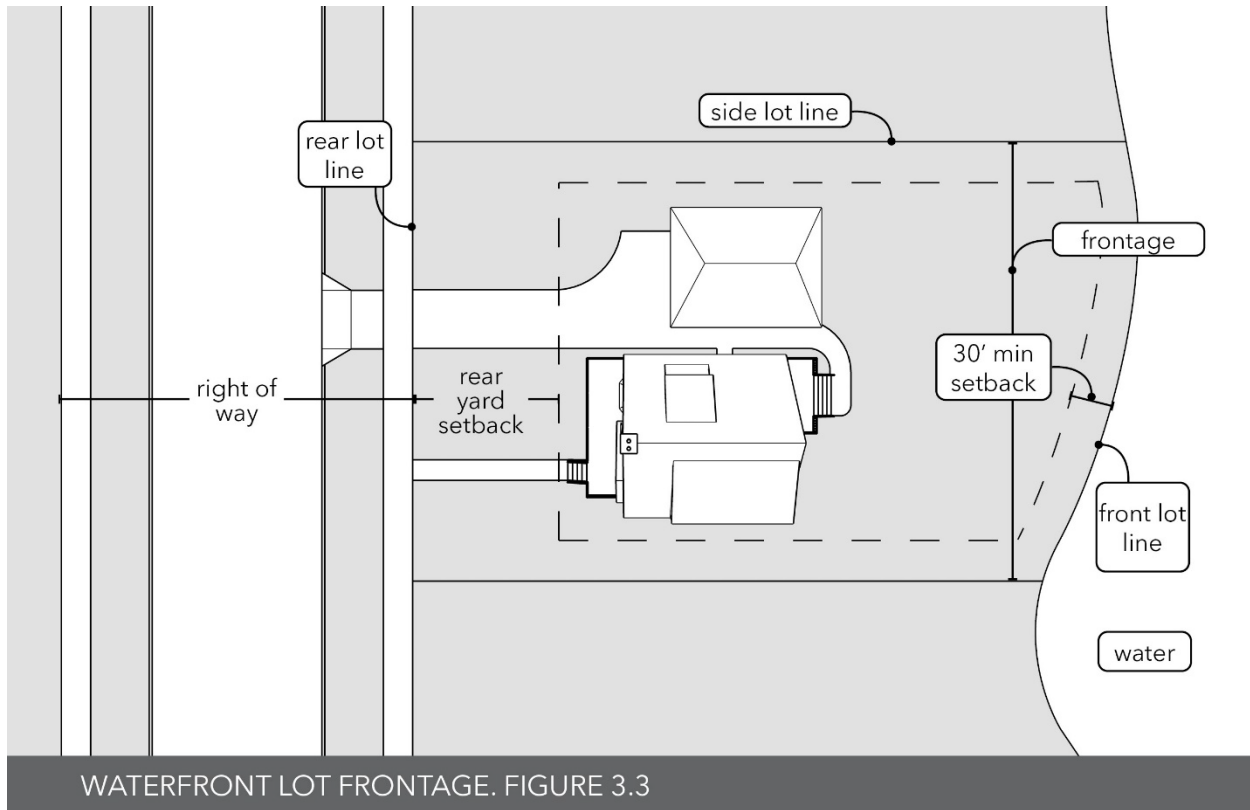


5. The minimum lot width for a lot on a cul-de-sac or other irregularly shaped lot shall be measured at the front yard setback line and shall not be diminished throughout the rest of the lot. These lots shall have a minimum lot width of forty (40) feet at the front property line.



6. Lakefront Lots.

- a. On lakefront lots the front yard shall be considered as the portion of the lot facing the waterfront. The yard opposite the front yard shall be considered the rear yard.
- b. The waterfront setback shall be measured from the ordinary high water mark or from the water level elevation established by either court action or by an administrative action of the Michigan Department of Environment, Great Lakes, and Energy.
- c. The Zoning Board of Appeals may approve an average setback line which is less than that required by this Ordinance where eighty percent (80%) of the lakefront lots within two hundred (200) feet and on either side of the subject lot are developed, provided that the developed lots are within the same zoning district.
- d. For all lots abutting or having frontage on a lake, river or stream, each lot shall have frontage on the lake, river, or stream, as measured thirty (30) feet from the ordinary high water mark, equal to or greater than the minimum lot width requirement of the zoning district within which the property is located.



WATERFRONT LOT FRONTAGE. FIGURE 3.3

e. View Obstruction.

- (1) No fence or wall (including landscaping) shall be constructed within the required front yard of any lakefront lot exceeding four (4) feet in height and shall extend no closer than ten (10) feet from the ordinary high water mark.

SECTION 3.02 PRINCIPAL USE OR MAIN BUILDING ON A LOT

- A. In all Districts, no more than one (1) principal use or main building shall be placed on a lot, except for groups of related industrial or commercial buildings or uses, or multiple family dwellings, contained within a single, integrated complex or building, sharing parking, access, and other similar site features.
- B. If any part of any building is lawfully used for residential purposes and the remainder thereof is lawfully used for business, commercial, or other non-residential use, the part thereof used for residential purposes shall comply with the underlying residential district standards. If the underlying district does not provide for residential standards, then the requirements of the Rural Residential District shall apply to that part of the building used for residential purposes.
- C. If a structure is to be located on two (2) or more lots under single ownership, or if adjacent lots are required to maintain minimum lot area or yard requirements, then all lots shall be legally and automatically combined into one (1) individual lot.

SECTION 3.03 RIPARIAN ACCESS

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

- A. In all Districts there shall be at least sixty (60) feet of lake, river, or stream frontage, as measured at the ordinary high water mark along the lake, river, or stream, for each single family home, dwelling unit, cottage, condominium unit, site condominium unit or apartment utilizing or accessing the lake, river, or stream frontage; provided however, the above frontage requirement shall not supersede frontage requirements which may be greater as provided elsewhere within this Ordinance.
- B. The restrictions of this Section shall apply to all lots and parcels on or abutting any lake, river, or stream in all Districts, regardless of whether access to the lake, river, or stream waters shall be by easement, park, common-fee ownership, single-fee ownership, condominium arrangement, license, or lease.
- C. In all zoning districts, no lake access, boat ramp, shore station, dock, boat launch or shoreline abutting a lake shall be utilized for commercial business, outdoor recreational (or entertainment) facilities, institutional, nonresidential or nonagricultural uses or purposes unless the use complies with the requirements of the district in which it is located and further the use is also approved as a special land use or planned unit development.
- D. The lake, stream and river access and use regulations contained in this Section shall be fully applicable to all planned unit development and special land use projects or developments.
- E. In addition to the above limitations, no easement, private park, common area or lot or access property abutting or adjoining a lake shall be used to permit access to the lake, river, or stream for more than one (1) single-family home, dwelling unit, condominium unit, site condominium unit, apartment unit or any other use unless the additional access is permitted in the zoning district in which it is located and furthermore the use must also be approved as a special land use or planned unit development.

SECTION 3.04 FARMS AND FARM OPERATIONS EXEMPT

A farm or farm operation located in the AG, R-R, C, or I zoning districts that is in compliance with Generally Accepted Agricultural Management Practices (GAAMPs) as promulgated by the Michigan Department of Agricultural and Rural Development (MDARD) shall not be subject to this Ordinance pursuant to the Michigan Right to Farm Act.

SECTION 3.05 USE OF BASEMENT FOR DWELLING PURPOSES

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

considered a basement dwelling.

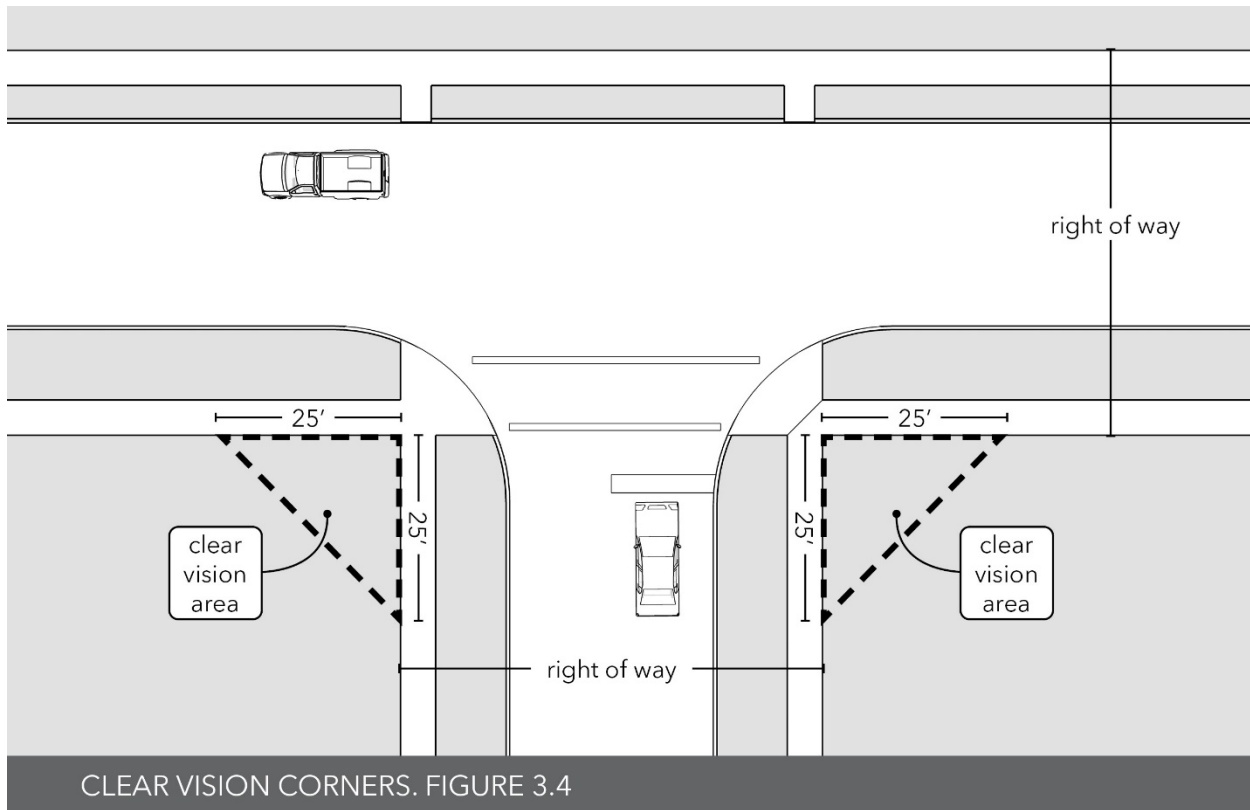
SECTION 3.06 PROJECTIONS INTO YARDS

A. Porches, decks, balconies, or window awnings and similar structures may project into yards as follows:

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

SECTION 3.07 CLEAR VISION CORNERS

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



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

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

SECTION 3.09 TEMPORARY USES OR STRUCTURES

A. Temporary Offices.

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

months and may be renewed by the Zoning Administrator for two (2) additional successive periods of six (6) calendar months or less at the same location if the office is still incidental and necessary for the sale or rental of real property in a new subdivision or housing project.

B. Manufactured Homes as Temporary Residences.

1. The Zoning Administrator may issue a permit to an individual to park and temporarily occupy a manufactured home or recreational vehicle in any Residential District provided that the Zoning Administrator makes the following determinations:
 - a. The manufactured home will be used only as a temporary use on the same lot while the individual is constructing a permanent residence.
 - b. A building permit has been issued for the construction of a permanent residence to the individual applying for the temporary manufactured home permit.
 - c. The manufactured home dwelling meets the requirements of the Van Buren Cass District Health Department and all applicable Township ordinances.
2. Upon applying for a temporary manufactured home permit, the applicant shall pay a fee to the Township as determined by the Township Board. The permit fee shall be remitted to the Township Treasurer. The original temporary manufactured home permit shall be limited to a period of twelve (12) months. If the permanent residence is not complete but is continually working toward completion, as determined by the Zoning Administrator, within the twelve (12) month period, a six (6) month extension or less may be permitted by the Zoning Administrator only for the purpose of completing the residence. In granting such an extension, the applicant must provide a valid reason for the delay and demonstrate that work on the building will be diligently pursued to completion.
3. Upon the filing of an application for continuation of any manufactured home permit, the applicant shall pay a fee, as determined by the Township Board; and the fee shall be remitted to the Township Treasurer. The fee shall be for the consideration of the application, and no refund shall be made in the event of a denial.
4. In addition to the original application fee, the applicant shall post a bond, cash deposit, or other security acceptable to the Township Board, in an amount determined by the Zoning Administrator based on the actual removal costs to be placed in a non-interest bearing, escrow, account as a guarantee that a manufactured home used as a temporary residence will be removed within thirty (30) days after expiration of the temporary manufactured home permit. In the event the temporary manufactured home is not removed as required, the Township may use any or all of the guarantee to have the manufactured home removed and stored. Any portion of the guarantee not used by the Township for the above stated removal and storage shall be returned to the applicant.

C. Standards for Temporary Uses and Structures. In considering authorization for all temporary

uses or structures, the Zoning Administrator shall consider the following:

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

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

SECTION 3.10 ACCESSORY USES

- A. In any District, accessory uses, incidental only to a permitted use, are permitted when located on the same property, or within one hundred (100) feet on a lot in the Lake Residential District; provided that the accessory uses shall not involve the conduct of any business, trade or industry. This provision shall not mean the exclusion of home occupations as regulated by this Ordinance, nor shall it exclude the operation of a garage or yard sale, provided that the sale is not operated for more than a total of five (5) days within any thirty (30) day period. Gardening and the keeping of domestic or farm animals shall be considered customary to, and commonly associated with, the operation of the Permitted Uses or Special Land Uses; subject to the requirements of this Ordinance and the underlying zone district.
- B. Except as provided by this Ordinance, no accessory use shall be established on any lot unless a principal use has been established on the same lot.

SECTION 3.11 ACCESSORY BUILDINGS

A. General Requirements.

1. In any District, except as noted, an accessory building may be erected detached from the main building, or may be erected as an integral part of the main building.
2. When an accessory building is erected as an integral part of the main building, it shall comply in all respects with the requirements of this Ordinance applicable to the main building. An accessory building may be designed to match the existing roof pitch of the primary residence.
3. Detached accessory buildings shall not be erected in the required front yard in any residential district, except that on lots with frontage on a lake and with a single family dwelling, not more than one (1) accessory building may be erected in the required front yard, provided it meets required setbacks and it is located at least fifteen (15) feet from

the high water mark. Said structure may not exceed one-hundred (100) square feet in area. Provided further however, detached accessory buildings may be erected in the required front yards of any lot exceeding 2.0 acres.

4. The distance between detached accessory buildings and the main building or buildings shall not be less than ten (10) feet. Accessory buildings or garages shall be considered as attached to the main building when the distance between structures is solidly covered by a breezeway, portico, covered colonnade, or similar architectural device.
5. The drip edge of any detached accessory building shall not be located closer than ten (10) feet to any side lot line or ten (10) feet from the rear lot line.
6. Except as otherwise noted in this Ordinance, accessory buildings shall only be erected or placed on a lot where a main building or principal use has been erected, placed, or established on the same lot. Exceptions to this requirement are noted in 7, below.
7. One (1) accessory building may be placed on a vacant lot in any district provided:
 - a. The lot shall be no less than 2.25 (2.25) acres.
 - b. The accessory building shall not be placed in a required front, side, or rear setback.
 - c. The accessory building shall be used primarily for customary household storage or non-commercial farm equipment and supplies.
8. Accessory buildings over one hundred and twenty (120) square feet must be designed, constructed, and finished in a manner so the exterior appearance is similar in construction, design and finishing to that of the main building, except for those used in farming operations.
9. Except for farms associated with residential uses, no more than two (2) detached accessory buildings shall be permitted on any residential lot.
10. Bathrooms and sleeping space may be provided, but in no case shall kitchens or cooking appliances be permitted in any accessory building.
11. Sinks, toilets, and any bathing facilities located in an accessory building shall be connected to a sanitary sewer or septic system approved by the appropriate governing agency.
12. Overnight occupancy by the property owners may be permitted if all applicable safety and building codes are followed and if the building is inspected and approved for such use. The renting of any portion of an accessory building for overnight occupancy is prohibited.
13. The maximum height of an accessory building shall be as set forth below except for

those used in farming operations, which may be as high as reasonably necessary:

- a. For lots less than 1 acre in area: The maximum sidewall height shall be 14 feet, and the total building height shall not exceed 26 feet measured from the floor or preconstruction grade to the top of the sidewall and to the roof peak
- b. For lots 1 acre or greater in area: the maximum sidewall height shall be 18 feet.

B. Accessory Building Floor Areas.

1. An accessory building located in the rear yard shall not occupy more than thirty percent (30%) of the rear yard area.
2. The maximum floor areas for all accessory buildings located on the same lot, for single and two family dwellings shall be in accordance with the following schedule. Floor area of accessory structures includes the entire horizontal enclosed and unenclosed finished floor or ground area covered by the rooftop of the structure, excluding areas under eaves projecting no more than two (2) feet from building walls.

Lot Size	Maximum Floor Area Permitted
20,000 sq. ft. in area or less	1,296 sq. ft.
Greater than 20,000 sq. ft. in area, to less than 2 acres	1,440 sq. ft.
2 acres to 5 acres	1,800 sq. ft.
Greater than 5 acres	3,000 sq. ft.

3. Multiple family developments: nine hundred sixty (960) square feet, excluding garages for the use of residents.
4. Manufactured home parks: as required by Chapter 10.
5. Uses in Nonresidential Districts and nonresidential uses in Residential Districts: not to exceed twenty-five percent (25%) of the floor area of the main building(s).
6. A detached accessory building shall meet all setback requirements for the District in which it is located.
7. Farm operations may erect accessory buildings as needed to support ongoing and on-site agricultural activities. The buildings shall meet the setbacks required for the district in which they are located, but are not restricted by size or height.

C. Waterfront Lots. In addition to the accessory buildings and structures permitted in this

Section, a waterfront lot shall be permitted one (1) boat locker, or other small storage structure, not exceeding three (3) feet in height and twenty (20) square feet in area, located at least six (6) feet from any side or rear property line and ten (10) feet from the water's edge.

- D. Accessory buildings shall be stick-built or the equivalent new building construction. No mobile home, tank, junk object, salvage material, trailer, vehicle, shipping container, tent, or similar item shall be utilized as an accessory building or storage structure; provided, however, that this requirement shall not be applicable to bona fide agricultural storage or activities, or to tool sheds or similar temporary storage structures utilized pursuant to the construction of a building so long as the period of construction does not exceed one (1) year.

SECTION 3.12 FENCES

- A. Fences shall not exceed eight (8) feet in height, measured from the ground surface to the uppermost portion of the fence; provided however, fences for farms and farm operations are not subject to these limitations. The artificial raising or berming of the land beneath the fence to increase the functional height of a fence is prohibited.
- B. Fences erected within the required front yard or any yard having frontage onto a body of water in any District shall not exceed four (4) feet in height, except when used to enclose vacant land or land used for agricultural purposes, which may be up to eight (8) feet in height. Fences within the required front yard or any yard having frontage onto a body of water shall be of a type which is not more than fifty percent (50%) solid throughout. For the purposes of this Section, any yard in any district fronting a road shall be considered a front yard.
- C. Fences in Non-Residential Districts which enclose storage lots or other areas requiring security may contain barbed wire, provided the barbed wire portion of the fence shall be six (6) feet or more from the surface of the ground. Fencing in the Agricultural (AG) District for the containment of animals may include barbed wire and/or electrified fencing at heights necessary for containment. The installation of electrified fencing shall comply with applicable Electrical Codes and the fencing shall not pose a threat to the public health, safety, or welfare.
- D. Fences shall not be erected within any public right-of-way in any District.
- E. Fences shall not be erected or maintained in any District in a manner that may obstruct the vision of vehicle drivers within the triangular area formed by the intersection of the street right-of-way lines and a line connecting two points located on those intersecting right-of-way lines twenty-five (25) feet from the point of intersection with the right-of-way lines.
- F. Fences shall be constructed of conventional fencing materials. The use of scrap materials, shipping containers, storage units, pallets, and similar materials or detritus as fencing is

prohibited. For the purposes of this provision, “conventional fencing materials” shall mean materials commonly utilized and arranged in a way that is customary in the construction industry such as chain link fences, split rail fences, plastic/vinyl fences, wood privacy fences, wrought iron, etc.

SECTION 3.13 SWIMMING POOLS

- A. Pools used for swimming or bathing shall be in conformity with the requirements of this Section; provided, however, these regulations shall not be applicable to any pool less than twenty-four (24) inches deep or having a surface area less than two hundred and fifty (250) square feet, except where pools are permanently equipped with a water recirculating system or involve structural materials.
- B. A swimming pool or appurtenances thereto shall not be constructed, installed, enlarged or altered until a building permit has been obtained.
- C. The outside edge of the pool wall shall not be located closer than ten (10) feet from any rear or side property line. Swimming pools shall not be located in the front yard.
- D. Each pool shall be enclosed by a fence or wall with a height of at least four (4) feet, sufficient to make the body of water inaccessible to small children. The enclosure, including gates therein, must be not less than four (4) feet above the underlying ground; all gates must be self-latching with latches placed four (4) feet above the underlying ground or otherwise made inaccessible from the outside to small children.
- E. All swimming pool installations shall comply with the adopted Building Code of Keeler Township and all standard codes referred to therein.

SECTION 3.14 HOME OCCUPATIONS

- A. Home occupations shall be conducted only by a person or persons residing in the home.
- B. No motor other than electrically operated motors shall be used in conjunction with the home occupation, and the total horsepower of permitted electrical motors shall not exceed ten (10) horsepower, or five (5) horsepower for any single motor. All equipment used in the home occupation shall be shielded so as not to cause radio or television interference.
- C. There shall be no exterior alteration in the residential character of the premises in connection with the home occupation and no more than twenty-five percent (25%) of the living area of the dwelling shall be devoted to the home occupation. Up to six hundred (600) square feet of a detached or attached accessory building may also be used for the home occupation.
- D. No merchandise or articles for sale shall be displayed for advertising purposes so as to be viewable from outside the main building and no sign or device relative to the sale of merchandise shall be displayed on the premises.

- E. All articles or materials used in connection with the home occupation shall be stored in the main and accessory buildings. No outside storage is permitted.
- F. No traffic shall be generated by the home occupation in greater volume than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of the home occupation shall be provided off the street and not within the required front yard.
- G. There shall be no sale of products or services except as are produced on the premises by the home occupation, except that products not produced on the premises that are incidental to services being performed as a part of the home occupation may be sold in limited quantities.

SECTION 3.15 RESIDENTIAL DWELLING UNITS - COMMERCIAL OR INDUSTRIAL USES

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

SECTION 3.16 RESERVED

SECTION 3.17 ANTENNA (DISH & WIRELESS)

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

SECTION 3.18 ESSENTIAL PUBLIC SERVICES

- A. The erection, construction, alteration or maintenance by public utilities or governmental units, boards or commissions of overhead or underground gas, electrical, steam or water distribution, transmission, collection, communication (except communication towers), or supply systems including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers, poles, electrical substations, gas regulator stations, utility pump and metering stations, and other similar equipment and accessories in connection therewith which are reasonably necessary for the furnishing of

adequate service by the public utility or municipal department or commission or for the public health, safety or general welfare is permitted in any District.

B. Notwithstanding the provisions contained above:

1. Electrical substations and/or gas regulator stations shall be enclosed with a fence or wall six (6) feet high and adequate to obstruct passage of persons or materials.
2. Public utility buildings when located in any Residential District shall not include maintenance shops, repair garages, or storage yards as a principal or accessory use.
3. Public utility facilities in any district are required to be constructed and maintained in a neat and orderly manner. Any building which is constructed shall be landscaped and shall conform with the general character of the architecture of the surrounding neighborhood.

SECTION 3.19 GOVERNMENTAL IMPROVEMENTS

Unless preempted by statute, the provisions of this Ordinance shall be applicable to and enforceable against the Township itself and all other governmental agencies and units, federal, state or local.

SECTION 3.20 HEALTH DEPARTMENT APPROVAL

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

SECTION 3.21 RAZING OF BUILDINGS

No building shall be razed until a building permit has been obtained. The Building Inspector shall be authorized to require a performance guarantee in any amount not to exceed 125% of the actual cost of removal of the building to be razed, or in accordance with the fee schedule established by the Township Board. The guarantee shall be conditioned on the applicant completing the razing within a reasonable period as shall be prescribed in the permit and complying with regulations as to health and safety as the Building Inspector may, from time to time, prescribe, including filling of excavations, proper termination of utility connections, and other applicable building codes.

SECTION 3.22 MOVING OF BUILDINGS

A. No existing building or structure of any type or kind shall be moved into the Township or moved from one lot in the Township to another lot in the Township unless a permit is issued by the Building Inspector. The buildings shall meet the construction code as adopted by the

Township. In considering the permit, the Building Inspector shall consider the following standards:

1. The type and kind of construction of the existing building in relation to its strength and whether or not the building may be a fire hazard.
2. Whether or not the type and age of the building is in keeping with adjoining and neighboring buildings.
3. The requirements of this Ordinance.

SECTION 3.23 KEEPING OF ANIMALS AND PETS

- A. No more than four (4) adult (six (6) months of age or older) dogs shall be kept or housed on any lot or premises in any Residential District.
- B. On non-farm properties in the Rural Residential (RR) District, the raising or keeping of up to two (2) animals, such as horses, is permitted providing the lot is at least one hundred thousand (100,000) square feet and providing the lot is one (1) acre larger for each additional animal.
- C. On non-farm properties in the R-1, Residential Zone, the raising or keeping of animals, such as horses, is permitted provided:
 1. The parcel is at least sixty (60) acres for the first animal and ten (10) acres for every animal thereafter.
 2. Animal holding areas are a minimum of one hundred (100) feet from any property line.
- D. The keeping of not more than six (6) chickens is permitted in a non-farm property subject to the following requirements:
 1. Chickens must be provided with a covered coop and shall be kept within a fenced area to prevent them from roaming the property.
 2. The coop shall be located within the rear yard and shall be set back at least twenty (20) feet from any side or rear lot line. Coops shall be constructed of traditional materials and shall not include tarps, plastic, fabric, rubber, paper, cardboard, or other non-conventional building materials.
 3. Chicken feed must be kept in rodent-proof, sealed containers.
- E. All premises for the keeping of animals shall be regularly maintained in a safe and sanitary condition.
- F. In accordance with the Right to Farm Act (Act 93 of 1981), the keeping of farm animals in AG Agricultural, RR Rural Residential, and R-1 Residential districts shall not be subject to

the standards of this Section if the animals are kept in compliance with Generally Accepted Agricultural Management Practices (GAAMPs).

G. The keeping of wild or exotic animals shall be prohibited.

SECTION 3.24 MINIMUM REQUIREMENTS FOR DWELLINGS OUTSIDE MANUFACTURED HOME PARKS

A. All dwelling units located outside of manufactured home parks shall comply with the following requirements:

1. All dwelling units shall provide a minimum height between the floor and ceiling of seven and one-half (7½) feet.
2. The minimum width of all elevations (sides of the home) shall be no less than twenty-four (24) feet.
3. There shall be a foundation of concrete or block around the entire exterior perimeter of all dwellings. The foundation shall have a minimum depth of forty-two (42) inches below grade. The foundation shall provide a maximum exposed foundation above grade of sixteen (16) inches and a minimum exposed foundation above grade of eight (8) inches. The Building Inspector may permit a lesser requirement, based on soil conditions, building type, topography, and any other relevant factor.
4. All dwellings without basements shall provide a crawl space below the entire floor of the dwelling two (2) feet in depth with a vapor barrier consisting of two (2) inches of concrete on the floor of the crawl space. The crawl space shall also be provided with adequate drains to drain any accumulation of water in the crawl space. The Building Inspector may allow an alternative building plan to be utilized if consistent with the approved construction code of the Township.
5. All dwellings shall be firmly attached to the foundation so as to be watertight as required by the construction code currently adopted by the Township, or if a manufactured home shall be anchored to the foundation by an anchor system designed and constructed in compliance with the United States Department of Housing and Urban Development Regulations entitled "Mobile Home Construction and Safety Standards."
6. The wheels, pulling mechanism and tongue of any manufactured home shall be removed prior to placement on a foundation.
7. All dwellings shall be connected to a public sewer system and water supply system and/or a well or septic system approved by the Van Buren Cass District Health Department.
8. All dwellings shall provide steps or porch areas, permanently attached to a foundation, where there exists an elevation differential of more than one (1) foot between any door

and the surrounding grade. All dwellings shall provide a minimum of two (2) points of ingress and egress.

9. All additions to dwellings shall meet all of the requirements of this Ordinance.
 10. All dwellings shall contain a minimum floor area as required by the underlying zoning district.
 11. All dwellings shall be aesthetically compatible in design and appearance with other residences in the vicinity.
 - a. The compatibility of design and appearance shall be determined in the first instance by the Zoning Administrator upon review of the plans submitted for a particular dwelling.
 - b. An appeal by an aggrieved party may be taken to the Zoning Board of Appeals. Any determination of compatibility shall be based upon the standards set forth in this Section as well as the character, design and appearance of residential dwellings located outside of manufactured home parks within five hundred (500) feet of the subject dwelling.
- B. The foregoing shall not be construed to prohibit innovative design concepts involving matters such as solar energy, view, unique land contour, or relief from the common or standard designed home.
- C. Prior to issuance of a building permit for any dwelling unit, construction plans, including a plot plan, adequate to illustrate compliance with the requirements of this Ordinance shall be submitted to the Building Inspector. If the dwelling unit is a manufactured home, there shall also be submitted adequate evidence to assure that the dwelling complies with the standards applicable to manufactured homes set forth in this Section.
- D. All manufactured homes shall meet the standards for manufactured home construction contained in the United States Department of Housing and Urban Development Regulations entitled "Mobile Home Construction & Safety Standards" effective June 15, 1976, as amended. All other dwellings shall meet the requirements of the adopted Township construction code.
- E. Refer to Chapter 10 regarding manufactured home parks and the applicable requirements and standards pertaining thereto.

SECTION 3.25 PRIVATE ROADS

- A. Intent. Keeler Township determines that it is in the best interest of the public health, safety, and welfare to regulate private roads.
- B. Permit Required. No private road shall be constructed, extended, upgraded to serve

additional parcels, or relocated after the effective date of this Ordinance unless an application for a private road construction permit has been filed with the Building Inspector, the permit fee established by the Township has been paid, the private road has been approved by the Township Board, and a permit has been issued.

C. Private Road Permit Application. The private road construction permit application shall provide:

- a. The name(s) of the owner(s) and any other parties having any legal interest in the private road and the property across which it is to be constructed.
- b. A site plan drawn to scale showing:
 - (1) all proposed lots along the private road
 - (2) the precise location, grade, route, elevation, dimensions, and design of the private road and any proposed extensions thereto
 - (3) existing and proposed curb cuts
 - (4) the location and distance to any public streets which the private road is to intersect. The site plan shall be prepared by a registered engineer, but may be prepared by registered surveyor or other qualified person if the proposed private road is to serve five (5) or fewer parcels, main buildings, etc.
 - (5) The location of all public utilities, including, but not limited to, water, sewer, telephone, gas, electricity, and television cable to be located within the private road right-of-way or within twenty (20) feet of either side thereof. Copies of the instrument describing and granting easements shall be submitted with the application.
 - (6) The location of any lakes, streams, wetlands, and drains within the proposed right-of-way or within one hundred (100) feet thereof.
 - (7) The location of any other buildings and structures located, or to be located, within one hundred (100) feet of the private road right-of-way.
 - (8) Any other requirements of this Ordinance.
- c. A survey of the right-of-way by a registered land surveyor, together with surveys for each parcel to be served by the private road.
- d. A proposed maintenance agreement, as defined in this Section.
- e. Any other requirements of this Ordinance.

D. Inspection. The Township Building Inspector or his/her designee shall have the right to enter

upon the property where the private road is (or will be) located to conduct inspections as may be necessary to enforce this Section.

E. Requirements for Private Roads.

1. All private roads shall have a recorded permanent right-of-way and easement with a minimum width of at least sixty-six (66) feet.
2. The area in which the private road is to be located shall have a minimum cleared width of twenty-eight (28) feet.
3. Any private road which terminates at a dead-end shall have a means for vehicle turnaround either by use of a cul-de-sac, with a minimum radius of forty (40) feet, or by a continuous loop.
4. The private road shall be named and street signs shall be installed in accordance with the standards and approval of the Van Buren County Road Commission. The private road addresses shall be posted in a conspicuous place at the entrance to the private road (at the intersection with the public road) in letters at least three (3) inches high.
5. The applicant shall provide the Township with a recordable private road maintenance agreement or other documentation satisfactory to the Township which shall assure that the private road shall be regularly maintained and repaired at the expense of the applicant or designee. The maintenance agreement shall run with the land.

F. Certificate of Compliance.

1. Upon completion of construction of the private road, the Township Building Inspector or his/her designee shall inspect the completed construction to determine whether it complies with the approved plans, specifications, permit, and this Ordinance. If the private road serves six (6) or more parcels, the applicant(s) shall provide the Township with a set of "as built" drawings bearing a certificate and statement from a registered engineer certifying that the private road has been completed in accordance with the requirements of the permit.
2. If the completed private road does not satisfy the requirements of the permit or this Ordinance, the applicant(s) shall be notified of the noncompliance in writing and shall be given a reasonable period of time within which to correct the deficiencies. Failure to correct the deficiencies within the time provided shall subject the applicant(s) to the penalties provided for in this Ordinance. No building permit shall be issued for a lot along a private road until and unless this private road fully complies with this Ordinance.

G. Permit Fee. The applicant shall pay a private road permit fee established by the Township Board.

H. Building Permits Issued. No building or other permit shall be issued for any building,

dwelling, use, or structure the primary access to which is to be provided by a private road until a private road construction permit has been issued.

- I. Deed Restriction. 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.*"
- J. Additions to Existing Private Roads. All additions to an existing private road shall comply with the provisions of this Ordinance.
- K. Private Road Maintenance. All private roads shall be reasonably maintained for access by emergency vehicles.
- L. Exemptions. The following private roads are exempt from this Section.
 - 1. Private roads, and extensions of existing private roads, serving three (3) or fewer parcels
 - 2. Private roads serving parcels under common ownership
 - 3. Private roads primarily utilized as farm lanes, utility roads, recreational roads
 - 4. Private roads deemed exempt by the Building Inspector and/or Zoning Administrator

SECTION 3.26 STORAGE OF RECREATION EQUIPMENT

- A. Recreational equipment may be located outside of an enclosed building on any lot within a Residential District provided that the following requirements are met:
 - 1. If located on a corner or an interior lot recreational equipment shall not be located within a required front yard. If located on a through lot, recreational equipment shall not be located in the required front yard, or rear yard between a public street and rear yard setback.
 - 2. Notwithstanding the provisions of this Section, recreational equipment may be temporarily parked within any yard for cleaning, loading, or unloading purposes for not more than 48 hours within any seven (7) day period.
- B. Recreational equipment may be used for living or housekeeping purposes for a period not exceeding fourteen (14) days in any calendar year.
- C. The foregoing provisions do not apply to permitted small private campgrounds permitted under Section 3.35.

SECTION 3.27 STORAGE AND REPAIR OF VEHICLES

- A. The repair, restoration and maintenance procedures or projects on vehicles in any

Residential District, when the work is not conducted entirely within the interior of a building, shall be subject to the following limitations (bona fide farming operations are exempt from these provisions):

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

SECTION 3.28 DRIVEWAYS

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

SECTION 3.29 UNWHOLESOME SUBSTANCES

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

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

SECTION 3.30 SITE CONDOMINIUMS

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

- A. All site condominium subdivisions shall require site plan review and approval by the Planning Commission. In addition to the information required for site plan review, the following information shall also be included:
 - 1. A condominium subdivision plan as required in Section 66 of the Condominium Act.
 - 2. If in effect, all information required by the Keeler Township Subdivision Regulations.
- B. Documented proof of review by the Van Buren County Road Commission, Drain Commissioner, Health Department, Michigan Department of Transportation and Michigan Department of Natural/Environment, Great Lakes, and Energy.
- C. All site condominium subdivisions shall meet the requirements of the district in which it is located, including minimum lot size, minimum setbacks and minimum floor area.
- D. Private roads meeting the requirements of Section 3.25 of this Ordinance shall be permitted.
- E. The Keeler Township Clerk shall be furnished with a copy of the recorded master deed, as defined in Section 8 of the Condominium Act. The master deed must ensure that Keeler Township will not be responsible for maintenance or liability of the non-dedicated portions of the subdivision and that all private roads will be properly maintained, that snow removal will be provided and that there is adequate access and turnaround for emergency vehicles. Responsibility for maintenance of stormwater retention areas, drainage easements, drainage structures, lawn cutting and other general maintenance of common areas must be clearly stated.
- F. The Keeler Township Clerk shall be furnished with two (2) copies of all drawings for review by the Township Building Inspector for compliance with all Township ordinances prior to issuance of any building permits. Fees for this review shall be established by the Township

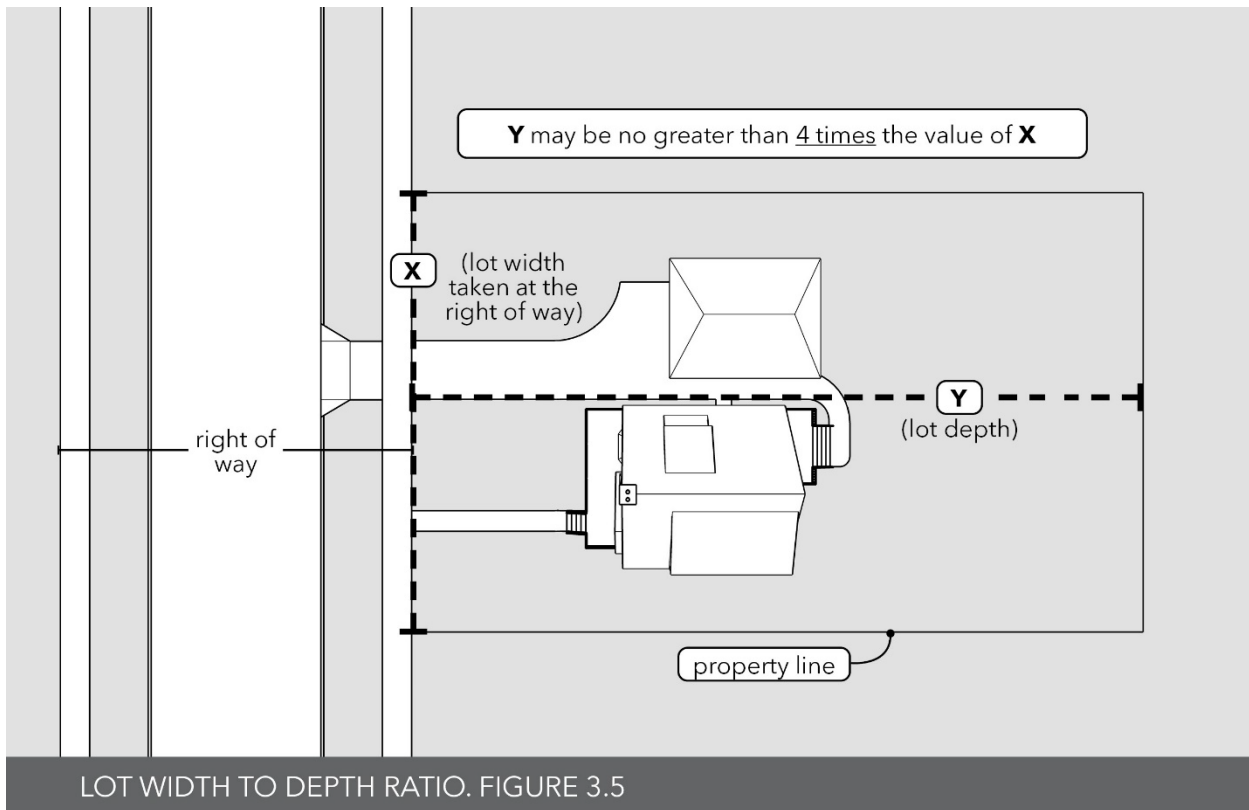
Board.

SECTION 3.31 DIVISION OF PARCELS OR LOTS

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

SECTION 3.32 LOT WIDTH TO DEPTH RATIO

- A. In all zoning districts, the depth of all lots created after the adoption of this Ordinance shall not exceed four (4) times the width of the lot.
- B. For purposes of this Section, the measurement of lot width shall be taken along the frontage on the public street or other approved road. The measurement for depth, for purposes of this Section, shall be taken from the street or road frontage to a point of the lot located farthest from the street or road frontage.



- C. The Planning Commission may permit, after site plan review, a lot with a depth greater than four (4) times the width of the lot, as measured in the manner stated above, if the Commission determines that the area in which the lot is located is not suitable for future development because of the presence of wetlands or severe topography or if the lot or parcel is located in a flood plain.

D. In the AG District, the Planning Commission shall determine that the following conditions have been satisfied before approving a greater ratio:

1. The parcel is poorly suited for agricultural production due to existing soil conditions, slope, or the presence of natural vegetation, such as woodlots, brushland, and wetlands. The Planning Commission, in making its determination, may consider facts such as, but not limited to, past and present uses of the parcel, past productivity, and the difficulty in making the parcel suitable for farming, including the presence of highly erodible land, as defined by the Soil Conservation Service.
2. There will be a minimal likelihood of conflicts arising between the residential use and the surrounding agricultural activities.
3. The permitting of the ratio will not adversely affect implementation of the Master Plan.

SECTION 3.33 NONCONFORMING LOTS, USES, AND BUILDINGS

A. Intent.

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

B. Nonconforming Lots of Record.

1. Where a lot of record in existence at the time of the adoption or amendment of this Ordinance does not meet the minimum requirements for lot width or lot area, the lot of record may be used for any purposes permitted by the district in which the lot is located,

provided that any building or structure meets at least eighty percent (80%) of the applicable required setbacks for that District, or obtains a variance from the Zoning Board of Appeals for the setbacks.

2. Contiguous Nonconforming Lots in Common Ownership.

a. For any two (2) or more nonconforming lots of record or combination of lots and portions of lots of record, in existence at the time of the passage of this Ordinance, or an amendment thereto, the lands involved shall be considered to be an undivided parcel for the purposes of this Ordinance if they:

(1) are in common ownership;

(2) are adjacent each other or have continuous frontage, and;

(3) individually do not meet the lot width or lot area requirements of this Ordinance.

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

C. Nonconforming Uses.

1. No nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of the adoption or amendment of this Ordinance, except as may be permitted by the Zoning Board of Appeals upon reaching a determination that the proposed enlargement, increase, or greater area:

a. Shall not have a substantial detrimental effect on the use and enjoyment of adjacent uses or lots;

b. Shall comply with all parking, sign, or other regulations applicable to accessory uses for the area affected by the proposed enlargement, increase, or greater area;

c. Shall comply with any reasonable conditions imposed by the Zoning Board of Appeals that are necessary to ensure that the proposed enlargement, increase, or greater area will not prove detrimental to adjacent properties, the neighborhood, or the community.

d. Shall not be larger than twenty-five percent (25%) of the original nonconforming area.

2. If any part of a nonconforming use is moved, the nonconforming use shall be considered to be abandoned and any subsequent use shall conform to the requirements of the District.

3. A nonconforming use shall be determined to be abandoned if one (1) or more of the following conditions exists for a period of twelve (12) months, and shall be deemed to constitute an intent on the part of the property owner to abandon the nonconforming use:
 - a. Utilities, such as water, gas and electricity to the property, have been disconnected;
 - b. The property, buildings, and grounds, have fallen into disrepair;
 - c. Signs or other indications of the existence of the nonconforming use have been removed;
 - d. Removal of equipment or fixtures which are necessary for the operation of the nonconforming use;
4. An existing nonconforming use may be changed to another nonconforming use provided that all of the following determinations are made by the Zoning Board of Appeals:
 - a. The proposed use shall be as compatible or more compatible with the surrounding neighborhood than the previous nonconforming use.
 - b. The proposed nonconforming use shall not be enlarged or increased, nor extended to occupy a greater area of land than the previous nonconforming use, except as may otherwise permitted by this Section.
 - c. That appropriate conditions and safeguards are provided that will ensure compliance with the intent and purpose of this Ordinance.

D. Nonconforming Buildings and Structures.

1. Where a lawful building or structure exists at the effective date of this Ordinance, or an amendment thereto, that does not comply with the requirements of this Ordinance because of restrictions such as lot area, coverage, width, height, or yards, the building or structure may be continued so long as it remains otherwise lawful, provided:
 - a. Such nonconforming structure, or portion of a structure, may be enlarged, extended, repaired, reconstructed, or replaced, providing the structure does not increase its nonconformity and all applicable provisions of the Keeler Township construction code and all applicable provisions of all other township, county, and state regulations are met.
 - b. The enlargement, extension, repair, reconstruction or replacement of such nonconforming structure shall be confined to the lot or parcel of record upon which it is located at the effective date of adoption or amendment to this ordinance.
 - c. Where the nonconforming side yard setback of a building or structure is equal to or greater than five feet, the nonconforming setback of the building may be extended

along the same horizontal plane as the existing side yard setback, providing that in doing so the setback distance does not become more nonconforming. This provision shall not be construed to apply to proposed extensions of buildings that are nonconforming by height.

For buildings where the nonconforming side yard setback is less than five feet the building may be extended as long as a side yard setback distance equal to five feet is maintained. This provision shall not be construed to apply to proposed extensions that are nonconforming by height.

- d. For buildings where the nonconforming rear yard setback is equal to or greater than ten (10) feet, the building may be extended along the same horizontal plane as the existing nonconforming setback provided that in doing so the setback distance does not become more nonconforming. This provision shall not be construed to apply to proposed extensions that are nonconforming by height.

For buildings where the nonconforming rear yard setback is less than ten (10) feet, the building may be extended as long as a rear yard setback of ten (10) feet or more is maintained along the extension. This provision shall not be construed to apply to proposed extensions that are nonconforming by height.

- e. For buildings where the nonconforming front yard setback is equal or greater than twenty (20) feet, the building may be extended along the same horizontal plane as the nonconforming front yard setback provided the setback distance does not become more nonconforming. This provision shall not be construed to apply to extensions that are nonconforming by height.

For buildings where the nonconforming front yard setback is less than twenty (20) feet, the building may be extended as long as a front yard setback of at least twenty (20) feet is maintained along the extension. This provision shall not be construed to apply to proposed extensions that are nonconforming by height.

- f. Extensions of nonconforming buildings and structures shall be limited to no greater the fifty percent (50%) of the original nonconforming portion of the building or structure being extended.

- 2. Extensions of Nonconforming Buildings and Structures. Beyond the extensions specifically allowed in Section 3.33 D. 1. c, d, e above, nonconforming buildings or structures may be structurally changed, altered or enlarged with the approval of the Zoning Board of Appeals when the Board finds that the request is a case of exceptional hardship in which failure to grant the relief requested would unreasonably restrict continued use of the property or would restrict valuable benefits that the public currently derives from the property as used in its nonconforming status, except that any approval for structural changes, alterations, or enlargements may be granted only with a finding by the Zoning Board of Appeals that approval will not have an adverse effect on

surrounding property and that it will be the minimum necessary to relieve the hardship.

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

SECTION 3.34 LANDSCAPING

- A. Purpose and Intent. The intent of this Section is to establish minimum standards for the design, installation, and maintenance of landscaping along public streets, as buffer areas between uses, on the interior of sites, within parking lots, and adjacent to buildings. Landscaping is viewed as a critical element contributing to the aesthetics, development quality, stability of property values, and the overall rural character in the Township.

The standards of this Section are also intended to screen headlights to reduce glare, integrate various elements of a site, help ensure compatibility between land uses, minimize negative impacts of storm-water runoff, and minimize noise, air, and visual pollution.

The landscape standards of this Section are considered the minimum necessary to achieve the intent.

- B. Berms. Wherever a berm is constructed within the Township, the following requirements shall be met:
1. Berms shall have a maximum height of five (5) feet above grade, and the crest shall gently curve with a level crown that is at least two feet wide.
 2. Berms located within a front yard shall not exceed a height of three (3) feet.
 3. Berms shall be designed to vary in height and shape to create a more natural appearance. An unbroken earth mound of uniform height shall be avoided.
 4. Berms shall be planted to have a natural and informal appearance.
 5. Plant material shall be placed on the top and side slope facing the exterior property line.
 6. In all districts in the Township, any yard fronting a street shall be considered a front yard.
- C. Seawalls. A Zoning Compliance Permit shall be obtained for all seawalls and retaining walls, prior to construction, in all districts.
- D. Commercial (C) and Light Industrial (LI) District Requirements. When a site plan is required for development in the C Commercial and I Light Industrial districts pursuant to Chapter 14, landscaping shall be incorporated into the site and a landscape plan shall be submitted in conjunction with the site plan. The landscape plan shall clearly describe the location, type, size, height, and spacing of plant materials.

1. Time of Installation. Landscaping shall be planted no later than six (6) months after a certificate of occupancy has been issued. Upon request of the applicant, the Zoning Administrator may allow an extension of time of up to six (6) months due to seasonal weather conditions.
 2. Parking Lot Landscaping. The Planning Commission may require landscaping buffers and/or greenbelts to ensure that proposed uses will be adequately buffered from one another and from neighboring property. Berms and swales shall be constructed with slopes not to exceed 1:3 gradient and designed and planted to prevent erosion. Buffer areas shall be stabilized with vegetation to prevent erosion. Where a front yard parking lot is proposed, additional landscaping may be required by the Planning Commission if it is determined that it would protect the Township's rural character.
 3. Buffers between Uses. On sides abutting or adjacent to a residential district or use, there shall be a masonry wall or wooden privacy fence six (6) feet in height in C districts, or between six (6) feet and eight (8) feet in height in LI Districts, or a landscape buffer or berm of the same height and at least partially comprised of evergreen trees sufficient to provide complete screening.
 4. Front Yard Landscaping. Where a front yard parking lot exists or is proposed, additional front yard landscaping is encouraged and may be required by the Planning Commission where it is found that such additional landscaping would enhance and protect the Township's rural character.
- E. Adjustment of Requirements. The Planning Commission may determine that the purpose and intent of this Section would be better served by a modification of these requirements when deemed necessary due to the scope and nature of the proposed development. Additionally, the Planning Commission may waive or lessen requirements of this Section when it finds circumstances that meet the purpose and intent.

SECTION 3.35 SMALL PRIVATE CAMPGROUNDS

In the AG and R-R districts only, a property owner may establish on a lot a small private campground containing not more than four (4) campsites, subject to the following regulations:

- A. Planning Commission approval is required prior to the operation of any small private campground.
- B. A sketch plan of the site containing the information required by Section 19.02(c) shall be provided.
- C. The minimum lot area shall be 5 acres.
- D. Use of a small private campground shall be limited to invited guests of the property owner, and the campground shall not be open to the general public.

- E. Camping units such as tents, campers, or RVs shall be placed a minimum of 50 feet from property lines and a minimum of 150 ft from any occupied dwellings on adjacent property.
- F. No electrical service shall be provided. Personal generators may be used but shall not generate noise in excess of 65 decibels at any property line. Generators shall be turned off between the hours of 9pm and 8am.
- G. Composting or pit toilets may be installed in accordance with Van Buren Cass District Health Department standards.
- H. The use of firearms, recreational explosives, or fireworks shall be prohibited.
- I. The maximum duration of stay shall be 14 consecutive days.
- J. The property address must be posted on a visible post marker at the entry drive.

CHAPTER 4 - MAPPED DISTRICTS

SECTION 4.00 DISTRICTS

Keeler Township is hereby divided into the following Districts:

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

SECTION 4.01 ZONING MAP

A. The locations and boundaries of the Districts are hereby established as shown on a map maintained by the Township Clerk, titled "The Zoning Map of Keeler Township, Van Buren County, Michigan," which accompanies and is hereby made a part of this Ordinance. Where uncertainty exists as to the boundaries of Districts as shown on the zoning map, the following rules of construction and interpretation shall apply.

1. Boundaries indicated as approximately following the centerline of streets, highways, or alleys shall be construed to follow such centerlines.
2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
3. Boundaries indicated as approximately following Township boundaries shall be construed as following Township boundaries.
4. Boundaries indicated as approximately following shorelines or lake or stream beds shall be construed as following such shorelines or lake or stream beds, and in the event of

change in the location of shorelines or lake or stream beds, shall be construed as moving with the shoreline and lake or stream bed.

5. Lines parallel to streets without indication of the depth from the street line shall be construed as having a depth of two hundred (200) feet from the front lot line.
 6. Boundaries indicated as approximately following property lines, section lines or other lines of a government survey shall be construed as following such property lines, section lines or other lines of a government survey as they exist as of the effective date of this Ordinance or applicable amendment thereto.
- B. Whenever all or part of a street or other public way is vacated, it shall automatically become a part of the District to which it attaches. If a vacated area is bordered by two different Districts, the area shall be divided along a line half-way between them according to the adjacent District, unless the Township Board shall otherwise designate, subject to the provisions of Section 19.04.

SECTION 4.02 AREAS NOT INCLUDED WITHIN A DISTRICT

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

SECTION 4.03 USES NOT DESIGNATED

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

5. Shall comply with the review and approval requirements and district regulations that apply to similar authorized uses.

CHAPTER 5 - AG AGRICULTURAL DISTRICT

SECTION 5.00 DESCRIPTION AND PURPOSE

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

SECTION 5.01 PERMITTED USES

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

- A. Farms and farm operations.
- B. Single-family dwellings, including home occupations as regulated by Section 3.14.
- C. Commercial greenhouses and nurseries.
- D. Adult foster care family homes.
- E. Family day care homes.
- F. Accessory buildings, structures and uses customarily incidental to a Permitted Use or Special Land Use meeting the requirements of Sections 3.10 and 3.11.
- G. Small Private Campgrounds meeting the requirements of Section 3.35.

SECTION 5.02 SPECIAL LAND USES

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

- A. Country clubs, golf courses, riding stables, and publicly-owned athletic grounds and parks, and other similar uses, including related uses, such as snack bars, pro-shops, restaurants, and small retail shops selling goods directly related to the primary use, and other similar uses integral to the main use.
- B. Removal and processing of topsoil, stone, rock, sand, gravel, lime or other soil or mineral resources.

- C. Public or private campgrounds.
- D. Radio and television transmitting buildings and towers.
- E. Schools, churches, libraries, parks, playgrounds and community center buildings.
- F. Group day care homes.
- G. Sawmills.
- H. Produce/vegetable packaging plant.
- I. Farm implement sales and repair.
- J. Sale of animal feed, seed, fertilizers, and related farming products not conducted as part of a bona fide farming operation.
- K. Utility and public service buildings, including storage yards.
- L. Nursing homes and similar elder care facilities.
- M. Adult foster care small group homes.
- N. Farm Labor Housing.
- O. Veterinary clinics and commercial kennels.
- P. Wind Energy Systems
- Q. Commercial Wireless Telecommunication Tower.
- R. Small wineries or breweries.
- S. Commercial solar energy system.

SECTION 5.03 DISTRICT REGULATIONS

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

AG DISTRICT REQUIREMENTS	
MINIMUM FRONT YARD	30 feet
MINIMUM SIDE YARD	40
MINIMUM REAR YARD	40 feet
MAXIMUM BUILDING HEIGHT	35 feet
MAXIMUM LOT COVERAGE	25%
MINIMUM LOT AREA [See B, below]	10 acres
MINIMUM DWELLING UNIT WIDTH	24 feet
MINIMUM LOT WIDTH	330 feet
MINIMUM DWELLING UNIT FLOOR AREA	One Story - 850 square feet
	Two story - 600 square feet on ground floor

B. Permitted Lot Splits.

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

Sliding Scale - AG District	
Area of Lot of Record	Maximum Additional Lots Permitted
1 to 10 acres	1
10.1 to 20 acres	2
20.1 to 30 acres	3
30.1 to 40 acres	4
40.1 to 60 acres	6
60.1 to 80 acres	8
80.1 up	10

2. In addition to the divisions allowed under the above table, every farm which contains a single family dwelling existing before the date of this amendment (October 12, 2004)

shall be allowed to split a lot from the main farm acreage and create a new lot for the existing dwelling. This new lot shall comply with the provisions of paragraph C, below. Any additional lot splits are not permitted.

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

CHAPTER 6 - R-R RURAL RESIDENTIAL DISTRICT

SECTION 6.00 DESCRIPTION AND PURPOSE

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

SECTION 6.01 PERMITTED USES

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

- A. Farms and farm operations.
- B. Single-family dwellings, including home occupations as regulated by Section 3.14.
- C. Commercial greenhouses and nurseries.
- D. Adult foster care family homes.
- E. Family day care homes.
- F. Accessory buildings, structures and uses customarily incidental to a Permitted Use or Special Land Use meeting the requirements of Sections 3.10 and 3.11.
- G. Small Private Campgrounds meeting the requirements of Section 3.35.

SECTION 6.02 SPECIAL LAND USES

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

- A. Country clubs, golf courses, riding stables, and publicly-owned athletic grounds and parks, and other similar uses, including related uses, such as snack bars, pro-shops, restaurants, and small retail shops selling goods directly related to the primary use, and other similar uses integral to the main use.
- B. Removal and processing of topsoil, stone, rock, sand, gravel, lime or other soil or mineral resources.
- C. Public or private campgrounds.

- D. Radio and television transmitting buildings and towers.
- E. Schools, churches, libraries, parks, playgrounds and community center buildings.
- F. Group day care homes.
- G. Sawmills.
- H. Produce/vegetable packaging plant.
- I. Farm implement sales and repair.
- J. Sale of animal feed, seed, fertilizers, and related farming products not conducted as part of a bona fide farming operation.
- K. Utility and public service buildings, including storage yards.
- L. Nursing homes and similar elder care facilities.
- M. Adult foster care small group homes.
- N. Farm Labor Housing.
- O. Veterinary clinics and commercial kennels.
- P. Wind Energy Systems
- Q. Commercial Wireless Telecommunication Tower.
- R. Small wineries or breweries.
- S. Commercial solar energy system as a principal or accessory use.

SECTION 6.03 DISTRICT REGULATIONS

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

R-R DISTRICT REQUIREMENTS	
MINIMUM FRONT YARD	30 feet
MINIMUM SIDE YARD	20 feet
MINIMUM REAR YARD	40 feet
MAXIMUM BUILDING HEIGHT	35 feet
MAXIMUM LOT COVERAGE	25%
MINIMUM LOT AREA	100,000 square feet
MINIMUM DWELLING UNIT WIDTH	24 feet
MINIMUM LOT WIDTH	165 feet
MINIMUM DWELLING UNIT FLOOR AREA	One story - 850 square feet
	Two story - 600 square feet on ground floor

CHAPTER 7 - R-1 RESIDENTIAL DISTRICT

SECTION 7.00 DESCRIPTION AND PURPOSE

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

SECTION 7.01 PERMITTED

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

- A. Single-family dwellings, including home occupations as regulated by Section 3.14.
- B. Adult foster care family homes.
- C. Family day care homes.
- D. Schools, churches, libraries, parks, playgrounds and community center buildings.
- E. Accessory buildings, structures and uses customarily incidental to a Permitted Use or Special Land Use meeting the requirements of Sections 3.10 and 3.11.

SECTION 7.02 SPECIAL LAND USES

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

- A. Utility and public service buildings, without storage yards, but not including essential public services such as poles, wires, and underground utility systems.
- B. Group day care homes.
- C. Adult foster care small group homes.
- D. Bed and breakfast establishments.

SECTION 7.03 DISTRICT REGULATIONS

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

R-1 DISTRICT REQUIREMENTS	
MINIMUM FRONT YARD	30 feet
MINIMUM SIDE YARD	7 feet
MINIMUM REAR YARD	25 feet
MAXIMUM BUILDING HEIGHT	35 feet
MAXIMUM LOT COVERAGE	30%
MINIMUM LOT AREA	15,000 square feet
MINIMUM DWELLING UNIT WIDTH	24 feet
MINIMUM LOT WIDTH	100 feet
MINIMUM DWELLING UNIT FLOOR AREA	One Story – 850 square feet
	Two story – 600 square feet on ground floor

CHAPTER 8 – LR LAKESHORE RESIDENTIAL DISTRICT

SECTION 8.00 DESCRIPTION AND PURPOSE

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

SECTION 8.01 PERMITTED

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

- A. Single-family dwellings, including home occupations as regulated by Section 3.14.
- B. Adult foster care family homes.
- C. Family day care homes.
- D. Schools, churches, libraries and community center buildings.
- E. Parks, play fields, and recreational facilities owned and operated by public agencies, service clubs and libraries.
- F. Accessory buildings, structures and uses customarily incidental to a Permitted Use or Special Land Use meeting the requirements of Sections 3.10 and 3.11.

SECTION 8.02 SPECIAL LAND USES

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

- A. Health Care Centers.
- B. Bed and breakfast establishments.
- C. Group day care homes
- D. Adult foster care small group homes.

SECTION 8.03 DISTRICT REGULATIONS

- A. No main building, structure, or principal use of land, nor the enlargement of any building, structure, or use of land, shall hereafter occur unless the following requirements are met and

maintained in connection with such building, structure, use, or enlargement. (Refer to Chapter 15 for additional requirements for Special Land Uses.)

LR DISTRICT REQUIREMENTS	
MINIMUM FRONT YARD	30 feet (See also General Provisions 3.01.C.6, Lake Front)
MINIMUM SIDE YARDS	7 feet
MINIMUM REAR YARD	25 feet (See also General Provisions 3.01.C.6, Lake Front)
MAXIMUM BUILDING HEIGHT	35 feet
MAXIMUM LOT COVERAGE	30 %
MINIMUM LOT AREA	12,000 square feet
MINIMUM DWELLING UNIT WIDTH	24 feet
MINIMUM LOT WIDTH	60 feet
MINIMUM DWELLING UNIT FLOOR AREA	One Story - 850 square feet
	Two story - 600 square feet on ground floor

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

- c. Any and all permits have been acquired as required by the laws of the State of Michigan and the rules and regulations of the State of Michigan, provided that it shall be unlawful to alter the shoreline of any watercourse, lake or reservoir in the Township by soil removal or fill.
- d. All filling or grading work shall be accomplished so as not to alter the natural drainage of adjoining land.

CHAPTER 9 - R-2 RESIDENTIAL DISTRICT

SECTION 9.00 DESCRIPTION AND PURPOSE

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

SECTION 9.01 PERMITTED USES

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

- A. Single-family dwellings including home occupations as regulated by Section 3.14.
- B. Two-family dwellings.
- C. Adult foster care family homes.
- D. Family day care homes.
- E. Accessory buildings, structures and uses customarily incidental to a Permitted Use or Special Land Use meeting the requirements of Sections 3.10 and 3.11.

SECTION 9.02 SPECIAL LAND USES

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

- A. Group day care homes.
- B. Bed and breakfast establishments.
- C. Nursing homes and elder care facilities.
- D. Adult foster care small group homes
- E. Adult foster care large group homes
- F. Adult foster care congregate facilities
- G. Schools, churches, libraries, parks, playgrounds and community center buildings.
- H. Multiple-family dwellings.
- I. Utility and public service buildings, without storage yards.

SECTION 9.03 DISTRICT REGULATIONS

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

R-2 DISTRICT REQUIREMENTS			
MINIMUM FRONT YARD		30 feet	
MINIMUM SIDE YARD (see 903.B, below)		10 feet	
MINIMUM REAR YARD		25 feet	
MINIMUM DWELLING UNIT WIDTH		24 feet	
MAXIMUM BUILDING HEIGHT		30 feet	
MAXIMUM LOT COVERAGE		30%	
MINIMUM LOT AREA	Dwellings	Single and Two Family	12,000 square feet/dwelling unit
		Multiple Family	2 acres; density shall not exceed 6 units/acre
	Other Uses		2 acres
MINIMUM LOT WIDTH	Single and Two Family Dwellings		100 feet
	Multiple Family Dwellings and Other Uses		100 feet
MINIMUM FLOOR AREA (Per Unit)	Single and Two Family Dwellings		One story - 850 square feet
			Two story - 600 square feet on ground floor
	Multiple-Family Dwellings		850 square feet

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

CHAPTER 10 - MHP MANUFACTURED HOME PARK DISTRICT

SECTION 10.00 INTENT

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

SECTION 10.01 PERMITTED USES

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

- A. Manufactured homes located in a state-licensed Manufactured Home Park.
- B. Family day care homes.
- C. Adult foster care family homes.
- D. Single family dwellings, including home occupations, as regulated by Section 3.14.
- E. Accessory buildings, structures and uses customarily incidental to a Permitted Use or Special Land Use meeting the requirements of Sections 3.10 and 3.11 and this Chapter.

SECTION 10.02 SPECIAL LAND USES

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

- A. Utility and public service buildings, without storage yards, but not including essential public services such as poles, wires, and underground utility systems.
- B. Adult foster care small group homes
- C. Group day care homes

SECTION 10.03 LICENSED MANUFACTURED HOME PARKS

- A. All manufactured home parks shall comply with the applicable requirements of Public Act 96 of the Michigan Public Acts of 1987, as amended, provided further that these developments meet the standards and conditions and all other provisions as herein established.
- B. The parking of more than one (1) manufactured home on a single parcel of land or on two

(2) or more adjoining parcels of land under common ownership shall be illegal in Keeler Township, irrespective of the requirements of any other ordinance of Keeler Township, unless such parcel or parcels of land shall have been approved as a licensed manufactured home park under the provisions of this Chapter and state law.

- C. All manufactured homes and manufactured home parks shall be constructed in accordance with the State of Michigan Manufactured Home Commission rules and regulations set forth in the State of Michigan Administrative Rules for Manufactured Housing set forth in R 125.1101 *et seq.*

CHAPTER 11 - PLANNED UNIT DEVELOPMENTS

SECTION 11.00 DESCRIPTION AND PURPOSE

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

SECTION 11.01 QUALIFYING CONDITIONS

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

SECTION 11.02 REVIEW PROCEDURES

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

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

B. Preliminary Plan Approval.

1. To be considered as a PUD the applicant shall be required to first receive approval of a preliminary plan in accordance with the requirements of this Chapter.
2. Applications for preliminary plan approval for PUDs shall be submitted to the Zoning Administrator at least thirty (30) days prior to the date of first consideration by the Planning Commission.
3. The application materials shall include all the following information, unless the Zoning Administrator determines that some of the required information is not reasonably necessary:
 - a. Current proof of ownership of the land to be utilized or evidence of a contractual ability to acquire such land, such as an option or purchase agreement, or a signed agreement from the property owner indicating permission to file such application.
 - b. Written documentation that the proposal meets the standards of Section 11.04.E.
 - c. If a phased development is proposed, identification of the areas included in each phase. For residential uses identify the approximate density and type of proposed housing units within each phase and for the total PUD.
 - d. A completed application form, supplied by the Zoning Administrator, and an application fee.
 - e. Seven (7) copies and a PDF of a preliminary site plan meeting the preliminary site plan requirements of Chapter 14.
4. The Planning Commission shall conduct a public hearing prior to considering the proposed preliminary plan. Notices of the public hearing will be provided in accordance with the requirements of the Zoning Act.
5. The Planning Commission shall recommend to the Township Board either to deny, approve, or approve with conditions, the preliminary plan. The Township Board shall hold a public hearing and review the preliminary plan in accordance with the requirements of this Ordinance and deny, approve, or approve with conditions, the preliminary plan.
6. Approval of the preliminary plan by the Township Board shall constitute a rezoning of the

property to PUD.

7. Changes in the preliminary plan shall be submitted to the Planning Commission pursuant to the above procedures applicable to the original application.

C. Final Site Plan Approval.

1. After receiving approval of a preliminary plan from the Township Board the applicant shall within one (1) year submit a final site plan to the Planning Commission. Failure to submit a final site plan for approval within the one (1) year period shall void the previous preliminary plan approval and a new application shall be required to be submitted and approved in accordance with these provisions.
2. The final site plan may be for either the entire project or for one or more phases.
3. Applications for final site plan approval for PUDs shall be submitted to the Zoning Administrator at least thirty (30) days prior to the date of first consideration by the Planning Commission.
4. The application materials shall include all the following information, unless the Zoning Administrator determines that some of the required information is not reasonably necessary:
 - a. Current proof of ownership of the land to be utilized or evidence of a contractual ability to acquire such land, such as an option or purchase agreement, or a signed agreement from the property owner indicating permission to file such application.
 - b. Written documentation that the proposal meets the standards of Section 11.04.E.
 - c. If a phased development is proposed, identification of the areas included in each phase. For residential uses identify the number, type, and density of proposed housing units within each phase.
 - d. A completed application form, supplied by the Zoning Administrator, and an application fee.
 - e. Seven (7) copies and a PDF of a final site plan for the phase for which approval is requested, meeting the requirements of Chapter 14.
5. The Planning Commission may conduct a public hearing prior to considering the final site plan. If conducted, notice of the public hearing will be provided in accordance with the requirements of the Zoning Act.
6. The Planning Commission shall recommend to the Township Board either to deny, approve, or approve with conditions, the final site plan. The Township Board shall review the final plan in accordance with the requirements of this Ordinance and deny, approve,

or approve with conditions, the final site plan.

SECTION 11.03 PERMITTED USES

- A. Uses within a PUD shall be limited to the Permitted or Special Uses provided for within the District underlying the proposed PUD location. Provided, however, in the R-2 District the following combination of residential types shall also be permitted.
1. Single-family detached dwellings.
 2. Two-family dwellings, provided that such units make up no more than twenty percent (20%) of the total number of residential dwelling units in the total PUD.
 3. Multiple-family dwellings, provided that such units make up no more than thirty percent (30%) of the total number of residential dwelling units in the total PUD.

SECTION 11.04 DEVELOPMENT REQUIREMENTS

A. Residential Uses.

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

B. Non-Residential Uses in a Residential PUD.

1. All non-residential uses allowed in a residential PUD shall occupy no more than ten percent (10%) of the PUD project's developable area.

2. All uses shall be integrated into the design of the project with similar architectural and site development elements, including signs, landscaping, and related features.
3. Within residential PUDs, non-residential uses shall be permitted only if they will not materially alter the residential character of the neighborhood and/or the PUD.
4. All merchandise for display, sale or lease shall be entirely within an enclosed building(s).
5. Buildings designed for non-residential uses in a residential PUD shall be constructed according to the following requirements:
 - a. If the entire PUD contains fewer than twenty (20) dwelling units, seventy-five percent (75%) of these units must be constructed prior to construction of any non-residential use.
 - b. If the PUD contains twenty (20) or more dwelling units, fifty percent (50%) of these units shall be constructed prior to the construction of any non-residential use.
6. Except as provided for within this Chapter, all non-residential uses shall comply with the dimensional standards of the underlying zone district.

C. Open Space in a Residential PUD.

1. Not less than ten (10%) of a residential PUD shall be designated as common open space for the benefit of all PUD property owners. This open space shall be in addition to the space designated to yards and other open space areas customarily associated with individual housing units or other uses. Common open space shall meet the following considerations and requirements:
 - a. Open space may be established to separate use areas within the PUD.
 - b. Open space areas shall be large enough and of proper dimensions so as to constitute a useable area, with adequate access, through easements or other similar arrangements, such that all properties within the entire PUD may utilize the available open space.
 - c. Evidence shall be given that satisfactory arrangements will be made for the maintenance of such designated land to relieve the Township of the future maintenance thereof.
 - d. Open space may be provided where significant natural features may be preserved and/or be used for passive or active recreation.
 - e. All land set aside as open space shall be deed restricted to ensure that the open space remains in a natural and undisturbed condition in perpetuity. Land set aside for agriculture may, at the discretion of the property owner(s) be converted to open

space, but shall not be used as land for the construction of additional dwellings, nor used for any other development.

- f. All common open space shall be in the joint ownership of the property owners within the PUD. A property owner's association shall be formed which shall take responsibility for the maintenance of the open space and payment of property taxes.
- g. The Planning Commission or Township Board may require an increase in common open space if it is determined that said increase is necessary for the enjoyment or safety of PUD property owners or for the welfare of Township residents as a whole, for the preservation of unique features or wildlife habitat, to ensure compatibility with adjoining properties, or to promote the intent of the PUD regulations.

2. Parallel Plan.

- a. The maximum base density and number of dwelling units permitted in a PUD shall be determined through the completion and submission of a parallel plan which shall indicate the number of dwelling units that may be developed under the existing zoning classification.
- b. The parallel plan shall contain enough detail to permit the Township to evaluate the feasibility of development for each indicated lot and/or dwelling unit. The Planning Commission may require additional detail or information to evaluate the feasibility of the parallel plan.
- c. All lots or buildings shown on the parallel plans shall be located on buildable lots, which, for the purposes of this Section shall mean lots or building areas that have an area of sufficient size and shape to accommodate the proposed main building septic and well systems (where no public sanitary sewer or water system is to be used), and required driveways, streets, or other means of permitted access.
- d. Areas of wetlands, water bodies, and other unbuildable areas shall not be included within buildable areas, but may be included in the lot area calculations, provided that each lot has sufficient buildable area and meets all required setbacks.

3. Density Bonus.

- a. In order to preserve the maximum amount of open space, a PUD may permit an increase in the number of dwelling units above the base density established in the parallel plan.
- b. In no case shall such density bonus exceed fifty percent (50%) of the base density.
- c. The PUD may qualify for density bonuses in accordance with the following:

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

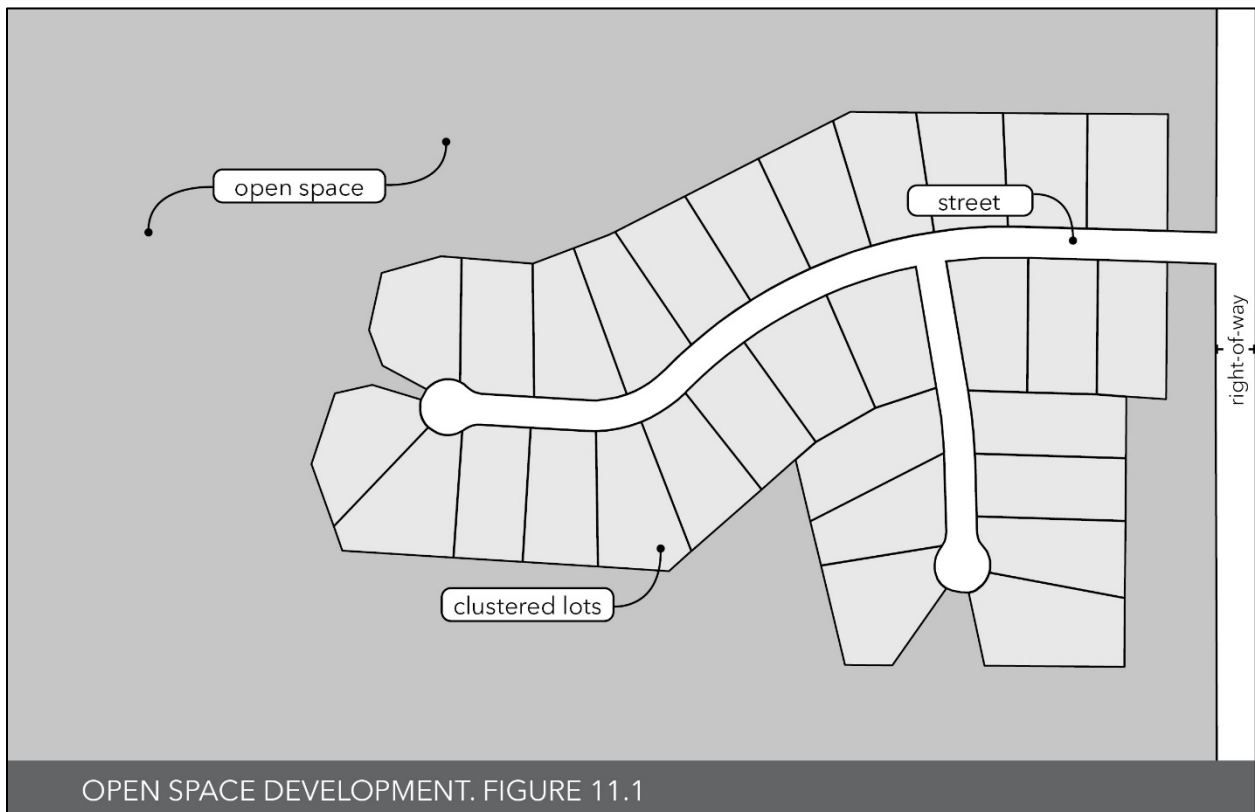
- d. For the purposes of this subsection, a *community wastewater disposal system* shall be defined as all aspects of a complete system required to properly collect, treat, and dispose of wastewater from all of the individual dwelling units or other buildings within the PUD, including all pumps, pipes,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

4. Development Setback.

- a. Any building area, which for the purposes of this subsection shall mean any lot on which a main use is located, shall be located at least two hundred (200) feet from any public street right-of-way not constructed as part of the PUD.
- b. No native or natural vegetation shall be removed from the (200) foot setback, nor any grading or changes in topography occur, except that necessary for entrance roads, required utilities, or drainage improvements.
- c. The Planning Commission may modify this requirement provided the applicant demonstrates that the clearing of existing vegetation would contribute significantly to the purpose and objectives of the PUD.
- d. The Planning Commission may reduce this setback if existing landscaping provides a natural screen, or the proposed development provides such a landscape screen. In any case, the setback shall be not less than one hundred (100) feet. The landscape screen shall meet all of the following minimum requirements:

- (1) Occupy at least seventy percent (70%) of the lineal distance of the property line abutting any public street right-of-way.
 - (2) Be on a strip of unoccupied land at least fifty (50) feet in depth.
 - (3) Have at least fifty percent (50%) opacity from the roadside view at the time of planting.
 - (4) Consist of either existing vegetation, land forms, or landscaped areas using native or natural materials, or a combination thereof.
- e. PUD sites abutting more than one (1) public street shall be permitted to reduce the setback on the shortest side of the abutting streets to one hundred (100) feet without a natural screen. No native or natural vegetation shall be removed from the one hundred (100) foot setback, nor any grading or changes in topography occur, except that as may be necessary for entrance roads or utilities.

D. Design Principles. The overall intent of the PUD regulations is to foster more creative development design, using open space to the advantage of the development, maintaining the rural character of the township, ensuring access to open spaces, preserving natural features, and other design objectives intended to foster an improved living environment. To this end, the following general guidelines will be considered by the Planning Commission.



OPEN SPACE DEVELOPMENT. FIGURE 11.1

1. Open space should be provided where significant natural features may be preserved, active agricultural land maintained, or be used for passive or active recreation.
 2. Open space should generally be used to group areas of residential neighborhoods as clusters of housing units, as shown in the accompanying Figure 11.1. This is intended to avoid the suburban development type normally found in urbanized areas. Generally, neighborhood clusters should have not more than 8-10 units per cluster.
 3. Open spaces within the PUD should be designed with due regard for views from adjacent roadways as well as adjacent properties. Where possible, substantial setbacks from adjacent development should be provided, except where internal roadways are designed to connect to adjacent properties for the purposes of providing a network of internal connections between properties.
 4. Open space within the development should generally be accessible from as many places within the development as possible, rather than limited to individual easements between development lots. To this end, providing open space segments along the internal roadways will be considered a high priority by the Township. Such areas should be large enough to appear as open space, rather than a vacant lot for future development, and kept in their natural state. Such areas may, however, incorporate trails or other internal pedestrian circulation paths.
 5. The overall design of the PUD should emphasize the rural character of Keeler Township, provide views to open spaces from as many areas of the development as possible, and avoid long, straight street segments and rows of homes.
- E. Review Standards. The following review standards will be used by the Planning Commission and Township Board in their consideration of a PUD. Before such developments may be approved the Township Board shall find:
1. That a site plan meeting the provisions of Chapter 14 has been provided and all fees paid.
 2. That the PUD does not substantially alter the character of the general neighborhood in which the development is proposed.
 3. That the location of the buildings do not unduly impact single family or other uses legally existing in the vicinity of the proposed development.
 4. That the PUD preserves, in perpetuity, unique site conditions, such as significant natural features, large open space areas, or active agricultural land.
 5. That the PUD can accommodate adequate and safe disposal of sewage and can provide an adequate, assured source of water for domestic use. To this end the Planning Commission and/or Township Board may require specific evidence that groundwater sources will be protected and that other environmental concerns are met. Approval of

the Van Buren Cass District Health Department or other agencies, while required to develop the site, will not be the sole determining factor in this regard. The Planning Commission and/or Township Board may specify what additional evidence it deems to be acceptable to make this determination, including additional soil borings, soil reports, hydrological tests, and other such evidence which will be submitted by the applicant and reviewed by the township prior to approval of the PUD.

6. That the PUD has been designed to provide for the safe and efficient circulation of pedestrians and vehicular traffic, including emergency vehicles, school busses, and pertinent commercial traffic.
 7. That the PUD has been designed to properly accommodate surface water drainage, snow storage, and other infrastructure needs.
 8. That the PUD will not unduly burden the capabilities of the Township pursuant to the provision of emergency services.
- F. All electric and telephone transmission wires shall be placed underground.
- G. Parking is required in accordance with Chapter 16.
- H. Signs are permitted in accordance with the requirements of Chapter 16.

SECTION 11.05 PROJECT PHASING

- A. Where a project is proposed for construction in phases, the project shall be designed so that each phase, when completed, shall be capable of standing on its own in terms of the presence of services, facilities, and open space, and shall contain the necessary components to ensure the protection of natural resources and the health, safety, and welfare of the users of the PUD and residents of the Township. Each phase of a PUD project requires the submittal of a site plan and review under Chapter 4 of this Ordinance, the requirements of this chapter, and other applicable Township Ordinances.
- B. Prior to the construction of future phases, the applicant shall provide a site plan to the Zoning Administrator for purposes of determining that all conditions of the phase to be constructed, as originally approved, will be met.

SECTION 11.06 PERFORMANCE GUARANTEES

In approving a PUD, the Planning Commission or Township Board may require a performance guarantee pursuant to Section 19.10 of this Ordinance.

SECTION 11.07 PUD AMENDMENTS

Amendments to an approved PUD may be permitted under the following circumstances:

- A. The holder of an approved PUD final development plan shall notify the Zoning Administrator of any desired change to the approved PUD.

- B. Minor changes may be approved by the Zoning Administrator upon determining that the proposed revision(s) will not alter the basic design and character of the PUD, nor any specified conditions imposed as part of the original approval. Minor changes may include the following:
1. Reduction of the size of any building or sign;
 2. Movement of buildings or signs by no more than 10 feet;
 3. Landscaping approved in the final development plan that is replaced by similar landscaping to an equal or greater extent;
 4. Changes in floor plans, of up to 5% of the total floor area, which do not alter the character of the use or increase the amount of required parking;
 5. Internal rearrangement of a parking lot which does not affect the number of parking spaces or alter access locations or design;
 6. Changes required or requested by the Township, the county, or other state or federal regulatory agency in order to conform to other laws or regulations;
 7. Change of phases or sequence of phases, only if all phases of the PUD have received final approval.
 8. Other changes determined by the Zoning Administrator to be minor changes.
- C. A proposed change not determined by the Zoning Administrator to be minor shall be submitted as an amendment to the final development plan and shall be processed in the same manner as the original PUD application.

SECTION 11.08 COMMENCEMENT OF CONSTRUCTION

- A. For each approved PUD, construction of at least the first phase shall be commenced and shall proceed meaningfully toward completion within one year from the date of the approval of the final development plan by the Planning Commission.
- B. The owner or applicant of the PUD may apply to the Planning Commission for one extension of the original approval for an additional term not to exceed one year. In considering such authorization, the Planning Commission shall consider the following:
1. Whether the PUD has encountered unforeseen difficulties beyond the reasonable control of the owner/applicant.
 2. Whether the PUD has a likelihood of now proceeding.
- C. If the PUD has not commenced and proceeded meaningfully towards completion at the end of the initial one-year time period, or the one permitted extension thereof, then the PUD approval shall be null and void.

CHAPTER 12 - C COMMERCIAL DISTRICT

SECTION 12.00 DESCRIPTION AND PURPOSE

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

SECTION 12.01 PERMITTED USES

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

- A. Professional offices.
- B. Medical and dental offices and clinics.
- C. Financial Institutions, including those with drive-through.
- D. Personal service establishments conducting services on the premises, including barber and beauty shops, fitness centers, travel agencies, and other similar uses.
- E. Retail stores, providing goods within a completely enclosed building.
- F. Drug stores and pharmacies, not including drive-through.
- G. Restaurants, exclusive of drive-through.
- H. Private clubs, fraternal organizations, and lodge halls.
- I. Dry-cleaning and laundry establishments performing cleaning operations on the premises, including retail/service operations, but not including drive-through.
- J. Indoor recreational facilities, excluding bowling alleys.
- K. Day care centers.
- L. Utility and public service buildings, without storage yards, but not including essential public services such as poles, wires, and underground utility systems.
- M. Accessory buildings, structures and uses.
- N. Marina and Boat Storage Facilities

O. Farms and farm operations

SECTION 12.02 SPECIAL LAND USES

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

- A. Commercial greenhouses and nurseries.
- B. Funeral homes and mortuary establishments.
- C. Hotels and motels.
- D. Places of public assembly.
- E. Restaurants with drive-through.
- F. Vehicle service stations, excluding body shops.
- G. Vehicle wash establishments, or detail shops..
- H. Open air businesses.
- I. Veterinary clinics.
- J. Bowling alleys.
- K. Drug stores and pharmacies with drive-through.
- L. Dry-cleaning and laundry establishments performing cleaning operations on the premises, including retail/service operations with drive-through.
- M. Commercial storage warehouses.
- N. Public or private campgrounds.
- O. An accessory apartment is permitted as part of a commercial structure provided the residential unit is either behind the business suite, or on an upper story. No more than one residential unit shall be permitted per building and the minimum floor area for the dwelling unit shall be a minimum of eight hundred fifty (850) square feet and a maximum of one thousand, two hundred (1,200) square feet. Parking and all setback requirements shall be met.
- P. Micro-breweries, small distilleries and small wineries.
- Q. Taverns.
- R. Contractor's showrooms and storage yards, lumber yards, and similar uses

SECTION 12.03 SITE DEVELOPMENT REQUIREMENTS

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

SECTION 12.04 SCHEDULE OF DISTRICT REGULATIONS

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

C DISTRICT REGULATIONS		
MINIMUM FRONT YARD		50 feet
MINIMUM SIDE YARD	Side abutting Residential Districts or residential uses	35 feet or 20 feet if a buffer, screen or wall of five (5) feet in height separates the uses.
	Side abutting other Districts	10 feet
MINIMUM REAR YARD		20 feet
MAXIMUM LOT COVERAGE		50%
MAXIMUM BUILDING HEIGHT		35 feet
MINIMUM LOT AREA		12,000 square feet
MINIMUM LOT WIDTH		100 feet

CHAPTER 13 - L-I LIGHT INDUSTRIAL DISTRICT

SECTION 13.00 DESCRIPTION AND PURPOSE

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

SECTION 13.01 PERMITTED USES

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

- A. Manufacturing and processing establishments.
- B. Wholesale and warehousing establishments.
- C. Truck terminals and truck service facilities, provided they are located at least two hundred fifty (250) feet from any Residential District or use lot line.
- D. Open air businesses
- E. Laboratories (experimental, film, or testing).
- F. Trade or industrial schools.
- G. Utility and public service buildings, including storage yards.
- H. Contractor's showrooms and storage yards, lumber yards, and similar uses.
- I. Accessory buildings, structures and uses customarily incidental to a Permitted Use or Special Land Use meeting the requirements of Sections 3.10 and 3.11.
- J. Breweries, distilleries and wineries.
- K. Farms and farm operations

SECTION 13.02 SPECIAL LAND USES

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

- A. Vehicle repair or storage establishments.
- B. Lumber and planing mills.

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

SECTION 13.03 SITE DEVELOPMENT REQUIREMENTS

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

SECTION 13.04 SCHEDULE OF LIGHT INDUSTRIAL DISTRICT REGULATIONS

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

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

CHAPTER 14 - SITE PLAN REVIEW

SECTION 14.00 PURPOSE

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

SECTION 14.01 SITE PLANS TO BE REVIEWED

- A. The Zoning Administrator shall not issue a Zoning Compliance Permit for any principal use until a Final Site Plan has been reviewed and approved as required by this Ordinance.
- B. The following uses/conditions shall require site plan review by the Planning Commission:
 - 1. All Special Land Uses.
 - 2. All Permitted Uses in the C, and LI Districts.
 - 3. Plats and Site condominiums.
 - 4. Planned Unit Developments.
 - 5. All new businesses and/or existing businesses with new ownership.
- C. The following uses/conditions shall require site plan review by the Zoning Administrator:
 - 1. Single and two family dwellings.
 - 2. Accessory buildings and uses.
 - 3. Family day care homes and state licensed residential care facilities.
 - 4. Schools.
 - 5. Farms and farm operations.

SECTION 14.02 APPLICATION PROCEDURES

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

- B. An application for Site Plan Review shall consist of the following:
1. Seven (7) copies of the Site Plan and related documentation, along with a digital (PDF) copy.
 2. A completed application form, as provided by the Township.
 3. Payment of a fee, in accordance with a fee schedule, as determined by the Township Board.
 4. A legal description, including permanent parcel number, of the entire property which is the subject of the Site Plan Review.
 5. Other materials as required in this Chapter.

SECTION 14.03 REVIEW PROCEDURES

- A. For those plans reviewed by the Planning Commission, the Commission shall review and process the application subject to the review standards of this Ordinance.
- B. Preliminary Site Plan Review.
1. If desired by the applicant, a Preliminary Site Plan may be submitted for general review by the Planning Commission prior to formal consideration of a final site plan being submitted. The purpose of such procedure is to allow discussion between the applicant and the Planning Commission, to better inform the applicant of the acceptability of the proposed plans prior to incurring extensive engineering and other costs which might be necessary for final site plan approval.
 2. Preliminary site plans at a scale of not more than one (1) inch equals one hundred (100) feet (1"=100') shall include the following, unless deemed unnecessary by the Zoning Administrator.
 - a. Existing adjacent streets and proposed streets.
 - b. Lots, including all lot lines and dimensions.
 - c. Parking lots and access points.
 - d. Proposed buffer strips or screening.
 - e. Significant natural features; and other natural characteristics, including but not limited to open space, stands of trees, brooks, ponds, floodplains, hills, and similar natural assets.
 - f. Location of any signs not attached to the building.

- g. Existing and proposed buildings.
 - h. General topographical features including contour intervals no greater than ten (10) feet.
 - i. All buildings and driveways on the site and within one hundred (100) feet of all property lines.
3. A narrative shall also be provided describing:
- a. The overall objectives of the proposed development.
 - b. Number of acres allocated to each proposed use and gross area in building, structures, parking, public and/or private streets and drives, and open space.
 - c. Dwelling unit densities by type, if applicable.
 - d. Proposed method of providing sewer and water service, as well as other public and private utilities.
 - e. Proposed method of providing storm drainage.
4. The Planning Commission shall review the Preliminary Site Plan and may make recommendations to the applicant. Recommendations, if made, shall not be construed to imply approval of the plan. Site plan approval shall require submission of a full application, site plan, fees, and other documentation as required by this Ordinance.

SECTION 14.04 FINAL SITE PLAN REVIEW

- A. If desired by the applicant, a Final Site Plan may be submitted for review without first receiving review of a preliminary site plan. Final site plans shall include the following information, unless deemed unnecessary by the Zoning Administrator:
- 1. Legal description of the property, including permanent parcel number.
 - 2. Small scale sketch of properties, streets, curb cuts, and uses of land within two hundred (200) feet of the subject site.
 - 3. A narrative describing the proposed development, unless the site plan provides full descriptive detail of the project.
 - 4. Seven (7) copies of a site plan and a PDF at a scale not to exceed one (1) inch equals one hundred (100) feet (1" = 100'), or as necessary to provide for proper review. The following items shall be shown on the plan:
 - a. Date of preparation/revision.

- b. Name and address of the preparer.
 - c. The topography of the site at a minimum of five (5) foot intervals and its relationship to adjoining land.
 - d. Existing man-made features.
 - e. Dimensions of setbacks, locations, heights, and size of buildings and structures.
 - f. Street rights-of-ways, indicating proposed access routes, internal circulations, and relationship to existing rights-of-ways.
 - g. Proposed grading.
 - h. Location and type of drainage, sanitary sewers, storm sewers, and other utilities.
 - i. Location and type of fences, landscaping, buffer strips, and screening.
 - j. Location and type of signs and on-site lighting.
 - k. Proposed parking areas and drives. Parking areas shall be designated by lines showing individual spaces and shall conform with the provisions of Chapter 16.
 - l. Easements, if any.
 - m. Dimensions and number of proposed lots.
 - n. All buildings and driveways within one hundred (100) feet of all property lines.
- B. The Planning Commission, prior to granting approval of a Final Site Plan, may request from the applicant any additional graphics or written materials, prepared by a qualified person or persons, to assist in determining the appropriateness of the site plan. Such material may include, but need not be limited to, aerial photography, photographs; traffic impact studies; environmental and drainage studies; soil tests; and other pertinent information.
- C. The Planning Commission shall approve, deny, or approve with conditions the Final Site Plan based on the review standards of Section 14.05.

SECTION 14.05 SITE PLAN REVIEW STANDARDS

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

- A. All elements of the site plan shall be designed to take into account the site's topography, the size and type of plot, the character of adjoining property and the type and size of buildings. The site shall be developed so as not to impede the normal and orderly development or

improvement of surrounding property for uses permitted in this Ordinance.

- B. Safe, convenient, uncongested, and well-defined vehicular and pedestrian circulation within and to the site shall be provided. Drives, streets and other elements shall be designed to promote safe and efficient traffic operations within the site and at its access points.
- C. The arrangement of public or common ways for vehicular and pedestrian circulation and their connection to existing or planned streets in the area shall be planned to operate in the safest and most efficient means possible.
- D. The landscape shall be preserved in its natural state, insofar as practical, by removing only those areas of vegetation or making those alterations to the topography which are reasonably necessary to develop the site in accordance with the requirements of this Ordinance. The Planning Commission may require that landscaping, buffers, and/or greenbelts be preserved and/or provided to ensure that proposed uses will be adequately buffered from one another and from surrounding public and private property. Berms and swales shall be constructed with slopes not to exceed a 1:3 gradient with slopes designed and planted to prevent erosion. Buffer areas shall be stabilized with vegetation (e.g., sod or groundcover).
- E. Appropriate measures shall be taken to ensure that removal of surface waters will not adversely affect neighboring properties or nearby bodies of water. Provisions shall be made to accommodate stormwater, prevent erosion and the formation of dust. The use of detention/retention ponds may be required. Surface water on all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic or create standing water.
- F. All buildings or groups of buildings shall be arranged so as to permit necessary emergency vehicle access as required by the Township Fire Department and the Van Buren County Sheriff's Department.
- G. All loading and unloading areas and outside storage areas, including refuse storage stations, shall be screened.
- H. Exterior lighting shall be arranged so that it is deflected away from adjacent properties and so that it does not impede the vision of traffic along adjacent streets. Flashing or intermittent lights shall not be permitted.
- I. Necessary off-street parking and loading areas shall be provided.
- J. The site plan shall be consistent with the general purposes and spirit of this Ordinance and the Master Plan of the Township.
- K. The site plan shall be harmonious with, and not injurious to, existing and projected uses in the immediate area.

- L. The site plan is adequate to provide for the health, safety and general welfare of the persons and property on the subject site and in the neighboring area.

SECTION 14.06 CONDITIONS

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

SECTION 14.07 APPROVED SITE PLANS

- A. Upon approval of a Final Site Plan, the Chairperson of the Planning Commission, or Acting Chairperson, shall sign and date two (2) copies thereof. One (1) signed copy shall be made a part of the Planning Commission's files and one (1) copy shall be returned to the applicant. The signed and dated site plan shall be the official copy for purposes of future action or matters regarding the site and the associated development.
- B. Each development shall be under construction within one (1) year after the date of approval of the Final Site Plan, except as noted below.
 - 1. The Planning Commission may grant one (1) six (6) month extension provided the applicant applies for such extension prior to the date of the expiration of the Final Site Plan.
 - 2. The extension shall be approved if the applicant presents reasonable evidence to the effect that said development has encountered unforeseen difficulties beyond the control of the applicant, but is then ready to proceed.
 - 3. Should neither of the aforementioned provisions be fulfilled or a six (6) month extension has expired without construction underway, the Final Site Plan approval shall be null and void.
- C. Amendments to an approved Final Site Plan may occur only under the following circumstances:
 - 1. The holder of a valid Final Site Plan shall notify the Zoning Administrator of any proposed amendment to such approved site plan.
 - 2. Minor changes may be approved by the Zoning Administrator upon certification in writing to the Township that the proposed revision does not alter the basic design nor any specified conditions of the plan as agreed upon by the Township. In considering such a determination, the Zoning Administrator shall consider the following to be a minor change:

- a. Reduction of the size of any building and/or sign.
 - b. Movement of buildings and/or signs by no more than ten (10) feet.
 - c. Plantings approved in the site plan landscape plan may be replaced by similar types of landscaping on a one-to-one or greater basis.
 - d. Changes of building materials to a higher quality, as determined by the Zoning Administrator.
 - e. Changes in floor plans which do not alter the character of the use.
 - f. Internal rearrangement of a parking lot which does not affect the number of parking spaces or alter access locations or design.
 - g. Changes required or requested by the Township for safety reasons shall be considered a minor change.
3. Should the Zoning Administrator determine that the requested modification to the approved site plan is not minor, resubmission to the Planning Commission for an amendment shall be required and conducted in the same manner as an original application.
 4. In no instance shall modification of a condition required as part of site plan approval be considered a minor modification.

CHAPTER 15 - SPECIAL LAND USES

SECTION 15.00 PURPOSE

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

SECTION 15.01 APPLICATION AND REVIEW PROCEDURES

- A. An application for approval to establish a Special Land Use shall be submitted in accordance with the following procedures:
1. Applications for a special land use shall be submitted at least thirty (30) days prior to the next Planning Commission meeting through the Zoning Administrator who will review the application for completeness, then transmit it to the Planning Commission.
 2. A valid application for a special land use approval shall consist of the following:
 - a. Seven (7) copies and a PDF of a (Final) Site Plan meeting the requirements of Chapter 12 of this Ordinance.
 - b. A completed application form, as provided by the Township.
 - c. Payment of a fee, in accordance with a fee schedule, as determined by the Township Board from time to time.
 - d. A legal description, including permanent parcel number, of the entire property which is the subject of the special land use.
 - e. A statement with regard to compliance with the criteria required for approval in Section 15.02, and other criteria imposed by this Ordinance affecting the special land use under consideration.
 - f. Other materials as required by the Planning Commission.
- B. Public Hearing.

1. Upon receipt of a valid application for a special land use, the Planning Commission shall hold a public hearing for the purpose of receiving comments relative to the special land use application.
2. Notice of the public hearing for the special land use shall be given in accordance with the requirements of Section 19.05.
3. The Planning Commission shall review the application for a special land use and make a determination on the application in accordance with:
 - a. The site plan and other materials submitted in relation to the special land use application.
 - b. The standards for approval stated in Section 15.02.
 - c. Other standards contained in this Ordinance which relate to the special land use under consideration.
4. The Planning Commission shall approve, approve with conditions, or deny the request.
5. If denied, the Planning Commission, in its minutes, shall state the reasons for such denial and provide the applicant with a copy.

SECTION 15.02 BASIS OF DETERMINATION

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

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

SECTION 15.03 APPROVAL TERM AND EXPIRATION

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

SECTION 15.04 REVOCATION OF SPECIAL LAND USE APPROVAL

- A. If the applicant fails to comply with any of the applicable requirements in this Chapter, any conditions placed on the approval or any other applicable provisions of this Ordinance, the Planning Commission shall so notify the applicant of the applicable infractions. If these infractions are not corrected within the stated time, the Planning Commission may suspend or revoke the special land use approval and all rights associated with said use shall cease.
- B. Prior to suspending or revoking a special land use approval, the Planning Commission shall conduct a public hearing and give notice of such hearing in accordance with Section 19.05.
- C. Following the public hearing, the Planning Commission may suspend or revoke the special land use, permit the special land use to remain in effect with all of the original conditions and requirements subject to compliance with the requirements of this Ordinance, or modify the approval with additional conditions. If the Planning Commission finds that the Special land

use requires modification, the Commission shall include in its minutes the modification required and any conditions or requirements.

- D. Notwithstanding the provisions of this Section, the Township may enforce the correction of any violation of this Ordinance.

SECTION 15.05 EXISTING SPECIAL LAND USES

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

SECTION 15.06 SPECIFIC SPECIAL LAND USE STANDARDS

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

Section 15.06.01 Country clubs, golf courses, riding stables, and publicly-owned athletic grounds and parks, including related uses, such as snack bars, small retail shops selling goods directly related to the primary use, and other similar uses integral to the main use

- A. The use shall be located on property with direct access to a public street.
- B. Each outdoor activity shall be set back a minimum of fifty (50) feet from any Residential District or use.
- C. Lighting for parking areas or outdoor activity areas shall be shielded to prevent light from spilling onto any Residential District or use.
- D. Access driveways shall be located no less than fifty (50) feet from the nearest part of the intersection of any street or any other driveway.
- E. Buildings housing animals, storage equipment, or other similar buildings shall be located at least fifty (50) feet from any lot line.
- F. Minimum lot size shall be no less than ten (10) acres, provided, however, the Planning Commission may permit a smaller lot size, but not less than five (5) acres, upon demonstration by the applicant that the proposed use will not result in a negative impact to adjacent properties.

Section 15.06.02 Bed and breakfast establishments

- A. Not more than twenty-five percent (25%) of the total floor area of the dwelling unit shall be used for bed and breakfast sleeping rooms (based on a submitted floor plan of the proposed operation).
- B. The dwelling unit in which the operation takes place shall be the principal residence of the operator, and the operator shall live on the premises while the operation is active.
- C. There shall be no separate cooking facilities used for the bed and breakfast stay.
- D. Two (2) off-street parking spaces shall be provided, plus one (1) additional space for each guest room.

Section 15.06.03 Reserved

Section 15.06.04 Commercial greenhouses and nurseries

- A. The lot areas used for parking, display, and storage shall be provided with a permanent, durable and dustless surface, and shall be graded and drained so as to dispose of all surface water.
- B. Access driveways shall be located no less than fifty (50) feet from the nearest street intersection or driveway.
- C. Lighting for parking and outdoor storage areas shall be shielded to prevent light from spilling onto any Residential District or use property line.
- D. Any display materials or equipment stored or displayed outside of an enclosed building shall not extend into any required yard or occupy any required parking or maneuvering areas for vehicles.
- E. Minimum lot size shall be no less than five (5) acres.

Section 15.06.05 Removal and processing of topsoil, stone, rock, sand, gravel, lime or other soil or mineral resources

- A. If any removal from a parcel shall exceed five hundred (500) cubic yards of material, then the applicant shall comply with the provisions of this Section. In addition, topsoil or sand may be moved from one part of a lot to another part if such action will not cause, or be likely to cause, sand blows, stagnant water pools, bogs or possible future injury to adjoining properties.
- B. For removal operations where the amount of material to removed is more than 500 cubic yards but does not exceed 100,000 cubic yards, the following standards shall apply:

1. The Planning Commission shall not approve the special land use until the following information is provided and considered, and the Commission finds that the proposed use will not unduly impact surrounding properties and the Township in general:
 - a. The size of the property from which such topsoil, sand, gravel or other materials are to be removed.
 - b. The amount of topsoil, sand, gravel or other such materials which is to be removed.
 - c. The purpose of the removal.
 - d. The effect of the removal on adjoining property.
 - e. The effect of the removal in causing a safety hazard, creating erosion problems, or altering the groundwater table.
 - f. The potential for the removal to cause the creation of sand blows, stagnant water pools, or swampy areas.
 - g. The effect of the removal on the environment and the natural topography, and the potential destruction of any natural resources.
 - h. Potential traffic congestion and problems because of trucks or other vehicles or means utilized to haul and transport the materials removed.
2. Each removal activity shall be set back a minimum of one-hundred (100) feet from any adjoining Residential District or use.
3. Any change of the natural contour of the land, both during mining operations and at the time of abandonment, shall be maintained in a safe condition.
4. No business or industrial buildings or structures of a permanent nature shall be erected, except where such building is a Permitted Use within the District in which the extraction activity is located.
5. No storage or truck parking shall be located within two hundred (200) feet of any adjacent residence or within fifty (50) feet of any other adjacent property.
6. All of the operation shall be screened with an evergreen screen planting on any side adjacent to residentially occupied property.
7. As the natural resources are being removed, the property shall be restored by the placement of topsoil where feasible; and all excavations shall be sloped to a gradient with not more than a thirty (30) degree slope and the contour blended as nearly as possible with the natural surroundings.

8. All truck operations shall be directed away from residential streets and utilize county primary roads wherever possible.
 9. The Planning Commission may require a performance guarantee or bond, as deemed necessary, to ensure that requirements are fulfilled, and may revoke permission to operate any time specified conditions are not maintained.
 10. The applicant shall secure all necessary permits from Township, County and State authorities.
 11. Minimum lot area shall be five (5) acres.
- C. For removal operations where the amount of material to be removed exceeds 100,000 cubic yards, the following standards shall apply:
1. Application. An application for the removal of more than 100,000 cubic yards of material shall include the following unless the Planning Commission expressly finds that one or more of the following requirements is impracticable or inapplicable under the circumstances of the proposed removal operation, or would be an undue hardship because of the peculiar conditions pertaining to the land or the activity in question.
 - a. A completed special use permit application on the form provided by the Zoning Administrator.
 - b. A legal description of the parcel on which the removal operation is located or proposed, including the tax parcel number. If the removal operation will involve only a portion of the parcel, then a legal description of the affected area shall also be provided.
 - c. The name, address and telephone number of the owner of the parcel. If the applicant is other than the owner of the parcel or if the removal operation is to be operated by a person other than the owner, then the applicant's/operator's name, address and telephone number shall also be provided, together with documentation of an appropriate interest in the parcel for the purposes of the removal.
 - d. A map of the parcel and surrounding vicinity showing existing site conditions, including without limitation, all buildings, streets, drains, water courses, bodies of water and natural features within 300 feet from the boundaries of the parcel, which map shall show contour elevations at 2 foot intervals along the perimeter of the parcel.
 - e. A site plan (drawing) prepared, dated, sealed and signed by an professional engineer registered in Michigan conforming to the requirements of Chapter 14 of this Ordinance and in addition such site plan also shall show the following:
 - 1) The location and construction details of proposed access drives and service roads on the parcel, together with proposed scrub pads;
 - 2) The boundaries of the area proposed for the removal operation and, if the operation is to be conducted in phases or in separate mining cells, such phases

or cells shall be numbered, the phase or cell boundaries shall be depicted with the acreage of each indicated, and each phase or cell shall be labeled as completed, active or future as the case may be;

- 3) The location and details of proposed fences, gates, signs and parking areas;
- 4) The location of proposed structures and fixed equipment to be placed on the site for the removal operation and any other related activities;
- 5) Setback lines as required by this Section;
- 6) The boundaries, surface areas and bottom contours of any lake or pond to be created or modified by the operation.
- 7) A plan narrative containing the following information:
 - a) The time period proposed for the removal operation;
 - b) A description of the type of material and the quantity (in cubic yards) involved in the proposed removal operation;
 - c) Methods of mining, moving, storing, processing, loading and transporting of the material within, on, and from the site;
 - d) Identification of and proposed sequence of which phases or cells will be mined and restored, including projected dates for completion of restoration and reuse of each phase or cell;
 - e) Measures to be taken to:
 - (1) control noise and vibration beyond the boundaries of the parcel;
 - (2) control erosion and wind-blown sand, dust, dirt or other materials;
 - (3) control access and prevent trespass on the site;
 - (4) prevent waste accumulation;
 - (5) prevent stagnant water and control surface water erosion;
 - (6) preserve existing vegetation and topsoil.
 - f) A description of the proposed hours of operation;
 - g) If material is to be removed from the Parcel:
 - (1) A description of the type and the loaded weight of trucks to be used;
 - (2) The proposed number of trucks leaving the site per day;
 - (3) The proposed route through the Township to be used by such trucks.
 - h) A description of all activities proposed for the site;
 - i) Identification of wells on adjacent properties and the area water tables and a description of the impact of the proposed operation on such wells and water table.

- 8) A current wetland identification and/or delineation report detailing the presence of wetland conditions on the parcel and their status as regulated or unregulated, together with copies of any permits or applications for permits issued by or filed with the Michigan Department of Environment, Great Lakes, and Energy (EGLE).
 - 9) Copies of all other federal, state, or county permits or approvals that relate to and are required for the proposed removal operation.
2. Standards and Basis for Determination. Approval of the special use shall be granted only if the Planning Commission determines that all the general standards and regulations of this Ordinance (as determined applicable) are met, along with the following standards and regulations:
- a. Access. Each site shall have at least one (1) access to a public road with the location approved by the Van Buren County Road Commission. Driveways leading to a site shall be secured to prevent unauthorized access during non-operating hours.
 - b. Burning. Burning on any site shall comply with the burning requirements of any applicable Township ordinances, regulations or orders.
 - c. Driveways and on-site Roads. All on-site, unpaved drives, and roads shall be constructed and maintained to control dust from migration off-site. A scrub pad, consisting of a paved surface as specified on the site plan, shall be installed on any access drive from the point of contact with the public road to a distance on the driveway determined as adequate to clear exiting vehicles of excess tire debris, which scrub pad shall be a minimum of 150 feet in length. The person conducting the operation shall provide for the prompt removal from the public roads of any materials emanating from the transporting vehicles, without requiring any notice or request from the Township or the Van Buren County Road Commission.
 - d. Erosion Control. The conduct and operations of the removal operation shall not result in:
 - 1) wind-blown sand, dust or soil that would migrate off-site;
 - 2) the collection of surface water or the run-off of water onto adjoining lands contrary to normal and natural drainage patterns;
 - 3) the removal or disturbance of existing trees and vegetation on the site in areas on which the operation for a specific phase or cell is not commenced or continuing or that is not used for drives or any other activities;
 - 4) the failure to promptly reclaim any area of a phase or cell when the removal for that phase or cell is completed.
 - e. Fencing. A fence at least four (4) feet high and of a type to discourage and impede unauthorized entry shall be erected around all hazardous areas within a site and as may be required by the Planning Commission for reasons of safety and security.

- f. Glare. Any lighting associated with the operation shall be directed away from adjacent property so as to avoid as nearly as possible the direction of glare onto adjacent property.
- g. Noise. At no point on the boundaries of a site shall the level of sound emanating from any mining equipment, any moving equipment, any processing equipment, and any loading equipment exceed 70 dB(A), except for warning devices emitting sound for warning purposes as required by law.
- h. Equipment. Only that equipment which has been authorized specifically through the permit process of this subsection is permitted on a site. In order to add equipment after a permit has been issued, the permittee shall notify in writing the Zoning Administrator at least (30) days prior to the planned placement of the equipment. The Zoning Administrator may authorize the placement of the equipment, unless he believes the proposed equipment would result in a significant, material, and substantial change in the permitted operation, in which case he shall refer the request to the Planning Commission for approval or disapproval. Thereafter, the permittee shall not install the proposed equipment until the Planning Commission authorizes the installation.
- i. Screening. A minimum six (6)-foot high screen shall be used to block the view from adjacent residential uses and public streets. Acceptable screening methods are raised earth berms, coniferous trees, fences which provide eighty percent (80%) solid visual barrier, and natural topography. The Planning Commission may determine that setbacks from property lines, existing landscaping, or other measures are acceptable means to fulfill the screening requirement.
- j. Setbacks. The following setbacks shall be required, except that the Planning Commission may adjust those guidelines and establish the setback distances when approving the special use in light of the circumstances of the proposed removal activity:

Type of Operation or Equipment	Setbacks (in feet) From:	
	Property Lines	Public Streets Right of Way
Mining	100	100
Moving	100	50
Processing*	300	300
*Refers to structures and stationary equipment that are generally in fixed locations and does not include tractor driven heavy earthmoving equipment.		

- k. Signs. Only one (1) ground sign shall be permitted on the parcel, such sign shall be located near the main access drive and its dimensions shall be determined by the Planning Commission. No trespassing and warning signs shall be installed as appropriate.
 - l. Truck Traffic. Trucks used to transfer materials from the parcel shall follow a route designated by the Planning Commission and the Van Buren County Road Commission that poses the least interference with other traffic, minimizes traffic through higher density residential areas, and uses public roads constructed for high volumes of heavy truck traffic.
 - m. Vegetation. Existing vegetation on a parcel shall be removed only to the extent reasonably necessary for the operation in order to minimize the exposure of land to potential erosion. In the case of an operation involving phases or separate cells, vegetation removal to prepare the next phase or cell shall not commence until the operation near completion on the phase or cell then currently being worked. On-site burial of vegetation existing on the parcel is prohibited.
 - n. No trash, rubbish, junk, refuse of any kind, inoperable vehicles or equipment, building materials, or unwholesome substances shall be permitted to accumulate on the lot unless contained in a dumpster or, in the case of inoperable vehicles or equipment, unless they are housed within a building or structure, or are enclosed completely by an opaque fence which is erected and maintained in compliance with Township ordinances. Building materials on a mining site to be used as part of construction on the site for which a Township building permit has been issued are not considered waste.
 - o. Bodies of Water. If the removal activity will result in the creation of a pond or lake or in the alteration in the surface area and depth of an existing pond or lake, the standards shall be met:
 - 1) The setback of the edge of the water body shall be no closer to the property lines than the setback approved for the removal operations.
 - 2) The slopes of the banks or sides of the water body shall be as follows:
 - a) For the banks of the water body and to a point of 5 feet of depth of the water body – minimum 4 feet horizontal/1 foot vertical slope
 - b) For depth of the water body exceeding 5 feet - minimum 1 foot horizontal/1 foot vertical slope.
3. Hydrogeological Reports and Monitoring Reports. If the Planning Commission determines that the removal operation may affect adjacent wells and/or on the water table in the area, it may require the applicant to submit a current hydrogeological report, prepared and certified by a registered professional engineer and/or environmental consultant, which shall contain the following:
- a. A full determination of groundwater and surface water flow across the parcel, together with a determination of the effect that the proposed removal operation may

- have on the flow, depth, quality and quantity of groundwater or surface water of the parcel and of adjacent property.
- b. Identification of wells and existing water courses and bodies of water within 500 feet of the boundaries of the parcel and a determination of what, if any, impact the operation may have on such wells and bodies of water.
 - c. If the removal operation would have an adverse effect on the flow, depth, quality or quantity of groundwater or surface water on neighboring wells and water bodies, the applicant shall submit a supplemental report with engineered drawings of measures to be taken to ameliorate the detrimental effects to the local groundwater and surface water regimes. Approval by the Planning Commission of such measures to counter the potential adverse effects shall be conditioned upon the installation of monitoring wells and/or other appropriate testing apparatus on the parcel by the applicant's professional engineer or environmental consultant, together with subsequent reports submitted to the Zoning Administrator by the engineer or consultant showing what, if any, changes have occurred to the surface water or groundwater in the vicinity. Such supplemental reports shall be submitted on an annual basis within 30 days prior to the date of the expiration of the permit, if a renewal permit is sought.
4. Additional Studies. In addition to the hydrogeological report, the Planning Commission may also require additional environmental studies, wildlife studies, traffic impact analyses, market studies, and similar documentation necessary for the Commission to adequately evaluate the need for the materials to be mined from the site and/or the impact of the proposed operation. If required, any such studies shall be prepared by a competent professional with the necessary technical and/or professional qualifications to perform them.
 5. Compliance. The proposed removal operation shall comply with all Federal, State and County regulations, orders and permit and approval requirements. Any new structure or the modification or moving of any existing structure on the parcel shall comply with applicable building codes and Township Ordinances.
 6. Reclamation. Reclamation of areas affected by the operation shall be provided by the operator in accordance with the plan approved by the Planning Commission as part of the special use approval. Such plan shall require, without limitation the following:
 - a. Upon completion of the removal, the parcel shall be rehabilitated such that it will be suitable for a primary permitted use of the zoning district in which the parcel is located.
 - b. Slopes of land in the mined area shall be restored to a minimum 3 feet horizontal/1 foot vertical.
 - c. All fill shall be properly compacted to stabilize the soil conditions and prevent settling.
 - d. Appropriate vegetative cover, together with topsoil at least 4 inches in depth as may be appropriate for such vegetation, shall be reestablished promptly to prevent erosion by wind or water.

- e. All equipment, refuse, and debris associated with the operation shall be removed from the parcel.
 - f. If the removal operation involves a number of phases or cells, appropriate reclamation of the existing, completed phase/cell shall be commenced and continued when the removal operation begins on the next phase or cell. The scope and type of appropriate reclamation shall be specified in the plan approved by the Planning Commission in consideration of the type of removal activities involved, the potential for erosion by wind or water, and the health, safety and welfare of the Township and its residents.
- D. In addition to the standards of this Section, the Planning Commission shall also consider whether or not the applicant has satisfied his/her burden in demonstrating the following pursuant to MCL 125.3205:
- 1. That there are valuable natural resources on the subject property,
 - 2. That the applicant can extract such resources and reasonably expect to operate at a profit, and;
 - 3. That no very serious consequences will result from extraction, after considering the following standards:
 - a. The relationship of extraction and associated activities with existing land uses.
 - b. The impact on existing land uses in the vicinity of the property.
 - c. The impact on existing property values in the vicinity of the property and along the proposed haul routes, based on credible evidence.
 - d. The impact on pedestrian and traffic safety in the vicinity and along the proposed haul routes.
 - e. The impact on other identifiable health, safety, and welfare interests in the local unit of government.
 - a. The overall public interest in the extraction of the specific natural resources on the property.

Section 15.06.06 Multiple family dwellings

- A. All dwelling units in the building shall have a minimum of eight-hundred fifty (850) square feet per unit.
- B. Parking areas shall have a front yard setback of twenty (20) feet and side and rear yard setbacks of ten (10) feet.
- C. Access driveways shall be located no less than fifty (50) feet from the nearest intersection or driveway.
- D. The minimum distance between buildings shall be twenty (20) feet.

- E. Lighting for parking areas or outdoor activity areas shall be shielded to prevent light from spilling onto any Residential District or use.
- F. The maximum density shall not exceed four (4) units per acre.
- G. Minimum lot area shall be two (2) acres.

Section 15.06.07 Adult foster care facilities

- A. The facilities shall not be located closer than one-thousand five hundred (1,500) feet from an existing or proposed adult foster care facility. This standard shall not apply to state licensed residential facilities caring for six (6) or less minors or adults.
- B. All required state and local licensing shall be maintained at all times.
- C. Such facilities shall be maintained in a manner consistent with the character of the surrounding neighborhood.
- D. Minimum lot area shall be at least one (1) acre.

Section 15.06.08 Group day care homes

- A. A special land use permit for a group day care home shall be approved if it meets all of the following standards:
 - 1. It is located not closer than 1,500 feet to any of the following:
 - a. Another licensed group child care home.
 - b. An adult foster care small group home or large group home licensed under the adult foster care facility licensing act, 1979 PA 218, MCL 400.701 to 400.737.
 - c. A facility offering substance use disorder services to 7 or more people that is licensed under part 62 of the public health code, 1978 PA 368, MCL 333.6230 to 333.6251.
 - d. A community correction center, resident home, halfway house, or other similar facility that houses an inmate population under the jurisdiction of the department of corrections.
 - 2. Fencing no less than four (4) feet nor more than six (6) feet in height shall be provided around all outdoor areas for the safety of the children in the group child care home as determined by the Planning Commission.
 - 3. The property shall be maintained consistent with the visible characteristics of the neighborhood.

4. The facility shall not exceed 16 hours of operation during a 24-hour period. The Planning Commission may limit but not prohibit the operation of a group child care home between the hours of 10 p.m. and 6 a.m.
5. Signage shall comply with the standards of Section 16.04.
6. Off-street parking shall be provided as required by Section 16.00.
7. Off-street drop off/pick up shall be provided for motorists which permits vehicles to exit the property without backing into the street.

Section 15.06.09 Funeral homes and mortuary establishments

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

Section 15.06.10 Hotels and motels

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

Section 15.06.11 Theaters, or similar places of public assembly

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

- C. For uses exceeding a seating capacity of two-hundred and fifty (250) persons, the applicant shall submit a traffic impact study which describes internal circulation and projected impacts on traffic operations, capacity, and access on adjacent and nearby streets which are likely to provide access to the site.
- D. Access driveways shall be located no less than fifty (50) feet from the nearest street intersection or driveway.
- E. Minimum lot area shall be at least four (4) acres.

Section 15.06.12 Restaurants drug stores and pharmacies with drive-through facilities

- A. Sufficient stacking capacity for the drive-through portion of the operation shall be provided to ensure that traffic does not extend into the public right-of-way. A minimum of ten (10) stacking spaces for the service ordering station shall be provided. Stacking spaces shall be located so as not to interfere with vehicular circulation and egress from the property by vehicles not using the drive-through portion of the facility.
- B. In addition to parking space requirements, at least three (3) parking spaces shall be provided, in close proximity to the exit of the drive-through portion of the operation, to allow for customers waiting for delivery of orders.
- C. Parking areas shall have a front yard setback of twenty (20) feet and side and rear yard setbacks of ten (10) feet.
- D. Access driveways shall be located no less than twenty-five (25) feet from the nearest street intersection or driveway.
- E. Minimum lot area shall be one (1) acre.

Section 15.06.13 Vehicle service stations, excluding body shops

- A. Minimum lot area shall be one (1) acre and minimum lot width shall be two-hundred and fifty (250) feet.
- B. Pump islands shall be a minimum of fifteen (15) feet from any public right-of-way or lot line.
- C. All equipment and activities associated with vehicle repair operations, except those in incidental use, such as air hoses, shall be kept within an enclosed building.
- D. Storage of vehicle components and parts, trash, supplies, or equipment outside of a building is prohibited.
- E. If retail sales of convenience goods are conducted on the premises, parking for such uses shall be computed and provided separately for that use.

- F. Canopy roofs shall be permitted to encroach into any required yard, provided that a minimum setback of five (5) feet is maintained, and further provided that the fascia of such canopy is a minimum of ten (10) feet above the average grade.
- G. Access driveways shall be located no less than twenty-five (25) feet from the nearest street intersection or driveway.
- H. Where adjoining residentially zoned or used property, a solid wall or fence, six (6) feet in height shall be erected along any common lot line. Such fence or wall shall be continuously maintained in good condition. The wall or fence, or portion thereof, may be waived by the Planning Commission provided the applicant satisfactorily demonstrates that proposed landscaping will be of a character sufficient to accomplish the buffering effects of the wall or fence.

Section 15.06.14 Vehicle wash establishments, either self-serve or automatic

- A. Sufficient stacking capacity for the drive-through portion of the operation shall be provided to ensure that traffic does not extend into the public right-of-way. A minimum of fifteen (15) stacking spaces for an automatic wash facility shall be provided. For self-service establishments, each stall shall have at least two (2) stacking spaces at the entrance and one (1) space at the exit.
- B. Vacuuming activities, if outdoors, shall be at least one-hundred (100) feet from any Residential District or use property line. Wash bays for self-service establishments shall be located at least fifty (50) feet from any Residential District or use property line.
- C. Should self-service wash bays be located with openings parallel to an adjacent street, they shall be screened by a solid wall or fence, six (6) feet in height. Such fence or wall shall be continuously maintained in good condition.
- D. Only one (1) access driveway shall be permitted on any single street. All access driveways shall be located no less than twenty-five (25) feet from the nearest part of the intersection of any street or driveway.
- E. Where adjoining residentially zoned or used property, a solid wall or fence, six (6) feet in height shall be erected along any common lot line. Such fence shall be continuously maintained in good condition.
- F. Lighting for parking and outdoor storage areas shall be shielded to prevent light from spilling onto any Residential District or use property.
- G. Minimum lot area shall be one (1) acre.

Section 15.06.15 Open air businesses

- A. A five (5) foot fence or wall shall be constructed along the rear and sides of the lot, capable of keeping trash, paper, and other debris from blowing off the premises.
- B. The lot areas used for parking, display, and storage shall be provided with a permanent, durable and dustless surface, and shall be graded and drained so as to dispose of all surface water.
- C. Access driveways shall be located no less than fifty (50) feet from the nearest street intersection or driveway.
- D. Lighting for parking and outdoor storage areas shall be shielded to prevent light from spilling onto any Residential District or use property.
- E. Any display materials or equipment stored or displayed outside of an enclosed building shall not extend into any required yard or occupy any required parking or maneuvering areas for vehicles.
- F. Minimum lot area shall be one (1) acre.

Section 15.06.16 Veterinary hospitals, animal clinics, and commercial kennels

- A. Buildings, dog runs, and/or exercise areas, or any other area where animals are kept shall be set back one-hundred (100) feet from any property line.
- B. All sleeping quarters and runs shall be adequately designed and constructed to protect the health and safety of animals during periods of inclement weather.
- C. Minimum lot area shall be one (1) acre, provided, however, a minimum lot area of two (2) acres shall be required whenever the operation involves a kennel, outdoor exercise area, or dog run.

Section 15.06.17 Utility and public service buildings, without storage yards, but not including essential public services such as poles, wires, and underground utility systems

- A. Any such buildings shall be generally compatible, with respect to materials and color, with the surrounding neighborhood.
- B. Any such building shall comply with the yard setback requirements of the District in which it is located.
- C. Minimum lot area shall be one (1) acre.

Section 15.06.18 Body shops

- A. The principal and accessory buildings and structures shall not be located within one-hundred (100) feet of any Residential District or use property line.
- B. Minimum lot area shall be one (1) acre and minimum lot width shall be one-hundred and fifty (150) feet.
- C. All equipment and activities associated with vehicle repair operations, except those in incidental use, such as air hoses, shall be kept within an enclosed building.
- D. Inoperative vehicles left on the site shall, within forty-eight (48) hours, be stored within an enclosed building, or in an area screened by an opaque fence not less than six (6) feet in height. Such fence shall be continuously maintained in good condition.
- E. Storage of vehicle components and parts, trash, supplies, or equipment outside of a building is prohibited.
- F. Access driveways shall be located no less than twenty-five (25) feet from the nearest part of the intersection of any street or driveway.
- G. Where adjoining residentially zoned or used property, a solid wall or fence, six (6) feet in height shall be erected along any common lot line. Such fence or wall shall be continuously maintained in good condition.

Section 15.06.19 Sawmills, lumber and planing mills

- A. The principal and accessory buildings and structures shall not be located within two-hundred (200) feet of any Residential District or use property line.
- B. Minimum lot area shall be two (2) acres with a minimum lot width of no less than three hundred thirty (330) feet.
- C. Timber, saw logs, saw dust, wood chips, partial and finished wood products, and other such materials shall not be stored within one hundred (100) feet of the front property line.
- D. Landscaping and/or fencing shall be provided as required by the Planning Commission.

Section 15.06.20 Metal plating, buffing, and polishing

- A. The principal and accessory buildings and structures shall not be located within two-hundred (200) feet of any Residential District or use property line.
- B. In addition to the site plan, the applicant shall provide design details on the method for the collection and disposal of liquid and solid waste by-products. The Planning may require that engineering plans, sealed by a Professional Engineer registered in the State of Michigan, be provided that details the disposal methods for any liquid and/or solid waste by-products

which may pose a potential threat to the groundwater.

- C. The applicant shall secure all necessary permits from Township, County, and State authorities.
- D. Minimum lot area shall be five (5) acres.

Section 15.06.21 Commercial storage warehouses

- A. Minimum lot area shall be two (2) acres.
- B. Parking and circulation:
 - 1. One parking space shall be provided for each ten (10) storage cubicles, equally distributed throughout the storage area. The parking requirement may be met with the parking lanes required for the storage area.
 - 2. Two (2) parking spaces shall also be required for the residence of security personnel or on-site operator employed on the premises.
 - 3. One (1) parking space shall also be required for every twenty (20) storage cubicles, up to a maximum of ten (10) spaces for the use of customers.
 - 4. The following parking lanes and access aisles shall be required. The parking lanes may be eliminated when the access aisle does not serve storage cubicles.

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

- 5. All driveways, parking, loading, storage, and vehicular circulation areas shall be paved.

Section 15.06.22 The manufacture, compounding, processing, packaging, or treatment of products requiring stamping or punch press operations

- A. The principal and accessory buildings and structures shall not be located within two-hundred (200) feet of any Residential District or use property line.
- B. Minimum lot area shall be five (5) acres.

Section 15.06.23 Junk yards/salvage yards

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

- L. Minimum lot area shall be ten (10) acres.
- M. All fences shall be setback a minimum of fifty (50) feet from any Residential District or use property line.
- N. The crushing of vehicles or any part thereof shall be limited to daylight hours.
- O. The Planning Commission may impose other conditions, such as greenbelts, landscaping, and other items, which have a reasonable relationship to the health, safety and general welfare of the Township. These conditions may include a provision for an annual inspection by the Zoning Administrator to ensure continuing compliance with the above standards.

Section 15.06.24 Adult uses

- A. Intent: It is the intent of this subsection to provide regulations controlling those uses that are recognized as having operational characteristics inducing a deleterious impact on adjacent uses and areas. Special regulations of these uses are necessary to ensure that the anticipated adverse impacts will not contribute to the blighting or downgrading of the surrounding neighborhood.
- B. The lot or parcel on which the use is located shall not be closer than five hundred (500) feet from any Residential District or use, school, church, or park, as measured from the nearest part of each lot line.
- C. The use shall not be located within a one thousand (1,000) foot radius of any other adult use, as measured from the nearest part of each lot line.
- D. All persons massaging any client or customer must be certified as a massage therapist by the American Massage Therapy Association or be a graduate of a School of Massage Therapy that is certified by the State of Michigan,. All massage clinics are subject to inspection from time to time by the Building Inspector. This definition shall not be construed to include a hospital, nursing home, medical clinic, or the office of a physician, surgeon, chiropractor, osteopath, or physical therapist duly licensed by the State of Michigan, nor barber shops or beauty salons in which massages are administered only to the scalp, the face, the neck or the shoulder. This definition shall not be construed to include a non-profit organization operating a community center, swimming pool, tennis court, or other educational, cultural, recreational, and athletic facilities for the welfare of the residents of the area.
- E. Any sign or signs proposed for the adult use business must comply with the requirements of this Ordinance, and shall not include photographs, silhouettes, drawings, or pictorial representations of any type, nor include any animated illumination or flashing illumination.
- F. Signs must be posted on both the exterior and interior walls of the entrances, in a location which is clearly visible to those entering or exiting the business, and using lettering which is at least two (2) inches in height, that:

1. "Persons under the age of 18 years are not permitted to enter the premises."
 2. "No alcoholic beverages of any type are permitted within the premises unless specifically allowed pursuant to a license duly issued by the Michigan Liquor Control Commission."
- G. No product for sale or gift, nor any picture or other representation of any product for sale or gift, shall be displayed so that it is visible from the nearest adjoining roadway or adjoining property.
- H. No adult use shall be open for business prior to ten (10) o'clock a.m. nor after ten (10) o'clock p.m. However, employees or other agents, or contractors of the business are permitted to be on the premises at other hours for legitimate business purposes such as maintenance, clean-up, preparation, record keeping, and similar purposes not involving the general public.

Section 15.06.25 Farm labor housing

A. Seasonal Farm Labor Housing.

1. Such housing shall be for farm laborers and their immediate families. The dwellings may not be used for members of the immediate family of the owner/operator of the farm.
2. Each dwelling must be at least eight hundred fifty (850) square feet in area, and a minimum of twenty (20) feet in width across any front, side, or rear elevation. Each sleeping room must comply with any applicable Township Building Code.
3. Each additional Seasonal Farm Labor Housing unit, after the first three (3), must be applied for separately.
4. The dwellings may not be located closer than fifty (50) feet to any property line, and no closer than ten (10) feet to any other building on the parcel.
5. Off-street parking is required, and shall comply with the requirements for dwellings in this ordinance.
6. Such dwellings shall be occupied no longer than seven (7) months in any one (1) calendar year.

B. Permanent Farm Labor Housing.

1. Such dwellings shall be for farm laborers and their immediate families.
2. Each dwelling must be a minimum of eight hundred fifty (850) square feet in area.
3. Each Permanent Farm Labor Housing unit must be applied for separately.

4. The dwellings may not be located closer than fifty (50) feet to any property line, and no closer than twenty (20) feet to any other building on the parcel.
5. Off-street parking is required and shall comply with the requirements for dwelling units in this Ordinance.

Section 15.06.26 Schools, places of public assembly, libraries, parks, playgrounds and community center buildings

A. Minimum lot size:

1. For places of public assembly, libraries, parks and community centers a minimum of two (2) acres shall be required.
2. For elementary schools a minimum of five (5) acres shall be required.
3. For secondary schools a minimum of ten (10) acres shall be required.
4. For trade, professional, or technical schools a minimum of one (1) acre shall be required.

B. Minimum distance from any property line:

1. For places of public assembly, libraries, parks and community centers the minimum distance shall be twenty-five (25) feet.
2. For elementary and secondary schools the minimum distance shall be shall one hundred (100) feet.
3. For trade, professional, or technical schools the minimum distance shall be twenty (20) feet.

C. Elementary and secondary schools shall additionally meet these provisions:

1. Playground equipment or athletic fields shall only be located in the rear or side yard at least fifty (50) feet from any adjacent property line and surrounded by a four (4) foot fence.
2. The off-street parking shall be arranged so the bus loading and unloading area will not be in the path of vehicular traffic.

D. Walkways shall be constructed from off-street parking areas to building entrances. If sidewalks are provided on adjacent parcels, they shall also be required for these uses.

E. Any public school facility subject to the jurisdiction of the Michigan superintendent of public instruction is exempt from the provisions of this Ordinance.

F. Public parks operated by a local, state, or federal government are exempt from the provisions of this Section.

Section 15.06.27 Produce/vegetable packaging plant

- A. All buildings shall be setback at least one hundred (100) feet from any property line.
- B. Access driveways shall be located no less than seventy-five (75) feet from the nearest street intersection or driveway.
- C. The site shall be served by either a public water and sanitary sewer system, or by an on-site system approved by the County Health Department.
- D. The site plan shall provide:
 - 1. The size, nature, and character of the proposed use.
 - 2. The proximity and impacts of the proposed use on adjoining properties.
 - 3. The extent of traffic congestion or hazard that would accompany such a use.
 - 4. The total effect of the proposed use on adjoining properties and the surrounding neighborhoods.
 - 5. The frequency of use, hours of operations, parking requirements and location, ingress and egress points, lighting, and maintenance of the parking lot.
 - 6. A proper buffer or greenbelt to screen the use from any adjacent residential uses.
- E. Lighting the site shall not create a nuisance to adjacent property owners, nor to traffic on adjacent roads.
- F. A proper buffer or greenbelt to screen the use from any adjacent residential uses or any residentially zoned property.
- G. Trash containers shall be enclosed by a structure screening them on at least three (3) sides.
- H. The property shall be kept free of litter, and in a sanitary condition.

Section 15.06.28 Farm implement sales and repair

- A. All sales buildings or areas, repair buildings or structures, and display of implements shall be setback at least one hundred (100) feet from any property line.
- B. Access driveways shall be located no less than seventy-five (75) feet from the nearest street intersection or driveway.

- C. The site shall be served by either a public water and sanitary sewer system, or by an on-site system approved by the County Health Department.
- D. The site plan shall provide:
 - 1. The size, nature, and character of the proposed use.
 - 2. The proximity and impacts of the proposed use on adjoining properties.
 - 3. The extent of traffic congestion or hazard that would accompany such a use.
 - 4. The total effect of the proposed use on adjoining properties and the surrounding neighborhoods.
 - 5. The frequency of use, hours of operations, parking requirements, ingress and egress points, lighting, and maintenance of the parking lot.
 - 6. A proper buffer or greenbelt to screen the use from any adjacent residential uses.
- E. Trash containers shall be enclosed by a structure screened on at least three (3) sides.
- F. The property shall be kept free of litter, and in a sanitary condition.
- G. The use shall be located adjacent to a county primary or state road, and access to the use shall be from said road.

Section 15.06.29 Sale of animal feed, seed, fertilizers, and related farming products unless conducted as part of a bonafide farming operation where the operation does not require a Michigan Sales Tax License

- A. All sales buildings, structures, or locations shall be setback at least one hundred (100) feet from any property line.
- B. Access driveways shall be located no less than seventy-five (75) feet from the nearest street intersection or driveway.
- C. The site shall be served by either a public water and sanitary sewer system, or by an on-site system approved by the County Health Department.
- D. The site plan shall provide:
 - 1. The size, nature, and character of the proposed use.
 - 2. The proximity and impacts of the proposed use on adjoining properties.
 - 3. The extent of traffic congestion or hazard that would accompany such a use.
 - 4. The total effect of the proposed use on adjoining properties and the surrounding

neighborhoods.

5. The frequency of use, hours of operations, parking requirements, ingress and egress points, lighting, and maintenance of the parking lot.
 6. A proper buffer or greenbelt to screen the use from any adjacent residential uses.
- E. The use shall be located adjacent to a county primary or state road, and access to the use shall be from said road.

Section 15.06.30 Nursing homes and similar elder care facilities

- A. Minimum lot size shall be three (3) acres.
- B. The lot location shall be such that at least one (1) property line abuts an county primary or state road. The ingress and egress for off-street parking areas for guests and patients shall be directly from that thoroughfare.
- C. Main and accessory buildings shall be set back at least seventy-five (75) feet from all property lines.
- D. The facility shall be designed to provide a minimum of fifteen hundred (1,500) square feet of open space for every bed intended to be used. This open space shall include landscaping and may include off-street parking, driveways, required yard setbacks and accessory uses.

Section 15.06.31 Reserved

Section 15.06.32 Reserved

Section 15.06.33 Health care centers

- A. Description:
 1. A health care center may include a multi-disciplinary physician medical building providing office visits, consultations, diagnostic tests, emergency medicine, treatments, ambulatory surgery and other medical activities not requiring an overnight stay by patients.
- B. Minimum lot size of one (1) acre is required.
- C. Parking areas shall have a front yard setback of twenty-five (25) feet that is appropriately landscaped.
- D. Access driveways shall be located no less than seventy-five (75) feet from the nearest street intersection or driveway.

- E. Lighting shall not create a nuisance to adjacent property owners, nor to traffic on adjacent roads.
- F. The proposed site shall front upon a paved county primary or local street. All ingress and egress shall be from said street.

Section 15.06.34 Research and development facilities, including production activities

- A. Minimum lot area shall be three (3) acres.
- B. Minimum lot width shall be two hundred (200) feet.
- C. Uses that shall be permitted are research or technology based facilities, industrial plants primarily assembling finished materials, trade utilities, building and material sales, and wholesale operations.
- D. No building, parking area, or storage area shall be permitted within fifty (50) feet of any road-right-of-way or property line.
- E. Outdoor storage of vehicles, equipment or materials shall be screened from view from abutting properties and roads.

Section 15.06.35 Public or private campgrounds

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

Section 15.06.36 Wind energy systems

- A. On-site Use Wind Energy Systems and Anemometer Tower. An On-site Use Wind Energy System may be approved as a special land use when identified as such in a specified zoning district, subject to the requirements of the district in which it is located in addition to the standards provided below. The special land use application shall be reviewed and

considered according to the procedures provided in this Article and may expire if not acted upon according to the requirements in Section 15.03.

1. An On-site Use Wind Energy System shall be designed to primarily serve the needs of a home, farm, or small business located on the same property as the proposed Wind Energy System.
2. An On-site Use Wind Energy System shall have a tower height, including the blade, of sixty-six (66) feet or less, measured to the top of the blade in its vertical position. On-site Use Wind Energy Systems or Anemometer Towers exceeding 66 feet in height must meet the standards of Section 15.06.36(B) below.
3. Property Setback. The distance between an On-site Use Wind Energy System and the owner's property lines shall be equal to 200% of the height of the tower. No part of the Wind Energy System structure, including guy wire anchors, may extend closer than ten (10) feet to the owner's property lines, or the distance of the required setback in the respective zoning district, whichever results in the greater setback. If an adjacent property is residentially zoned or is being used for residential purposes at the time of application, then the setbacks that were calculated from the property line separating the WES property from that property shall be doubled.
4. Minimum Lot Size. The minimum lot size for a property to be eligible to have an On-site Use Wind Energy System shall be ten (10) acres.
5. Number of Towers. To be considered an On-site Use Wind Energy System and be permitted to follow the requirements and procedures provided here in section 15.06.36(B) no more than one tower may be located on the site at any one time.
6. Sound pressure Level. On-site Use Wind Energy Systems shall not exceed fifty (50) dB(A) at the property line closest to the Wind Energy System.
7. Construction Codes, Towers, & Interconnection Standards. On-Site Use Wind Energy Systems including towers shall comply with all applicable state construction and electrical codes and local building permit requirements. On-site Use Wind Energy Systems including towers shall comply with Federal Aviation Administration requirements, the Michigan Airport Zoning Act (Public Act 23 of 1950, MCL 259.431 et seq.), the Michigan Tall Structures Act (Public Act 259 of 1959, MCL 259.481 et seq.), and other applicable local and state regulations. An interconnected On-site Use Wind Energy System shall comply with Michigan Public Service Commission, National Electrical Code, and Federal Energy Regulatory Commission standards. Off-grid systems are exempt from this requirement.
8. Safety. An On-Site Use Wind Energy System shall have both manual and automatic braking, governing, or a feathering system to prevent uncontrolled rotation or over speeding, particularly during high winds. All wind towers shall have lightning protection.

If a tower is supported by guy wires, the wires shall be clearly visible to a height of at least six feet above the guy wire anchors.

9. Blade Clearance. The minimum vertical blade tip clearance from grade shall be twenty (20) feet for a Wind Energy System employing a horizontal axis rotor.
10. Lighting. The Wind Energy System shall not have affixed or attached any lights, reflectors, flashers, or any other illumination, except for the minimum necessary illuminations required by the Federal Aviation Administration guidelines.
11. Transmission Interference. Wind Energy Systems shall be designed and constructed so as not to cause radio, television, communication, or other similar transmission interference.
12. Abandonment. Any Wind Energy System that is not used for twelve (12) successive months shall be deemed abandoned and shall be dismantled and removed from the property at the expense of the property owner.
13. Impact Studies. The applicant may offer and submit, or the Planning Commission may require, that the applicant submit studies related to noise, vibration, or similar issues that may be considered a nuisance. In addition, such studies may include avian and wildlife impact, visual impacts, shadow flicker (changes in light intensity caused by the moving blade) or similar issues based upon compatibility of the proposed use in the requested location.

B. Utility Grid Wind Energy System, On-site Use Wind Energy System over 66 feet high, and Anemometer Towers over 66 feet high.

A Utility Grid Wind Energy System, On-site Use Wind Energy system over sixty-six (66) feet high, and Anemometer Towers over sixty-six (66) feet high may be approved as a special land use in specified districts subject to the requirements of the district in which it is located in addition to the standards provided below. The special land use application shall be reviewed and considered according to the procedures provided in this Article and may expire if not acted upon according to the requirements in Section 15.03.

1. Property Setback.

- a. The required Anemometer Tower setback shall be the greater distance of the following:

(1) The setback from property lines of the respective zoning district;

(2) The setback from the road right-of-way; or

(3) A distance equal to 200% of the height of the tower from property lines or from the lease unit boundary, whichever is closest.

- b. The required Utility Grid and On-site Use Wind Energy System setback shall be the greater distance the following:
 - (1) The setback from property lines of the respective zoning district;
 - (2) The setback from the road right-of-way; or
 - (3) A distance equal to 200% of the height of the tower including the top of the blade in its vertical position from property lines or from the lease unit boundary, whichever is closest.
 - c. An Operations and Maintenance Office building, a sub-station, and ancillary equipment shall comply with any property setback requirement of the respective zoning district. Overhead transmission lines and power poles shall comply with the setback and placement requirements applicable to public utilities.
 - d. If an adjacent property is residentially zoned or is being used for residential purposes at the time of application, then the setbacks that were calculated from the property line separating the WES property from that property shall be doubled.
2. Minimum Lot Size. The minimum lot size for a property to be eligible to have an On-site Use Wind Energy System taller than sixty-six (66) feet shall be twenty (20) acres. In order to establish a Utility Grid Wind Energy System, the applicant must have ownership or leases upon a minimum of 100 acres in Keeler Township. This land is not required to be contiguous, however each individual area must meet the requirements for development of an On-site Use Wind Energy System taller than sixty-six (66) feet regardless of if one is proposed there or not.
3. Sound Pressure Level. The sound pressure level shall not exceed fifty (50) dB(A) measured at the property lines or the lease unit boundary whichever is farther from the source of the noise.
4. Safety. The site shall be designed to prevent unauthorized access to electrical and mechanical components and shall have access doors that are kept securely locked at all times when service personnel are not present. All spent lubricants and cooling fluids shall be properly and safely removed in a timely manner from the site. A sign shall be posted near the tower or Operations and Maintenance Office building that will contain emergency contact information. Signage placed at the road access shall be used to warn visitors about the potential danger of falling ice.

All Wind Energy Systems shall have both manual and automatic braking, governing, or a feathering system to prevent uncontrolled rotation or over speeding, particularly during high winds. All wind towers shall have lightning protection. If a tower is supported by guy wires, the wires shall be clearly visible to a height of at least six feet above the guy wire anchors.

5. Blade Clearance. The minimum vertical blade tip clearance from the peak height of any existing structure, vegetation, or grade within a 200-foot radius of the proposed tower at the time of construction shall be thirty (30) feet.
6. Post-Construction Permits, Construction Codes, Towers, and Interconnection Standards. Shall comply with all applicable state construction and electrical codes and local building permit requirements.
7. Pre-Application Permits.
 - a. Utility Infrastructure. Shall comply with Federal Aviation Administration (FAA) requirements, the Michigan Airport Zoning Act (Public Act 23 of 1950, MCL 259.431 et seq.), the Michigan Tall Structures Act (Public Act 259 of 1959, MCL 259.481 et seq.), and other applicable local and state regulations. The Minimum FAA lighting standards shall not be exceeded. All tower lighting required by the FAA shall be shielded to the extent possible to reduce glare and visibility from the ground. The tower shaft shall not be illuminated unless required by the FAA. The Wind Energy Systems shall comply with applicable utility, Michigan Public Service Commission and Federal Energy Regulatory Commission interconnection standards.
 - b. Environment.
 - (1) The site plan and other documents and drawings shall show mitigation measures to minimize potential impacts on the natural environment including, but not limited to, wetlands and other fragile ecosystems, historical and cultural sites, and antiquities, as identified in the Environmental Analysis.
 - (2) Comply with applicable parts of the Michigan Natural Resources and Environmental Protection Act (Act 451 of 1994, M.C.L. 324.101 et seq) including but not limited to:
 - (a) Part 31 Water Resources Protection (M.C.L. 324.3101 et seq.),
 - (b) Part 91 Soil Erosion and Sedimentation Control (M.C.L. 324.9101 et seq.),
 - (c) Part 301 Inland Lakes and Streams (M.C.L. 324.30101 et seq.),
 - (d) Part 303 Wetlands (M.C.L. 324.30301 et seq.),
 - (e) Part 323 Shoreland Protection and Management (M.C.L. 324.32301 et seq.),
 - (f) Part 325 Great Lakes Submerged Lands (M.C.L. 324.32501 et seq.), and
 - (g) Part 353 Sand Dunes Protection and Management (M.C.L. 324.35301 et seq.).

As shown by having obtained each respective permit with requirements and limitations of those permits reflected on the site plan.

- c. Performance Security. A performance Security shall be provided for the applicant making repairs to public roads damaged by the construction of the Wind Energy System.
- d. Utilities. Power lines should be placed underground, when feasible, to prevent avian collisions and electrocutions. All aboveground lines, transformers, or conductors should comply with the Avian Power Line Interaction Committee (APLIC, <http://www.aplic.org/>) published standards to prevent avian mortality.
- e. Visual Impact. Wind Energy System projects shall use tubular towers and shall be finished in a single, nonreflective matte finished color. A project with multiple towers shall be constructed using towers/systems of similar design, size operation, and appearance throughout the project. No lettering, company insignia, advertising, or graphics shall be on any part of the tower, hub, or blades. Nacelles may have lettering that exhibits the manufacturer's and/or owner's identification. The applicant shall avoid state or federal scenic areas and significant visual resources listed in the Keeler Township Master Plan.
- f. Avian and Wildlife impact. Site plan and other documents and drawings shall show mitigation measures to minimize potential impacts on avian and wildlife, as identified in the Avian and Wildlife Impact analysis (see below).
- g. Shadow Flicker. Site plan and other documents and drawings shall show mitigation measures to minimize potential impacts from shadow flicker, as identified in the Shadow Flicker Impact Analysis (see below).
- h. Decommissioning. A decommission plan signed by the responsible party and the landowner (if different) is required at the time of application shall be required and shall include the following:
 - (1) The defined conditions upon which decommissioning will be initiated (i.e. end of land lease, no power production for twelve (12) months, abandonment).
 - (2) The removal of all above grade and below grade improvements, including but not limited to equipment, conduits, towers, structures, fencing, roads, and foundations.
 - (3) Restoration of the property to its condition prior to the development of the system.
 - (4) The timeframe for completion of decommissioning activities.

- (5) A performance guarantee shall be posted in the form of a bond, letter of credit, cash, or other form acceptable to the Township, to ensure removal upon abandonment. As part of the decommissioning plan, the responsible party shall provide at least two (2) written cost estimates from qualified licensed contractors for the complete removal of the equipment, foundations, and structures associated with the facility and the restoration of the land to its previous state. These estimates will assist the Township in setting the amount of the performance guarantee.
 - (6) Decommissioning a WES must be completed within twelve (12) months after abandonment. A WES that has not produced electrical energy for twelve (12) months shall prompt an abandonment hearing.
 - (7) The performance guarantee shall be valid throughout the lifetime of the facility.
 - (8) In the event the responsible party changes the new responsible party must provide a new performance guarantee within thirty (30) days of accepting responsibility for the WES. There will be no lapse in performance guarantee coverage.
 - (9) Performance guarantees shall be reviewed by the Township attorney to ensure compliance with the requirements and intent of this section as a condition of special land use approval. Attorney fees for this review shall be paid by the applicant.
 - (10) Bonds or letters of credit shall be extended on a regular basis with expiration dates never less than two (2) years from the annual anniversary date of the special land use approval.
 - (11) Every five (5) years after the date of the special land use approval, the performance guarantee will be reassessed by the Township. The responsible party will furnish two (2) updated written estimates for decommissioning from qualified licensed contractors and the performance guarantee shall be adjusted to account for changes in decommissioning costs.
- i. Abandonment. Any Wind Energy System that is not used for twelve (12) successive months shall be deemed abandoned and shall be dismantled and removed from the property at the expense of the property owner.
 - j. Complaint Resolution. A Planning Commission approved process to resolve complaints from nearby residents concerning the construction or operation of the project shall be established.
 - k. Electromagnetic Interference. No Wind Energy System shall be installed in any location where its proximity to existing fixed broadcast, retransmission, or reception antennae for radio, television, or wireless electromagnetic interference with signal

transmission or reception unless the applicant provides a replacement signal to the affected party that will restore reception to at least the level present before operation of the Wind Energy System. No Wind Energy System shall be installed in any location within the line of sight of an existing microwave communications link where operation of the Wind Energy System is likely to produce electromagnetic interference in the link's operation unless the interference is insignificant.

C. Site Plans for Anemometer Tower, Utility Grid Wind Energy System, and On-site Use Wind Energy System.

In addition to the requirements for a site plan found in Chapter 14 of this Ordinance, site plans and supporting documents for Anemometer Tower, Utility Grid Wind Energy System, and On-site Use Wind Energy Systems shall include the following information:

1. Documentation that sound pressure level, construction code, tower, interconnection (if applicable), and safety requirements have been reviewed and the submitted site plan is prepared to show compliance with these issues.
2. Proof of the applicant's public liability insurance for the project.
3. A copy of that portion of all the applicant's lease(s) with the land owner(s) granting authority to install the Anemometer Tower and/or Utility Grid Wind Energy System; legal description of the property(ies), Lease Unit(s); and the site plan shows the boundaries of the leases as well as the boundaries of the Lease Unit Boundary.
4. The phases, or parts of construction, with a construction schedule.
5. The project area boundaries.
6. The location, height, and dimensions of all existing and proposed structures and fencing, including towers, guy wires, anchors, and/or utility cables as well as the setbacks from the proposed Wind Energy System.
7. The location and height of all adjacent buildings, structures, and above ground utilities located within 300 feet of the exterior boundaries of the site housing the Wind Energy System.
8. The location, grades, and dimensions of all temporary and permanent on-site and access roads from the nearest county- or state-maintained road.
9. All new infrastructure above ground related to the project.
10. A copy of Manufacturers' Material Safety data Sheet(s) which shall include the type and quantity of all materials used in the operation of all equipment including, but not limited to, all lubricants and coolants, A copy of the manufacturer's installation instructions shall be provided, including standard drawings of the structural components of the wind

energy conversion system and support structures, base, and footings, along with engineering data and calculations to demonstrate compliance with the requirements of the National Building Code, certified by a registered engineer licensed to practice in the State of Michigan.

11. The following additional items are required for Utility Grid Wind Energy Systems and On-site Wind Energy Systems over sixty-six (66) feet tall only:
 - a. A copy of a noise modeling and analysis report and the site plan shall show locations of equipment identified as a source of noise which is placed, based on the analysis, so that the Wind Energy System will not exceed the maximum permitted sound pressure levels. The noise modeling and analysis shall conform to IEC (International Electrotechnical Commission) 61400 and ISO (International Organization for Standardization) 9613. After installation of the Utility Grid Wind Energy System, sound pressure level measurements shall be done by a third party, qualified professional according to the procedures in the most current versions of ANSI S12.18. All sound pressure levels shall be measured with a sound meter that meets or exceeds the most current version of ANSI S1.4 specifications for a Type II sound meter. Documentation of the sound pressure level measurements shall be provided to the Planning Commission within sixty (60) days of the commercial operation of the project.
 - b. A visual impact simulation showing the completed site as proposed on the submitted site plan. The visual impact simulations shall be from four viewable angles.
 - c. A copy of an Environment Analysis by a third party qualified professional to identify and assess any potential impacts on the natural environment including, but not limited to wetlands and other fragile ecosystems, historical and cultural sites, and antiquities. The applicant shall take appropriate measures to minimize, eliminate or mitigate adverse impacts identified in the analysis, and shall show those measures on the site plan. The applicant shall identify and evaluate the significance of any net effects or concerns that will remain after mitigation efforts.
 - d. A copy of an Avian and Wildlife Impact Analysis by a third party qualified professional to identify and assess any potential impacts on wildlife and endangered species. The applicant shall take appropriate measures to minimize, eliminate or mitigate adverse impacts identified in the analysis, and shall show those measures on the site plan. The applicant shall identify and evaluate the significance of any net effects or concerns that will remain after mitigation efforts.

Sites requiring special scrutiny include wildlife refuges, other areas where birds are highly concentrated, bat hibernacula, wooded ridge tops that attract wildlife, sites that are frequented by federally and/or state listed endangered species of birds and bats, significant bird migration pathways, and areas that have landscape features known to attract large numbers of raptor.

At a minimum, the analysis shall include a thorough review of the existing information regarding species and potential habitats in the vicinity of the project area. Where appropriate, surveys for bats, raptors, and general avian use should be conducted. The analysis shall include the potential effects on species listed under the federal Endangered Species Act and Michigan's Endangered Species Protection Law.

The analysis shall indicate whether a post construction wildlife mortality study will be conducted and, if not, the reasons why such a study does not need to be conducted.

- e. A copy of a shadow flicker analysis at occupied structures to identify the locations of shadow flicker that may be caused by the project and the expected durations of the flicker at these locations from sun-rise to sun-set over the course of a year. The site plan shall identify problem areas where shadow flicker may affect the occupants of the structures and show measures that shall be taken to eliminate or mitigate the problems.
- f. A second site plan, which includes all the information found in Chapter 14 of this Ordinance, showing the proposed restoration plan for the site after completion of the project which includes the following supporting documentation:
 - (1) The anticipated life of the project.
 - (2) The estimated decommissioning costs net of salvage value in current dollars.
 - (3) The method of ensuring that funds will be available for decommissioning and restoration.
 - (4) The anticipated manner in which the project will be decommissioned and the site restored.
 - (5) A description of the complaint resolution process developed by the applicant to resolve complaints from nearby residents concerning the construction or operation of the project.
 - (6) The process may use an independent mediator or arbitrator and shall include a time limit for acting on a complaint. The process shall not preclude Keeler Township from acting on a complaint. During construction the applicant shall maintain and make available to nearby residents a telephone number where a project representative can be reached during normal business hours.

Section 15.06.37 Commercial wireless telecommunication services

- A. Within fourteen (14) days of receipt of an application for a wireless communication facility special use permit, the Zoning Administrator shall determine whether or not the application is administratively complete as required in MCL 125.3514(4). Unless the Zoning Administrator provides a notice of deficiency as set forth below, the application shall be

deemed administratively complete upon the earlier of when the Zoning Administrator makes such determination or fourteen (14) days after the application is received.

- B. If the application is deemed administratively incomplete, the Zoning Administrator shall notify the applicant in writing, or by electronic notification, within such fourteen (14) day period that the application is not administratively complete and shall specify the information or fees necessary to make the application administratively complete.
- C. The Planning Commission shall approve or deny the application within ninety (90) days of the date the application is deemed administratively complete. A failure to timely approve or deny a special exception use request shall be deemed an approval. An approval may be conditioned only upon the wireless communications equipment meeting the requirements of this ordinance, other Township ordinances and other federal and state laws before the wireless communications equipment begins operations.
- D. New Commercial Wireless Telecommunication Services shall be required to locate on an existing approved tower within a one (1) mile radius of the proposed tower site unless one (1) or more of the following conditions exists:
 - 1. The planned equipment would cause interference materially affecting the usability of other existing or planned equipment at the tower or building as documented by a qualified and registered professional engineer and the interference cannot be prevented at a reasonable cost.
 - 2. Existing or approved towers and buildings within a one (1) mile radius cannot accommodate the planned equipment at a height necessary to function reasonably as documented by a qualified and registered professional engineer.
 - 3. Other unforeseen reasons that make it infeasible to locate the planned equipment upon an existing tower or building.
- E. Any proposed tower for Commercial Wireless Telecommunication Services shall be designed, structurally, electrically, and in all other respects, to accommodate both the applicant's equipment and comparable equipment for at least two (2) additional users. Towers must be designed to allow for future rearrangement of equipment upon the tower and to accept equipment mounted at varying heights.
- F. Towers for Commercial Wireless Telecommunication Services shall be designed to blend into the surrounding environment through the use of color and architectural treatment, except in instances where color is dictated by other state or federal authorities. Towers shall be of a monopole design unless the Planning Commission determines that an alternative design would better blend into the surrounding environment.
- G. Any part of the structures or equipment placed on the ground pertaining to the tower for Commercial Wireless Telecommunication Services shall comply with the following setbacks:
 - 1. The Planning Commission shall not approve any tower for Commercial Wireless

Telecommunication Services located such that any part of which is located within two hundred (200) feet of any Residential District lot line.

2. Any part of a Commercial Wireless Telecommunication Services tower or associated equipment shall be set back for a distance equal to the setbacks for main buildings for the district in which it is located, except that in no case shall such structures or equipment be located less than twenty-five (25) feet from any adjacent lot line or main building, nor less than two hundred (200) feet from any Residential District lot line, and two hundred fifty (250) feet from any public road.
 3. These provisions shall not apply to towers located on existing buildings, towers, or other existing structure.
- H. The tower and related structures or equipment on the ground shall be screened with landscaping, berms, walls, or a combination of these elements at least six (6) feet tall.
- I. Existing on site vegetation shall be preserved to the maximum extent practical.
- J. Towers for Commercial Wireless Telecommunication Services shall not be illuminated unless required by other state or federal authorities. If lighting is required, ADLS is preferred. No signs or other advertising not related to safety or hazard warnings shall be permitted on any part of the tower or associated equipment or buildings.
- K. The maximum height of the tower shall be one hundred ninety-nine (199) feet. The height of the tower may be increased to accommodate collocation requirements.
- L. The property the tower is to be located upon shall meet the minimum area requirements of the zoning district in which it is located.
- M. Exceptions to the conditions set forth above may only be granted by the Planning Commission.
- N. Towers for Commercial Wireless Telecommunication Services which are abandoned and unused shall be removed, along with any associated structures or equipment, within twelve (12) months of the cessation of operations, unless a time extension is granted by the Zoning Administrator. One (1) three (3) month extension shall be permitted only if the Zoning Administrator finds that the owner or former operator of the facility is taking active steps to ensure removal.

Section 15.06.38 Micro-breweries, small distilleries, small wineries

- A. Prior to establishment, the operation shall comply with all US Alcohol and Tobacco Tax and Trade Bureau (“TTB”) and Michigan Liquor Control Commission (MLCC) licensing and permitting requirements. The operation shall comply with liquor control regulations of the Federal Government, State of Michigan, Van Buren County and Keeler Township at all times.

- B. Views of outdoor storage must be screened from the public right-of-way by a six (6) foot solid privacy fence, wall, or landscaping features sufficient to fully obstruct views of the storage area.
- C. Hours open to the public shall not commence earlier than 7:00 a.m. and shall not extend past 2:00 a.m.
- D. Consumers brew-on-premise or wine making is allowed, subject to any applicable TTB and MLCC licensing and permitting requirements.

CHAPTER 16 - PARKING AND SIGNS

SECTION 16.00 PARKING

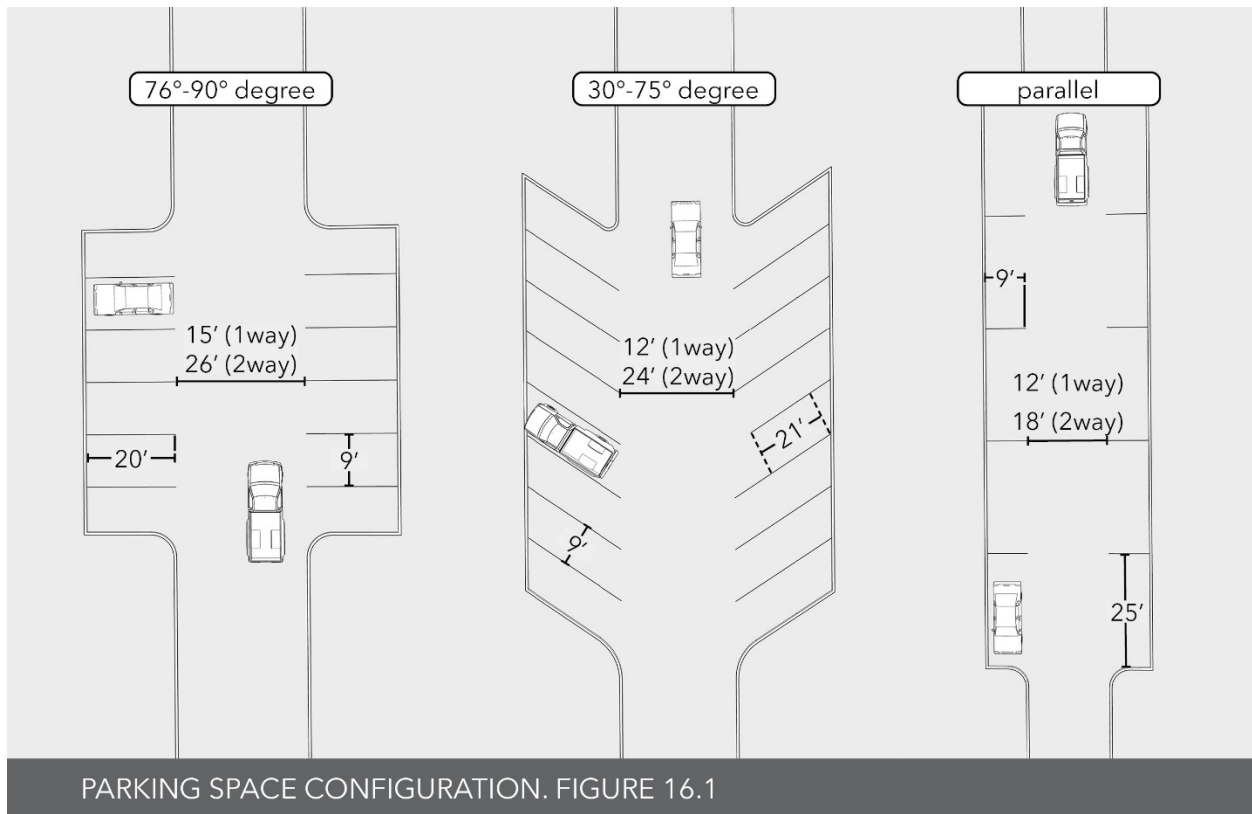
Section 16.00.01 General Requirements

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

Section 16.00.02 Parking Lot Design Standards

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

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



B. Minor adjustments of the dimensions prescribed in this Section may be authorized by the Zoning Administrator if consistent with generally recognized design standards for off-street parking facilities.

C. All parking lots shall be provided with a pavement having an asphalt or concrete binder so as to provide a permanent, durable and dustless service. The Planning Commission may consider alternative parking surface materials such as asphalt millings, brick pavers, and porous pavements for low-intensity uses in consideration of anticipated traffic volumes, the size of the parking lot, associated land uses, and similar factors.

- D. All parking lots shall be constructed so as to permit proper drainage and prevent puddling or storage of water within the lot. Drainage shall be in accordance with the requirements of Keeler Township and the Van Buren County Drain Commission.
- E. All parking lots shall be provided with adequate lighting. Parking lot lighting shall be shielded so as to prevent light from spilling onto adjacent Residential Districts or uses.

Section 16.00.03 Schedule of Off-Street Parking Requirements

- A. Required off-street parking spaces are noted in the table below for the uses listed. For those uses not specifically mentioned, the requirements for off-street parking shall be in accord with a use which the Planning Commission or Zoning Administrator considers similar in type. The Planning Commission or Zoning Administrator shall consult relevant manuals and technical publications in determining the minimum parking requirements for uses not listed in the table below.
- B. When units of measurement determining the number of required off-street parking spaces result in the requirement of a fractional space that fraction shall require one (1) parking space.
- C. The Planning Commission may modify the requirements in the schedule of off street parking requirements during the site plan review process by applying the parking area design standards, the schedule of parking requirements, other applicable provisions of this chapter, pertinent improvements to the site that will reduce motor vehicle parking requirements, and additional relevant information provided in writing by the applicant.

SCHEDULE OF OFF-STREET PARKING REQUIREMENTS

USE	PARKING SPACE PER UNIT OF MEASUREMENT
Residential	
Single family dwellings	2 for each dwelling unit
Two family dwellings	2 for each dwelling unit
Multiple family dwellings	2 for each dwelling unit, plus 1 additional space for each 2 units
Institutional	
Group day care homes and group foster care homes	1 space for each 4 clients, plus 1 space for each employee

USE	PARKING SPACE PER UNIT OF MEASUREMENT
Churches, theaters, assembly areas, auditoriums, gymnasiums	1 space for each 4 seats or each 8 feet of pew length or 1 space for and each 3 persons allowed within the maximum occupancy load established by any applicable codes or ordinances, whichever is greater
Schools, elementary and middle	2 spaces for each 3 employees, plus amount required for auditorium or gymnasium seating
Schools, secondary, trade, industrial, and institutions of higher learning	1 space for each 10 students, plus 1½ spaces for each classroom, plus amount required for auditorium or gymnasium seating
Commercial	
Vehicle wash establishments (self service or automatic)	1 space for each 5 stalls
Beauty/barber shop	3 spaces for each chair
Bowling alleys	4 spaces for each bowling lane plus required spaces for each accessory use
Assembly halls without fixed seats	1 space for each 3 persons allowed within the maximum occupancy load established by any applicable codes or ordinances
Restaurants - without drive-through facilities	1 space for each 100 square feet of UFA or 1 space for each 3 persons allowed within the maximum occupancy load established by any applicable codes or ordinances, whichever is greater
Restaurants with drive-through facilities	1 space for each 100 sq. ft. of UFA or 1 space for each 1½ persons allowed within the maximum occupancy load established by any applicable codes or ordinances, whichever is greater, in addition to 5 stacking spaces per drive-through lane with window service
Vehicle service stations	1 space for each service stall, plus 1 space for each pump island, plus 1 space for each of the maximum number of employees on the premises at any one time

USE	PARKING SPACE PER UNIT OF MEASUREMENT
Personal service establishments not otherwise specified	1 space for each 150 sq. ft. of UFA
Furniture, appliance and household goods retail sales	1 space for each 1000 sq. ft. of UFA
Funeral homes and mortuary establishments	1 space for each 50 sq. ft. of UFA
Open air businesses	1 space for each 350 sq. ft. of indoor UFA plus 1 space for each 1000 sq. ft. of outdoor display area
Retail stores not otherwise specified	1 space for each 200 sq. ft. of UFA
Hotels and motels	1 space for each guest room, plus required spaces for any accessory uses
Video rental stores	1 space for each 100 sq. ft. of UFA plus 1 space for the maximum number of employees on the premises at any one time
Offices	
Banks, credit unions, savings and loan associations and other similar uses	1 space for each 200 sq. ft. of UFA plus 3 spaces for each non-drive through automatic teller machine
Offices not otherwise specified	1 space for each 300 sq. ft. of UFA
Medical and dental offices and clinics	1 space for each 150 sq. ft. of waiting room area plus 1 space for each examining room, dental chair, or similar use area
Industrial	

USE	PARKING SPACE PER UNIT OF MEASUREMENT
Manufacturing, processing, and research establishments and Industrial uses not otherwise specified	1 space for each 1,000 sq. ft. of GFA plus those spaces required for offices
Warehouses and wholesale establishments	1 space for each 2,000 sq. ft. of GFA plus those spaces required for offices

Section 16.00.04 Off Street Loading Requirements

- A. On the same premises with every building or structure involving the receipt or distribution of vehicles, materials or merchandise there shall be provided and maintained adequate space for standing, loading and unloading. This space shall be placed where it avoids undue interference with public use of dedicated rights-of-way and parking areas.
- B. In the Commercial District all loading spaces shall be located in the rear yard in the ratio of at least ten (10) square feet per front foot of building and shall be computed separately from off-street parking requirements.
- C. Loading spaces for non-residential uses in Residential Districts shall be located in the rear yard in the ratio of at least five (5) square feet per front foot of building and shall be computed separately from off-street parking requirements.
- D. Industrial District.
 - 1. In the Industrial District at least one (1) loading space shall be provided. All loading spaces shall be at least ten (10) feet by fifty (50) feet or a minimum of five hundred (500) square feet in area. A minimum fourteen (14) foot clearance height shall be provided.
 - 2. Loading spaces shall only be permitted off-street and in the rear yard or interior side yard.
 - 3. All dedicated loading spaces shall be provided with a pavement having an asphalt or concrete binder so as to provide a permanent, durable and dustless service.
- E. The Planning Commission may modify the loading space requirements of this subsection upon demonstration by the applicant that such spaces are not necessary for the proposed land use.

SECTION 16.01 SIGNS

Section 16.01.01 Intent

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

Section 16.01.02 Definitions

- A. Air Dancer Sign. An inflatable sign intended to draw attention by movement of air through the inflated core.
- B. Awning. A retractable or fixed shelter constructed of non-rigid materials on a supporting framework that projects from the exterior wall of a building.
- C. Awning Sign. A sign affixed flat against the surface of an awning.
- D. Balloon Sign. A sign composed of a non-porous bag of material filled with air or other gas or inflating material.
- E. Billboard. A sign which advertises an establishment, product, service, or activity not available on the lot on which the sign is located.
- F. Business Center Sign. A ground or pole sign on a single parcel with one or more individual businesses, offices, and other permitted business uses.
- G. Electronic Changeable Message (ECM) sign. A sign with content that can be changed or altered by means of electronically controlled electronic impulses.
- H. Freestanding Sign. A sign not attached to a building or wall.
- I. Government Sign. A temporary or permanent sign erected by Keeler Township, Van Buren County, or the state or federal government.
- J. Ground Sign. A freestanding sign resting directly on the ground or supported by short poles (24 inches or less).
- K. Internal site sign. Smaller signs internal to a parcel that are generally oriented toward internal driveways and walkways.
- L. Mural. A design or representation painted or drawn on a wall which does not advertise an establishment, product, service, or activity, and is not considered a sign.
- M. Permanent Sign. A sign attached to a building or structure, or the ground, in a manner that

is intended to be unmovable for the duration of the time the associated use or occupant is located on the premises, and which is affixed to a solid base or concrete footer or which is affixed to a building or structure by fastening hardware.

- N. Portable Sign. A sign not permanently affixed to the ground or a building which is designed to permit removal, reuse, or relocation without disassembly. The principal supporting structure is intended, by design and construction, to be used by resting upon the ground for support and may be easily moved or relocated. Portable signs include, but are not limited to: signs mounted upon trailers, skids, wheeled carriers, or other non-motorized mobile structures, with wheels or with wheels removed; or signs with legs to support the structure.
- O. Pole Sign. A freestanding sign, other than a ground sign, permanently affixed to the ground by poles eight (8) feet or in higher, and without a supportive solid base or appearance of a solid base.
- P. Projecting Sign. A double-faced sign attached to a building or wall that extends more than twelve (12) inches but not more than thirty-six (36) inches from the face of the building or wall.
- Q. Reader Board. A portion of a sign on which copy is changed manually.
- R. Roof Line. The top edge of a roof or parapet wall, whichever is higher, but excluding any cupolas, chimneys, or other minor projections.
- S. Roof Sign. A sign erected above the roof line of a building.
- T. Sandwich Board Sign. A temporary sign structure placed on the ground that consists of two (2) back-to-back sign faces that are hinged together at the top and separated at the base a sufficient distance to solidly support the structure in an upright position.
- U. Sign. A device, structure, or fixture which uses graphics, symbols, and/or written copy to convey a message or attract attention.
- V. Special Sign. A temporary fabric, plastic, vinyl, or other non-ridged, and non-lasting material, without an enclosed structural framework, that is mounted by ropes, strings, cables, clips, or similar means.
- W. Temporary Yard Sign. A removable, light weight, and portable sign that because of its construction is intended to be displayed for a limited period of time, and is not designed to be permanently affixed to the ground, building or structure. Temporary yard signs are set in place by driving the supporting frame or posts into the ground by hand or with hand tools.
- X. Wall Sign. A sign painted or attached directly to and parallel to the exterior wall of a building extending no greater than twelve (12) inches from the exterior face of the wall to which it is attached.

Y. Window Sign. A sign installed inside a window and intended to be viewed from the outside.

Section 16.01.03 General Sign Provisions

No person shall erect, alter, place or permit to be placed, or replace any sign without first obtaining a zoning compliance permit except for those exempted by Section 16.01.04.

- A. Signs shall be maintained free of peeling paint or paper, fading, staining, rust, or other condition which impairs legibility or intelligibility.
- B. Sign supports, braces, guys, and anchors shall not cause a hazard.
- C. Signs may be internally or externally illuminated, except for home occupation signs which shall not be illuminated. The source of the light shall be enclosed and directed to prevent the light from shining directly onto traffic or residential property.
- D. No sign shall be placed in, upon or over any public right-of-way, alley, or other public place, except as may be otherwise permitted by this Chapter.
- E. No light pole, utility pole, or other supporting member shall be used for the placement of any sign unless specifically designed and approved for the use.
- F. No sign shall be erected in any place where it may, by reason of its position, shape, color, or other characteristic, interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal, or device, or constitute a nuisance per se.
- G. No vehicles intended to function as signs shall be parked in any area abutting a street, unless no other parking area is available.
- H. No sign shall employ any flashing, moving, oscillating, blinking, or variable intensity light, except for ECM signs that are permitted in accordance with Section 16.01.07.
- I. No sign shall contain any moving or animated parts nor have the appearance of having any moving or animated parts, except for ECM signs that are permitted in accordance with Section 16.01.07.
- J. Balloons, strings of light bulbs, pennants, streamers, or flags (other than those of a governmental nature not used for the purpose of commercial advertisement) hung overhead to draw attention to a business or its merchandise on display shall be prohibited.
- K. Wall signs or signs otherwise attached to a building shall not extend beyond the edge of the wall to which it is affixed, or extend above the roof line of a building.
- L. Portable signs and air dancer signs are prohibited.
- M. All signs not expressly permitted by this Chapter are prohibited.

Section 16.01.04 Exempted Signs

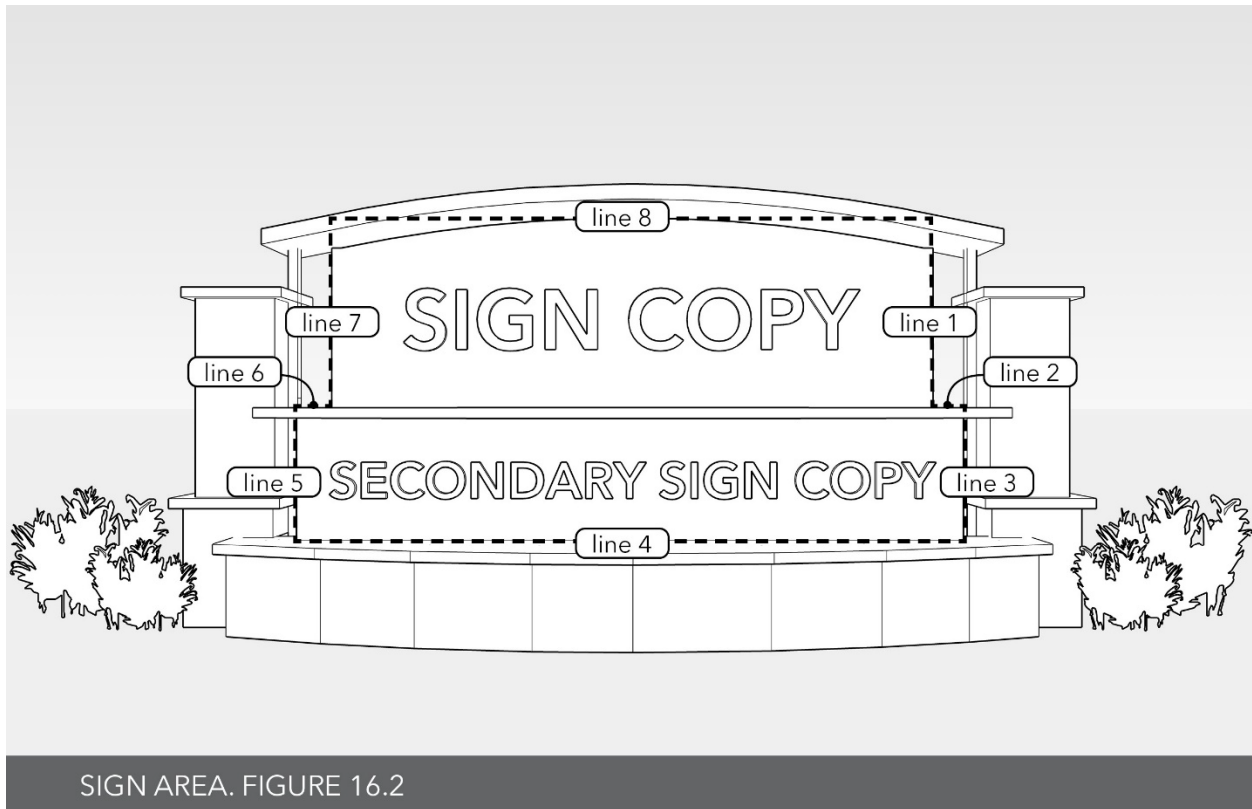
- A. The following signs shall be exempt from the permitting requirements of the Keeler Township Zoning Ordinance, provided, they meet the requirements of Section 16.01.03 and any applicable specific requirements of the Zoning Ordinance.
1. Government signs.
 2. Historical markers.
 3. Window signs.
 4. Memorial signs or tablets.
 5. Internal site signs.
 6. Signs for essential public services.
 7. Signs not exceeding two (2) square feet.
 8. Flags or insignia of any nation, state, Keeler Township, community organization, or educational institution.
 9. Temporary yard signs, provided that no temporary yard sign may be displayed for more than fourteen (14) days.
 10. Sandwich board signs.

Section 16.01.05 Nonconforming Signs, Illegal Signs, and Signs Accessory to Nonconforming Uses

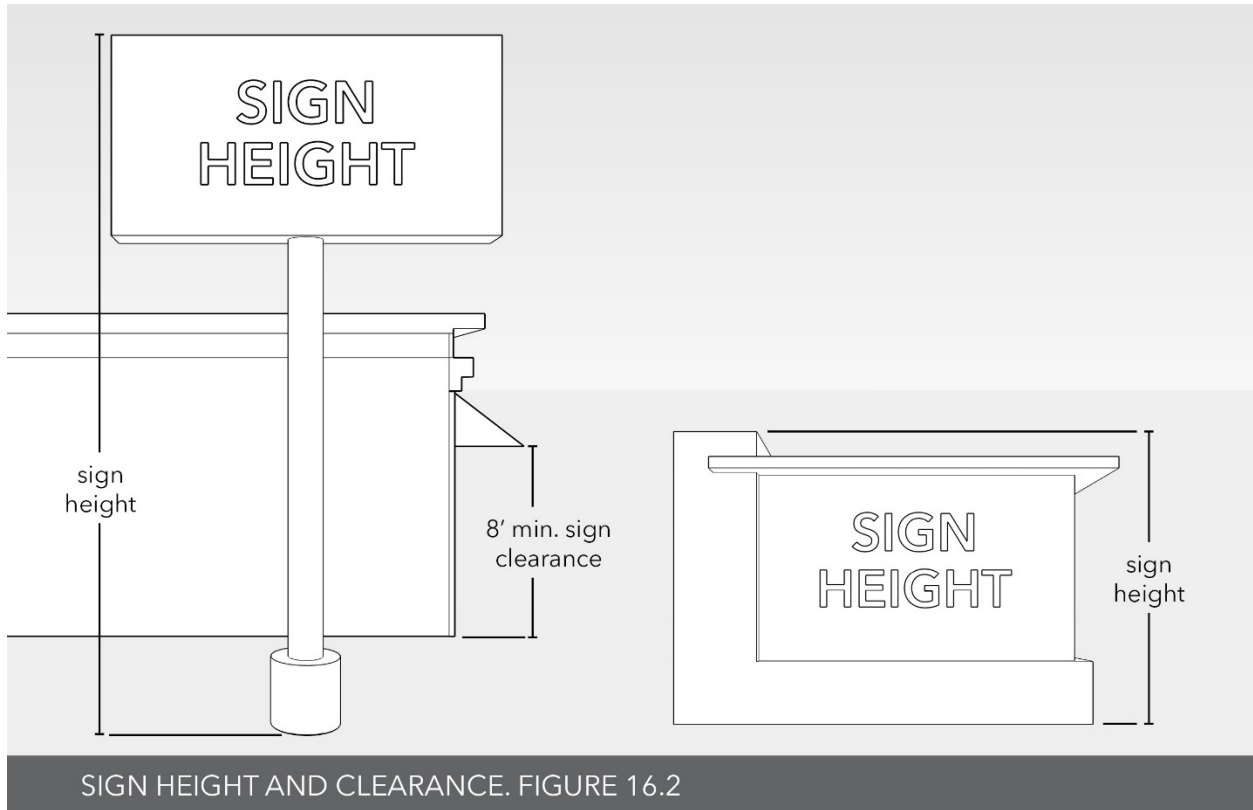
- A. Every permanent sign which does not conform to the height, size, area, or location requirements of this Chapter as of the date of the adoption of this Ordinance, is hereby deemed to be nonconforming.
- B. Nonconforming signs may not be altered, expanded, enlarged, or extended; however, nonconforming signs may be maintained and repaired so as to continue the useful life of the sign.
- C. A nonconforming sign may be diminished in size or dimension or the copy of the sign amended or changed without jeopardizing the privilege of the nonconforming use..
- D. A sign accessory to a nonconforming use may be erected in accordance with the sign regulations for the District in which the property is located.

Section 16.01.06 Units of Measurement

- A. The area of a sign shall be measured as the area within a single, continuous perimeter composed of any eight (8) straight lines to form a geometric figure which encloses the extreme limits of writing, representation, emblem, logo, or any other figure of similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed, excluding only the structure necessary to support the sign.



- B. The area of a freestanding, ground, or projecting sign that has two (2) or more faces shall be measured by including the area of all sign faces, except if two (2) sign faces are placed back-to-back and are of equal size, the area of the two (2) back-to-back faces shall be counted as one face. If the two (2) back-to-back faces are of unequal size, the larger of the two (2) sign faces shall be counted as the face for a determination of area measurement.
- C. The height of a sign shall be measured as the vertical distance from the highest point of the sign to the average grade of the ground immediately beneath the sign.



- D. For buildings with multiple tenants, wall signs, projecting signs, and awning signs may be apportioned among said tenants, provided the total maximum sign area is not exceeded.

Section 16.01.07 Regulations for Sign Types Generally

The following sign regulations are applicable to all Districts:

- A. Billboards are not permitted in the agricultural or residential districts.
- B. All ground, wall, and pole signs may include reader boards.
- C. All conforming ground and pole signs on non-residential and non-agricultural properties may include Electronic Changeable Message (ECM) display faces, subject to the following restrictions:
 1. Brightness of ECM displays shall not exceed 0.3 footcandles over ambient light levels.
 2. An applicant proposing an ECM shall provide a photometric plan or detailed sign lighting specifications to demonstrate compliance with this requirement.
 3. At any time after establishment of the ECM display, upon request, the owner shall provide the Planning Commission/Zoning Administrator with sufficient documentation and evidence to demonstrate continued compliance with the maximum lighting level requirement.

- D. Any sign, including awnings to which signs are affixed or displayed, not resting directly on the ground shall maintain a minimum clear space of eight (8) feet from the bottom of the sign to the ground beneath.
- E. Special signs are permitted in any District, subject to the following restrictions:
1. No more than one (1) special sign is permitted per street frontage.
 2. The display of a special sign shall be limited to three (3) permits of no more than twenty-one (21) consecutive days per permit. Special signs on Agricultural zoned land are not subject to time restrictions.
 3. A special sign shall have a maximum size of thirty-two (32) square feet in area, and a maximum height of five (5) feet and shall be set back from any property line a minimum of fifteen (15) feet.

Section 16.01.08 District Sign Regulations

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

AG, RR, R-1, LR, R-2, MHD, AND PUD DISTRICTS - PERMANENT SIGNS	
Ground signs for residential subdivisions, manufactured home parks, multiple family complexes, schools, or other non-residential uses allowed in the District	
Number	1 per major entrance
Size	No greater than 32 square feet
Location	Minimum of 15 feet from any side or rear property line
Height	No higher than 6 feet
Wall signs for home occupations	
Number	1 per lot or parcel
Size	No greater than 4 square feet
Location	On dwelling wall facing street, unilluminated
Wall signs for non-residential uses	
Number	1 per street frontage
Size	No greater than 5% of the wall area to which the sign is affixed.

AG, RR, R-1, LR, R-2, MHD, AND PUD DISTRICTS - PERMANENT SIGNS

Location	On building wall facing street
----------	--------------------------------

AG, RR, R-1, LR, R-2, MHD, AND PUD DISTRICTS – TEMPORARY SIGNS

Temporary yard signs

Number	<p>One (1) temporary yard sign is permitted per parcel or lot. Under the following circumstances, extra temporary yard signs are permitted:</p> <ul style="list-style-type: none"> • From a time forty-five (45) days prior to an election date until ten (10) days after, one (1) extra temporary yard sign per issue or office on the ballot • One (1) extra temporary yard sign from the time a property is listed for sale or rent until thirty (30) days after closing of sale/lease • One (1) extra temporary yard sign from the time a building permit is issued for a structure on the subject parcel or lot to a time fourteen (14) days after the issuance of an occupancy permit
Size	No greater than six (6) square feet
Location	Minimum of 15 feet from any side or rear property line, no front yard setback
Height	No higher than 6 feet

C - COMMERCIAL DISTRICT – PERMANENT SIGNS	
Ground signs	
Number	<p>1 per lot or parcel. A second ground sign is permitted in the following cases:</p> <ul style="list-style-type: none"> • The parcel is a corner lot with two street frontages totaling 200 linear feet or greater • The parcel has one street fronting lot line which is 200 linear feet or greater • The maximum number of ground signs and pole signs shall not exceed two (2)
Size	No greater than 50 square feet for each sign allowed
Separation	When 2 signs are permitted, a 100-foot separation is required between permanent ground and/or pole signs on the same parcel
Location	Minimum of 5 feet from the front property line, minimum of 5 feet from the side or rear property line
Height	No higher than 6 feet
Pole Signs	
Number	<p>1 per lot or parcel. A second pole sign is permitted in the following cases:</p> <ul style="list-style-type: none"> • The parcel is a corner lot with two street frontages totaling 200 linear feet or greater • The parcel has one street fronting lot line which is 200 linear feet or greater • The maximum number of ground signs and pole signs shall not exceed two (2)
Size	1½ square feet for each 1 foot of lot frontage up to a maximum of 50 square feet, for each sign allowed
Separation	When 2 signs are permitted, a 100-foot separation is required between permanent pole and/or ground signs on the same parcel
Location	Minimum of 15 feet from any property line
Height	No higher than 20 feet

C - COMMERCIAL DISTRICT – PERMANENT SIGNS	
Wall signs	
Number	No limit
Size	Total area no greater than 10% of the wall area to which the sign is affixed
Location	On exterior walls facing streets and parking areas
Business Center Signs	
Number	Same as ground or pole
Size	No greater than 100 square feet for each sign allowed
Location	Minimum of 15 feet from any property line
Height	Ground- no higher than 10 feet Pole- no higher than 20 feet

C - COMMERCIAL DISTRICT - TEMPORARY SIGNS	
Temporary yard signs	
Number	<p>One (1) temporary yard sign is permitted per parcel or lot. Under the following circumstances, extra temporary yard signs are permitted:</p> <ul style="list-style-type: none"> • From a time forty-five (45) days prior to an election date until ten (10) days after, one (1) extra temporary yard sign per issue or office on the ballot • One (1) extra temporary yard sign from the time a property is listed for sale or rent until thirty (30) days after closing of sale/lease • One (1) extra temporary yard sign from the time a building permit is issued for a structure on the subject parcel or lot to a time fourteen (14) days after the issuance of an occupancy permit
Size	No greater than 32 square feet
Location	Minimum of 15 feet from any side or rear property line, minimum of 5 feet from any front lot line or right-of way
Height	No higher than 6 feet
Sandwich board signs	
Number	One (1) per use, per building entrance maximum.
Size	Shall be no greater than six (6) square feet in size, forty-two (42) inches in height, and thirty (30) inches in width.
Other	<ul style="list-style-type: none"> • Shall not be placed within the public road right-of-way. • Shall not block pedestrian access. • Shall be stored indoors outside of business hours of operation. • Shall be constructed of durable materials and be clearly portable in terms of size, weight, and placements. • Shall not be illuminated.

LI - LIGHT INDUSTRIAL DISTRICT - PERMANENT SIGNS	
Ground signs	
Number	1 per lot or parcel
Size	No greater than 50 square feet
Location	Minimum of 5 feet from the front property line, minimum of 15 feet from the side or rear property line
Height	No higher than 6 feet
Wall signs	
Number	No limit
Size	Total area no greater than 5% of the wall area to which the sign is affixed.
Location	On exterior walls facing streets and parking areas

LI - LIGHT INDUSTRIAL DISTRICT – TEMPORARY SIGNS	
Temporary yard signs	
Number	<p>One (1) temporary yard sign is permitted per parcel or lot. Under the following circumstances, extra temporary yard signs are permitted:</p> <ul style="list-style-type: none"> • From a time forty-five (45) days prior to an election date until ten (10) days after, one (1) extra temporary yard sign per issue or office on the ballot • One (1) extra temporary yard sign from the time a property is listed for sale or rent until thirty (30) days after closing of sale/lease • One (1) extra temporary yard sign from the time a building permit is issued for a structure on the subject parcel or lot to a time fourteen (14) days after the issuance of an occupancy permit
Size	No greater than 32 square feet
Location	Minimum of 15 feet from any side or rear property line, minimum of 5 feet from any front lot line or right-of way
Height	No higher than 6 feet

CHAPTER 17 – SOLAR ENERGY SYSTEMS

SECTION 17.00 DEFINITIONS

- A. Solar energy system (SES). A photovoltaic system or solar thermal system for generating and/or storing electricity or heat, including all the above and below ground equipment or components required for the system to operate properly and to be secured to a structure surface or the ground. This includes any necessary operations and maintenance building(s), but does not include any temporary construction offices, substation(s), or other transmission facilities between the solar energy system and the point of interconnection to the electrical grid.
- B. Accessory Gound-mounted solar energy system. A ground mounted solar energy system with the purpose primarily of generating electricity for the principal use on the site.
- C. Building-Integrated solar energy system. A solar energy system that is an integral part of a primary or accessory building or structure (rather than a separate mechanical device), replacing or substituting for an architectural or structural component of the building or structure. Building integrated systems include but are not limited to photovoltaic or hot water solar energy systems that are contained within roofing materials, windows, skylights, and awnings.
- D. Ground-mounted solar energy system. A solar energy system mounted on support posts, like a rack or pole, that are attached to or rest on the ground.
- E. Maximum Tilt. The maximum angle of a solar array (i.e., the most vertical position) for capturing solar radiation as compared to the horizon line.
- F. Minimum Tilt. The minimum angle of a solar array (i.e., the most horizontal position) for capturing solar radiation as compared to the horizon line.
- G. Non-participating lots. One or more lots for which there is not a signed lease for the development of a Principal-Use solar energy system associated with the applicant project.
- H. Participating lots. One or more lots under a signed lease or agreement for the development of a Principal-Use solar energy system associated with the applicant project.
- I. Photovoltaic system. A semiconductor material that generates electricity from sunlight.
- J. Principal-Use solar energy system. A commercial, ground-mounted solar energy system that converts sunlight into electricity for the primary purpose of off-site use through the electrical grid or export to the wholesale market.
- K. Repowering. Reconfiguring, renovating, or replacing a solar energy system to maintain or increase the power rating of the solar energy system within the existing project footprint.

- L. Roof-Mounted solar energy system. A solar energy system mounted on racking that is attached to or ballasted on the roof of a building or structure.
- M. Solar Array. A photovoltaic panel, solar thermal collector, or collection of panels or collectors in a solar energy system that collects solar radiation.
- N. Solar Carport. A solar energy system that is installed on a structure that is accessory to a parking area, and which may include electric vehicle supply equipment or energy storage facilities. Solar panels affixed to the roof of an existing carport are considered a roof-mounted solar energy system.

SECTION 17.01 DISTRICTS PERMITTED

Solar Energy Systems may only be permitted in accordance with the following table:

District	AG	RR	C	LI	R-1	LR
Building Mounted SES	P	P	P	P	P	P
SES with less than 10 sq. ft. of collector surface	P	P	P	P	P	P
Accessory ground-mounted SES with area less than 50% of max lot coverage	P	P	P	P	P	P
Accessory ground-mounted SES with area less than 50% of max lot coverage, located in front yard	P	P	SLU	P	X	X
Accessory ground-mounted SES with area greater than 50% of max lot coverage	P	P	X	P	X	X
Ground mounted principal use SES	SLU	SLU	X	SLU	X	X

P: Permitted by right SLU: Permitted as a special land use X: Not permitted

SECTION 17.02 GENERAL PROVISIONS FOR SOLAR ENERGY SYSTEMS

A. Roof-Mounted Energy Systems.

1. Height. Roof-mounted SES shall not exceed a height of five (5) feet above the finished roof.
2. Nonconformities. A roof-mounted SES or building Integrated SES installed on a nonconforming building, structure, or use shall not be considered an expansion of the nonconformity.
3. All building-mounted or integrated SES require a building permit.

B. Accessory Ground-mounted Solar Energy Systems.

1. Height. Accessory ground-mounted SES shall not exceed sixteen (16) feet from the ground to the top of the system at maximum tilt.
2. Setbacks. An accessory ground-mounted SES must meet the required setback that would apply to accessory structures in the side or rear yard in the zoning district in which it is located. Setback distance is measured from the property line, easement line, or road right of way, whichever is applicable, to the closest point of the SES at minimum tilt.
3. Visibility. An accessory ground-mounted SES in the R-1 and LR, districts shall be located in the side or rear yard to minimize visual impacts from the public right of way.

In the Commercial and Light Industrial Districts, an accessory ground-mounted SES may be located in a front yard if the applicant is granted a special land use. To obtain a special land use, the applicant must demonstrate that the placement of the accessory ground-mounted SES in the side or rear yard will:

- a. Decrease the efficiency of the accessory ground-mounted SES due to topography, accessory structures, or vegetative shading from the subject lot or adjoining lots.
 - b. Interfere with the septic system, accessory structures or uses.
4. The accessory ground-mounted SES shall be reasonably screened from the view of the surrounding streets and roads to the maximum extent by garden walls, fences, hedges, landscaping, earth berms, or other means.
 5. The accessory ground-mounted SES must meet the required building setbacks of the zoning district in which it is located. Setback distance is measured from the property line or easement line (if applicable) to the closest point of the SES at minimum tilt.
 6. Abandonment and Removal. Accessory ground-mounted solar energy systems that cease to produce energy on a continuous basis for twelve (12) months will be determined to be abandoned unless the responsible party provides documented evidence of electricity generation within the twelve (12) month time period identified. If evidence is not provided, the responsible party shall be ordered to remove all equipment and facilities and restore the site to its condition prior to the development of the facility within one (1) year of abandonment. The responsible party may request a six (6) month extension to the maximum time of abandonment if it is demonstrated that meaningful and substantial progress has been made to restore the system to a functional state.

SECTION 17.03 PRINCIPAL USE SOLAR ENERGY SYSTEMS

- A. Principal Use Solar Energy Systems in the AG, R-R, and L-I districts are a Special Land Use and shall meet the following requirements:

1. Height. A principal-use SES shall not exceed twenty (20) feet in height as measured from the ground to the highest point of the SES at maximum tilt.
2. Setbacks. Setback distance shall be measured from the property line, road right of way, or easement line, whichever is applicable to the closest point of the SES at minimum tilt for any SES components as follows:
 - a. Fifty (50) feet from the property line of a non-participating lot
 - b. One Hundred (100) feet from any existing dwelling on a non-participating lot.
 - c. A principal-use SES is not subject to property line setback for common property lines of two or more participating lots except the road right of way setbacks shall apply.
3. Fencing. A Principal-use SES shall be secured with perimeter fencing to restrict unauthorized access. Fencing shall be a minimum of seven (7) feet in height.
4. Screening. Principal-use SES shall follow the screening and/or landscaping standards for the zoning district in which the project is located. Any required screening or landscaping shall be outside the perimeter fencing. Screening/ landscaping detail shall be submitted as part of a site plan that identifies the type and extent of screening for the SES.
5. Ground Cover.
 - a. Sites bound by a Farmland Development Rights (PA 116) Agreement must follow the Michigan Department of Agriculture and Rural Development's Policy for allowing commercial solar power development on PA116 lands.
 - b. Ground cover at sites not enrolled in PA116 must meet one or more of the four types:
 - (1) Pollinator Habitat
 - (2) Conservation Cover
 - (3) Forage
 - (4) Agrivoltaics: Solar sites that combine raising crops for food, fiber, or fuel, and generating electricity within the project area to maximize land use.
 - (5) Projects sites that are included in a brownfield plan adopted under the Brownfield Redeveloping Financing Act, PA 381 of 1996, as amended, that contain impervious surface at the time of construction or soils that cannot be disturbed, are exempt from ground cover requirements.

6. Lot Coverage. A Principal-use SES shall not count toward the maximum lot coverage standards for the district.
7. Land disturbance or clearing shall be limited to what is minimally necessary for the installation and operation of the system and to ensure all-season access to the solar resource given the topography of the land. Topsoil disturbed on the property shall be retained on the site.
8. Access Drives. New access drives within the SES shall be designed to minimize the extent of soil disturbance, water runoff, and soil compaction on the premises.
9. Wiring. SES wiring, including communication lines, shall be buried underground. Any above ground wiring within the footprint of the SES shall not exceed the height of the SES at Maximum tilt.
10. Lighting. Principal-use SES lighting shall be limited to inverter and substations only. Light fixtures shall have downlit shielding and be placed to keep light on-site and glare away from adjacent properties, bodies of water, and adjacent roadways. Flashing or intermittent lights are prohibited.
11. Signage. Any signage on the site shall meet the zoning ordinance for signs.
12. Sound. The sound pressure level of a Principal-use SES shall not exceed 50 dB(A)(LEQ(1 hour)) at the property line of an adjoining non-participating lot. The site plan shall include modeled sound isolenes extending from the sound source to the property lines to demonstrate compliance with this standard.
13. Repowering. In addition to repairing or replacing SES components to maintain the system, a Principal-use SES may at any time be repowered, without the need to apply for a new special land use permit, by reconfiguring, renovating, or replacing the SES to increase the power rating within the existing project footprint. A proposal to change the project footprint of an existing SES shall be considered a new application, subject to the ordinance standards at the time of the request. (Expenses for the legal services and other studies resulting from the application to modify an SES will be paid by the SES owner).
14. Decommissioning. A decommission plan signed by the responsible party and the landowner (if different) is required at the time of application. The decommission plan shall include:
 - a. The defined conditions upon which decommissioning will be initiated (i.e. end of land lease, no power production for twelve (12) months, abandonment).
 - b. The removal of all above grade and below grade improvements, including but not limited to equipment, conduit, structures, fencing, roads, solar panels, and foundations.

- c. Restoration of the property to its condition prior to the development of the system.
 - d. The timeframe for completion of decommissioning activities.
 - e. A performance guarantee shall be posted in the form of a bond, letter of credit, cash, or other form acceptable to the township, to ensure removal upon abandonment. As part of the decommissioning plan, the responsible party shall provide at least two (2) written cost estimates from qualified licensed contractors for the complete removal of the equipment, foundations, and structures associated with the facility and the restoration of the land to its previous state. These estimates will assist the Planning Commission in setting the amount of the performance guarantee.
 - f. Decommissioning an SES must be completed within twelve (12) months after abandonment. An SES that has not produced electrical energy for twelve (12) months shall prompt an abandonment hearing.
 - g. The performance guarantee shall be valid throughout the lifetime of the facility.
 - h. In the event the responsible party changes, the new responsible party must provide a new performance guarantee within thirty (30) days of the change. There will be no lapse in performance guarantee coverage, and the original performance guarantee shall remain valid until the new performance guarantee has been approved.
 - i. Performance guarantees shall be reviewed by the township attorney to ensure compliance with the requirements and intent of this section as a condition of special land use approval. Attorney fees for this review shall be paid by the applicant.
 - j. Bonds or letters of credit shall be extended on a regular basis with expiration dates never less than two (2) years from the annual anniversary date of the special land use approval.
 - k. Every five (5) years after the date of the special land use approval, the performance guarantee will be reassessed by the Township. The responsible party will furnish two (2) updated written estimates for decommissioning from qualified licensed contractors and the performance guarantee shall be adjusted to account for changes in decommissioning costs.
15. Abandonment and Removal. Principal use solar energy systems that cease to produce energy on a continuous basis for twelve (12) months will be determined to be abandoned unless the responsible party provides documented evidence of electricity generation within the twelve (12) month time period identified. If evidence is not provided, the responsible party shall be ordered to remove all equipment and facilities and restore the site to its condition prior to the development of the facility within one (1) year of abandonment. The responsible party may request a six (6) month extension to the maximum time of abandonment if it is demonstrated that meaningful and substantial progress has been made to restore the system to a functional state.

CHAPTER 18 - ZONING BOARD OF APPEALS

SECTION 18.00 CREATION AND MEMBERSHIP

- A. There is hereby created a Zoning Board of Appeals which shall perform its duties and exercise its powers and jurisdiction as provided in Zoning Act, and by certain provisions of this Ordinance to the end that the objectives of this Ordinance are observed, public safety, health, and general welfare secured and substantial justice done.
- B. The Zoning Board of Appeals shall consist of five (5) members as provided in the Zoning Act. The term of each member shall be three (3) years. Members of the Zoning Board of Appeals who are also members of the Township Board or the Planning Commission shall have terms limited to their respective terms on the Township Board or the Planning Commission, as the case may be, or limited to such lesser period of time as may be determined by resolution of the Township Board at the time of appointment of such members. Members of the Zoning Board of Appeals who are also members of either the Township Board or the Planning Commission shall not serve as chair of the Zoning Board of Appeals in accordance with the Zoning Act.
- C. Alternate Members.
1. The Township Board may appoint not more than two (2) alternate members to the Zoning Board of Appeals for the same term as regular members. If two (2) alternate members have been appointed, they may be called on a rotating basis, as they are available to sit as regular members of the Zoning Board of Appeals in the absence of a regular member if the regular member will be unable to attend one (1) or more meetings.
 2. An alternate member may also be called to serve in the place of a regular member when such member has abstained for reasons of conflict of interest. The alternate member having been appointed shall serve in the case until a final decision has been made.
 3. An alternate member shall only serve to discuss or vote upon a case in the absence of a regular member or upon the conflict of interest of a regular member. The alternate member shall have the same voting rights as a regular member of the Zoning Board of Appeals.
- D. The Zoning Board of Appeals shall fix rules and regulations to govern its procedures.
- E. A member of the zoning board of appeals may be removed by the Township Board for misfeasance, malfeasance, or nonfeasance in office upon written charges and after public hearing. A member shall disqualify himself or herself from a vote in which the member has a conflict of interest. Failure of a member to disqualify himself or herself from a vote in which the member has a conflict of interest constitutes malfeasance in office.

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

SECTION 18.01 JURISDICTION

A. Interpretations.

1. The Zoning Board of Appeals shall have the power to hear and decide, in accordance with the provisions of this Ordinance, applications for interpretations of this Ordinance, and may make decisions on any other special questions on which the Board is authorized to pass and in exercising all of its powers the Zoning Board of Appeals shall apply the standards of Section 18.03.
2. When there is any question as to the location of any boundary line between Districts, upon a request for an interpretation of the zoning maps, the Zoning Board of Appeals shall establish the boundary based upon said maps and all available information relating thereto and shall establish such boundaries in such ways as to carry out the intent and purposes of this Ordinance and the Township Master Plan.

B. Appeals.

1. The Zoning Board of Appeals shall hear and decide appeals from and review any order, requirement, decision, or determination made by any administrative official or body charged with the enforcement of any provisions of this Ordinance, except that the Zoning Board of Appeals shall not have the authority to hear an appeal related to a decision by the Planning Commission or Township Board related to a Planned Unit Development, Special Land Use, or amendment to this Ordinance.
2. An appeal from any order, requirements, decision, or determination of any administrative official or body shall be taken within thirty (30) days of the action being appealed by the filing with the Township Clerk of a notice of appeal specifying the grounds thereof. The administrative official from whom the appeal is taken shall forthwith transmit to the Zoning Board of Appeals all the papers consisting of the record upon which the action appealed was taken.
3. An appeal stays all proceedings in furtherance of the action appealed from unless the officer or body from whom the appeal is taken certifies to the Zoning Board of Appeals, after the notice of appeal is filed, that by reason of facts stated in the certificate, a stay would, in the opinion of the officer or body, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order. This restraining order may be granted by the Zoning Board of Appeals or Circuit Court on application or notice to the officer or body from whom the appeal is taken and due cause shown.

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

C. Variances.

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

the formulation of a general regulation for such conditions or situations.

- c. That such variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district and in the vicinity. The possibility of increased financial return shall not of itself be deemed sufficient to warrant a variance.
- d. The variance will not be significantly detrimental to adjacent property and the surrounding neighborhood.
- e. The variance will not impair the intent and purpose of this Ordinance.
- f. That the immediate practical difficulty causing the need for the variance request was not created by any affirmative action of the applicant.

SECTION 18.02 APPLICATIONS

- A. Applications shall be submitted to the Zoning Administrator who will review the application for validity, then transmit to the Board. Applications not meeting the requirements shall be returned to the applicant for completion.
- B. A valid application for a variance to the Board shall consist of the following:
 - 1. Five (5) copies of site plan drawn to scale which is sufficient to describe the nature of the request, if applicable.
 - 2. A completed application form as provided by the Township.
 - 3. Payment of a fee, in accordance with a fee schedule, as determined by the Township Board from time to time.
 - 4. A legal description and/or parcel number of the entire property which is the subject of the request.
 - 5. A statement with regard to compliance with the standards of Section 18.01.C, if applicable.
 - 6. Other materials as may be required by the Board.

SECTION 18.03 DECISIONS OF THE ZONING BOARD OF APPEALS

- A. The concurring vote of a majority of the members of the Board shall be necessary to reverse any order, requirement, decision, or determination of any administrative official or body or to decide in favor of the applicant/appellant on any matter. The Board shall render its decision upon any appeal or application submitted to it within a reasonable time after the hearing thereon.

- B. The Board may impose reasonable conditions in conjunction with approval of an appeal, variance, or any other decision which it is required to make. Conditions shall be imposed in a manner in accordance with the Zoning Act and be related to the standards by which the decision is reached.
- C. All decisions of the Board shall become final five (5) days after the date of entry of an order, unless the Board shall find, and so certify on the record, that it is necessary to cause such order to have immediate effect, in order to preserve property or personal rights.
- D. For each decision of the Board, a record shall be prepared including at a minimum, the following items:
 - 1. Description of the applicant's request.
 - 2. The Board motion and vote.
 - 3. A summary or transcription of all competent material and evidence presented at hearing; and,
 - 4. Any conditions attached to an affirmative decision.
- E. The decision of the Board shall be final. However, a person having an interest affected by the decision of the Board may appeal to the Circuit Court. An appeal shall be filed within 30 days after the Board certifies its decision in writing or approves the minutes of its decision. Upon appeal, the Circuit Court shall review the record in accordance with the requirements of the Zoning Act. The court shall have jurisdiction to make such further orders as justice may require.
- F. Period of Validity. No variance granted by the Board shall be valid for a period longer than twelve (12) months, from the date of its issuance if not used. However the applicant may, upon written request, seek up to one (1) twelve (12) month extension of said variance from the Board. The Board may grant such extension provided that the original circumstances authorizing the variance have not changed and that the circumstances creating the need for the extension were reasonably beyond the control of the applicant.

SECTION 18.04 RE-SUBMISSION

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

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

CHAPTER 19 - ADMINISTRATION AND ENFORCEMENT

SECTION 19.00 ZONING ADMINISTRATOR

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

SECTION 19.01 DUTIES OF THE ZONING ADMINISTRATOR

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

SECTION 19.02 ZONING COMPLIANCE PERMITS

- A. No structure or part thereof shall be constructed, reconstructed, erected, moved, enlarged,

or altered, nor shall any use on any property be changed to another use, until a Zoning Compliance permit has been issued by the Zoning Administrator. Application for a Zoning Compliance permit shall be filed by the owner or an agent of the owner. The application shall state the intended use of the structure and of the land. The application shall be accompanied by building plans and specifications, a plot plan, a site development plan where required, and such other information as may be necessary to provide for a determination of compliance with this Ordinance.

- B. Plans shall be drawn to scale and shall show dimensions in figures. Plans shall be signed by the person preparing them and by the owner of the property or building involved. A fee as established by the Township Board from time to time to defray the costs of administration and inspections shall accompany any plans or applications for a Zoning Compliance or Building Permit.
- C. Before any zoning compliance permit is issued, an application shall be submitted to the Zoning Administrator. Each application shall include sufficient information to allow the Zoning Administrator to determine compliance with this Ordinance and shall include, at a minimum, the following information:
 - 1. The location and actual dimensions of the lot or premises to which the permit will apply;
 - 2. The area, size, and location of all buildings or structures to which the permit is to apply;
 - 3. The existing and proposed use of land, buildings, or structures to which the permit will apply;
 - 4. The use of land, buildings, or structures on adjoining lands; and
 - 5. The width of all abutting streets;
 - 6. The Zoning Administrator, in his/her discretion, may waive the inclusion of any of the foregoing information in an application if he/she determines that such information is not reasonably necessary to determine compliance with the terms and provisions of this Ordinance.
- D. A Zoning Compliance permit shall only be issued if the plans and intended use conform in all respects to the provisions of this Ordinance. All Zoning Compliance permits shall expire one (1) year from their date of issuance if construction activity has not commenced, or an extension granted.
- E. A Zoning Compliance permit shall not be issued until the owner verifies that the lot involved has been created in conformance with this Ordinance.
- F. The Zoning Compliance permit and Building Permit shall be displayed so as to be visible from a public street at the site where authorized action is being undertaken.

G. Pursuant to the above, the Township may utilize the Building Permit as the Zoning Compliance permit.

H. A copy of all approved permits shall be forwarded to the Township Assessor.

SECTION 19.03 CERTIFICATES OF OCCUPANCY

No land shall be used and no building hereafter erected or altered shall be occupied or used for any purpose until a Certificate of Occupancy is issued by the Building Inspector stating that the premises or building complies with the provisions of approved plans and all Ordinances of the Township. Where any special land use or site plan review conditions are applicable, said conditions shall be stated on the Certificate of Occupancy. A record of all Certificates of Occupancy shall be kept on file in the Township. A copy shall be sent to the Township Assessor. Where a Building Permit is not involved, the Zoning Administrator shall issue a Zoning Compliance Permit. Said permit may be in the form of a letter or such instrument as determined by the Township Board to be necessary to fulfill the requirements of this section.

SECTION 19.04 ORDINANCE AMENDMENTS

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

A. Initiation.

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

B. Procedure for Changes.

1. Applications for Zoning Ordinance map or text amendments shall be submitted to the Planning Commission upon forms supplied by the Township, along with the following information or materials:
 - a. Map Amendment. A legal description of the property to be affected by a proposed change to the Zoning Map and a drawing or map showing, at a suitable scale, the property to be changed by an amendment to the Zoning Map and the location of properties within three hundred (300') feet of the property affected by such amendment.

- b. Text Amendment - A typewritten copy of the proposed text amendment, including specific reference(s) to the portion(s) of the existing Ordinance for which a change is being requested.
 - c. Payment of a fee, in accordance with a fee schedule, as determined by the Township Board from time to time.
 2. Before submitting its recommendation to the Township Board, the Planning Commission shall hold at least one (1) public hearing. Notice for such public hearing shall be provided in accordance with Section 19.05.
 3. Unless waived by the County, the Planning Commission, following the public hearing, shall transmit a summary of comments received at the public hearing, along with the recommendation of the Planning Commission, to the County Planning Commission for review in accordance with the Zoning Act. The County shall within thirty (30) days of receiving the request provide its advisory comments to the Township Board.
 4. The Planning Commission following the review by the County Planning Commission shall transmit a summary of comments received at the public hearing, along with the recommendation of the Planning Commission and comments from the County Planning Commission (if provided), to the Township Board. The Township Board may hold additional hearings if it considers it necessary in accordance with the Zoning Act. The Township Board shall review the application and make its decision in accordance with the Zoning Act.
 5. Amendments shall be effective 7 days after publication, or at such later date after publication as may be specified by the Township Board.
 6. A notice of ordinance adoption shall be published in a newspaper of general circulation in the Township within 15 days after adoption, and shall be mailed to the airport manager of an airport entitled to notice. Said notice shall include the following:
 - a. In the case of a newly adopted Zoning Ordinance, the following statement: "A zoning Ordinance regulating the development and use of land has been adopted by the Keeler Township Board."
 - b. In the case of an amendment to an existing Zoning Ordinance, either a summary of the regulatory effect of the amendment, including the geographic area affected, or the text of the amendment.
 - c. The effective date of the Ordinance.
 - d. The place and time where a copy of the Ordinance may be purchased or inspected.
- C. Review Standards – Map Amendments. In making its recommendation on a proposed amendment of the Zoning Ordinance to the Township Board, the Planning Commission shall

consider the following factors:

1. If the proposed zoning amendment is consistent with the Township's adopted Master Plan;
2. If the proposed zoning amendment is consistent with recent development trends in the area;
3. If the zoning amendment is compatible with existing and future land uses in the vicinity of the subject site or throughout the zoning district(s) affected by the proposed amendment;
4. If existing or planned public infrastructure, including streets, sanitary sewers, storm water, water mains or wells, sidewalks, and street lighting are capable of accommodating potential changes in land use resulting from the proposed amendment;
5. If the proposed amendment is consistent with the intent and purpose of this Ordinance and whether the proposed amendment would protect the health, safety, and welfare of the Township;

D. Review Standards - Text Amendments. Prior to making a recommendation on a proposed amendment of the Zoning Ordinance text to the Township Board, the Planning Commission shall consider the following factors:

1. If the proposed text amendment would clarify the intent of the Ordinance or correct an error;
2. If the proposed text amendment would address changes to state legislation, recent case law, or opinions from the Attorney General, or promote compliance with changes in other county, state, or federal regulations;
3. If the proposed amendment is supported by the findings of reports, studies, or other documentation on functional requirements, contemporary building practices, environmental requirements, and similar technical items;
4. If the proposed amendment is consistent with the Township's ability to provide adequate public facilities and services and is consistent with the Township's desire to protect the public health, safety, and welfare of the community; and
5. In the event the amendment will add a use to a district, if the proposed use is fully consistent with the character of the range of uses provided for within the district, and that the amendment will not create incompatible land uses within a zoning district or between adjacent districts.

E. Re-Submission. Whenever a proposed zoning map or text change has not been approved by the Township Board, the Planning Commission shall not reconsider such map or text change for at least one (1) year following the date of the original application unless the Planning Commission finds that at least one of the following conditions exist:

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

SECTION 19.05 PUBLIC HEARING AND NOTICE REQUIREMENTS

Where this Ordinance requires the Township to provide notice of a public hearing for any decision or action permitted, authorized, or required by this Ordinance or under Act 110 of the Public Acts of 2006 as amended, notice of the public hearing shall be given as follows:

- A. The notice shall be published once, at least 15 days prior to the date of the public hearing, in a newspaper of general circulation in the Township.
- B. Except as provided in subsection D below, a notice of public hearing shall also be mailed or personally delivered to the following persons, at least 15 days prior to the date of the public hearing:
 1. The applicant;
 2. The owner or owners of the subject property;
 3. All persons to whom real property is assessed within 300 feet of the property that is the subject to the application or request, even if the 300 feet extends outside of the Township's boundaries; and
 4. The occupants of all structures within 300 feet of the property that is the subject of the application or request, even if the 300 feet extends outside of the Township's boundaries. If the name of the occupant is not known, the term "occupant" may be used in making notification under this subsection.
- C. The notice of public hearing shall include the following information:
 1. A description of the nature of the proposed amendment, application, or request.
 2. An identification of the property that is the subject of the application or request, if applicable. Except as provided in subsection D below, 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 and another means of identification of the property shall be used.
 3. State when and where the application or request will be considered.
 4. Identify when and where written comments will be received concerning the application or request.

5. In the case of an amendment to the Ordinance or to the Zoning Map, the notice shall indicate the place where and the times when the proposed text or map amendment may be examined.
- D. When a proposed amendment involves the text of the Zoning Ordinance or rezoning of 11 or more adjacent properties, or when a petition to the Zoning Board of Appeals involves an interpretation of the Zoning Ordinance or an appeal of an administrative decision that does not involve a specific parcel, the mailing or delivery requirements of subsections B(2), B(3) and B(4), of this Section are not required, and the listing of individual property addresses under subsection C(2) is not required.
- E. For a zoning ordinance amendment, including the rezoning of property, the notice shall be given by mail to each electric, gas, and pipeline public utility company, each telecommunication service provider, each railroad operating within the district or zone affected, and the airport manager of each airport, that registers its name and mailing address with the Township for the purpose of receiving the notice of public hearing.
- F. After providing the notice required under this section and without further notice, except that as required under the Open Meetings Act, the body holding the public hearing may adjourn from time to time a duly called public hearing by passing a motion specifying the time, date, and place of the continued public hearing.

SECTION 19.06 ZONING AGREEMENTS

- A. The Township Board recognizes that there are certain instances where it would be in the best interest of Keeler Township, as well as advantageous to property owners seeking a change in zoning boundaries, if certain conditions and limitations could be proposed by an applicant as part of an application for a rezoning. Therefore, it is the intent of this Section to provide a process by which an applicant seeking a change in zoning boundaries may propose a Zoning Agreement, with conditions and commitments attached thereto, as part of the application for the requested rezoning. These provisions shall be in accordance with the provisions of the Zoning Act, as amended.
- B. In addition to the requirements of Section 19.04 above, an applicant requesting a change in zoning boundaries may propose a Zoning Agreement, as defined in this Section. The required application and process shall be the same for rezoning requests except as modified by the requirements of this Section.
- C. The following definitions shall apply to this Section:
 1. Rezoning Offer - shall mean conditions proposed by the applicant and approved by the Township processed as part of an approval under this Section. These conditions shall constitute requirements for and in connection with the development and/or use of the property approved with a Zoning Agreement.

2. Zoning Agreement shall mean a written agreement offered by the applicant and approved and executed by the applicant and the Township and recorded with the County Register of Deeds, incorporating the Rezoning Offer along with any requirements necessary to implement the Rezoning Offer. When necessary, the Zoning Agreement shall also include and incorporate, by reference, a site plan that illustrates the implementation of the Rezoning Offer. This plan shall not replace the requirement for a site plan as outlined in Chapter 14 or other approvals that may be required by this Ordinance.

D. Eligibility.

1. An applicant for rezoning may submit a proposed Zoning Agreement with an application for rezoning. This election shall be made at the time the rezoning is filed, or may be made at a later time during the rezoning process. Election to file a rezoning with a Zoning Agreement shall be pursuant to the Zoning Act, as amended, and this Section.
2. In order to be eligible for the proposal and review of a rezoning with a Zoning Agreement, an applicant must propose a rezoning of property and voluntarily offer certain conditions to be set forth in a Zoning Agreement, which are equally or more restrictive than the regulations that would otherwise apply under the proposed new zoning district.

E. Zoning Agreement.

1. The Zoning Agreement shall set forth the Rezoning Offer and shall include those terms necessary to implement the Agreement. In addition, the Zoning Agreement shall include the following acknowledgments and understandings that:
 - a. The applicant proposed the Zoning Agreement and the Rezoning Offer voluntarily, and that the Township relied upon the Agreement and may not grant the rezoning without the Rezoning Offer and terms spelled out in the Zoning Agreement.
 - b. The Zoning Agreement and its terms and conditions are authorized by all applicable State and Federal law and constitution, and that the Zoning Agreement is valid and was entered into on a voluntary basis, and represents a permissible exercise of authority by the Township.
 - c. The property shall not be developed and/or used in any manner not consistent with the Zoning Agreement.
 - d. The approval and the Zoning Agreement shall be binding upon the property owner and the Township, and their respective heirs, successors, assigns, receivers or transferees.
2. If a rezoning with a Zoning Agreement becomes void in accordance with Section 19.06.K, and/or in accordance with the Zoning Act, no development shall take place and

no permits shall be issued unless and until a new zoning district classification for the property has been established or a new rezoning with a Zoning Agreement has been approved.

3. Each of the requirements and conditions in the Zoning Agreement represents a necessary and reasonable measure which, when considered with all other conditions and requirements, is roughly proportional to the increased impact or other condition created by the uses, activities or conditions represented in the approved rezoning and Zoning Agreement, taking into consideration the changed zoning district classification and the specific use(s), activities, or conditions authorized.
4. No part of the Zoning Agreement shall permit any activity, use, or condition that would otherwise violate any requirement or standard that is otherwise applicable in the new Zoning District.

F. Rezoning Offer.

1. The Zoning Agreement shall specify the Rezoning Offer and any requirements necessary to implement it. However, the Rezoning Offer may not authorize uses or developments of greater intensity or density, and/or which are not permitted in the new zoning district; nor may any variances from height, area, setback or similar dimensional requirements in the Zoning Ordinance of Keeler Township be allowed unless a variance has been previously granted by the Board of Zoning Appeals pursuant to the requirements of Chapter 18.
2. Any uses proposed as part of a Zoning Agreement that would otherwise require approval of a Special Land Use Permit and/or Site Plan Review shall be approved as required in Chapter 15 prior to establishment of or commencement of development of the use.
3. The Rezoning Offer shall bear a reasonable and rational relationship and/or benefit to the property in question.
4. The Rezoning Offer may include limitations on the uses permitted on the property in question, specification of lower density or less intensity of development and use, and/or may impose more restrictive measures on the location, size, height, or other measure for and/or of buildings, structures, improvements, setbacks, landscaping, buffers, design, architecture and other features.
5. The Rezoning Offer may also include conditions related to the development of the property that are consistent with the intent of this Section and applicable State, Federal and local regulations. These conditions may include, for example, extension of or improvements to infrastructure serving the site, site-specific improvements intended to minimize the impact of the development on surrounding properties, or such other conditions as deemed important to the development by the Applicant.

6. A Rezoning Offer that includes provisions for preservation of natural features and/or open space, facilities for drainage, facilities for traffic and access, and similar activities that take place on private land shall include a written understanding for permanent maintenance of such features or improvements by entities other than Keeler Township, unless a separate agreement for dedication of the property to the public has been executed. The Zoning Agreement shall also contain a provision for authorization and finance of maintenance by or on behalf of the Township, after notice, in the event that the property owner(s) fail(s) to timely perform necessary maintenance.

G. Procedure for Application, Review and Approval.

1. An application for rezoning shall be the same as outlined in Section 19.04. In addition to the required materials listed in Section 19.04, a Zoning Agreement in a recordable format acceptable to the Township shall be submitted, along with any plans necessary to illustrate the Rezoning Offer.
2. The application may be amended during the process of consideration, provided that the applicant enters any amended or additional Rezoning Offers voluntarily.
3. The Township attorney, prior to the required Planning Commission public hearing, shall review the Zoning Agreement. The Township attorney shall determine that the Zoning Agreement conforms to the requirements of this Section and the Zoning Act, as amended, and shall confirm that the Zoning Agreement is in a form acceptable for recording with the County Register of Deeds.

H. Standards of Review.

1. Following the public hearing, and further deliberations as deemed necessary by the Planning Commission, the Planning Commission shall make a recommendation based upon the Review Considerations of Section 19.04.B. In addition, the Planning Commission shall consider whether the proposed Zoning Agreement and the Rezoning Offer:
 - a. Are consistent with the intent of this Section.
 - b. Bear a reasonable and rational connection and/or benefit to the property being proposed for rezoning.
 - c. Are necessary to ensure that the property develops in such a way that protects the surrounding neighborhood and minimizes any potential impacts to adjacent properties;
 - d. Are necessary to allow the rezoning to be approved, in that the property could not or would not be rezoned without the proposed Zoning Agreement and Rezoning Offer.

- e. Lead to a better development than would have been likely if the property had been rezoned without a Zoning Agreement, or if the property were left to develop under the existing zoning classification.
 - f. Are clearly in the public interest, as compared to the existing zoning and considering the site-specific land use proposed by the applicant. In making this determination, the Planning Commission shall find that the benefit to the public as a result of approving the rezoning and Zoning Agreement clearly outweigh any reasonably foreseeable detriments.
 - g. The Planning Commission may recommend approval, approval with recommended changes (related to the Zoning Agreement), or denial of the rezoning and Zoning Agreement; provided however, that any conditions which add to or amend the Rezoning Offer are acceptable to the applicant.
 - h. Upon receipt of the Planning Commission's recommendations, the Township Board shall deliberate upon the rezoning and Zoning Agreement. The Township Board shall approve or deny the Zoning Agreement, provided that any conditions, which add to or amend the Rezoning Offer, are acceptable to the applicant.
- I. Revisions by the Township Board.
- 1. Should a Rezoning Offer be revised following the Planning Commission public hearing and recommendation, the Township Board shall be required to conduct its own public hearing, in accordance with the requirements of the Zoning Act.
 - 2. Alternatively, should the Township Board determine that the revisions are of such substantial nature or effect that they are significantly different from the Zoning Agreement reviewed by the Planning Commission, the Township Board shall have the option to remand the application to the Planning Commission to hold a public hearing on the Zoning Agreement as revised and submit a report and recommendation to the Township Board.
 - 3. If an applicant proposes a Zoning Agreement after the Planning Commission has held a public hearing on a rezoning request, the Township Board shall first remand the application to the Planning Commission, who shall hold a new public hearing on the rezoning and proposed alternative Zoning Agreement and submit a report and recommendation to the Township Board.
- J. Approval.
- 1. If the rezoning and Zoning Agreement are approved, the zoning classification of the rezoned property shall consist of the district to which the property has been rezoned, plus a reference to the Zoning Agreement. The Zoning Map shall specify the new district, plus a small letter "a" to indicate that the property is subject to a Zoning Agreement (i.e.,

“R-Ra”). The Township Clerk shall maintain a listing of all properties subject to Zoning Agreements and shall provide copies of the Agreements upon request.

2. Upon rezoning, the use of the property in question shall conform to all of the requirements regulating use and development within the new zoning district; however, the more restrictive requirements of the Zoning Agreement shall apply, and the Rezoning Offer shall supersede all inconsistent regulations otherwise applicable under the Zoning Ordinance.
3. The applicant shall record the approved Zoning Agreement with the County Register of Deeds and shall provide proof of its recording to the Township. If proof recording is not received by the Township Clerk within 60 days, the Township Board may rezone the property to its previous classification or otherwise void the agreement.
4. Prior to development, a site plan shall be approved in accordance with Chapter 14, if otherwise required.

K. Expiration.

1. Unless extended by the Township Board for good cause, the rezoning and Zoning Agreement shall expire two (2) years after adoption of the rezoning and Zoning Agreement, unless approved development of the property pursuant to building and other required permits issued by the Township commences within the two (2) year period and proceeds diligently to completion.
2. In the event that approved development has not commenced within the aforementioned two (2) years, the Zoning Agreement shall be void and of no effect.
3. Should the Zoning Agreement become void, all development on the subject property shall cease, and no further development shall be permitted. Until action satisfactory to the Township is taken to bring the property into compliance with the Zoning Agreement, the Township may withhold or, following notice to the owner and a public hearing, revoke permits and certificates (in addition to or in lieu of any other lawful action to achieve compliance).
4. If the property owner applies in writing for an extension of the Zoning Agreement at least fifty (50) days prior to the expiration date, the Township Board may, after recommendation by the Planning Commission, grant an extension of up to one (1) year. No further extensions may be granted.
5. If the Zoning Agreement becomes void as outlined above, then the land shall revert back to its original zoning classification as set forth in the Zoning Acts. The reversion shall be initiated by the Township with notice and hearing as required for rezoning by the Zoning Act and this Ordinance.

6. Nothing in the Agreement, nor any statement or other provision shall prohibit the Township from rezoning all or any portion of the property that is part to the Agreement to another zoning classification. Any rezoning shall be conducted in compliance with this Ordinance and the Zoning Act.

L. Continuation.

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

M. Amendment.

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

SECTION 19.07 FEES AND SCHEDULE OF FEES

- A. The Township Board shall by resolution establish fees for the administration of this Ordinance, including all proceedings and matters that may arise hereunder. A listing of current fees shall be available for review by the public during Township office hours at the Keeler Township Hall. Such fees may be changed from time to time by resolution of the Township Board.
- B. The Township shall not charge fees or assess costs to the applicant for the time expended by Township employees (except when authorized under appropriate provisions of the Freedom of Information Act and for escrow administration) or for incidental costs and expenses, but may charge or assess the applicant for all other reasonable costs and expenses incurred by the Township during and in connection with the review process and other related proceedings, whether or not the application is granted either whole or in part.
- C. The applicant shall pay all applicable fees upon the filing of any application, any proposed site plan or any other request or application under this Ordinance and as to which a fee is prescribed. No action shall be taken on any application for any variance, ordinance amendment, site plan review, special land use, or any other review required by this Ordinance by the Township Board, Planning Commission, Board of Appeals, or Zoning Administrator unless or until fees connected with such application, as determined from time to time by the Township Board, have been paid.

D. Application Review Fees.

1. The Township Board in its discretion may also require an applicant to submit to the Township (prior to Township review of an application or proposed site plan) an amount of money determined by the Township to be a reasonable estimate of the fees and costs which may be incurred by the Township in reviewing and acting upon any such application or related matters.
2. Such costs and expenses to be charged or assessed to the applicant, for reimbursement of the Township's reasonable costs and expenses, may include but shall not be limited to township attorney fees, township engineering fees, cost and fees for services of outside consultants, fees and expenses of other professionals who may assist the Township, costs and fees for studies and reports pertaining to the matters in question, special meeting costs, and other reasonable costs and expenses.
3. Fees collected for this purpose shall be retained by the Township for reimbursement of applicable costs and expenses. Any monies paid or deposited by an applicant, above the application fee, which are not used or spent by the Township shall be refunded.

SECTION 19.08 STOP WORK ORDERS

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

SECTION 19.09 VIOLATIONS AND PENALTIES

- A. Violation. Any person who violates, disobeys, neglects or refuses to comply with any provision of this Ordinance, any administrative decision made under the Ordinance, or any permit or approval issued under the Ordinance, including any conditions imposed thereon, or who causes, allows, or consents to any of same, shall be deemed to be responsible for a violation of this Ordinance whether as an owner (by deed or land contract), lessee, licensee, agent, contractor, servant, employee, or otherwise. Each day that a violation exists shall constitute a separate offense.

Additionally, the violator shall pay costs which may include all expenses, direct and indirect, which Keeler Township has incurred, or may incur, in connection with the municipal civil infraction and enforcement thereof. In no case, however, shall costs of less than \$10.00 be ordered.

B. Municipal Civil Infraction. A violation of this Ordinance is a municipal civil infraction as defined by Michigan statute and shall be punishable by a civil fine determined in accordance with the following schedule:

	Minimum Fine	Maximum
-1 st Offense	\$ 150.00	\$ 1,000.00
-2 nd Offense	\$ 250.00	\$ 1,000.00
-3 rd Offense	\$ 350.00	\$ 1,000.00
-4 th or More Offense	\$ 500.00	\$ 1,000.00

C. Remedial Action. Any violation of this Ordinance shall constitute a basis for injunctive relief or other appropriate remedy in any court of competent jurisdiction to compel compliance with this Ordinance and enforce the provisions thereof.

SECTION 19.10 PERFORMANCE GUARANTEES

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

SECTION 19.11 PROOF OF OWNERSHIP

The Zoning Administrator or Building Inspector may require proof of ownership from an applicant (including copies of a recorded deed or land contract) before the issuance of a Zoning Permit or a Building Permit if it appears that the applicant may not be the owner (or sole owner) of the property involved. The Township may also require that all owners of a particular property join in and sign the application or applications for any zoning or building request or application, including a Building Permit, variances, special land use requests, site plan review, Zoning Permits, and any other zoning or building code action.

SECTION 19.12 SURVEYS

The Zoning Administrator or Building Inspector shall have the authority to require that an applicant or property owner provide the Township with a current survey by a registered surveyor or engineer for one (1) or more boundary or property lines of the lot or parcel involved (including providing a sealed survey drawing by such professional surveyor or engineer and with property boundaries staked by such professional) if the Zoning Administrator or Building Inspector determines that it is reasonably necessary in order for the Township to determine whether the zoning setback, area, and other applicable requirements are met. The Zoning Administrator or Building Inspector may also require that the professional surveyor or engineer place stakes at specified relevant areas along the property line(s) and any setback lines or building envelopes. All surveying costs shall be paid for by the applicant or property owner.

SECTION 19.13 REPRESENTATIONS AND PROMISES OF DEVELOPERS AND PROPERTY OWNERS

If, pursuant to any zoning approval (including, but not limited to, the granting of a zoning permit or variance or the approval of a rezoning, special use, PUD, site plan, or other zoning approval), the property owner or applicant makes any representation, promise, or offer of a condition or voluntary restriction should the zoning approval be approved or granted, such promise, condition, or offer shall be deemed to be an enforceable condition of any such zoning approval, whether or not it is reflected in the zoning approval motion, resolution, permit, or other Township approval document, if the Township deems such promise, representation, or offer to have been a consideration by the official or Township body which granted the zoning approval and the Township also deems such promise, representation, or offer to be consistent with the zoning approval. In such case, the promise, condition, or offer shall be deemed an express and enforceable condition of the zoning approval.

SECTION 19.14 EFFECTIVE DATE

This Ordinance was adopted by the Keeler Township Board of Trustees on May 1, 2025 and became effective on May 17, 2025.