TOWNSHIP OF BROOKS

Zoning Ordinance

Ordinance No. 98-17
Effective: June 1, 1998
Amended Through February 10, 2016

As Amended through February 10, 2016

Brooks Township Planning Commission

Mark Pitzer - Chairman
Phil Knape- Vice Chair
Les Salacina – Secretary
Greg Myers – Vice Secretary
Mike Bouwer
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BROOKS TOWNSHIP, NEWAYGO COUNTY MICHIGAN
ZONING ORDINANCE

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Zoning Ordinance
Ordinance No. 98-17
Title and Preamble

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

THE TOWNSHIP BOARD OF BROOKS TOWNSHIP, NEWAYGO COUNTY, MICHIGAN, under the authority of the Michigan Zoning Enabling Act, being Act 110 of the Michigan Public Acts of 2006, as amended, ORDAINS AS FOLLOWS:

Article I. Short Title and Purpose

1.01 SHORT TITLE

This Ordinance shall be known and may be cited as the Brooks Township Zoning Ordinance; or, this Ordinance.

1.02 PURPOSE

The Zoning Districts established by this Ordinance and the regulations specified for each district have been developed according to the continuing formulation of a Comprehensive Master Plan for the physical development of Brooks Township as a part of Newaygo County. In their application and interpretation, the provisions of this Ordinance will be considered minimum requirements adopted to promote the public safety, health, morals, and general welfare. Among other purposes, these provisions are designed to:

A. Conserve and protect lands, waters, and other natural resources for their most suitable purposes;

B. Maintain the rural character of the township;

C. Protect productive agricultural lands for agricultural use;

D. Reduce hazards to life and property from flooding, soil erosion, and air and water pollution;

E. Secure safety from fire and other dangers which result from unguided community development;

F. Avoid undue concentration of population by regulating and limiting the density of development and use of land;

G. Ensure compatibility among land uses;

H. Restrict the expansion and longevity of nonconforming uses and structures;

I. Lessen congestion on the public highways and streets;

J. Facilitate the economical provision of adequate streets and highways, educational and recreational facilities, sewage, drainage, and water supply systems while avoiding the installation of such utility services to illogical locations;

K. Enhance the social and economic stability of Brooks Township;

L. Provide opportunity for the use of land in a manner which permits a reasonable economic return;

M. Implement the goals and objectives of the Brooks Township Comprehensive (Master) Plan;

N. Coordinate development standards with those of adjoining communities;

O. Provide opportunity for the proper use of creative land development techniques, such as planned unit development; and,

P. Foster a quality of life consistent with the desires of township residents.

1.03 SCOPE

This Ordinance does not intend to repeal, abrogate, annul, or interfere with existing provisions of other laws or ordinances, except those specifically repealed by this Ordinance, or with any private restrictions placed upon property by covenant, deed, or other private agreement unless contrary to the provisions hereto.

1.04 CONTROL

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

1.05 USES NOT LISTED

A land use which is not listed as either a permitted use or a special use shall be prohibited. Consideration of a non-listed use shall require an amendment to this Ordinance under the provisions of Article 22, Amendments and District Changes.

Article II. Definitions

2.01 RULES APPLYING TO TEXT

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

A. The particular shall control the general.

B. In the case of any difference in meaning or implication between the text of this Ordinance and any caption or illustration, the text shall control. Illustrations are provided for general reference only.

C. The word "shall" is always mandatory and not discretionary. The word "may" is permissive.

D. Words used in the present tense shall include the future; and words used in the singular number shall include the plural; and the plural the singular, unless the context clearly indicates the contrary.

E. A "building" or "structure" includes any part thereof.

F. The word "person" includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity.

G. Unless the context clearly indicates the contrary, the conjunctions noted below shall be interpreted as follows:

1. "And" indicates that all connected items, conditions, provisions, or events shall apply.
2. "Or" indicates that the connected items, conditions, provisions, or events may apply singularly or in any combination.
3. "Either...or" indicates that the connected items, conditions, provisions, or events shall apply singularly but not in combination.

H. Terms not herein defined shall have the meaning customarily assigned to them.

2.02 A - DEFINITIONS

ACCESSORY BUILDING

A subordinate structure on the same premises with a main building, occupied or devoted to an accessory use. Where an accessory building is attached to a main building, such accessory building will be considered part of the main building for purposes of determining setbacks.

ACCESSORY USE

A use naturally and normally incidental and subordinate to a principal use on the same premises.

ADULT ENTERTAINMENT FACILITIES: (amended 3/18/09) (See also Section 14.12)

One or any combination of the following types of establishments defined:

A. Adult Bookstore: An establishment having as a principal activity the sale of books, magazines, newspapers, slides, videotapes, video discs, and motion picture films, and other media, which are

characterized by the emphasis on matters depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas."

B. Adult Motion Picture Theater: An enclosed building with a capacity of fifty (50) or more persons having as the principal activity the presentation of motion pictures characterized by an emphasis on matters depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas," for observation by patrons therein.

C. Adult Massage establishment: any building, room, place or establishment where body massage is regularly practiced on the human body, to club members or to the general public, for a charge. The term "massage establishment" includes, but is not limited to massage parlors, health clubs, sauna baths and steam baths if massages are performed at those locations. The term "massage establishment" shall not include:

1. Hospitals, nursing homes, medical clinics;
2. The office of a state-licensed physician, surgeon, physical therapist, osteopath or chiropractor;
3. The establishment of a barber, manicurist, beautician or cosmetologist who is duly licensed under the laws of this state, or another state within the United States, or the federal government, and who practices within the established limits of his or her license, and who administers a massage in the normal course of his or her duties in which massages are administered only to the scalp, face, neck, hands, feet or shoulders;
4. The establishment of a myomassologist who is a current member of the American Massage Therapy Association or other national massage therapy organization with comparable prerequisites for certification; or
5. A nonprofit organization operating a community center, swimming pool, tennis court or other educational, cultural, recreational or athletic facility for the welfare of the residents of the area.

D. Adult Mini-Motion Picture Theater: An enclosed building with a capacity of less than fifty (50) persons having as the principal activity the presentation of motion picture material characterized by an emphasis on matters depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas," for observation by patrons therein.

E. Adult Novelty Business: A business which has as the principal activity the sale of devices of simulated "specified anatomical areas" or devices designed for "specified sexual activities."

F. Adult Personal Service Business: A business having as the principal activity the performance of acts with an emphasis on matters depicting, describing, or relating to "specified anatomical areas" or "specified sexual activities," for observation or participation by patrons.

G. Principal Activity: A use accounting for more than twenty percent (20%) of a business' stock in trade, display space, floor space, or movie display time per month.

H. Specified Sexual Activities:

1. Human genitals in a state of sexual stimulation or arousal;
2. Acts of human masturbation, sexual intercourse, or sodomy;
3. Fondling or other erotic touching of human genitals, pubic region, buttock, or female breast.

I. Specified Anatomical Areas:

4. Less than completely and opaquely covered:

a. human genitals/pubic region,
b. buttock, and
c. female breast below a point immediately above the top of the areola; and,

5. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

ADULT FOSTER CARE

A. Adult Foster Care Home, Family: is a single-family dwelling occupied as such in which one (1) but not more than six (6) adults, who are not related to an adult member of the family occupying the single-family dwelling by blood, marriage, or adoption, are given care and supervision for twenty four (24) hours per day, unattended by a parent or legal guardian.

B. Adult Foster Care Home, Group: is a single-family dwelling occupied as such in which more than six (6) adults, who are not related to an adult member of the family occupying the single-family dwelling by blood, marriage, or adoption, are given care and supervision for twenty four (24) hours per day, unattended by a parent or legal guardian.

C. Foster Care Home, Family: is a single-family dwelling occupied as such in which one (1) but not more than six (6) minor children, who are not related to an adult member of the family occupying the single-family dwelling by blood, marriage, or adoption, are given care and supervision for twenty four (24) hours per day, unattended by a parent or legal guardian.

D. Foster Care Home, Group: is a single-family dwelling occupied as such in which more than six (6) minor children, who are not related to an adult member of the family occupying the single-family dwelling by blood, marriage, or adoption, are given care and supervision for twenty four (24) hours per day, unattended by a parent or legal guardian.

ALTERATIONS (amended 3/18/08)

Any change, addition or modification in construction or type of use or occupancy; any change in the supporting structural members of a building, such as walls, partitions, columns, beams, girders; or any change which may be referred to herein as “altered” or “reconstructed.”

ANIMALS, EXOTIC (amended 3/18/08) (See also 2.12, 3.02d)

Any living member of the animal kingdom, including those born or raised in captivity, except the following:

A. Domestic dogs (excluding hybrids with wolves, coyotes, or jackals)
B. Domestic cats (excluding hybrids with ocelots or margays)
C. Ferrets
D. Rodents
E. Caged, nonvenomous snakes
F. Captive-bred species of common cage birds
G. Livestock

ARCHITECTURAL FEATURES (amended 3/18/08)

Architectural features of a building shall include cornices, eaves, gutters, belt courses, sills, lintels, bay windows, chimneys and decorative ornaments, such as recesses, projections, wall insets, arcades, window display areas, awnings, balconies, window projections, landscape structures or other features that complement the design intent of the structure.

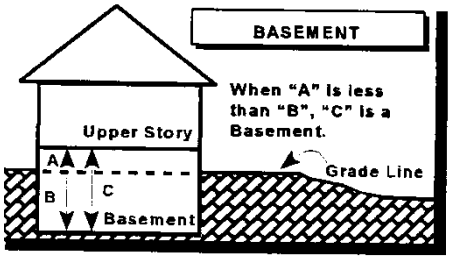
2.03 B - DEFINITIONS
(amended 12/9/09; 5/15/12)

BAR [Lounge and Pub]

A commercial establishment in which the sole or primary activity is the on-site sale and consumption of alcoholic beverages. Secondary activities include the preparation and sale of food for on-site consumption. Subordinate activities may include provisions for a live band or singer, recorded music, video presentations, dance floor, or similar activities. (See RESTAURANT). (See the Brooks Township Liquor License Ordinance).

BASEMENT

A portion of a building which is partially or wholly below grade; provided that where the vertical distance between the average finished grade to the ceiling of said area is greater than one-half of the total height of the area, said area shall not be considered a basement.



BED AND BREAKFAST (See 14.12C)

An owner occupied single-family dwelling in which overnight accommodations and breakfast are provided to short term transient guests in return for a fee or other remuneration. Guest rooms do not possess kitchen facilities and may or may not contain bathroom facilities. Bed and breakfast establishments shall not be classified as a motel, hotel, boarding house, or rooming house.

BILLBOARD OR SIGNBOARD (See Article XVI)

Any structure or portion thereof on which lettered, figured, or pictorial matter is displayed for advertising purposes, not related to the premises or the nature of the business conducted thereon or the products primarily sold or manufactured thereon. This definition shall not be held to include any sign used for official notices issued by a court or public body or other off premise signs permitted by this Ordinance.

BUILDABLE AREA (amended 3/18/08)

The space remaining within a lot after the minimum setback and open space requirements of this Ordinance have been met.

BUFFER ZONE (amended 3/18/09)

A strip of land reserved for plant material, berms, walls, or fencing to serve as a visual and/or sound barrier between properties, often between abutting properties and properties in different zoning districts. Landscaping, berms, fencing or open space can also be used to buffer noise, light and related impacts from abutting properties.

BOAT DOCKAGE

Any means to secure a watercraft in, on, or above the water, whether it be a dock, mooring, shore station, slip, hoist, tether, or any other similar means, regardless of the distance from the water's edge.

BOAT HOUSE

A temporary or permanent beach structure located near or on the water which is used as a storage enclosure for watercraft.

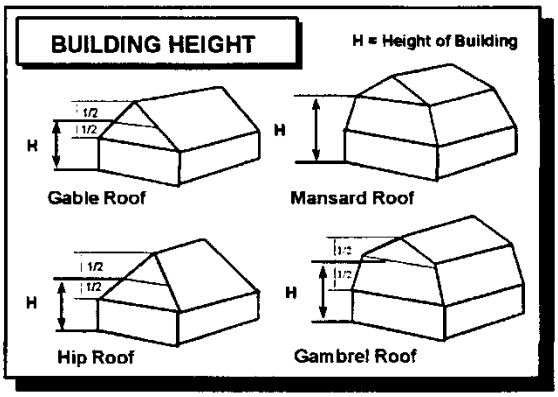
BROOKS TOWNSHIP BUILDING CODE

Requires the same standards as the Newaygo County Building Code. (amended 5/22/99)

BUILDING

Anything that is constructed or erected having a roof supported by columns, walls, or other supports, which is used for the purpose of housing or storing of persons, animals, or personal property or carrying on business activities or other similar uses.

BUILDING HEIGHT



The vertical elevation of a building measured from the average finished lot grade to the highest point of the roof surface of a flat roof, to the deck line of a mansard roof, and to the mean elevation level between eaves and ridge of a gable, hip, or gambrel roof.

2.04 C - DEFINITIONS

CLEARING LAND (adopted 1/24/05)
(see 3.04c, 3.21a, 9.06, 10.06)
The removal of vegetation from any site, parcel or lot except when land is managed for forestry or cleared and cultivated for bona fide agricultural or garden use in a district permitting such use. Mowing, trimming, pruning or removal of vegetation to maintain it in a healthy, viable condition is not considered clearing.

COMMERCIAL (see also 4.08, 4.09, 11.01, and 14.12E)

The use of property in connection with the purchase, sale, barter, display, or exchange of goods, wares, merchandise, or personal services or the maintenance or service offices or recreation or amusement enterprise or garage, yard, and/or basement sales operating more than 12 days during any one 12 month period. Commercial use shall not include a municipal recreation use even though a fee may be charged for said use. For purposes of this ordinance, a use meeting the above definition shall be considered commercial without regard to the presence or absence of a business license, state or federal sales tax license or identification number, or other such instrument. (amended 6/18/ 01)

COMMON AREA (amended 3/18/09)

That part of a condominium development in which all members have an ownership interest, including but not limited to streets, alleys, walkways and open space.

COMMUNICATION TOWER (Commercial Wireless Telecommunication Services)
(see 3.04e)
A tower used to send and/or receive telecommunications as provided by a Licensed Commercial Wireless Telecommunication service 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.

COMPOST

A light, dry, humus material created from the biochemical decomposition of organic matter due to the metabolic activity of aerobic microorganisms.

COMPOST FACILITIES

A commercial resource-recovery operation involving the transportation of organic resource material to the site from off-site locations for the purpose of creating compost, or resource products from the site that involves the processing of organic material into compost. This definition shall not include compost piles in residential districts occupying an area of less than one hundred square feet (100 sq. ft.) or compost piles or facilities in agricultural districts in connection with a bonafide farming operation.

CONDOMINIUM ACT (amended 3/18/09)

Public Act 59 of the Michigan Public Acts of 1978, as amended.

CONDOMINIUM UNIT (amended 3/18/09) (see 3.20c)

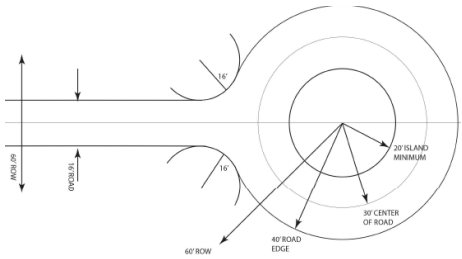
That portion of the condominium project designed and intended for separate ownership and use, as described in the Master Deed of the condominium project. For the purposes of this ordinance, a condominium unit in a site condominium development shall be analogous to a lot.

CONSERVATION EASEMENT (amended 3/18/09)

A nonpossessory interest in real property imposing limitations or affirmative obligations, the purposes of which include retaining or protecting natural, scenic or open space values of real property; assuring its availability for agricultural, forest, recreational or open space use; protecting natural resources; or maintaining air or water quality.

CUL-DE-SAC (see 3.02a, 3.04h, 3.19d)

A cul-de-sac is a dead end public or private street, generally short in distance, which terminates in a circular or semi-circular section of street and allows for vehicle turnaround. Refer to the diagram following.



2.05 D - DEFINITIONS

DAY-CARE FACILITIES (See 4.09, 14.12 G & H)

A facility for the care of children under 18 years of age, as licensed and regulated by the state under Act 116 of the Public Acts of 1973 and the associated rules promulgated by the Family Independence Agency. Such facilities shall be further defined as follows:

A. Child-Care Center: A facility, other than a private home, where one (1) child or more is received for care and supervision of less than twenty-four (24) hours per day unattended by a parent or legal guardian.

B. Family Day-Care Home: A private home in which one (1) to six (6) children are received for care and supervision, not including those children of the resident family, of less than twenty-four (24) hours per day unattended by a parent or legal guardian.

C. Group Day-Care Home: A private home where seven (7) to twelve (12) children are received for care and supervision, not including those children of the resident family, of less than twenty-four (24) hours per day unattended by a parent or legal guardian.

DEED RESTRICTION (amended 3/18/09)

A restriction on the use of a lot or parcel of land that is set forth in the property deed and recorded with the Newaygo County Register of Deeds. It is binding on subsequent owners and is sometimes also known as a restrictive covenant. Unless the Township has an ownership interest in the property, a deed restriction is enforced by the parties to the agreement, not by the Township.

DECK (amended 3/18/09)

An unroofed structure used for outdoor living purposes which may or may not be attached to a building and which protrudes more than four (4) inches above the finished grade.

DENSITY (amended 3/18/09)

As applied in this Ordinance the number of dwelling units situated on or to be developed on a gross acre of land.

DOCK AND DOCKAGES (See 3.05a)

Dock shall mean a temporary or permanent structure which is placed in the water with an attachment to the land and used for the mooring of watercraft. Dockage shall refer to the number of watercraft moored to a dock. Docks and dockages shall be subject to the standards and permitting requirements of the Michigan Department of Environmental Quality and this Ordinance. See BOAT HOUSE.

DRIVE-THRU ESTABLISHMENT (amended 3/18/09)

A commercial establishment whose retail/service character is significantly dependent on providing a driveway approach and service windows or facilities for vehicles in order to serve patrons while in or momentarily stepped away from the vehicle. Examples include banks, cleaners, and restaurants, but not including vehicle service stations.

DRIVEWAY (see 3.05b)

An improved public or private passageway providing vehicular ingress and egress from a public or private road to a lot, parcel, or building on abutting grounds.

DWELLING (see 3.05c)

Any building or portion thereof which is used as a permanent residence or sleeping place by one or more persons or occupied in whole or in part as a home, cottage, condominium unit, apartment, residence, or sleeping place, either permanently or temporarily, by one or more families. Motels, hotels, tourist rooms, cabins, tents, campers, and travel trailers are not dwellings. Dwellings shall include single-family, two-family, and multi-family dwellings.

A. Dwelling, Single-Family: A building containing not more than one dwelling designed exclusively for residential use and occupancy by one person or one family only and conforming in all other respects to the standards set forth in this Ordinance.

B. Dwelling, Two-Family: A building designed exclusively for use and occupancy by two families living independently of each other and conforming in all other respects to the standards set forth in this Ordinance.

C. Dwelling, Multiple-Family: A building containing three or more dwellings designed for residential use and occupancy by three or more families living independently of each other and conforming in all other respects to the standards set forth in this Ordinance.

DWELLING UNIT

A building or portion thereof designed for use or occupancy by one (1) person or one (1) family for living and sleeping purposes with housekeeping facilities.

2.06 E - DEFINITIONS

EARTH MOVING (see 14.12P)

The removal of such natural resources as sand, gravel, or earth materials or the alteration of land in order to prepare or render land suitable for uses permitted in the district in which the land is located. This definition shall not include earth moving directly related to the excavation of basement walls or structural foundations, non-commercial gardening or lawn maintenance associated with dwellings in residential districts, lawn maintenance in commercial or industrial districts, nor agricultural activities associated with bonafide farming operations.

ERECTED (amended 3/18/09)

The word "erected" includes built, constructed, reconstructed, moved upon, or any physical operations on the premises required for the building. Excavations fill, drainage, and the like, shall be considered a part of the term "erect" or "erected."

ESSENTIAL SERVICES (see Section 3.06 - ESSENTIAL SERVICES)

2.07 F - DEFINITIONS

FAMILY

One or more persons living together as a single nonprofit housekeeping unit, organized as a single entity in which the members share common kitchen facilities in a domestic relationship based on consanguinity, marriage, adoption, or other domestic bond. This definition does not include any society, association, organization, or any other group whose domestic relationship is of a transitional or seasonal nature or for an anticipated limited duration.

FARM (see also 4.09 #45, 14.12R)

Any parcel of land containing at least ten (10) acres which is used for the raising of commercial agricultural products, trees, livestock, poultry, or dairy products. A farm may include a dwelling and accessory structures or buildings, located within the property boundaries, necessary for the storage or housing of farm implements, farm products, or farm animals used in farming operations.

FENCES OR WALLS (See also 4.08 & 18.01)

Accessory structures erected to enclose or screen objects or areas of land; to separate land uses; to serve as buffers between adjoining parcels or uses, to mitigate potential impacts resulting from erosion or collapse of steep slopes; to prevent drifting of snow; or other such purposes.

FLOOD OR FLOODING (amended 3/18/09)

A general and temporary complete inundation of normally dry land area from:

A. The overflow of inland or tidal waters.
B. The unusual and rapid accumulation or runoff of surface waters from any source.

FLOOD HAZARD AREA (amended 3/18/09)

That area subject to flooding, on the average of at least once in every one hundred (100) years as established by the Federal Emergency Management Agency.

FLOOD HAZARD BOUNDARY MAP (FHBM): (amended 3/18/09)

The official map of the community issued by the Federal Insurance Administration where the boundaries of the areas of special flood hazards have been designated as Zone A.

FLOOD INSURANCE RATE MAP (FIRM): (amended 3/18/09)

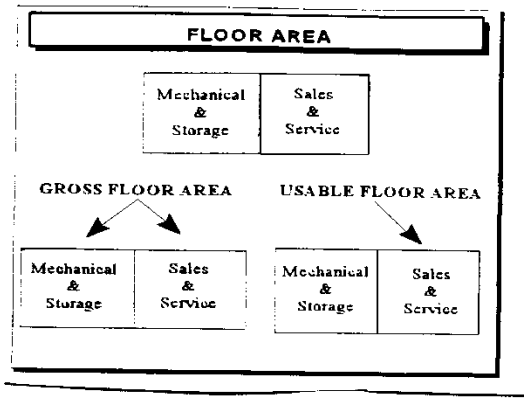
An official map of the community on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY (amended 3/18/09)

The official report provided by the Federal Insurance Administration. The report contains flood profiles, as well as the flood hazard boundary-floodway map and the water surface elevation of the base flood.

FLOODPLAIN

All areas adjoining a lake, stream, river or creek, or a channel and their branches and tributaries which are subject to a one (1) percent chance of inundation during any one hundred (100) year period (also referred to as a 100 year flood). The official map for determination and regulation of floodplains is the Federal Flood Insurance Rate Map of Brooks Township.



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 common 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 seven feet six inches (7 ft. 6 in.) clear height between floor and ceiling.

2.08 G - DEFINITIONS

GARAGE

An accessory building used for parking or storage of vehicles as may be permitted in connection with the permitted use of the principal building.

GRADE (amended 3/18/09)

The ground elevation established for the purpose of regulating the height of the building. The building grade shall be the level of the natural ground adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level, the grade is determined by averaging the elevation of the ground for each face of the building.

GRAVEL PITS (See Sections 4.09 #46 and 14.12P)

2.09 H - DEFINITIONS

HOME OCCUPATIONS (See 3.09c)

Occupations that are carried on in the home by resident members of the family residing in the home, being clearly incidental and secondary to the principal residential use and complying with all requirements of this Ordinance for Home Occupations.

HOUSEHOLD PETS (amended 3/18/09) (See 3.02d)

Any domesticated dog, cat or other animal kept for protection, companionship or hunting purposes; provided they are not kept, bred or maintained for commercial purposes.

2.10 I - DEFINITIONS

INSTITUTIONAL OR PUBLIC USE

Government buildings, churches, schools (teaching academic subjects), hospitals, parks, museums, cemeteries, civic centers, libraries, and other public or quasi-public uses.

2.11 J - DEFINITIONS

JUNK

Any worn out and/or discarded materials including, but not necessarily limited to, scrap metal; inoperable motor vehicles and parts; construction material; household wastes including garbage and discarded appliances; broken glass and pottery; discarded paper products; yard debris; and other such debris or goods. (Refer also to the Brooks Township Junk Ordinance).

JUNKYARD OR SALVAGE YARD

A place where discarded, used, or salvaged materials and junk (not including animal or vegetable matter) are bought, sold, exchanged, stored, baled, cleaned, processed, packed, disassembled, or handled, including house-wrecking, structural steel materials salvage, and automobile wrecking enterprises. The purchase or storage of used furniture and household equipment, used cars in operable condition, and used or salvaged materials, are excluded if such uses are carried on in enclosed buildings.

2.12 K - DEFINITIONS

KENNEL – COMMERCIAL (see 3.02d (C), 2.02, 4.09 #58)

Any land, building, or structure where a total of four (4) or more dogs, cats or combination thereof, six months of age or older, are boarded, housed, bred, trained and offered for sale or compensation. (amended 6/18/01, 8/31/11)

KENNEL – PRIVATE (see also 4.09 #59)

Any land, building, or structure used for the private enjoyment of 6 to 10 dogs, cats or combination thereof, six months of age and older. (amended 8/31/11)

KEYHOLING (see Section 2.13 - LOT - KEYHOLE)

2.13 L - DEFINITIONS

LAND DIVISION ACT (amended 3/18/09) (See 3.13a)

Public Act 288 of the Michigan Public Acts of 1967, as amended.

LANDMARK TREE(S) (amended 3/18/09)

A tree(s) commonly recognized as an established and familiar feature of the Township or as a significant part of the Township's heritage. Landmark trees tend to be larger in girth than other trees of the same species in the area. The trees are a prominent part of the landscape.

LIVESTOCK (amended 3/18/09) (See 4.09 #45, 14.12 R)

Those species of animals used for human food and fiber or those species of animals used for service to humans. Livestock includes, but is not limited to, cattle, sheep, new world camelids, goats, alpacas, bison, captive cervidae, ratities, swine, equine, poultry, aquaculture, and rabbits. Livestock does not include dogs or cats.

LIVING SPACE (amended 5/15/12)

That part of a dwelling that is normally occupied including bedroom, kitchen, bathroom and gathering areas. It excludes storage areas such as closets, attics and garages. In order for a basement to qualify as living space, it must have a second form of egress under the building code.

LOADING SPACE (amended 3/18/09)

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

LOT COVERAGE (amended 3/18/09)

The part or percent of the lot occupied by buildings or structures, including accessory buildings or structures, decks and parking lots, paved and impervious surface.

LOT

A plot or parcel of land which meets minimum zoning requirements for use, coverage, and area, and which provides the required minimum yards and other open spaces as described herein. A lot shall have frontage on an approved public street or an approved private street and may be described as a corner lot, interior lot, through lot, waterfront lot, or lot of record. A lot may or may not be specifically designated as such on public records. A lot also means 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 AREA (see 3.13d)

The total horizontal area contained within the lot lines or property boundaries, including street or road easements or rights-of-way.

LOT – CORNER (see 3.04g)

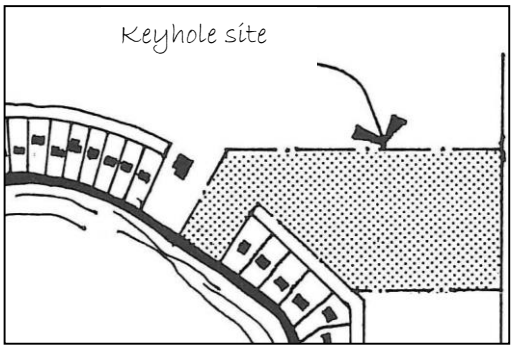
A lot having at least two contiguous sides abutting upon one or more streets for their full or partial length.

LOT - FLAG

An interior lot possessing less than required road frontage. [Note: Flag lots are not permitted under the provisions of this Ordinance.]

LOT - INTERIOR

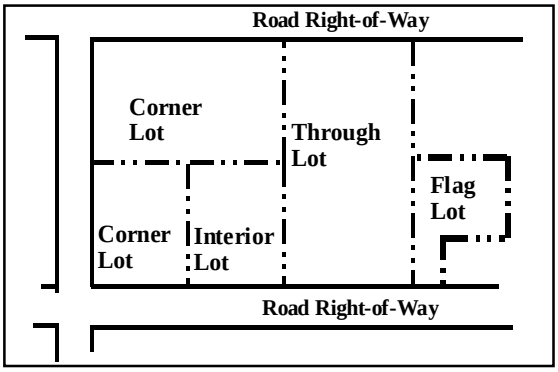
A lot other than a corner lot.



LOT – KEYHOLE (amended 3/18/08)
(see also 9.06 I, 10.07)
The use of a waterfront property, parcel or lot as common open space for waterfront access for more than one dwelling without water frontage for waterfront access or the use of waterfront property for waterfront access for a larger development located away from the waterfront.

LOT - THROUGH

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



LOT – WATERFRONT (see 9.01 & 10.01)

A lot having at least one side fronting on a river, stream, lake, pond, or other permanent water feature.

LOT LINE

Lines bounding a lot and defining the boundaries of a lot or parcel of land. Front, side, and rear lot lines shall be determined by the following descriptions and based on the orientation of the structure, the location of the main entrance, the street address, the location and orientation of adjacent structures, and the configuration of adjacent lots.

A. Front Lot Line: The line bordering the front side of the property, which is the water, street, or road side. In the case of a corner or through lot, the front lot line, for building orientation purposes, shall be determined by the Zoning Administrator. In making said determination, the Zoning Administrator shall consider such factors as the orientation of existing buildings in the area, physical site constraints, road orientation and classification, public safety, and neighborhood compatibility.

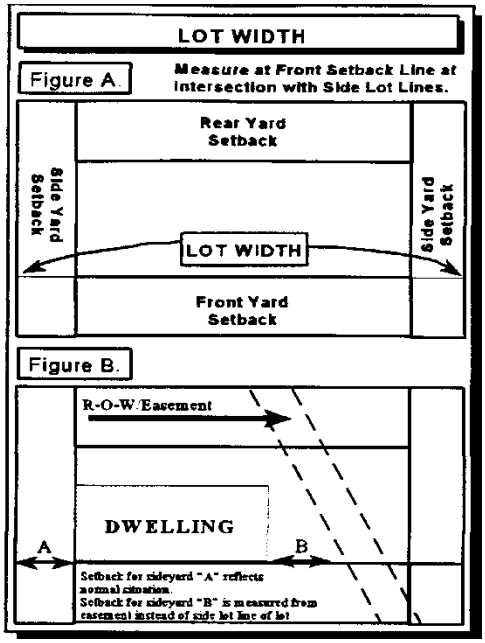
B. Side Lot Line: Any lot line intersecting the front lot line.

C. Rear Lot Line: Any lot line opposite and most distant from the front lot line and possessing no less than ten feet (10 ft.) in width and lying wholly within the lot.

LOT OF RECORD

A lot that is part of a subdivision and is shown on a plat or a map thereof which has been recorded in the office of the Register of Deeds for Newaygo County or a parcel of land described by metes and bounds which is the subject of a deed or land contract recorded in said office prior to the effective date of this Ordinance. A lot shall not be a lot of record unless it is duly recorded as indicated above.

LOT WIDTH (see 3.13e)



The horizontal distance between side lot lines measured parallel to the front lot line at the minimum required building setback line. Figure A.

In cases where lot width is interrupted by a right-of-way or easement, lot width (for building placement purposes) shall be defined as the horizontal distance between the right-of-way or easement and the opposing side lot line, measured parallel to the front lot line at the minimum required building setback line. Buildings to be placed between a right-of-way or easement and an opposing side lot line must have sufficient remaining space to meet the side yard setback requirements of the underlying zone district as measured from the building to the right-of-way or easement and from the building to the side lot line opposite the right-of-way or easement. Figure B.
In the event of a lot having its width interrupted by a right-of-way or easement which cannot meet the aforementioned standard, the Zoning Administrator shall be empowered to review the relationship of said right-of-way or easement to the lot as a whole and determine the most appropriate building placement. In no case, however, shall a building be placed closer to the external lines of the lot than as permitted for an underlying zone district lot whose width is not impacted by a right-of-way or easement.

In the event that a lot may have more than one (1) horizontal distance between side lot lines, only the least distance shall be used to meet the lot width requirement. Under no circumstances shall the minimum lot width be determined based on more than one (1) horizontal distance. The lot width and setbacks for curvilinear lots shall be determined as referred to in Section 2.04 CUL-DE-SAC.

2.14 M - DEFINITIONS

MAJOR STREET

An all-season street or highway designed and intended to carry heavy traffic volumes, including commercial traffic. Examples designated on the "Brooks Township Comprehensive Development Plan - Major Road Plan include M 82, M-37, and Croton Drive.

MANUFACTURED HOME (amended 3/18/09) (see 3.17b)

A detached residential dwelling unit designed for transportation after fabrication on streets or highways on its own wheels or on a flat bed or other trailer, and further designed to be occupied as a dwelling without the necessity of further substantial construction or alteration except for incidental assembly, unpacking, foundation work or construction, utility connections, skirting construction, site preparation and other minor work, construction or installation.

MANUFACTURED HOUSING COMMUNITY (amended 3/18/09)

A parcel or tract of land under the control of a person upon which two (2) 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.

MANUFACTURED HOME SPACE (amended 3/18/09)

A plot of ground within a manufactured housing community designed for the placement of one (1) manufactured home.

MARIHUANA (amended 10/19/12) **See Free Standing Marihuana Ordinance**

MARIHUANA. Also known as *marijuana*, also known as *cannabis*. That term shall have the meaning given to it in Section 7601 of the Michigan Public Health Code, 1978 PA 368, as amended, MCL 333.7106 et seq., as is referred to in Section 3(d) of the Act. Any other term pertaining to marihuana used in this ordinance and not otherwise defined shall have the meaning given to it in the Act and/or in the General Rules of the Michigan Department of Community Health issued in connection with the Act.

MARIHUANA COLLECTIVE, COOPERATIVE OR DISPENSARY. Any facility, structure, dwelling or other location where medical marihuana is grown, cultivated, processed, stored, transmitted, dispensed, consumed, used, given, delivered, provided, made available to and/or distributed by two or more of the following: a registered primary caregiver or a registered qualifying patient, as defined by the Act, or a person in possession of an identification card issued under the Act or in possession of an application for such an identification card. The term "collective" or "cooperative" shall not apply to an individual registered primary caregiver that provides necessary care and medical marihuana for medical use exclusively to his/her five or fewer designated qualifying patients in strict accordance with the Act or the Administrative Rules of the Michigan Department of Community Health, Michigan Admin Code, R 333.101 through R 333.133. A "marihuana collective, cooperative or dispensary" shall not include the following uses: a State-

licensed health care facility; a State-licensed residential care facility for the elderly or infirm; or a residential hospice care facility, as long as any such use complies strictly with applicable laws and rules of the State of Michigan. It is unlawful to establish or operate a for-profit or nonprofit marihuana dispensary, collective or cooperative within the Township, even if such use is intended for the medical use of marihuana.

MEDICAL USE OF MARIHUANA. The acquisition, possession, cultivation, manufacture, use, internal possession, delivery, transfer or transportation of marihuana or paraphernalia relating to the administration of marihuana to treat or alleviate a registered qualifying patient's debilitating medical condition or symptoms associated with the debilitating medical condition, as defined under the Michigan Medical Marihuana Act, PA 2008, Initiated Law 1, MCL 333.26421 et seq.

MASTER PLAN (amended 3/18/09)

The Master Plan currently adopted by Brooks Township, including graphic and written materials and includes any unit or part of such plan and any amendment to such plan.

MINOR OR LOCAL STREET

A dedicated public way or recorded private street which affords access to abutting properties, and is designed primarily to serve immediate neighborhood needs.

MODULAR AND SECTIONAL HOMES

A dwelling consisting of two or more transportable factory-fabricated units designed to be assembled as a single residential structure on a foundation as required for a conventional residence.

MOTEL, HOTEL, TOURIST CABIN, MOTOR HOTEL (see 4.09 #11, 14.12 L)

A series of attached, semi-detached, or detached rental units providing overnight lodging for transient guests, open to the traveling public for compensation, but not including a bed and breakfast establishment.

MOTORIZED SALES AREA

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

MUNICIPAL CIVIL INFRACTION

An act or omission that is prohibited by a provision of the ordinances of Brooks Township for which the penalty has been designated as a Municipal Civil Infraction. A municipal civil infraction is not a crime and is punishable by all of the civil remedies provided for in Act 12 of the Public Acts of 1994 as amended.

2.15 N - DEFINITIONS

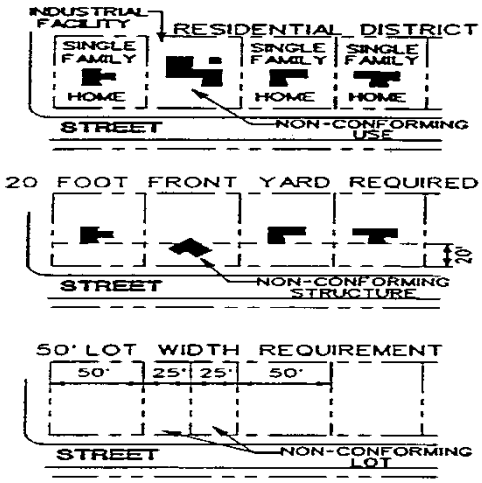
NATURAL FEATURES (amended 3/18/09)

Natural features shall include, but not be limited to: soils, wetlands, woodlots, floodways, landmark trees, overgrown fence rows, water bodies, topography, vegetative cover, steep slopes, or other significant features identified by the Planning Commission, Township Board or State of Michigan Natural Features Inventory.

NATURAL RESOURCE REMOVAL

The extraction and/or excavation of sand, gravel, topsoil, clay, earth, marl, peat, or any other nonrenewable earth material not regulated in the Mine Reclamation Act, Act 92 of the Public Acts of 1970, as amended, in a regular commercial operation by excavating directly from such resources lying exposed in their natural state or by removing any overburden lying above such resources. It does not include excavation or grading preliminary to a construction project (see Section 2.06 - EARTH MOVING).

NONCONFORMITIES



NONCONFORMING

Situation in which a use, structure, lot, or any combination thereof, does not conform to the regulations of the district in which it is located.

NONCONFORMING LOT OF RECORD

A lot lawfully existing at the effective date of this zoning ordinance or a successor or amending ordinance, or affecting amendment, which fails to meet the area and/or dimensional requirements of the zoning district in which it is located. (amended 4/18/05)

NON-CONFORMING BUILDING OR STRUCTURE
(amended 3/18/09)

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

NON-CONFORMING USE (amended 3/18/09)

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

NUISANCE (amended 3/18/09)

An offensive, annoying, unpleasant, or obnoxious thing or practice being a cause or source of annoyance.

NURSING HOME (amended 3/18/09) (See 4.09 #10 & 14.12 K)

A state licensed home for the care of the aged or infirm, or a place of rest for those suffering bodily disorders, where care is provided for compensation.

2.16 O - DEFINITIONS

OPEN SPACE DEVELOPMENT (amended 3/18/09)

A development in which the lot sizes are reduced below those normally required in the zoning district in which the development is located in return for the provision of permanent open space on-site.

OPEN SPACE (amended 3/18/09)

Undeveloped land not part of any required yard which is set aside in a natural state or for an agricultural use.

OPEN SPACE, COMMON (amended 3/18/09)

Open space which is held for the collective use and enjoyment of the owners, tenants, or occupants of a single development.

OPEN SPACE, DEDICATED (amended 3/18/09)

Common open space dedicated as a permanent recorded easement.

OPEN SPACE, USABLE (amended 3/18/09)

That portion of the common open space which due to its slope, drainage characteristics and soil conditions can be used for active recreation or agriculture.

ORDINARY HIGH WATER MARK

The line between upland and bottomland which persists through successive changes in water levels, below which the presence and action of the water is so common or recurrent that the character of the land is markedly distinct from the upland and is apparent in the soil itself, the configuration of the surface of the soil, and the vegetation. On an inland lake which has a level established by law, it means the highest established level.

OUTDOOR HEATING UNIT (adopted 8/1/07) (See 3.16a)

A heating unit or mechanical device which is accessory to and situated outside and used to heat a structure(s). Also known as, but not limited to outdoor furnaces or boilers.

OUTDOOR RECREATION FACILITIES

Outdoor recreation facilities shall include golf courses, campgrounds, nature centers, hiking trails, cross-country skiing trails, riding stables, gun and archery ranges, tennis courts, picnic areas, wildlife areas, and similar uses.

2.17 P - DEFINITIONS

PARCEL

The amount of land area required in the District in which it is located to build or use for a permitted use. All parcels of land shall have the required frontage on an approved right-of-way (see LOT).

PARKING AREA (see 15.01)

An area used for the parking of motor vehicles for a fee or as an accommodation for clients, customers, residents, employees, or the general public.

PERMITTED USE (amended 5/15/12) See Section 4.09

A use listed and permitted within a zoning district, which may be established. Site Plan approval may be required.

PERSON

A legal entity or individual human being; "Person" shall include an association, corporation, organization, partnership, or a firm.

PERSONAL STORAGE BUILDING (adopted 11/12/08)

An accessory structure designed and used for the storage of the property owners possessions, ex: boat, car, RV, personal items.

PLANNING COMMISSION

The Brooks Township Planning Commission.

PLANNED UNIT DEVELOPMENT (PUD) (amended 3/18/09) (See 13.01)

A development approval under the provisions of this Ordinance that permits certain flexibility in use, lot dimensions, and other development requirements for certain purposes as defined by the Zoning Act and this Ordinance.

PRINCIPAL OR MAIN USE (see 3.17c)

The primary or predominant use of a lot or premises.

PRINCIPAL STRUCTURE

The structure which houses the principal use.

PUBLIC UTILITY

Any person, firm, or corporation duly authorized to furnish and furnishing to the public under State, County, or Municipal regulations electricity, gas, telephone, steam, cable television, communication, transportation, sanitary sewer, or water services (see ESSENTIAL SERVICES).

2.18 Q - DEFINITIONS (Reserved for future use)

2.19 R – DEFINITIONS (amended 5/12/12)

RECREATIONAL VEHICLE

A vehicular transportable structure mounted on wheels that is self-propelled or towed by a motor vehicle. For purposes of this Ordinance, a recreational vehicle is designed to provide temporary living quarters for recreational, camping, or travel use. This definition includes, but is not limited to, portable structures

commonly known as travel trailers, travel homes, fold-down campers, truck-mounted campers, converted buses, and fifth wheels.

RELIGIOUS INSTITUTION (amended 3/18/09) (See 4.09 #13)

Religious institutions primarily provide meeting areas for religious activities. They may be associated with a convent (group housing) or provide caretaker housing or a parsonage on site (as an accessory use).

REPAIR SHOP

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

RESTAURANT

A commercial establishment in which the sole or primary activity is the preparation and sale of food for on-site consumption or take-out. Alcoholic beverages may be sold, provided, however, the sale and/or distribution of such beverages shall clearly be incidental to the preparation, sale, and consumption of food.

RETAINING WALL

A structure erected to support an embankment or to prevent erosion or collapse of steep slopes.

RIGHT-OF-WAY

A street, road, or other thoroughfare or easement permanently established for passage of persons or vehicles and under the legal authority of the agency having jurisdiction over the right-of-way.

ROADSIDE STAND (amended 3/18/09) (see 3.19e)

A structure that is less than one hundred (100) square feet in area, used for the display and sale of agricultural products, with no space for customers within the structure itself.

ROADS - PRIVATE AND PUBLIC (see 3.19d)

See Section 2.20 Definitions for Streets or Roads – Public and Private (amended 1/21/02)

2.20 S - DEFINITIONS

SAME or SIMILAR OWNERSHIP

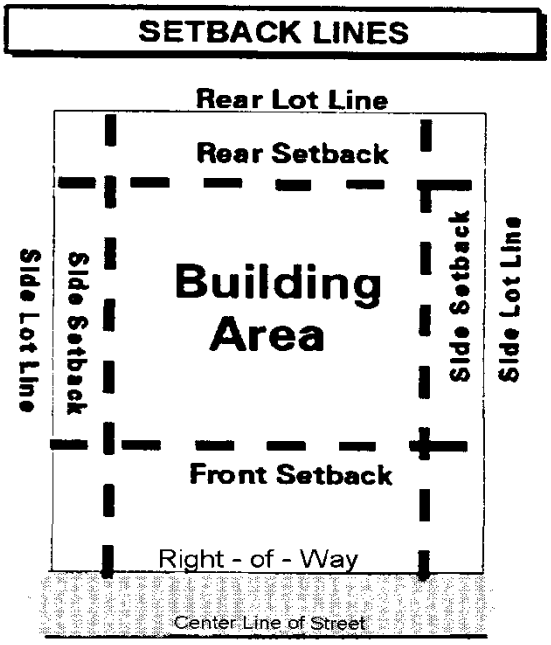
For purposes of this Ordinance, the phrase “Same or Similar Ownership” shall mean any of the following situations:

A. Ownership by the same person, firm, partnership, corporation, or similar legal entity.

B. Ownership by the same association, organization, society, or similar entity.

SERVICE STATION OR FILLING STATION (see 4.09 #21)

A place where fuel and lubricating oils for motor vehicles are offered for sale at retail to the public, including sales of automobile accessories and minor repair service (e.g.; oil change, flat tire repair, fan belt replacement, replace brakes, etc.), but not including major automotive repairs (e.g.; engine overhaul, frame realignment, bumping and painting, repair/replace transmission, radiator repair/replacement, etc.).



SETBACK LINE (see 4.08)

A line measured from and being parallel to the front, rear, and side lot lines that establishes the minimum distance that a building or structure is permitted to be located from the lot line. Setback line is also referred to as the "required setback line." Steps connected to a building may be located between the required setback line and the lot line. Porches and decks are considered part of the building or structure and must be considered in the determination of setback. Section 2.04 - CUL-DE-SAC, of this Ordinance, provides an example for the determination of the required setback lines for lots or parcels having curved or angled property lines.

SHADE TREE (amended 3/18/09)

A deciduous tree whose mature height and branch structure provide foliage primarily on the upper half of the tree. The purpose of a shade tree is to provide shade to adjacent ground areas.

SIGNBOARD OR BILLBOARD (See Article XVI)

Any structure or portion thereof on which lettered, figured, or pictorial matter is displayed for advertising purposes, not related to the premises or the nature of the business conducted thereon or the products primarily sold or manufactured thereon. This definition shall not be held to include any sign used for official notices issued by a court or public body or other off premise signs permitted by this Ordinance.

SINGLE OWNERSHIP

Ownership by one person or by two or more persons jointly, as tenants by the entirety, or as tenants in common, of a separate parcel of real property not adjacent to land in the same ownership.

SITE CONDOMINIUM SUBDIVISION (see 3.20c)

A division of land on the basis of condominium ownership that is subject to the provisions of the Condominium Act, Michigan Public Act 59 of 1978, including any amendments thereto.

SITE PLAN (see Article XVII)

A scale drawing meeting the requirements of this Ordinance that shows the locations and dimensions of existing features as well as proposed improvements upon a parcel of land, such as but not limited to buildings, driveways, parking areas, landscaping, sidewalks, signs, sewage systems, water supply, and drainage facilities.

SPECIAL LAND USE (amended 5/15/12) (see Article XIV)

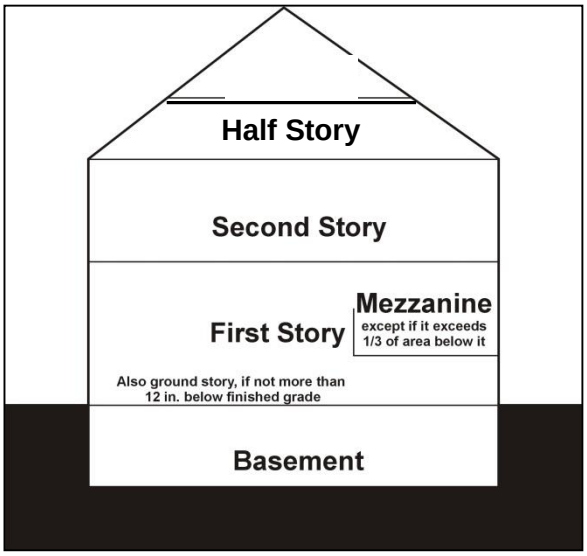
A use that may be permitted in a zoning district by obtaining Special Land Use approval when all applicable standards cited in Article 14 are met.

STACKING SPACE (amended 3/18/09)

An area designated for a line of vehicles waiting for drive-through service.

STORY

That portion of a building included between the surface of any floor and the surface of the floor above it; where there is no second floor, then story shall mean the space between the floor and the ceiling next above it. A story, thus defined, shall not include any portion of a building having more than 50 percent of its total cubic content below the established grade level.



STORY, HALF (amended 3/18/09)

That part of a building between a pitched roof and the uppermost full story, said part having a floor area which does not exceed one-half (½) the floor area of a full story, provided the area contains at least two hundred (200) square feet and which contains a clear height of at least seven (7) feet, at its highest point.

STOP WORK ORDER (amended 3/18/09)

An administrative order which is either posted on the property or mailed to the property owner which directs a person not to continue, or not to allow the continuation of an activity which is in violation of this Ordinance.

STREET OR ROAD – PUBLIC & PRIVATE (amended 1/21/02)

A. A Public Street or Road shall be a right of way or easement providing access to two (2) or more lots or parcels meeting the design and construction standards of the Newaygo County Road Commission which has been dedicated to the County for the purpose of providing access to abutting lots or land, including the space for pavement and sidewalks.

B. A Private Street or Road shall be a right of way or easement providing access to two (2) or more lots or parcels that has been reviewed and approved by the Township Planning Commission in accordance with this Ordinance and by the County Road Commission in accordance with the required County regulations for Private Roads.

STRUCTURE

Anything constructed, erected, or placed which requires permanent or non-permanent location on the ground or attachment to something having such location, including but not limited to buildings, signs, antennas, towers, pools, satellite dishes, etc.

STRUCTURE - PRINCIPAL

The building within which the principal use is located.

SWIMMING POOL (amended 3/18/08) (see 3.20g)

A constructed basin or structure for the holding of water for swimming and aquatic recreation. Swimming pool does not include a plastic, canvas, or rubber portable pool temporarily erected upon the ground with less than twenty four (24) inches of depth .

2.21 T - DEFINITIONS

TEMPORARY BUILDING OR USE (amended 3/18/09)

A structure or use permitted by the Zoning Administrator to exist during periods of construction of the main building or for special events as permitted by this Ordinance.

TOWER (See also COMMUNICATION TOWER)

"Tower" means any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio, and similar communication purposes, including self-supporting lattice towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like. The term includes the structure and any support thereto.

TOWNSHIP BOARD

The Brooks Township Board.

2.22 U - DEFINITIONS (Reserved for future use)

2.23 V - DEFINITIONS

VETERINARY CLINIC (amended 3/18/09)

A place for the care, diagnosis and treatment of sick or injured animals, and those in need of medical or minor surgical attention. A veterinary clinic may include customary pens or cages only within the walls of the clinic structure.

2.24 W - DEFINITIONS

WATERCRAFT

Any motorized boat or water vehicle, regardless of size and length, or any non-motorized boat or water vehicle more than sixteen feet (16 ft.) in length.

WATERCOURSE (amended 3/18/09)

Any waterway, river, stream, county drain, inland lake or pond or other body of water having definite banks, a bed, and visible evidence of a continued flow or continued occurrence of water. The term "watercourse" does not include lakes or ponds constructed by excavating or diking dry land and maintained for the sole purpose of cooling or storing water, and does not include lagoons used for treating polluted water.

WATERFRONT PROPERTY (see 3.24a)

An easement, private park, right-of-way, common area, lot, or property abutting, adjoining, or otherwise having frontage on a lake, river, or stream, including parcels, lots, and properties having riparian frontage or access to any type of navigable body of water.

WATER WITHDRAWL (amended 3/18/09) (see 14.12U)

The drawing, gathering, pumping, or removal of surface water, spring water, or groundwater.

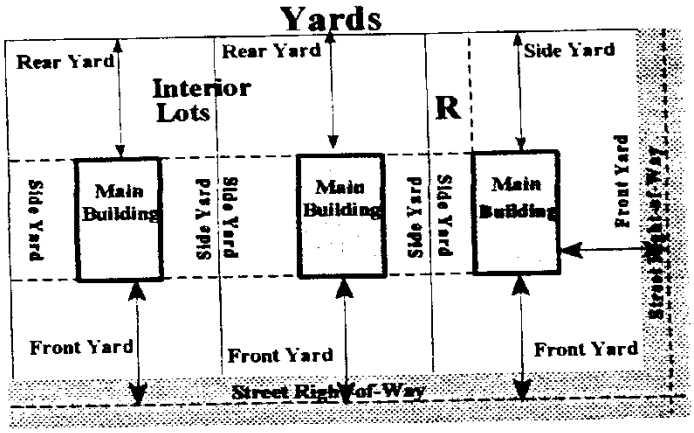
WETLAND (amended 3/18/09)

Land characterized by the presence of water at a frequency and duration sufficient to support and that under normal circumstances does support wetland vegetation or aquatic life. Wetlands are regulated by Part 303, Wetlands Protection, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended.

2.25 X - DEFINITIONS (Reserved for future use)

2.26 Y - DEFINITIONS

YARDS



An area located between the lot line and the principal structure.

A. Front Yard: An open unoccupied space, unless occupied by a use as hereinafter specifically permitted, extending across the full width of the lot and lying between the front lot line and the nearest foundation of any part of the building.

B. Side Yard: An open unoccupied space, unless occupied by a use as hereinafter specifically permitted, on the same lot with the building between the foundation of any part of the building and the side lot line, between the front yard to the rear yard.

C. Rear Yard: A space unoccupied except by an accessory building or use as hereinafter specifically permitted, extending across the full width of the lot between the rear foundation of any building other than an accessory building and the rear lot line.

2.27 Z - DEFINITIONS

ZONING ADMINISTRATOR

The person or persons appointed by the Township Board to administer this Ordinance, and for the purpose of this Ordinance said person shall be the Zoning Inspector.

ZONING BOARD OF APPEALS

The Brooks Township Zoning Board of Appeals. (See Article XX)

ZONING COMPLIANCE PERMIT (amended 3/18/09)

A permit signifying compliance with the provisions of this Ordinance as to design, use, activity, height, setbacks, density, site planning, special use status, and/or planned unit development status.

Article III. General Provisions

3.01 GENERAL PROVISIONS

General provisions reflect zoning requirements or standards, which typically apply to more than one district as described in this Ordinance. Where requirements of a general provision and a district regulation differ, the more restrictive requirement shall prevail, unless otherwise stated in this Ordinance.

3.02 A - GENERAL PROVISIONS

3.02a ACCESS AND FRONTAGE ON A STREET OR ROAD

All lots must abut on a street or road, as defined by this Ordinance, for an uninterrupted distance equal to the minimum lot width specified for the district in which it is located. In the case of a lot abutting the end turn-around area of a cul-de-sac, the minimum road frontage shall be fifty feet (50 ft.), provided the lot width shall meet the minimum lot width requirements of the district in which it is located.

3.02b ACCESSORY STRUCTURES AND BUILDINGS (amended 11/12/08, 4-2-14, 1-28-15)

Except as otherwise provided in Section 4.08 - SUMMARY OF DISTRICT SIZE AND SETBACK STANDARDS of this Ordinance, the following requirements shall be met:

A. Accessory buildings or structures exceeding three feet (3 ft.) in height and/or twenty-seven square feet (27 sq. ft.) in size shall not be erected in any front or required side yard, provided, however, an enclosure for the shelter of children awaiting pick-up by a school bus may be erected in the side or front yard subject to review and approval by the Zoning Administrator. Placement of the shelter shall not result in traffic or other public safety hazard. The shelter shall not exceed sixty-four square feet (64 sq. ft.) in area, nor eight feet (8 ft.) in height. The shelter shall be maintained in good repair, shall not contain any signs, and shall be removed when no longer necessary for the intended purpose.

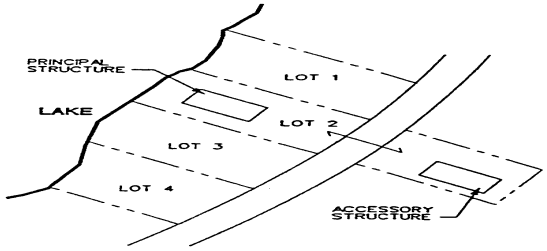
B. Accessory buildings must be at least ten feet (10 ft.) from any dwelling, or other accessory building or structure.

C. Accessory structures shall be a minimum of five (5) feet from side property lines and fifteen (15) feet from the rear setback line. Accessory structures shall comply with front setbacks of the underlying district. (amended 3/18/08)

D. No accessory structure shall be used for dwelling purposes.

E. Except as otherwise provided by this Ordinance, no accessory use, building, utility or other services may be built or placed upon any lot on which there is no principal building. (amended 4/18/05)

ACCESSORY STRUCTURE ON WATERFRONT LOT



F. In the Lakefront and River and Tributary Districts, where a portion of a lot is across a street right-of-way from that portion of the lot upon which the principal structure is located, an accessory building or structure may be

constructed on that portion of the unoccupied lot across the street right-of-way, provided however, said lots shall be combined under one (1) legal description and described and recorded as such. An accessory building so located shall meet the requirements of a principal building pursuant to setbacks from the road and side and rear lot lines.

G. No more than two accessory buildings may be located on a lot of two acres or less. One additional building may be allowed for every additional three acres.

H. The total square footage of all accessory buildings shall not exceed four hundred percent (400%) of the gross floor area of the principal structure. Any exception shall require a Special Land Use Permit (amended 4-2-14, 1-28-15)

I. Farm accessory buildings located on a bona fide farming operation as defined by this Ordinance shall not be subject to the above restrictions, provided, however, no accessory building shall be placed in a location which represents a potential threat to the public health, safety, or welfare. For purpose of this section, the Zoning Administrator shall be empowered to determine whether said location represents such a threat and may require repositioning of the building as proposed.

J. A personal storage building on an unoccupied lot or parcel will be permitted in all residential districts. Such structures shall meet the following conditions:

1. One (1) structure no larger than 4,000 square feet in area used exclusively for storage will be allowed on a lot or parcel. Any exception shall require a Special Land Use Permit. (amended 4-2-14, 1-28-15)
2. Shall conform with district setbacks and lot coverage requirements for residential construction.
3. Shall not have essential services, ex: well or septic. Electric will be allowed.
4. Shall not be used for any commercial or dwelling purposes.
5. Application of Zoning Compliance Permit is required for any personal storage buildings on any unoccupied lot or parcel.

3.02c ACCESSORY USES (<u>see Section 3.13 - LAND USES</u>**)** See also 5.03, 6.03, 9.03, 10.03, 11.03, 12.03

3.02d ANIMALS – DOMESTIC (amended 12/8/03; 8/31/11, 7-16-13) (See also 2.02, 2.09, 2.12)

The raising and keeping of fowl, rabbits, domestic animals, including horses, cows, and pigs, shall be permitted provided they are properly housed and fenced so as not to become a public nuisance and subject to the following restrictions:

DEFINITIONS:

A. <u>Dangerous Animal</u>

Any animal, which, without provocation, attacks or injures a person who is peaceably conducting themselves in any place where they lawfully may be. Dangerous Animals shall also include any animal, which, because of its size, vicious propensity or other characteristic, would constitute a danger to human life, property, or Domestic Animals if not restrained or kept in a safe manner.

1. Exotic Animals; such as, but not limited to, bear, deer, large snakes, large reptiles, or large members of the cat family.

B. Household Pet

An animal generally accepted as spending much of their time in the residence kept as a pet including, but not limited to all dogs and cats. Dangerous or exotic animals as defined herein shall not be permitted as household pets.

C. Kennels (amended 8/31/11)

1. Kennel – Commercial: Any land, building, or structure where a total of four (4) or more dogs, cats or combination thereof, six months of age or older, are boarded, housed, bred, trained and offered for sale or compensation.
2. Kennel – Private: Any land, building, or structure used for the private enjoyment of 6 to 10 dogs, cats or combination thereof, six months of age and older.

D. Restraint

An animal shall be deemed under restraint if:

1. It is under the control of its owner or other responsible person by means of a leash, cord, rope, strap, chain, or lead held by such owner or person and securely fastened to the collar or harness attached to the animal; or
2. It is securely enclosed, confined, or restrained on the premises where it may lawfully be so as to be unable to enter upon the public way or to molest persons lawfully using the public way.

E. Sanitary Conditions

Space free from health hazards including excessive animal waste, overcrowding of animals, or other conditions that endanger the animal's health.

F. Shelter

Adequate protection from the elements suitable for the age and species of the animal and weather conditions to maintain the animal in a state of good health, including structures or natural features such as trees and topography.

G. State of Good Health

Freedom from disease and illness, and in a condition of proper body weight and temperature for the age and species of the animal, unless the animal is undergoing appropriate treatment.

RESTRICTIONS:

A. The keeping or housing of dogs or cats shall be permitted as an accessory use in all zoning districts. No more than five (5) total dogs or cats in any combination shall be permitted, unless authorized as a Private Kennel or Commercial Kennel as appropriate.

B. The keeping or housing of fowl and/or rabbits and/or other small animals commonly raised for human consumption in numbers no greater than is required to satisfy the personal needs of the

human occupiers of the premises. Said small animals and/or fowl shall be properly contained. Holding areas shall be a minimum of 25' from all property lines.

C. The keeping or housing of large animals shall be limited as follows: one (1) horse or cow or pig for each two (2) acres, and one additional animal for each additional acre provided that any pig pen shall be a minimum of fifty feet (50 ft.) from any property line. A shelter must be proved for horses not housed in a barn. Shelter Standards: Constructed of durable material in a worklike manner, A minimum of three (3) sides and roof, Sized appropriately for the number and type of animal, Accessible to animals year round, Be kept clean and dry, Be maintained at all times in a state of good repair, with all braces, Fasteners, supporting frame, etc. free from deterioration and rot, Area of shelter be 50 square feet per animal. (Effective 7-31-13)

D. The keeping or housing livestock in stockyards, feedlots, or 'Concentrated Animal Feeding Operations' (CAFOs) as defined by the Michigan Department of Agriculture GAAMPs shall be permitted only as authorized by Section 14.12 (k) and the Michigan Department of Agriculture.

E. Keeping of Exotic Animals shall be prohibited, unless the owner has obtained a permit from the State of Michigan authorizing such activity and complies with the Township Zoning Ordinance. The keeping of said animals shall be in quantities no greater than that permitted for domestic animals and shall be subject to Site Plan Review and approval by the Planning Commission.

F. Keeping or housing of Dangerous Animals shall be prohibited on any private or public property, other than the owner's property, unless such animal is securely muzzled or caged. Adequate safeguards shall be taken to prevent unauthorized access to a Dangerous Animal on the owner's premises.

Whenever the Township Official determines upon personal observation or investigation that an animal is a Dangerous Animal, as defined in this ordinance, the officer shall notify the owner of the animal in writing of the determination, the reasons for the determination, and the requirements this section regulating the keeping of dangerous animals.

Newaygo County Authorities will be notified of any Dangerous Animal running at large.

SPECIAL USES: (amended 8/31/11)

Commercial Kennels shall be permitted as Special Uses in the A-G, R-1, R-2, RTO, C-1 and I-I Zoning Districts subject to the following conditions:

1. Commercial Kennels. Dogs or cats shall be kenneled inside between the hours of 9 pm and 7 am; however, dogs may be permitted to be kenneled outside between 9 pm and 7 am if each dog is wearing a working bark collar, which controls the barking.
2. There shall be no noise or odors that disturb the neighboring properties or the tranquility of the neighborhood.
3. Dogs/cats must be confined or under direct control of the kennel operator or staff at all times. Outdoor commercial kennel areas shall be fenced. Fencing shall consist of durable materials, with a minimum height of six (6) feet, and shall deter dogs/cats from escaping over, under, or through the fence.
4. All-weather kennels or shelters shall have a base material of cement, pea gravel or similar material and shall be adequately sized for the particular breed. The base material shall allow for drainage and complete cleanup of wastes.
5. No more than forty (40) dogs/cats over 6 months of age may be kept on the commercial kennel property, including no more than ten (10) unsterilized dogs/cats over 6 months of age.

6. Outside, kennels, runs, pens and all buildings where the animals are kept or exercised shall be a minimum of 50 feet from all property lines and a minimum of 100 feet from neighboring residential structures.
7. A screened/landscaped area shall be provided between all buildings and all external areas in which the animals are kept or exercised and any adjacent residential uses or district.
8. Animal waste shall be managed to prevent odors and other nuisances.
9. No animal shall be permitted to run at large.
10. Any prohibited act or violation as noted in article 3.02D shall not be allowed.
11. A minimum parcel size of 12 acres of land is required.
12. In the RTO zoning District there shall be a minimum setback of 200 feet from a river or stream.
13. Buildings and external kennels shall maintain a minimum setback of 50 feet from a well and a minimum setback of 5 feet from a septic system (tank and drain field).
14. A kennel permit shall be obtained from the Newaygo County Animal Control Department.

CONDITIONAL USES: (amended 8/31/11)

A. Private Kennels shall be permitted in the A-G, R-1, R-2, RTD and I-I zoning districts as an Accessory Use on the condition that all of the following restrictions are complied with:
1. These restrictions shall not apply to keeping fewer than six (6) dogs, cats or combination thereof for personal enjoyment. No more than ten (10) dogs, cats or combination thereof are permitted in a private kennel.
2. Dogs or cats should be kept inside between the hours of 9 pm and 7 am; however, dogs may be permitted to be kenneled outside between 9 pm and 7 am if each dog is wearing a working bark collar, which controls the barking.
3. There shall be no noise or odors that disturb the neighboring properties or the tranquility of the neighborhood
4. Dogs/cats must be confined or under direct control of the owner or owners representative at all times. Outdoor kennel areas shall be fenced. Fencing shall consist of durable materials, with a minimum height of six (6) feet, and shall deter dogs/cats from escaping over, under, or through the fence.
5. All-weather kennels or shelters shall have a base material of cement, pea gravel or similar material and shall be adequately sized for the particular breed. The base material shall allow for drainage and complete cleanup of wastes.
6. Outside, kennels, runs, pens and all buildings where the animals are kept or exercised shall be a minimum of 50 feet from all property lines and a minimum of 100 feet from neighboring residential structures.
7. A screened/landscaped area shall be provided between all building or areas in which the animals are kept or exercised and any adjacent residential uses or district.
8. Animal waste shall be managed to prevent odors and other nuisances.
9. No animal shall be permitted to run at large.
10. Any prohibited act or violation as noted in article 3.02D shall not be allowed.
11. A minimum parcel size of 4 acres is required.
12. In the RT Zoning District there shall be a minimum setback of 200 feet from a river or stream.
13. Buildings and external kennels shall maintain a minimum setback of 50 feet from a well and a minimum setback of 5 feet from a septic system (tank and drainfield).
14. A kennel permit shall be obtained from the Newaygo County Animal Control Department.
15. A Brooks Township Zoning Compliance Permit shall be obtained prior to the establishment of a private kennel.

PROHIBITED ACTS:

A. Prohibited Acts. It shall be unlawful for any owner to keep, harbor or have charge of any animal, whether licensed or unlicensed, when any one or more of the following facts exists:
   1. The animal has an ugly or vicious disposition, shows vicious habits and/or has molested any person or animal lawfully in or upon any public street or place;
   2. The animal appears to be suffering from rabies or affected with hydrophobia, mange other infectious or dangerous disease.

VIOLATIONS:

A. The animal, by destruction of property or trespassing upon the property of others, has become a public nuisance in the vicinity where kept, as witnessed by an authorized Township Official or any two (2) persons from two (2) separate households in the vicinity where the animal is kept.

B. The animal, by loud barking, howling, yelping, whining, meowing or other sound, has become a public nuisance in the vicinity where kept, as witnessed by a Township Official or any two (2) persons from two (2) separate households in the vicinity where the animal is kept.

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

3.03 B - GENERAL PROVISIONS

3.03a BASEMENT DWELLINGS OR EARTHEN HOMES

The use of the basement of a partially built or planned building as a residence or dwelling is prohibited in all zones. The use of a basement more than four feet (4 ft.) below grade completed for sleeping quarters or a dwelling is prohibited unless all township building code requirements have been met, including proper emergency access to the outside. Further, provided that where one wall is entirely above grade level of the yard adjacent to said wall and access or egress to the out-of-doors is provided through said wall, the structure is not a basement dwelling but considered an Earthen Home.

3.04 C - GENERAL PROVISIONS

3.04a CAMPING – TEMPORARY (amended 6-20-05, 4-21-03, 2-10-16) (See also 14.12 D)

A. Temporary camping may be permitted on a lot or parcel under the following conditions:
   1. Campgrounds authorized by the Township and licensed by the State of Michigan.
   2. Temporary camping, not regulated by the State of Michigan, for one (1) tent or recreational vehicle for up to four (4) consecutive or nonconsecutive days or nights per thirty (30) day period.
   3. Temporary camping for up to four (4) tent or recreational vehicles with a temporary permit for up to four (4) consecutive or nonconsecutive nights provided the parcel is a minimum of one (1) acre in size. Temporary camping in excess of four (4) tents or recreational vehicles requires a Newaygo County District 10 Health Department Camping Permit. (amended 2-10-16)
   4. Temporary camping exceeding four (4) consecutive or nonconsecutive days or nights may be permitted only after obtaining a temporary camping permit from the Zoning

Administrator. The Zoning Administrator may permit camping for up to thirty (30) consecutive or nonconsecutive days or nights subject to conditions determined necessary for the general health, safety and welfare of the occupant of the temporary camping unit and surrounding neighbors.

5. When imposing conditions the Zoning Administrator shall consider, but no be limited to, the following:

    a. The size of the lot or parcel to be used for the campsite.
    b. The setback and location of camping areas from existing property lines.
    c. The density of permanent dwellings in the vicinity.
    d. The number of tents or recreational vehicles to be placed on the lot or parcel. In no case shall there be more than four (4) recreational vehicles per lot or parcel.
    e. The proximity to surface water and other natural features and the relative risk of damage to natural features.
    f. Limits on the number of tents or recreational vehicles based on the size and configuration of the subject parcel and adjacent parcels.

6. The Zoning Administrator may approve up to two (2) thirty (30) day extensions of the temporary camping permit.

7. All campers shall comply with the following rules:

    a. Quiet hours shall be maintained between the hours of 11:00 p.m. and 7:00 a.m.
    b. All camping activities are kept a minimum of fifty (50) feet from the ordinary high water mark.
    c. Temporary camping permit(s) shall only be issued to or renewed by the property owner.
    d. No temporary camping permits will be issued to individuals under eighteen (18) years of age.
    e. Upon termination of camping all equipment and supplies must be removed. Garbage and refuse must be removed after each stay.
    f. Areas used for temporary camping as well as any adjacent lands must be kept in a neat, clean and sanitary condition. Sanitary waste facilities shall be provided, through self-contained units or porta-potties.
    g. In-ground septic facility, water well, or electricity shall not be permitted on a lot without a principal structure.
    h. Recreational campfire areas shall be designated and contained by a fire ring. Burning permits shall be obtained when required and fires shall be adequately monitored and contained. The campfire shall not constitute a nuisance to neighboring properties due to the size or location of the fire, excessive smoke, or noxious items being burned.
    i. Camping activities shall not be a nuisance to surrounding property.

3.04b CHANNELIZATION

There shall be no new channelization on waterfront properties (lakes, rivers, or streams) for the purpose of creating additional waterfront building lots or increasing the numbers of lake users.

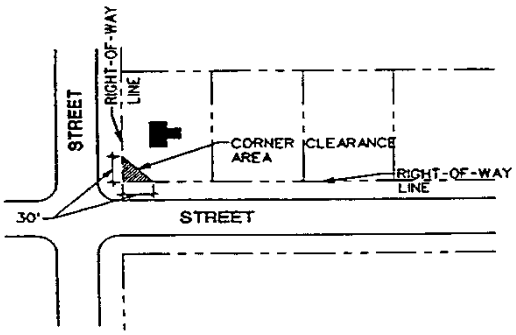
3.04c CLEARING OF LAND (amended 1/24/05, 5/15/12, 1-28-15) (see 3.21a, 9.06, 10.06)

Unless associated with a bona fide public works project, such as the installation of utilities or other similar activities conducted by, or on behalf of the state, federal government, county, or the Township, it shall be unlawful for any person to engage in land clearing in excess of a total site area of one (1) acre, including the stripping and removal of topsoil or existing vegetation, from any site, parcel, or lot within the Township without first receiving appropriate development approval. Clearing of land within 30 feet of a public road right of way shall have prior township approval by the Zoning Official, who may defer to the Planning Commission.

3.04d CLEAR VISION CORNERS

To prevent traffic hazards arising from inadequate visibility, clear vision areas must be maintained on all corner lots. On any corner lot, no fence, structure, or planting over thirty (30) inches in height or that blocks the view of motorists shall be erected or maintained within the required setback distance of the intersection of right-of-way lines or clear vision area. The clear vision area shall be determined by a line drawn between two points each being thirty feet (30 ft.) from the intersection of the rights-of-way of two intersecting streets.

CLEAR VISION CORNER



3.04e COMMUNICATION TOWERS EXCEEDING THIRTY FIVE (35) FEET
(amended 6/18/01, 1-28-15)

A. Communication towers, satellite dish antennas and antennas under 75 feet of non-commercial nature, which may be found in residential settings, and are for the individual and personal needs of the residents or occupants located on the site do not require township approval.

B. Communication towers, satellite dish antennas and antennas of commercial nature, that exceed 35 feet, must meet the following requirements:

1. Placement of such towers shall be limited to the R1, R2, and Commercial district.
2. A Zoning Compliance Permit application must be filled out. Application forms shall be available from the township. Completed applications must include an engineer's report and letter of intent to share use of tower. This completed application shall be returned to the zoning office for approval. (amended 1-28-15)

a. Engineer's Report is a report from a qualified and licensed professional engineer registered in the state of Michigan which:

i. describes the tower height and design including a cross section, elevation and site plan.
ii. documents the height above grade for all potential mounting positions for co-located antennas and the minimum separation distances between antennas.
iii. describes the tower's capacity, including the number and type of antennas it can accommodate.
iv. documents that the tower will comply with Newaygo County electrical and building codes.
v. documents what steps the applicant will take to avoid interference with established public safety telecommunications.
vi. proof the tower complies with regulations administered by the Federal Aviation Administration.
vii. includes the engineer's professional seal and registration number.
viii. for placement of wireless telecommunication antennas on roofs, walls, and existing towers, the engineers report shall include detail on the existing structure or towers suitability to accept the antenna, and the proposed method of affixing the antenna to the structure or tower. Complete details of all fixtures and couplings, and the precise point of attachment shall be indicated.
ix. Other information necessary to evaluate the request.

b. Letter of Intent to Shared Use of Tower – for all commercial towers in excess of one hundred (100) feet, a letter of intent committing the tower owner and his or her successors to allow the shared use of the tower if an additional user agrees in writing to meet reasonable terms and conditions for shared use.

1. New towers and co-location requirements – any proposed tower shall be designed, structurally, electrically, and in all respects, to accommodate both the applicant's antennas and comparable antennas for at least two (2) users if the tower is two hundred (200) feet or higher, or one (1) additional user if the tower is less than two hundred (200) feet. Towers must be designed to allow for future rearrangement of antennas upon the tower and to accept antennas mounted at varying heights.
2. Tower construction and design requirements – all towers shall comply with the following construction and design requirements:

a. Building Codes – all towers erected, constructed, or located in the township, and all structural elements and wiring therefore, shall comply with Newaygo County building codes.
b. Lighting – towers shall not be illuminated by artificial means and shall not display strobe lights unless such lighting is specifically required by state or federal authority. When incorporated into the approved design of the tower, light fixtures used to illuminate parking lots or similar areas may be attached to the tower.
c. Signs and Advertising – the use of any portion of a tower for signs other than warning or equipment information signs is prohibited.
d. View Impact – a proposed tower shall not unreasonably interfere with the view from any public park, natural scenic vista, historic building or district, or major view corridor.

e. Accessory Utility Buildings – all utility buildings and structures accessory to a tower shall be architecturally designed to blend with the surrounding environment and shall meet the minimum setback requirements of the underlying zone district.

f. Fencing and Landscaping – a six (6) foot high chain link fence shall be erected surrounding the tower and all supporting wire ground supports (anchors) on all sides to prevent unauthorized access and harm to those accessing the property via recreational vehicles. Where feasible, natural vegetation shall be maintained and integrated into the overall landscape design.

3. Co-Location Requirements – all commercial wireless telecommunication towers erected, constructed, or located within the township shall comply with the following co-location requirements:

a. Search Radius – a request for a new commercial wireless communication service tower shall not be approved unless the Township finds that the telecommunication equipment planned for the proposed tower cannot be accommodated on an existing or approved tower or building within the following search radius:

Tower Height (feet)	Required Search Radius (feet)
Under 100 feet, or greater than 20 feet if located on a building	1,320 feet
100 feet to 200 feet	2,640 feet
Greater than 200 feet	5,280 feet

b. Required Factors to Demonstrate Inability to Co-locate – an application must demonstrate that an available existing or approved tower or building within the above search radius is not capable of supporting the proposed tower due to one (1) or more of the following reasons:

i. The planned equipment would exceed the structural capacity of the existing or approved tower or building, as documented by a qualified and licensed professional engineer, and the existing or approved tower or building cannot be reinforced, modified, or replaced to accommodate planned or equivalent equipment at a reasonable cost.

ii. The planned equipment would cause interference materially impacting the usability of other existing or planned equipment at the tower or building as documented by a qualified and licensed professional engineer and the interference cannot be prevented at a reasonable cost.

iii. Existing or approved towers and buildings within the search radius cannot accommodate the planned equipment at a height necessary to function reasonably as documented by a qualified and licensed professional engineer.

iv. Other unforeseen reasons that make it infeasible to locate the planned telecommunications equipment upon an existing or approved tower or building

v. Abandoned or Unused Towers or Portions of Towers – abandoned or unused towers or portions of towers shall be removed as follows:

(a) Removal and Extension Periods – all abandoned towers and associated facilities shall be removed within twelve (12) months of the cessation of operations at the site, provided, however, an

extension of twelve (12) months may be granted by the Township, subject to receipt of a written request by the applicant outlining the reasons for the extension and detailing the proposed method for making the tower operational within the extended time frame. The request for extension shall be submitted to the Zoning Administrator prior to the end of the twelve (12) month cessation period. The Zoning Administrator shall forward the application to the Planning Commission. At their next regular meeting, the Planning Commission may approve, approve with conditions, or deny the request.

(b) Removal of Towers on Leased or Rented Sites – for towers located on leased or rented sites, the signed lease shall include language requiring the applicant (the lessee) to remove the tower and associated facilities within a period no greater than twelve (12) months after cessation of operations at the site. The township shall be provided with the relevant portions of the signed lease which requires the applicant to remove the tower and associated facilities as required above. Nothing in this section, however, shall prevent the property owner (lessor) from requiring a more stringent removal time frame.

(c) Township Removal of Tower – in the event an abandoned or unused tower is not removed as provided for by this Ordinance, the tower and associated facilities may be removed by the Township, with the cost of said removal assessed against the property.

3.04f CONTROL OF HEAT, GLARE, FUMES, DUST, NOISE, VIBRATION, SMOKE AND ODORS

Every use shall be so conducted and operated such that it is not a nuisance nor obnoxious or dangerous by reason of heat, glare, dust, noise, vibration, smoke 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. (Refer to Brooks Township Anti-Noise Ordinance.) (amended 5/15/12, 1-28-15)

3.04g CORNER LOTS (see 2.13)

A. Where a lot is bounded by two intersecting streets, the yards abutting said streets shall be considered front yards. The front yard setback requirements shall be met for both front yards.

B. Where one corner lot adjoins the side yard of any adjacent lot, no part of an accessory building and no part of the main building shall be nearer the street than the full front yard required on the adjacent lot, and in either case the side yard requirements of the underlying District shall be met along said common line. In the event the above lots lie in different districts, the most restrictive dimensional standards shall apply.

3.04h CUL-DE-SAC (see Section 2.04 - CUL-DE-SAC [figure box] & 3.19 ROADS - PRIVATE [design standards]

3.05 D - GENERAL PROVISIONS

3.05a DOCKS AND DOCKAGES (see 2.05)

The purpose of this section is to protect the township's water resources through the control of boat docks and dockages. The following restrictions apply to all waterfront property in all zoning districts, regardless of whether access is by easement, private park, club membership, common-fee ownership, land contract, single-fee ownership, condominium arrangement, license, or lease, and are intended to prevent congestion, over-use, and deterioration of beaches and shorelines, and to preserve the quality of the waters, protect natural resources, guide the proper development of waterfront areas, promote safety, and preserve the quality of recreational use of all waters within the township.

A. Not more than one (1) dock and no more than four (4) boat dockages shall be permitted for each seventy-five feet (75 ft.) of continuous water frontage. One (1) additional dock may be permitted for each seventy-five feet (75 ft.) of additional water frontage and one (1) additional boat dockage may be allowed for each additional twenty-five feet (25 ft.) of continuous water frontage.

B. Lots of record of less than seventy-five feet (75 ft.) in width will be allowed one dock. In these instances, one boat dockage will be allowed for every twenty feet (20 ft.) of continuous water frontage.

C. Docks shall be located a minimum of ten (10) feet from the side yard lot line and no portion of a dock shall encroach onto an adjacent property line.

D. Docks shall not be used for rental or other commercial purposes, unless otherwise specified in this Ordinance.

3.05b DRIVEWAY (see 2.05)

A. A clearance of twelve foot (12 ft.) by twelve foot (12 ft.) shall be maintained by the owner to allow for emergency vehicle access. (Amended 1-6-98)

B. An approved driveway permit shall be obtained from the Michigan State Department of Transportation or Newaygo County Road Commission, as applicable when accessing public roads with a driveway. Driveway permits must be submitted to the Building Inspector prior to issuance of a building permit.

C. A driveway location shall be required prior to the issuance of a residential Zoning Compliance Permit. (amended 5-14-13)

D. A driveway over 150' shall require a turnaround. This turnaround shall be sufficient to allow an emergency vehicle to turn around and drive forward to return to the public road, and shall be approved by the Fire Chief. (amended 5-14-13)

3.05c DWELLING STANDARDS – RESIDENTIAL (Amended 2-10-2016) (see 2.05)

All single-family dwellings, other than those located in mobile home parks as regulated by the Michigan Mobile Home Commission, shall comply with the following standards:

A. All single-family detached dwellings shall possess a minimum gross floor area of eight hundred sixty-four (864) square feet. (amended 2-10-16)

B. Two-story detached dwellings shall possess a minimum, first floor, gross floor area of six hundred square feet (600 sq. ft.) and a total minimum gross floor area of one thousand two hundred square feet (1,200 sq. ft.).

C. A two-story dwelling shall be one having two full stories above the grade.

D. Multiple-family, single-family attached, two-family dwellings, and attached condominiums shall have the following minimum floor areas for each type of unit:

Type of Unit	Minimum Floor Area
Efficiency	600 sq. ft.
One Bedroom	700 sq. ft.
Two Bedroom	800 sq. ft.
Three Bedroom	900 sq. ft.
Four or More Bedroom	1,200 sq. ft.

E. All dwellings must be at least twenty-four feet (24 ft.) wide throughout their entire length and width (all elevations/sides) and comply in all respects with the "Michigan State Construction Code as promulgated by the Michigan State Construction Code Commission under the provisions of 1972 PA 230, as amended," including minimum height for habitable rooms. Where a dwelling is required by law to comply with any federal or state standards or regulations for construction, and where such standards or regulations for construction are different than those imposed by the aforesaid construction code, then and in that event such federal or state standard or regulation shall apply.

F. All dwellings must be firmly attached to a permanent foundation constructed on the site in accordance with the "Michigan State Construction Code as promulgated by the Michigan State Construction Code Commission under the provisions of 1972 PA 230, as amended," and shall have a solid foundation wall of the same perimeter dimensions of the dwelling and constructed of such materials and type as required in the applicable building code for single-family dwellings.

G. All dwellings must be installed with a connection to a public sewer and water supply or to such private facilities approved by the local health department.

H. In the event that the dwelling is a mobile home, as defined herein, such dwelling shall meet the following requirements, in addition to the other standards of the section:

1. Be installed pursuant to the manufacturer's setup instructions and shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the Michigan Mobile Home Commission.
2. Be installed with the wheels removed. Additionally, no dwelling shall have any exposed towing mechanism, undercarriage, or chassis.

I. All dwellings shall contain no additions or rooms or other areas which are not constructed with similar quality workmanship as the original structure, including permanent attachments to the principal structure and construction of a foundation as required herein.

J. All dwellings shall comply with all pertinent building and fire codes. For mobile homes, all construction and all plumbing, electrical apparatus, and insulation within and connected to said mobile home shall be of a type and quality conforming to the "Mobile Home Construction and

Safety Standards as promulgated by the United States Department of Housing and Urban Development, being 24 CFR 3280," and as from time to time such standards may be amended. Additionally, all dwellings shall meet or exceed all applicable roof snow load and strength requirements.

K. All construction required herein shall be commenced only after a building permit has been obtained in accordance with the applicable provisions and requirements of the "Michigan State Construction Code as promulgated by the Michigan State Construction Code Commission under the provisions of 1972 PA 230, as amended."

L. The foregoing shall not be construed to prohibit innovative design concepts involving such matters as solar energy, views, unique land contour, or relief from the common or standard-designed home.

3.06 E - GENERAL PROVISIONS

3.06a ESSENTIAL SERVICES

The erection, construction, alteration, or maintenance by public utilities or municipal departments or commissions, of overhead or underground gas, electrical, steam or water, distribution or transmission systems, collection, communication, and supply or disposal systems, including mains, drains, sewers, pipes, conduits, wires, cables, fiber optics, fire alarm boxes, police call boxes, traffic signals, hydrants, poles, electrical substations, gas regulator stations, and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utility or municipal department or commission or for the public health or safety or general welfare, shall be permitted as authorized or regulated by law and other ordinances of the Township of Brooks in any use district, it being the intention hereof to except such erection, construction, alteration, and maintenance from the application of this Ordinance, unless otherwise provided for by this Ordinance.

3.06b EXCAVATION OF TOPSOIL (see Section 2.06 - EARTH MOVING, and Section 14.12.P - GRAVEL PITS AND MINERAL EXTRACTION)

A. Topsoil shall not be stripped, excavated, or otherwise removed for sale or for use other than on the same parcel of ownership except when:

1. In connection with construction and grading operations associated with issuance of a building permit;
2. The topsoil is in surplus amounts (surplus being defined as topsoil in excess of six (6) inches in depth);
3. It is a product of authorized excavation of muck, peat, sand, gravel, or other mineral deposits.

B. Earth moving affecting areas greater than two (2) acres shall require review and approval of a site plan by the Planning Commission in accordance with this Ordinance. Site plan review shall be required to protect the public health, safety, and welfare and to protect ground and surface waters, natural drainage, and water tables. Once a site plan has been approved by the Planning Commission, and the required permits issued by other agencies, the Zoning Administrator shall issue an earth-moving permit that shall be valid for 12 months. Such permit may be renewed by the Zoning Administrator for one additional 12 month period, provided that all of the conditions of the approved site plan are met. NOTE: THE EXTRACTION OF GRAVEL AND OTHER MINERALS (EXCEPT SOIL) HAS BEEN CLASSIFIED BY THIS ORDINANCE AS A

SPECIAL LAND USE AND SHALL BE SUBJECT TO THE SPECIAL LAND USE PROVISIONS THEREOF.

C. Nothing in the above provisions shall preclude necessary compliance with the provisions of the Soil Erosion and Sedimentary Control Act (MPA 347 of 1978, as amended).

3.07 F - GENERAL PROVISIONS (Reserved for future use)

3.08 G - GENERAL PROVISIONS (Reserved for future use)

3.09 H - GENERAL PROVISIONS

3.09a 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 Newaygo County.

3.09b HEIGHT EXCEPTIONS

Unless provided otherwise by this Ordinance, the height limitations of all zones may be exceeded by the following structures provided that required yards for said structures shall be increased by one-half (1/2) foot for each one (1) foot said structure exceeds the zone height limitation: Parapet walls, chimneys, silos and farm barns, television and radio antennas, monuments, cupolas, spires or other ornamental projections, water towers, fire towers, cooling towers, elevator buildings and bulkheads, roof storage tanks, and other necessary appurtenances. (Refer also to COMMUNICATION TOWERS, Section 3.04d).

3.09c HOME OCCUPATION (see 2.09) (Amended 2-10-16)

Home occupations are permitted in residential zones. A home occupation is any use which:

A. Is a legal enterprise based on the same premises as an occupied single family dwelling. The occupant of the dwelling must be the owner/operator of the home occupation. The business is clearly a secondary use on the property.

B. Does not change the residential character of the premises or disturb the tranquility of the neighborhood.

C. On site retail sales shall be a minimal portion of the home occupation. No merchandise or articles for sale shall be displayed on the parcel utilized for the home occupation.

D. Employs not more than one (1) non-family employee on site.

E. No equipment or process shall be used on the premises, which creates excessive noise, vibration, glare, fumes, odors, smoke or electrical interference.

F. Devotes not more than one (1) accessory structure within the premises to such home occupation. All activities shall be conducted within the buildings and no outdoor storage of goods or materials shall be permitted.

G. There shall be no change in the outside appearance of the buildings or premises, or other visible evidence of the conduct of such home occupation, other than that permitted by this section. One (1) sign shall be allowed. A wall sign or a ground sign (text on both sides permissible) not exceeding four (4) square feet may be displayed without permit. At the termination of the home occupation or change of ownership of the property, the sign shall be removed. (amended 2-10-16)

H. Shall not involve the storage of any significant amount of materials for which there is high risk of fire or explosion.

I. Automotive repair or similar uses are not allowed as home occupations.

J. Shall comply with all applicable building and health codes pursuant to the home occupation use.

The allowance of a home occupation by the township, subject to the regulations contained in this Ordinance, shall in no way constitute acceptance of, or give validity to, the introduction of non-residential development into any residential zone district. Home occupations shall be fully incidental to permitted residential uses.

3.10 <u>I - GENERAL PROVISIONS</u> (Reserved for future use)

3.11 <u>J - GENERAL PROVISIONS</u> (Reserved for future use)

3.12 K - GENERAL PROVISIONS

3.12a KEYHOLE DEVELOPMENT (see 9.06 I, 10.07 B)

Refer to Lakefront District and River and Tributary District for regulations regarding keyhole parcels.

3.13 L - GENERAL PROVISIONS

3.13a LAND DIVISIONS AND SUBDIVISIONS (see 2.13)

A. Land Divisions. This section shall apply to all land divisions as governed by the provisions of the Land Division Act, Act 591 of the Michigan Public Acts of 1996 (effective 3/31/97), as amended. Approval of any land division does not constitute use approval of any such division. Such use of land shall comply with the Township Zoning Ordinance or any other applicable ordinance or regulation. No land division permit shall be approved or issued unless the application is accompanied by a survey done by a registered land surveyor or engineer showing all resulting lots or parcels, easements (if any), and full legal descriptions. (amended 6-1-98)

It is not the intent of this ordinance to repeal, abrogate, annul, or in any other way impair or interfere with existing provisions of other laws or ordinances, or of any private restrictions placed upon property by covenant, deed, or other private agreement; provided, however, that where any provision of this ordinance imposes more stringent requirements, regulations, restrictions, or limitations upon the use of land and buildings, or upon safety and sanitary measures, or requires larger yards or open spaces than are imposed or required by the provisions of any other law or ordinance, or any said rules, regulations, permits, or easements, then the provisions of this ordinance shall govern.

1. Land Division Approvals

a. Applications. Any person who desires to split an existing parcel of land within the Township must first obtain an application form as provided by the Township Clerk. Before any new lots created by splitting an existing parcel may be recorded with the County Register of Deeds, the Township Lot Split application must be completed and approved by the Township Supervisor.

Any person attempting to record a land division with the County Register of Deeds without proper approval or who attempts to record a land division after approval has become null and void shall be in violation of this ordinance and subject to the penalties as set for the in paragraph 4.

Each application shall be accompanied by the following:

i. The payment of a fee as established from time to time by the Township Board
ii. A completed application form as provided by the Clerk,
iii. A complete and accurate legal description of the existing lot and each proposed lot or parcel created by the land division;
iv. A detailed written description of the development planned for such land divisions, including a description of any proposed association or other entity which shall be responsible for operation and maintenance of any private streets, open spaces or other similar uses or activities;
v. A graphic or written description of any previous land divisions from the parent parcel including the sizes, number, and date of such divisions.
vi. Three (3) copies of a complete parcel map drawn to scale, which shall be not less than 1 " = 20' for property totaling less than three (3) acres and at least 1 " = 1 00' for those totaling three (3) acres or more. A registered engineer or land surveyor shall prepare the parcel map.
vii. The parcel map shall include, at a minimum:

(a) Date, north arrow, scale, and name of the individual or firm preparing the map
(b) Proposed lot lines and their dimensions
(c) Location and nature of proposed ingress and egress locations to any existing public or private streets.
(d) The location of any public or private street, driveway, or utility easements to be located within the proposed lot or parcel. Copies of the instruments describing and granting such easements shall be submitted with the application.
(e) General topographical features including contour intervals no greater than five (5) feet.
(f) Any existing buildings, public or private streets, and driveways within one hundred (100) feet of all proposed property lines.
(g) The zoning designation of all proposed lots or parcels.
(h) Small scale sketch of properties and streets within one quarter (1/4) mile of the area.
(i) Proposed method of providing storm drainage.

viii. Engineered drawing of proposed Private Roads serving three (3) or more parcels with documented approval of the proposed access from the Township Planning Commission.

Applications for land divisions shall not be accepted unless all of the required materials are submitted and are complete. The application, along with the required materials shall be provided to the Township Planning & Zoning Department.

Land divisions shall be reviewed by the Planning & Zoning Department; the Assessing Department and forwarded to the Township Supervisor for final approval.

The Supervisor shall review the application and such other available information including recommendations or reports from the planner, attorney, engineer, or other parties, and shall approve, approve with conditions, or deny the request, and incorporate the basis for the decision and any conditions that should be imposed.

The approval, approval with conditions, or denial of a land division shall be accomplished within forty five (45) days after the filing of a completed, accepted application.

Approval of a land division does not grant approval for the use of such divided lot or parcel. Any lot or parcel proposed for division must comply with the requirements of the Zoning Ordinance or any other applicable ordinances or regulations.

Land division approvals shall be valid for a period of ninety (90) days from the date of approval by the Supervisor. If such lots or parcels proposed by the land division are not properly recorded and accepted by the County Register of Deeds within (90) ninety days the land division approval shall be considered null and void and a new application shall be submitted in compliance with the requirements of this ordinance.

2. Land Division Requirements

a. Maximum Width to Depth Ratio. No lot or parcel shall be created the depth of which exceeds four (4) times its width. The width to depth ratio requirements of this Section shall not apply to lots or parcels that have more than one-half (1/2) of their street frontage on a cul-de-sac. 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 remainder of the lot. Such lots shall have a minimum lot width of forty (40) feet at the front property line.

For corner lots, the depth of the lot shall be measured along the longest front line that is parallel or generally parallel to the public or private street right-of-way or easement. The width of the corner lot shall be that front lot line that is parallel or generally parallel to the public or private street right-of-way or easement and is the shorter of the two front lot lines. Where such lot lines are equal lengths, the Zoning

Administrator shall determine the measurement of lot width to depth for purposes of this Section.

The Planning Commission may permit the division of a lot or parcel which does not comply with this provision provided that the following findings are made:

i. That the greater width to depth ratio is necessitated by conditions of the land that make compliance with this Section impractical. Such conditions may include topography, road access, soil conditions, wetlands, floodplains, or water bodies, or other similar condition.

ii. That the division and use of such lot or parcel will not conflict with other federal, state, county, or Township ordinances or regulations, unless an appropriate variance or approval is granted as required or permitted by such ordinances or regulations.

b. Access. Any land division shall front upon a public street meeting Newaygo County Road Commission standards and recognized by the Newaygo County Road Commission as a public Road or private road that has been approved by the Township Planning Commission meeting the requirements of the Township Zoning Ordinance for the minimum lot width required by the zone district in which the lot or parcel is located.

Any proposed points of ingress or egress to a lot or parcel created by the land division must meet the location and design standards of the County Road Commission, Brooks Township, State of Michigan, or other authority having jurisdiction over the roadway to which access is planned.

A lot or parcel created by a land division shall comply with all requirements of this ordinance and other applicable ordinances and regulations.

Any ingress or egress that provides access to two (2) or more parcels will be defined as a private road. Engineered drawings and site plans for all private roads must be reviewed and approved by the Planning Commission. Approved site plans for private roads must be submitted as part of the Land Division Application.

3. Voiding of Approval.

Any Land Division approval granted under this ordinance shall be null and void unless the land division proposed has been recorded with the County Register of Deeds within ninety (90) days from the date of granting the approval.

The Zoning Administrator shall notify the applicant of any approved lot split that has not been recorded within ninety (90) days. Notification shall advise the applicant that approval for the lot split has been voided.

4. Penalties.

Any person, corporation or the agent of any person or corporation who violates, disobeys, omits, neglects or refuses to comply with or resists the enforcement of any provision of this ordinance or any amendment thereof, shall be fined, upon conviction, not more than one hundred dollars ($100), together with the cost of prosecution, or shall be punished by

imprisonment in the County jail for not more than (90) ninety days for each offense, or may be both fined and imprisoned. The rights and remedies provided herein are cumulative and in addition to all other remedies provided by law.

B. Subdivision Control Regulations. The review and approval of subdivisions involves a three (3) step process. The steps and local review parties include:

1. Pre-preliminary Review and Approval. Initial site plan review by the Planning Commission with a recommendation to the Township Board.
2. Preliminary Review and Approval. Detailed site plan review by the Planning Commission with a recommendation to the Township Board.
3. Final Plan Approval. Review and approval by the Township Board.

The above steps are described as follows:

1. Pre-preliminary Review and Approval:

   a. The subdivision application shall be processed under the site plan requirements of Article 17, provided, however, retailed construction (engineering) plans shall not be required for this step.
   b. Pre-preliminary review refers to the initial step of Township subdivision review and approval to determine the appropriateness of lot sizes, lot orientation, developmental density, ingress and egress, and neighborhood impact and consistency.

2. Preliminary Review and Approval:

   a. Preliminary review and approval refers to the submission of a site plan meeting the requirements of Article 17 with full engineering design detail and suitable for construction purposes.
   b. As a requirement of approval, the applicant shall provide evidence that other agency approvals have either been obtained or are not required. These agencies include:

      i. Newaygo County Road Commission.
      ii. Newaygo County Health Department.
      iii. Newaygo County Drain Commission.
      iv. Newaygo County Soil Erosion and Sedimentation Control Office.
      v. Michigan Department of Transportation (if project is located or accesses a state roadway).
      vi. Michigan Departments of Natural Resources and Environmental Quality (if project, or any aspect thereof, falls under the jurisdiction of these agencies).

   c. The applicant shall provide evidence that companies and/or agencies supplying energy, communication, and other such facilities and services have reviewed the proposed project plan and that the requirements of those companies and/or agencies have been incorporated as part of said plan.

3. Final Plan Approval:

Final plan approval refers to Township acceptance of the subdivision, as based on the approved design plans, and receipt and acceptance of "as-built" engineered construction plans. This step shall be the responsibility of the Township Board and does not require action by the Planning Commission.

a. All subdivisions shall meet the requirements of the district in which it is located, including minimum lot size, minimum setbacks and minimum floor area.

b. Subdivision roads shall:

   i. Be subject to site plan review and approval and processed as a component of the subdivision application.

   ii. Be public and designed and constructed to the standards of the Newaygo County Road Commission.

c. The Brooks Township Clerk shall be furnished with three (3) copies of all "as-built" drawings for review by the Township Engineer for compliance with all township ordinances prior to issuance of any building permits. Fees for this review shall be established by the Township Board. (amended 6-1-98)

3.13b LANDFILL OR DUMP

Brooks Township is in a watershed that feeds several lakes and streams. Due to the fragile nature of this environment no commercial or governmental landfill or private dump shall be permitted. For purposes of this provision, the term "landfill" is defined as an area where solid waste, refuse, garbage, trash, or hazardous waste (as defined by the Michigan Department of Natural Resources, Michigan Department of Environmental Quality, or the Federal Environmental Protection Agency), is deposited for the purpose of disposal. [Also refer to Township Junk Ordinance.]

3.13c LAND USES (see 3.02c, 4.09, 9.03, 10.03)

The following land uses shall be classified within the Township:

A. Permitted Use: Refers to a use permitted by right within a zone district. A permitted use reflects a land use identified as consistent with the range of uses provided for within an underlying zone district.

B. Accessory Use: Refers to a use naturally and normally (historically and customarily) incidental and subordinate to a permitted use when located on the same premises as said permitted use.

C. Special Use: Refers to a use generally consistent with the range of permitted uses provided for within an underlying zone district but requiring special review, a finding of consistency with the special use standards applicable thereto, and possible attachment of conditions to ensure full compatibility with the district.

3.13d LOT AREA AND WIDTH (see 2.13)

All lots and parcels created after the effective date of this Ordinance shall meet the minimum lot area and lot width requirements of the district in which they are located. In the case of a waterfront lot, lot width shall be measured along the ordinary high water mark of the water body.

3.13e LOT WIDTH TO DEPTH RATIO (see 2.13)

In all zoning districts, the depth of all lots created of record after the adoption of this Ordinance shall not exceed four (4) times the width of the lot. For purposes of this section, the measurement of lot width shall be taken along the front lot line located along a public street or other approved road. The measurement for depth, for purposes of this section, shall be taken from the front lot line to a point of the lot located farthest from the front lot line. The Planning Commission may permit, as a special land use, a lot with a depth greater than four (4) times the width of the lot, as measured in the manner stated above, if the Planning 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 such lot or parcel is located in a flood plain.

3.14 M - GENERAL PROVISIONS

3.14a MEDICAL MARIHUANA COLLECTIVE, COOPERATIVE OR DISPENSARY

A medical marihuana collective, cooperative or dispensary shall not be permitted anywhere within Brooks Township. No person shall frequent, patronize, obtain or purchase any marihuana from or through any medical marihuana collective, cooperative or dispensary within Brooks Township. (Amended 10/19/12)

3.14b MOVING OF BUILDING

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

3.15 N - GENERAL PROVISIONS (Reserved for future use)

3.16 O - GENERAL PROVISIONS

3.16a OUTDOOR HEATING UNITS (adopted 8/1/07; amended 9/21/10) (see also 2.16)

Heating units located outside a structure shall be placed only under the following conditions:

A. A Zoning Permit shall be required to place an outdoor heating unit or wood shed.

B. Heating unit and wood shed location must comply with district setbacks

C. The lot shall be a minimum of two (2) acres in area for heating units without EPA certification

D. Under two (2) acre parcel, the heating unit shall be EPA certified.

E. The outdoor heating unit and/or wood shed shall be a minimum of twenty (20) feet from any structure.

F. A wood shed may be constructed either adjacent to or as an integral part of the outdoor heating unit. A wood shed shall be no larger than 400 square feet and shall be a minimum of 20 feet from any other structure.

G. The heating unit shall not be located within the required front yard setback.

H. Owner/applicant is responsible for complying with Fire code and Insurance Standards

I. Owner/Applicant shall comply with local mechanical codes and manufacturers recommendations for location and installation. Chimney height shall follow manufacturer recommendations, but in no case shall the chimney be less than 14 feet in height, as measured from the ground.

J. Any outdoor heating unit placed on any parcel or within any structure shall comply with the provisions of this ordinance.

K. Any heating unit that, due to its construction or location, creates a nuisance to any property owner shall be brought up to compliance with this ordinance. A complaint identifying the nuisance shall be submitted to the Township in written form.

Definition: Wood Shed: An open sided (minimum three sides) structure constructed and used to store fire wood. A wood shed shall not be classified as an accessory building.

3.17 P - GENERAL PROVISIONS

3.17a PERFORMANCE GUARANTEE (see 18.06)

A performance guarantee may be required to ensure completion of project elements which have been identified on an approved site plan as public in orientation or which have been placed on said plan as conditions of approval. Such elements include, but are not limited to, landscape, fencing, buffers, lighting, sidewalks, signs, recreational areas and playgrounds, drainage structures, sanitary sewer and water facilities, parking areas, and the like. The performance guarantee shall be in an amount sufficient to cover the costs of designing, constructing, and installing the improvements, including administrative costs, covered by the guarantee. The performance guarantee shall be in the form of cash or other security acceptable to the township. The performance guarantee shall be placed with the township prior to receipt of a building permit. In the event items covered by the performance guarantee are not completed in the time frame required, the township may use said guarantee to complete said items. Any unused portion of the performance guarantee shall be returned to the applicant by the township. Similarly, as project elements are completed, the applicant may request a rebate of a portion of the performance guarantee commensurate with the items completed. The township shall return/rebate the performance guarantee based on a finding by the Zoning Administrator or building inspector that all work has been satisfactorily completed.

3.17b PERMITS – TEMPORARY (amended 1/24/2005)

The zoning administrator may authorize the placement of the following temporary uses, buildings and structures on a lot or parcel and occupied only under the following conditions.

A. Manufactured Homes: The Zoning Administrator may issue a permit for temporary occupancy or use of a manufactured home constructed to 1976 HUD specifications (as amended) outside of an approved and licensed manufactured home park. Permits issued under this section shall be for a maximum of one hundred and eighty (180) day duration, and under the following situations:

1. For use as a temporary dwelling for the occupants of a single-family residential dwelling damaged by fire or storm. The temporary dwelling shall be removed within fifteen (15) days after the certificate of occupancy is issued for the permanent structure.
2. For use as a temporary single-family residential dwelling during the construction of a new permanent single-family residential dwelling on the same parcel provided that a building permit has been issued for the permanent dwelling prior to the issuance of the temporary permit for the manufactured home. The temporary building or structure shall be removed within fifteen (15) days after a certificate of occupancy is issued for the permanent single-family residential dwelling.
3. No temporary dwelling permit shall be issued unless the following requirements are met:

    a. The manufactured home must be located within one hundred (100 ft.) feet of the principal residential dwelling.
    b. The temporary dwelling shall have a water system and septic tank system that meets the requirements of the Newaygo County Health Department. A certificate from the Health Department showing compliance shall be filed with the Zoning Administrator before the manufactured home is occupied.
    c. The temporary dwelling shall be placed on a cement slab or supported by cement piers or blocking to form a foundation for the frame. The temporary dwelling shall be anchored and skirted as approved by the Building Inspector.
    d. Required setback requirements of the district must be met and driveways and access ways serving the temporary dwelling shall be the same as that of the permanent dwelling.

B. Construction office: Temporary buildings and structures incidental to construction work may be placed on the developing tract or parcel during construction. No cooking or sleeping accommodations shall be permitted. This may include the temporary storage of building supplies and machinery. The structure shall not be allowed for more than twelve (12) months, unless expressly authorized after petition to the Zoning Administrator.

C. Temporary Real Estate Offices: are permitted within approved development projects. No cooking or sleeping accommodations shall be maintained. The office shall only be occupied during daylight hours. The office shall not be allowed for more than one (1) year, unless expressly authorized by the Zoning Administrator. A model home may be used as a temporary sales office.

D. Outdoor Christmas Tree/Fireworks Sales: The outdoor display and sale of Christmas trees and fireworks is permitted in the commercial district. The display and sale of trees or fireworks on an open lot shall be allowed for a period not to exceed forty-five (45) days. No fresh cut tree sales shall be conducted from within a building. All unsold trees must be removed from the property by December 31st. All unsold fireworks must be removed from the property by July 10th.. Outdoor fireworks sales will be conducted pursuant to the Fire Code.

E. Special Events: Temporary uses associated with special events may be allowed in the commercial district and on institutional or publicly owned lands during the tenure of the special event only, and must be restricted to the property(ies) where the event is taking place. Such temporary uses may include food vendors, event offices, dressing rooms, carnival-type games, midways, t-shirt or souvenir sales, art/craft fairs, or other similar uses. In no case shall the temporary use(s) continue more than fourteen (14) days.

F. Permits:

1. The fee to be paid for the issuance of a temporary permit shall be established by the Township Board.
2. The Zoning Administrator shall revoke the temporary permit at any time if the usage violates any of the requirements of this Ordinance. If a permit is revoked, the temporary building or use must be vacated and removed from the property, or it shall be a violation of the ordinance and is subject to the penalties outlined in this Ordinance.
3. Performance Guarantee: The Township may require a non-interest bearing performance guarantee of up to two thousand ($2,000) dollars as a condition that a temporary use will be removed as required by this Ordinance. The guarantee shall be submitted with the temporary permit application and permit fee. In the event the temporary use is not removed within the time frame specified, the performance guarantee may be used to cover the cost of said removal, as well as storage and other applicable costs. Any unused portion of the performance guarantee shall be returned to the applicant. An applicant complying with the full provisions of this Ordinance shall receive a return of the full guarantee amount.
4. Temporary camping as authorized by Section 3.04a. (amended 6-20-05)

G. Failure to adhere to the requirements of this section shall be treated as a violation and subject to full penalty as provided for by this Ordinance. (amended 6-20-05)

3.17c PRINCIPAL USE (see 2.17) (Amended 12-4-13)

No lot may contain more than one principal building or use unless otherwise permitted by this ordinance. Groups of apartments, commercial, or industrial buildings under single ownership shall be deemed a principal use collectively.

3.18 Q - GENERAL PROVISIONS **(Reserved for future use)**

3.19 R - GENERAL PROVISIONS

3.19a RAZING OF BUILDINGS

No building shall be razed until a building permit has been obtained. The Building Inspector shall be authorized to require a performance guarantee in any amount not to exceed one thousand dollars ($1,000) for each one thousand square feet (1,000 sq. ft.) or fraction thereof of floor area of the building to be razed. Said guarantee shall be conditioned on the applicant completing the razing within six (6) months of permit issuance and complying with such 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.

3.19b REQUIRED AREA OR SPACE

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

3.19c RESIDENTIAL USES IN COMMERCIAL DISTRICTS

A residential use or a combined residential-commercial use may be permitted in a commercial district as a special land use if a special land use permit is obtained from the Planning Commission under the terms of this Ordinance. If such a special land use is granted, all use (other than the residential use prohibition),

dimension, sign and other applicable requirements of the commercial district shall apply to the residential use or the combined residential-commercial use.

3.19d ROADS – PRIVATE (see 2.20, 3.02a, 3.04h)

A. Intent and Location Permitted: It is the intent of this Ordinance to permit the development of private roads as an alternative to public roads provided said private roads are properly designed, constructed, and maintained so as to accommodate the movement of vehicular traffic, including emergency vehicles, in a safe and efficient manner and to ensure that connection of private roads with public roads is accomplished according to the requirements of the agency having jurisdiction over said public roads.

Private roads are permitted in all zoning districts subject to the design, construction, and maintenance standards of this Ordinance.

A previously existing platted road may be developed as long as all other provisions of this ordinance are met. The width of the platted road shall be used as the easement and in no case shall be less than 20 feet in width. Any new plats or roads shall contain a minimum easement of at least 66 feet in width. (amended 5-14-13)

B. Level of Design and Construction: The minimum design and construction level of private roads shall be based on the number of lots and/or parcels to be served. Generally, as the number of said lots and/or parcels increases or a change of use results in greater demands on the roadway, the design and construction requirements also increase. If the number of lots and/or parcels to be served by an existing private road increases, said road shall be upgraded throughout its entirety to comply with the requirements of this Ordinance. The upgrade shall be based on the number of new parcels to be created, plus all existing parcels to be served by the private road. (amended 3/18/08)

C. Private Road Construction Permit Application and Approval: The owner shall submit an application for a private road permit, together with the application review fee, to the township clerk. The application package shall include:

1. A written description of the proposed development to be served;
2. Detailed site plans and construction plans; and
3. A detailed Maintenance Agreement describing how the costs of operation and maintenance will be handled. In the event said costs are to be apportioned and paid for by benefiting property owners, the Maintenance Agreement shall include a detailed description of the procedure for administering the same.

The proposed private road shall meet the requirements for site plan review by the Township Planning Commission as found in this Ordinance, provided, however, private roads proposed for projects subject to final review and approval by the Township Board shall be subject to review and approval by said Board after receipt of a recommendation from the Planning Commission. In reviewing the application, the Planning Commission and the Township Board shall consider the impact of the proposed development on adjacent properties, whether the health, safety, and general welfare of persons or property using or affected by the private road will be adequately protected, and whether the private road will adversely affect the long-term development policies of Brooks Township. An architect, engineer, or other person will be consulted if deemed necessary. If the Planning Commission or the Township Board in the case of those projects subject to review and approval by said Board, recommends approval of the application, the Zoning Administrator shall

issue a private road construction permit to the owner upon payment of the permit fee. No construction shall begin on the private road or on adjacent properties that depend on the private road for access until the private road construction permit has been issued. The owner shall notify the township at least 72 hours prior to initiation of construction of the private road. During construction, the owner shall allow the township to enter the property for purposes of reviewing construction progress for compliance with the approved site plan and construction drawings.

D. Site Plans and Construction Plans: A site plan and construction plan showing the proposed location, adjacent properties, proposed street grades, drainage, and proposed improvements shall be prepared by a registered engineer or registered land surveyor and shall be submitted to the Zoning Administrator as part of the private road construction permit application and approval.

E. Final Private Road Permit: Upon completion of construction, the applicant shall have his/her road design surveyor or engineer inspect the private road improvement to check compliance with the approved site plan and construction plan. The owner shall correct any deficiencies identified during either an interim or final review. Upon final review and approval of the completed private road improvement, the professional engineer or professional surveyor shall provide the township clerk with written certification that the road has been constructed according to the approved designed plans. The certification shall be signed by the engineer or surveyor and shall contain the seal of same. After receipt of the construction certification, the township clerk shall issue a final private road permit to the owner. Zoning permits for construction on properties served by the private road shall not be issued until the final private road permit has been issued.

F. Maintenance and Repair: Maintenance, repair, and liability for private roads shall be the responsibility of benefiting property owners with access to the private road and not the responsibility or liability of the township, township staff, or township consultants used by the township in the review and approval of private roads. The developer shall establish, by appropriate deed provisions, an association that shall be responsible for road maintenance and repair and that shall have the authority to apportion and collect the cost of maintenance and repair from benefiting property owners. A private road maintenance agreement shall be recorded at the office of the Register of Deeds. The recording shall be a separate recording from the deed, but the deed shall also have attached to it a copy of the private road maintenance agreement or otherwise give notice of the private road maintenance agreement. All property owners subject to payment for maintenance of the private road shall receive notice of the above maintenance agreement. Benefiting properties must be identified in the agreement and any change in benefiting properties must be reflected in a revised agreement.

PRIVATE ROAD STANDARDS BY NUMBER OF PARCELS

Number of Parcels	Required Standards					
	R-O-W	Driving Surface Width	Height Clearance	Composition	Turnaround Required	Escrow Fee
2	66 feet	14 feet	12 feet	10 inch sand/gravel base with at least 6 inches of gravel	Yes (Amended 5-14-13)	$500
3 to 5	66 feet	16 feet	12 feet	10 inch sand/gravel base with at least 6 inches of gravel	Yes (Amended 5-14-13)	$500
6 or more	66 feet	NCRC	NCRC	NCRC	NCRC	$1,000

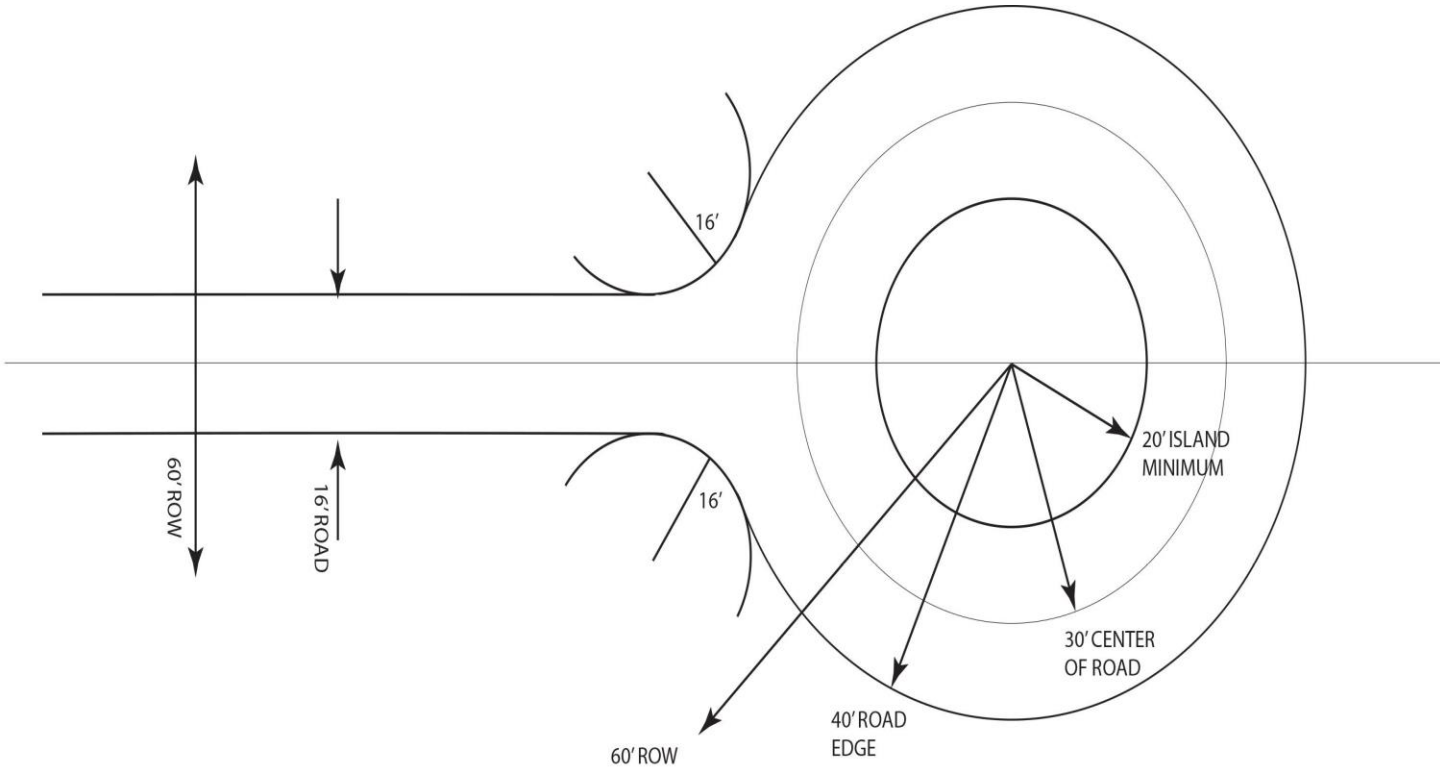
* NCRC – Newaygo County Road Commission

G. Design Standards for Roads Serving Two (2) Dwellings: Private roads serving two (2) dwellings shall meet the following design standards:

1. All private roads shall have a minimum sixty-six foot (66 ft.) wide right-of-way easement granted to the adjacent property owners.
2. Be constructed in a good and workmanlike manner upon and parallel to the centerline of the right-of-way easement granted to the adjacent property owners.
3. Be constructed so as to sufficiently control storm water runoff and permit effective storm water drainage, such as by means of ditches constructed parallel to and on either side of the drive, by sloping the sides of the drive from the center thereof, or by other effective methods.
4. Have a firmly compacted sand /gravel base of not less than ten inches (10 in.) in depth of which at least six inches (6 in.) in depth shall be only gravel. Suitable existing material may satisfy this requirement. (Amended 5-14-13)
5. Have a finished driving surface width of not less than fourteen feet (14 ft.) wide.
6. Be constructed over adequate culverts where necessary.
7. Be no longer than four hundred (400) feet, measured along the center of the private road easement from the right-of-way line of the intersecting public road to the terminus of the private street easement. A road may exceed this length only if a means of turnaround is provided at the farthest point of access to a lot from the intersecting public road right-of-way. (Amended 5-14-13)

H. Design Standards For Roads Serving Three (3) to Five (5) Dwellings: Private roads serving three (3) to five (5) dwellings shall meet the following design standards:

1. All private roads shall have a minimum sixty-six foot (66 ft.) wide right-of-way easement granted to the adjacent property owners.
2. Be constructed in a good and workmanlike manner upon and parallel to the centerline of the right-of-way easement granted to the adjacent property owners.
3. Be constructed to sufficiently control storm water runoff and permit effective storm water drainage, such as by means of ditches constructed parallel to and on either side of the drive, by sloping the sides of the drive from the center thereof, or by other effective methods.
4. Have a firmly compacted sand/ gravel base of not less than ten inches (10 in.) in depth of which at least six inches (6 in.) in depth shall be only gravel. Suitable existing material may satisfy this requirement. (Amended 5-14-13)
5. Have a finished driving surface width of not less than sixteen feet (16 ft.) wide.
6. Be constructed over adequate culverts where necessary.
7. All dead-end or "no outlet" roads must terminate with a turnaround meeting one of the following:
   a. A cul-de-sac with a right-of-way radius of sixty feet (60 ft.) and a finished driving surface turning radius of forty feet (40 ft.). Refer to Section 3.19d-CUL-DE-SAC. (amended 5-14-13)
   b. A road that terminates at a property line, with the intent of being extended into adjacent property, shall terminate with a turnaround. The turnaround shall be provided according to the minimum dimensions noted in Section 3.19d. (amended 5-14-13)



I. Design Standards for Roads Serving More than Five Dwellings: Private roads serving more than five (5) dwellings shall meet the following design standards:

1. All private roads shall have a minimum sixty-six foot (66 ft.) wide right-of-way easement granted to the adjacent property owners.
2. The layout of private roads in respect to their location, intersections, cul-de-sacs or turnarounds, vertical street alignment, street grades, street signs, horizontal curves, curb openings at intersecting streets, etc., shall conform to the Newaygo County Road Commission Standards for Platted Streets. (Amended 5-14-13)
3. The construction of the road shall conform to the Newaygo County Road Commission Subdivision (public road) Construction Standards.
4. Culverts shall be placed at all natural drainage courses or other waterways. Culvert sizes and grades shall be determined using the appropriate storm runoff calculations formula. Materials for culverts shall also conform to their requirements.
5. All dead-end or "no outlet" streets must terminate with a turnaround meeting the requirements of the Newaygo County Road Commission. (Amended 5-14-13)

J. Additional Dwellings Served: A private road serving five (5) or less dwellings and approved pursuant to this Ordinance, which is subsequently intended to serve more than five (5) dwellings, shall meet the design standards specified in this Ordinance, for the entire private road and shall follow the procedures outlined in this Ordinance.

K. Maximum Roadway Length: In no case shall the length of a private road exceed two thousand feet (2,000 ft.) unless secondary, intersecting, roads connect to the private road at intervals of no less than two thousand feet (2,000 ft.). Secondary roads may be public or private and shall be of comparable or better condition than the private road under application. Secondary roads shall provide an alternate means of access to the local public road system.

L. Easement Provisions: Throughout it's length, the right-of-way for private roads shall contain easement provisions for the above ground and below ground placement of (essential service) utility and energy lines and mains.

M. Roadway Location Adjustment: The Planning Commission may permit adjustments in the required placement of the improved portion of a road within a roadway easement if said placement would result in the protection of mature trees, water bodies, or other natural features and would not pose a threat to the health, safety, or welfare of adjoining property owners.

N. Escrow Fee Policy: In addition to the private road application permit fee, the applicant shall post a non-interest bearing escrow fee of five hundred dollars ($500.00) for private roads serving less than five (5) parcels, and one thousand dollars ($1,000.00) for private roads serving five (5) or more parcels. The escrow fee shall be used by the township to pay for costs associated with the use of professional consultants (e.g., attorney, engineer, planner, etc.) in the review and approval of the private road application and subsequent inspections and administrative costs. Unused portions of the escrow fee shall be returned to the applicant including an itemized listing of consulting fees. No portion of the escrow fee shall be used to cover the costs of township personnel. In the event the initial escrow fee is not sufficient to cover the costs as detailed above, the applicant, after notice by the township, shall post the necessary funds to bring the fee to its original amount.

3.19e ROADSIDE STANDS (amended 3/18/09) (see 2.19)

Roadside stands may be permitted in all residential districts subject to the following:

A. Adequate off-road parking shall be provided on the property.

B. All operations shall be conducted on the owner's property and of the outside the road right-of-way.

C. One (1) on-site sign may be permitted of up to eight (8) square feet in area, attached to the stand.

D. Only produce grown on site may be sold at the stand.

E. The stand must meet district setback requirements.

3.20 S - GENERAL PROVISIONS
(amended 5/15/12)

3.20a SANITARY SEWERS, SEPTIC SYSTEMS, AND WATER (see 9.06H, 10.06G)

Where municipal utility services are available, no Zoning Permit shall be issued for any building to be occupied by human beings, in whole or in part, for commercial, residential, or recreational purposes unless public sewer and/or water service is installed to such buildings. In the absence of public sewer and/or water, no Zoning Permit shall be issued unless adequate provision has been made for a safe water supply and sewage disposal system. Outhouses, privies, or pit toilets shall not be allowed in Brooks Township. Evidence of compliance with the requirements of the Newaygo County Health Department shall accompany the application for a Zoning Permit. Disposal systems or lagoons for large-scale developments are permitted when approved by the County Health Department provided that no lagoon or other treatment facility may be nearer than one thousand feet (1,000 ft.) to any adjoining street or property line.

3.20b SATELLITE DISH AND ANTENNA

A. Except as noted below, no satellite dish or other antenna shall be located in a front yard. A satellite dish or antenna shall meet the required setback requirements for accessory structures. Roof mounted dishes shall not project beyond the roof peak in excess of three feet (3 ft.).

B. Based on bona fide evidence from qualified personnel that placement of a satellite dish or antenna as required above will prevent adequate reception (e.g.; reception comparable to those in the township meeting the above standards), the Zoning Administrator may permit deviations from said standards. Any deviation shall be the minimum required to obtain proper reception. In approving a deviation, the Zoning Administrator may require that a landscape screen be installed around the base of the dish or antenna to obstruct the view of said dish or antenna from adjoining properties or from the street.

C. Satellite dishes of one (1) meter (39.37 inches) or less in diameter shall be exempt from the above standards.

3.20c SITE CONDOMINIUMS (see 2.20)

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 meet the requirements of Public Act 59 of 1978, as amended, and shall be processed consistent with the pre-preliminary, preliminary, and final review and approval procedures and required information detailed for Land Divisions and Subdivisions under Section 3.13 - LAND DIVISIONS AND SUBDIVISIONS.

B. The Brooks 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 Brooks 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 storm water retention areas, drainage easements, drainage structures, lawn cutting and other general maintenance of common areas must be clearly stated.

3.20d SOLAR PANELS

Freestanding solar panels shall be considered an accessory structure and shall meet all front, side, and rear yard requirements specified for such structures. Roof panels shall not exceed the height of the structure.

3.20e STORAGE OR PARKING OF COMMERCIAL VEHICLES OR SEMI-TRACTOR TRUCKS IN RESIDENTIAL DISTRICTS (amended 3/18/08; 5/15/12)

In residential districts, the parking or storage of commercial vehicles exceeding two tons, for a period of more than three (3) consecutive days is prohibited. On a lot or parcel in residential districts, the parking or storage of a commercial vehicle exceeding a capacity of two tons for a period of more than three (3) consecutive days is prohibited unless said vehicle is parked thereon while in use for construction being conducted on such lot or parcel. Pursuant to this provision, multiple vehicles exceeding the above capacity may be parked on a lot or parcel while in use for the construction being conducted on such lot or parcel. Semi-trailers, trailers, RV's or any other vehicle shall not be used for storage purposes.

3.20f SURETY BOND (see Section 3.17 - PERFORMANCE GUARANTEE**)**

3.20g SWIMMING POOLS – PRIVATE (amended 3/18/08) (see 2.20)

Private swimming pools are permitted in all districts, provided the swimming pool:

A. Is maintained in a clean and healthful condition in accordance with County health requirements.

B. Is not emptied in any manner that will cause water to flow upon another lot or be emptied on any adjacent land or street.

C. Is completely enclosed with a permanent substantial fence and gates at least four feet (4 ft.) in height above the ground level or pool barrier/wall of at least four (4) feet above ground level. Pool access shall be designed or maintained to restrict entry to the pool except under the supervision of the possessor or by his permission.

D.

E. Is not closer than ten feet (10 ft.) to any side or rear lot line, and no part of any pool shall be constructed within the required front or side yard.

F. Will not be located within a reserved septic drain field area.

3.21 T - GENERAL PROVISIONS

3.21a TREE PROTECTION (see 3.04c, 9.06, 10.06)

All parcels requiring site plan review will be reviewed for tree protection. Protection of trees shall have a priority over other development issues depending upon soil quality, habitat quality, tree species, tree size, and tree density.

3.22 U - GENERAL PROVISIONS

3.22a UNWHOLESOME SUBSTANCES AND WORKING AND STORAGE SURFACE FOR CERTAIN OPERATIONS TO PREVENT ENVIRONMENTAL DAMAGE

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. 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, nite soil, oil, hazardous or harmful substances, industrial byproducts or waste, flammable matter or substances, debris, filth, used tires, or any other material which constitutes a threat or menace to the health, safety or general welfare of the public. Refer to the Brooks Township Junk Ordinance and also refer to the Brooks Township Hazardous Materials Charge Ordinance. 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. For purposes of this Section only, the term "trailer body" shall be defined to mean any boat trailer, utility trailer, horse or animal trailer, truck trailer, travel trailer or any type of trailer or device used for hauling or moving things which lacks

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

No sewage, waste 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 Newaygo County Health Department.

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.

B. For any junkyard, scrap yard, salvage operation, automobile or vehicle repair or overhaul operation or similar business which utilizes an area exceeding one-fourth (1/4) acres, all areas (indoors and outdoors) used for junk, scrap or materials storage and/or repair, salvage or overhauling operations shall be paved with a layer of concrete at least four (4) inches thick or asphalt at least one and one-half (1 ½) inches thick. No chemicals or potentially hazardous substances from such operations shall be disposed of on-site or leaked or deposited onto or into the soil or ground. Such hard surface shall be repaired and maintained such that leakage into the soil shall not occur. The above requirements do not preclude compliance with applicable state and federal environmental regulations and other such regulations.

3.22b USES NOT DESIGNATED (see Section 1.05 - USES NOT LISTED**)**

3.23 V - GENERAL PROVISIONS **(Reserved for future use)**

3.24 W - GENERAL PROVISIONS

3.24a WATERFRONT LOTS (amended 5/15/12) (see also 2.24a)

All front yards must face upon a street, excepting front yards which are located in the Lakefront and the River and Tributary Districts, wherein the portion of the lot having water frontage will be called the waterfront yard and the portion facing the street will be called the street front yard.

3.24b. WIND ENERGY SYSTEM (amended 12/9/09): (see 4.09 #70, 4.12Y)

A. Purpose: The purpose of this section is to establish standards and procedures by which the installation and operation of Wind Energy Systems (WES) are to be regulated within Brooks Township.

1. To promote the safe, effective and efficient use of wind energy in order to reduce the consumption of fossil fuels in producing electricity.
2. To preserve and protect public health, safety, welfare and quality of life.

B. Definitions:

1. Ambient Sound Level: The amount of background noise at a given location prior to the installation of a WES which may include, but not limited to, traffic, machinery, lawnmowers, human activity, and the interaction of wind with the landscape. The

ambient sound level is measured on the db(A) weighted scale as defined by the American National Standards Institute.

2. Applicant: The person, firm, corporation, trust association, company, limited liability corporation or other entity which applies for Township approval under this section, as well as the applicant' successor(s), assign(s), and/or transferee(s) to any approved WES. An applicant must have the legal authority to represent and bind the landowner or lessee who will construct, own and operate the WES. The obligations regarding a zoning approval for any approved WES shall be with the owner of the WES and jointly and severally with the owner and operator or lessee of the WES if different than the owner.

3. Decommissioning: The process of terminating operations and completely removing a WES and all related buildings, structures, foundations, access roads and equipment.

4. Interconnected Wind Energy System: A WES which is electrically connected to the local electrical power utility system and can provide power to the local electrical power utility system.

5. Nacelle: In a wind turbine, the nacelle refers to the structure which houses all of the generating components, gearbox, drive train and other components.

6. On-Site Use Wind Energy System: A WES the purpose of which is to provide energy for the property where the structure is located or to adjacent properties under the same ownership or control as the property where the structure is located.

7. Shadow Flicker: Alternating changes in light intensity caused by the moving blade of a WES casting shadows on the ground and stationary objects such as dwellings.

8. Single Wind Energy System for Commercial Purposes: A single WES placed upon a parcel or parcels with the intent to sell or provide electricity to a site or location other than the premises upon which the WES is located. The WES may or may not be owned by the owner of the property upon which it is placed.

9. Structure Mounted Wind Energy System: A WES mounted or attached to an existing structure or building.

10. Utility Grid Wind Energy Systems: A WES designed and constructed to provide electricity to the electric utility grid.

11. WES Testing Facility: A structure and equipment used to determine the potential for the placement of a WES.

12. Wind Farm: Clusters of two or more WES placed upon a lot or parcel (or upon two or more contiguous lots or parcels) with the intent to sell or provide electricity to a site or location other than the premises upon which it is located. The WES may or may not be owned by the owner of the property upon which it is placed.

13. Wind Energy System, (WES): Shall mean any combination of the following:

    a. A mill or machine operated by wind acting on oblique vanes or sails that radiate from a horizontal or vertical shaft.

b. A surface area such as a blade, rotor or similar device, ether variable or fixed for utilizing the wind for electrical or mechanical power.
c. A shaft, gearing, belt or coupling utilized to convert the rotation of the surface area into a form suitable for driving a generator, alternator or other electricity-producing device.
d. The generator, alternator or other device to convert the mechanical energy of the surface area into electrical energy.
e. The tower, pylon or other structure upon which any, all or some combination of the above are mounted.

14. Wind Energy System Height: The distance from the ground at normal grade to the highest point of the WES (which is the tip of a rotor blade when the blade is in full vertical position).

15. Wind Energy System Setback: The distance from the base of the tower or structure upon which the WES is mounted to the nearest lot line, in the case of multiple parcels utilized for multiple of single WES, the setbacks shall be taken from the outside boundary of the parcels utilized for the WES project.

C. Permitted and Special Land Uses

1. Any On Site Use Wind Energy System (including a structure mounted Wind Energy System) which is seventy (70) feet or less in total height shall be a permitted use in all zoning districts.

2. The following uses may be permitted if a Special Land Use is granted pursuant to the regulations contained in Article XIV of the Brooks Township Zoning Ordinance.

a. Any Wind Energy System (including a structure-mounted WES) which is greater than 70 feet in height.
b. Wind Farms.
c. Single Wind Energy Systems for Commercial Purposes.
d. Utility Grid Wind Energy Systems.
e. WES Testing Facilities related to any of the above.

D. On-Site Use WES (amended 12-4-13)

1. Maximum Total Height: The total height of an on-site use WES with the blade in vertical position shall not exceed seventy (70) feet. For a structure mounted WES, the total height shall be measured from the grade of the structure upon which it is mounted.

2. Setback, Ground Mounted: An on-site use WES shall be setback from all lot lines a minimum distance which is equal to 1.1 times the height of the WES with the blade in the vertical position as measured from the lot line to the base of the tower and no portion of the WES (including the guy wire anchors) shall be located within the required primary use front, side, or rear yard setback. For a WES with a collapsible tower, the Planning Commission may reduce the setback requirement to less than 1.1, but in no case shall the setback be reduced to less than two-thirds (2/3) the height of the WES with the blade in the vertical position. (amended 12-4-13)

3. Setback, Structure-Mounted: A structure-mounted on-site use WES shall have a minimum distance from the nearest property line which is at least equal to 1.1 times the height of the WES as measured from the point of attachment to the structure to the top of the WES with the blade in the vertical position. For a WES with a collapsible tower, the Planning Commission may reduce the setback requirement to less than 1.1, but in no case shall the setback be reduced to less than two-thirds (2/3) the height of the WES with the blade in the vertical position. (amended 12-4-13)

4.

5. Power rating of the on-site use WES turbine shall not be greater than 50 kW.

6. Permits: A Zoning Compliance Permit shall be obtained from Brooks Township to construct and operate an on-site use WES seventy (70) feet or less in total height. The WES shall comply with all applicable State Construction and Electrical Codes, American National Standards Institute (ANSI) standards, local building permit requirements and all manufacturers' installation instructions. The WES shall not be operated nor remain on the property unless a permit has been issued. A copy of the manufacturer's instructions and installation diagram shall be provided to the township.

7. Electrical Power: An on site use WES may provide electrical power to more than one dwelling unit, provided that the dwelling units are located on property or properties that are adjacent to the properties and under the same ownership or control on which the WES is located.

8. On-Site Use WES Testing Facility. The Zoning Administrator may issue a permit to erect a testing facility for testing if adequate wind potential exists on the site proposed for an on-site use WES, provided that the facility does not exceed the height maximum allowed for an on-site use WES on the same site. The WES Testing Facility permit shall be valid for a period of up to one (1) year.

E. Special Land Use Requirements

1. Site Development Plan Requirements: For those WES for which a Special Land Use is required, the following items shall be included with or on the site plan:

   a. All requirements for a site plan as contained in Article XVII (17) of the Brooks Township Zoning Ordinance, including the area and dimensions of the site to be developed for the WES.
   b. A location map of the proposed WES or WES Testing Facility in sufficient detail to show the character of the area surrounding the proposed site.
   c. Location and height of all existing or proposed buildings, structures, boundary lines, electrical lines, towers, guy wires, guy wire anchors, security fencing and any other above-ground structures either existing or proposed on the parcel or parcels containing the WES or WES Testing Facility.
   d. Specific distances from the WES structures or WES Testing Facility to all other buildings, structures, boundary lines and above-ground utilities on the parcel or parcels upon which the WES is proposed to be located.
   e. Location of all existing overhead and underground electrical transmission or distribution lines located on the property upon which the WES is proposed to be located, as well as within 300 feet of the boundaries of the parcel. The applicant

shall provide as-built drawings of all electrical transmission lines constructed to serve the WES.

f. Location, height and type of all buildings and structures and the elevations of all existing and proposed structures within 300 feet of the parcel upon which the WES is proposed to be located.

g. All existing land uses within 300 feet of the parcel.

h. Access drives to the WES, including dimensions and composition.

i. All lighting proposed for the site, including diagrams or specifications of lighting fixtures proposed.

j. Security measures proposed to prevent unauthorized trespass.

k. Standard drawings of the structural components of the WES or WES Testing Facility including structures, towers, bases and footings. A registered engineer shall certify drawings and any necessary calculations demonstrating that the system complies with all applicable federal, state and local building and electrical codes.

l. A narrative describing the proposed WES or WES Testing Facility, including an overview of the project, the approximate generating capacity of the WES, the number representative types and height or range of heights of the WES to be constructed, including their generating capacity and respective manufacturers and a description of ancillary facilities.

m. Other relevant studies, reports, certifications and approvals as may be requested by Brooks Township to ensure compliance with this Ordinance.

2. Other Requirements:

a. Minimum Area. Minimum project area shall be twenty (20) acres. Multiple parcels may be assembled to create a project area, but all parcels shall be contiguous along adjoining property lines for no less than fifty (50) feet.

b. Maximum Height: No WES or WES Testing Facility shall exceed a height of two-hundred fifty (250) feet.

c. Setback: Each WES or WES Testing Facility shall be set back from all lot lines a distance which is at least equal to 1.1 times the height of the WES as measured from the lot line to the base of the tower. No part of a WES, including guy wire anchors shall be located within any required principal use front, side of rear yard setback.

d. Separation: Each WES shall be separated from any other WES a distance equal to or greater than the diameter of the largest rotor of any two adjacent WES.

e. Maintenance Program: The applicant shall provide a written description of the maintenance program to be used to maintain the WES , including a schedule of maintenance tasks to be performed.

f. Decommissioning Plan: The Planning Commission shall require that a decommissioning plan be submitted for approval. The plan shall consist of a written description of the anticipated life of the system and facility; the estimated cost of decommissioning; the method of ensuring that funds will be available for decommissioning and restoration of the site; and removal and restoration procedures and schedules that will be employed if the WES becomes obsolete or abandoned.

g. <u>Utility Company Interconnection (Interconnected WECS)</u>

i. No WECS shall be interconnected with a local electrical utility company until the utility company has reviewed and commented upon it. The

interconnection of the WECS with the utility company shall adhere to the National Electrical Code as adopted by the Township.

ii. All wiring from the WECS facility to the connection to the utility grid shall be underground.

h. WES Testing Facilities shall be removed when it is determined that a WES is or is not viable at the tested location. In no case shall a WES Testing Facility be allowed to remain more than twenty-four (24) months.

i. Performance Guarantee: If a Special Use is approved pursuant to this section, the Planning Commission may require monetary security in an amount equal to the cost of decommissioning the project. This security may be surety bond or irrevocable letter of credit in a form, amount, time, duration and with a financial institution deemed acceptable to the Township, which will be furnished by the applicant to the Township in order to ensure full compliance with this section and any conditions of approval. Additional performance guarantee may be required in other sections of the ordinance.

E. Requirements for All Wind Energy Systems

1. Sound Pressure Level:

a. Noise from a Wind Energy System shall not exceed 55dBA as measured at the property line located closest to the WES on any adjacent property. The sound pressure level may be exceeded during short-term events such as severe wind storms. If the ambient sound pressure level exceeds 55dBA, the standard shall be ambient dBA, plus 5dBA.

b. Utility Grid Systems and Wind Farms shall be subject to the requirements stated above, but the sound pressure level shall be measured at the property line closest to the WES at the outside boundary of all property used by the Utility Grid System. In addition, the applicant shall provide modeling and analysis that will demonstrate that the Utility Grid System or Wind Farm will not exceed the maximum permitted sound pressure.

2. Shadow Flicker: The Planning Commission may require that the applicant perform an analysis of potential shadow flicker. The analysis shall identify locations of shadow flicker that may occur and shall describe measures such as screening that shall be taken to eliminate or minimize the shadow flicker.

3. Construction Codes, Interconnection Standards, Federal, State and Township Codes: Every WES shall comply with:

a. All applicable State construction and electrical codes and local building permit requirements.

b. Federal Aviation Administration requirements.

c. Public or private landing strips in or adjacent to Brooks Township

d. Regulations of the Michigan Public Service Commission and/or the federal Energy Regulatory Commission if the WES is an interconnected system.

4. Rotor or Blade Clearance: Blade arcs shall have a minimum of 30 feet of clearance from any obstruction.

5. Safety:

a. Each WES shall be equipped with both a manual and automatic braking, governing or feathering device capable of slowing or stopping the WES operation in high winds so that the rotational speed of the rotor blade does not exceed the design limits of the rotor.

b. To prevent unauthorized access each WES must comply with at least one of the following provisions and more than one if required by the Planning Commission.

iii. The tower climbing apparatus shall not be located within 12 feet of the ground.

iv. A locked anti-climb device shall be installed and maintained.

v. A tower capable of being climbed shall be enclosed by a locked, secure fence at least six feet in height.

c. All WES shall have lightning protection.

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

e. The minimum height of the lowest position of the rotor or blade shall be at least 30 feet above the ground.

6. Visual Appearance:

a. A WES shall be designed and constructed in such a manner so as to minimize adverse visual or noise impacts on neighboring properties.

b. A WES project with more than on WES structure or tower shall utilize similar design, size, color, operation and appearance throughout the project. A WES shall be either monopole or monolithic tube, non-reflective and non-obtrusive in color, such as white, off white or gray.

c. There shall be no lighting on or directed to the WES, unless a beacon is required by the Federal Aviation Administration. Security lighting for base operations is permitted and shall be shielded.

7. Inspections: The Township shall have the right to enter upon the WES premises at all reasonable times with the permission of the property owner. The Township may hire a consultant to assist with any inspections at the applicant's cost.

8. Abandonment. A WES shall be removed when the device or equipment is no longer operating or when it has been abandoned. A WES shall be deemed abandoned when it has not produced electrical energy for twelve (12) consecutive months or longer

9. Signs:

a. Each WES shall have one sign not to exceed two square feet posted at the base of the tower. If the structure is fenced it shall be located on the fence. If the tower is structure mounted the sign shall be located at the shut off box. The sign shall include the following information:

i. The words, "Warning – High Voltage".

ii. Emergency contact telephone numbers

iii. The name, address and telephone number of the off-site operator of the WES.

b. A WES shall not include any advertising of any kind, except the nacelle may have lettering that indicated the manufacturers and/or owners name/identification.

10. Electromagnetic Interference:

All WES shall be designed, constructed and operated so as to not cause radio or television interference.

11. Maintenance:

Every WES must be kept and maintained in good repair and condition at all times and shall not pose a potential safety hazard. All distribution lines from the WES shall be located and maintained underground, both on the property where the WES is located and off site, The Planning Commission may waive the requirement that distribution lines for the WES which are located off site (i.e.- not located on or above the property where the WES will be located) be located and maintained underground if the Planning Commission determines that to install, plane or maintain such distribution lines underground would be impractical or unreasonably expensive.

(amended 12/9/2009)

3.25 X - GENERAL PROVISIONS **(Reserved for future use)**

3.26 Y - GENERAL PROVISIONS

3.26a YARD

Every lot must provide front, rear, and side yards as required within its zoning district. In the case of double front lots or lots having an irregular shape where the yards are not easily determined, the Zoning Administrator shall have the authority to designate the respective areas to be considered front, side, and rear yards.

3.26b YARD SALES

Property owners or residents are allowed to conduct two yard sales a year of not longer than three days each.

3.27 Z - GENERAL PROVISIONS

3.27a ZONING AFFECTS ALL STRUCTURES AND LAND AND THE USE THEREOF

No structure, land, or premises shall hereafter be used or occupied and no building shall be erected, moved, removed, reconstructed, extended, or altered except in conformity with the regulations herein set forth. All parcels created after the effective date of this Ordinance shall meet the minimum requirements of the underlying zone district.

Article IV. Classifications of Districts

4.01 ZONING DISTRICTS

For the purpose of this Ordinance, Brooks Township is hereby divided into the following Zoning Districts:

A-G	Agricultural District
R-1	Low Density Single-Family Residential
R-2	Medium Density Single-Family Residential
R-3	High Density Residential
MHP	Mobile Home Park
LD	Lakefront District
RTD	River and Tributary District
C-1	Commercial Business
I-1	Industrial

4.02 PROVISION FOR OFFICIAL ZONING MAP

For the purpose of this Ordinance, the zoning districts, as provided herein, are bound and defined as shown on a map entitled "Official Zoning Map of Brooks Township." The "Official Zoning Map of Brooks Township" delineating the above districts is hereby declared to be a part of this Ordinance. The district boundary lines follow lot lines, plat boundary lines, section lines, fractional section lines, or center lines of highways, streets, or alleys as they existed at the time of the adoption of this Ordinance. In those areas where district boundary lines do not follow the aforementioned lines, highways, streets, or alleys or when there is discrepancy regarding the determination of said district lines by map measurement, the Zoning Board of Appeals shall make the determination of boundaries.

4.03 IDENTIFICATION OF OFFICIAL ZONING MAP

The "Official Zoning Map of Brooks Township" shall be identified by the signature of the township supervisor, attested by the township clerk, and bear the seal of the township under the following words: "This is to certify that this is the official zoning map referred to in the Brooks Township Zoning Ordinance adopted 1998," together with the effective date of this Ordinance.

4.04 CHANGES TO OFFICIAL ZONING MAP

If, in accordance with the procedures of this Ordinance and of the Michigan Zoning Enabling Act, 110 of the Public Acts of Michigan 2006, as amended, a change is made in a zoning district boundary, such change shall be entered on the official zoning map promptly after the ordinance authorizing such change shall have been adopted and published, with an entry on the official zoning map as follows: "On (date) by official action of the Township Board, the following change(s) were made in the official zoning map:" (brief description of change) which entry shall be signed by the township supervisor and attested by the township clerk. No change in the "Official Zoning Map of Brooks Township" of any other nature shall be made unless authorized by the Township Board. No change of any nature shall be made in the official zoning map or matter shown thereon except in conformity with procedures set forth by law, specifically, a public hearing shall be noticed not less than fifteen (15) days prior to the meeting and mailing of notice shall be sent to all property owners and occupants within 300 feet of the parcel to be developed, regardless of whether the noticed property or occupants are located in the Township. The notice shall include:

1. The nature of the request.

2. The property(s) that are the subject of the request including a listing of all existing street addresses within property(s). If there are no addresses other means of identification may be used.
3. Location and time of the hearing.
4. Where and when written comments may be received.

Any unauthorized changes of whatever kind by any person or persons shall be considered a violation of this Ordinance and punishable as provided by law. Any changes in corporate boundaries within the township shall be recorded on the official zoning map by the township supervisor, with their signature and date and attestation by the township clerk attached thereto.

4.05 AUTHORITY OF OFFICIAL ZONING MAP

Regardless of the existence of purported copies of the official zoning map which may from time to time be made or published, the "Official Zoning Map of Brooks Township," which shall be located in the Township Hall and open to public inspection, shall be the final authority as to the current zoning status of any land, parcel, lot, district, use, building, or structure in the township.

4.06 REPLACEMENT OF OFFICIAL ZONING MAP

A. In the event that the "Official Zoning Map of Brooks Township" becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes made thereto, the Township Board may, by ordinance, adopt a new official zoning map which shall supersede the prior official zoning map. The new official zoning map may correct drafting or other errors or omissions on the prior official zoning map, but no such correction shall have the effect of amending the zoning ordinance or the prior official zoning map. The new official zoning map shall be identified by the signature of the township supervisor, attested by the township clerk, and bear the seal of the township under the following words: "This is to certify that this is the official zoning map referred to in the Brooks Township Zoning Ordinance, adopted on (date), which replaces and supersedes the official zoning map which was adopted on (date)."

B. Unless the prior official zoning map has been lost or has been totally destroyed, the prior map or any significant parts thereof remaining shall be preserved together with all available records pertaining to its adoption or amendment.

4.07 LOT DIVIDED BY ZONING DISTRICT LINE

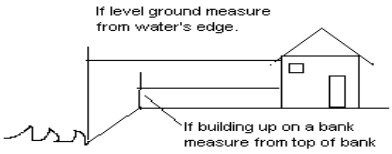
Where a district boundary line of the Zoning Map divides a lot such that the location of the line is not discernible through measurement via use of the map scale, the Zoning Administrator shall be responsible for interpreting the actual location of the respective zoning district boundaries.

4.08 SUMMARY OF DISTRICT SIZE AND SETBACK STANDARDS (See also 2.07 & 18.01)

BROOKS TOWNSHIP DISTRICT REGULATIONS									
Zone	**Zoning District**	**Minimum Lot Area** [i, x]	**Minimum Lot Width**	**Lot Depth to Lot Width Ratio**	**Setbacks** [ii; ix] **Principal Structures** [iii]			**Maximum Building Height**	**Maximum Lot Cover**
					Front	**Side** (both/least)	**Rear**		
A-G	Agricultural	40 acres	450 ft.	4:1	75 ft.	100/50 ft.	50 ft.	35 ft.	25%
R-1	Low Density Residential	5 acres	235 ft. (amended 2-10-16)	4:1	25 ft.	60/30 ft.	30 ft.	35 ft.	30%
R-2	Medium Density Residential	2 acres	200 ft.	4:1	25 ft.	40/15 ft.	25 ft.	35 ft.	30%
R-3	High Density Residential	1 acre	150 ft.	4:1	25 ft.	30/15 ft.	25 ft.	35 ft.	35%
MHP	Mobile Home Park	10 acres	300 ft.	[State law requirements]					
LD	Waterfront	15,000 sq. ft. (w/sewer)[iv] 18,000 sq. ft. (w/o sewer)[v]	100 ft. on the water and for street frontage (amended 3/18/08)	4:1	50 ft. (water)[vi]	40/15 ft.	25 ft. (street)[vii]	35 ft.	35%
	Non-waterfront	15,000 sq. ft. (w/sewer) [iv] 18,000 sq. ft. (w/o sewer)[v]	150 ft.	4:1	25 ft.	40/15 ft.	25 ft.	35 ft.	35%
RTD	Waterfront	5 acres (amended 6/21/04)	250 ft. on the water and for street frontage (amended 3/18/08)	4:1	RD – 100 ft. (water)[xi], 30 ft. top of bank TD -50 ft. (water)[xi] 20 ft. top of bank (amended 6/18/01; 5/15/12, 7-1-15)	60/30 ft.	25 ft. (street)[vii]	35 ft.	35%
	Non-waterfront	5 acres (amended 6/21/04)	250 ft.	4:1	25 ft.	60/30 ft.	25 ft.	35 ft.	35%
C-1	Commercial Business	1 acre	100 ft. (Amended 6-1-98; 5-15-12)	4:1	75 ft.	40/15 ft. (amended 3/18/08)	30 ft. 50 ft. (res.)[viii] (amended 3/18/08)	35 ft.	50%
I-1	Industrial	1 acre	100 ft.	4:1	75 ft.	60/30 ft. 100 ft. (res.)[viii]	50 ft. 75 ft. (res.)[viii]	35 ft.	50%

NOTES:

i. Unless otherwise provided, each dwelling unit must have the minimum lot area requirements of this table.
ii. For lots abutting a water body, set back shall be measured from the water's edge.
iii. Fence Structures shall be regulated by Section 18.01 (amended 1/21/02). Accessory structures shall be regulated by Section 3.03b.
iv. w/sewer: Those parcels with sanitary sewer.
v. w/o sewer: Those parcels without sanitary sewer.
vi. water: For Waterfront lots the yard abutting the water's edge is always the front yard.
vii. street: For Waterfront lots the yard abutting a public or private road, street, or right of-way is always the rear yard.
viii. res: The yard abutting a residential use.
ix. Set Backs for properties located on corners that abut Michigan Department of Transportation Roads such as M-37 and M-82 shall be measured from the normal Road Right of Way not the increased State 'Clear Vision' right of way. However, all clear vision regulations set forth in Section 3.04c must be complied with. (Amended 12/8/03)
x. Review the district regulations for rules addressing the possible requirement of combination of nonconforming lots.
xi. RTD setbacks must meet both the distance from the river and from the bank (see graphic)



4.09 SUMMARY OF DISTRICT LAND USES

BROOKS TOWNSHIP DISTRICT LAND USES (amended 12/9/09; 8/31/11; 10-19-12, 12-4-13)									
LAND USE TYPES: **Permitted – P** **Special – S**	***DISTRICTS***								
	A-G	**R-1**	**R-2**	**R-3**	**MHP**	**LD**	**RTD**	**C-1**	**I-1**
1 Single-family dwellings	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**S**	
2. State licensed residential day care or foster care facilities (6 or less persons)	**P**	**P**	**P**	**P**	**P**	**P**	**P**		
3. State licensed residential day care or foster care facilities (7 or more persons)		**S**	**S**	**S**	**S**				
4. Child and family day care centers (6 or less persons)	**P**	**P**	**P**	**P**	**P**	**P**	**P**		
5. Child and family day care centers (7 or more persons)		**S**	**S**	**S**	**S**	**S**	**S**		
6. Mobile home park, mobile home subdivision/condominium					**P**				
7. Single-family subdivision/site condominium (detached units)		**S**	**S**	**S**	**S**	**S**	**S**		
8. Duplex/two-family		**S**	**S**	**S**		**S**	**S**		
9. Multiple-family, townhouses, condominiums (attached)			**S**	**P**					
10. Nursing homes, convalescent homes, homes for the aged		**S**	**S**	**S**	**S**				
11. Hotels and motels								**P**	**S**
12. Bed and breakfasts	**S**	**S**	**S**	**S**	**S**	**S**	**S**		
13. Place of religious worship		**S**	**S**	**S**				**S**	
14. General Merchandise Stores: department store, variety store								**P**	
15. Food Stores: grocery, seafood or meat market, dairy market, fruit or vegetable market, retail bakery, candy/nut/confectionary								**P**	
16. Men/Women/Children Apparel and Clothing Accessory Stores								**P**	
17. Furniture/Home Furnishing Stores								**P**	
18. Appliance/Electronics Stores: Household appliance store, radio/television/consumer electronics store, music store								**P**	
19. Other Retail: drug store, optical goods shop, camera/photographic supply store, luggage/leather goods shop, sporting goods store, bicycle goods store, jewelry store, sewing/needlework/piece goods shop, hobby/toy/game shop, gift/novelty/souvenir shop, stationary store, florist, tobacconist, liquor store, newsstand, and retail outlets of a similar character (not including adult stores)								**P**	**S**
20. Retail often involving the following: outdoor displays including sale of new and used vehicles, recreational vehicle sales, mobile home sales, boat sales, motorcycle sales, truck sales, lumber yards, greenhouses and garden products, farm implement sales, building supplies, and similar retail facilities (service of vehicles and equipment shall be permitted as an accessory activity for the above uses provided as service shall be conducted in a fully enclosed building)								**S**	**S**
21. Auto and truck repair shop, tire/battery shop, gasoline service station, instant oil change, auto wash (when completely or partially enclosed within a building)								**S**	**P**
22. Eating and drinking establishments (except those with drive-thru service)								**P**	**P**
23. Eating and drinking establishments with drive-thru service								**S**	**S**

BROOKS TOWNSHIP DISTRICT LAND USES (amended 12/9/09; 8/31/11; 10-19-12, 12-4-13)									
LAND USE TYPES: **Permitted – P** **Special – S**	***DISTRICTS***								
	A-G	**R-1**	**R-2**	**R-3**	**MHP**	**LD**	**RTD**	**C-1**	**I-1**
24. Finance, bank, insurance, real estate establishments								**P**	
25. Personal Services: tanning salon, nail salon, hair salon, spa, and fitness club								**P**	
26. Business Services: advertising agency, employment agency, travel service, computer and data programming, photocopy and duplication service, security system service, tax return service, and furniture repair								**P**	
27. Laundry, cleaning, and garment service								**P**	
28. Shoe repair, jewelry repair, and clothing alteration								**P**	
29. Photographic studio								**P**	
30. Funeral home								**P**	
31. Professional Design and Financial Services: engineering, accounting, management, electrical, surveying, architecture, planning, and related services								**P**	**S**
32. Movie theater (except drive-in movie theaters)								**P**	
33. Video rental store								**P**	
34. Bus passenger station and bus storage building								**P**	**P**
35. Medical and Legal Services: doctor, dentist, lawyer, chiropractor, optometrist, or other professional related services, not including a medical marihuana collective, cooperative or dispensary or any medical use of marihuana. (amended 10-19-12)								**P**	
36. Business Offices: corporate/executive/administrative/sales								**P**	**P**
37. Government Offices: municipal/state/federal or other governmental and related services								**P**	**P**
38. Home occupations	**P**	**P**	**P**	**P**	**P**	**P**	**P**		
39. Campgrounds/RV camps	**S**	**S**	**S**						
40. Essential services (without storage buildings or storage yards)	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**
41. Essential services (with storage buildings or storage yards)	**S**	**S**	**S**	**S**	**S**	**S**	**S**	**S**	**P**
42. Radio, Television and similar communication facilities (see also Towers under General Provisions - Article 3)		**P**	**P**					**P**	
43. Communication Towers		**S**	**S**					**S**	
44. Agricultural farms (no animals or fowl or the keeping of pens or runs)	**P**	**P**	**P**	**P**					
45. Livestock farms and Animal feed lots	**S**	**S**	**S**						
46. Gravel Pits/Mineral Extraction	**S**	**S**	**S**	**S**				**S**	**S**
47. Roadside stands for the sale of produce grown on site	**P**	**P**	**P**			**P**	**P**		
48. Golf courses		**S**	**S**						
49. Public or private schools, churches, hospitals, and other public or private institutions		**S**	**S**			**S**	**S**	**S**	

BROOKS TOWNSHIP DISTRICT LAND USES (amended 12/9/09; 8/31/11; 10-19-12, 12-4-13)									
LAND USE TYPES: **Permitted – P** **Special – S**	***DISTRICTS***								
	A-G	**R-1**	**R-2**	**R-3**	**MHP**	**LD**	**RTD**	**C-1**	**I-1**
50. Sport Shooting Ranges/Clubs	**S**	**S**							
51. Public/Private Recreational Parks, Playgrounds, Clubs	**S**	**P**	**S**	**S**	**S**	**S**	**S**		
52. Adult entertainment uses									**P**
53. Large appliance repair, equipment rental/leasing, machinery repair, welding repair, tool and die shops, and machine shops									**P**
54. Recreational/Amusement Establishments: member sports/recreation club, bowling center, dance studio/school, golf course/establishment, race track, amusement park, coin operated amusement facility								**S**	
55. Museum and art gallery								**S**	
56. Extermination/pest control								**S**	**P**
57. Veterinary clinic and animal hospital								**S**	**P**
58. Kennel, Commercial (amended 8/31/11)	**S**	**S**	**S**				**S**	**S**	**S**
59. Kennel, private (amended 8/31/11)	**P**	**P**	**P**				**P**		**P**
60. Plumbing, heating and electrical shops									**P**
61. Sign painting/servicing shops									**P**
62. Bank/financial establishments								**P**	**S**
63. Commercial printing, publishing, and lithography								**S**	**P**
64. Mini-warehouse and self-storage								**S**	**P**
65. Commercial warehousing and packaging									**P**
66. Construction debris landfill (Type III)									**S**
67. Land application of septage with storage facilities provided a minimum lot size of forty (40) acres and MDEQ compliance.	**P**								
68. Water withdrawal for commercial consumption or use								**S**	
69. On-site use Wind Energy Systems (WES) no higher than 70 feet.	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**
70. Wind Energy Systems (WES): any WES over 70 feet high; Wind Farms; Single WES for Commercial Purposes; Utility Grid WES; any WES Testing Facility related to the above.	**S**	**S**						**S**	**S**
71. Greenhouses, Landscaping, Lawn Maintenance, Nursery, Tree Services (including the storage of logs and woodchips), and similar businesses. (amended 12-4-13)								**P**	

Article V-A. Agricultural (AG) District

5.01a DESCRIPTION AND PURPOSE

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

5.02a PERMITTED USES

Refer to Section 4.09 - Summary of District Land Uses.

5.03a ACCESSORY USES

Uses customarily and historically accessory to permitted and special uses shall be permitted.

5.04a SPECIAL USES

Refer to Section 4.09 - Summary of District Land Uses.

5.05a DIMENSIONAL STANDARDS

Refer to Section 4.08 - Summary of District Size and Setback Standards.

5.06a NONCONFORMING LOTS

A legal lot of record lawfully existing at the effective date of this zoning ordinance or a successor or amending ordinance, which fails to meet the area and/or dimensional requirements of the zoning district in which it is located may be used for the purposes for which it is zoned.

Article V. Low Density (R-1) Residential District

5.01 DESCRIPTION AND PURPOSE

This district is intended to conserve and protect rural township lands for single-family dwellings in low density, rural, natural settings. Most of the R-1 area is not anticipated to experience the availability of public sewer, public water, adequate system of internal all-season roads, and other public infrastructure elements for many years. Accordingly, development of a low density nature is important pursuant to the protection of ground water resources and existing roadways and to ensure that the pace of development is consistent with the capacity of the township to serve development demands.

5.02 PERMITTED USES

Refer to Section 4.09 - Summary of District Land Uses.

5.03 ACCESSORY USES (See 3.02c)

Uses customarily and historically accessory to permitted and special uses shall be permitted.

5.04 SPECIAL USES

Refer to Section 4.09 - Summary of District Land Uses.

5.05 DIMENSIONAL STANDARDS

Refer to Section 4.08 - Summary of District Size and Setback Standards.

5.06 NONCONFORMING LOTS

A legal lot of record lawfully existing at the effective date of this zoning ordinance or a successor or amending ordinance, which fails to meet the area and/or dimensional requirements of the zoning district in which it is located may be used for the purposes for which it is zoned. (amended 4/18/06)

Article VI. Medium Density (R-2) Residential District

6.01 DESCRIPTION AND PURPOSE

This District is intended primarily for single-family residential dwellings in a rural setting on lands where urban utilities and services are planned in the future. Accordingly, the density of development and range of uses is increased over that of the R-1 Residential District.

6.02 PERMITTED USES

Refer to Section 4.09 - Summary of District Land Uses.

6.03 ACCESSORY USES (See 3.02c)

Uses customarily and historically accessory to permitted and special uses shall be permitted.

6.04 SPECIAL USES

Refer to Section 4.09 - Summary of District Land Uses.

6.05 DIMENSIONAL STANDARDS

Refer to Section 4.08 - Summary of District Size and Setback Standards.

6.06 NONCONFORMING LOTS

A legal lot of record lawfully existing at the effective date of this zoning ordinance or a successor or amending ordinance, which fails to meet the area and/or dimensional requirements of the zoning district in which it is located may be used for the purposes for which it is zoned. (amended 4/18/06)

Article VII. High Density (R-3) Residential District

7.01 DESCRIPTION AND PURPOSE

This District is intended for single-family and multiple-family dwellings in an urban setting on lands where public utilities and services exist, or have the likelihood to occur in the near future. The density of development and the range of uses exceeds both those of the R-1 and R-2 Residential Districts.

7.02 PERMITTED USES

Refer to Section 4.09 - Summary of District Land Uses.

7.03 ACCESSORY USES (See 3.02c)

Refer to Section 4.09 - Summary of District Land Uses.

7.04 SPECIAL USES

Refer to Section 4.09 - Summary of District Land Uses.

7.05 DIMENSIONAL STANDARDS

Refer to Section 4.08 - Summary of District Size and Setback Standards.

7.06 NONCONFORMING LOTS

A legal lot of record lawfully existing at the effective date of this zoning ordinance or a successor or amending ordinance, which fails to meet the area and/or dimensional requirements of the zoning district in which it is located may be used for the purposes for which it is zoned. (amended 4/18/06)

Article VIII. Mobile Home Park (MHP) District

8.01 DESCRIPTION AND PURPOSE

A. This district is intended for mobile home parks in those areas suited for residential development and which are capable of being served by public sewers. Licensed mobile home parks may be permitted in the Mobile Home Park (MHP) District where access to the proposed park is on a paved county or state roadway. Such use shall be approved only after the Planning Commission has reviewed the Site Development Plan in relation to the land use studies, the Brooks Township Comprehensive Development Plan, and present or potential Service Areas, to ascertain that the proposed arrangement will not produce hazards or undue congestion and will provide the greatest amount of convenience for future residents.

B. Mobile homes must be properly electrically grounded and sufficiently anchored to a reinforced concrete slab of not less than six inches at the weight-bearing portion. The slab shall be the same square footage of the mobile home; or two runners of 24 inches by 12 inches the full length of the mobile home; under the frame. The wheels, axles, and pulling device (tongue) removed. The base of the mobile home shall be enclosed with concrete blocks, bricks, or treated timber. Mobile homes using runners or pilings shall put in footings for the foundation of the blocks, bricks, or siding used for the skirting. A frost wall shall be placed around the weight-bearing perimeter in compliance with the Brooks Township Building Code. A storage area of ten percent (10%) of the mobile home shall be erected or a basement provided. Any mobile home being placed or relocated in Brooks Township shall also meet the following standards:

1. A mobile home must first meet or exceed the terms and provisions of the Mobile Home Commission Rules promulgated by the Michigan Department of Commerce pursuant to the Mobile Home Commission Act (Act 96 of 1987), including any and all amendments thereto.
2. A mobile home must first meet or exceed the terms and provisions of the Mobile Home Commission Rules aforementioned, including any and all amendments thereto, as they relate to installation procedures and requirements, and as they relate to the proper installation of utilities.
3. A mobile home must first meet or exceed the terms and provisions of the National Manufactured Housing Construction and Safety Standards Act, and the Manufactured Home Construction and Safety Standards promulgated there under.

8.02 PERMITTED USES

Refer to Section 4.09 - Summary of District Land Uses.

8.03 DIMENSIONAL STANDARDS

Refer to Section 4.08 - Summary of District Size and Setback Standards.

8.04 DEVELOPMENT STANDARDS

All of the following design standards shall be complied with:

A. There shall be a fifty foot (50 ft.) front yard and a fifty foot (50 ft.) unoccupied landscaped area around the entire park which shall be regularly maintained.

B. At least ten percent of the total park area shall be devoted to a landscaped park for the use of residents of the park.

C. Public sewer and water facilities, where available, or sewer and water services approved by the Newaygo County and State Health Departments, shall be provided to each mobile home site.

D. Each site shall face upon an internal street having a width of at least twenty feet (20 ft.) and surfaced in a manner approved by the County Road Commission. The Mobile Home Park shall have two paved accesses to a major street and shall not have access or egress on any minor residential street.

E. No drive or accessory structure on a site may be closer than five feet (5 ft.) to the side line of a site. There shall be provided at least two off-street parking spaces for each mobile home site.

F. Required off-street parking may be located in bays off the internal streets and shall have a durable, dustless surface.

G. No site shall contain less than three thousand five hundred square feet (3,500 sq. ft.) and at least one-third of the sites shall contain four thousand square feet (4,000 sq. ft.).

H. The mobile home park shall conform to all state regulations; where the provisions of this Ordinance represent increases of the minimum standards of State Act 243, P.A. of 1959, as amended; the provisions of this Ordinance shall be met. A Zoning Permit shall not be issued until the Site Plan showing all sites and improvements have been approved by the Planning Commission.

I. Mobile Home Parks may be licensed and permitted in the MHP District under conditions specified below. The Board shall not grant a license for such proposed use prior to the Planning Commission's report on a Site Development Plan and the following:

1. Mobile home park densities shall not exceed eight units per acre.
2. All areas within fifty feet (50 ft.) of a public right-of way, with the exception of entry and exit drives, shall be landscaped and maintained with grass and shrubs and/or trees as approved by the Planning Commission.
3. All parking areas and refuse disposal containers shall be screened from view by appropriate evergreen landscaping and/or fencing as approved by the Planning Commission.
4. Approved sewer and water shall be provided. Private sewer and water systems may be used if approved by the township and all necessary county and state authorities.
5. All interior driveways shall have at least twenty-two feet (22 ft.) of pavement width and shall meet the standards described in Section 3.19 - Roads - Private and the Newaygo County Road Standards.
6. Compliance with the standards of this Ordinance.

8.05 MOBILE HOME PLATS AND CONDOMINIUMS

Mobile Home Plats and Condominiums may be permitted in the MHP District provided that such designation appears in the name or entitlement of the plat, the area of the plat is not less than ten (10) acres, and complies in all other respects with MHP Zoning District and this Ordinance. No mobile home may be situated closer than one hundred feet (100 ft.) from the plat boundary. A Zoning Permit shall not be issued until the Site Plan showing all sites and improvements have been referred to the Planning Commission. (amended 5/20/99)

8.06 NONCONFORMING LOTS

A legal lot of record lawfully existing at the effective date of this zoning ordinance or a successor or amending ordinance, which fails to meet the area and/or dimensional requirements of the zoning district in which it is located may be used for the purposes for which it is zoned. (amended 4/18/06)

Article IX. Lakefront (LD) District

9.01 DESCRIPTION AND PURPOSE

In order to preserve the quality of water resources and prevent deterioration, all land within five hundred feet (500 ft.) of the water's edge, unless a high water mark has been established, of all of the township's lakes shall comprise the Lakefront District. This District is designed to permit the safe and healthful development of land customarily associated with waterfront development and is intended for single-family dwellings. These regulations are drawn to avoid contamination or destruction of lakes. Only the following uses are permitted: (amended 7-1-15)

9.02 PERMITTED USES

Refer to Section 4.09 - Summary of District Land Uses.

9.03 ACCESSORY USES (See 3.02c)

Uses customarily and historically accessory to permitted and special uses shall be permitted. In addition, the following uses and their accompanying standards shall also be permitted:

A. Pump House: Provided it does not exceed an area of nine square feet (9 sq. ft.) and three feet (3 ft.) in height.

B. Uncovered Chair Lift: Provided it does not extend more than five feet (5 ft.) into the water.

9.04 SPECIAL USES

Refer to Section 4.09 - Summary of District Land Uses.

9.05 DIMENSIONAL STANDARDS

Refer to Section 4.08 - Summary of District Size and Setback Standards.

9.06 DEVELOPMENT STANDARDS (see 3.04c, 3.21a, 10.06) (amended 12/9/09, 7-1-15)

All of the following regulations and requirements shall apply to the properties and bodies of water within the Lakefront District (LD):

Green Belt for Lakes:

1. A minimum Natural Vegetative Strip (hereafter "Strip") at least twenty five (25) feet in width, as measured from the water's edge or the ordinary high water mark (if established), shall be maintained at all times in its natural vegetative state. Existing trees, shrubs and natural vegetation within twenty-five (25) feet of the water's edge, or the ordinary high water mark if established, must be left undisturbed, except for the clearing of dead or noxious plants or as otherwise permitted in this section. No building or structure shall be constructed, placed, or maintained within the Strip except as expressly permitted by this Section.

Vegetation that is used for replacement must be equally effective in retarding runoff, preventing erosion, and preserving natural beauty.

2. No fertilizer or other chemicals affecting the natural vegetation may be applied or used within the Strip.

3. Within the Strip, a space of no more than five (5) feet in width may be selectively trimmed and pruned to allow for the placement of completely pervious pathways and/or for a view of the water, with the prior written approval of the Zoning Administrator. The Zoning Administrator may allow limited clearing within the Strip, but only when required for the construction of a permitted building or structure outside of the Strip, provided the land cleared is returned to a vegetative state which is the same (or greater quality) extent as that which existed prior to the clearing. The replacement vegetation must be equally effective in retarding runoff, preventing erosion and preserving the natural beauty as determined by the Zoning Administrator.

4. Individual trees within the Strip may be removed which are in danger of falling and causing damage to dwellings or other structures or causing blockage of the shoreline, with the prior written approval of the Zoning Administrator.

5. The Strip shall not be used for any motorized vehicular traffic, parking or for any other use not otherwise expressly authorized by this Ordinance.

6. Restoration: For any restoration of a Strip where the vegetation had been previously removed, completely or partially, a replacement vegetation plan shall be approved by the Township prior to any restoration occurring. Vegetation shall be native, deep rooted perennials, tall grasses and native trees. All vegetation shall be permanently maintained.

7. See Section 9.06, D for exceptions of this Ordinance.

B. Stairs and Steps on Embankments: Stairs, walkways, decks, and steps on embankments having a grade exceeding 12 percent (8’3” per foot) must be constructed above grade and shall meet all requirements in Section 9.06, D.

C. Alteration of Ground Cover: No Zoning Permit for any construction or authorization for any grading shall be granted by the Township until it is first determined that any removal of ground cover conforms to the sedimentation control rules of the Newaygo County Drain Commissioner. Particular care shall be taken to provide protective measures to control erosion of raw earth over the winter months if not seeded and mulched by September 15th.

a. Land Cover Restrictions: Within twenty-five (25) feet of the water’s edge, or the ordinary high water mark if established, no land area or ground shall be covered by any impervious surface or surfaces, including decks, patios, structures, walks, and paving, except as otherwise allowed by Subsection D, below. Height and area

requirements apply to all areas within one hundred (100) feet of the ordinary high water mark.

D. Land Cover Exceptions.

1. The following structures and items are allowed within the Strip and waterfront setback area if all of the following requirements of this subsection are met:

   a. One (1) storage box or similar structure per lot no greater than twenty five (25) square feet in area and with a maximum height of fifty-four (54) inches.
   b. One (1) open kayak/canoe rack per lot no greater than six (6) feet in height and ten (10) feet in length.
   c. Walkways, decks and patios constructed of wood, brick pavers or natural stone as provided below.
   d. Handrails and railings shall be constructed and maintained to the standards required by the Michigan Residential Building Code.

2. Requirements. Construction of items allowed under subsection 1, above, are permitted only if all of the following requirements are met: (amended 7-1-15, 2-10-16)

   a. Required Vegetation: For each one (1) square foot of impervious surface allowed, there shall be at least two (2) square feet of vegetation, either existing or to be restored, as required in Subsection A, above.
   b. *Three (3) square feet of approved restoration must be planted and maintained for each square foot affected if existing deep rooted vegetation is removed*.
   c. The maximum impervious surface area of all permitted structures shall not exceed three hundred (300) square feet in area per lot or parcel.
   d. All permitted structures must meet all applicable construction codes.
   e. Concrete or paved slabs, patios, walks, or similar structures are not allowed.
   f. Pavers or stone shall have no horizontal dimension greater than twenty-four (24) inches and shall be spaced so as to allow water to drain between them.
   g. No walkway shall be wider than five (5) feet, and every walkway shall have an impervious surface.
   h. No portion of a deck or patio shall be located within ten (10) feet of the water's edge or the ordinary high water mark if established. (amended 2-10-2016)

i. Structures must be located wholly within the property served by the structure. Prior to any non-building structure (such as a deck, platform or wall) being installed within the area labeled 'Lake Shore Boulevard' in the lakefront plats around Emerald Lake or Sylvan Lake where such boulevard's easement or right-of-way touches and runs parallel along the lakeshore and before the Township issues a permit for any such structure (except for seasonal docks and boat cradles), the Township shall mail to the Emerald Sylvan Lake Association a written notice at least ten (10) days prior to the Township issuing a permit for any such structure..

j. The side yard setback for any permitted structure shall be at least five (5) feet.

k. A Township Zoning Compliance permit and all other applicable permits are required to be obtained beforehand.

l. Within the 25 foot Strip area, decks and walkways shall be at ground level, except decks may be constructed on a sloped shoreline, but shall not extend over the water, shall not be located within ten (10) feet of the water's edge (or ordinary high water mark where established) and shall not exceed the ground level height at the attachment point.

m. Within 25 to 50 feet from the water's edge, ground level decks (an elevated deck must be attached to the dwelling), patios and walkways may be permitted up to 300 square feet. Decks may be attached to any existing structure but not used as a construction setback point. Decks and patios shall be on a crushed stone bed no less than 2" in depth. Side setbacks shall be at least five (5) feet. They shall meet the same vegetation restoration requirements as that of the 25 foot Strip. (amended 2-10-2016)

n. Decks with a free-standing pergola consisting of vertical posts or pillars that support open cross beams (no solid roof, knee walls, nor enclosed sides) and constructed of weather resistant materials, including but not limited to corrosive resistant, all weather screws, will be allowed in the 25' Greenbelt or within the 50' setback of the Lakefront District (LD) and must meet Art. IX, Sec. 9.06 Development Standards D. Requirements 2. (amended 7-1-15)

3. Vegetation Plan. Prior to any construction of a permitted structure or item, a written vegetation plan shall be submitted to and approved by the Zoning Administrator. If the plan is a restoration of a Strip, the restoration shall occur as near the shoreline as possible or practical.

E. Drainage: Natural drainage courses shall be protected from grading activity. Areas of natural drainage such as swales, wetlands, ponds, or swamps shall be protected

and preserved insofar as practical in their natural state to provide areas for natural habitat and preserve drainage patterns and to maintain the natural characteristics of the land. In addition, for any construction or other activity that results in a change of the existing grade, or that results in a change in the natural drainage pattern of any property, the landowner must provide a written storm water collection/drainage plan beforehand to the County Road Commission and the County Drain Commissioner for review, recommendation and approval regarding storm water management and control. Recommendations and requirements of the County Road Commission and the County Drain Commissioner must be documented in order to obtain zoning approval. Noncompliance with the recommendations and requirements of the County Road Commission and the County Drain Commissioner regarding storm water management and control shall be deemed to be a violation of this section and will be punishable as a Municipal Civil Infraction as set forth in Section 21.10 of this Ordinance. The property owner shall be responsible for any change of grade or runoff onto neighboring properties or a water body.

F. Groundwater: Where known, groundwater flow patterns shall not be changed or interrupted.

G. Slopes: Slopes created by grading shall generally not exceed a slope ratio of one (1) foot of vertical slope to three (3) feet of horizontal distance. All slopes shall be properly stabilized to prevent erosion and the destruction of the natural vegetation.

H. Location of Septic Tank Drain Fields: No septic tank drainage system consisting of a dry well or drain field shall be located: (see 3.02a, 10.06 G)

1. Nearer than one hundred (100) feet from the ordinary high water mark of a body of water, and shall conform to all regulations of the Newaygo County Health Department in placement design. Refer to Section 21.03(C) of this Ordinance.
2. The invert of the drain field and septic system shall not be located below the elevation of the ordinary high watermark of the adjoining body of water.

I. <u>Riparian Access (anti-keyholing)</u>: The following restrictions are intended to limit the number of users of Lake Frontage in order to preserve the quality of recreational use of all waters within the Township.

1. Any riparian property for access to the water's edge is restricted to the use of the owner of that lakefront property only, except as may be otherwise permitted in this section. (see also 10.07B)

2. In the Lakefront District, there shall be at least one hundred (100) feet of Lake Frontage as measured along the ordinary high water mark of the lake, and eighteen thousand (18,000) square feet of lot area, for each single family dwelling utilizing or accessing the lake frontage *(15,000 square feet for parcels with municipal sewers*).

3. No parcel shall have any wetlands altered, drained or filled so as to accommodate access or increase its water frontage.

4. No canal or channel shall be created, expanded, or excavated.

5. The lakefront parcel shall not contain any other principal building or use, except as may otherwise be permitted by this ordinance.

6. The restrictions of this section shall apply to all lots and parcels on or abutting any lake in this LO District, regardless of whether access to the lake shall be by easement, park, common-fee ownership, single fee ownership, condominium arrangement, license or lease.

9.08 NONCONFORMING LOTS (amended 4-18-06)

A. For any two (2) or more contiguous 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 combined into a lot or lots complying as nearly as possible with the lot width, frontage, and lot size requirements of the district if they:

1. are in the same or similar 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.

No portion of a parcel shall be divided in a manner which diminishes compliance with the lot width and area requirements of this Ordinance.

B. The Zoning Administrator may permit the construction of residential dwellings and accessory buildings on any legally created lot platted or created and recorded prior to the effective date of this ordinance that fails to comply with the minimum lot area or width requirements of the district. The rear and side yard setbacks may be reduced by the lesser percentage that the lot differs from the required width or area requirements of the subject zoning district, provided (amended).

1. The minimum total side yards are sixteen (16) feet, with no less than an (8) foot setback on either side.
2. The minimum waterfront setback shall be no less than fifty hundred (50) feet.
3. The minimum rear setback shall be not less than fifteen (15) feet from the road right-of-way line.

Article X. River and Tributary (RTD) District

10.01 DESCRIPTION AND PURPOSE

In order to preserve the quality of water resources and prevent deterioration, all land within five hundred feet (500 ft.) of the water's edge, unless a high water mark has been established, of all of the township's rivers and streams shall comprise the River and Tributary District. The purpose of this section is to protect water quality, to keep nutrients from entering rivers and streams, to maintain water temperatures at natural levels, to preserve fish and wildlife habitat, to slow the rate of storm water runoff, to reduce erosion and sedimentation, and to preserve the aesthetic and scenic values of the watershed environment. River setbacks apply to the Muskegon River and Tributary setbacks apply to all other designated watercourses.
(amended 7-1-15)

10.02 PERMITTED USES

Refer to Section 4.09 - Summary of District Land Uses.

10.03 ACCESSORY USES (See 3.02c)

Uses customarily and historically accessory to permitted and special uses shall be permitted. In addition, the following uses and their accompanying standards shall also be permitted:

B. Pump House: Provided it does not exceed an area of nine square feet (9 sq. ft.) and three feet (3 ft.) in height.

C. Uncovered Chair Lift: Provided it does not extend more than five feet (5 ft.) into the water.

D. Uncovered Private Dock: Provided it is no larger than four feet by twenty feet (4 ft. x 20 ft.). It shall not extend into the stream, other than on the Muskegon River, where docks may extend five feet (5 ft.) into the water.

10.04 SPECIAL USES

Refer to Section 4.09 - Summary of District Land Uses.

10.05 DIMENSIONAL STANDARDS

Refer to Section 4.08 - Summary of District Size and Setback Standards.

10.06 DEVELOPMENT STANDARDS
(Amended 8-19-02, 7-1-15)

Natural Vegetative Strip: (see 3.04c, 3.21a)
A.

1. A minimum strip at least thirty five (35') feet in width as measured from the water's edge or ordinary high water mark (if established) shall be maintained in its natural vegetative state, except for the permitted clearing of dead or noxious

plants or as otherwise permitted in this section. Vegetation replaced will be equally effective in retarding runoff, preventing erosion, and preserving natural beauty.

2. No fertilizer or other chemicals affecting the natural vegetation may be applied within the Natural Vegetative Strip.
3. Within the Natural vegetative strip a space of no greater than ten (10') feet in width may be selectively trimmed and pruned to allow for the placement of walkways and/or for a view of the waterway, with the approval of the Zoning Administrator. Any walkway constructed inside the vegetative strip shall be on the land side and may be oriented perpendicular or parallel to the water line. Because the intent of the Natural Vegetative Strip is water quality protection, porous materials such as wood chips or gravel shall be used.
4. The Zoning Administrator may allow limited clearing of the Natural Vegetative Strip, only when required for construction of a permitted building or structure outside of the vegetative strip. Provided that the land cleared must be returned to a vegetative state which is approximately the same quality or greater and the extent as that which existed prior to the clearing. The replacement vegetation will be equally effective in retarding runoff, preventing erosion, and preserving natural beauty.
5. Individual trees within the Natural Vegetative Strip may be removed which are in danger of falling, causing damage to dwellings or other structures or causing blockage of the shoreline.
6. The Natural Vegetative Strip shall not be used for any motorized vehicular traffic, parking or for storage of any kind, including junk vehicles, waste or garbage or for any use not otherwise authorized by this ordinance.
7. Decks with a free-standing pergola consisting of vertical posts or pillars that support open cross beams (no solid roof, knee walls, nor enclosed sides) and constructed of weather resistant materials, including but not limited to corrosive resistant, all-weather screws, will be allowed in the 35 foot Greenbelt or within the 100 foot setback of the River District (RD) and must meet Art. X, Development Standards and the 35 foot Greenbelt and 50 foot setback of the Tributary District (TD). (amended 7-1-15)

B. Alteration of Ground Cover:

No building permit for any construction, or authorization for any grading, lot, or subdivision in preparation, shall be granted until it is first determined that any removal of ground cover conforms to the sedimentation control rules of the Newaygo County Drain Commission. Particular care shall be taken to provide protective measures to control erosion of raw earth over the winter months if not seeded and mulched by September 15th.

C. Drainage:

Natural drainage courses shall be protected from grading activity. Areas of natural drainage such as swales, wetlands, ponds, or swamps shall be protected and preserved insofar as practical in their natural state to provide areas for natural habitat, preserve drainage patterns and maintain the natural characteristics of the land. In addition, any construction or other activity that results in a change of the existing grade, or that results in a change in the natural drainage patterns of any parcel must provide a storm water collection/drainage plan to the County Road Commission and the County Drain

Commissioner for review and recommendation regarding storm water management and control. Recommendations of the County Road Commission and the County Drain Commissioner must be documented to obtain zoning approval. Non-compliance with the recommendations of the County Road Commission and the County Drain Commissioner regarding storm water management and control will be a violation of this section and will be punishable as a Municipal Civil Infraction as set forth in Section 21.10

D. Groundwater: Where known, groundwater flow patterns shall not be interrupted.

E. Slopes:

Slopes created by the grading of the site should generally not exceed a slope ratio of one foot (1 ft.) of vertical slope to three feet (3 ft.) of horizontal distance. All slopes shall be properly stabilized to prevent erosion and destruction of the natural vegetation.

F. MDNRE Determination of 100-Year Floodplain:

Building and Zoning Compliance Permits within the established 100-Year Floodplain, as determined by the Michigan Department of Natural Resources and Environment (MDNRE), are contingent upon MDNRE approval. No use of property shall be allowed without documented proof that the conditions required of FEMA for obtaining insurance are met; or written indication from the MDNRE that compliance is unnecessary. These requirements shall apply to all property, any portion of which is indicated as being within the designated floodplain areas. It shall be the responsibility of the property owner to determine the location of the floodplain in accordance with the site plan review procedures provided for in this ordinance, and that the floodplain does not encroach upon the limits of the parcel in question. For their own interest and protection, property owners are encouraged to obtain a written determination from the MDNRE when it is apparent from the "Zoning Map" that their property is within or directly adjacent to the designated area. No zoning or building permit will be issued until compliance with this section has been documented.

G. Location of Septic Tank Drain Fields: (see 3.02a, 9.06H)

Particular care shall be given to the location of septic tanks and drain fields in floodplains. In no case will the septic tank drainage system consisting of a dry well or drain field be located nearer than one hundred feet (100 ft.) to the ordinary high water mark of the river or stream, and shall conform to all regulations of the Newaygo County Health Department in placement and design. Refer to Article 21.03(D).

H. Stairs and Steps on Embankments:

Stairs, walkways, decks, and steps on embankments having a grade exceeding twelve percent (12%) must be constructed above grade. Steps may not be embedded into the ground surface.

I. River/Tributary Setbacks:

River setbacks required by Section 4.08 are applicable to the Muskegon River and Tributary setbacks are applicable to all other watercourses. (amended 7-1-15)

10.07 RESTRICTIONS

A. The temporary use of trailers, mobile homes, campers, buses, or other recreational vehicles and tents shall not be permitted unless expressly permitted by this Ordinance for temporary purposes. Refer to Section 3.04 Camping – Temporary. (amended 5/20/99, 6/18/01, 3/18/08)

Riparian Access (anti-keyholing): (see 9.06 I)

B. The following restrictions are intended to limit the number of users of river 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.

1. Any riparian property for access to the water's edge is restricted to that of the property owner, except as may be otherwise permitted in this section. See Section 2.13 for the definition for Keyhole lots and Waterfront lots.
2. In the RT District there shall be at least two hundred Fifty feet (250') of frontage as measured at the front (water) building set back line, and five acres (5) of lot area for each dwelling, unit utilizing or accessing the lake frontage.
3. No portion of the lot frontage shall have any wetlands altered, drained or filled to accommodate access or additional dwelling density.
4. No canal or channel shall be excavated for the purpose of increasing the lot frontage required by this section.
5. The lot shall not contain any other principal building or use or accessory use, except as may otherwise be permitted by this Ordinance for docks or boat launching facilities.
6. The restrictions of this Section shall apply to all lots and parcels on or abutting any river or stream in all Districts, regardless of whether access to the river or stream waters shall be by easement, park, common-fee ownership, single-fee ownership, condominium arrangement, license or lease.
7. The provisions shall not apply to locations designated as public or locations which may be zoned to accommodate higher intensity use of the water resource.

10.08 NONCONFORMING LOTS

A. For any two (2) or more contiguous 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 combined into a lot or lots complying as nearly as possible with the lot width, frontage, and lot size requirements of the district if they:

1. are in the same or similar 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.

No portion of a parcel shall be divided in a manner which diminishes compliance with the lot width and area requirements of this Ordinance.

B. The Zoning Administrator may permit the construction of residential dwellings and accessory buildings on any legally created lot platted or created and recorded prior to the effective date of this ordinance that fails to comply with the minimum lot area or width requirements of the district. The rear and side yard setbacks may be reduced by the lesser percentage that the lot differs from the required width or area requirements of the subject zoning district, provided (amended).

4. The minimum total side yards are sixteen (16) feet, with no less than an (8) foot setback on either side.
5. The minimum waterfront setback shall be no less than one hundred (100) feet.
6. The minimum rear setback shall be not less than fifteen (15) feet from the road right-of_way line.

(amended 4/18/06)

Article XI. Commercial (C-1) Business District

11.01 DESCRIPTION AND PURPOSE

The C-1, Commercial Business District is intended to accommodate traditional retail businesses and offices meeting the needs of local and area residents and includes all lands within five hundred feet (500') of the road right of way. There shall be in the township a place where commercial enterprises may exist without interference from non-conforming uses or negative external effects. It is the intent to develop attractive and efficient business areas that are convenient and have buildings of harmonious design. In recognition of the unique character of the M 82/M-37 Corridor, this District establishes requirements and incentives to improve vehicular and pedestrian safety, to decrease traffic congestion, and to improve the visual appearance of the corridor through proper landscaping, buffering, and screening. (amended 5/20/99)

11.02 PERMITTED USES

Refer to Section 4.09 - Summary of District Land Uses.

11.03 ACCESSORY USES (See 3.02c)

Uses customarily and historically accessory to permitted and special uses shall be permitted.

11.04 SPECIAL USES

Refer to Section 4.09 - Summary of District Land Uses.

11.05 DIMENSIONAL STANDARDS

Refer to Section 4.08 - Summary of District Regulations.

11.06 REQUIRED CONDITIONS

In addition to the above, the use of property in this district shall be subject to the following:

A. Unless specifically provided for, any business shall be conducted entirely within an enclosed structure.

B. Off-street parking and loading shall be provided in accordance with this Ordinance.

C. All lighting shall be shielded from adjacent residential districts. Where possible, lighting shall be of a "shoe box" variety or similar style designed to concentrate light in a downward fashion with a minimum of spillage and glare. (amended 6/18/01, 5/20/99)

D. The screening, drainage, and lighting regulations of this Ordinance shall be met for all areas devoted to the outdoor storage or sales of vehicles and implements.

E. Off-street parking as required in this Ordinance may not occupy the first forty (40) feet of any required front, side, and rear yard setback areas, provided, however, the Planning Commission may approve parking in required side and rear yard areas based upon a determination that said parking will not impair overall site safety, will not result in negative impacts to adjacent property, and that

the applicant has provided sufficient landscaping and/or fencing to mitigate the visual impacts of the proximity of said parking to adjacent properties. (amended 1/24/05)

F. To the greatest extent practicable, a proposed development shall combine access with neighboring businesses and make accommodations for future combined access. Shared commercial entrances shall be operated under the conditions of a joint maintenance agreement filed with and approved by the township. (amended 8/31/11, 1-28-15)

G. Barrier: All developments shall be physically separated from the local road by a curb and/or planting strip or other suitable barrier. Such barrier shall effectively eliminate unchanneled vehicle ingress or egress, except for authorized access ways.

H. The front yard shall be kept free from obstructions and shall not be used for the storage, disposal, or burning of any materials and shall be landscaped or used for off-street parking as provided for in this Ordinance.

I. The side and rear yards shall be kept free from any obstructions and may be used for parking or loading as provided for in this Ordinance.

J. Access Ways: Each separate use, grouping of buildings, or grouping of uses as a part of a single planned development shall, to the greatest extent possible, incorporate an integrated system of shared parking, service drives, and shared means of ingress and egress to the local road system. The number of curb cuts onto the public street system shall be minimized in order to reduce traffic congestion and vehicular conflicts. Such access way shall not be located closer than eighty feet (80 ft.) to the point of an intersecting roadway of the local road centerline. No access drive shall be less than sixteen feet (16 ft.) wide.

K. The proposed development or change shall be arranged to insure the following conditions:

1. Convenient and safe automobile circulation and parking in relation to streets, pedestrian walkways, and adjoining properties or parking areas.
2. Adequate visual sight distances.
3. Minimized conflicts of traffic movements on public streets.
4. Safety, convenience, and well-being of adjoining property owners.

L. To these ends and for consideration by the Planning Commission, such agencies (e.g.; County Road Commission and Michigan Department of Transportation) may designate entry ways and exits, the direction of traffic flow on off-street parking areas and drives, limit the number of drives having access or exit on a public street, designate their location of intersection with a public street, and where applicable, the use of existing drives on adjacent properties to decrease traffic conflicts on the public streets.

M. All matters referred to other agencies or departments for a report or recommendation shall be considered advisory only and not binding upon the decisions of the township, provided, however, that where said agency has jurisdiction over the road system, the requirements of that agency shall apply.

11.07 NONCONFORMING LOTS

A legal lot of record lawfully existing at the effective date of this zoning ordinance or a successor or amending ordinance, which fails to meet the area and/or dimensional requirements of the zoning district in which it is located may be used for the purposes for which it is zoned. (amended 4/18/06)

Article XII. Industrial (I-1) District

12.01 DESCRIPTION AND PURPOSE

This District is intended to provide for the development of wholesale, warehousing, industrial and manufacturing uses that can be characterized by low land coverage and the absence of objectionable external effects. Regulations contained in this district are designed to encourage the development of industrial areas which will be compatible with one another and with adjacent or surrounding districts. These regulations are also designed to protect existing industrial uses located in the district and to prevent the establishment of uses that are suitably provided for in other districts.

12.02 PERMITTED USES

Refer to Section 4.09 - Summary of District Land Uses.

12.03 ACCESSORY USES (See 3.02c)

Uses customarily and historically accessory to permitted and special uses shall be permitted.

12.04 SPECIAL USES

Refer to Section 4.09 - Summary of District Land Uses.

12.05 DIMENSIONAL STANDARDS

Refer to Section 4.08 - Summary of District Size and Setback Standards.

12.06 REQUIRED CONDITIONS

In addition to the above, the use of property in this district shall be subject to the following:

A. Parking and vehicular, and pedestrian circulation shall be provided in accordance with the required standards in Article 15 - Parking and Loading Spaces.

B. Signs shall be regulated in accordance with the requirements of Article 16 - Signs of this Ordinance.

C. A Site Plan Review is required for both Permitted Uses and Special Uses according to the standards in Article 17 - Site Plan Review of this Ordinance.

All goods or materials stored outside which may be visible from a public road shall be screened by a combination fence and landscape barrier as approved by the Planning Commission according to the standards in Article 18 - Landscaping, Buffering, Walls, and Fences of this Ordinance.

12.06 NONCONFORMING LOTS (amended 4/18/06)

A legal lot of record lawfully existing at the effective date of this zoning ordinance or a successor or amending ordinance, which fails to meet the area and/or dimensional requirements of the zoning district in which it is located may be used for the purposes for which it is zoned.

Article XIII. Planned Unit Development (PUD)

13.01 DESCRIPTION AND PURPOSE (see 2.17) (amended 4-2-14)

A. The use, area, height, bulk and placement regulations of this Ordinance are primarily applicable to the usual situation of one (1) principal building on a lot. In certain situations these requirements might result in a less desirable result than if a controlled degree of flexibility were allowed. The Planned Unit Development (PUD) is intended to permit such flexibility in the development of planned areas for various compatible uses allowed by this Ordinance.

B. It is intended that the PUD shall afford each type of land use reasonable protection from encroachment or interference by other incompatible land uses, either within or adjacent to the PUD.

C. PUDs shall be restricted to the R-1, R-2, and Lakefront (LD) Districts. (amended 4-2-14)

13.02 OBJECTIVES AND QUALIFYING CONDITIONS

A. The following objectives shall be met by an application for a PUD in order to realize the inherent advantages of coordinated, flexible, comprehensive, long-range, planning and development of such planned development:

1. To provide desirable living, shopping and working environments by preserving as much of the natural character of the property as possible, including, but not limited to, open space, stands of trees, brooks, ponds, floodplains, hills and similar natural assets.
2. To encourage the provision of usable open space, recreational, commercial, or other support facilities within a reasonable distance of all living units.
3. To encourage a more creative and imaginative development design.
4. To allow phased construction with the knowledge that subsequent phases will be approved as originally planned and approved by the Planning Commission.
5. To promote flexibility in design and location of structures and uses.
6. To promote the efficient use of land to facilitate a more economic arrangement of buildings, vehicular and pedestrian circulation systems, land use, and utilities.
7. To combine and coordinate architectural styles, building forms, and building relationships within the PUD.

B. Qualifying Conditions

1. The tract of land for which a PUD application is received must be in either one (1) ownership or the subject of an application filed jointly by the owners of all affected properties.
2. The property which is the subject of a PUD application must be a minimum of ten (10) contiguous acres in total area.
3. To be considered as a PUD, the proposed development must fulfill at least one (1) of the following conditions:

    a. The PUD contains two (2) or more separate and distinct uses, for example, single family and multiple family dwellings.
    b. The PUD site exhibits significant natural features encompassing at least twenty-five percent (25%) of the land area of the PUD which will be preserved as a result of the PUD plan.

c. The PUD site exhibits significant natural features over a majority of the area of the site which makes compliance with the strict requirements of this Ordinance impractical.

d. The PUD is designed to preserve in perpetuity at least thirty percent (30%) of the total area of the site in open space.

13.03 APPLICATION PROCEDURES

A. An application for a PUD shall be submitted and acted upon as a Special Use in accordance with the requirements of Article 14 - Special Land Uses of this Ordinance.

B. Applications: At a minimum an application for a PUD shall consist of:

1. A completed application form;
2. Payment of a fee as may be established by the Township Board from time-to-time;
3. Site plans meeting the requirements of Article 17 - Site Plan Review of this Ordinance; and
4. A statement of compliance with the criteria required for approval in Section 13.04, and other criteria imposed by this Ordinance affecting the PUD under consideration.

C. Notice: Public notice shall be provided to the public prior to the Planning Commission making recommendation to the Township Board regarding the PUD. Notice shall be giving in accordance with Section 4.04 of this ordinance.

D. Review and Approval: Approval, approval with conditions or denial of a PUD and amendments to a PUD involving major changes shall be the responsibility of the Township Board after recommendation by the Planning Commission. Recommendations are to be made following Commission Hearings as required by Section 14.03 for Special Uses.

1. The time frame for review and disposition of a PUD application shall not be regulated by the sixty (60) day time limit imposed for Special Land Uses under Section 14.04, but shall be accomplished with due diligence to ensure a fair and expeditious decision.
2. All actions associated with issuance of a PUD permit regarding any conditions and safeguards (Section 14.06), validity of a PUD permit (Section 14.07), or other such actions shall rest with the Township Board.
3. The Zoning Board of Appeals shall not be authorized to accept an appeal by any person or party aggrieved by a decision of the Township Board on a matter of a PUD. Such appeal shall be directed to the Newaygo County Circuit Court. (amended 6/18/01)

D. The Township Board decision shall state the basis for said decision, and any conditions relating to an affirmative decision.

13.04 BASIS OF DETERMINATION

Prior to approval of a PUD application, the Township Board shall insure that the standards specified in this Article, as well as, applicable standards established elsewhere in this Ordinance, shall be satisfied by the completion of the PUD under consideration.

A. The Planning Commission and the Township Board shall review the particular circumstances of the PUD application and shall approve a PUD only upon a finding of compliance with each of the following standards:

1. The standards for approval for Special Land Uses in Article 14 of this Ordinance.
2. The standards for approval for Site Plan Review in Article 17 of this Ordinance.
3. The applicable standards of this Article, and
4. Any applicable standards as may be established elsewhere in this Ordinance.

B. The Planning Commission and the Township Board may impose conditions with the approval of a PUD which are necessary to insure compliance with the standards for approval stated in this Article and any other applicable standards contained in this Ordinance. Such conditions shall be considered an integral part of the PUD approval and subject to enforcement by the Zoning Administrator.

13.05 PERMITTED USES AND RESIDENTIAL DENSITY

A. The following uses may be permitted, either singly or in combination, in accordance with the applicable PUD requirements:

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.
4. Commercial uses which are clearly accessory and compatible with the residential development and which form an integral part of said development.

B. Except as noted in Section 13.06, the maximum number of dwelling units permitted shall apply in the underlying district in which the proposed uses are permitted. If the PUD lies in more than one (1) zoning district, the number of dwelling units shall be calculated on a proportionate basis.

C. The total amount of land to be used for the calculation of the permitted density in a PUD shall be 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 rights-of-way, provided, however, the area of the entire site may be used for the calculation of permitted density if:

1. The interior road system is designed to limit the destruction of existing natural vegetation and, where feasible, excessive cut and fill.
2. Public easements dedicated to the common use of project residents, such as open space and recreation areas, are designed to allow access and use by a majority of said residents.

D. The minimum setbacks for any lot designated for residential use shall comply with the most restrictive zone district in which the proposed uses are permitted. However, within a PUD where preserving large tracts of open space for the common use of residents has resulted in bonus parcels as outlined in the Table found in Section 13.06A, the required minimum for area and building setbacks may be reduced to achieve a cluster effect. (amended 6/18/01, 5/20/99)

E. Land not proposed for development, but used for the calculation of overall density shall be considered open space and subject to the requirements of this Article.

F. Non-residential uses shall comply with the following standards:

1. Occupy no more than ten percent (10%) of the PUD project's net developable area, provided, however, the open space and active outdoor use areas associated with

recreational activities such as golf courses, ski trails, and like uses shall not be counted as part of the ten percent (10%).

2. Be integrated into the design of the project with similar architectural and site development elements, such as signs, landscaping, etc.
3. Be designated to be compatible with the residential character of the neighborhood and 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 shall be constructed according to the following requirements:

   a. If the entire PUD contains fewer than twenty (20) dwelling units, seventy-five percent (75%) of these units must be constructed prior to construction of any non-residential use.
   b. If the PUD contains more than twenty (20) dwelling units, fifty percent (50%) of these units shall be constructed prior to the construction of any non-residential use.

13.06 OPEN SPACE DENSITY BONUS AND OPEN SPACE REQUIREMENTS

A. In order to preserve the maximum amount of open space, the regulation of PUDs provides for an increase in the total number of dwelling units, according to the following schedule:

B. DENSITY BONUS FOR PLANNED UNIT DEVELOPMENT - PER EACH 10 PUD [DEVELOPABLE] ACRES

R-1 District/Density Bonus - PUD

Percent Common Space	Bonus Parcels	Total Parcels	Average Parcel Size Per Dwelling Unit [Square Ft.]	Minimum Lot Width [Feet]	Setbacks		
					Front	Rear	Side [Both/Least]
None	None	2	217,800	330	25	30	60/30
Minimum of 30	1	3	101,640	160	25	30	40/20
31 to 40	2	4	70,240	150	25	30	40/20
41 to 50	3	5	47,480	125	25	30	30/15

R-2 District/Density Bonus - PUD

Percent Common Space	Bonus Parcels	Total Parcels	Average Parcel Size Per Dwelling Unit [Square Ft.]	Minimum Lot Width [Feet]	Setbacks		
					Front	Rear	Side [Both/Least]
None	None	5	87,120	200	25	30	40/15
Minimum of 30	3	8	38,115	150	25	30	40/20
31 to 40	4	9	31,218	125	25	30	30/15
41 to 50	5	10	23,740	125	25	25	25/10

C. Any open space provided in the PUD shall meet the following requirements:

1. Open space within the PUD may be established to separate use areas, set aside significant natural features, and/or be used for passive or active recreation, as approved by the Township Board.
2. The location and uses of open space which are approved as a component of the PUD shall be permanently maintained and deed restricted to ensure the same.
3. Evidence shall be given of satisfactory arrangements for the maintenance of such designated land to relieve the township of the future maintenance thereof. All 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 be responsible for the maintenance of the open space.
4. The maintenance requirements of dedicated open space are not intended to require regular clearing and mowing or other active maintenance where such level of maintenance is inappropriate (such as for natural areas). In these cases, maintenance is intended to include, but not be limited to, the removal of any trash or waste material within the dedicated open space area, clean-up of storm damage, or removal of diseased plant materials.
5. To the extent possible, dedicated open space areas shall be continuous and contiguous throughout the PUD with adequate access, through easements or other similar arrangements, such that all properties within the entire PUD may utilize the available open space. Open space areas shall be large enough and of proper dimensions so as to contribute significantly to the purpose and objectives of the PUD.

13.07 OTHER REQUIREMENTS AND PUD AMENDMENTS

A. All electric, television cable, telephone transmission wires or other utility lines within the PUD shall be placed underground.

B. Amendments to PUDs shall be processed in the manner of an original PUD application.

Article XIV. Special Land Uses

14.01 DESCRIPTION AND PURPOSE (see 2.20)

The purpose of this article is to provide regulations for uses which are not essentially incompatible with uses permitted by right in a given district, but which should not be permitted without restrictions or conditions being imposed by reason of special concerns presented by the use itself or its particular location in relation to neighboring properties. The special land use permit procedure established herein is designed to provide the Township Planning Commission with an opportunity to review and act upon any application for a special land use permit.

14.02 AUTHORIZATION

The Township Planning Commission shall have the power to hear and decide such questions as are involved in determining whether special land use permit applications should be granted; to approve special land use permit applications with such conditions and safeguards as are appropriate under this Ordinance; or to deny special land use permit applications where not in harmony with the purpose and intent of this Ordinance.

A special land use permit application meeting the requirements of this Ordinance shall be approved.

14.03 PROCEDURE

A. Application: An application for a special land use permit shall be made through the Zoning Administrator to the Township Planning Commission. The required fee shall be established by the Township Board.

B. Site Plan Requirement: Applications for a special land use permit shall also be accompanied by a site plan which shall contain the information for final site plans required by Article 17 - Site Plan Review herein.

C. Additional Information: The Township Planning Commission may also require that the applicant provide additional information about the proposed use. Such information may include but shall not be limited to; traffic analysis, environmental impact analysis or statement, an economic analysis justifying the need for a proposed commercial use or uses, impact on public utilities and services and affect on the public school system.

D. Public Hearing: The applicant shall be referred to the Township Planning Commission. The Planning Commission will then conduct a public hearing on the application as provided in Section 4.04 of the Ordinance.

14.04 DECISION OF THE PLANNING COMMISSION

The Township Planning Commission shall notify the Zoning Administrator and applicant of its decision within sixty (60) days of the public hearing or at the next regular meeting of the Planning Commission, provided, however, the Planning Commission shall have the authority to extend the time frame if such extension is necessary to make a finding of fact necessary to reach a decision on the application. Extensions of time may be required for, but are not limited to, receipt of information from the applicant, receipt of information from local, state, and/or federal agencies regarding items under the jurisdiction of said agencies, and related matters. In all cases, the Planning Commission shall proceed with due diligence to ensure a fair and expeditious decision. (amended 6/18/01)

14.05 STANDARDS FOR APPROVAL

The following general standards shall serve as the basis for decisions by the Township Planning Commission involving special land use permits. The Planning Commission shall find that, in addition to specific standards for a particular use, the proposed use shall:

A. Be designed, constructed, operated and maintained so it will be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the area in which it is proposed.

B. Be adequately served by essential public facilities and services such as highways, streets, police, fire protection, drainage structures, refuse disposal, water and sewage facilities and schools.

C. Not create excessive additional requirements at public cost for public facilities and services, or overload presently existing public facilities such as, but not limited to, public access sites and boat launches.

D. Not involve uses, activities, processes, materials and equipment or conditions of operation that will be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.

E. Be consistent with the intent and purpose of the zoning district in which such use will be located.

F. Be consistent with the intent and purpose of the township master plan.

G. Not significantly increase the potential for unauthorized trespass on adjoining property.

14.06 CONDITIONS AND SAFEGUARDS

A. In approving a request for a special land use permit, the Planning Commission may impose conditions and safeguards. Such conditions may include but are not limited to conditions necessary to: insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity; protect the natural environment and conserve natural resources and energy; insure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall meet all of the following requirements:

1. Be designed to protect natural resources, the health, safety, and welfare and the social and economic well-being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
2. Be related to the valid exercise of the police power, and purposes which are affected by the proposed use or activity.
3. Be necessary to meet the intent and purpose of the zoning ordinance, be related to the standards established in the ordinance for the land use or activity under consideration, and be necessary to insure compliance with those standards.

B. The conditions imposed with respect to the approval of a conditional land use shall be recorded in the record of the approval action, and shall remain unchanged except upon the mutual consent of

the Township Planning Commission and the applicant. The approving Planning Commission shall maintain a record of the conditions which are changed.

14.07 VALIDITY OF PERMIT

A. The Township Planning Commission approval of a special land use permit shall be valid regardless of change of ownership, provided that all terms and conditions are complied with by the new owners.

B. In cases where development authorized by a special land use permit has not commenced within one (1) year of issuance, the permit shall automatically become null and void. Upon written application filed before the termination of the one (1) year period the Township Planning Commission may authorize a single extension for a further period of not more than one (1) year.

C. The Township Planning Commission shall have the authority to revoke a special land use permit following a public hearing with notice given as required herein. Such permit may be revoked upon evidence that the applicant, owner or operator has failed to comply with the requirements of the permit as stipulated by the Planning Commission and any other applicable regulations of this Ordinance.

D. An application for a special land use permit which has been denied wholly or in part by the Township Planning Commission shall not be re-submitted for a period of one (1) year from the date of denial unless it can be demonstrated to the Planning Commission that new evidence has been found or conditions have changed such that this may lead to approval upon re-submittal.

14.08 AMENDMENT OF A SPECIAL LAND USE PERMIT

Any person or agency which has been granted a special land use permit shall notify the Zoning Administrator of any proposed amendment to a special land use permit. Any minor change such as dimension changes, building location, parking and drives, etc., may be approved by the Zoning Administrator who shall notify the Township Planning Commission in writing of such amendments. A copy shall be placed in the file of the original permit request.

Any major changes to an approved special land use permit shall comply with the filing procedures contained herein for special land use permits. Major changes shall include but are not limited to increasing the density of number of dwelling units, increasing the number of buildings or land area and the addition of another use or uses not authorized under the original special land use permit. The Zoning Administrator shall determine if other similar changes constitute a major amendment.

14.09 ISSUANCE OF A SPECIAL LAND USE PERMIT

The Zoning Administrator shall, upon receipt of notice of approval and upon application by the applicant, issue a special land use permit provided all other applicable township ordinance codes have been met.

14.10 APPEAL

The Zoning Board of Appeals shall not be authorized to accept an appeal by any person or party aggrieved by a decision of the Township Planning Commission under this section. Such appeal shall be directed to the Newaygo County Circuit Court.

14.11 SPECIAL LAND USES

Special uses permitted under this Ordinance are identified under Section 4.09 - Summary of District Land Uses.

14.12 SPECIFIC STANDARDS

In addition to the general standards and district requirements, special land uses shall be subject to the following specific standards. Unless otherwise indicated, dimensional standards shall be according to Section 4.08 - Summary of District Size and Setback Requirements:

A. Adult Entertainment (amended 3/18/09)

In the development and execution of this subsection, it is recognized that there are some uses that, because of their very nature, have serious objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances or when one or more of them is located in proximity to a Residential District, thereby having a deleterious effect upon the adjacent areas. Special regulation of these uses is necessary to insure that these adverse effects will not contribute to the blighting or downgrading of the surrounding area. These special regulations are itemized in this subsection. These controls are for preventing a concentration of these uses within any one area, or to prevent deterioration or blighting of a nearby area.

1. The use shall not located within a 1,000 foot radius of a residential use or district, or regular place of worship, a public or private nursery school, preschool, kindergarten, elementary or secondary school, public park or a licensed child care center.
2. The use shall not be within a five hundred (500) foot radius of another such use, measured from lot line to lot line.
3. Parking spaces shall be provided at the ratio of one (1) space per person permitted by the maximum occupancy load established by fire, health, or building codes.
4. Parking shall be provided in front of the building.
5. No adult entertainment use shall remain open at any time between the hours of 11:00 p.m. and 10:00 a.m. and no such use shall be open on Sundays.
6. No alcohol shall be served at any adult entertainment.
7. No adult entertainment use shall permit any person under the age of eighteen (18) years to enter the premises. Signs shall be conspicuously posted noting that minors are not allowed.
8. All parking areas and the building shall be well lit to ensure the safety and security of patrons. These areas shall remain lighted for one (1) hour after closing each night.
9. The activities to be conducted or the materials to be distributed shall not be in violation of any applicable statute, code or ordinance.

B. Automotive service, body and repair shops (amended 3/18/09)

1. A building or structure shall not be located within one hundred (100) feet of any residential use or district.
2. Minimum lot area shall be one (1) acre and minimum lot width shall be two hundred (200) feet.
3. All equipment and activities associated with vehicle repair operations, except those in incidental use, such as air hoses, shall be kept within an enclosed building.

4. No more than three (3) inoperable vehicles shall be permitted on site. Inoperative vehicles left on the site shall be stored in an enclosed building within forty-eight (48) hours or in an area screened by an opaque fence not less than six (6) feet in height. Such fence shall be continuously maintained in good condition.
5. Storage of vehicle components and parts, trash, supplies, or equipment outside of a building is prohibited unless appropriately screened.
6. Where adjoining a residential use or district, a buffer zone shall be provided that complies with the requirements of Chapter 18.
7. Pump islands shall be a minimum of forty (40) feet from any public right-of-way or lot line.
8. Canopy roofs shall not be permitted to encroach into any required yard.

C. Bed and breakfast establishments (amended 3/18/09, 1-28-15)

1. The establishment shall be serviced by adequate water and sanitary sewer services, as approved by the Newaygo County Health Department.
2. The establishment shall be located on property with direct access to a public road.
3. A bed and breakfast establishment shall not be permitted on any property where there exists more than one (1) other bed and breakfast establishment within six hundred and sixty (660) feet, measured between the closest property lines.
4. Such uses shall only be established in a single-family dwelling which shall be inhabited by an owner or operator or by an owner or operator residing within 350 feet of the facility. (amended 1-28-15)
5. All guest rooms must have interior access to common areas (e.g., dining sitting, restrooms, etc.)
6. Parking shall be located to minimize negative impacts on adjacent properties.
7. The number of guest rooms in the establishment shall not exceed eight (8). (amended 1-28-15)
8. Exterior refuse storage facilities beyond what is normally expected for a single-family dwelling shall not be located in any front yard and shall be properly fenced in or screened from view on three sides.
9. Signs for bed and breakfast establishments shall be limited to one (1) ground sign, or one (1) wall sign. A ground sign shall not exceed sixteen (16) square feet in size, or six (6) feet in height, and must be set back at least five (5) feet from all property lines. A wall sign shall not exceed five (5) percent of the wall area to which it is attached. Neither sign may be illuminated.
10. The establishment shall contain the principal residence of the operator.
11. Meals shall be served only to the operator's family, employees, and overnight guests.
12. Interior design of the establishment must adhere to typical residential characteristics so that the dwelling unit retains its inherent single-family character.

D. Campgrounds, public or private (amended 3/18/09)

1. Campsites shall not be located within one hundred (100) feet of any property line.
2. Minimum lot area shall be ten (10) acres.
3. Retail commercial uses may be permitted within the campground provided that the following requirements are met:
   a. All commercial uses allowed shall occupy no more than two thousand (2,000) square feet.

b. No merchandise for display, sale or lease shall be located in any manner outside the main building, except for those specific items approved by the Planning Commission.

c. All commercial uses shall be setback two hundred (200) feet from any property line.

4. Each campsite shall have a minimum area of 1,500 square feet.
5. Common area shall be provided at the ratio of one thousand (1,000) square feet for each campsite.
6. Driveways and parking areas shall be at least fifty (50) feet from any adjacent property line.

E. Repealed (amended 8/31/11) F. Commercial mini-storage (amended 3/18/09)

1. The use shall be developed on lots of at least two (2) acres, but not more than five (5) acres in size. No more than sixty percent (60%) of the lot may be used for buildings, parking lots and access.
2. The lot shall abut and gain access from a paved road.
3. Access to the site shall be located according to County and/or State requirements as applicable.
4. A six (6) foot, solid fence of a material acceptable to the Planning Commission, shall enclose the area occupied by the use. The fence shall be set back at least ten (10) feet from the front property line.
5. The front yard, up to the fence, shall be landscaped in accordance with Chapter 18.
6. Outdoor storage of boats and recreational vehicles is permitted provided the storage area is properly screened.
7. Minimum side and rear yard shall be fifty (50) feet.
8. There shall be a minimum of thirty-five (35) feet between storage facilities for driveway, parking, and fire lane purposes. Where no parking is provided within the building separation areas, the building separation need only be twenty-five (25) feet.
9. Traffic direction and parking shall be designated by signs or painting.
10. The lot area used for parking shall be provided with a paved surface and shall be drained so as to dispose of all surface water.

G. Day care center (amended 3/18/09) See 4.09 #4 & #5

1. Facilities shall be located with direct access to a paved public road.
2. A facility shall not operate between the hours of 10:00 p.m. and 6:00 a.m. unless the main building and any play area are separated from any residence by more than three hundred (300) feet.
3. Playground equipment shall not be located in a required front or side yard.
4.
5. All outdoor play areas shall be enclosed with fencing, a minimum of four (4) feet high or as required by the State of Michigan.
6. An off-street drop-off area is to be provided with the capability to accommodate at least four (4) vehicles in addition to the parking normally required for employees.
7. Activities associated with childcare shall not be permitted in any accessory building, structure, or attached or detached garage other than the main building.
8. There shall be provided on the site a useable outdoor area at the rate of at least sixty-six (66) square feet for each child, or as required by the State of Michigan.

H. Day and Foster Care Facilities with Seven (7) or More Persons [not including members of the immediate family when the operation is located in a single-family dwelling]

1. An off-street paved area for the loading and unloading of children and adults. Said area may be in the form of a driveway.
2. In Residential Districts, facilities shall be spaced at least one thousand feet (1,000 ft.) distant from one another.
3. A fenced play area shall be provided for children to ensure their safety. The fenced area shall possess a self-closing and latching gate designed to prevent children from leaving the premises, unless duly attended by an adult.
4. Off-street paved parking shall be provided for all employees. If the operation is located in a dwelling, said parking shall be in addition to that required for said dwelling.
5. The applicant shall demonstrate that all state licensing requirements have been met.

I. Duplex/Two-Family Residential (amended 3/18/08)

1. Minimum lot size shall be one (1) acre.
2. Off-street parking shall be provided for each unit and shall be designed such that parking spaces provided for the residents of one unit do not interfere with and/.or block the parking spaces of the residents of the other unit. This precludes common parking facilities designed in single lane fashion.
3. A designated area shall be provided to the rear of the dwelling for the placement of trash receptacles. Trash receptacles shall not be stored in the front or side yards except during the period twenty-four (24) hours before and twenty-four (24) hours following normal trash pick-up times. Trash/garbage shall be collected and hauled from the site at least twice monthly.
4. Existing single-family homes converted to two (2) family shall comply with all building codes and site requirements.
5. The Planning Commission may require a landscape buffer and/or fencing along the side and rear yards if determined necessary to protect adjoining properties and/or to secure compatibility between the two-family use and adjoining properties.

J. Multiple-family, townhouses, condominiums (attached)

1. Parking areas shall be designed internal to the development.
2. A minimum of fifty percent (50%) of the units shall be provided with garages or car ports.
3. All trash receptacles and dumpsters shall be enclosed on at least three (3) sides by fencing and/or an evergreen screen of a height exceeding the receptacle or dumpster by at least two feet (2 ft.). If present, the open side shall not be visible from off site.
4. All parking areas shall be connected to buildings by sidewalks. All buildings shall be interconnected by sidewalks.
5. Buildings shall be at least twenty-five feet (25 ft.) apart.
6. At least twenty-five percent (25%) of the site shall be retained as landscaped open space. Said landscaping may include natural vegetation.
7. A recreational play area with tot-lot equipment shall be provided. The play area shall be of a size, with equipment, capable of accommodating one (1) child per each five dwelling units.
8. Street lighting, landscaping, signage, and other site facilities shall be designed in an integrated fashion to ensure an aesthetically pleasing development.
9. A club house, indoor recreation facility, and/or administrative offices may be constructed accessory to the housing units. Unless expressly approved by the Planning Commission,

the use of such facilities shall be limited to the residents and guests of the multi-family complex.

10. Storm water drainage shall be handled on-site through use of detention and retention ponds.

K. Nursing homes, convalescent homes, homes for the aged (See 4.09 #10)

1. In Residential Districts, the above facilities shall be located not less than fifty feet (50 ft.) from adjoining parcels used for (or likely to be developed for) single-family dwellings.

L. Hotel and motel (see also 4.09 #11)

1. Hotels and motels placed in the Industrial District shall recognize the potential for off-site industrial noise during evening and night time hours and shall design the facility and site accordingly.

M. Golf courses (regulation and par 3)

1. The site shall contain no less than forty (40) acres.
2. Practice driving ranges shall be located at least three hundred feet (300 ft.) from existing single-family or multiple-family dwellings, provided, however, this standard shall not apply to homes constructed in connection with (and located on the grounds of)the golf course.
3. Permitted accessory uses shall include a clubhouse, pro-shop, maintenance buildings, and other facilities commonly and historically located in conjunction with golf courses.
4. Single and multiple-family dwellings may be constructed in connection with a golf course provided the project is developed as a Planned Unit Development under the PUD provisions of this Ordinance.

N. Hunt clubs, gun clubs, and game preserves (amended 3/18/08)

1. The site shall contain no less than forty (40) acres.
2. The discharge of firearms within proximity to residential units shall be as regulated by the State of Michigan.
3. The site shall not be used for “paint-ball” shooting or similar games which simulate the hunting of humans.
4. The site shall be fully signed with “no trespassing” or other such signs warning people to avoid trespass and potential harm due to ongoing sporting activities.
5. The site shall comply with all applicable state and federal regulations.
6. All buildings and structures shall comply with the Township Building Code and related permit requirements.
7. The site shall not be rented or leased for activities not approved by the special use permit unless duly authorized by the Planning Commission.

O. Private recreational facilities [amusement parks, race tracks, and other private recreational uses identified as permitted as a special use]

1. A minimum setback of one hundred feet (100 ft.) shall be required for any use abutting an existing single-family home or single-family home site.
2. The site shall contain no less than five (5) acres.

3. The applicant shall provide evidence that the proposed use, based on bona fide market/business plans, has the potential to succeed given area demographics and income levels.
4. Any use anticipated to generate off-site noise or other environmental impacts shall submit an environmental assessment fully documenting the potential magnitude of said impacts and detailing proposed plans for mitigating same.
5. Any use anticipated to generate traffic volumes in excess of five hundred (500) cars per day shall provide a traffic impact study detailing the capability of the local road system and site to safely and efficiently handle the traffic.
6. The Planning Commission may require additional landscape, including vegetated berms, to mitigate potential off-site impacts.
7. The site shall be capable of handling the water and sanitary needs of the recreational users.
8. All state and federal regulations shall be complied with.
9. All buildings and structures shall comply with the Township Building Code and related permit requirements.

P. Gravel pits and mineral extraction (see 2.06)

1. The site shall contain no less than ten (10) acres.
2. A non-disturb setback of one hundred feet (100 ft.) from all property lines shall be maintained.
3. The area of excavation shall be fully fenced to prevent unauthorized access, provided, however, this provision may be waived if the Planning Commission finds the operation is geographically isolated and excavated such (e.g.; minimal side slopes, no standing water, etc.) that harm to residents is not likely to occur.
4. A reclamation plan shall be provided detailing the proposed reclamation and use of the site after excavation is completed. The reclamation plan shall include those items required by this Ordinance for site plan review.
5. The operation shall fully comply with all local, state, and federal regulations.
6. All buildings and structures shall comply with the Township Building Code and related permit requirements.
7. The site shall not be used for the dumping of construction or other non-site related debris.

Q. Sanitary landfills

1. The site shall contain not less than forty (40) acres.
2. The design and construction of the site shall be as regulated by the Michigan Department of Environmental Quality for sanitary landfill licensing.

R. Livestock farms (amended 3/18/08) (see 2.07F, 4.09 #45)

1. Facilities shall demonstrate compliance with Michigan Department of Agriculture Management Practices (GAAMPS).
2. All grounds shall be maintained in a secure and sanitary condition.
3. Proper methods of waste disposal shall be implemented to minimize off-site odors and to prevent ground water contamination.
4. Feed lots and similar facilities in which there will be a high concentration of livestock, shall be a minimum of one hundred feet (100 ft.) from adjoining residential lots or parcels, and bodies of water, except on-site ponds specifically constructed for purposes of the livestock operation.

S. Planned Unit Development (PUD)

Refer to Article 13, PUD.

T. Temporary Structures and Operations

1. A description of all building and structures shall be presented along with a time line to the Planning Commission for approval. (amended 6-18-01)

2. A description of the operation shall be submitted to the Planning Commission for approval with a time line.
(amended 6-18-01)

U. Water Withdrawal for Commercial Consumption or Use (amended 3/18/09) (see 2.24)

1. The withdrawal shall only occur in the district in which it is permitted.
2. Minimum lot size for the activity shall be five (5) acres.
3. Shall obtain and comply with all federal, state and local permits.

V. Commercial Outdoor recreation (amended 3/18/09)

1. The minimum lot size shall be ten (10) acres.
2. The lot shall be located so at least one (1) side abuts an arterial or collector road (a paved primary road or State designated highway) and all access shall be from that road.
3. Access to the site shall be located according to County and/or State requirements as applicable.
4. Entry drives and parking areas shall be a minimum of one hundred (100) feet from adjacent property lines.
5. All main and accessory buildings shall maintain a separation of at least two hundred (200) feet from any residential dwelling located on adjacent property.
6. Maximum building coverage shall be twenty-five percent (25%).
7. Any outdoor recreation development located within five hundred (500) feet of any adjacent dwelling shall not be open later than 10:00 p.m.
8. The Planning Commission may require the entire premises to be surrounded by a six (6) foot fence at or near the property lines.
9. No entrances or exits shall be from a gravel road or residential road.
10. A landscaped area of at least twenty five (25) feet in width shall be maintained around the periphery of the property. Screening that complies with the landscaping provisions of Chapter 18 shall be provided adjacent to a residential use or districts.

W. Place of religious worship (amended 3/18/09)

1. Religious institutions shall be located on a minimum lot size of two (2) acres; plus an additional fifteen thousand (15,000) square feet for each one hundred (100) seating capacity or fraction thereof in excess of one hundred (100) and have direct access to a paved county primary road.
2. The main and accessory buildings and structures shall not be located within fifty (50) feet of the property line of any residential use or district.

X. Schools, elementary, middle and high school (non-public) (amended 3/18/09)

1. Such uses shall require a minimum lot size of ten (10) acres.
2. The principal and accessory buildings and structures shall not be located within fifty (50) feet of any residential use or district.
3. All stadium and all other exterior sports arena luminaries used for the purpose of illumination of the playing area are extinguished by 10:00 p.m. or immediately after the conclusion of the final event of the day.

Y. Wind Energy Systems (WES) : any WES over 70 feet high; Wind Farms; Single WES for Commercial Purposes; Utility Grid WES; any WES Testing Facility related to the above. (amended 12/9/09)

Refer to Article IV General Provisions, Section 3.24b, D., (see also 4.09 #70)

Z. Accessory structures in excess of 400% of principal residence or 4,000 square feet on vacant lot or parcel.

1. Shall be at least ten (10) feet from any dwelling, or other accessory building or structure.
2. Shall be a minimum of fifteen (15) feet from side property lines and fifteen (15) feet from the rear setback line. Must also comply with the Front Setbacks of the underlying district.
3. Shall be used for storage only, no commercial or dwelling purposes.
4. A site plan shall be provided. (amended 7-1-15)

Article XV. Parking and Loading Spaces

15.01 PARKING - GENERAL REQUIREMENTS

A. Unless otherwise provided for in this Ordinance, off-street parking shall not be located within the required front yard.

B. Off-street parking for all non-residential Districts and uses shall be either on the same lot or within three hundred feet (300 ft.) of the building or use it is intended to serve, measured from the nearest public entrance of the building to the nearest point of the off-street parking lot.

C. The storage of merchandise or products, motor vehicles displayed for sale, or the repair of vehicles is prohibited in any off-street parking lot.

D. Residential off-street parking spaces shall consist of parking strip, parking bay, driveway, garage, or combination thereof and shall be located on the premises they are intended to serve. Such parking spaces shall be constructed with an asphalt or concrete binder, gravel, or compacted earth so as to provide a durable and dustless service, and shall occupy no greater than thirty-three percent (33%) of the required front yard.

E. Minimum required off-street parking spaces shall not be replaced by any other use unless and until equal facilities are provided elsewhere, in compliance with this Chapter.

F. Off-street parking existing at the effective date of this Ordinance, or amendment thereto, in connection with the operation of an existing building or use, shall not be reduced to an amount less than required for a similar new building or new use.

G. Two (2) or more buildings or uses may collectively provide the required off-street parking.

H. The Planning Commission may defer construction of the required number of parking spaces if the following conditions are met:

1. Areas proposed for deferred parking shall be shown on the site plan, and shall be sufficient for construction of the required number of parking spaces in accordance with the standards of this Ordinance for parking area design and other site development requirements.
2. Alterations to the deferred parking area may be initiated by the owner or required by the Zoning Administrator, and shall require the approval of an amended site plan, submitted by the applicant accompanied by evidence documenting the justification for the alteration.

15.02 PARKING LOT DESIGN STANDARDS

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

BROOKS TOWNSHIP PARKING LOT DESIGN STANDARDS				
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.	18 ft.

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

C. All parking lots shall be provided with a pavement having an asphalt or concrete binder so as to provide a permanent, durable and dustless service.

D. All parking lots shall be constructed so as to permit proper drainage and prevent puddling or storage of water within the lot. Drainage shall be in accordance with the requirements of Brooks Township and the Newaygo 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.

F. All parking lots shall be landscaped with perimeter landscaping and interior planter islands.

15.03 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.

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.

BROOKS TOWNSHIP SCHEDULE OF OFF STREET PARKING REQUIREMENTS	
Use	**Parking Space per Unit of Measurement**
Residential	
Single family dwellings	Two (2) for each dwelling unit
Two family dwellings	Two (2) for each dwelling unit
Multiple family dwellings	Two (2) for each dwelling unit, plus one (1) additional space for each two (2) units
Institutional	
Churches, theaters, assembly areas, auditoriums, gymnasiums	One (1) space for each four (4) seats or each eight feet (8 ft.) of pew length or one (1) space for and each three (3) persons allowed within the maximum occupancy load established by any applicable codes or ordinances, whichever is greater
Schools, elementary and middle	Two (2) spaces for each three (3) employees, plus amount required for auditorium or gymnasium seating
Schools, secondary, trade, industrial, and institutions of higher learning	One (1) space for each eight (8) students, plus one and one-half (1½) spaces for each classroom, plus amount required for auditorium or gymnasium seating

Commercial	
Vehicle wash establishments (self-service or automatic)	One (1) space for each five (5) stalls
Beauty/barber shop	Three (3) spaces for each chair
Bowling alleys	Four (4) spaces for each bowling lane plus required spaces for each accessory use
Assembly halls without fixed seats	One (1) space for each three (3) persons allowed within the maximum occupancy load established by any applicable codes or ordinances
Restaurants - without drive-through facilities	One (1) space for each one hundred square feet (100 sq. ft.) of usable floor area or one (1) space for each two (2) persons allowed within the maximum occupancy load established by any applicable codes or ordinances, whichever is greater
Restaurants with drive-through facilities	One (1) space for each one hundred square feet (100 sq. ft.) of usable floor area or one (1) space for each one and one-half (1½) persons allowed within the maximum occupancy load established by any applicable codes or ordinances, whichever is greater
Vehicle service stations	One (1) space for each service stall, plus one (1) space for each pump island, plus one (1) space for each of the maximum number of employees on the premises at any one time
Personal service establishments not otherwise specified	One (1) space for each fifty square feet (50 sq. ft.) of usable floor area
Furniture, appliance and household goods retail sales	One (1) space for each one thousand square feet (1,000 sq. ft.) of usable floor area
Funeral homes and mortuary establishments	One (1) space for each fifty square feet (50 sq. ft.) of usable floor area
Open air businesses	One (1) space for each two hundred square feet (200 sq. ft.) of indoor usable floor area plus one (1) space for each one thousand square feet (1,000 sq. ft.) of outdoor display area
Retail stores not otherwise specified	One (1) space for each two hundred square feet (200 sq. ft.) of usable floor area
Hotels and motels	One (1) space for each guest room, plus required spaces for any accessory uses
Video rental stores	One (1) space for each one hundred square feet (100 sq. ft.) of usable floor area plus one (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	One (1) space for each one hundred and fifty square feet (150 sq. ft.) of usable floor area plus three (3) spaces for each non-drive through automatic teller machine
Offices not otherwise specified	One (1) space for each three hundred square feet (300 sq. ft.) of usable floor area
Medical and dental offices and clinics	One (1) space for each seventy-five square feet (75 sq. ft.) of waiting room area plus one (1) space for each examining room, dental chair, or similar use area
Industrial	
Manufacturing, processing, and research establishments and Industrial uses not otherwise specified	One (1) space for each one thousand square feet (1,000 sq. ft.) of gross floor area plus those spaces required for offices located on the premises
Warehouses and wholesale establishments	One (1) space for each two thousand square feet (2,000 sq. ft.) of gross floor area plus those spaces required for offices located on the premises

15.04 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 on the lot adequate space for standing, loading and unloading. This space shall be placed so as to avoid undue interference with public use of dedicated rights-of-way and parking areas.

B. In the "C" District all loading spaces shall be located in the rear yard in the ratio of at least ten square feet (10 sq. ft.) 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 square feet (5 sq. ft.) per front foot of building and shall be computed separately from off-street parking requirements.

D. Industrial (I) District

1. In the "I" District at least one (1) loading space shall be provided. All loading spaces shall be at least ten feet by fifty feet (10 ft. x 50 ft.), or a minimum of five hundred square feet (500 sq. ft.) in area. A minimum fourteen foot (14 ft.) 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.

Article XVI. Signs and Billboards

16.01 DESCRIPTION AND PURPOSE (see 2.03)

This Article is intended to protect and further the health, safety, and welfare of the residents of Brooks Township; to maintain and improve the appearance of the 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. Brooks Township also recognizes that the proliferation of signs is unduly distracting to motorists and non-motorized travelers, reduces the effectiveness of signs directing and warning the public, causes confusion, reduces desired uniform traffic flow, and creates potential for accidents. The Township further recognizes that the principal intent of commercial signs is to serve the public interest and should be for identification of an establishment on the premises.

16.02 SIGN DEFINITIONS

A. Awning: A retractable or fixed shelter constructed of non-rigid materials on a supporting framework that projects from the exterior wall of a building.

B. Awning sign: A sign affixed flat against the surface of an awning.

C. Balloon or inflatable sign: A sign constructed of a non-porous material which is filled with air or gas which may or may not float or be tethered to the ground.

D. Billboard: A sign which advertises an establishment, product, service, or activity not available on the premises on which the sign is located.

E. Canopy: A freestanding roof-like structure built on one (1) or more support posts, designed to offer protection from the weather.

F. Canopy Sign: A sign painted or attached directly to and parallel to the exterior face of a canopy and extending no greater than twelve (12) inches from the exterior face of the canopy to which it is attached.

G. Construction Sign: A sign which identifies the owners, financiers, contractors, architects, and engineers of a project under construction.

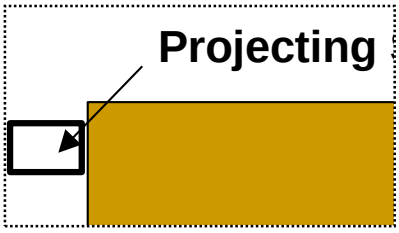
H. Directional Sign: A sign which gives directions, instructions, or facility information for the use on the lot on which the sign is located, such as parking or exit and entrance signs.

I. Electronic Message Display: A sign or portion of a sign with a fixed or changing display/message composed of a series of lights that may be changed through electronic means.

J. Government Sign: A temporary or permanent sign erected by the Township of Brooks, Newaygo County, or the state or federal government.

K. Ground Sign: A sign resting directly on the ground or supported by short poles not attached to a building or wall.

L. Incidental sign: A sign that identifies street address, entrances and exits, safety precautions, identifying logos without text, "open," "closed," hours of operation, accepted credit cards and similar incidental information, and which sets forth no other advertisement intended to be read from the street.



M. Marquee: A permanent structure constructed of rigid materials that projects from the exterior wall of a building.

N. Marquee Sign: A sign affixed flat against the surface of a marquee.

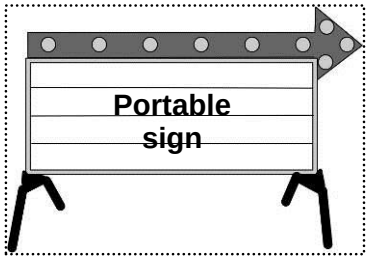
O. Mural: A design or representation painted or drawn on a wall which does not advertise an establishment, product, service, or activity.

P. On-Premise Sign: Any sign which pertains solely to the use of the property on which it is located, such as to an establishment, product, merchandise, good, service or entertainment which is located, sold, offered, produced, manufactured or furnished at the property on which the sign is located.

Q. Placard: A sign not exceeding two (2) square feet which provides notices of a public nature, such as "No Trespassing" or "No Hunting" signs.

R. Political Sign: A temporary sign used in connection with a noncommercial message or an official City, Township, school district, county, state, or federal election or referendum. This would also include a petition regarding a local issue which affects township residents.

S. Portable sign: A sign not permanently attached to the ground or other permanent structure and designed to be transported, including, but not limited to, signs that are transported by means of wheels, or signs made as A-frames or T-frames.



T. Projecting Sign. A double-faced sign attached to a building or wall that extends more than eighteen (18) inches but not more than seventy-two (72) inches from the face of the building or wall.

U. Pylon Sign: A sign supported on pylons or poles, not attached to a building or wall.

V. Reader Board: A portion of a sign on which copy is changed manually or electronically.

W. Real Estate Sign: A sign advertising the real estate upon which the sign is located as being for sale or lease.

X. Roof Line: The top edge of a roof or parapet wall, whichever is higher, but excluding any cupolas, chimneys, or other minor projections.

Y. Roof Sign: A sign erected above the roof line of a building.

Z. Sign: A device, structure, fixture, or placard using graphics, symbols, and/or written copy designed and used for the purpose of advertising or identifying an establishment, product, service, or activity.

AA. Special Event Sign: A sign containing messages concerning a special event of a public, civic or otherwise non-profit nature that is usually (although not always) held by a governmental, civic, religious or non-profit organization or entity. A special event sign may include a portable sign, a temporary sign, banners, streamers, flags, strings of lights and other means of advertising the special event.

BB. Temporary Sign: Any banner, pennant, valance, or advertising display constructed by cloth, canvas, light fabric, cardboard, wallboard, plastic, or other material, with or without frames, intended to be displayed for a short period of time advertising a sale, grand opening, product, or event of a commercial nature that is temporary or of a short duration.

CC. Vehicle Sign: A sign designed to be mounted to a vehicle or trailer and designed to be visible to other motorists or pedestrians while so mounted, with the primary purpose of advertisement while the sign is being transported. A sign painted on a vehicle that identifies the business that owns or uses the vehicle, or a sign depicting the name of the owner of the vehicle, shall not be considered a vehicle sign.

DD. Wall Sign: A sign painted or attached directly to and parallel to the exterior wall of a building extending no greater than eighteen (18) inches from the exterior face of the wall to which it is attached.

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

16.03 GENERAL SIGN PROVISIONS

A. No person shall erect, alter, place or permit to be placed, or replace any sign without first obtaining a zoning permit, except as otherwise stated in this Section.

B. Signs shall be maintained free of peeling paint or paper, fading, staining, rust, or other condition which impairs legibility or intelligibility.

C. A sign must be constructed in such a fashion that it will withstand all wind and vibration forces which can normally be expected to occur in the vicinity. A sign must be maintained so as to assure proper alignment of the structure and continued structural soundness.

D. Sign supports, braces, guys and anchors shall be maintained in such a manner as not to cause a hazard.

E. Signs may be internally illuminated, or if externally illuminated, the source of the light shall be enclosed and directed to prevent the source of light from shining directly onto traffic or adjacent residential property.

F. No light pole, utility pole, or other supporting member shall be used for the placement of any sign unless specifically designed and approved for such use by the applicable jurisdiction.

G. No sign shall employ any flashing, moving, oscillating, blinking, or variable intensity light. However, a sign may contain a reader board containing an electronic message display, subject to Section 16.xx.

H. No sign shall contain any moving or animated parts nor have the appearance of having any moving or animated parts.

I. Public institutions and churches permitted in residential districts shall comply with regulations for commercial uses.

J. In the Commercial (C-1) District, any commercial or exempt sign must pertain solely to the use of the property on which it is located. (amended 7-1-15)

16.04 EXEMPTED SIGNS (amended 12-4-13)

The following signs shall be exempt from the provisions of this Ordinance.

A. Government signs.

B. State and National Historical markers.

C. Memorial signs or tablets.

D. Murals.

E. Signs for essential services.

F. Placards not exceeding one (1) square foot in area..

G. Signs with address, owner, or occupant name up to four (4) square feet in area. A sign with multiple residents' names may be erected to identify the location of the residences. Such sign must be placed on one of the resident's property and not obstruct clear vision. Such sign may be placed on an adjacent parcel with written permission of the property owner and must meet above standards. Such sign may not exceed one and a half (1 ½) square feet per resident's name. Such sign shall not exceed a height of eight (8) feet. (amended 12-4-13)

H. Flags or insignia of any nation, state, county, city, township, community organization, or educational institution.

I. Scoreboards for public or private school or publicly owned and operated athletic fields.

J. Window signs, provided that no more than fifty percent (50%) of the window surface is covered with signs.

16.05 PROHIBITED SIGNS.

The following signs are prohibited:

A. Any sign that is placed in, upon or over any public right-of-way, alley, sidewalk or other public place, except government signs and as may be otherwise permitted by this Chapter.

B. Any sign that is 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.

C. Vehicle signs parked in any area abutting the street, unless the Zoning Administrator determines that there is no other parking area available.

D. Portable or temporary signs, except as may otherwise be permitted by this Chapter.

E. Balloons, inflatables, strings of light bulbs, pennants, streamers, or flags (other than those exempted as specified above and those of a seasonal nature not used for the purpose of commercial advertisement or attraction) hung overhead to draw attention to a business or its merchandise on display, except as may otherwise be permitted by this Section.

F. Roof signs.

G. Projecting signs.

H. A window sign or signs that cover more than fifty percent (50%) of a window surface.

I. Billboards.

16.06 NON-CONFORMING SIGNS, ILLEGAL SIGNS, AND SIGNS ACCESSORY TO NON-CONFORMING USES

A. Every permanent sign which does not conform to the height, size, area, or location requirements of this section as of the date of the adoption of this Ordinance, is hereby deemed to be non-conforming.

B. Non-conforming signs may not be expanded, enlarged, or extended; however, non-conforming signs may be maintained and repaired so as to continue the useful life of the sign.

C. For purposes of this article, a non-conforming sign may be diminished in size or dimension or the copy of the sign amended or changed without jeopardizing the privilege of non-conforming use. If a sign is nonconforming in its setback, this section shall not apply, and the sign may not be replaced.

D. Any non-conforming sign destroyed by fire or other casualty loss shall not be restored or rebuilt if reconstruction will constitute more than fifty (50) percent of the value of the sign on the date of loss.

E. Any sign which for a period of six (6) months or more no longer advertises a bona fide business conducted or product sold, shall be removed by the owner of the building, structure, or property upon which such sign is located, within thirty (30) days of receipt of written notice by the Zoning Administrator.

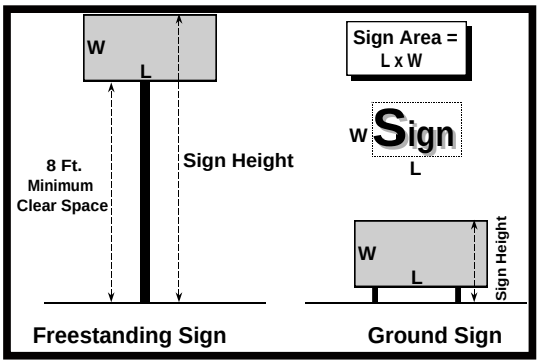
F. A sign, accessory to a non-conforming use, may be erected in accordance with the sign regulations for the subject zoning district.

16.07 UNITS OF MEASUREMENT

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

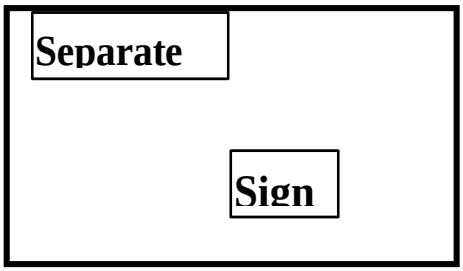
B. The area of a freestanding or ground sign that has two (2) or more faces shall be measured by including the area of all sign faces, except if two (2) such faces are placed back-to-back and are of equal size, the area of the two (2) back-to-back faces shall be counted as one (1) face. If the

two (2) back-to-back faces are of unequal size, the larger of the two (2) sign faces shall be counted as the one (1) face.

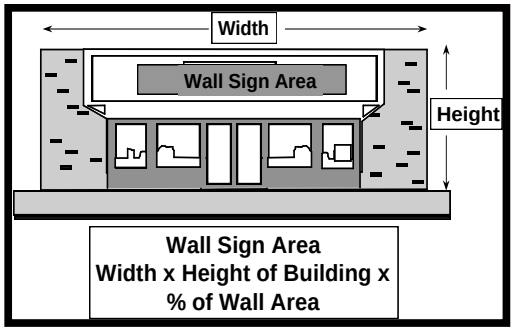


C. The height of a sign shall be measured as the vertical distance from the highest point of the sign to the average grade between the street and the sign location. The grade may not be increased in height in order to increase overall sign height.

D. For buildings with multiple tenants, the sign areas for wall signs, marquee signs and awning signs shall be determined by taking that portion of the front wall of the building, applicable to each tenant space, and computing sign requirements for that portion of the total wall. In the case of a corner lot, the wall area adjacent to the tenant space on the second street frontage shall be used to calculate the sign area for a second wall sign or awning sign. Each sign shall be attached to the same wall which is used to determine its size.



16.08 SPECIFIC SIGN REGULATIONS

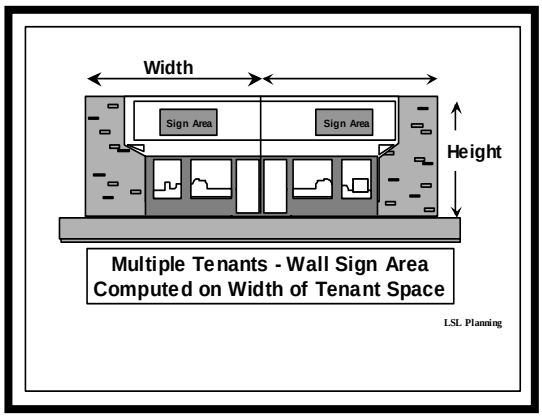


A. Reader Boards: A ground, wall or freestanding sign may include a reader board; subject to the following:

1. In a residential district, a reader board is permitted only on ground or pylon signs accessory to permitted non-residential uses.

2. No more than fifty percent (50%) of the total sign area may be dedicated to the reader board.

3. A reader board may include an electronically changeable message display, provided that each display is static and shall not change more often than once every three (3) seconds.



B. Except for a ground sign, 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.

C. Wall signs: No wall sign shall extend beyond the edge of the wall to which it is affixed, nor extend above the roof line of a building.

D. Awning and canopy signs: The area of an awning or canopy sign shall be included in the allowed area for wall signs on the same premises.

E. Construction signs are permitted within any zone district, subject to the following restrictions:

1. Two (2) signs may be placed on the lot where the construction is taking place, each of which shall be no larger than sixteen (16) square feet in area, and not exceed eight (8) feet in height. In a case where two (2) or more firms utilize a sign, the sign shall be no larger than twenty-four (24) square feet in area, and not exceed eight (8) feet in height.

2. Construction signs shall not be erected until the project which is the subject of the proposed sign and construction activity has begun.

3. Signs must be setback at least fifteen (15) feet from the front property line.

4. Construction signs shall be removed within fifteen (15) days of the issuance of any Occupancy Permit for the building or completion of the project which is the subject of the construction sign.

F. Special event signs, are permitted in any zone district, subject to the following restrictions:

1. No more than five (5) such signs shall be displayed for each special event, of which no more than one (1) may be a portable sign. For the purposes of this paragraph, any straight line section of string lights, pennants or flags shall be considered one (1) sign. All signs shall be located on the lot on which the special event is held, except for banner or temporary signs, which may be located off the premises.

2. Portable, banner and temporary signs shall have a total maximum size of thirty-two (32) square feet in area, and a maximum height of seven (7) feet and shall be set back from any side or rear property line a minimum of fifteen (15) feet.

3. The display of such signs shall be limited to the twenty-one (21) days immediately preceding the special event which is being advertised.

4. Such signs shall be removed within forty-eight (48) hours of the conclusion of the special event which is being advertised.

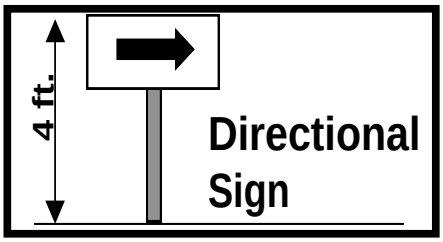
G. Directional signs are permitted subject to the following restrictions:

1. Directional signs shall be limited to traffic control functions.

2. A directional sign may contain a logo of an on-premise establishment, but no other advertising copy.

3. No such sign shall exceed six (6) square feet in area or four (4) feet in height.

4. A permit shall not be required.



H. Garage and estate sale signs are permitted subject to the following restrictions:

1. Two (2) signs per lot or parcel is permitted, located on the lot or parcel on which such sale is being conducted, or on any other lot or parcel with the written permission of the property owner, and erected outside of any public street right-of-way.

2. Such sign shall not exceed six (6) square feet in area.

3. Such sign shall be erected no more than seven (7) days prior to the day(s) of the sale and shall be removed within one (1) day after the completion of the sale.

4. A permit shall not be required.

I. Incidental signs pertaining to an allowed activity being conducted on the premises are permitted in any district, subject to the following restrictions:

1. No individual sign shall exceed two (2) square feet in area.

2. Only those signs which, in the opinion of the Zoning Administrator, are necessary to indicate entrances, exits, safety precautions, including identifying logos without text, and other such incidental language shall be permitted.

3. A permit shall not be required.

J. Signs Accessory to Gasoline Service Stations

1. Directional signs or lettering over entrance doors or service bays may only display the type of service taking place in such bay.

2. Customary lettering on or other insignia which are a structural part of a gasoline pump, and any other insignia required by law. If illuminated, such signs shall be non-flashing and shall not in any manner constitute a traffic hazard.

16.09 SCHEDULES OF SIGN REGULATIONS (amended 12-4-13, 1-28-15, 2-10-16))

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

R-1, R-2, R-3, MHP, LD. RTD RESIDENTIAL ZONING DISTRICT - PERMITTED SIGNS	
Wall or ground signs for home occupations	
Number	One (1) per lot or parcel.
Size	No greater than four (4) square feet. (amended 2-10-16)
Location	On wall of building facing street or on ground five (5) feet back from ROW edge. (amended 2-10-16)
Other	Home occupation signs may not be illuminated. A permit is not required.

R-1, R-2, R-3, MHP, LD. RTD RESIDENTIAL ZONING DISTRICT - PERMITTED SIGNS	
Political signs	
Number	One (1) per issue or candidate.
Size	No greater than six (6) square feet.
Location	a) Front right-of-way line: Minimum of five (5) feet setback . b) Side or rear property line: Minimum of ten (10) feet setback.
Height	No higher than five (5) feet.
Other	A permit is not required.
Real estate signs	
Number	One (1) per street frontage. [1]
Size	No greater than six (6) square feet for lots or parcels under one (1) acre; sixteen (16) square feet for lots or parcels over one (1) acre.
Location	a) Front right-of-way line: Minimum of five (5) feet setback. b) Side or rear property line: Minimum of ten (10) feet setback.
Height	No higher than five (5) feet
Other	Shall be removed no more than 7 days after the property is sold or leased. A permit is not required.
Note: [1]	For lots or parcels possessing three hundred (300) feet or more of road frontage, one (1) sign shall be permitted per each three hundred (300) feet of frontage, or fraction thereof over one quarter (1/4).
Ground signs for subdivisions and public, institutional, or other non-residential uses.	
Number	One (1) per street frontage.
Size	No greater than sixty (60) square feet.
Location	a) Front right-of-way line: Minimum of fifteen (15) feet setback. b) Side or rear property line: Minimum of ten (10) feet setback.
Height	No higher than six (6) feet.
Temporary Signs	
Number	Two (2)
Size	No greater that four (4) square feet
Location	Minimum of five (5) feet from front lot line and fifteen (15) feet from any side or rear lot line.
Height	No higher than four (4) feet
Duration	Shall not be displayed for more than 60 cumulative days within a calendar year
Other	A permit is not required

C-1 Commercial District, I-1 Industrial District - PERMITTED SIGNS	
Ground signs	
Number	One (1) per lot or parcel, except that only one (1) ground sign or one (1) freestanding sign shall be permitted per lot or parcel.
Size	No greater than sixty (60) square feet.
Location	a) Front: Edge of right-of-way line: b) Side or rear property line: Minimum of ten (10) feet setback.
Height	No higher than six (6) feet.
Marquee Sign (adopted 1-28-15)	
Number	One (1) per street frontage only.
Size	Each side of the marquee sign shall not exceed one-half (1/2) the square footage allowed for a wall sign.
Location	On wall of building which is used to calculate its area.
Height	No higher than four (4) feet.
Notes	Not to exceed three (3) feet from exterior wall. Ten (10) feet minimum clear space. May be illuminated (internally or externally).
Wall signs (including Awning and Canopy Signs)	
Number	One (1) per street frontage.
Size	Maximum 1.5 square feet per linear foot of the width of wall fronting the public street
Location	On wall of building which is used to calculate its area.

Political signs	
Number	One (1) per issue or candidate.
Size	No greater than sixteen (16) square feet.
Location	a) Front: Edge of right-of-way line: b) Side or rear property line: Minimum of ten (10) feet setback.
Height	No higher than five (5) feet.
Other	A permit is not required.
Real estate signs	
Number	One (1) per street frontage of a lot or parcel.
Size	No greater than six (6) square feet for lots or parcels under one (1) acre; sixteen (16) square feet for lots or parcels over one (1) acre. [1]

Location	a) Front: Edge of right-of-way line: b) Side or rear property line: Minimum of ten (10) feet setback.
Height	No higher than five (5) feet.
Other	A permit is not required
Note: [1]	For lots or parcels possessing three hundred (300) feet or more of road frontage, one (1) sign shall be permitted per each three hundred (300) feet of frontage or fraction thereof over one quarter (1/4).
Pylon signs	
Number	One (1) per lot or parcel, except that only one (1) ground sign or one (1) pylon sign shall be permitted per lot or parcel.
Size	No greater than sixty (60) square feet. [1]
Location	a) Front: Edge of right-of-way line: [1] b) Side or rear property line: Minimum of ten (10) feet setback.
Height	No higher than twenty-five (25) feet.
Note [1]: Sign size may be increased 2 square feet for each additional front setback foot up to a maximum of 150 square feet. Signs located at a distance greater than 25 feet from the front setback line do not have to maintain an 8 foot clearance distance under the sign. [2]: No part of the sign shall overhang into the ROW. (amended 2-10-2016)	
Temporary Signs	
Number	Two (2)
Size	No greater that twenty four (24) square feet (amended 12-4-13)
Location	Minimum of five (5) feet from front lot line and fifteen (15) feet from any side or rear lot line.
Height	No higher than four (4) feet
Duration	Shall not be displayed for more than 30 cumulative days within a calendar year
Other	A permit is required.
Projecting Sign (Adopted 2-10-2016)	
Number	One (1) per street frontage
Size	Each side of the projecting sign shall not exceed one-half (1/2) the square footage allowed for a wall sign.
Location	On wall of building which is used to calculate its area.
Height	No more than six (6) feet.
Notes	Note to exceed six (6) feet from exterior wall. Ten (10) feet minimum clear space. May be illuminated (internally or externally)

Article XVII. Site Plan Review

17.01 DESCRIPTION AND PURPOSE

It is the purpose of this Ordinance to require site plan approval for buildings, structures, and uses that can be expected to have a significant impact on natural resources, traffic patterns, adjacent parcels and land uses, and on the character of future development. It is further the purpose of this Ordinance to achieve, through site plan review, safe and convenient traffic movement, both within a site and in relation to access streets; harmonious relationships of buildings, structures, and uses, both within a site and with adjacent sites; and to conserve natural features and resources. It is further the intent of this Ordinance to delegate certain aspects of site plan review authority to the Zoning Administrator, the Planning Commission, and the Township Board, within the standards and requirements set forth in this Ordinance.

17.02 USES REQUIRING SITE PLAN APPROVAL

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

A. Final Site Plan Approval by the Zoning Administrator:

1. All buildings, structures, and uses not subject to site plan approval by the Planning Commission or Township Board. Pursuant to site plans approved by the Zoning Administrator, said Administrator may, at his/her discretion, waive any of the site plan elements required by Section 17.03, provided, however, the resultant plan shall be of sufficient detail to ensure compliance with the provisions of this Ordinance.
2. Land divisions and lot splits.

B. Final Site Plan Approval by the Planning Commission:

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

1. All special land uses, provided that site plan approval shall be in the form of a recommendation to the Township Board, wherein the Township Board shall exercise final review and approval authority as provided for by this Ordinance.
2. All commercial and industrial uses.
3. Earth moving activities.
4. Parking areas containing twenty (20) or more parking spaces.
5. Parks and recreational areas.
6. Platted subdivisions and condominiums, provided that site plan approval shall be in the form of a recommendation to the Township Board, wherein the Township Board shall exercise final review and approval authority as provided for by this Ordinance.
7. Private roads.
8. Other uses as provided for in this Ordinance.

C. Final Site Plan Approval by the Township Board:

1. Platted subdivisions and condominiums.
2. Special Land Uses and Planned Unit Developments (PUDs)

17.03 SITE PLAN REQUIREMENTS

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

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

3 acres or less	one inch = 20 feet
3 to 10 acres	one inch = 50 feet
10 acres or more	one inch = 100 feet

B. Site Plan Sheet Size - All drawings must be submitted on a twenty-four inch by thirty-six inch (24 in. x 36 in.) sheet size.

C. Legal Descriptions, Parcel Identification Number, and Dimensioning - The legal description of the subject parcel and Parcel Identification Number (e.g.; property description number used for tax assessment purposes). All lot and/or property lines are to be shown and dimensioned, including required setbacks. Legal descriptions shall be provided for all newly created lots or parcels. In the event the project will comprise a portion of an existing parcel, the boundaries of said existing parcel shall be detailed on the site plan.

D. Drives, Sidewalks, Curbs, Signs, Lighting, Parking and Loading, Recreation and Common Areas - The location and dimensions of all existing drives, sidewalks, curb openings, signs, exterior lighting, curbing, parking areas (with dimensions of a typical parking space), unloading areas, recreation areas, common use areas, and areas which have been conveyed for public use and purpose.

E. Abutting Roads, Streets, Alleys, and Easements - The location and pavement width and right-of-way width of all abutting roads, streets, alleys, and easements.

F. Plan Preparer - The name and firm address of the individual responsible for the preparation of the site plan.

G. Property Owner and Applicant - The name and address of the property owner and applicant.

H. Regional Location Sketch - Provide a location sketch drawn to scale showing the relationship of the proposed use to the area and major landmarks within one-half mile.

I. Utilities and Infrastructure - Size and location of all existing utilities, including utility poles, drainage, telephone, electric, water, sewer, gas, etc. Proposed connections to public sewer or water supply systems.

J. Properties within Three Hundred (300) Feet - The site plan shall depict existing plats, buildings, ownership, and zoning of properties within three hundred feet (300 ft.) Of the subject property boundaries. Ownership of land and buildings within the three hundred feet (300 ft.) distance shall be provided.

K. Contour Intervals - Topography at contour intervals of not less than two feet (2 ft.).

For multiple-family and mobile home developments, contour intervals shall be shown as follows:

AVERAGE SLOPE OF SITE	REQUIRED CONTOUR INTERVAL
Zero (0) to Ten (10) Percent	Two (2) Feet Contour Interval
Over Ten (10) Percent	Five (5) Feet Contour Interval

L. Proposed Site Development - Proposed building sites and lots with dimensions; parking areas including landscaping and drives; streets and street right-of-way widths; setback lines; distances between buildings and lot lines; location of sewers and water mains; permanent open spaces; types, size, and locations of dwellings to be erected (single-family, two-family, multiple-unit buildings); proposed commercial structures, if any, including parking areas and floor area devoted to business use.

M. Building Height - The height of all existing and proposed buildings and structures shall be shown.

N. Land Use Schedule, Site Coverage, Open Space, Public Areas, Etc. - A proposed schedule of land area by use category, building ground coverage, required lot area of the zoning district for each use, and proposed lot areas and preserved open space per lot for the development and areas to be conveyed for public use and purpose.

O. Architectural Sketches - Architectural sketches showing typical building features and floor areas.

P. Summary Schedules and Views - Summary schedules and views should be affixed as applicable in residential developments, which give the following data:

1. The number of dwellings proposed (by type) including typical floor plans for each type of dwelling.
2. The number and location (by code if necessary) of one-bedroom units, two-bedroom units, etc.
3. The residential area of the site in acres and in square feet, including breakdowns of both measures for any subareas or staging areas (excluding all existing rights-of-way), and also indicate total square footage of rights-of-way for each subarea or staging area.
4. Typical elevation views of the front and side of each type of building.
5. Estimated construction dates (start and completion dates). Construction phasing, if proposed, shall be fully detailed indicating the sequence, timing, number and type of units, and related elements of each phase.

Q. Surface Water Drainage Facilities - The location and size of all surface water drainage facilities.

R. Soil and Ground Water Detail - Adequate information concerning soils, groundwater, water table, and the impact of the proposed activities on each.

S. Other Agency Reviews, Regulation, and Approvals - The applicant shall ensure and be able to demonstrate, to the satisfaction of the township, that all necessary reviews and approvals of other local, county, state, and federal agencies and associated regulations are satisfactorily met, complied with, and completed.

T. Landscaping - The location of all proposed landscaping and the location, height, and types of fences and walls. See Article 18 – Landscaping, Buffering, Walls and Fences. (amended 6/18/01)

U. Additional Plan Detail - Such additional information as the Planning Commission may deem necessary in order to determine the impact of the proposed use on the public health, safety, and the general welfare.

17.04 REVIEW PROCEDURE

Ten copies of the proposed site plan shall be submitted to the Zoning Administrator. The Zoning Administrator shall keep one (1) copy of the proposed site plan and deliver nine (9) copies of the proposed site plan to the secretary of the Township Planning Commission. The Planning Commission shall study the site plan and, within sixty (60) days of its submittal to the Zoning Administrator, shall either approve or disapprove the proposed site plan. If the site plan is disapproved, the reasons for the disapproval shall be stated. Upon approval of a site plan, three (3) copies of the site plan, as finally approved, shall be signed and dated by the chairperson of the Township Planning Commission. Two (2) copies of the signed site plan shall be filed with the Township records and the other copy shall be returned to the applicant. (amended 5/20/99)

17.05 STANDARDS FOR SITE PLAN REVIEW

In conducting a site plan review, it shall be determined whether the applicant has established that the site plan is consistent with this Ordinance, the adopted plan of the township, and:

A. That the movement of vehicular and pedestrian traffic within the site and in relation to access streets will be safe and convenient.

B. That the site plan is harmonious with and not injurious or objectionable to existing and projected future uses in the immediate area.

C. That the site plan shows the use will be adequately served by necessary improvements, including but not limited to sewage collection and treatment, potable water supply, storm drainage, lighting, roads, and parking.

D. That the site plan is adequate to provide for the health, safety, and general welfare of the persons and property on the site and in the neighboring community.

17.06 SITE PLAN CERTIFICATION

A. Three (3) copies of an approved site plan shall be signed and dated by the Chairperson of the Planning Commission, or the Township Clerk in cases where the Township Board is responsible for final site plan approval, and the applicant.

B. The Planning Commission Chairperson, or the Township Clerk in cases where the Township Board is responsible for final site plan approval, shall not sign the approved site plan until the applicant has submitted three (3) copies of all permits that may be required by the county or the state for the construction of the use. These shall include, but are not limited to, permits for onsite wastewater disposal, and permits required under the Soil Erosion and Sedimentation Act, Act 347 of the P.A. of 1972, and the Inland Lakes and Streams Act, Act 346 of the P.A. of 1972.

C. Site Plan approval shall be valid for a one (1) year period from the date of the original application. If no construction has taken place or if no substantial steps have been taken to begin construction within the one (1) year period the approval shall be null and void. (amended 1/21/02)

17.07 REGULATIONS

A. No grading, land filling, or construction of improvements shall commence for any development that requires a site plan approval until said approval has been properly secured.

B. Existing mature trees shall be retained and incorporated into the project design where feasible. Removal of mature trees of twelve inch (12 in.) caliper or greater will be discouraged.

C. The Zoning Administrator shall not issue a Zoning Permit for any use requiring site plan approval until an approved site plan has been signed by Chairperson of the Planning Commission, or the Township Clerk in cases where the Township Board is responsible for final site plan approval.

D. Natural vegetation shall be maintained wherever possible. If the removal of vegetation is required, reestablishment of a compatible plant material shall be encouraged.

E. Natural drainage courses shall be protected from grading activity.

F. Where known, groundwater flow patterns shall not be interrupted.

G. Slopes created by the grading of the site should generally not exceed a slope ratio of one foot (1 ft.) of vertical slope to three feet (3 ft.) of horizontal distance. All slopes shall be properly stabilized to prevent erosion and destruction of the natural vegetation.

Article XVIII. Landscaping, Buffering, Walls, and Fences

18.01 WALLS AND FENCES (See also 2.07 & 4.08)

A. Front Yard: Unless specifically authorized elsewhere in this Ordinance, no fence, wall or screen located within the front setback of any zoning district shall be in excess of twenty-five percent (25%) solid or impervious nor exceed the following height limitations:

BROOKS TOWNSHIP FENCE, WALL, AND SCREEN - HEIGHT LIMITATIONS	
District	Height Limit
Residential	4 ft. in the required front setback or across waterfront setback and 6ft. behind the required front or waterfront setbacks.
Commercial	8ft.-behind the required front setback
Industrial	8ft.-behind the required front setback

B. Placement:

1. Fences shall not be located within thirty feet (30 ft.) of the normal high water mark of a lake.
2. Stockade fence or walls within the required front yard setback or across the street or waterfront frontage of the lot shall not exceed three (3) feet.
3. In the RTO district fences shall be setback fifty feet (50) from the high water bank and a minimum distance of ten feet (10) from the bank.

C. Fence Height: Fence height shall be measured from the finished grade (elevation) of the ground immediately below the location of the fence.

D. Use of a Berm or Retaining Wall to Increase Fence Height - Prohibited: A fence may be erected on a retaining wall or berm, provided, however, the combined height of the retaining wall or berm and fence shall not exceed the total allowable fence height as referenced under Item A above.

E. Public Right-of-Way Encroachment - Prohibited: No fence, wall or screen shall be erected within any public right-of-way unless such placement is determined by the Township Board to be necessary for the public health, safety, or welfare. In permitting the placement of a fence within the public right-of-way, the Township Board may establish conditions for said placement as determined necessary and appropriate.

F. Clear Vision Area: No fence, wall, screen or planting material shall be erected or maintained in such a way as to obstruct the vision of motorists within the triangular area formed by the intersection of the street right-of-way lines and a line connecting two points located on those intersection right-of-way lines thirty feet (30 ft.) from the point of intersection with the right-of-way lines. Alley/street intersections shall comply with the above standards, provided however, the dimensional factor shall be ten feet (10 ft.) from the point of intersection with the right-of-way lines. [Refer to Definitions “C” for Clear Vision Illustration.]

G. Driveway Obstruction Prohibited: No fence or vegetation shall be erected or maintained on any parcel that will, in the opinion of the Zoning Administrator, obstruct the view of a vehicle approaching the road or obstruct the view of a motorist exiting a driveway.

H. Fencing Gaps: Walls and fences required by the township for reasons of security and/or screening, or similar purposes, shall have no openings or discontinuances (e.g., gaps or other non-secured breaks) except as may be approved by the Planning Commission.

I. Construction Material: Walls and fences shall be constructed of durable, weather-resistant, rustproof, and easily maintained materials customarily used in the construction of walls and fences, provided however, this provision shall not preclude the use of decorative architectural materials when consistent with the intent of this section, the character of the area in which the fence is to be placed, and as approved by the Planning Commission.

J. Fence Posts/Supports: All fences shall be erected with fence posts and supports on the interior side.

K. Razor wire and agricultural fencing: No person shall place, string or maintain razor wire as part of any fence, wall or structure in any zoning district of the Township. Chicken wire and barbed wire shall be prohibited in the LO District. Agricultural fencing shall be prohibited for lot-line fencing in the LO District and in the RTO District on lots of under ten thousand (10,000) square feet.

L. Maintenance: Fences shall be installed in a workmanlike manner and be maintained at all times in a state of good repair, with all braces, fasteners, supporting frames, etc., free from deterioration, insect infestation, rot, and rust. All fences shall be kept neatly finished, including all metal parts and supports that are not galvanized or made of rust-resistant metals.

M. Use of Landscape as Desired Alternative to Walls and Fences: The use of natural vegetation such as deciduous and coniferous trees, decorative bushes and evergreens, and other types of plantings are encouraged in place of walls and fences or in combination with walls and fences.

N. Fence on Property Line: Fences may be located on the property line but may not extend into any right-of-way or onto adjacent property.

O. Fences for Swimming Pools: All swimming pools shall be provided with a fence and self-locking gate. The fence and gate shall be no less than forty-eight inches (48 in.) In height, provided, however, more stringent requirements may be imposed by the Zoning Administrator if determined necessary for public safety.

P. Garden Fences: A garden fence may be erected around a garden to protect the vegetables from marauding animals. A garden fence may not exceed eight (8) feet in height, must be a least ninety (90%) percent see-through, may not be used as a property divider, must meet standards I and L as stated above. (amended 12-4-13)

Q. Permit Required: The placement of a fence requires a Zoning Compliance Permit approved by the Zoning Administrator. The Zoning Administrator may require the proposed location of the fence or wall be staked based on a land survey prior to issuing zoning approval. Seasonal snow fence may be used without a permit from October through April. (amended 5/16/05)

18.02 REQUIRED SCREENING

A. General Screening Requirements: All uses listed below shall be screened as required in this Ordinance. Screening may consist of decorative walls and fences, vegetation, berms, or a combination of any of these as approved or required by the Planning Commission.

1. Off-street parking lots associated with multiple-family, institutional, commercial, and industrial uses.
2. Loading and unloading areas.
3. Trash and refuse storage areas.
4. Compost facilities.
5. Outdoor storage yards of commercial and industrial uses.
6. Outdoor processing operations and yards of mining and other industrial operations.
7. Communication towers.
8. Special land uses which have been conditioned by the provision of screening requirements.
9. Variances issued by the Zoning Board of Appeals which have been conditioned by the provision of screening requirements.
10. All other uses specifically identified as having to meet the screening requirements of this Ordinance.

B. Screening Standards - Vegetation and Berms:

1. Trees

   a. Trees shall be comprised of one or more species of upright conifers or deciduous trees.
   b. Conifers shall be planted fifteen feet (15 ft.) on center. Deciduous trees shall be planted twenty-five feet (25 ft.) on center. Trees may have up to 30-degree spacing. The Planning Commission may require a combination of multiple rows and/or the planting of both varieties if necessary to achieve desired visual effects.
   c. Conifers shall not be less than three feet (3 ft.) in height at the time of planting (as measured from the top of the root ball to the mid-point of the leader branch). Deciduous trees shall not be less than one and one-half (1 ½) inch in caliper as measured at a point four feet (4 ft.) from the top of the root ball.
   d. Existing trees that comply with the standards of this Ordinance may be credited towards meeting the screening requirements.
   e. All tree planting shall be maintained in a neat and attractive manner commensurate with the adjoining areas and applicable approvals and shall maintain their density and screening effect throughout the calendar year.

2. Shrubs and Evergreens

   a. Vegetation shall be comprised of one or more species of evergreen and/or deciduous plants.
   b. Shrubs and evergreens shall be planted seven feet (7 ft.) to ten feet (10 ft.) on center and may have varied spacing arrangement to accommodate the planting area and desired visual effect.
   c. All plants shall be no less than one (1) gallon container size at the time of planting.
   d. Existing plant material that complies with the standards of this Ordinance may be credited towards meeting the landscape requirements.

3. Berms

a. Shall be at least three feet (3 ft.) in height, constructed with one foot (1 ft.) rise for each three feet (3 ft.) of horizontal run (distance). The Planning Commission may increase the required berm height if determined necessary to secure appropriate visual buffering. Similarly, the Planning Commission may restrict berm height if determined necessary to secure desired views, promote public safety, and/or achieve visual compatibility with the surrounding area.

b. Shall be seeded with perennial rye and an appropriate grass seed and shall be covered with an organic mulch, or may be sodded to achieve an immediate grass cover.

c. Shall be landscaped with shrubbery and trees to enhance the screening effect and aesthetic appearance of the berm. At least fifty percent (50%) of the shrubbery and trees applied to berms located along the perimeter of lot lines shall be placed on the exterior side.

4. Vegetation shall:

a. Consist of varieties capable of withstanding the climatic conditions of the area.

b. Be properly irrigated. Automatic irrigation shall be required for landscaped areas unless it can be demonstrated that the plan species used is capable of withstanding periods of drought common to the area.

c. Be maintained in a healthy, growing condition. Any required vegetation that is destroyed, removed, diseased, or dies shall be replaced within six (6) months (or the next growing season if the six-month period falls within a non-growing season period) with vegetation that meets the landscape requirements as originally approved. Failure to maintain required vegetation in such a manner, including the removal and replacement of dead or diseased plant materials, shall constitute a violation of this Ordinance.

18.03 SCREENING STANDARDS - VIEW BLOCKAGE

Unless specifically stated to the contrary, screening standards (e.g., views to be filtered or blocked) are based on horizontal views achieved from pedestrian level heights (e.g., approximately 4'6" to 6'6').

18.04 SCREENING STANDARDS - SPECIFIC USES

A. Off-street Parking Lots: Landscaping for off-street parking lots shall be provided in accordance with the following general design standards.

1. Landscape shall be placed along the perimeter of the proposed lot and shall be designed and arranged to mitigate the visual impact of large expanses of pavement and to achieve greater compatibility with surrounding land uses. Perimeter berming of parking lots shall be encouraged and may be required by the Planning Commission.
2. Landscaping shall be dispersed through-out the parking lot, provided, however, the heaviest concentrations shall be located along public rights-of way and between adjoining properties.
3. All landscaped beds which abut a parking lot, or any landscaped area which is internal to a parking lot shall be protected with continuous concrete curbing or similar structure or feature.
4. Trees shall be installed in such a manner that shading of parked vehicles is maximized.

5. Landscaping shall be arranged so as not to jeopardize security and surveillance.
6. Landscaping internal to the parking lot shall be provided based on the following formula:

BROOKS TOWNSHIP PORTION OF LOT TO BE LANDSCAPED	
Spaces	% of Lot
20 or less	None required
21 to 100	5% of parking lot
101 or more	8% of parking lot

Internal landscaping may be placed in boulevards, parking isles, landscape clusters, or similar feature and shall consist of trees and/or shrubs and evergreens, with necessary ground cover.

B. Loading and Unloading Areas: Loading and unloading areas shall be designed and placed on the site such that they are fully shielded from off-site visual access. In situations where loading and unloading areas must be positioned resulting in their view from off-site, landscaping and/or decorative fencing shall be provided between the loading/unloading area and said off-site view. The landscaping and/or decorative fencing shall be sufficient to filter at least fifty percent (50%) of the view of the loading/unloading area.

C. Trash and Refuse Storage Areas (Dumpsters): Shall be screened according to the following requirements:

1. Trash, garbage, and refuse storage and receiving areas are required to be screened from view. Screening walls or fences for these purposes shall be a minimum of four feet six inches (4'6") or greater in height so as to completely screen the storage area from view.
2. Screening walls shall have no openings except for gates or doors intended to access said area. Said gates and doors shall be fully secured except during those periods at which the area is being loaded or cleared.
3. Screening materials, including gate material, shall be fully compatible with the character of the surrounding area.
4. The Planning Commission may waive or modify these requirements where cause can be shown that no good purpose would be served, provided that in no instance shall a required wall be permitted to be less than four feet six inches in height (4'6").

D. Outdoor Storage Yards of Commercial and Industrial Uses, Outdoor Processing Operations, Yards of Mining and Other Industrial Operations, Compost Operations: Shall be screened according to the following requirements:

1. Yards facing residential districts shall incorporate a solid wall fence and vegetative screen. The fence may be of an open weave, chain link, variety, provided the vegetative screen is located on the exterior side of the fence and is of sufficient density and opacity to provide the same, or better, screening effect as that of a solid fence.
2. All other yards shall be provided with a combination fence and vegetative screen of sufficient density and opacity to reduce the views of the materials being stored, processed, etc., by approximately fifty percent (50%).

E. Special Land Uses, Variance Conditions, and Other Uses Subject to Screening Requirements: The Township Board, the Planning Commission, and the Zoning Board of Appeals may require the placement of fencing and screening which they determine necessary to mitigate identified impacts associated with a proposed use, to achieve neighborhood compatibility, to achieve security, and to promote the public health, safety, and welfare.

18.05 INCREASE IN SCREENING STANDARDS

The Township Board, the Planning Commission, and the Zoning Board of Appeals shall have the right to require screening which is more stringent than the above when it is determined that greater standards are necessary to protect the public health, safety, and welfare. This right shall be interpreted to mean the placement of fencing, including decorative fencing or solid wall fencing, and placement of landscape consisting of vegetative varieties at sizes and densities necessary to achieve the desire effect.

18.06 PERFORMANCE GUARANTEE (see 3.17a)

A performance guarantee, as described in this Ordinance, may be required and employed if the required screening improvements are not completed within twelve (12) months after issuance of a Certificate of Occupancy, or similar use approval, associated with the principal use of the parcel.

Article XIX. Nonconforming Uses, Lots, or Structures

19.01 CONTINUANCE OF NONCONFORMING USE, LOT, OR STRUCTURE

The lawful use of any land or structure, exactly as such existed at the time of the enactment of this Ordinance, may be continued even though such use, lot, or structure does not conform with the provisions of this Ordinance. Structures, lots, or uses nonconforming by reason of size, height, yards, or parking provisions may be extended, altered, or modernized provided that no greater violation of the height, yards, area, or parking provisions are occasioned thereby.

19.02 UNLAWFUL USE NOT AUTHORIZED

Nothing in this Ordinance shall be interpreted as authorization for or approval of the continuance of the use of land or structures in violation of regulations in effect immediately prior to the date of this Ordinance.

19.03 CHANGE OF NONCONFORMING USE

The use of a nonconforming principal structure may be changed to another nonconforming use if such new use would markedly decrease the degree of nonconformance and would enhance the desirability of adjacent conforming uses. This shall not be construed to permit the conversion of a nonconforming use to a prior nonconforming use nor to waive the other provisions of this Article.

19.04 RESTORATION, REPAIRS AND RENOVATIONS OF EXISTING STRUCTURES
(amended 6/18/01, 12/8/03, 5/12/12)

A. RESIDENTIAL DWELLINGS AND USES.

Such repairs and maintenance work as are required to keep a structure containing a nonconforming use or a nonconforming building or structure in sound condition may be made. Nonconforming structures that are nonconforming by virtue of lot size and/or set back requirements may be restored, repaired or renovated in accordance with the following regulations.

Any nonconforming structure shall be permitted to expand in accordance with the following conditions, however, expansion of accessory structures is limited to those accessory structures that are not located within the required front yard setback area of a parcel. In the LD and the RTD zoning districts the water side of a parcel is the front yard. (see diagram 1 and 2)

1. Dwellings with previously existing setback encroachments may be renovated or restored with previously existing dimensions or with expanded dimensions up to a total of 12’ as long as the setback encroachments from the road right of way are not increased, and as long as other set back encroachments are not increased (diagram 3)
2. Dwellings with previously existing setback encroachments may be renovated, or restored with expanded dimensions over 12’ and up to a total of 24’ as long the expansion is at least 12’ from the road right of way, and as long as other set back encroachments are not increased (diagram 4)
3. If the renovation or restoration extends the structure more than 24’ a minimum setback in Lakefront or River Tributary Districts of eight feet (8 ft.) must be maintained in all side yards and all other setbacks must be maintained in accordance with this Ordinance.

4. In all other zoning districts if the renovation or restoration extends the structure more than 24' all setbacks must be maintained in accordance with this ordinance. (diagram 5) (amended 3/18/08)
5. There must be no existing structural encroachments onto adjacent properties.
6. Dwellings must meet all dimensional requirements required of all other dwellings in the zoning district, such as living area or minimum width.

    a. Expansion of the existing height of a structure up to the maximum height permitted in the zoning district shall be permitted, however, expansion of the existing height of an accessory building shall be limited to those accessory structures that are not located within the required front yard setback of a parcel, in the LD and the RTD zoning districts the water side of a parcel is the front yard.

7. All other district requirements and general provisions must be met, to include accessory building to dwelling ratio (3.02b(h)); and lot coverage percentage established for each zoning district.
8. Within the LD and RTD zoning districts only, any restoration, or repair that results in a change of the existing grade or change in the natural storm water drainage pattern of the parcel must provide a storm water collection/drainage plan to the County Road Commission and the County Drain Commissioner for review and recommendation regarding storm water management and control. Recommendations of the County Road Commission and the County Drain Commissioner must be documented to obtain zoning approval. Non-compliance with the recommendations of the County Road Commission and the County Drain Commissioner regarding storm water management and control will be a violation of this section 19.04 and will be punishable as a Municipal Civil Infraction as set forth in Section 21.10

Diagram 1

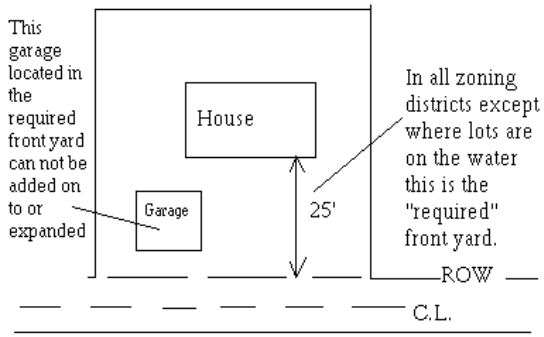


Diagram 2

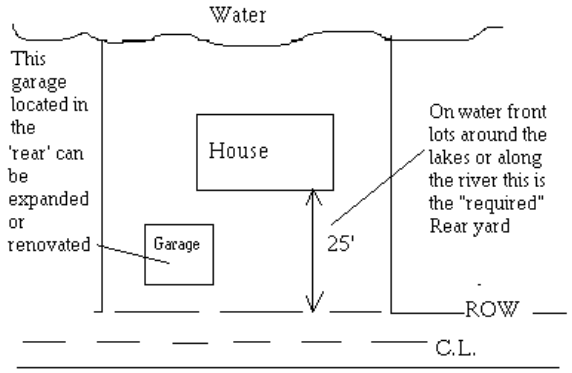


Diagram 3

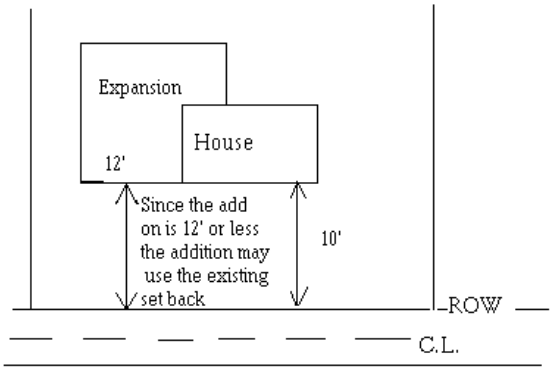


Diagram 4

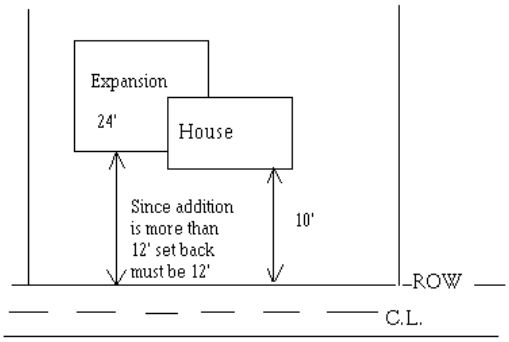
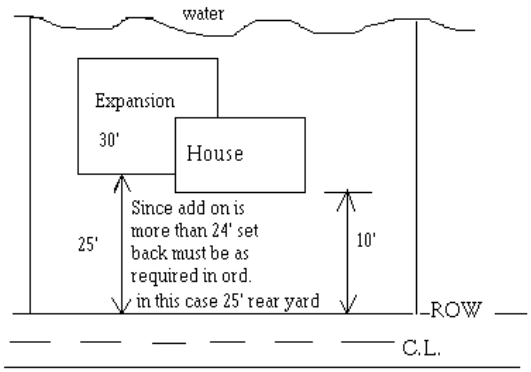


Diagram 5



B. COMMERCIAL OR INDUSTRIAL USES

Such repairs and maintenance work as are required to keep a nonconforming commercial or industrial building in sound condition may be made. If the nonconforming commercial or industrial structure is nonconforming by virtue of lot size and/or setback requirements, renovations may be permitted.

If a nonconforming commercial or industrial structure is damaged or destroyed to the extent of sixty (60) percent or more as determined by the Zoning Administrator, it shall be deemed to have lost its nonconforming status. Its reconstruction shall be in accordance with this Ordinance. A nonconforming commercial or industrial structure damaged to a lesser extent must be brought as close to compliance as possible subject to review and approval by the Zoning Administrator. Rebuilding and renovation must be completed within a period of one (1) year of the time of such damage or construction. Setbacks, if nonconforming may not become more nonconforming.

19.05 NONCONFORMING DUE TO RECLASSIFICATION

The provisions of this Ordinance shall apply to structures, lots, or uses which become nonconforming due to any reclassification of districts or any subsequent change in the regulations of this Ordinance.

19.06 NONCONFORMING USE DISCONTINUED

No building or premises where a nonconforming use has ceased for more than twelve (12) months shall be devoted to a use other than that allowed. Maintenance of electrical service, public utilities, postal service, and other related services shall not, in and of themselves, be deemed to imply that a non-conforming use shall continue.

19.07 NONCONFORMING SIGNS AND BILLBOARDS

Nonconforming signs and billboards may be maintained until such time as the sign structure, frame, or supports must be replaced, renovated, altered, or moved. At such time the sign shall comply with all provisions of this Ordinance. This shall not be construed to prohibit the relettering or repainting of a sign or billboard.

19.08 NONCONFORMING LOTS OF RECORD

A. Where the setbacks cannot be met on the nonconforming lot, the owner may request variances from the Zoning Board of Appeals, in accordance with the provisions of Article 20 of this Ordinance. In addition to the standards of Article 20, the Zoning Board of Appeals shall find that:

1. There is no practical possibility of obtaining more land.
2. The proposed building or structure cannot reasonably be located on the lot such that the minimum requirements are met.
3. The proposed building or structure will not adversely affect adjacent properties or the character of the neighborhood.

19.09 RE-CONSTRUCTION OR EXPANSION OF STRUCTURES DAMAGED OR DESTROYED

A. RESIDENTIAL DWELLINGS AND USES.

1. Residential structures that are nonconforming by virtue of lot size and/or set back requirements that are damaged or destroyed either by natural causes or voluntarily to any extent may be repaired, renovated or reconstructed in accordance with the provisions as set forth in Section 19.04, A. Rebuilding and renovation must be completed within a period of one (1) year and be completed within two (2) years of the time of such damage or destruction.

2. Reconstruction of accessory structures is limited to those accessory structures that are not located within the required front yard setback area of a parcel, in the LD and the RTD zoning districts the water side of a parcel is the front yard. (see diagram 1) (Amended 12/8/03)

3. Reconstruction of principal or accessory residential structures shall be subject to the following:

   a. There are no existing encroachments onto adjacent properties.
   b. The principal structure is a single-family detached residential dwelling.
   c. The dwelling meets all dimensional requirements required of all other dwellings in the zoning district.
   d. All other district requirements and general provisions are met.

B. RECONSTRUCTION AND CONTINUED USE OF STRUCTURES CONTAINING A NONCONFORMING SINGLE FAMILY DWELLING USE

A structure containing a nonconforming single family dwelling, or an accessory structure serving a nonconforming single family dwelling, located in a zoning district where single family dwellings are not permitted may be reconstructed and the nonconforming dwelling use may be continued, according to this subsection.

A structure damaged or destroyed either by natural causes or voluntarily to any extent may be reconstructed upon the original footprint that the structure occupied prior to the damage or destruction, subject to the following:

1. Reconstruction must be initiated within a period of one (1) year and be complete within 2 years of the time of such damage or destruction.
2. Reconstruction may only occur upon the original footprint, unless extensions or additions comply with the height, setback and lot coverage requirements of the zoning district, as listed in Section 4.08.
3. Notwithstanding the floor area, building dimensions and type of construction of the dwelling prior to the damage or destruction, the reconstructed dwelling must conform to the Dwelling Standards of Section 3.05b.
4. The reconstruction may not increase any existing nonconformity related to building height, setbacks or lot coverage, and may not create any new nonconformity.
5. If the single family dwelling structure was also nonconforming due to height, setback or lot coverage, the reconstructed dwelling may continue as a nonconforming structure subject to the requirements of this chapter, provided that if a side yard setback of the single family dwelling prior to damage or destruction was less than ten (10) feet, the reconstructed structure must maintain a minimum side yard of ten (10) feet.
6. If the reconstructed structure is an accessory structure serving a nonconforming single family dwelling, it may be reconstructed on the original footprint, provided it meets the requirements of Section 3.02b.

(amended 5/20/99, 12/8/03, 5/12/12)

Article XX. Zoning Board of Appeals

20.01 CREATION AND MEMBERSHIP

A. There is hereby created a Zoning Board of Appeals which shall perform its duties and exercise its powers and jurisdiction as provided in Zoning Act, and by certain provisions of this Ordinance to the end that the objectives of this Ordinance are observed, public safety, morals and general welfare secured and substantial justice done.

B. The Zoning Board of Appeals shall consist of five (5) members as provided in the Zoning Act. The term of each member shall be three (3) years and until a successor has been appointed and qualified. Members of the Zoning Board of Appeals who are also members of the Township Board and from 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.

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.
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 shall be disqualified from a vote in which there is a conflict of interest.

20.02 JURISDICTION

A. 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 20.04.

B. 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 Master Plan.

C. 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.

D. The Zoning Board of Appeals shall act upon all questions as may arise in the administration of this Ordinance, including the interpretation of the language of this Ordinance.

E. The Zoning Board of Appeals shall not have the authority to consider appeals of special land uses and PUDs.

20.03 PROCEDURE ON APPEAL

A. Upon all appeals from any order, requirements, decision, or determination of any administrative official or body, such appeal shall be taken within thirty (30) days by the filing with the Township Clerk 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.

B. Upon receipt of a written request seeking an interpretation of the zoning ordinance or an appeal of an administrative decision, a notice stating the time, date, and place of the public hearing 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. In addition, 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. The concurring vote of a majority of the members of the Zoning Board of Appeals shall be necessary to reverse any order, requirement, decision, or determination of any administrative official or body or to decide in favor of the appellant on any matter appealed.

20.04 STANDARDS OF REVIEW

A. Dimensional variance: A dimensional variance may be allowed by the Zoning Board of Appeals only in cases where there is reasonable evidence of practical difficulty in the official record of the hearing and that all of the following conditions are met:

1. 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 District and which would render use of the property as zoned impracticable or unnecessarily burdensome;
2. That the condition or situation of the specific piece of property for which the variance is sought is due to circumstances which are unique to the property and not of so general or recurrent a nature as to make reasonably practical the formulation of a general regulation for such conditions or situations. Unique circumstances include, but shall not be limited to, exceptional narrowness, shallowness or shape of a specific property; unusual topographic conditions or the presence of other significant natural features such as wetlands; a situation on the land, building or structure immediately adjoining the property in question such that the literal enforcement of the requirements of this Ordinance would involve practical difficulties for the subject site; and, other such factors as the Board shall deem unique.

3. 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 District and in the vicinity. The possibility of increased financial return shall not of itself be deemed sufficient to warrant a variance.
4. The variance will not be significantly detrimental to adjacent property and the surrounding neighborhood.
5. The variance will not impair the intent and purpose of this Ordinance.
6. That the immediate practical difficulty causing the need for the variance request was not created by any action of the applicant.

B. Use Variances: Use variances are prohibited.

20.05 DECISIONS OF THE ZONING BOARD OF APPEALS

A. The Zoning Board of Appeals shall render its decision upon any appeal or application submitted to it within a reasonable period of time.

B. All decisions of the Zoning Board of Appeals shall become final five (5) days after the date of entry of an order, unless the Zoning Board of Appeals shall find, and so certify on the record, that it is necessary to cause such order to have immediate effect, in order to preserve property or personal rights.

C. For each decision of the Zoning Board of Appeals, a record shall be prepared. Such record shall include, at a minimum, the following items:

1. Description of the applicant's request.
2. The Zoning Board of Appeal's motion and vote.
3. A summary or transcription of all competent material and evidence presented at hearing; and,
4. Any conditions attached to an affirmative decision.

D. The decision of the Zoning Board of Appeals shall be final. However, a person having an interest affected by the decision of the Zoning Board of Appeals may appeal to the Circuit Court. Upon appeal, the Circuit Court shall review the record in accordance with the requirements of the Zoning Act. The court may affirm, reverse, or modify the decision of the Zoning Board of Appeals, or may remand the decision to the Zoning Board of Appeals for further hearings or action.

E. The Zoning Board of Appeals may impose reasonable conditions in conjunction with approval of an appeal, variance, or any other decision which they are required to make. Conditions shall be imposed in a manner in accordance with the Zoning Act and be related to the standards by which the decision is reached.

20.06 RE-SUBMISSION

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

1. That the conditions involving 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.

20.07 STAY OF PROCEEDINGS

A. 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.

B. 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.

Article XXI. Administration and Enforcement

21.01 ADMINISTRATION

The Township Board shall designate a Zoning Administrator officer to effect proper administration of this Ordinance with terms of employment and rate of compensation established in accordance with the provisions of Act 110, P.A. 2006, as amended. For the purpose of this Ordinance, the Zoning Administrator shall have the power of a police officer.

21.02 ADMINISTRATIVE OFFICIALS

Except as otherwise provided, the Zoning Administrator shall administer and enforce this Ordinance. (Refer to the Brooks Township Ordinance Enforcement Officer Ordinance.)

21.03 DUTIES OF THE ZONING ADMINISTRATOR

The office of Zoning Administrator is hereby established. This Ordinance shall be enforced by the Zoning Administrator, who shall perform the following:

A. Day to day administrative matters associated with administration and enforcement of this Ordinance.

B. Review land use and building projects to ensure consistency with this Ordinance, provided, however, in no case shall the Zoning Administrator approve any Zoning Permit where the proposed building, alteration, or use would be in violation of any provision of this Ordinance, except under written order of the Township Board of Appeals.

C. Conduct periodic inspections of the township to ascertain that the requirements of this Ordinance are being complied with.

D. Where a drain field cannot meet existing setback requirements, the Zoning Administrator shall, with assistance from the local health department, determine the most suitable location in closest conformance with this Ordinance.

E. Other responsibilities are as specified in this Ordinance.

21.04 ZONING PERMIT REQUIRED

A. No person shall commence construction of any building or structure or make structural changes in any existing structure without first obtaining a Zoning Permit from the Zoning Administrator.

B. The Zoning Administrator shall not issue a Zoning Permit for the construction, alteration, or remodeling of any structure until an application has been submitted showing that the proposed construction complies with all of the provisions of this Ordinance.

21.05 ZONING PERMITS NOT REQUIRED

Zoning Permits are not required for buildings of two hundred square feet (200 sq. ft.) or less or for farm buildings of four hundred square feet (400 sq. ft.) or less. (amended 5/15/12)

21.06 PERMIT APPLICATION

A. Every application for a building/occupancy or use permit shall first obtain a Zoning Permit designating the existing or intended use. The application shall contain such information, with respect to the proposed structure, the lot and adjoining property, as may be required by the Zoning Administrator or by the provisions of this Ordinance.

B. One copy of plans and specifications shall be retained by the Zoning Administrator upon issuance of a Zoning Permit.

C. The Zoning Administrator may waive portions of the foregoing requirements which are not necessary under the particular circumstances for compliance with the Ordinance.

D. No Zoning Permit shall be issued unless the plans and intended use conform in all respects to the provisions of this Ordinance. All Zoning Permits shall expire one year from their date of issuance.

E. If it is determined that false or misleading information was given to the Zoning Administrator when acquiring the Zoning Permit, then said Zoning Permit shall be voided and the parties responsible will be held in violation of the Zoning Ordinance as stated in this Ordinance.

21.07 BUILDING PERMITS AND PLANS

A. The building inspector shall not issue a building permit unless a Zoning Permit, if required, has been granted.

B. Any building permit issued prior to the effective date of this Ordinance shall be valid; provided, however, that construction shall be commenced within sixty (60) days after said date and shall not thereafter be discontinued for a continuous period in excess of 60 days.

21.08 CERTIFICATE OF ZONING COMPLIANCE

A. No land shall be used and no building hereafter erected or altered shall be occupied or used for any purposes until a Certificate of Zoning Compliance shall have been issued by the Zoning Administrator stating that the premises or building complies with the provisions of this Ordinance. Where any special use conditions are applicable, said conditions shall be stated on the Certificate of Zoning Compliance.

B. A record of all Certificates of Zoning Compliance shall be kept on file in the office of the Zoning Administrator.

21.09 FEES

The Township Board shall establish by resolution a schedule of fees for administering this Ordinance. No permit or certificate shall be issued unless such fees have been paid in full.

A. Escrow Fee Policy: In addition to the private road application permit fee, the applicant shall post a non-interest bearing escrow fee of five hundred dollars ($500.00) for private roads serving less than five (5) parcels, and one thousand dollars ($1,000.00) for private roads serving five (5) or more parcels. The escrow fee shall be used by the township to pay for costs associated with the use of professional consultants (e.g., attorney, engineer, planner, etc.) in the review and approval of the private road application and subsequent inspections and

administrative costs. Unused portions of the escrow fee shall be returned to the applicant including an itemized listing of consulting fees. No portion of the escrow fee shall be used to cover the costs of township personnel. In the event the initial escrow fee is not sufficient to cover the costs as detailed above, the applicant, after notice by the township, shall post the necessary funds to bring the fee to its original amount. (Amended 5-14-13)

21.10 VIOLATION AND PENALTY

A. Any owner or agent, and any person or corporation who shall violate any of the provisions of this Ordinance or fail to comply with any of the requirements thereof or who shall erect, alter, enlarge, or move any building, or who shall put into use any lot in violation of any detailed statement or plan submitted hereunder, or who shall refuse reasonable opportunity to inspect any premises IS RESPONSIBLE FOR A MUNICIPAL CIVIL INFRACTION AS DEFINED IN TOWNSHIP ORDINANCE 97-12 (Brooks Township Municipal Ordinance Violations Bureau Ordinance) AND AS DEFINED BY MICHIGAN LAW AND SHALL BE SUBJECT TO A CIVIL FINE DETERMINED IN ACCORDANCE WITH THE SCHEDULE OF FINES NOTED IN PARAGRAPH C BELOW.

B. The owner of any building or land where anything in violation of this Ordinance shall be placed or shall exist, and any architect, builder, contractor, agent, person, or corporation employed in connection therewith and who assists in commission of such violation shall each be guilty of a separate violation and EACH SHALL BE RESPONSIBLE FOR A MUNICIPAL CIVIL INFRACTION AS DEFINED IN TOWNSHIP ORDINANCE 97-12 AND AS DEFINED BY MICHIGAN LAW AND SHALL BE SUBJECT TO A CIVIL FINE DETERMINED IN ACCORDANCE WITH THE SCHEDULE OF FINES NOTED IN PARAGRAPH C BELOW.

C. SCHEDULE OF FINES

	MINIMUM FINE	MAXIMUM FINE
1ST VIOLATION WITHIN 3 YEAR PERIOD*	$ 50	$500
2ND VIOLATION WITHIN 3 YEAR PERIOD*	$125	$500
3RD VIOLATION WITHIN 3 YEAR PERIOD*	$250	$500
4TH VIOLATION WITHIN 3 YEAR PERIOD*	$400	$500

*DETERMINED ON THE BASIS OF THE DATE OF THE VIOLATIONS

D. ADDITIONALLY, THE VIOLATOR SHALL PAY COSTS, WHICH MAY INCLUDE ALL DIRECT OR INDIRECT EXPENSES TO WHICH THE TOWNSHIP HAS BEEN PUT IN CONNECTION WITH THE VIOLATION. IN NO CASE, HOWEVER, SHALL COSTS OF LESS THAN $9 OR MORE THAN $500 BE ORDERED. A VIOLATOR OF THIS ORDINANCE SHALL ALSO BE SUBJECT TO SUCH ADDITIONAL SANCTIONS, REMEDIES AND JUDICIAL ORDERS AS ARE AUTHORIZED UNDER MICHIGAN LAW.
(amended 1/21/02)

E. Each day such violation continues shall be deemed a separate violation.

21.11 RECORDS

The Zoning Administrator shall keep records of all inspections, applications, and permits issued, with a notation of all special conditions involved. He shall file and safely keep copies of all plans, other than for one-family houses, and of all fees submitted with applications. The same shall form a part of the records of his office and shall be readily available to the Township Board and all other officials of the township and county.

Article XXII. Amendments and District Changes

22.01 AMENDMENTS TO THE ZONING ORDINANCE

Amendments to the Brooks Township Zoning Ordinance may be adopted in accordance with the terms and provisions of the Michigan Zoning Enabling Act (Act 110, Michigan Public Acts of 2006, as amended).

22.02 PROCEDURE (amended 7-1-15)

The procedure for amending the Brooks Township Zoning Ordinance shall be as follows:

A. The Township Planning Commission shall hold at least one public hearing. Notice of the involved hearing shall be in accordance with Section 4.04 of the Ordinance.

B. Conveyance of Proposed Amendments, Maps, and Summary of Public Comments to Brooks Township Board:

1. The Planning Commission shall transmit a summary of comments received at the public hearing, and the text of the proposed amendments, to the Township Board.
2. The Township Board may conduct an additional hearing or hearings if it deems necessary. Notice of Township Board meeting shall be published in a newspaper of general circulation within Brooks Township; notice shall be published not more than fifteen (15) days prior to the date of hearing in accordance with Section 4.04.
3. If the Township Board proposes or considers amendments, changes, corrections, or modifications of the proposed amendments which may significantly alter or modify the original recommendation of the Planning Commission, the Township Board shall refer the same to the Planning Commission for a report and recommendation on said changes within the specified time parameters.
4. A property owner may request a hearing upon the proposed amendment or amendments by addressing a request via certified mail to the Brooks Township Clerk.
5. The Brooks Township Board may request the presence of the Planning Commission at the involved hearing.
6. At a regular or special meeting, the Brooks Township Board may adopt by majority vote the text of any amendment considered pursuant to the terms and provisions previously cited.

C. Notice of Adoption of Amendments:

1. The adopted amendments shall be filed with the Township Clerk within fifteen (15) days of the date of adoption.
2. One notice of adoption shall be published in a newspaper of general circulation within the Township of Brooks within fifteen (15) days of the date of adoption. The amendment will become affective seven (7) days after publication.
3. The notice of adoption shall include the following:

    a. Either a summary of the regulatory effect of the amendment, including the geographic area affected, or the entire text of the amendment shall be included within the notice.
    b. The effective date of the amendment shall be specified.
    c. The notice shall specify the place and time where a copy of the amendments in question may be purchased or inspected.

Article XXIII. Severability and Repeals

23.01 SEVERABILITY

If any provision of this Ordinance or the application thereof to any person or circumstances shall be found to be invalid by any court of competent jurisdiction, such invalidity shall not affect the remaining portions of this Ordinance which shall be in effect.

23.02 REPEALING CONFLICTING ORDINANCES

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

23.03 EFFECTIVE DATE

The provisions of this Ordinance are hereby declared to be effective immediately upon adoption by the Township Board and publication, as required by law.