Blendon Township

Zoning Ordinance

Amended Through September 2016

BLENDON TOWNSHIP ZONING ORDINANCE
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CHAPTER 1
TITLE, PURPOSE, SCOPE AND LEGAL BASIS

Section 01.01 Title

This Ordinance shall be known and may be cited as the Blendon Township Zoning Ordinance.

Section 01.02 Purpose

This Ordinance is based upon the Blendon Township Master Plan and is designed:

(a) to promote the public health, safety and general welfare;
(b) to encourage the use of land in accordance with its character and adaptability and limit the improper use of land;
(c) to conserve natural resources and energy, to meet the needs of the State's citizens for food, fiber and other natural resources, places of residence, recreation, industry, trade, service and other uses of land;
(d) to insure that uses of land shall be situated in appropriate locations and relationships;
(e) to avoid the overcrowding of population;
(f) to provide adequate light and air;
(g) protect environmental quality and positive aesthetic features;
(h) to lessen congestion on the public roads and streets, maintain traffic efficiency, and encourage development consistent with long-term transportation planning;
(i) to reduce hazards to life and property;
(j) to facilitate the adequate provision of a system of transportation, sewage disposal, safe and adequate water supply, education, recreation and other public requirements; and
(k) to conserve the expenditure of funds for public improvements and services so as to obtain the most advantageous uses of land, resources and properties.

This Ordinance is adopted with reasonable consideration, among other things, of the character of each zoning district, its peculiar suitability for particular uses, the conservation of property values and natural resources, and the general and appropriate trend and character of land, building and population development.

Section 01.03 Scope and Interpretation

This Ordinance shall not repeal, abrogate, annul or in any way impair or interfere with existing provisions of other laws, ordinances or regulations, except those repealed herein by specific reference, or with private restrictions placed upon property by covenant, deed or other private agreement, or with restrictive covenants running with the land to which the Township is a party. Where this Ordinance imposes greater restrictions, limitations, or requirements upon (1) the use of buildings, structures, or land; (2) the height of buildings or structures; (3) lot coverage; (4) lot areas; (5) yards or other open spaces; or (6) any other use or utilization of land than are imposed or required by such existing laws, ordinances, regulations, private restrictions, or restrictive covenants, the provisions of this Ordinance shall control.

Section 01.04 Legal Basis

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

Section 01.05 The Effect of Zoning

Zoning applies to every building, structure or use. No building, structure or land shall be used or occupied, and no building or structure or part thereof shall be erected, moved, placed, reconstructed, extended, enlarged or altered, except in conformity with this Ordinance. *(Amended September 30, 2010, January 2015)*

01.05.01 **Determination of Zoning**: The Township of Blendon is hereby divided into zoning districts. The locations and boundaries of the zoning districts shall be shown on the Zoning Map of Blendon Township, which shall be subject to the provisions of ***Chapter 2, Mapped Districts***.

01.05.02 **Zoning District**: Uses allowed within each zoning district and all uses, buildings, and structures shall be subject to the requirements of the zoning district of the subject site in accordance with the following chapters:

Zoning District		Zoning Ordinance Chapter	
EAG	Exclusive Agricultural District	Chapter 3	Agricultural and Residential Districts
AG	Agricultural Preservation District		
R-1	Low Density Residential District		
R-2	Medium Density Residential District		
R-3	High Density Residential District		
C-1	Neighborhood Commercial District	Chapter 5	Neighborhood Commercial District
LI	Light Industrial District	Chapter 6	Light Industrial District
MHP	Manufactured Home Park District	Chapter 7	Manufactured Home Park Regulations

01.05.03 **Review and Approval**: Prior to initiating construction, expansion, or modification of any building, or structure or the establishment of any use or the division of land, all necessary approvals shall be obtained as required by ***Chapter 12, Site Plan Review Procedures and Requirements***.

01.05.04 **Special Land Uses:** Prior to establishing or expanding a use which is allowed only after special land use approval, all requirements of ***Chapter 13, Special Land Uses*** must be complied with.

01.05.05 **Additional Provisions:** In addition to the requirements of the zoning district applicable to a site, the provisions of ***Chapter 15, General Provisions, Chapter 9, Parking, Loading, Driveway Access, Private Roads and Pathways, Chapter 10, Signs and Chapter 11, Landscaping,*** shall be complied with.

CHAPTER 2
MAPPED ZONING DISTRICTS

Section 02.01 Zoning Districts

The Township of Blendon is hereby divided into the following zoning districts:

(a) EAG - Exclusive Agricultural District
(b) AG - Agricultural Preservation District
(c) R-1 - Low Density Residential District
(d) R-2 - Medium Density Residential District
(e) R-3 - High Density Residential District
(f) MHP - Manufactured Home Park District
(g) C-1 - Neighborhood Commercial District
(h) LI - Light Industrial District

Section 02.02 Zoning Districts Map

The locations and boundaries of the zoning districts are hereby established as shown on a map, as the same may be amended from time to time, entitled *The Zoning Map of Blendon Township, Ottawa County, Michigan*, which accompanies and is hereby made a part of this Ordinance. Where uncertainty exists as to the boundaries of zoning districts as shown on the zoning map, the following rules of construction and interpretation shall apply.

02.02.01 **Right-of-ways:** Boundaries indicated as approximately following the centerline of streets, highways, or alleys shall be construed to follow those centerlines.

02.02.02 **Lot Lines:** Boundaries indicated as approximately following platted lot lines shall be construed as following those lot lines.

02.02.03 **Township Boundaries:** Boundaries indicated as approximately following township boundaries shall be construed as following township boundaries.

02.02.04 **Shorelines:** Boundaries indicated as approximately following shorelines or lake or stream beds shall be construed as following such shorelines or lake or stream beds, and in the event of change in the location of shorelines or lake or stream beds, shall be construed as moving with the shoreline and lake or stream bed.

02.02.05 **Depth From Street:** Boundaries indicated as parallel to streets without indication or documentation of the depth from the road centerline shall be construed as having a depth of two hundred (200) feet from the front lot line.

02.02.06 **Property and Section Lines:** Boundaries indicated as approximately following property lines, section lines or other lines of a government survey shall be construed as following property lines, section lines or other lines of a government survey as they exist as of the effective date of this Ordinance or applicable amendment thereto.

Section 02.03 Areas Not Included Within a District

In every case where land has not been included within a district on the zoning map, that land shall be in the AG Zoning District.

Section 02.04 Zoning of Vacated Public Rights-of-Way

Whenever any road, alley or other public way within the township shall be vacated, that road, alley or other public way or portion thereof shall automatically be zoned consistent with the zoning of the adjacent property or properties, as measured from the centerline.

CHAPTER 3
AGRICULTURAL AND RESIDENTIAL DISTRICTS

Section 03.01 Description and Purpose

The regulations concerning Agricultural and Residential Districts provide for a rural residential environment consisting of agriculture, a variety of residential types and a limited range of other uses that are considered necessary or appropriate to enhance the quality of life within the township. Locations for residential uses are outline in the ***Blendon Township Master Plan*** in consideration of the goals to preserve the rural character, preserve environmental quality and manage traffic.

03.01.01 **Exclusive Agricultural District. (EAG)** This District is intended for large tracts used exclusively for agricultural uses. Residents that have moved from urban areas are often unprepared for the ordinary effects of farming. Odors, tractors and equipment along the roadways, crop dusting, long hours of operation and other necessary activities conflict with their expectations of rural living. This District provides special protection to ensure that active agricultural areas are not encroached on or converted to non-agricultural uses. This District is intended to be applied at the petition of the landowner with provisions to protect farmland from encroachment. Agricultural uses within this District shall only be allowed where there is a conservation easement for preservation of farmland, natural resources or open space. This District is distinguished from the Agricultural Preservation District by exclusive agricultural uses, conservation easements, additional buffers from non-residential uses and long term protection measures. This District is further intended to implement the ***Blendon Township Master Plan*** recommendations for Rural/Agricultural preservation.

03.01.02 **Agricultural Preservation District. (AG)** This District is intended for large tracts used for agricultural and associated agricultural and other specialized rural uses or conservation. Residential lots may be permitted on smaller tracts, as provided in Section 03.03.01(b)(1). The District provides buffers to protect farmland from encroachment and helps to lessen many of the problems often associated with residents that have moved from urban areas that are often unprepared for the ordinary effects of farming. Odors, tractors and equipment along the roadways, crop dusting, and other necessary activities conflict with their expectations of rural living. Although it is recognized that not all land within this classification will necessarily be prime farmland, the integrity of the area will be maintained to ensure that larger parcels of land are available for farming. This District is further intended to implement the ***Blendon Township Master Plan*** recommendations for Rural/Agricultural Preservation.

03.01.03 **Low Density Residential District. (R-1)** This District is composed chiefly of single-family homes and farms, together with compatible nonresidential uses. This District is primarily intended to preserve the rural residential character of the designated areas of the township, while encouraging the preservation of farm uses. This District recognizes that much of the land in the District may eventually be converted from farm and vacant fields to residential use. This district is intended to allow rural residential development while encouraging the preservation of large tracts of land for farming and conservation. Where land is to be developed for residential purposes, the desire of residents to retain the rural character of the community dictate the use of clustered development to preserve natural features. Development should generally be clustered away from main roads to preserve rural character. These features can be further preserved through clustered open space development. Clustered open space development is also intended to buffer rural residential uses for agriculture. This District is

further intended to implement the ***Blendon Township Master Plan*** for areas designated as Rural/Agricultural Preservation.

03.01.04 **Medium Density Residential. (R-2)** This District is established in areas where the potential for the extension of public utilities is greatest. This District is intended to allow the Township to plan for a more efficient system of providing services by concentrating development in this District. With the smaller lot sizes allowed in this District, development should occur in a manner that is consistent with the traditional neighborhood character of a small-town including walkable neighborhoods with sidewalks and parks. This District is further intended to implement the ***Blendon Township Master Plan*** for areas designated as Traditional Residential Neighborhoods.

03.01.05 **High Density Residential. (R-3)** This District provides opportunities for more affordable housing, and a wider variety of housing types. Lands within this classification will contain the most intensive development, including single-family dwellings on smaller lots, two-family and multiple family dwellings, as well as other residential related development. This District is further intended to implement the Blendon Township Master Plan for areas designated as High Density Residential in the ***Blendon Township Master Plan***.

Section 03.02 Uses Allowed

03.02.01 **Uses Allowed in Agricultural and Residential Zoning Districts**: Land and/or buildings in the districts indicated at the top of Table 03.01 may be used for the purposes denoted by a 'P' in the column below for uses permitted by right and denoted by a 'S' for uses requiring Special Land Use approval by the Planning Commission in accordance with the procedures of ***Chapter 13 Special Land Uses***. A notation of 'NP' indicates that the use is not permitted within the District. The *Use Conditions* column of Table 03.01 provides section references where certain conditions apply to a use. Certain conditions that may apply to a use are provided as footnotes to Table 03.01. (Amended effective 7/5/04)

Table 03.01
Uses Allowed in Agricultural and Residential Zoning Districts

Uses	EAG	AG	R-1	R-2	R-3	Use Conditions
Accessory buildings	P	P	P	P	P	15.03
Adult Foster Care Family Home* *(amended September 2016)*	P	P	P	P	P	
Adult Foster Care Small Group Home* *(amended September 2016)*	NP	P	P	P	P	
Adult Foster Care Medium Group Home* *(amended September 2016)*	NP	S	S	S	S	
Adult Foster Care Large Group Home* *(amended September 2016)*	NP	S	S	S	NP	
Airports	NP	S	S	NP	NP	
Bed and Breakfast Inns	S	S	S	S	S	13.05.06
Churches, public and private schools, libraries, museums, parks, playgrounds, community centers, governmental, administration, or service buildings and similar uses which are owned and operated by a governmental agency or a noncommercial organization.	NP	S	S	S	S	
Commercial kennels (c)	P	S	NP	NP	NP	13.05.14
Country clubs, golf courses, riding stables and athletic grounds	NP	S	S	NP	NP	13.05.09
Essential public service facility	P	P	P	P	P	
Ethanol Production Facilities Not Adjacent to Residential Uses or	NP	P	NP	NP	NP	

Table 03.01 Uses Allowed in Agricultural and Residential Zoning Districts						
Uses	**EAG**	**AG**	**R-1**	**R-2**	**R-3**	**Use Conditions**
Produces Less Than 10,000 Gallons of Ethanol(d)						
Ethanol Production Facilities Adjoining Residentially Zoned Land or Produces More than 10,000 Gallons of Ethanol	NP	S	NP	NP	NP	13.05.26
Family Adult Day Care Home* *(amended September 2016)*	P	P	P	P	P	
Family Child Care Home* *(amended September 2016)*	P	P	P	P	P	
Farm market	S	S	NP	NP	NP	13.05.10
Farms for both general and specialized farming, together with farm dwelling and buildings and other installations useful to such farms	P	P	P	NP	NP	
Farms with sales and entertainment facilities	S	S	NP	NP	NP	13.05.11
Foster Family Group Home* *(amended September 2016)*	P	P	P	P	P	
Foster Family Home* *(amended September 2016)*	P	P	P	P	P	
Greenhouses and nurseries, not including retail operations (a)	P	P	P	S	S	13.05.13
Group Adult Day Care Home* *(amended September 2016)*	P	P	P	P	P	
Group Child Care Home* *(amended September 2016)*	P	P	P	P	P	
Home occupations	NP	P	P	P	P	15.03.08
Hunting Club	S	S	NP	NP	NP	13.04.25
Kennels, not including commercial kennels (c)	P	P	NP	NP	NP	13.05.14
Multiple-family dwellings	NP	NP	NP	S	S	13.05.16
Planned unit development	NP	S	S	S	S	13.05.24
Public or private campgrounds	NP	S	S	NP	NP	13.05.18
Raising of game	S	S	NP	NP	NP	
Removal and processing of topsoil, stone, rock, sand, gravel, lime or other soil or mineral resources	S	S	S	NP	NP	13.05.19
Retail operations for greenhouses and nurseries. (b)	S	S	S	NP	NP	13.05.13
Roadside stands for sale of produce grown on the premises	P	P	P	S	S	13.05.21
RV campsites	NP	S	NP	NP	NP	
Single-family dwellings	NP	P	P	P	P	15.04
Single WECS for on-site service only	S	S	S	S	S	13.05.23
Two-family dwellings	NP	NP	NP	P	P	
Utility and public service buildings, without storage yards	NP	NP	S	S	S	13.05.22
Veterinary clinics	NP	S	NP	NP	NP	
Wind farms, single WECS for commercial purposes, and WESC testing facilities	NP	S	NP	NP	NP	13.05.23
Wireless communication facilities	See Section 15.05.05					
P = permitted, S = special land use, NP = not permitted						

* Provided that the use conforms to all applicable County or state regulations.

TABLE 03.01, FOOTNOTES: The following use conditions may apply to the noted uses:

(a) A residence may be located on the same property as greenhouses and nurseries. Greenhouses or other structures accessory to the greenhouse or nursery operation shall be located no nearer than the setbacks required for accessory buildings in ***Section 15.03.02 Accessory Buildings.***

(b) Greenhouses or other structures accessory to the greenhouse or nursery operation shall be located no nearer than the setbacks required for accessory buildings in ***Section 15.03.02 Accessory Buildings*** except that the building(s) enclosing the retail operations shall be considered the main building(s) and meet the required setbacks for such building(s).

(c) A residence may also be located on the same property as the kennel.

(d) Ethanol Production Facilities: Ethanol Production Facilities are permitted in the AG district if none of the adjoining property is zoned for any residential district, the ethanol being produced is used exclusively for uses associated with the agricultural operations of the farmer producing the ethanol, and the production of the ethanol is limited to a "Small Plant" as defined by the Alcohol and Tobacco Tax and Trade Bureau which limits production to 10,000 gallons per year. The 10,000 gallon limit will be enforced irrespective of any allowances for greater production that may be provided for by the Alcohol and Tobacco Tax and Trade Bureau rules.

03.02.02 **Exclusive Agricultural District:** The EAG may be applied at the petition of the landowner. Agricultural uses within this District shall be allowed only where there is a conservation easement placed on the parcel for preservation of farmland, natural resources or open space. The conservation easement shall limit use of the parcel to farming, natural resources conservation or recreational use only. The conservation easement shall be in the form of an irrevocable conveyance that is found acceptable to the Township Attorney.

03.02.03 **R-2 and R-3 Residential Design Standards:** The R-2 and R-3 Districts are intended to provide a complementary mixture of housing types and recreational open space integrated into a small scale, compact, pedestrian oriented neighborhood that is characteristic of a 'small-town' environment, as recommended for the *Residential Hamlet* areas of the *Future Land Use Map* in the ***Blendon Township Master Plan***. With the higher residential densities allowed in these zoning districts, each development must include neighborhood amenities to ensure the proper development of these areas and a quality living environment for the residents of these areas consistent with the intent of these Districts. In order to achieve this intent, all subdivisions, site condominiums, condominiums and multiple family site plans shall comply with the following:

(a) All subdivisions, site condominiums, condominiums or multiple family developments shall provide a common recreational area, which shall contain an area equal in size to one thousand five hundred (1,500) square feet for each lot or dwelling unit. The recreation area shall be exclusive of required setbacks, buffers, greenbelts, individual lots, public rights-of-way, private road easements and storm water management areas. The common recreational area shall be well drained, graded, seeded or sodded, safe from hazard, accessible to all lots, and the location shall be determined prior to tentative approval of the preliminary plat or site plan by the Planning Commission or Township Board, as applicable. Reservation of the recreational area shall be achieved through deed restrictions or dedication to a subdivision homeowner's association. Open space provided within an open space cluster development under ***Chapter 4, Open Space Cluster Development Option,*** may be used to meet this requirement.

(b) All roads shall be designed to form a safe and efficient road network that will allow for the flow of traffic between adjacent neighborhoods. Roads shall connect to adjacent public roads wherever the Planning Commission determines it to be practical. Roads

should also be designed to connect to planned or anticipated future roads. This shall include the installation of road stubs to allow for future connection to adjacent parcels of land. All private roads shall comply with ***Section 09.05, Private Roads***.

(c) All subdivisions, site condominiums or multiple family developments shall provide sidewalks along both sides of all internal streets meeting the requirements of ***Section 09.06, Bicycle Paths and Sidewalks***.

(d) All subdivisions, site condominiums or multiple family developments shall provide greenbelt buffers and street tree plantings meeting the requirements of ***Chapter 11, Landscaping***.

(e) The Planning Commission may require the installation of street lights along internal roads within a proposed subdivision plat, site condominium, condominium or multiple family development. Where required, a street light plan shall be included with the final preliminary plat or final site plan for approval by the Township. A special assessment district shall be established to pay the electrical cost of the street light operation.

Section 03.03 District Regulations

03.03.01 No building or structure, nor an addition to any building or structure shall be hereafter erected unless the following zoning district requirements and applicable footnoted requirements are met and maintained:

(a) Permitted dwelling units in EAG - Exclusive Agricultural District.

Table 03.02
Exclusive Agricultural District
Schedule of Area and Bulk Requirements

Minimum Lot Area	40 acres
Minimum Lot Width	660 feet (f)
Front Yard Setback (a)(b)(c)	60 feet
Side Yard Setback (a)	60 feet
Rear Yard Setback (a)	50 feet
Natural Feature Setback (a)(d)	25 feet
Minimum Floor Area (sq. ft.)	1,040 total, 780 ground floor
Maximum Lot Coverage (e)	25%

Note: Footnotes provided at the end of this Chapter.

(b) Permitted Dwelling Units in AG - Agricultural Preservation District.

Table 03.03 Agricultural Preservation District Schedule of Area and Bulk Requirements		
Minimum Lot Area		40 acres
Minimum Lot Width		165 feet (f)
Front Yard Setback (a)(b)(c)		60 feet
Side Yard Setback (a)	Residential	20 feet
	Non-residential	60 feet
Total Both Side Yards (a)	Residential	50 feet
	Non-residential	120 feet
Rear Yard Setback (a)		50 feet
Natural Feature Setback (a)(d)		25 feet
Minimum Floor Area (sq. ft.)		1,040 total, 780 ground floor
Maximum Lot Coverage (e)		25%

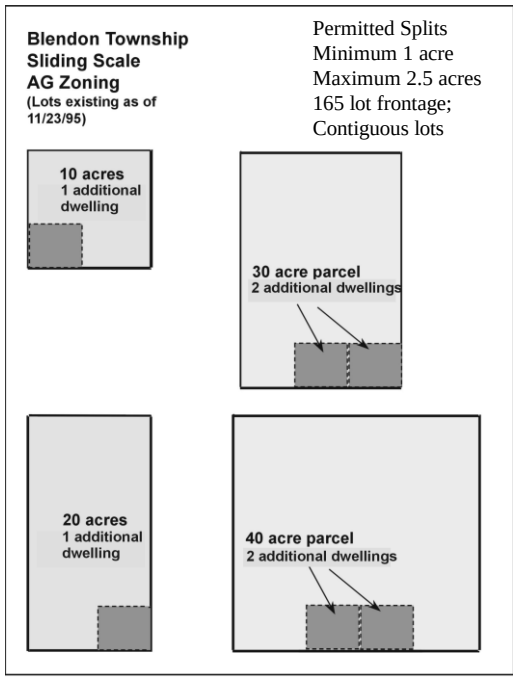
Note: Footnotes provided at the end of this Chapter.

(1) Smaller lot splits in the AG District shall be permitted subject to the following:

In addition to the farmstead dwelling on the parent parcel the number of additional dwelling units permitted shall be based upon the original area of the parent parcel prior to any splits as follows:

a. For each parent parcel of twenty (20) acres or greater existing as of March 31, 1997, two (2) additional dwelling units may be permitted for each such twenty (20) acres of the parent parcel. The lots shall be at least one (1) acre and no greater than two and one half (2.5) acres in area and shall have a minimum of one hundred and sixty five (165) feet of public road frontage.

b. For each parent parcel less than twenty (20) acres as of the effective date of this Ordinance, the number of lots permitted by Section 108 of the Michigan Land Division Act, Michigan Public Act 288 of 1967, as amended, may be created with a minimum area of one (1) acre and a minimum width of one hundred sixty five (165) feet, provided where a land owner chooses to split lots under this provision, all of the following requirements shall be met: *(amended March 30, 2010)*



i. The lots shall be contiguous unless the Planning Commission finds that the physical characteristics of the property, including the environmental

conditions, property configuration, or other circumstances beyond the control of the applicant make this impractical.

ii. The lots shall not be located within three-hundred (300) feet of the boundary of the EAG district.

iii. Any new utility lines to serve the lots shall be installed underground and are subject to Township Engineer review.

iv. Where there are existing residential lots with area less than ten (10) acres adjacent to the parent parcel, the lots to be split shall be adjacent to such existing residential lots.

v. The lots shall meet County Health Department requirements for well and sanitary septic systems.

(2) Additional lot splits in the AG District shall be permitted subject to the following:

In addition to the farmstead dwelling on the parent parcel the number of additional dwelling units permitted shall be based upon the original area of the parent parcel prior to any splits as follows:

i. For each parcel of forty (40) acres or greater existing as of November 23, 1995, two (2) additional dwelling units may be permitted.

ii. For each parcel of less than forty (40) acres but equal to or greater than thirty (30) acres existing as of November 23, 1995, two (2) additional dwelling units may be permitted.

iii. For each parcel of less than thirty (30) acres but equal to or greater than four (4) acres existing as of November 23, 1995, one (1) additional dwelling unit may be permitted.

(3) Any dwelling unit provided for above shall be located on a lot meeting all of the following requirements:

iv. The lots shall be at least one (1) acre and no greater than two and one half (2.5) acres in area and shall have a minimum of one hundred sixty five (165) feet of public road frontage.

v. The lots shall be contiguous unless the Planning Commission finds that the physical characteristics of the property, including the environmental conditions, property configuration, or other circumstances beyond the control of the applicant make this impractical.

vi. Where there are existing residential lots with areas less than ten (10) acres adjacent to the parent parcel, the lots to be split shall be adjacent to such existing residential lots.

vii. The lots shall meet County Health Department requirements for well and sanitary septic systems.

viii. The lots shall not be located within three hundred (300) feet of the boundary of the EAG District.

ix. The parent parcel and the parcel split(s) shall have access limited to a shared driveway complying with the requirements of Section 09.04.07, Shared Residential Driveways.

(c) Permitted dwelling units in the R-1, Low Density Residential District:

Table 03.04 Low Density Residential District Schedule of Area and Bulk Requirements		
Minimum Lot Area		20 acres
Minimum Lot Width		165 feet (f)
Front Yard Setback (a)(b)(c)		60 feet
Side Yard Setback (a)	Residential	20 feet
	Non-residential	50 feet
Total Both Side Yards (a)	Residential	45 feet
	Non-residential	100 feet
Rear Yard Setback (a)		50 feet
Natural Feature Setback (a)(d)		25 feet
Minimum Floor Area (sq. ft.)		1,040 total, 780 ground floor
Maximum Lot Coverage (e)		15%

Note: Footnotes provided at the end of this Chapter

(1) Smaller lot splits in the R-1 District shall be permitted where the requirements of one (1) of the selected options are met:

a. Clustered Open Space Development Option. Where residential lots are created utilizing the Clustered Open Space Development option all applicable requirements as contained in ***Section 04.01.01, Cluster Open Space Development Option***, shall be met.

b. For each parent parcel less than twenty (20) acres as of the effective date of this Ordinance, the number of lots permitted by Section 108 of the Michigan Land Division Act, Michigan Public Act 288 of 1967, may be created with a minimum area of one (1) acre and a minimum width of one hundred sixty-five (165) feet (amendment effective May 27, 2010), provided where a land owner chooses to split lots under this provision, all of the following requirements shall be met:

i. The lots shall be contiguous unless the Planning Commission finds that the physical characteristics of the property, including the environmental conditions, property configuration, or other circumstances beyond the control of the applicant make this impractical.

ii. The lots shall not be located within three-hundred (300) feet of the boundary of the EAG District.

iii. Any new utility lines to serve the lots shall be installed underground.

iv. Where there are existing residential lots with areas less than ten (10) acres adjacent to the parent parcel, the lots to be split shall be adjacent to such existing residential lots.

v. The lots shall meet county health department requirements for well and sanitary septic systems.

c. R-1 Clustered Land Division Option. For each parent parcel twenty (20) acres or greater existing as of the effective date of this Ordinance, the number of lots permitted by Section 108 of the Michigan Land Division Act, Michigan Public Act 288 of 1967, may be created with a minimum area of one (1) acre and a minimum width of one hundred sixty-five (165) feet (amendment effective May 27, 2010), provided where a land owner chooses to split lots under this provision, all of the following requirements shall be met:

i. Open Space Requirements:

a) An area equal to or greater than one third (1/3) of the area of the lots created shall be set aside as permanent open space. These open spaces may be an easement located on each of the created lots, a single easement placed over the parent parcel, or a combination thereof, provided however that required yards shall not be counted as open space.

b) The open space shall be utilized for farming, conservation or recreational use.

c) A minimum of seventy five (75%) percent of the required open space shall be contiguous and have a minimum dimension of 75 feet in any direction to form an area which meets the following criteria:

1) Areas containing significant natural assets such as woodlands, significant views, woodlands along roadways, natural drainage ways, regulated or non-regulated wetlands, or natural corridors that connect quality wildlife habitats; or

2) Areas that will preserve agricultural activities or provide agricultural buffering purposes; or

3) Areas adjacent to other permanent open space.

d) The open space shall be set aside through an irrevocable conveyance that is found acceptable to the Township Attorney, such as: recorded deed restrictions, covenants that run with perpetually with the land, or conservation easements. The conveyance shall assure that the open space will be protected from all forms of development except as permitted by this subsection. Further division of open space land or its use for other than recreation, conservation or agricultural purposes, except for easements for utilities, shall be strictly prohibited. The dedicated open space shall be maintained by parties who have an ownership interest in the open space and maintenance responsibilities shall be specified in a deed restriction submitted with the land division application. A survey and legal description of the open space conservation area shall be provided with the land division application.

ii. The lots shall be contiguous unless the Planning Commission finds that the physical characteristics of the property, including the environmental conditions, property configuration, or other circumstances beyond the control of the applicant make this impractical.

iii. The lots shall meet county health department requirements for well and sanitary septic systems.

iv. The lots shall not be located within three-hundred (300) feet of the boundary of the EAG District.

v. Any new utility lines to serve the lots shall be installed underground.

vi. Lots should have access limited to a shared driveway(s) complying with the requirements of Section 09.04.07 Shared Residential Driveways or a private road meeting the requirements of Section 09.05 Private Roads.

vii. Planning Commission approval:

a) All land division applications using the R-1 Clustered Land Division Option shall be subject to Planning Commission review and approval.

b) The Planning Commission shall consider the following approval criteria for each application under this section:

1) That the application meets all of the requirements listed in this section (section 03.03.01. (c), (1), c).

2) That the location of the open space areas meet the intent of the Blendon Township Master Plan.

3) That there is sufficient evidence that the proposed land divisions are sufficiently buffered from adjacent active agricultural practices.

c) That a complete land vision application is submitted in accordance with Township policy. If deemed reasonable and necessary, additional information may be required by the Planning Commission for application review, including, but not limited to, a site plan in accordance with Chapter 12, illustrating existing natural features an/or agricultural lands.

(d) Permitted dwelling units in R-2, Medium Density Residential District.

(1) Single and two-family dwelling units

Table 03.05 Medium Density Residential District Single and Two-Family Schedule of Area and Bulk Requirements	
Minimum Lot Area (g) With public water and public sanitary sewer With either public water or public sanitary sewer With neither public water nor sanitary sewer	 18,000 sq. ft. 23,000 sq. ft 1 acre
Minimum Lot Width (g) With public water and public sanitary sewer With either public water or public sanitary sewer With neither public water nor sanitary sewer	 90 feet 104 feet 120 feet
Front Yard Setback (a)(b)(c)	30 feet
Side Yard Setback (a)	7 feet
Total Both Side Yards (a)	15 feet
Rear Yard Setback (a)	25 feet
Natural Feature Setback (a)(d)	25 feet
Minimum Floor Area (sq. ft.)	1,040 total, 780 ground floor
Maximum Lot Coverage (e)	30%

Note: Footnotes provided at the end of this Chapter

(2) Multiple Family and Non-Residential

a. Standard requirement: four (4) units for first two (2) acres and four (4) units per one (1) acre thereafter.

Table 03.06 Medium Density Residential District Multiple Family and Non-Residential Schedule of Area and Bulk Requirements	
Minimum Lot Area	See Standard Requirement Above
Minimum Lot Width	110 feet
Front Yard Setback (a)(b)(c)	40 feet
Side Yard Setback (a)	20 feet
Total Both Side Yards (a)	(i)
Rear Yard Setback (a)	25 feet
Natural Feature Setback (a)(d)	25 feet
Minimum Floor Area	750 sq. ft. - 1 bedroom 950 sq. ft. - 2 or more bedrooms
Maximum Lot Coverage (e)	30%

Note: Footnotes provided at the end of this Chapter.

(3) Smaller lot splits in the R-2 District shall be permitted subject to the following:

b. Cluster Open Space Development Option. Where residential lots are created utilizing the clustered open space development option all applicable requirements as contained in ***Section 04.01.01, Cluster Open Space*** *Development Option*, shall be met.

(e) Permitted dwelling units in R-3, High Density Residential District.

(1) Single And Two-Family Unit

Table 03.07 High Density Residential District Single and Two-Family Schedule of Area and Bulk Requirements	
Minimum Lot Area (g) With public water and public sanitary sewer With either public water or public sanitary sewer With neither public water nor sanitary sewer	 10,000 sq. ft. 23,000 sq ft 1 acre
Minimum Lot Width (g) With public water and public sanitary sewer With either public water or public sanitary sewer With neither public water nor sanitary sewer	 70 feet 104 feet 120 feet
Front Yard Setback (a)(b)(c)	25 feet
Side Yard Setback (a)	5 feet
Total Both Side Yards (a)	15 feet
Rear Yard Setback (a)	25 feet
Natural Feature Setback (a)(d)	25 feet
Minimum Floor Area (sq. ft.)	1,040 total, 780 ground floor (h)
Maximum Lot Coverage (e)	30%

Note: Footnotes provided at the end of this Chapter

(2) Multiple Family and Non-Residential

Table 03.08 High Density Residential District Multiple Family and Non-Residential Schedule of Area and Bulk Requirements	
Minimum Lot Area	8 units per acre
Minimum Lot Width	70 feet
Front Yard Setback (a)(b)(c)	30 feet
Side Yard Setback (a)	20 feet
Total Both Side Yards (a)	(i)
Rear Yard Setback (a)	25 feet
Natural Feature Setback (a)(d)	25 feet
Minimum Floor Area (sq. ft.)	750 sq. ft. - 1 bedroom 950 sq. ft. - 2 or more bedrooms
Maximum Lot Coverage (e)	30%

Note: Footnotes provided at the end of this Chapter

(3) Smaller lot splits in the R-3 District shall be permitted subject to the following:

a. Cluster Open Space Development Option. Where residential lots are created utilizing the clustered open space development option all applicable requirements as contained in ***Section 04.01.01, Cluster Open Space Development Option,*** shall be met.

03.03.02 **Agricultural and Residential Schedule of Area and Bulk Requirements.** No building or structure, nor the addition to any building of structure, shall be hereafter erected unless the following requirements are met and maintained. Refer to *Section 03.03.03* for footnotes.

Table 03.09
Agricultural and Residential Schedule of Area and Bulk Requirements ~~(a)~~

Zoning Districts	Lot Minimum Requirements		Minimum Setback Requirements (feet) (a)					Minimum Floor Area (sq.ft. UFA)	Max. Lot Coverage (%) (E)
	Minimum lot area/ maximum density	Minimum lot width (ft.)	Front Yard (b)(c)	Side Yard	Total Both Side Yards	Rear Yard	Natural Feature (D)		
EAG Agriculture	40 acres per parcel	660 (f)	60	60	120	50	25	1,040 total 780 ground floor	25
AG Agriculture	40 acres per dwelling unit	165 (f)	60	20 residential 60 non-res.	50 residential 120 non-res.	50	25	1,040 total 780 ground floor	25
R-1 Single family dwellings	20 acres per dwelling unit	165 (f)	60	20 residential 50 non-res.	45 residential 100 non-res.	50	25	1,040 total 780 ground floor	15
R-2 Single & two family dwelling	18,000 sq. ft. per dwelling unit See table 03.05	90	30	7	15	25	25	1,040 total 780 ground floor (h)	30
R-2 Multiple family & non-residential	4 units for first 2 acres and 4 units per 1 acre thereafter	110	40	20	(i)	25	25	750 one bedroom 950 two or more bedrooms	30
R-3 Single & two family dwelling	10,000 sq. ft. per dwelling See table 03.07	70	25	5	15	25	25	1,040 total 780 ground floor (h)	30
R-3 Multiple family & non-residential	8 units per acre	70	30	20	(i)	25	25	750 one bedroom 950 two or more bedrooms	30

03.03.03 Footnotes

(a) **Building Setbacks.** Setbacks shown are for main buildings. ***Section 15.03.02, Accessory Buildings*** specifies setbacks for accessory buildings and structures. Non-residential setbacks apply to all uses except residential dwellings and accessory buildings.

(b) **Frontage Greenbelt Preservation.** For any lot on which other than farming operations are conducted, any living, healthy tree having a diameter of four (4) inches or more within twenty (20) feet of the front lot line shall not be removed from the lot unless the Zoning Administrator determines that the removal is necessary to construct driveways or other improvements required by the Township or other governmental agency or where such trees are diseased or dying, provided such trees shall be replaced with new tree plantings.

(c) **48th, 72nd and 96th Avenue and Port Sheldon Overlay Zoning Districts.** Sites with frontage on 48th, 72nd and 96th Avenue or Port Sheldon shall be required to comply with ***Chapter 4, 48th, 72nd and 96th Avenue and Port Sheldon Overlay Zoning Districts***

(d) **Natural Feature Setback.**

(1) The natural feature setback shall apply as follows: If the applicable required minimum building setback is greater than the natural feature setback, then only the required minimum building setback shall apply; if the required minimum building setback is less than the natural feature setback, then only the natural feature setback shall apply.

(2) A main building and an accessory building shall be set back from a natural feature, as defined in this Footnote (d), for the minimum distance stated in Section 03.03.02, in addition to the otherwise-applicable minimum building setback stated in subparagraph (i).

(3) For purposes of this Footnote (d), a natural feature means a lake, pond, creek, stream, river, channel, canal, storm water drainageway, wetland or other body of water, whether naturally occurring or artificially created, enhanced or enlarged, in whole or in part. A wetland means both a State-regulated wetland and any swamp, bog or fen of at least one-half acre in area and any other land that is regularly inundated by water and is of at least one-half acre in area.

(4) The natural feature setback shall be measured from the ordinary high water mark of a lake, pond, creek, stream, river, channel, canal or other body of water. The setback shall be measured from the nearest edge of a storm water drainageway. In the case of a State-regulated wetland, the setback shall be measured from the nearest edge of the wetland, except that if the wetland is only intermittently wet, the setback shall be measured from the nearest point to which water extends when the wetland is inundated to its ordinary extent or area, whether or not water extends to that point at the time of measurement of the setback. In the case of a swamp, bog, fen or other regularly-inundated land of the

minimum area stated in subparagraph (iii), the setback shall be measured in the same manner as stated in the preceding sentence with respect to wetlands.

(e) **Lot Coverage Ratio.** Except for agricultural uses, the maximum lot coverage ratio shall be calculated as the maximum allowable ground area that may be covered by main buildings and above ground accessory structures as a percentage of the lot area. The maximum lot coverage for agricultural uses shall not include barns, greenhouses, livestock buildings or other structures used for agricultural purposes.

(f) **Depth to Width Ratio.** Lots shall not exceed the maximum depth to width ratio of 4:1.

(g) For a site that is proposed to be developed under Chapter 4, Open Space Cluster Development Option, the Planning Commission may allow a common engineered drainfield or similar common system, provided the system shall be approved by the County Health Department and the Township shall require a mechanisms to fund the long term maintenance of the system, in a form approved by the Township Attorney.

(h) **Two-family dwelling floor area.** Two-family dwelling units shall have a minimum usable floor area of nine hundred and sixty (960) square feet with seven hundred and eighty (780) square feet on the first floor of each dwelling unit.

(i) **Multiple Family Side Yard and Building Spacing**. Multiple family buildings shall be set back a minimum of twenty (20) feet from the side lot lines of the overall site. For multiple family developments where there are two (2) or more buildings on the same site, the minimum required distance between two (2) buildings shall be thirty (30) feet.

CHAPTER 4
OPEN SPACE CLUSTER DEVELOPMENT OPTION

Section 4.01 Intent

The open space cluster development option is intended to permit, with special land use approval, development of areas throughout the township that shall be substantially in accord with the goals and objectives of the ***Blendon Township Master Plan***. It is the intent of this Chapter to offer an alternative to conventional development through the use of Planned Unit Development legislation, as authorized by Section 16c of the Township Zoning Act (Public Act 184 of 1943, as amended) through the special land use process for the purpose of:

04.01.01 Encouraging the use of land in accordance with its character and adaptability;

04.01.02 Allowing innovation and greater flexibility in design;

04.01.03 Assuring the permanent preservation of natural, agricultural, social, cultural and historic resources;

04.01.04 Providing open space and recreational facilities within a reasonable distance of all residents of the development;

04.01.05 Providing complete non-motorized circulation to, from and within the development;

04.01.06 Providing convenient vehicular access throughout the development and minimizing adverse traffic impacts;

04.01.07 Utilizing clustered development as a means to more efficiently and cost effectively provide and maintain streets, utilities, and public services;

04.01.08 Ensuring various land uses and building bulk will relate to each other and to adjoining existing and planned uses in such a way that they will be compatible, with no material adverse impact of one use on another.

Section 04.02 Eligibility Criteria

To be eligible for open space cluster development consideration, the applicant must present a proposal for residential development that meets each of the following:

04.02.01 **Recognizable Benefits.** A open space cluster development shall result in a recognizable and substantial benefit, both to the residents of the property and to the overall quality of life in the Township. The benefits can be provided through site design elements in excess of the requirements of this Ordinance, such as high quality architectural design, extensive landscaping, unique site design features, preservation of woodlands and open space, particularly along major thoroughfares, buffering development from streams and wetlands, aesthetic improvements and provision of buffers between incompatible uses.

04.02.02 **Qualification Requirements.** The proposed development shall provide at least one (1) of the following open space benefits:

(a) Significant Natural Assets. The site contains significant natural assets such as woodlands, significant views, woodlands along roadways, natural drainage ways, regulated or non-regulated wetlands, or natural corridors that connect quality wildlife habitats which would be in the best interest of the Township to preserve and which might be negatively impacted by conventional residential development.

(b) Recreation Facilities. If the site lacks natural features, it can qualify if the development will preserve existing or provide new recreation facilities and open spaces to which all residents of the development will have reasonable access. Such facilities include areas such as a neighborhood parks, plazas, passive recreational facilities, soccer fields, ball fields, pathways or similar facilities. Golf courses shall not count towards open space requirements. The design and development of recreational facilities shall not adversely impact to natural features, with the intent to place a higher priority on natural features preservation.

(c) Agriculture. A site can qualify if the development will preserve the required open space for agricultural and agricultural buffering purposes.

04.02.03 **Guarantee of Open Space.** A minimum of fifty percent (50%) of usable open space shall be provided in an open space cluster development and the applicant shall guarantee that all open space portions of the development will be maintained in the manner approved, as required herein. For the purposes of this Chapter, usable open space shall mean that the open space provided has a minimum of at least fifty (50) feet in all horizontal dimensions.

04.02.04 **Cohesive Neighborhood.** The proposed development shall be designed to create cohesive community neighborhoods through a network of spaces such as parks and common open space areas for passive or active recreation and resident interaction.

04.02.05 **Unified Control.** The proposed development shall be under single ownership or control, such that there is a single person or entity having proprietary responsibility for the full completion of the project. The applicant shall provide sufficient documentation of ownership or control in the form of agreements, contracts, covenants, and/or deed restrictions that indicate that the development will be completed in its entirety as proposed.

04.02.06 **Master Plan.** The proposed development shall be consistent with and further the implementation of the Township Master Plan.

Section 04.03 Dwelling Density

04.03.01 **Base Density Determination by Parallel Plan:** The number of dwelling units allowable within an open space cluster development shall be determined through preparation of a parallel plan. The applicant shall prepare, and present to the Township for review, a parallel plan for the project that is consistent with State, County and Township requirements and design criteria for a tentative preliminary plat. The parallel plan shall meet all standards for lot width and setbacks as normally required by the underlying zoning district, public roadway improvements and contain an area which conceptually would provide sufficient area for storm water detention. The lot area used for the purposes of calculating a parallel plan located in the R-1 District shall be reduced from the standard twenty (20) acres per dwelling unit to a three (3) acre minimum for the determination of

allowable density (see diagram 'A' below). A parallel plan that is prepared for an open space cluster development located in the R-2 or R-3 District shall meet all lot area standards as normally required by that district.

04.03.02 **Density Determination:** The Planning Commission shall review the design and determine the number of lots that could be feasibly constructed with the underlying zoning following the parallel plan and would constitute a plan that the Township would normally approve absent the open space option. This number of units, or base density, as determined by the Planning Commission, shall be the maximum number of dwelling units allowable for the open space cluster development. The regulatory flexibility of an open space cluster development may be allowed to cluster the dwellings on smaller lots or mix housing types, provided the overall density shall not exceed that determined in the parallel plan, unless a density bonus is provided under. ***Section 04.03.03, Bonus Density Determination and Open Space*** **(**see diagram 'B' below).

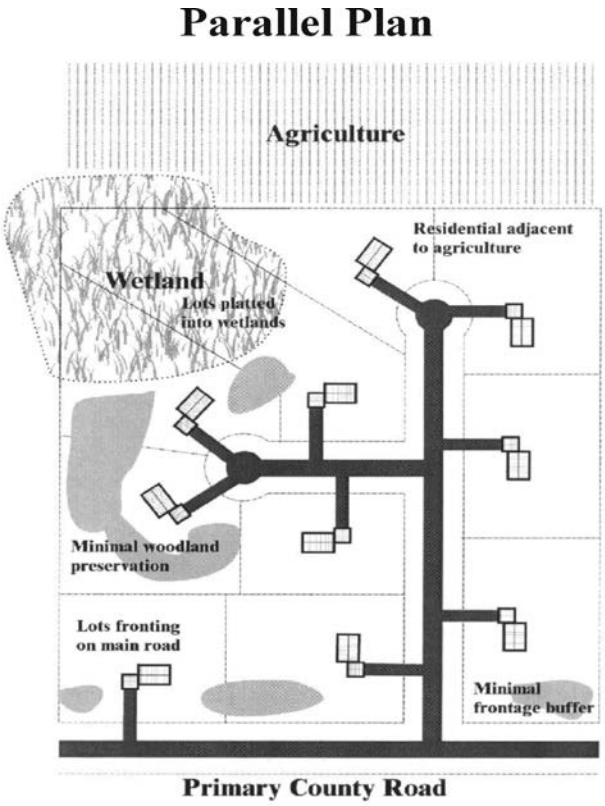


DIAGRAM A

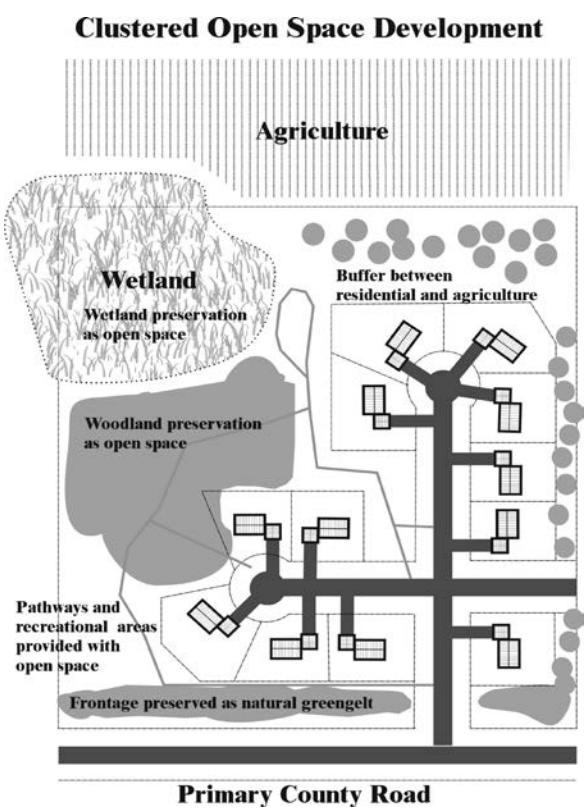


DIAGRAM B

04.03.03 **Bonus Density Determination and Open Space:** A density bonus between twenty percent (20%) and forty percent (40%) may be allowed by the Planning Commission, based upon the general eligibility criteria of ***Section 04.02*** and the following:

(a) **R-1, Low Density Residential District.** In order to further the intent of this District to preserve the rural residential character, encourage the preservation of farm uses, retain the rural character, preserve natural features and buffer rural residential uses from agriculture, an open space cluster development within the R-1 District may receive a density bonus based upon the following amounts of open space set aside to achieve the intent of the district:

Minimum Percent of Site Preserved as Common Open Space	Maximum Density Bonus
50% minimum open space	20% density bonus
55% minimum open space	30% density bonus
60% minimum open space	40% density bonus

(b) **R-2 Medium Density Residential R-3 High Density Residential.** In order to further the intent of this District to plan areas of more concentrated residential development allowing more efficiently provision of utilities and services and encourage development of traditional neighborhoods consistent with the character of a small-town including walkable neighborhoods with sidewalks and parks, the Planning Commission may grant a density bonus of up to forty percent (40%) where the open space cluster development will meet all of the following conditions:

(1) At least fifty percent (50%) of the site area shall be dedicated common open space. At least fifty percent (50%) of the required open space (i.e. 25% of the total site) shall be developed with active recreational areas such as neighborhood parks, common greens, recreational facilities, community buildings or similar facilities that provide a neighborhood amenity, gathering place and a focal point for the community. The remaining common open space areas may be nature preserves, passive recreational areas, landscape buffers or ponds.

(2) A continuous sidewalk system shall be provided through the development along both sides of all internal streets meeting the requirements of ***Section 09.06, Bicycle Paths and Sidewalks***.

(3) For lots not served by public water and sanitary sewer the Planning Commission may allow a common engineered drainfield or similar common system, provided the system shall be approved by the County Health Department and other applicable agencies, and the Township is provided with a mechanism in a form approved by the Township Attorney to fund the long-term maintenance of the system.

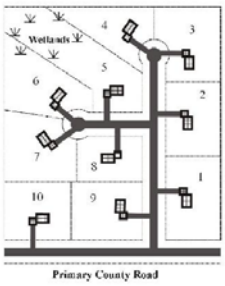
(4) Dwellings shall be designed in keeping with the recommendation of the ***Blendon Township Master Plan*** to create a traditional "small town" environment with complementary housing types and recreational open space integrated into a small scale, compact, pedestrian oriented neighborhood. The applicant shall present typical building elevations and a set of architectural design guidelines for approval by the Township. The design guidelines shall be included as an Exhibit to the Development Agreement and the project's Master Deed Bylaws or Covenant of Deed Restrictions, as applicable.

a. Residential buildings shall have a traditional style of architecture, such as: Colonial, including Georgian, Cape Cod and Greek Revival, Italianate, Tudor, Arts and Crafts, Gothic Revival, Victorian and other traditional styles characteristic of the Mid-western United States.
b. All single family and two family dwellings shall have a front porch at least one hundred fifty (150) square feet in area facing the street, not

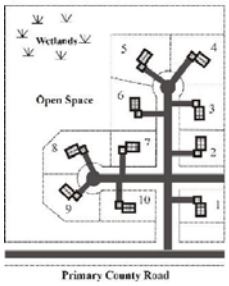
including the stairs. All townhouses and apartment buildings shall have a porch or stoop at least thirty (30) square feet in area facing the street.

c. To create a more pedestrian-scale environment and minimize the dominance of garages on the streetscape all garages shall be either side-entry, front-entry recessed five (5) feet behind the front wall of the dwelling, front-entry below an upper-story living area or located within the rear yard.

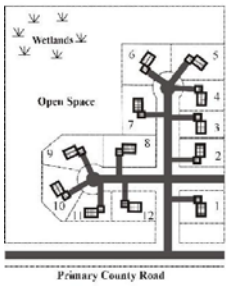
R-1 Low Density Residential
40 acre parcel



Parallel Plan
10 - 3+ acre lots



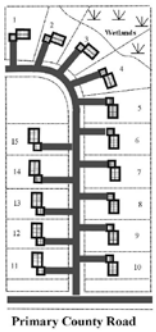
Open Space Cluster with
40% Open Space (16 acres)
10 - 1.75 acre lots



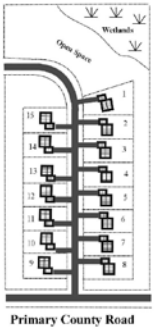
Open Space Cluster with
50% Open Space (20 acres)
12 - 1.3 acre lots

Open Space Cluster with
60% Open Space (24 acres)
14 - 1 acre lots

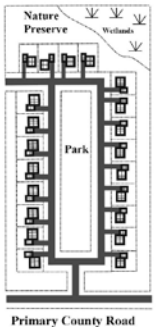
R-2 Medium Density Residential
10 acre parcel



Parallel Plan
15 - 18,000 sq. ft. lots



Clustered Open Space
with no density bonus
40% open space (4 acres)
15 - 10,000 sq. ft. lots



Clustered Open Space
with 40% density bonus
40% open space (4 acres)
with improved parks
21 - 7,500 sq. ft. Lots

The open space cluster developments depicted in these examples are for illustrative purposes only. Density, lot area and configuration can vary significantly based upon site conditions.

Base density is established by a parallel plan developed under Section 04.03 and will vary upon site conditions.

The area and width of lots in the open space cluster development are variable and are determined by the site plan design and amount of open space, with Planning Commission approval under Section 04.04.

d. The proposed density shall not result in an unreasonable increase in the need for or impact to public services, facilities, roads, and utilities in relation to the density otherwise permitted by the parallel plan, and shall not place an unreasonable impact to the subject and/or surrounding land and/or property owners and occupants and/or the natural environment. The Township may require that the applicant prepare an impact statement documenting the significance of any environmental, traffic or socio-economic impact resulting from the additional density. An unreasonable impact shall be considered an un-mitigateable, significant adverse effect on the quality of the surrounding community and the natural environment in comparison to the impacts associated with conventional development.

Section 04.04 Area and Bulk Regulations

04.04.01 **Lot sizes:** Lot areas and width of an open space development plan may be reduced below the minimum requirement of the underlying zoning district, provided that the open space within the development equals or exceeds the total area of lot size reduction.

04.04.02 **Regulatory Flexibility:** The setback requirements of the underlying zoning district shall be used as guidelines for the open space cluster development plan. To encourage flexibility and creativity consistent with the intent of the open space cluster development regulations, the Township may permit specific departures from the requirements of the Zoning Ordinance. A table shall be provided on the site plan that lists all deviations and regulatory modifications. Deviations shall only be approved through a finding by the Township that the deviation will result in a higher quality of development than would be possible using conventional zoning standards. Only those deviations consistent with the intent of this Chapter shall be considered.

04.04.03 For lots not served by public water and sanitary sewer the Planning Commission may allow a common engineered drainfield or similar common system, provided the system shall be approved by the County Health Department and other applicable agencies, and the Township is provided with a mechanism in a form approved by the Township Attorney to fund the long-term maintenance of the system.

Section 04.05 Open Space Requirements

04.05.01 **Common Open Space:** All land within a development that is not devoted to a residential unit or road right-of-way shall be set aside as common land for neighborhood use, recreation, conservation or agriculture.

04.05.02 **Amount of Open Space:** An open space cluster development shall maintain a minimum of fifty percent (50%) percent of the gross area of the site as dedicated open space held in common ownership, provided additional open space may be required by ***Section 04.03.03, Bonus Density Determination and Open Space***.

04.05.03 **Areas Not Considered Open Space.** The following land areas are not included as dedicated open space for the purposes of meeting the requirements of ***Section 04.05.02*:**

(a) Lot areas of proposed as single family residential or site condominiums.

(b) Area proposed to be occupied by multiple family dwellings, including the minimum required setbacks around buildings

(c) The area of any road right-of-way or private road easement

(d) Any submerged land area of a pond, lake or stream. Constructed wetlands and stormwater detention ponds designed to appear and function similar to natural wetlands and ponds, may be counted as open space, provided at least fifty percent (50%) of the minimum required open space area (i.e. 25% of the total site) shall be in the form of usable park area or upland nature preserves.

(e). Golf courses.

04.05.04 **Open Space Location:** Common open space shall be planned in locations visible and accessible to all in the open space cluster development. The common open space may either be centrally located, along the road frontage of the development, located to preserve natural features, located to buffer adjacent farmland or located to connect open spaces throughout the development, provided the following areas shall be included within the open space area:

(a) The open space along the exterior public roads shall have a depth of at least one hundred (100) feet, either landscaped or preserved in a natural wooded condition.

(b) Open space shall be situated to maximize the preservation of any existing site woodlands.

(c) A minimum one-hundred (100) foot wide undisturbed open space setback shall be maintained from the edge of any stream or wetland; provided that the Township may permit trails, boardwalks, observation platforms or other similar structures that enhance passive enjoyment of the site's natural amenities within the setback.

(d) A minimum one-hundred fifty (150) foot wide open space buffer shall be maintained between residential lots and any adjacent parcel occupied by a agricultural use. A minimum three-hundred (300) foot wide open space buffer shall be maintained between residential lots and any adjacent parcel zoned EAG, Exclusive Agriculture District.

(e) Where adjacent land includes open space, public land or existing or planned bike paths, open space connections shall be provided between the site and adjacent open space. Trails between adjoining open space development shall be constructed to allow future interconnection between neighborhoods.

(f) Any open space area provided shall be a minimum of at least fifty (50) feet in all horizontal dimensions.

04.05.05 **Open Space Protection:** The dedicated open space shall be set-aside in perpetuity by the developer through a conservation easement that is found acceptable to the Township. The conservation easement shall assure that the open space will be protected from all forms of development, except as shown on an approved site plan, and shall never be changed to another use. The conservation easement shall provide the following:

(a) Allowable use(s) of the dedicated open space shall be indicated. The Township may require the inclusion of open space restrictions that prohibit the following:

(1) Dumping or storing of any material or refuse;

(2) Activity that may cause risks of soil erosion or threaten any living plant material;

(3) Cutting or removal of live plant material except for removal of dying or diseased vegetation;

(4) Use of motorized off road vehicles;

(5) Cutting, filling or removal of vegetation from wetland areas;

(6) Use of pesticides, herbicides or fertilizers within or adjacent to wetlands.

(b) Dedicated open space shall be maintained by parties who have an ownership interest in the open space. Standards for scheduled maintenance of the open space shall be provided. The conservation easement shall provide for maintenance to be undertaken by the Township in the event that the open space is not adequately maintained, or is determined by the Township to be a public nuisance, with the assessment of costs upon the owners of the open space.

(c) The dedicated open space shall forever remain open space, subject only to uses approved by the Township on the approved site plan. Further subdivision of open space land or its use for other than recreation, conservation or agricultural purposes, except for easements for utilities and septic systems, shall be strictly prohibited. Any change in use of the open space from what is shown on the approved site plan shall require Township Board approval, based upon a recommendation by the Planning Commission, and shall not diminish compliance with the requirements of this Chapter.

(d) Nothing herein shall prevent the conveyance of open space to a public agency or other non-profit entity for recreational or conservation use.

Section 04.06 Natural Features

04.06.01 **Limits of Tree Clearing:** The development shall be designed so as to preserve natural resources. The limits of tree clearing and grading shall be clearly shown on the preliminary site plan or plat.

04.06.02 **Animal or Plant Habitats:** If animal or plant habitats that are characteristic of pre-settlement habitat exist on the site, the Township, as a condition of approval, may require that the site plan preserve these areas in a natural state and adequately protect them as nature preserves or limited access areas.

Section 04.07 Landscaping

The following landscaping requirements shall be met in addition to other landscaping requirements contained in ***Chapter 11, Landscaping:***

04.07.01 **Street Trees:** Both sides of all internal roads shall be landscaped with street trees. For road frontages of individual lots or condominium sites, a minimum of two (2) canopy trees shall be provided per dwelling. For sections of road that do not abut lots or condominium sites, one (1) canopy tree shall be provided on each side for every forty (40) feet of road. Existing trees preserved within ten (10) feet of the road right-of-way or easement may be credited towards meeting this requirement.

04.07.02 **Frontage Greenbelt:** A minimum one-hundred (100) foot deep greenbelt shall be maintained along the exterior public roads. This greenbelt shall be landscaped with a minimum of one (1) evergreen tree or canopy tree for each fifteen (15) feet of road frontage, arranged in natural groupings. Preservation of existing trees within the greenbelt may be credited towards meeting the landscaping requirement.

04.07.03 **Stormwater Detention Ponds:** All ponds and stormwater management facilities shall be designed to fit into the natural landscape and provide a natural appearance. Landscaping shall be provided around the perimeter of the pond to create the appearance of a natural pond or wetland. Landscaping shall include a combination of canopy trees, shrubs and grasses that are adapted to saturated soil conditions. Canopy trees may be dispersed around the perimeter, but should provide greater clusters in locations that will provide shade and minimize the heating effect of the sun on the stormwater detention pond. Storm water detention ponds shall be designed with shallow side slopes that do not require security fencing. For ponds not dedicated to the County Drain Commissioner, the development agreement shall provide for long-term maintenance of the stormwater detention pond by the homeowners association.

Section 04.08 Design Standards

Signs, lighting, landscaping, building architecture and materials, and other features of the project, shall be designed to achieve an integrated and controlled development, consistent with the character of the community, surrounding development or developments, and natural features of the area. The Township may require a consistent type of pedestrian scale ornamental lighting along all streets and sidewalks and within any off street parking lots. Residential entrance signs and commercial signs shall be approved as part of the final plan of the open space cluster development. The Township Board may establish the development as a special assessment district for purpose of funding street lighting.

Section 04.09 Development Agreement

The applicant shall submit an Agreement for review and approval by the Township Attorney including the conditions upon which approval is based. The Agreement, after review by the Planning Commission and approval by the Township Board, shall be entered into between the Township and the applicant and be recorded with the County Register of Deeds. Approval shall be effective upon recording. At a minimum, the agreement shall provide:

04.09.01 A survey of the acreage comprising the proposed development.

04.09.02 The manner of ownership of the developed land.

04.09.03 The manner of the ownership and of dedication or mechanism to protect any areas designated as common areas or open space.

04.09.04 Provision assuring that those open space areas shown on the plan for use by the public or residents of the development will be or have been irrevocably committed for that purpose. The Township may require conveyances or other documents to accomplish this.

04.09.05 Satisfactory provisions have been made to provide for the future financing of any improvements shown on the plan for site improvements, open space areas and common areas which are to be included within the development and that maintenance of such improvements is assured by a means satisfactory to the Township Board. The Township may require an escrow to accomplish this.

04.09.06 The cost of installing and maintaining all streets and the necessary utilities has been assured by a means satisfactory to the Township Board.

04.09.07 Provisions to ensure adequate protection of natural features.

04.09.08 The preliminary site plan shall be incorporated by reference and attached as an exhibit.

Section 04.10 Approval Process

04.10.01 **Review Process:** An open space cluster development may be approved by the Planning Commission under the terms of subsection 04.10.04. The Planning Commission shall make a recommendation to the Township Board concerning the Development Agreement; after receiving the Planning Commission's recommendation on the Development Agreement, the Township Board shall take final action on the Development Agreement, as more fully stated in subsection 04.10.04. Final action on the open space cluster development, however, shall be the responsibility of the Planning Commission. Further, in the case of open space cluster developments that are established as platted subdivisions, the provisions of the Township Subdivision Control Ordinance shall also apply. In the case of open space cluster developments that are established as condominiums or site condominiums, the provisions of Chapter 12A of this ordinance shall also apply.

04.10.02 **Preliminary Open Space Cluster Development Site Plan Submittal**. The preliminary open space cluster development site plan submittal shall include all of the following information unless deemed unnecessary by the Zoning Administrator:

Existing Site Conditions
An overall area map at a scale of not less than 1 inch = 2000 feet showing the relationship of the open space cluster development to its surroundings such as section lines and/or major streets or collector streets
Physical development plan prepared at a minimum scale of 1 inch = l 00 feet
Boundaries of proposed open space cluster development, section or corporation lines within or adjacent to the tract, and overall property dimensions
Property lines of adjacent tracts of subdivided and unsubdivided land shown in relation to the open space cluster development site, including those of areas across abutting roads
Location, widths, and names of existing or prior platted streets and private streets, and public easements within or adjacent to the open space cluster development site, including those located across abutting roads
Location of existing sewers, water mains, storm drains and other underground facilities

within or adjacent to the open space cluster development site
Topography drawn as contours with a 2-foot contour interval. Topography to be based on USGS datum and be extended a minimum distance of 200 feet outside the open space cluster development boundaries
Proposed Development Features
Parallel plan consistent with State, County and Township requirements and design criteria for a tentative preliminary plat that shows the number of dwelling unit that could be developed on the site with a conventional subdivision.
Layout of streets indicating proposed street names, right-of-way widths, and connections with adjoining roads, and also the widths and location of easements, and public walkways
Layout, numbers, and dimensions of one-family lots, including building setback lines
Layout of proposed multiple-family dwellings, including setbacks, buildings, drives, parking spaces, walkway systems, and landscaping
Location and definition of function of both developed and undeveloped open spaces. Layout of facilities to be included on developed open spaces
Depiction of major wooded areas and description of means to be employed to preserve them
An indication of ownership, and existing and proposed use of any parcels identified as "excepted"
An indication of the proposed sewage, water supply, and storm drainage system. If county drains are involved, the proposed drainage shall be acceptable to the County Drain Commissioner. Storm drainage must be provided to an approved outlet or retention
Conceptual site grading plan and conceptual landscaping plan, including pedestrian circulation system
Depiction of proposed development phases
Architectural renderings of typical structures and landscape improvements, in detail sufficient to depict the basic architectural intent of the improvements
Tabulations
Total site acreage and percent of total project in various uses, including developed and undeveloped open space
Total site density and density of one-family and multiple-family dwellings and percent of ground area covered by buildings
Acreage and numbers of single-family lots and multiple-family dwellings to be included in development phases
Supporting Materials
Legal description of the total site
Draft of the Development Agreement required by Section 04.09
Statement of developer's interest in the land proposed for development
Statement regarding the manner in which open space is to be maintained
Statement regarding the developers intentions regarding sale and/or lease of all or portions of the open space cluster development, including land areas, units, and recreational facilities
Statement of covenants, grants of easements (including easements for public utilities), and other restrictions to be imposed upon the use of the land and structures
Statement of required modifications to the regulations which are otherwise applicable to the site
Schedule indicating the time within which applications for final approval of each phase of the open space cluster development are intended to be filed

04.10.03 **Public Hearing:** The Planning Commission shall conduct at least one public hearing for the purpose of receiving public comments on the proposed open space cluster development. Notice of the public hearing shall be published and delivered in accordance with Section 17.14 of this Ordinance.

04.10.04 **Planning Commission Action:** After the public hearing, the Commission shall review the open space cluster development preliminary site plan and the parallel plan. The Commission shall approve, deny or approve with conditions the open space cluster development preliminary plan, based on the following:

(a) The open space cluster development shall satisfy the eligibility criteria of ***Section 04.02***.

(b) The open space cluster development shall comply with the requirements of this Chapter other applicable sections of this Ordinance and the subdivision or condominium standards of the Township, as applicable.

(c) The open space cluster development shall be designed and constructed in a manner harmonious with the character of adjacent property and the surrounding area.

(d) The proposed open space cluster development shall be adequately served by essential public facilities and services, such as roads, pedestrian or bicycle facilities, police and fire protection, drainage systems, water supply and sewage facilities. The design shall minimize the negative impact on the street system in consideration of items such as vehicle trip generation, access location and design, circulation, roadway capacity, traffic operations at proposed access points and nearby intersections.

(e) The proposed open space cluster development shall not have an unacceptable significant adverse effect on the quality of the natural environment in comparison to the impacts associated with a conventional development.

The Planning Commission shall adopt a resolution that includes the grounds for its decision. The resolution shall also include the Planning Commission's recommendation to the Township Board regarding the Development Agreement.

The Planning Commission shall forward the Development Agreement to the Township Board, together with a copy of the Planning Commission resolution concerning the open space cluster development and the preliminary plan of the open space cluster development.

The Township Board shall consider the Planning Commission's recommendation on the Development Agreement. The Board may approve the agreement, disapprove the agreement or approve the agreement with conditions, in its discretion. If as a result of the Township Board's action with respect to the Development Agreement, changes in or additions to the open space cluster development plan are needed, or if the Township Board desires that the Planning Commission consider whether such changes or additions are needed, the development plan shall then be referred back to the Planning Commission for review, in the light of the approval or modification action taken by the Township Board with respect to the Agreement.

The Planning Commission's approval of the open space cluster development preliminary plan shall be valid for one year, but the Planning Commission in its discretion may extend such period of approval for one additional year, if the extension is applied for in writing by the applicant, and if in the sole discretion of the Planning Commission, the reasons given for the desired extension are justified under the circumstances. If, however, construction of the open space cluster development has not substantially commenced, and if it has not proceeded with reasonable diligence toward completion, at the end of the initial one year or, in the case of an extension, at the end of the second year, then the approval of the preliminary open space cluster development plan shall terminate, and the plan shall be of no further force or effect. In that event, the applicant shall submit a new application for approval of the development, if the applicant then desires to proceed further with the development.

04.10.05 **Conditions.** Reasonable conditions may be required with the approval of an open space cluster development, to the extent authorized by law, for the purpose of ensuring 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, protecting the natural environment and conserving natural resources, ensuring compatibility with adjacent uses of land, promoting the use of land in a socially and economically desirable manner, and further the implementation of the ***Blendon Township Master Plan***.

04.10.06 **Final Approvals:** After the Planning Commission has approved the preliminary site plan of the open space cluster development, the applicant shall submit a final site development plan for review and approval by the Planning Commission.

(a) The final site development plan shall include all information required to be included in a final site development plan as stated in Section 12.03 of this ordinance.

(b) The final site development plan shall also include all changes, revisions and additions required by the Planning Commission in its approval of the preliminary site development plan.

(c) The final site development plan shall substantially conform to the preliminary site development plan, as modified to comply with all of the terms and conditions of the Planning Commission's approval of the preliminary plan; provided, however, that if the final site development plan departs in any material respect from the preliminary open space cluster development plan, and the conditions of approval thereof, then the Planning Commission shall convene a public hearing on the final site development plan and shall then review the plan and approve it, approve it with conditions or deny it.

(d) In considering the final open space cluster development plan, whether conforming to the preliminary plan as approved by the Planning Commission, or whether having material departures therefrom, the Planning Commission shall consider the following criteria:

(1) Whether the final open space cluster development plan complies with the open space cluster development eligibility criteria as stated in Section 04.02.

(2) Whether the final development plan reflects and includes the conditions under which the Planning Commission approved the preliminary plan, or if

not, whether any departures therefrom nevertheless satisfy the goals and objectives of the open space cluster development provisions.

(3) Whether the open space cluster development would be adequately served by public facilities and services.

(4) Whether the open space cluster development, as depicted in the final development plan, is designed and would be constructed so as to have no significant adverse effects on adjacent or nearby lands and the surrounding area.

(e) If the final site development plan is approved with conditions, the applicant shall revise the plan so as to reflect compliance with the conditions, and then submit the plan as so revised to the Zoning Administrator, who shall determine whether the plan fully and properly reflects such conditions, and if so, shall indicate approval by signature on the original of the plan; alternatively, the Zoning Administrator may refer the revised plan to the Planning Commission for review and further action.

(f) Approval of the final site development plan shall be effective for a period of one year; provided, however, that the Planning Commission in its discretion may grant a one-year extension of such approval, if applied for in writing by the applicant.

Section 04.11 Transfer of Development Rights Planned Unit Development (TDR/PUD)

04.11.01 Intent and Scope.

(a) Transfer of development rights is intended as a method of implementing the Blendon Township Master Plan, permitting the transfer of development rights from a location that is intended to be preserved for agriculture or open space to another location where the associated development can be more appropriately accommodated by the natural environment, surrounding land uses and infrastructure.

(b) The purpose of this Section is to achieve economy and efficiency in the use of land, energy, and the provision of public services and utilities; to encourage useful open space and the conservation of natural resources, and to support adequate infrastructure, consistent with the provisions of the Zoning Act and the Township Planning Act (P.A. 168 of 1959, as amended), and, particularly, to advance the goals set in the ***Blendon Township Master Plan*** related to the preservation of valuable agricultural land and the promotion of efficient use of land and public resources in designated areas where further residential development is feasible and desirable. In order to accomplish these objectives, this Section.

(1) Designates Agricultural Preserve Sending Areas as a zone overlaying the lands designated as Rural Reserve in the ***Blendon Township Master Plan***. At the same time that the development rights are transferred from sending area, a development limitation is placed on the sending area to control the nature and extent of its subsequent use and development.

(2) Designates Development Receiving Areas as a zone overlaying lands designated as Residential Hamlet in the ***Blendon Township Master Plan*** and

meeting certain conditions of this Section. The receiving area shall only be developed as an open space cluster development meeting the requirements of this Chapter.

(c) Development rights may be transferred through approval of both the Agricultural Preserve Sending Area and Development Receiving Area as a TDR/PUD through the use of Planned Unit Development legislation, as authorized by Section 16c of the Zoning Act subject to the requirements of this Section.

04.11.02 **Definitions**

(a) *Agricultural Conservation Easement:* A grant, by an instrument, by which the owner relinquishes in perpetuity the right to use and subdivide the land for any residential or other development which is not incidental to agriculture and open space. It contains a covenant running with the land that defines the limitation on the development on a Sending Area site, including the number of Development Rights severed from the site upon the sale of Development Rights.

(e) *Agricultural Preserve Sending Area:* A parcel or parcels eligible for selling Development Rights and to transfer them in the form of Development Credits to a Development Receiving Area site.

(b) *Development Credit:* A measure of the amount of the residential development allowed on a Receiving Area site which comes in addition to the number of development units otherwise permitted in the Development Receiving Area as a result of purchasing Development Rights from a Sending Area. One (1) Development Credit equals one (1) dwelling unit.

(c) *Development Receiving Area:* A parcel or parcels eligible for utilizing the Development Rights, purchased from an eligible Sending Area site, to use them as Development Credits in order to increase the density permitted under the provisions of the zoning district in which the site is located.

(d) *Development Right, or Transferrable Development Right:* An interest in and the right to use and subdivide land for any residential or other purposes and activities which are not incidental to agriculture and open space.

(f) *Transferor:* A landowner of an approved site within a Sending Area, who sells Development Rights which are to be transferred as Development Credits to an eligible site within the Development Receiving Area.

(g) *Transferee:* A person or entity who purchases Development Rights from a Transferor as to use them as Development Credits in the development of a site within a Development Receiving Area.

04.11.03 **Agricultural Preserve Sending Areas.** Development rights may be transferred from an Agricultural Preserve Sending Area to a Development Receiving Area, subject to all of the following provisions:

(a) Qualifying Conditions.

(1) Eligible parcels must be located within a Sending Area as depicted as Rural Reserve in the ***Blendon Township Master Plan***.

(2) The combined acreage of all parcels must be at least forty (40) acres in area, unless the parcel is adjacent to another approved Sending Area site so that the total land area that is to be committed for agricultural preservation is at least forty (40) acres.

(3) A Sending Area parcels may not include any lots within an approved subdivision lots in existence as of the date of the adoption of this Section.

(4) The developed acreage of a Sending Area site shall not be included in the calculations of Development Credit.

(5) The transferor of the Sending Area site must own or have an interest either through a purchase agreement or other similar legal instrument, in the property included in the site.

(b) Development Credit. The amount of development credit that can be transferred from the Agricultural Preserve Sending Area shall be number of dwelling units normally permitted, as determined utilizing a parallel plan meeting the requirements of ***Section 04.03.01, Density Determination by Parallel Plan***.

(c) Agricultural Conservation Easement. Prior to the transfer of development rights, the property owner shall grant an agricultural conservation easement to Blendon Township or other conservation organization found acceptable to the Township. Such easement shall limit use of the transferring property to agricultural, conservation or recreation, use only, excluding golf courses, and shall prohibit all other uses of the land in perpetuity. The easement may provide, however, upon Township Board approval, for existing uses to continue and for limited development of new uses based upon any residual development rights remaining after the development rights have been transferred. Upon the establishment of conservation easements pursuant to this section, the Township shall not authorize their release. The conservation easement shall meet all requirements of ***Section 04.05.05, Open Space Protection***.

(d) Obligation of Landowner to Convey Development Rights. The sale and conveyance of Development Rights occurs solely on a voluntary basis. Landowners of eligible Sending Areas may not be compelled to sell and convey their transferable Development Rights. Unconveyed Development Rights may be transferred with land sold, donated or bequeathed. Owners of eligible Sending Area sites who choose not to convey their Development Rights may develop their land as permitted by the Zoning District in which the site is located.

(e) Value of Development Rights. The monetary value of Development Rights is solely determined between Transferor and Transferee.

04.11.04 **Development Receiving Areas.** Development rights may be transferred to a Development Receiving Area, subject to all of the following provisions:

(a) Qualifying Conditions.

(1) Eligible parcels must be located within a Sending Area as depicted as Residential Hamlet in the ***Blendon Township Master Plan***.

(2) Parcels must be not less than ten (10) acres total area.

(3) Development Receiving Areas must be served by adequate facilities and services such as public water and sewer or a private system approved by the Township Board, the County Health Department and other appropriate agencies.

(4) The proposed densities of the Receiving Area site must be consistent with the Township Master Plan and existing uses and densities of surrounding properties.

(5) The Receiving Area site must be owned by the Transferee.

(b) Development. The Development Receiving Area may only be developed as an Open Space Cluster Development under this Chapter at a density which combines that permitted by the underlying zoning, as determined by ***Section 04.03, Dwelling Density***, and that allowed by any development credit transferable to the land in the Development Receiving Area.

(c) Density Limit. It is not intended that by designating land in a Development Receiving Area that rezoning to higher density is appropriate for the land generally or its surrounding area. The residential density of permitted uses shall not exceed one hundred and twenty-five percent (125%) of the maximum residential density that would otherwise be permitted by ***Section 04.03, Dwelling Density***, without the transferred development rights.

(d) Permitted Uses. Any use permitted by right or special land use approval in the underlying zoning district shall be permitted in the Receiving Area site, subject to compliance with the applicable regulations of this Ordinance.

04.11.05 **TDR/PUD Application.** The TDR/PUD consists of two (2) parts - a Sending Area site part and a Receiving Area site part. The owner of the Sending Area site part, that is the Transferor, and the owner of the Receiving Area site part, that is the Transferee, shall submit a joint application and a preliminary development plan, covering both parts of the TDR/PUD. The application shall be submitted to the Zoning Administrator who shall schedule a date and time for public hearing and Planning Commission review. Such application shall include the following:

(a) A completed TDR/PUD application form, provided by the Zoning Administrator, which includes a request for granting Development Rights to the Sending Area site and a request for transferring these rights as Development Credits to the Receiving Area site.

(b) Payment of a fee, as established by the Township Board.

(c) A narrative statement of how the proposed TDR/PUD meets the goals of the Township Master Plan and the purposes of this Ordinance.

(d) Documents and narrative statements regarding the Sending Area site:

(1) A metes and bounds description of the property from which Development Rights are to be transferred; a plot plan or survey showing total acreage of the property; easements in favor of governmental agencies, utilities, and non-profit organizations; land already restricted from development, easement or deed; location of existing dwellings on the property; and two (2) acres of the curtilage around existing dwelling(s).

(2) Evidence as to how the Sending Area site part of the TDR/PUD meets the qualifying conditions as described in Section 04.11.03(a).

(3) A parallel plan indicating the number of dwelling units normally permitted, meeting the requirements of ***Section 04.03.01, Density Determination by Parallel Plan***. The parallel plan shall exclude areas subject to easements, restrictions and existing dwellings, which shall be indicated on lots meeting the minimum lot area requirements of the underlying zoning district.

(4) If a transfer of Development Rights involves less than the entire number of development credits that may be attributed to a Sending Area site, the portion of the parcel from which the development rights are transferred shall be clearly identified on a plan showing the whole parcel. Such plan shall also include a notation of the number of Development Rights that are to be transferred and the number of Development Rights that will remain available with the Sending Area site after the proposed transfer.

(5) A copy of a proposed Deed of Transferable Development Rights and a copy of the proposed Agricultural Conservation Easement to be placed on the Sending Area site upon approval of the TDR/PUD. The Agricultural Conservation easement shall comply with the following conditions:

a. Transferor shall perpetually restrict the use of the parcel or portion thereof, from which Development Rights are conveyed by an Agricultural Conservation Easement.

b. The Agricultural Conservation Easement shall restrict the future land use of the property to agricultural uses, any accessory agricultural uses and open space uses.

c. The Agricultural Conservation Easement shall designate the Township as a third party beneficiary of the restrictions imposed upon the Transferor and his/her property. Such restrictions shall be made enforceable by the Township as such third party beneficiary.

d. Land from which Development Rights are severed and conveyed shall continue to be owned, subject to said restrictions, by the Transferor, his/her heirs, executors, administrators, successors and assigns.

(e) Documents and statements regarding the Receiving Area site

(1) Evidence as to how the Receiving Area site part of the TDR/PUD meets the qualifying conditions as described in ***Section 04.11.03(b).***

(2) A narrative describing anticipated impact of development on surrounding properties and neighborhood and proposed methods of mitigating any negative impacts, if such are expected.

(3) An open space cluster development preliminary site plan. In addition the requirements of ***Section 04.10.02,*** the preliminary plan must indicate:

a. That Development Credits are to be used as to increase density permitted by the regulations applicable to the underlying zone.

b. A parallel plan indicating the number of dwelling units normally permitted by the underlying zoning, meeting the requirements of ***Section 04.03.01, Density Determination by Parallel Plan***.

c. The number of Development Credits that the Transferee requests to use in the development and the total number of dwellings proposed to be built.

(4) A title search of previously severed Development Rights, if the Transferee proposes to use such rights previously severed from the Sending Area site.

(5) An agreement for the transfer of Development Rights between Transferor and Transferee.

04.11.06 **Zoning Administrator Determination of Development Rights and Credits**

(a) Upon receiving a complete application package, as required above, the Zoning Administrator shall determine the number of transferable Development Rights attributed to the Sending Area site and the number of Development Credits to be used in the Receiving Area site. The Zoning Administrator shall also determine with the advice of the Township's Attorney or Engineer, the sufficiency of:

(1) The plan indicating the portion of the Sending Area site parcel to be restricted from future development if the Development Rights from less than the entire parcel are transferred.

(2) The Deed for Transferable Development Rights.

(3) The Agricultural Conservation Easement.

(b) The Zoning Administrator shall inform the Transferor and the Transferee of their findings written form within sixty (60) day of receipt of the TDR/PUD application. Findings shall include the number of dwelling units that Transferee may construct on Receiving Area site after applying Development Credits to the base density of the underlying zoning district.

(c) Any appeals of the determinations of the Zoning Administrator shall be made in accordance with the provisions of ***Chapter 16, Zoning Board of Appeals***.

(d) Upon final determination by the Zoning Administrator or the Township Board of Zoning Appeals, the Zoning Administrator shall cause notice to be given in accordance with the provisions of the Zoning Act.

04.11.07 **Notice and Public Hearing for TDR/PUD**

Notification of the public hearing shall be the same as that required for special land uses in ***Section 13.02, Special Land Use Review Procedure***.

04.11.08 **Planning Commission Recommendation and Township Board Action**

The application shall be reviewed following the procedures for preliminary and final approval under ***Section 04.10, Approval Process***. In addition, the Township Board shall endorse the Deed for Transferable Development Rights and the Agricultural Conservation Easement with the preliminary site plan. Upon approval of the final TDR/PUD application, the Agricultural Conservation Easement and the Deed for Transfer of Development Rights shall be duly signed by all relevant parties and recorded with the Recorder of Deeds.

04.11.09 **Standards for Approval**

A TDR/PUD shall be approved only if it complies with each of the following standards:

(a) The proposed TDR/PUD complies with all qualifying conditions noted above.

(b) The uses and densities to be conducted within the proposed TDR/PUD are consistent with the ***Blendon Township Master Plan***.

(c) The proposed Receiving Area site part of the TDR/PUD is compatible with surrounding uses of land, the natural environment, and the capacities of public services and facilities affected by the development. The proposed Receiving Area site part of the TDR/PUD will not negatively affect surrounding uses of land and/or the natural environment. If any negative impacts related are anticipated, appropriate mitigating measures shall be proposed and taken.

(d) The proposed Receiving Area site part of the TDR/PUD will not contain uses or conditions of use that would be injurious to the public health, safety, or welfare of the community.

(e) The proposed project is consistent with the spirit and intent of the TDR/PUD District, as described in ***Section 04.11.01***.

(f) The proposed TDR/PUD meets all the review standards of ***Section 04.02, Eligibility Criteria***, ***Section 13.03, Standards for Special Land Use Approval*** and ***Section 12.04Site Plan Review Criteria***.

(g) The Planning Commission may require evidence that groundwater sources at the Receiving Area site will be protected and that environmental, traffic, or other concerns are met. Approval of the County Health Department, County Road

Commission, or other agencies, while required to develop the site, shall not be the sole determining factor in this regard.

(h) The Planning Commission may require any additional information it deems necessary to ensure compliance with the review standards and other requirements of this Ordinance, including additional soil borings, soil reports, hydrological tests, traffic studies, or other such evidence which shall be submitted by the applicant prior to approval.

04.11.10 TDR/PUD Agreement

Prior to issuance of any building permits or commencement of construction on any portion of the TDR/PUD, the Transferee shall enter into an Agreement with the Township in recordable form, setting forth his/her obligations with respect to the TDR/PUD. The Agreement shall meet all requirements of ***Section 04.09, Development Agreement***, and shall incorporate, by reference, the final development plan with all required revisions, and all conditions attached to the approval by the Township Board. The Agreement shall also establish the remedies of the Township in the event of default by the Transferee in carrying out the TDR/PUD, and shall be binding on all successors in interest to the Transferee. All documents shall be executed and recorded in the office of the Register of Deeds.

04.11.11 Changes to an Approved TDR/PUD

All regulations regarding changes to PUD as set forth in ***Section 12.05, Changes in the Approved Site Plan,*** shall apply.

04.11.12 Time Limit for Approved TDR/PUD District

All regulations regarding time limit for approved PUDs as set forth in ***Section 04.10, Approval Process*** shall apply.

CHAPTER 5
C-1 NEIGHBORHOOD COMMERCIAL DISTRICT

Section 05.01 Description and Purpose

This District is intended to provide opportunities for retail businesses or service establishments that supply commodities or perform services to meet the daily needs of township residents. Uses that are not necessary to serve the neighborhood and which might be harmful to nearby residences are not permitted.

Section 05.02 Uses Permitted

Land and/or buildings in the C-1 District may be used for the following purposes by right after approval in accordance with the procedures of ***Chapter 12, Site Plan Review Procedures and Requirements***

05.02.01 Greenhouses and nurseries, not including retail operations. A residence may also be located on the same property as the greenhouses and nurseries. Greenhouses or other structures accessory to the greenhouse or nursery operation shall be located no nearer than the setbacks required for accessory buildings in ***Section 15.03.02, Accessory Buildings***.

05.02.02 Private and public schools, churches, libraries, museums, art galleries, and similar uses.

05.02.03 Banks, loan and/or finance offices, not including drive through service.

05.02.04 Personal service establishments performing services on the premises including, but not limited to, dressmaker and tailor shops, beauty parlors, barber shops, dry cleaners, mailing, and copying.

05.02.05 Retail stores with business conducted entirely within an enclosed building not exceeding fifty-thousand (50,000) square feet in area.

05.02.06 Child Care Centers and Adult Day Care Centers. *(amended September 2016)*

05.02.07 Offices (business or professional, including medical and dental clinics).

05.02.08 Lodge, and union halls, private clubs and other similar places of assembly.

05.02.09 Laundromats.

05.02.10 Restaurants, not including drive through service.

05.02.11 Kennels, including commercial kennels.

05.02.12 Wireless communication facilities as provided for in ***Section 15.05.05, Wireless Communication Facilities***.

05.02.13 Accessory buildings meeting the dimensional requirements of Section 05.04.01.

05.02.14 Adult Foster Care Congregate Facility *(amended September 2016)*

05.02.15 Assisted Living Facility *(amended September 2016)*

05.02.16 Nursing Home *(amended September 2016)*

05.02.17 Child Caring Institution *(amended September 2016)*

Section 05.03 Special Land Uses

Land and/or buildings in the C-1 District may be used for the following purposes following approval by the Planning Commission as a Special Land Use as regulated by ***Chapter 13 Special Land Uses***:

05.03.01 Retail establishments over fifty-thousand (50,000) square feet.

05.03.02 Banks, loan and/or finance offices, including drive through service.

05.03.03 Open air businesses.

05.03.04 Automobile service stations and automobile repair (minor) facilities, including the selling of convenience goods, but not including body shops.

05.03.05 Automobile, motorcycle and RV dealerships.

05.03.06 Auto wash.

05.03.07 Bowling alley.

05.03.08 Funeral homes and mortuaries.

05.03.09 Lumber stores.

05.03.10 Fuel dealers.

05.03.11 Auto, truck and equipment rental.

05.03.12 Hospitals and medical clinics.

05.03.13 Restaurants, including drive through service.

05.03.14 Retail operations for greenhouses and nurseries. A residence may also be located on the same property as the greenhouses and nurseries. Greenhouses or other structures accessory to the greenhouse or nursery operation shall be located no nearer than the setbacks required for accessory buildings in ***Section 15.03.02, Accessory Buildings***, except that the building(s) enclosing the retail operations shall be considered the main building(s) and meet the required setbacks for that building(s).

05.03.15 Wireless communication facilities as provided for in ***Section 15.05.05, Wireless Communication Facilities***.

05.03.16 Planned Unit Developments, as provided for in ***Section 13.05.24, Planned Unit Development.*** (Amended effective 7/5/04)

Section 05.04 District Regulations

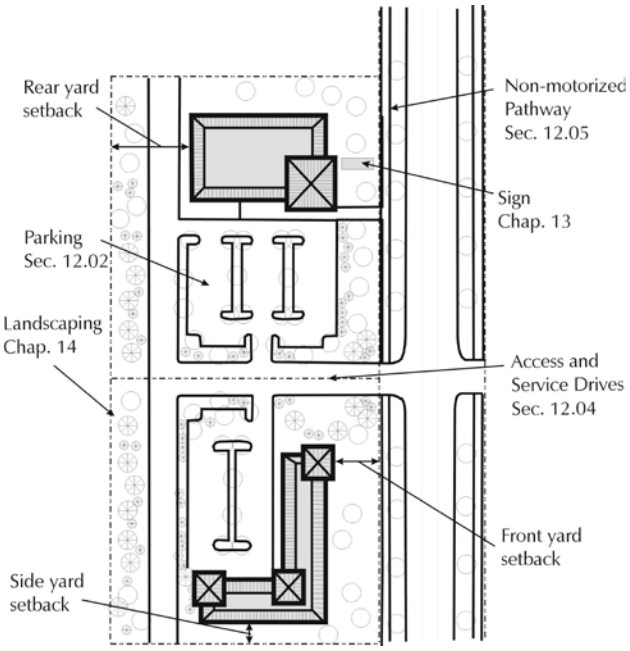
05.04.01 No building or structure, nor the enlargement of any building of structure, shall be hereafter erected unless the following requirements are met and maintained in connection with such building, structure, or enlargement.

Table 05.04 Schedule of Area and Bulk Requirements	
Minimum Lot Area	2 acres
Minimum Lot Width	110 feet
Front Yard Setback	25 feet (a)
Side Yard Setback	15 feet
Rear Yard Setback	25 feet
Natural Feature Setback	25 feet (b)
Maximum Building Height	35 feet
Maximum Lot Coverage	30%

Footnotes: The following footnotes apply to Table 05.04:

(a) Except for necessary drives the entire required front yard shall be landscaped. No parking shall be permitted in the required front yard.

(b) Natural Feature Setback. Natural feature setbacks shall be maintained in relation to the ordinary high water mark of any pond, river or channel, and to the edge of any drainage way or regulated wetland.



05.04.02 All business, service or processing shall be conducted wholly within a completely enclosed building, except for automobile parking and/or off-street loading.

05.04.03 Buildings shall meet the following standards:

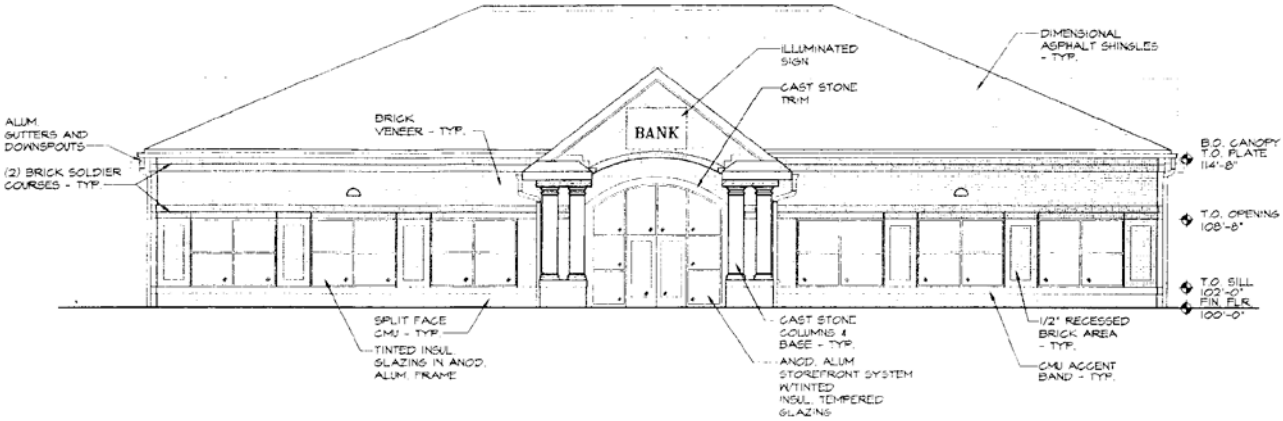
(a) Materials. A minimum of ninety percent (90%) of the exterior finish material of all building facades visible from the public street, parking lot or adjacent residentially zoned land, exclusive of window areas, shall consist of the following: brick, cut stone, field stone, cast stone, split-face block, wood siding or vinyl siding. The remaining maximum ten percent (10%) of the facade may utilize other materials for

architectural detailing such as fiberglass reinforced concrete, polymer plastic (fypon), exterior insulation and finishing systems (EIFS) or concrete block. The Planning Commission may permit other materials for facades that are not visible from a public street or parking lot and are adequately screened from adjoining land uses.

(b) Buildings in the C-1 District shall be constructed with a foundation and frost wall and meet all applicable requirements of the building code for commercial buildings.

(c) Colors. The Planning Commission shall review building colors as a part of site plan approval.

(d) Roofs. As a part of building design, roofs shall be designed in keeping with the overall architecture of the building. Single story building should be designed with pitched roofs. Where flat roofs are proposed, the roof shall be enclosed by parapets and peaked architectural features with a full roof return, decorative cornices or other details, at least forty-two (42) inches high, or of a height sufficient to screen roof-top mechanical equipment.



(e) Front Facade. Blank walls shall not face a public street. Walls facing a public street shall include windows and architectural features customarily found on the front facade of a building, such as awnings, cornice work, edge detailing or other decorative finish materials. Wall massing shall be broken up with vertical pilasters or other architectural elements to reduce scale.

(f) Pedestrian Orientation. The buildings shall be designed at a pedestrian scale with relationship to the street and sidewalk. Buildings shall include windows that face the sidewalk and street. Sidewalks shall be provided along the site frontage in accordance with the requirements of ***Section 09.06, Sidewalks and Bike Paths***.

(g) Canopies. Canopies, such as over gasoline pumps or drive-through structures, shall be designed to be consistent with the approved building materials and colors. The Planning Commission may require a peaked roof to complement the main building. Signs and color bands shall not be permitted along the canopy. Any canopy lighting shall be flush with the canopy.

05.04.04 Parking. Off-street parking and loading shall be provided in the rear yard and shall meet the requirements of ***Section 09.02, Parking.***

05.04.05 Driveway Access. Driveway access shall comply with the requirements of ***Section 09.04, Access, Driveways and Service Drives***.

05.04.06 Signs. Signs shall comply with the requirements of ***Chapter 10, Signs***.

05.04.07 Landscaping. Site landscaping and screening from surrounding uses shall be provided meeting the requirements of ***Chapter 11, Landscaping***.

05.04.08 48th Avenue and Port Sheldon Overlay Zoning Districts. Sites with frontage on 48th Avenue or Port Sheldon shall be required to comply with ***Chapter 8, 48th Avenue, 72nd Avenue, 96th Avenue and Port Sheldon Overlay Zoning Districts.***

CHAPTER 5A
O-S OFFICE SERVICE DISTRICT

Section 05A.01 Description and Purpose

This District is intended to serve as a transition in Land use from neighborhood commercial uses to traditional residential neighborhoods and high density residential which would provide services directly serve the residential neighborhood. Uses that are not necessary to serve the neighborhood and which might be harmful to nearby residences are not permitted.

Section 05A.02 Uses Permitted

Land and/or buildings in the O-S District may be used for the following purposes by right after approval in accordance with the procedures of ***Chapter 12, Site Plan Review Procedures and Requirements***

05A.02.01 Office buildings for any of the following occupations: executive, administrative, professional, accounting, writing, clerical, stenographic, drafting and sales.

05A.02.02 Medical or dental clinic.

05A.02.03 Banks, loan and/or finance offices, without drive through.

05A.02.04 Nursery school and group day care centers

05A.02.05 Laundromats and dry cleaning drop-off and pick-up locations (no dry-cleaning activities may occur on-site in the O-S district)

05A.02.06 Personal service establishments.

05A.02.07 Public buildings and services including libraries, museums, and post office.

05A.02.08 Public, parochial and other private elementary, intermediate and/or high schools offering courses in general education.

05A.02.09 Art galleries

05A.02.10 Restaurants and coffee shops less than 5,000 square feet

05A.02.11 Funeral homes and mortuaries.

05A.02.12 Accessory buildings meeting the dimensional requirements of Section 05.04.01.

Section 05A.03 Special Land Uses

Land and/or buildings in the O-S District may be used for the following purposes following approval by the Planning Commission as a Special Land Use as regulated by ***Chapter 13 Special Land Uses***:

05A.03.01 Public and private colleges, universities and other institutions of higher learning.

05A.03.02 Banks, loan and/or finance offices, including drive through service.

05A.03.03 Religious institutions.

05A.03.04 Private noncommercial recreational uses and institutional or community recreational centers.

05A.03.05 Nursing Homes

05A.03.06 General hospitals, except those for criminals and those solely for the treatment of persons who are mentally ill or have a contagious disease.

05A.03.07 Restaurants greater than 5,000 square feet

05A.03.08 Wireless communication facilities as provided for in ***Section 15.05.05, Wireless Communication Facilities***.

05A.03.09 Planned Unit Developments, as provided for in ***Section 13.05.24, Planned Unit Development.*** (Amended effective 7/5/04)

Section 05A.04 District Regulations

05A.04.01 No building or structure, nor the enlargement of any building of structure, shall be hereafter erected unless the following requirements are met and maintained in connection with such building, structure, or enlargement.

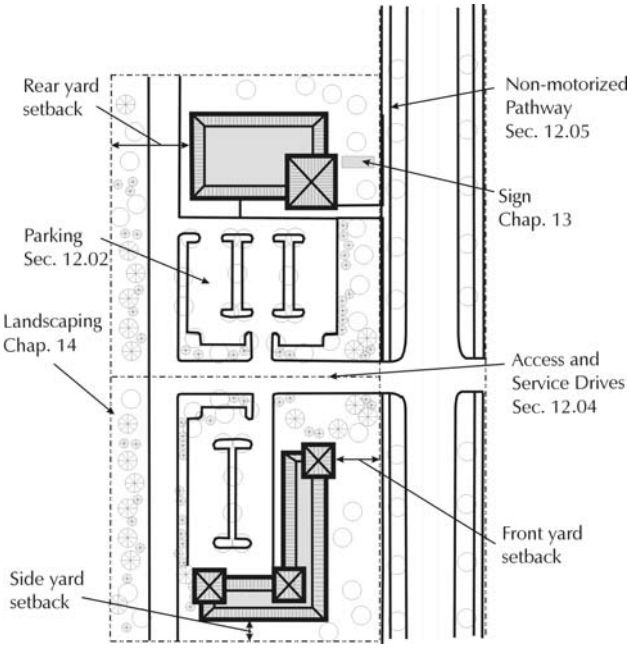
Table 05A.04
Schedule of Area and Bulk Requirements

Minimum Lot Area	10,000 Square Feet
Minimum Lot Width	80 feet
Front Yard Setback	20 feet (a)
Side Yard Setback	15 feet
Rear Yard Setback	25 feet
Natural Feature Setback	25 feet (b)
Maximum Building Height	35 feet
Maximum Lot Coverage	30%

Footnotes: The following footnotes apply to Table 05A.04:

(a) Except for necessary drives the entire required front yard shall be landscaped. No parking shall be permitted in the required front yard.

(b) Natural Feature Setback. Natural feature setbacks shall be maintained in relation to the ordinary high water mark of any pond, river or channel, and to the edge of any drainage way or regulated wetland.



05A.04.02 All business, service or processing shall be conducted wholly within a completely enclosed building, except for automobile parking and/or off-street loading.

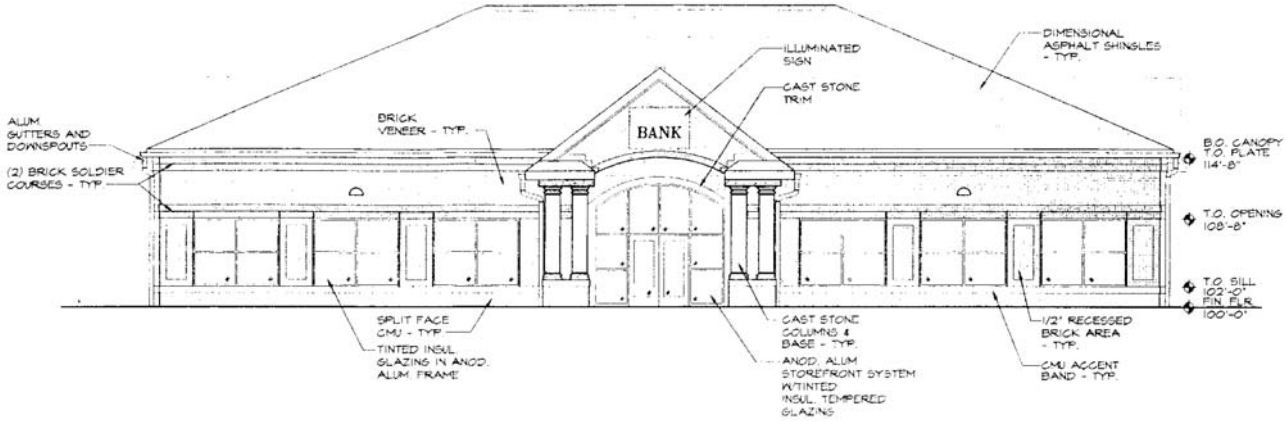
05A.04.03 Buildings shall meet the following standards:

(a) Materials. A minimum of ninety percent (90%) of the exterior finish material of all building facades visible from the public street, parking lot or adjacent residentially zoned land, exclusive of window areas, shall consist of the following: brick, cut stone, field stone, cast stone, split-face block, wood siding or vinyl siding. The remaining maximum ten percent (10%) of the facade may utilize other materials for architectural detailing such as fiberglass reinforced concrete, polymer plastic (fypon), exterior insulation and finishing systems (EIFS) or concrete block. The Planning Commission may permit other materials for facades that are not visible from a public street or parking lot and are adequately screened from adjoining land uses.

(b) Buildings in the O-S District shall be constructed with a foundation and frost wall and meet all applicable requirements of the building code for commercial buildings.

(c) Colors. The Planning Commission shall review building colors as a part of site plan approval.

(d) Roofs. As a part of building design, roofs shall be designed in keeping with the overall architecture of the building. Single story building should be designed with pitched roofs. Where flat roofs are proposed, the roof shall be enclosed by parapets and peaked architectural features with a full roof return, decorative cornices or other details, at least forty-two (42) inches high, or of a height sufficient to screen roof-top mechanical equipment.



(e) Front Facade. Blank walls shall not face a public street. Walls facing a public street shall include windows and architectural features customarily found on the front facade of a building, such as awnings, cornice work, edge detailing or other decorative finish materials. Wall massing shall be broken up with vertical pilasters or other architectural elements to reduce scale.

(f) Pedestrian Orientation. The buildings shall be designed at a pedestrian scale with relationship to the street and sidewalk. Buildings shall include windows that face the sidewalk and street. Sidewalks shall be provided along the site frontage in accordance with the requirements of ***Section 09.06, Sidewalks and Bike Paths***.

(g) Canopies. Canopies, such as over gasoline pumps or drive-through structures, shall be designed to be consistent with the approved building materials and colors. The Planning Commission may require a peaked roof to complement the main building. Signs and color bands shall not be permitted along the canopy. Any canopy lighting shall be flush with the canopy.

05A.04.04 Parking. Off-street parking and loading shall be provided in the rear yard and shall meet the requirements of ***Section 09.02, Parking.***

05A.04.05 Driveway Access. Driveway access shall comply with the requirements of ***Section 09.04, Access, Driveways and Service Drives***.

05A.04.05 Pedestrian Access.

05A.04.06 Signs. One 32 square foot freestanding monument sign shall be permitted per property. Such sign shall be located 10 feet from any property line. Wall and window signs shall not exceed 10% of the wall of which it is attached.

05A.04.07 Landscaping. Site landscaping and screening from surrounding uses shall be provided meeting the requirements of ***Chapter 11, Landscaping*** for the C-1 District.

05A.04.09 48th Avenue and Port Sheldon Overlay Zoning Districts. Sites with frontage on 48th Avenue or Port Sheldon shall be required to comply with ***Chapter 8, 48th Avenue, 72nd Avenue, 96th Avenue and Port Sheldon Overlay Zoning Districts.***

CHAPTER 6
LI - LIGHT INDUSTRIAL DISTRICT

Section 06.01 Description and Purpose

This District permits most compounding, assembling, or treatment of articles or materials with the exception of heavy manufacturing and processing of raw materials. Industries in this District may not use punch presses, drop hammers, reciprocating hammers, smelting process, or any other similar uses involving machinery or equipment and causing excessive noise, fumes, or vibration.

Section 06.02 Uses Permitted

Land and buildings in the LI District may be used for the following purposes by right after approval in accordance with the procedures of ***Chapter 12, Site Plan Review Procedures and Requirements.***

06.02.01 The manufacture, compounding, processing, packing or treatment of such products as candy, cosmetics, drugs, perfumes, pharmaceuticals, toiletries, and food products, except the rendering or refining of fats and oils.

06.02.02 The manufacture, compounding, assembly, or treatment of articles from the following previously prepared materials: aluminum, bone cellophane, canvas, cloth, cork, feathers, felt, fibers, fur, glass, hair, horn, leather, paint, paper, plastics, precious or semi-precious metals or stones, shell, rubber, tin, iron, steel, tobacco, wood and yarn.

06.02.03 The manufacture of pottery and figurines or other ceramic products, using only previously pulverized clay.

06.02.04 Auction houses.

06.02.05 Bottling plants and dairies.

06.02.06 Crating and packing service.

06.02.07 Dry cleaning and laundry.

06.02.08 Kennels, including commercial kennels.

06.02.09 Printing shops.

06.02.10 Taxidermists.

06.02.11 Warehouses and storage.

06.02.12 Wholesale sales.

06.02.13 Auto wash.

06.02.14 Automobile service stations and automobile repair (minor) facilities, including the selling of convenience goods, but not including body shops.

06.02.15 Wireless communication facilities as provided for in ***Section 15.05.05, Wireless Communication Facilities***.

06.02.16 Accessory buildings meeting the dimensional requirements of Section 06.04.01.

Section 06.03 Special Land Uses

Land and/or buildings in the LI District may be used for the following purposes after approval in accordance with the procedures of ***Chapter 13, Special Land Uses.***

06.03.01 Machine shop.

06.03.02 Body shop, automobile repair (major).

06.03.03 Adult uses, including adult bookstore, adult live entertainment theater, massage parlor, or adult motion picture theater.

06.03.04 Contractors' yards.

06.03.05 Truck terminals.

06.03.06 Outdoor storage facilities for boats and recreational vehicles.

06.03.07 Any permitted uses that will involve outdoor storage.

06.03.08 Any permitted industrial use that will involve the storage of hazardous materials requiring state review and monitoring.

06.03.09 Wireless communication facilities as provided for in ***Section 15.05.05, Wireless Communication Facilities.***

Section 06.04 District Regulations

06.04.01 No main building or structure, nor the enlargement of any building of structure, shall be hereafter erected unless the following requirements are met and maintained in connection with such building, structure, or enlargement.

Table 6.04
Schedule of Area and Bulk Requirements

Front Yard Setback	40 feet
Side Yard Setback	25 feet each side
Rear Yard Setback	25 feet
Maximum Building Height	45 feet
Maximum Lot Coverage	50%
Minimum Lot Area	2 acres
Minimum Lot Width	220 feet

06.04.02 Except as otherwise permitted by this Ordinance, the Permitted and Special Land Uses shall be conducted within a completely enclosed building.

06.04.03 All buildings shall be set back a minimum of fifty (50) feet from any Residential District, and landscaped to meet the requirements of ***Chapter 11, Landscaping.***

06.04.04 **Buildings.** A minimum of forty percent (40%) of the exterior finish material of any building facades visible from the public street or adjacent residentially zoned land, exclusive of window areas, shall consist of the following: brick, stone, split face block or scored block. The Planning Commission may permit other materials for facades that are not visible from a public street or parking lot and that are adequately screened from adjoining land uses. The Planning Commission shall review building colors as a part of site plan approval. Buildings in the LI District shall be constructed to meet all applicable requirements of the building code for industrial buildings.

06.04.05 **Parking.** Off-street parking and loading shall be provided meeting the requirements of ***Section 15.02, Parking.***

06.04.06 **Driveway Access.** Driveway access shall comply with the requirements of ***Section 09.04, Access, Driveways and Service Drives***.

06.04.07 **Signs.** Signs shall comply with the requirements of ***Chapter 10, Signs***.

06.04.08 **Landscaping.** Landscaping and screening shall be provided meeting the requirements of ***Chapter 11, Landscaping***.

06.04.10 **Performance Standards.** All activities shall be conducted in such a manner that complies with ***Section 15.01.06, Performance Standards.***

CHAPTER 7
MANUFACTURED HOME PARK DISTRICT

Section 07.01 Intent

The intent of the Manufactured Home Park District is to provide an affordable housing alternative in locations where they would be appropriate and consistent with the general character of the Township. The standards required in this District are intended to be consistent with the adopted standards for other types of housing in Blendon Township. All manufactured home parks shall comply with the applicable requirements of Act 96, P.A. 1987, as amended. However, some standards of this Ordinance are more stringent than the typical standards promoted by the Manufactured Housing Commission. These more strict standards reflect the overall nature of Blendon Township, in contrast with some other areas of Michigan where the universal rules of the Manufactured Housing Commission may be appropriate. These adopted standards are designed to foster and encourage development that complements and protects the investment on adjacent properties, and promotes preservation of important natural features.

Section 07.02 Scope

07.02.01 For the preservation of the interests of various types of residential developments which should be permitted in every community and for the protection of the residents of any manufactured home park development, these regulations are considered to be minimum standards to be applied to all manufactured home park developments in Blendon Township.

07.02.02 All manufactured home parks shall comply with the applicable requirements of Act 96, P.A. 1987, as amended, PROVIDED further that said developments meet the standards and conditions and all other provisions as herein established.

Section 07.03 Uses Permitted

Land and/or buildings in this District may be used for the following purposes:

07.03.01 Manufactured home parks or mobile home condominium projects, and manufactured homes within those parks or projects. *(amended July 18, 2013)*

07.03.02 Public parks, playgrounds, play fields, and similar public open space recreation uses, not including campgrounds.

07.03.03 Community accessory uses, buildings and structures including one (1) management office building, utility/laundry buildings, auxiliary storage space for manufactured housing development tenants, community buildings for use by the tenants, recreation areas and playgrounds.

07.03.04 Child care family and group homes; adult foster care family homes and small group homes; and foster family homes and foster family group homes. *(amended September 2016)*

07.03.05 Accessory uses and buildings, as regulated by ***Section 15.03, Residential Accessory Buildings and Uses.***

07.03.06 Home occupations, as regulated by ***Section 15.03.08, Home Occupations***.

Section 07.03a Special Land Uses *(amended July 18, 2013)*

07.03a.01 Conversion of a manufactured home park or mobile home condominium project from one solely for manufactured homes to one in which both manufactured homes, and single family dwellings which are not defined as a "manufactured home" according to this Ordinance, are permitted, subject to Section 13.05.27.

Section 07.04 Installation and Occupation of Manufactured Homes

07.04.01 No manufactured home shall be placed or parked or installed in a manufactured home park until such time as a building permit is obtained from the Township Building Inspector. Such permit shall be issued by the Building Inspector after making a finding that said manufactured home meets construction standards as approved by the Department of Housing and Urban Development (HUD) Code, or has been certified by a manufacturer as constructed according to the requirements of the HUD code.

07.04.02 No manufactured home shall be occupied by any person as a residence or for any other purpose until such time as said manufactured home park is placed or situated on a specific lot in the manufactured home park and has been inspected by the Township Building Inspector and issued an Occupancy Permit. Such inspection shall include the placement, connection to utilities, and compliance with all necessary State, Township or other ordinances and regulations. Such permit shall be issued by the Building Inspector on payment of inspection fee as may be authorized by resolution of the Township Board from time to time. In the event a manufactured home is moved to another lot or another manufactured home is placed on the specific lot, a new Occupancy Permit must be obtained by the owner or resident from the Township Building Inspector.

Section 07.05 Application Procedures

Preliminary approval shall not be issued by the Township until a rezoning application to the Manufactured Home Park District for the manufactured home park has been approved by the Township Board in accordance with the provisions of the Zoning Act.

07.05.01 Site Plan: The application for the extension, alteration, or construction of a manufactured home park shall be accompanied by a site plan of the proposed development and all permanent buildings indicating the proposed methods of compliance with these requirements. The site plan shall be in conformance with the provisions and requirements of ***Chapter 12, Site Plan Review Procedures and Requirements*** of this Ordinance.

07.05.02 Approval: The application for rezoning and site plan review of the manufactured home park development requires the approval of the Township Board upon recommendation from the Planning Commission. In reviewing the rezoning application and site plan, the following shall be among the major considerations of both bodies prior to official action being taken:

(a) Whether the proposal is in accordance with the Master Plan.

(b) Whether the proposal meets all the design standards of this Ordinance and other applicable local codes, regulations, or ordinances and the Rules of the Michigan Manufactured Housing Commission.

(c) Whether the density of the proposed development could adversely affect adjacent properties and land uses.

(d) Whether the proposed development can be reasonably expected to constitute a health hazard or public nuisance to adjacent properties because of inappropriate and inadequate sanitation and/or drainage facilities.

(e) Whether the proposed development produces an extreme or undue demand on available fire and police protection.

(f) Whether the proposed development is adequately served by privately or publicly maintained and operated infrastructure systems for sanitary sewer and drinking water.

(g) Whether the traffic characteristics of the proposed development can be expected to place an extreme or undue burden on the adjacent publicly available vehicular and/or pedestrian circulation facilities. The Township shall require the submission of a Traffic Impact Study, if the warrants for traffic impact studies are met.

(h) Whether there is a demonstrated and documented regional and/or township demand for additional manufactured housing, taking into account such things as occupancy/vacancy rates in the parks located in Ottawa County and parks under construction or expansion.

Section 07.06 Standards and Regulations

All manufactured home parks shall be designed and developed in accordance with the following standards and regulations.

07.06.01 Park Size

(a) Minimum site size for a manufactured home park shall be fifteen (15) acres.

(b) Minimum number of manufactured home spaces shall be twenty-five (25). Required streets and utilities shall be completed for at least twenty-five (25) manufactured home spaces along with related improvements before first occupancy.

07.06.02 Park Access

(a) Each manufactured home park shall have direct access to a paved County Primary Road, as defined in the Township Master Plan.

(b) No access to the site shall be located closer than two hundred (200) feet from the intersection of any two (2) arterial streets.

07.06.03 Circulation

(a) Minimum street widths within the manufactured home park shall be accordance with the following schedule:

Parking	Direction	Minimum Street Width
No on-street parking	One way	14 feet
	Two way	21 feet
Parallel parking one side	One way	24 feet
	Two way	31 feet
Parallel parking both sides	One way	34 feet
	Two way	41 feet

(b) All streets within the manufactured home park shall be of concrete or bituminous aggregate meeting AASHTO public street construction specifications, and provided with concrete curbing. Streets shall be crowned with drainage directed to gutters at the outside edges. Centerline valley drainage shall be prohibited.

(c) Maximum cul-de-sac length shall be seven hundred fifty (750) feet. A dead end road shall terminate with an adequate turning area, which is to be approved by the local fire authorities. A blunt-end road is prohibited. Adequate sight distance shall be provided at all intersections.

(d) All streets and roads shall be clearly marked with appropriate identification and traffic control signs. For the protection of the public safety, an orderly street name system and numbering system shall be established by the manufactured housing development owner and a plan of this system shall be verified and approved by the Township Fire Department. Manufactured home space numbers shall be located uniformly throughout the manufactured housing development.

(e) All street intersections and designated pedestrian crosswalks shall be illuminated by not less than .25-foot candles. All roads, parking bays and pedestrian walkways shall be illuminated by not less than .5-foot candles.

(f) Each lot shall front on sidewalks at least four (4) feet in width, in accordance with the Americans with Disabilities Act, located directly next to and parallel to the street. An eight (8) foot wide bike path shall be installed along the entire site frontage of a county road consistent with the requirement for all types of development in Blendon Township. These sidewalks and bike paths shall meet AASHTO construction specifications.

(g) School bus stops shall be located in an area that is acceptable to the school district and the manufactured housing development manager.

07.06.04 **Manufactured Home Lots**

(a) Each manufactured home lot, exclusive of streets, shall have a minimum size of five thousand five hundred (5,500) square feet and a minimum width of forty (40) feet, as measured at the minimum building setback line. This minimum lot area for any one (1) site may be reduced by up to twenty (20%) percent provided that the individual site shall have at least four thousand four hundred (4,400) square feet. For each square foot of land gained through the reduction of a site below five

thousand five hundred (5,500) square feet, at least an equal amount of land shall be dedicated as open space. This open space shall be in addition to that required under R125.1946, Rule 946 and R125.1941 and R125.1944, Rules 941 and 944 of the Michigan Administrative Code.

(b) No more than one (1) manufactured home shall be parked on any one (1) lot, and no manufactured home shall be occupied by more than one (1) family.

(c) The minimum setback between any part of any manufactured home and/or structure permanently or temporarily attached thereto (excluding hitch), or used in conjunction therewith, including, but not by way of limitation, storage sheds, cabanas, and porches:

(1) Fifteen (15) feet from the inside of the sidewalk;
(2) Ten (10) feet from any rear lot line;
(3) Ten (10) feet from the side lot line on the entry side, and five (5) feet from the side yard on the non-entry side.
(4) A manufactured home may be placed on the side lot line, provided there is minimum of fifteen (15) feet open space between said lot line and any other structure or manufactured home, including but not by way of limitation, storage sheds, cabanas or porches.

(d) Each lot shall provide a minimum of four hundred (400) square feet of paved off-street parking.

(e) No manufactured home or other building or structure for residential purposes shall be in excess of two and one-half (2.) stories, or in excess of a maximum height of thirty five (35) feet.

(f) Each manufactured home shall be permitted one (1) storage shed and one (1) garage. The installation of any such shed or garage shall comply with codes and ordinances of Blendon Township and shall require a building permit. Storage underneath a manufactured home or unscreened outdoor storage on any manufactured home site is prohibited. A storage shed shall not exceed a floor area greater than one-hundred and forty-four (144) square feet. A carport or garage shall not exceed five-hundred and seventy-six (576) square feet.

(g) No personal property shall be stored outside, under any manufactured home or within carports that are open on any side. Storage sheds with a maximum area of one hundred forty-four (144) square feet may be placed on any individual manufactured home site.

(h) All accessory structures on a lot or site shall meet the following:

(1) Accessory buildings or structures, shall not be permitted in the front yard of any site (that is, they must be placed behind the front building line).

(2) Attached accessory buildings and structures shall consist of materials similar to the principal building and shall be approved by management.

(3) All detached accessory buildings shall be at least (10) feet from an adjacent residential unit.

(4) All accessory buildings and structures shall require a permit issued by the Township and shall be secured and anchored.

(5) Sheds and other detached structures shall be anchored.

07.06.05 **Landscaping**

(a) A landscape plan shall be incorporated in the preliminary plans submitted for site plan review. The plan shall indicate the type, number and size of landscape plantings to be completed in the proposed manufactured housing development.

(b) The front, back and side yards of every lot shall be suitably landscaped and properly maintained with lawn area, and there shall be one (1) shade tree provided for every two (2) lots.

(c) The manufactured home park shall provide a twenty five (25) foot wide buffer zone strip separating the manufactured home park from adjacent property. The buffer zone shall be properly planted with trees or shrubbery or other nursery stock of varying height, so as to provide a density sufficient to block the view of the manufactured home park and buildings up to a minimum of six (6) feet in height. No part of the buffer zone shall be used for any structure, board fences, right-of-way, or parking purposes. The buffer zone shall be maintained by the owner of the park.

(d) The manufactured home park shall have minimum setback from any public street of forty (40) feet, which shall be properly landscaped with grassed area and maintained by the owner and operator of the manufactured home park.

(e) A landscape berm, measuring two and one-half to three (2 1/2 - 3) feet in height shall be constructed along the public roads on which the manufactured housing development fronts. The berm shall be constructed with slopes no steeper than one (1) foot vertical rise for each four (4) feet horizontal run. A minimum of one (1) deciduous shade tree, one (1) evergreen tree and four (4) shrubs shall be planted for each thirty (30) lineal feet, or portion thereof, of required greenbelt length. At time of planting, canopy trees shall have a minimum size of three (3) inch caliper and evergreen trees shall have a minimum height of six (6) feet. Trees may be planted at uniform intervals, at random, or in groupings. All existing trees four (4) inches or greater in diameter (dbh) within the greenbelt shall be preserved, except where necessary to install access points.

(e) Dead, damaged or diseased landscaping shall be replaced, within a reasonable time frame, so as to maintain the approved screening originally approved.

07.06.06 **Recreational Open Space.** The manufactured home park shall contain one (1) or more open space areas intended primarily for the use of park residents on a minimum ratio of two hundred and fifty (250) square feet for every manufactured home lot, provided that buffer zone areas shall not be included as part of such requirement. Open space areas shall be well-drained, usable open space that may be developed with appropriate recreational facilities and playground equipment. The location, shape and development plan for said recreational area shall be reviewed and approved by the Planning Commission. The open space shall be centrally located and relatively accessible to all areas of the development.

07.06.07 **Storm Shelters:** The manufactured home park shall provide one (1) or more storm shelters of size and capacity so as to accommodate all the residents of the park.

Section 07.07 Utility Standards

The following utility standards shall apply to all manufactured home parks.

07.07.01 All utilities shall be underground. All local distribution lines for franchised utilities (telephones, electric service, cable television) shall be placed entirely underground throughout the manufactured housing development area. Mainlines and perimeter feed lines located on a Section or Quarter Section Line may be above ground if they are configured or installed within the State Electrical Code guidelines. Conduits or cables shall be placed within private easements provided to the service companies by the proprietor and/or developer or within public ways. Those telephones and electrical facilities placed in dedicated public ways shall be planned so as not to conflict with other underground utilities. All telephones and electrical facilities shall be constructed in accordance with standards of construction approved by the Michigan Public Service Commission.

07.07.02 All lots shall be provided with a public water and sanitary sewer service, or such water and sanitary services that may be approved by the Ottawa County Health Department and other applicable agencies. All manufactured homes shall be connected thereto and all expenses of installation and connection shall be borne by the owner or operator of the manufactured home park, and no costs shall be applied or taxed against owners of any adjacent property or along any main extended from the manufactured home park to the present public sanitary sewer system, unless such adjacent owners shall install a sewer connection to such main.

07.07.03 The manufactured home park shall provide sufficient storm sewer facilities, independent of sanitary sewers, to prevent flooding of either streets or lots within the park in accordance with the requirements of the Michigan Department of Health. All storm water drainage improvements shall be subject to review and approval by the Ottawa County Drain Commissioner, the Michigan Department of Environmental Quality, in accordance with MDEQ Manufactured Home Park Standards, pursuant to 1987 P.A. 96, as amended.

Section 07.08 Accessory Building and Facilities

07.08.01 Any accessory buildings and facilities constructed within the manufactured housing development shall be designated and serviced consistent with the following requirements:

07.08.02 Accessory buildings and structures, including development management offices and public works facilities, storage building, laundry facilities, recreation or community facilities, and other accessory facilities, shall be designed and operated for use by only residents, guests and employees of the manufactured housing development.

07.08.03 Site-built buildings within a manufactured housing development shall be constructed in compliance with the Blendon Township Building Code and shall require all applicable permits. Any addition to a manufactured housing unit that does not comply with the standards of the U. S Department of Housing and Urban Development for manufactured homes shall comply with the Blendon Township Building Codes. Site plan approval shall be required prior to construction of any on-site building within a manufactured home development, except for storage sheds or garages for individual manufactured homes. Storage sheds, carports and garages shall require a building permit from the Township prior to construction.

07.08.04 Maximum height of any community accessory buildings and structures shall be thirty (30) feet.

07.08.05 Storage: If the owner of the manufactured housing development permits storage of boats, motorcycles, recreation vehicles, and similar equipment in the manufactured housing development, common areas for the storage of that equipment shall be provided by the owner within the development. Such storage shall be limited to use only by residents of the manufactured housing development. If proposed, the location of such storage areas shall be shown on the preliminary site plan. No part of any such storage area shall be located in a required yard on the perimeter of the manufactured housing development. A storage area shall be screened from view from existing residences adjacent to the manufactured housing development. Manufactured housing development owners who prohibit storage of boats, off-road motorcycles, recreation vehicles and similar equipment are not required to construct common areas for storage.

07.08.06 Waste receptacles: Waste receptacles shall be provided unless curb side pick-up is provided. An on-site recycling station for residents may be provided at a location approved by the Planning Commission and the Michigan Department of Environmental Quality. Adequate screening shall be provided, as required for the placement of outdoor storage areas.

07.08.07 Mailbox Clusters: The United States Postal Service may require that manufactured housing development be served by clusters of mailboxes servicing several sites rather than individual mailboxes serving individual sites. If mail box clusters are required, they shall be located at least two hundred (200) feet from any intersection of an manufactured housing development road with a public road.

07.08.08 Swimming pool:

(a) Definition: Swimming pool shall mean any permanent, non-portable structure or container located either above or below grade designed to allow holding of water to a depth of greater than twenty four (24) inches, intended for swimming, bathing or relaxation. The definition of swimming pool includes spa, hot tubs and similar devices.

(b) Requirement for Fence: A fence or similar enclosure shall be erected and maintained around any swimming pool. Such fence or enclosure shall be constructed of durable, weather resistant wood and/or chain link material and shall be approved by the Township Building Inspector and the manufactured housing development management.

(c) Setback: A swimming pool fence shall not be closer than twenty five (25) feet to any occupied dwelling if placed on a residential lot.

(d) Restriction from front yard: Freestanding swimming pools, spas, hot tubs and similar devices shall not be located between any home and roadway.

(e) Surrounding Walk: All community swimming pools shall be surrounded by a slip resistant walk, at least four (4) feet wide.

(f) Permits: Permits shall be applied for and issued from the Township Building Inspector and State Health Department prior to excavation or construction of any swimming pool requiring a fence as noted in items (a) and (b) above. The application shall be accompanied by a complete set of plans and specifications. A final inspection and approval from the Township Building Inspector must be obtained prior to use of the swimming pool.

Section 07.09 Manufactured Home Standards

07.09.01 Every manufactured home shall be supported on a permanent concrete manufactured home pad or foundation at least twelve (12) feet in width with a minimum of six hundred (600) square feet, and four (4) inches thick; and all areas between the manufactured home and ground shall be enclosed by a skirt, providing said skirting is constructed or installed and is fire resistant.

07.09.02 A home anchoring system shall be provided that designed and constructed in compliance with the United States Department of Housing and Urban Development standards entitled "Manufactured Home Construction and Safety Standards" and be installed in compliance with its manufacturer’s specifications.

07.09.03 Every manufactured home shall be at least twelve (12) feet in width and have a minimum of seven hundred and twenty (720) square feet of living area exclusive of porches and cabanas.

Section 07.10 Inspection and Permits

07.10.01 The Building Inspector or such other person designated by the Township Board shall have the right to inspect the manufactured home park to determine whether or not the park owners or operators, or any owners or person occupying manufactured homes within the park are in violation of this ordinance, or any other state ordinance or state or governmental regulations covering manufactured home parks affecting the health, safety and welfare of inhabitants, under the following conditions:

(a) He has reasonable reason to believe that the owner, operator or resident or owner of manufactured home in the park is in violation of any part of this or other Township ordinance.

(b) That notice has been sent to the owner or operator of the manufactured home park at its last known address, and to the owner or resident of the manufactured home park at their last known address as shown on the occupancy permit for said manufactured home, and that the Township has not received satisfactory proof or indication that the purported violation is not a violation, or that the purported violation has been corrected within fifteen (15) days from the date of mailing said notice.

07.10.02 All persons, including but not by limitation, Township or County officials, whose entry upon the manufactured home park property is necessary, proper or advisable in the execution of their duties, or to the execution of work authorized by a governmental body, or for the preservation of the peace, shall have the right to enter upon and inspect the manufactured home park at all reasonable times.

Section 07.11 Manufactured Home Sales

07.11.01 No person desiring to rent a dwelling unit site shall be required, as a condition to such rental, to purchase a manufactured home from the owner or operator of the park as long as the manufactured home intended to be located on such rented site conforms in size, style, shape, price, etc. as may be required by any reasonable rules and regulations governing the operation of the manufactured home park.

07.11.01 Nothing contained in this Ordinance shall be deemed as prohibiting the sale of a manufactured home lot by the individual owner or his agent, or those home occupations as permitted in the Zoning Ordinance. Provided such sales and occupations are permitted by the park regulations; provided further that a commercial manufactured home sales lot shall not be permitted in conjunction with any manufactured home park.

CHAPTER 8
48th, 72nd, and 96th AVENUES AND PORT SHELDON OVERLAY ZONING DISTRICTS

Section 08.01 Description and Purpose

The Township roadways of 48th Avenue, 72nd Avenue, 96th Avenue and Port Sheldon Street have been identified as important transportation corridors through the Township. The intent of the Overlay Zoning Districts is to provide specific standards for the corridor to preserve roadway capacity, and safety, ensure that development does not limit the future ability to improve these roadways and maintain the open, rural character of the Township as viewed from these major road corridors. Among the specific purposes of the Corridor Overlay Zoning District are:

08.01.01 Maximize the capacity of the road by limiting, and controlling the number, and location of driveways and requiring alternate means of access through shared driveways, service drives, and access from side streets.

08.01.02 Preserve future right-of-way needs in a timely manner and minimizing disruption of existing businesses through preservation of additional right-of-way that may be necessary to widen the road. Maintain consistent setbacks along 48th Avenue, 72nd Avenue, 96th Avenue and Port Sheldon Street, which may have variable rights-of-way.

08.01.03 Promote alternative means of transportation through development of non-motorized pathways.

08.01.04 Preserve frontage buffers on sites along the corridor as they develop and redevelop to maintain the desired open space and preserve the desired rural character of the township as viewed along the major corridors.

08.01.05 Promote preservation of existing natural features such as woodlands along the corridors, which provide important ecological and aesthetic functions.

Section 08.02 Applicability

08.02.01 **Scope of Application.** The development or redevelopment of lots and parcels of land having frontage along 48th Avenue, 72nd Avenue, 96th Avenue or Port Sheldon Street or having any land area within three-hundred (300) feet of the centerline of 48th Avenue or Port Sheldon Street shall comply with the provisions of this overlay zoning district in addition to the applicable regulations of the underlying zoning district. The lot area, and bulk requirements of the underlying zoning district shall be complied with, subject to the requirements of this overlay zoning district. Where a conflict exists between the requirements of this overlay zoning district and the underlying zoning district the most restrictive requirement shall apply.

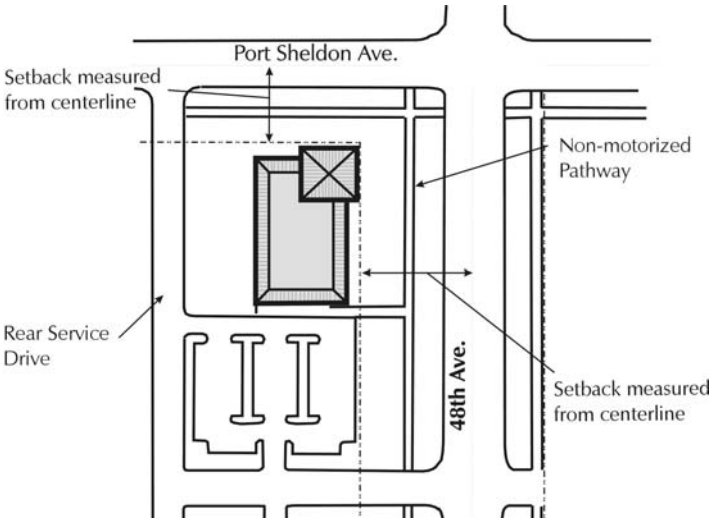
08.02.02 **Uses Permitted.** The uses permitted shall be regulated by the underlying zoning district. The review and approval process applicable in the underlying zoning district shall be followed.

Section 08.03 Dimensional Requirements

The development or redevelopment of lots and parcels within the 48th Avenue, 72nd Avenue, 96th Avenue and Port Sheldon Street Overlay District shall comply with the dimensional requirements of the underlying zoning district, except the minimum front yard setback provided in the following table shall be maintained as open landscape area:

Building setback measured from the centerline of road	90 feet
Parking lot setback measured from the centerline of road	80 feet

Section 08.04 Transportation Related Requirements



08.04.01 **Driveway Access.** All driveways shall comply with the requirements of ***Section 09.04, Access, Driveways and Service Drives.***

08.04.02 **Shared Driveways, Frontage Roads And Service Drives**. All non-residential uses shall be required to install service roads to allow connection to adjacent lots that are zoned or planned for non-residential use. Service roads shall generally be parallel or perpendicular to the front lot line. Service roads that are parallel to 48th Avenue, 72nd Avenue, 96th Avenue or Port Sheldon Street shall be at least thirty (30) feet from the front yard setback required by Section 08.03 above. All service drives shall be designed in accordance with the requirements of ***Section 09.04, Access, Driveways and Service Drives.***

08.04.03 **Non-motorized Transportation.** An eight (8) foot wide bike path shall be required along all road frontages for all uses requiring site plan, site condominium, and condominium or subdivision plat approval. Bike paths shall comply with the requirements of ***Section 09.06 Bicycle Paths and Sidewalks***.

08.04.04 **Traffic Impact Study.** A traffic impact study shall be required as part of the site plan submission for any development within the overlay zoning district where the proposed development meets the warrants for such traffic impact study. The warrant for a traffic impact study and the standards used in preparing and approving such traffic impact study shall comply with ***Section 09.07, Traffic Impact Studies***.

CHAPTER 9
PARKING, LOADING, DRIVEWAY ACCESS, PRIVATE ROADS AND BIKE PATHS

Section 09.01 Purpose and Scope

09.01.01 The provisions of this Chapter are intended to:

(a) Promote safe and efficient travel by all modes of transportation within the Township;

(b) Promote a circulation system to complement the orderly development and access to land by all modes of transportation;

(c) Reduce or prevent traffic congestion and a shortage of parking facilities in the Township;

(d) Ensure off-street parking and loading areas are to be designed, maintained and operated in a manner that will ensure their efficient use, promote public safety, improve aesthetics, protect surrounding uses from undesirable impacts, and minimize impact of stormwater runoff;

(e) Reduce traffic conflict points and minimize disruptive and potentially hazardous traffic conflicts;

(f) Separate traffic conflict areas by regulating the number and location of driveways along major streets;

(g) Protect the substantial public investment in the street system, ensure reasonable access to properties;

(h) Provide for street design commensurate with expected volumes;

(i) Preserve efficiency of road corridors;

(j) Ensure that roads remain passable in all weather conditions and are adequate to provide safe, year-round access by fire, police and other public and emergency vehicles,

(k) Promote context sensitive road design in a manner which protects the natural environment and minimizes impact associated with stormwater runoff from paved surfaces;

(l) Analyze the impact that development has on traffic; and

(m) Contribute to the overall health, safety and welfare of the citizens of Blendon Township.

09.01.02 Off-street parking shall be provided in accordance with the requirements of ***Section 09.02, Parking***.

09.01.03 Loading areas shall be provided in accordance with the requirements of ***Section 09.03, Off-street Loading Spaces.***

09.01.04 All driveways and access points shall be in accordance with the requirements of ***Section 09.04, Access, Driveways and Service Drives.***

09.01.05 The construction of a private road shall be in accordance with the requirements of ***Section 09.05, Private Roads.***

09.01.06 Bicycle paths and sidewalks shall be provided in accordance with the requirements of ***Section 09.06. Bicycle Paths and Sidewalks***.

Section 09.02 Parking

In all Zoning Districts, there shall be provided, before any building or structure is occupied or is enlarged or increased in capacity, off-street parking spaces for motor vehicles. Requirements for a use not mentioned shall be the same for that use which is most similar to the use not listed, as determined by the Zoning Administrator.

09.02.01 **Joint Use of Facilities:** Provision of common parking facilities for several uses in the same vicinity is encouraged. In such cases, the total space requirement is the sum of the maximum individual requirements, provided the Planning Commission may reduce parking requirements by twenty five percent (25%) if a signed agreement is provided by the property owners for sharing of parking and the Planning Commission determines that the peak use will occur at different periods of the day.

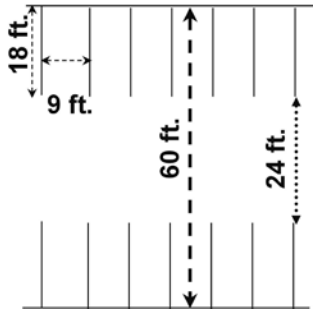
09.02.02 **Location of Facilities:** Off-street parking facilities shall be located as hereafter specified; when a distance is specified, it shall be the walking distance measured from the nearest point of the parking facility to nearest normal entrance to the building or use that such facility is required to serve.

(a) For all residential buildings and for all nonresidential buildings and uses in Residential Districts, required parking shall be provided on the lot with the building or use it is required to serve.

(b) For commercial and all nonresidential buildings and uses in the Neighborhood Commercial and Light Industrial Zoning Districts, required parking areas shall be provided within three hundred (300) feet, as measured from the nearest entrance to the nearest part of the parking area.

Parking Pattern	Aisle Width 2 Way	Aisle Width 1 Way	Parking Space Width[1]	Parking Space Length[2]	Total Width[3] 1 Way	Total Width[3] 2 Way
Parallel	18 ft.	12 ft.	9 ft.	25 ft.	30 ft.	36 ft.
30-75%	24 ft.	12 ft.	9 ft.	21 ft.	48 ft.	60 ft.
76-90%	24 ft.	15 ft.	9 ft.	18 ft.	55 ft.	60 ft.

1 Measured perpendicular to the longitudinal space centerline.
2 Measured along the longitudinal space centerline.
3 Total width of two tiers of parking spaces plus maneuvering lane



Parking Space Dimensions

09.02.03 **Size of Parking Space**: Parking spaces shall meet the Parking Space Dimensions shown.

09.02.04 **Requirements for Parking Areas**: Every parcel of land hereafter established as an off-street public or private parking area for more than five (5) vehicles, including a municipal parking lot, commercial parking lot, automotive sales and/or service lot, and accessory parking areas for multiple family dwellings, businesses, public assembly, and institutions, shall be developed and maintained in accordance with the following requirements:

(a) It shall be screened on each side which adjoins or faces premises situated in any Residential District by a fence of acceptable design, wall or compact evergreen hedge. There shall also be provided on each side and rear which adjoins any Residential District, a greenbelt ten (10) feet in width landscaped with lawn and low shrubbery with a solid planting of evergreen trees at least five (5) feet tall and four (4) feet wide. Landscaping shall be so designed and maintained as not to impede traffic visibility.

(b) It shall be properly graded for drainage, surfaced with concrete or asphalt pavement and maintained in good condition, free of dust, trash and debris; the driveways will be treated similarly.

(c) It shall not be used for repair, dismantling or servicing of any vehicles.

(d) It shall be provided with a limited number of entrances and exits in accordance with ***Section 09.04, Access, Driveways and Service Drives***, to minimize traffic congestion and hazards.

(e) It shall be provided with wheel or bumper guards so located as to prevent vehicles from extending beyond the parking surface.

(f) Lighting facilities shall comply with ***Section 15.01.08, Exterior Lighting***.

(g) No part of any public or private parking area regardless of the number of spaces provided shall be closer than five (5) feet to the street right-of-way line.

(h) In hospitals, bassinets shall not be counted as beds.

(i) Where benches, pews, or other similar seating facilities are used as seats, each twenty (20) inches of such seating facilities shall be counted as one (1) seat.

(j) It shall be unlawful for any person to park or store any motor vehicle without the express written consent of the owner, holder, occupant, lessee, agent, or trustee of such property. In no case shall vehicles be parked in any required off-street parking lot for the sole purpose of displaying such vehicle for sale, except in approved and licensed car sales lots.

(k) After the effective date of this Ordinance it shall be unlawful for the owner, holder, occupant, lessee, agent, or trustee of any lot in a Residential District to permit or allow the open storage or parking, either day or night, thereon of trucks (over one (1) ton), semi-trucks and trailers, manufactured homes, construction equipment, and/or any other similar equipment or machinery used for commercial purposes for

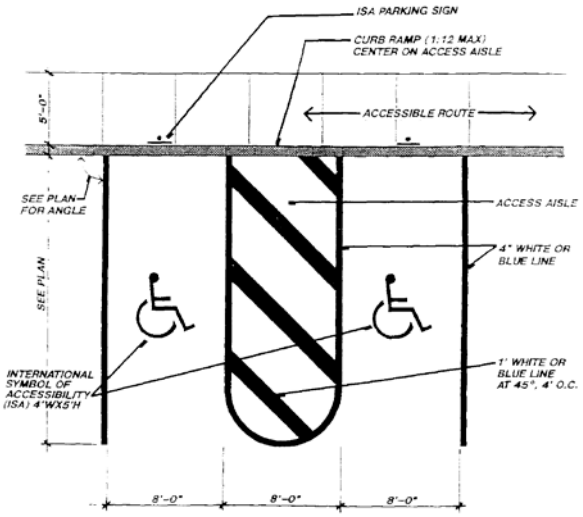
a period exceeding forty eight (48) hours, except as provided for under ***Section 15.03.09, Parking of Semi Trucks and Construction Equipment on Residential Lots***. However, the owner, tenant, or lessee of a farm may openly store the machinery and equipment used on his farm; and equipment necessary to be parked overnight on a lot, parcel or tract of land during construction work thereon shall be excepted from this restriction.

(l) The Planning Commission may permit an applicant to 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) Evidence shall be presented by the applicant in support of a lower requirement.
(3) Alterations to the deferred parking area may be initiated by the owner or required by the Zoning Administrator. Any alteration to the deferred parking area shall require the approval of an amended site plan, submitted by the applicant accompanied by evidence documenting the justification for the alteration.
(4) Grassed are as may be used to meet seasonal parking requirements provided the Township may required the seasonal parking area to be paved where it is utilized more than seven (7) days per year.

(m) In order to minimize excessive areas of pavement that depreciate aesthetic standards and contribute to high rates of stormwater runoff, the minimum parking space requirements shall not be exceeded unless approved by the Planning Commission. In granting additional space, the Planning Commission shall determine that the parking will be required, based on documented evidence, to accommodate the use on a typical day.

(n) Each parking lot that serves a building, except single and two-family dwelling units, shall have a number of accessible parking spaces as set forth in the following table, and identified by an above grade sign which indicates the spaces are reserved for Physically disabled persons. Parking for the disabled shall comply with the State of Michigan Barrier Free Rules, Michigan Public Act No. 1 of 1966, as amended, and the adopted Township Building Code.



BARRIER-FREE PARKING SPACE LAYOUT
VAN ACCESSIBLE

Total Spaces in Parking Lot	Required Number of Barrier-Free Spaces
Up to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
Over 500	2 percent of total

SECTION 09.02.05 TABLES OF OFF-STREET PARKING REQUIREMENTS

USE	PARKING SPACES	PER UNIT OF MEASUREMENT AS FOLLOWS:
RESIDENTIAL		
One and Two Family	2	Per dwelling unit
Multiple Family		
Manufactured Home Parks		

USE	PARKING SPACES	PER UNIT OF MEASUREMENT AS FOLLOWS:
INSTITUTIONAL		
Child care center	2	plus
	1	for each employee , plus
	6	off-street queuing spaces
Churches	1	3 seats based on maximum seating capacity in the main place of assembly therein.
Convalescent homes, nursing homes	1	4 beds plus
	1	for each employee
Elementary and middle schools	1	classroom, plus requirements of the auditorium or assembly hall therein
		requirements of the auditorium or assembly hall there
Golf courses open to the general public	50	9 holes, plus amount required for accessory uses
High Schools, Colleges and trade schools	1	classroom, plus
	1.01	each 8 students, based on maximum occupancy load established by local, county, state, fire, health, or building codes
Hospitals	2	each bed

USE	PARKING SPACES	PER UNIT OF MEASUREMENT AS FOLLOWS:
Libraries and museums	1	each 400 square feet UFA
Private clubs and lodges	1	each 4 individual members allowed within the maximum occupancy load as established by local, county, state, fire, health, or building codes
Private tennis club, swim club, golf club, hunting club or other similar uses	1	2 member families or individuals, plus amount required for accessory uses
Senior independent living units	1.5	living unit
Senior "interim care" units, homes for the aged,	1	2 beds
Stadiums and sports arenas	1	4 seats or 8 feet of bench
Theaters, auditoriums, and assembly halls	1	3 seats based on maximum seating capacity in the main place of assembly therein
COMMERCIAL		
Animal hospitals and kennels	1	400 square feet GFA
Barber shops	2	barber
Beauty shops	3	beauty operator
Bed and breakfast inns	1	room rented, provided on site, plus
	2	for operator's dwelling unit
Bowling alley	4	bowling lane plus amount required for accessory uses
Convenience stores	1	200 square feet UFA
Dance halls, exhibition halls, pool halls, billiard parlors, and assembly halls without fixed seats	1	2 persons allowed within the maximum occupancy load as established by local, county, state, fire, health, or building codes
Furniture, appliances, and household equipment repair shops, hardware stores, and other similar uses	1	800 square feet of GFA
Laundromats, coin operated dry cleaning establishment	1	2 washing or dry cleaning machine
Miniature or "Par 3" golf courses	2	hole plus amount required for accessory uses

USE	PARKING SPACES	PER UNIT OF MEASUREMENT AS FOLLOWS:
Mortuary establishments, funeral homes, undertaking parlors	1	100 square feet of GFA
Motels, hotels, tourist homes	1	guest bedrooms plus
	1	per employee on peak shift plus amount required for accessory uses
Open Air Businesses (not otherwise provided for herein)	1	800 square feet of lot area used for the retail area of the business
Personal service establishment (not otherwise provided for herein)	1	300 square feet of UFA
Restaurants and other establishments (other than drive-in restaurants) in which is conducted the sale and consumption on the premises of food, beverages, or refreshments	1	2 persons allowed within the maximum occupancy load as established by local, county, state, fire, health, or building codes OR
	1.001	70 square feet UFA (whichever is greater)
Retail stores except as otherwise specified herein	1	1 space for each 250 square feet of GFA
Roadside Stands	6	establishment
Automobile repair shops, collision or bump shops, and other similar uses	1	800 square feet GFA, plus
	3	stall or service area
Automobile salesrooms, machinery sales and other similar uses	1	400 square feet UFA not including vehicle display area
Automobile repair	3	service stall
Auto wash	5	unit which represents the establishment's maximum capacity as computed by dividing the line dimension of the mechanical wash/dry operation by 20 feet
Automobile service stations	3	service stall
	1	service vehicle, plus amount required for convenience store, auto wash, or other applicable accessory use
Wholesale stores	1	250 square feet of GFA plus amount required for accessory uses

USE	PARKING SPACE	PER UNIT OF MEASUREMENT AS FOLLOWS
OFFICES		
Banks (drive-in)	4	drive-in window, plus requirement for bank
Banks (other than drive-in banks), post offices	1	200 square feet UFA
Business and professional offices	1	300 square feet GFA
Medical clinic and dental clinic	3	examining room
INDUSTRIAL		
Industrial or manufacturing establishments, research establishments	1	800 square feet GFA
Warehouses and storage buildings	1	2,000 square feet GFA, with a minimum of four (4) spaces

Section 09.03 Off-street Loading Spaces

09.03.01 For every building or addition to an existing building hereafter erected to be occupied by storage, display of goods, retail store or block of stores, wholesale store, market, hotel, hospital, mortuary, laundry, dry cleaning or other similar uses requiring the receipt or distribution in vehicles of materials or merchandise, there shall be provided and maintained on the same lot with such building or addition (l) an area or means adequate for maneuvering and ingress and egress for delivery vehicles; and (2) off-street loading spaces in relation to floor areas as follows:

Gross Floor Area (Sq. Ft.)	Loading and Unloading Spaces Required
0-2,000	None
2,000-20,000	1 space
20,000-100,000	1 space plus 1 space for each 20,000 square feet in excess of 20,000 square feet
100,000-500,000	5 spaces plus 1 space for each 40,000 square feet in excess of 100,000 square feet
Over 500,000	15 spaces plus 1 space for each 80,000 square feet in excess of 500,000 square feet

09.03.02 Each loading space shall be at least ten (10) feet in width, thirty-five (35) feet in length and fourteen (14) feet in height. No such space shall be located closer than fifty (50) feet to any lot in any Residential District.

Section 09.04 Access, Driveways and Service Drives

09.04.01 **Intent**

The following regulations are intended to maximize roadway capacity and safety by limiting and controlling the number and location of driveways and requiring alternate means of access through shared driveways, service drives and access from side streets.

09.04.02 **Scope and Applicability**

The standards of this Section apply to areas outside of the right-of-way, which are under Township jurisdiction through site plan review. The driveway standards herein may be more restrictive than the standards of the Ottawa County Road Commission, which has jurisdiction within the right-of-way. Construction within the public right-of-way under the jurisdiction of Ottawa County must also meet the permit requirements of the County. Where any conflicts arise, the more stringent standard shall apply.

09.04.03 **Driveways in General**

(a) Driveways shall be located so as to minimize interference with the free movement of traffic, to provide adequate sight distance, and to provide the most favorable driveway grade.

(b) Driveways, including the radii but not including turn lanes, passing lanes and tapers, shall be located entirely within the right-of-way frontage, unless otherwise approved by the Ottawa County Road Commission and upon written certification from the adjacent property owner agreeing to the encroachment.

(c) Any driveway design utilized must allow for an entering vehicle speed of fifteen (15) miles per hour to help reduce interference with through street traffic.

(d) Driveway design and placement must be in harmony with internal circulation and parking design so that the entrance can absorb the maximum rate of inbound traffic during a normal weekday peak traffic period as determined by a traffic survey method approved by the Planning Commission.

(e) There must be sufficient on-site storage to accommodate at least five (5) queued vehicles waiting to park or exit without utilizing any portion of the street right-of-way or in any other way interfere with street traffic or on-site circulation.

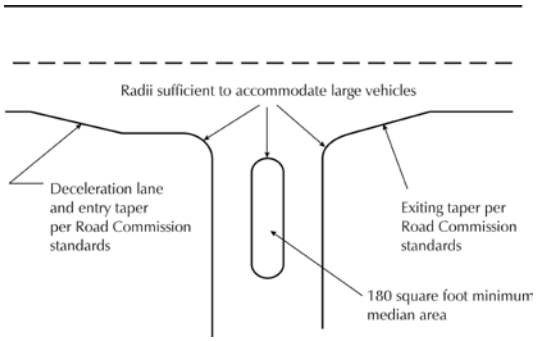
(f) Provisions for circulation between adjacent parcels should be provided through coordinated and/or joint parking systems, or other methods, determined at the time of the site plan review.

(g) Driveway entrances must be able to accommodate all vehicle types having occasion to enter the site, including delivery vehicles.

(h) Driveway placement should be such that loading and unloading activities will in no way hinder vehicle ingress or egress.

(i) Direct access driveway placement must be such that an exiting vehicle has an unobstructed sight distance from the stop bar in accordance the County Road Commission standards.

(j) All driveways shall be designed according to the standards of the Ottawa County Road Commission.



(k) Where a boulevard entrance is proposed, a fully curbed island shall separate the ingress and egress lanes. The radii forming the edges on this island shall be designed to accommodate the largest vehicle that will normally use the driveway. The minimum area of the island shall be one-hundred eighty (180) square feet. The Planning Commission may require landscaping on the section outside the public right-of-way. Any landscaping shall be tolerant of roadway conditions.

(l) All driveways shall maintain an unobstructed travel area of not less than sixteen (16) feet in width and sixteen (16) feet in height for the purpose of emergency vehicle clearance.

09.04.04 **Driveway Spacing Standards**

(a) Minimum spacing requirements between a proposed commercial driveway and an intersection either adjacent or on the opposite side of the street may be set on a case-by-case basis but in no instance shall be less than the distances listed below. The

following measurements are from the near edge of the proposed driveway, measured at the throat perpendicular to the street, to the near lane edge of the intersecting street or pavement edge for uncurbed sections.

MINIMUM COMMERCIAL DRIVEWAY SPACING FROM STREET INTERSECTIONS (1)(2)		
Location of Driveway	**Minimum Spacing for a Full Movement Driveway**	**Minimum Spacing for a Canalized Driveway Restricting Left Turns**
Along an arterial intersecting an arterial	300 feet	125 feet
Along an arterial intersecting a collector or local road	250 feet	125 feet
Along a collector	125 feet	75 feet

(1) Arterial and collector roads shall be as designated on the ***Blendon Township Master Plan Roadway Functional Classification Map***.

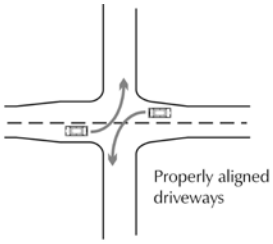
(2) For sites with insufficient street frontage to meet the above criterion, the Planning Commission may require construction of the driveway along a side street, a shared driveway with an adjacent property, construction of a driveway along the property line farthest from the intersection or require a service road.

(b) Minimum spacing between two (2) commercial driveways shall be determined based upon posted speed limits along the parcel frontage. The minimum spacing indicated below is measured from centerline to centerline.

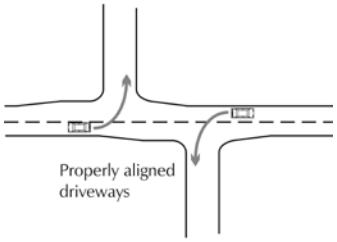
Posted Speed Limit (MPH)	Minimum Driveway Spacing (In Feet)
25	130
30	185
35	245
40	300
45	350
50 or more	400

c) To reduce left-turn conflicts, new commercial driveways shall be aligned with those across the roadway where possible. If alignment is not possible, driveways shall be offset the distance indicated in paragraph (b) above. Greater offsets may be required depending on the expected inbound left-turn volumes of the driveways.

(d) For sites with insufficient street frontage to meet the above criterion, the Planning Commission may require construction of the driveway along a side street, a shared driveway with an adjacent property, construction of a driveway along the property line farthest from the intersection or require a service road.

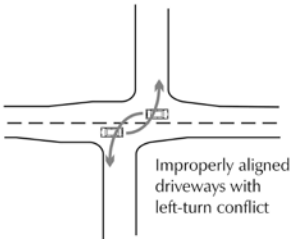


(e) In the case of expansion, alteration or redesign of an existing development where it can be demonstrated that pre-existing conditions prohibit adherence to the minimum commercial driveway spacing standards, the Planning Commission may modify the driveway spacing requirements. Modifications shall be the minimum amount necessary to allow access to the site.



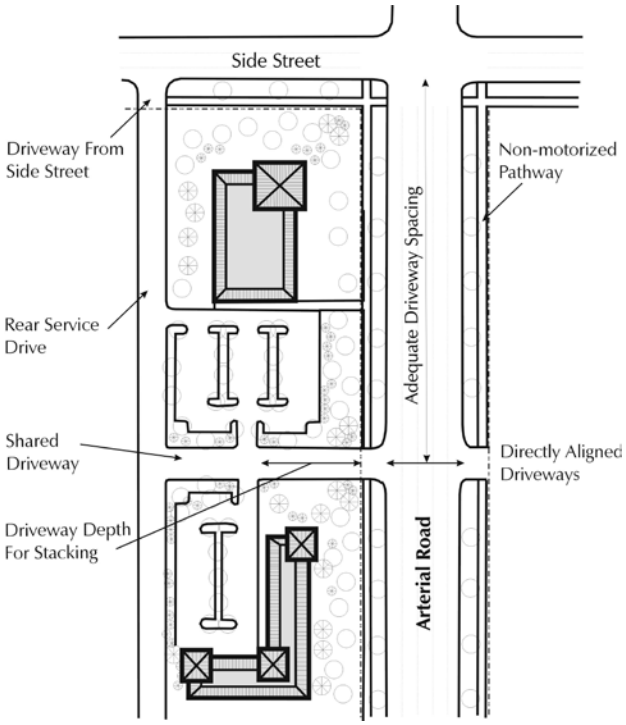
09.04.05 **Number of Commercial Driveways**

(a) The number of commercial driveways serving a property shall be the minimum number necessary to provide reasonable access, while preserving traffic operations and safety along the public roadway, aesthetic and natural features of the corridor.



(b) Access, ether direct or indirect, shall be provided for each separately owned parcel. This access may be an individual driveway, shared driveway or via a service drive.

(c) A second driveway may be allowed for properties with a continuous frontage of over three-hundred (300) feet, and one (1) additional driveway for each additional three-hundred (300) feet of frontage, if the Planning Commission determines there are no other reasonable access opportunities and driveway spacing standards of Section 12.04.04 are met.



(d) Two (2) one-way driveways may be permitted where the frontage is at least one-hundred twenty-five (125) feet.

(e) For high traffic generators, or for commercial driveways along roadways experiencing or expected to experience congestion, the Planning Commission may require two (2) egress lanes.

09.04.06 **Shared Driveways, Frontage Roads And Service Drives**

(a) Location: Service roads shall generally be parallel or perpendicular to the front property line and may be located either in front of, adjacent to, or behind, main buildings. In considering the most appropriate alignment for a service road, the Planning Commission shall consider the setbacks of existing buildings, anticipated traffic flow for the site and the Master Plan.

(b) Access Easement: The service road shall be within an access easement permitting traffic circulation between properties. This easement shall be sixty-six (66) feet wide, except an access easement parallel to a public street right-of-way may be forty (40) feet wide, if approved by the Planning Commission. The service drive shall remain free and clear of obstructions.

(c) Construction and Materials: Service roads shall have a base, pavement and curb with gutter in accordance Ottawa County Road Commission standards for public streets, except the width of the service road shall have a minimum pavement width of twenty-four (24) feet.

(d) Parking: The service road is intended to be used exclusively for circulation, not as parking or maneuvering aisles. The Planning Commission may require the posting of ■no parking" signs along the service road. In reviewing the site plan, the Planning Commission may permit temporary parking in the easement area where a continuous service road is not yet available, provided that the layout allows removal of the parking in the future to allow extension of the service road.

(e) Access to Service Road: The Planning Commission shall approve the location of all accesses to the service road, based on the driveway spacing standards of this Chapter. The Planning Commission may allow additional driveways if approved by the Ottawa County Road Commission.

(f) Temporary Access: The Planning Commission may approve temporary accesses where a continuous service road is not yet available and a performance bond or escrow is created to assure elimination of temporary access when the service road is continued. Occupancy permits shall not be issued until monies have been deposited with the Township.

(g) Elevation: The site plan shall indicate the proposed elevation of the service road at the property line and the Building Department shall maintain a record of all service road elevations so that their grades can be coordinated.

(h) Landscaping: The area between a service road and the public street right-of-way shall be landscaped greenbelt.

(i) Maintenance: Each property owner shall be responsible for maintenance of the easement and service drive.

09.04.07 **Shared Residential Driveways**

(a) For the purposes of this Section, "driveway" means an undedicated, privately controlled and maintained right-of-way or other interest in land providing a means of vehicle access to not more than four (4) lots or parcels.

(b) In any Residential or Agricultural District, lot(s) may be served by a driveway having a minimum easement frontage of sixty-six (66) feet upon a public street, except as may be reduced under subsection (f) below. Lots served by driveways shall not be required to have individual frontage on a public street. However, any parcels utilizing a driveway shall have frontage on a driveway easement for a distance equal to or greater than the minimum lot width required for the District in which the parcel is located.

(c) The provisions of this Section are not intended to apply to individual driveways serving a single residential lot or parcel having its required lot width on a public street.

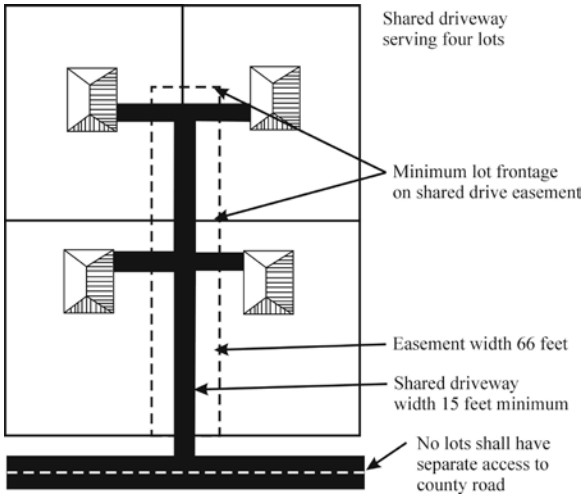
(d) In no case shall computations for minimum lot area and width exclude lands used for private easements for the purposes of establishing and maintaining a driveway in accordance with the provisions of this Section.

(e) Any lot(s) which derive access from a driveway established in accordance with the provisions of this Section shall measure required yard setbacks from the easement line for such driveway.

(f) Driveway Easements and Traveled Surface: Any driveway established in accordance with the provisions of this Section shall comply with the following minimum requirements.

(1) Except as noted in (2) below, a driveway easement shall have a minimum of sixty-six (66) feet of easement frontage on a public street.

(2) The required easement frontage on a public street may be reduced to thirty-three (33) feet where it is demonstrated to the satisfaction of the Zoning Administrator that there exists no possibility that such driveway will be used to serve any more than four (4) lots or parcels. Where such easement widths are reduced, the Zoning Administrator shall require the property owner(s) to submit to the Township a recorded deed restrictions on any affected property indicating that such driveway will not serve any more than four (4) lots.



(3) The minimum traveled surface of a shared driveway must be located within the driveway easement and shall have a minimum traveled surface width of fifteen (15) feet with a three (3) foot wide gravel shoulder on both sides, and be properly graded and constructed for drainage.

a. The connection to the existing roadway and the first one hundred (100) feet of the shared drive, as measured from the right-of-way line, shall be constructed of concrete, or bituminous surface.

b. For shared driveways serving no more than two (2) lots, the concrete, or bituminous surface may extend only as far as required by a, above. The portion of the traveled portion of the shared drive beyond the one hundred (100) feet noted may be constructed of crushed gravel or other similar surface approved by the Zoning Administrator.

c. Shared driveways serving more than two (2) lots shall be constructed of concrete or bituminous surface for the entire length.

(4) The maximum length of the driveway easement shall be eight hundred eighty feet (880) feet, provided there shall be an eighteen (18) foot wide paved area of a minimum of fifty (50) feet in length to allow two (2) vehicles to pass spaced no less than three hundred (300) feet along the driveway.

(5) A cul-de-sac or hammerhead turnaround shall be provided at the end of the shared driveway, constructed according to the requirements of the Ottawa County Road Commission.

(g) Driveway Maintenance: Any driveway established in accordance with the provisions of this Section shall comply with the following minimum requirements.

(1) For purposes of this Section, "safe and unimpeded route of travel" shall mean a roadway of adequate width to accommodate the safe, two-way passage of vehicles, and of sufficient construction to accommodate any fire, police, rescue, or other emergency vehicle that may be utilized by the Township.

(2) All driveways shall be constructed and continuously maintained in such a way that they assure a safe and unimpeded route of travel for motor vehicle traffic, pedestrians, and emergency vehicles in all weather conditions.

(3) The owner(s) of the proposed driveway shall provide the Zoning Administrator with a recordable maintenance or restrictive covenant agreement between the owner(s) of the lot(s) served by such driveway (and any other parties having any interest therein), or other documentation satisfactory to the Zoning Administrator which shall provide for and assure that the driveway shall maintain a safe and unimpeded route of travel, be regularly maintained, repaired, and snow plowed, and the cost thereof paid.

(4) The owner(s) agree, by filing such documentation and receiving approval of the Zoning Administrator that they will assure that any building(s) or parcels thereafter created or constructed on the driveway shall also be subject to the

maintenance or restrictive covenant agreement and that the agreement shall be recorded with the County Register of Deeds and shall run with the land. A copy of the agreement shall be furnished to the Zoning Administrator prior to the issuance of any building permit for main buildings on a lot(s) served by approved driveways.

(5) The owner(s) of the driveway agree that by applying for or securing a permit to construct the driveway that they shall indemnify and will hold the Township harmless from any and all claims for personal injury and/or property damage arising out of the use of the driveway or of the failure to properly construct, maintain, use, repair, and replace the driveway.

(h) Permits issued:

(1) No building permit shall be issued for any dwelling or other building, structure or use, the primary access to which is to be provided by a shared residential driveway, until the shared residential driveway has been approved in accordance with this Section 09.04 and until the shared residential driveway has been constructed including base and top coat, inspected by the township and given final approval by the township, except as stated in subparagraph (2).

(2) If a proposed shared residential driveway has been approved, but if the construction of the shared residential driveway has not been completed or received final approval by the township, the applicant may submit to the township a performance guaranty, in the form of a performance bond, with an acceptable surety, conditioned upon the timely and full completion of the shared residential driveway in accordance with this Section 09.04. In such a case, and upon township approval of the content of the guaranty, a building permit may nevertheless be issued for a dwelling or for other building, structure or use, the primary access to which is to be provided by the shared residential driveway; provided, however, that no such permit shall be issued unless the building official also determines that persons and vehicles may traverse the incomplete shared residential driveway in sufficient safety. In such a case, the further construction of the shared residential driveway shall be pursued diligently to completion, not later than the completion date, acceptable to the township, that shall be specified in the performance bond. In any event, no certificate of occupancy shall be issued for any dwelling or other building until the shared residential driveway providing the primary access to the dwelling or building has been completed, inspected by the township and given final approval by the township.

(3) In the case of a shared residential driveway that is required to be constructed as a condition of obtaining approval of additional resulting parcels under Section 108(3) of the Land Division Act and the township land division ordinance, the shared residential driveway shall be constructed, inspected by the Township and be given final approval by the Township, if final approval is warranted, prior to the recording of the deeds or other legal instruments that accomplish the division of the land into any of the resulting parcels that would be provided primary access by the shared residential driveway; provided, however, that the construction of the shared residential driveway may be temporarily deferred by

the submission of performance bond, with an acceptable surety, in accordance with the terms of subparagraph (2) of this subsection 09.04.07 (h).

Section 09.05 Private Roads

09.05.01 Scope and Applicability

Private roads that are not proposed to be constructed as part of a subdivision plat, condominium, and site condominium shall be reviewed and approved following the site plan review process outlined in ***Chapter 12, Site Plan Review Procedure and Requirements.*** Private roads shall be those serving more than four (4) dwelling units or more than one (1) commercial or industrial lot and shall comply with the following requirements.

09.05.02 Roadway Design and Construction Requirements

All private roads shall meet the public street base, pavement width, surface, slope and drainage system requirements of the Ottawa County Road Commission, except modifications may be permitted by the Planning Commission for residential private roads as provided for below. Final construction plans for private roads shall approved by the Township Engineer.

(a) Compliance with AASHTO standards: Except as otherwise provided below, private road design plans shall comply with the design criteria outlined in the most recent edition of the American Association of State Highway and Transportation Officials (AASHTO) Manual "A Policy on Geometric Design for Highways and Streets" as adopted by the Michigan Department of Transportation (MDOT).

(b) Curb and gutter: All private roads shall be constructed with concrete curb and gutter at intersections in accordance with Blendon Township Cross Section Details 1 and 2. The Planning Commission may waive the requirement for curb and gutter in residential developments.

(c) Road width: The minimum pavement width of the traveled portion of a private road shall be twenty (20) feet for developments serving four hundred (400) and fewer average daily trips, and twenty-two (22) feet for private roads serving more than four hundred (400) average daily trips. For purposes of this provision, average daily trips shall be determined in accordance with the most recent edition of the Institute of Transportation Engineers Manual titled Trip Generation. The Planning Commission may modify the width requirements to preserve significant natural features, provided that the road shall not serve as a through street to adjacent development. Where the traveled roadway width is 20 feet, there shall be no on-street parking and the Planning Commission may require that additional off-street parking areas be provided. Private roads serving commercial developments shall provide sufficient width to accommodate the largest vehicle anticipated.

(d) Maximum length: The maximum length of a private road that has only one intersection with a public street shall be fifteen hundred (1500) feet; provided, however, that the Planning Commission may permit a private road having a greater length from an intersection with a public street if the Planning Commission determines that the following criteria would be satisfied:

(i) That the proposed greater length of the private road is reasonably necessary in view of the topography of the land, the location of adjacent or nearby parcels of land and other circumstances pertaining to the nature or condition of the subject land and the location thereof.

(ii) That the proposed greater length of the private road would make possible the reasonable development of land that would be given access by the private road, and without such access, there is a strong likelihood that the lands would not be developed.

(iii) That there are other land use grounds justifying the proposed greater length of the private road.

Any single means of access serving more than four parcels of land or more than four dwelling units shall include a turnaround area with a radius of at least sixty (60) feet to the edge of the right-of-way and a radius of forty (40) feet to the edge of pavement, or the road shall be laid out as a continuous loop; provided, however, that a turnaround area of greater radius may be required for private roads serving commercial or industrial uses.

Measurement of private road length shall be along the road centerline, from the centerline of intersecting public street to the end of the private road cul-de-sac turn around. Any single means of access serving more than four (4) lots or four (4) dwelling units shall include a turn-around complying with Blendon Township Cross Section Details 3 and 4.

(e) The maximum grade for any private road shall not exceed six (6) percent, except where the road intersects with another public or private road. Such intersections shall have a maximum grade of two percent (2%) for a minimum distance of thirty (30) feet from the intersection. The distance measurement shall commence at the intersection of the centerline of the private road with the edge of the traveled portion of the public street right-of-way.

(f) Intersection design standards: Private roads that intersect with existing or proposed private roads rights-of-way shall intersect at a ninety (90) degree angle. Where constrained by environmental features, the township engineer may permit a reduced angle of intersection, but in no case shall the angle be less than seventy (70) degrees. Intersections with public streets shall be subject to the Ottawa County Road Commission permit requirements.

(g) Intersection offsets from public streets: Proposed private roads or entrances to a development shall align directly across from, or be offset at least two-hundred-fifty (250) feet from, public streets or private road intersections on the opposite side of the street, measured centerline to centerline. This standard may be reduced if approved by the Ottawa County Road Commission.

(h) Design Speed: The road geometry shall comply with a minimum design speed of twenty five (25) miles per hour.

(i) Pavement design:

1. Residential streets: An improved street surface in accordance with Blendon Township Cross Section Details shall be provided.
2. Commercial streets: An improved surface design in accordance with AASHTO Interim Structural Pavement Design and Blendon Township Cross Section Details shall be provided.

(j) Road Construction:
1. All necessary approvals and permits shall be obtained from the Ottawa County Road Commission prior to commencing any construction or clearing.
2. All materials and methods shall comply with the most current Michigan Department of Transportation specifications for construction.
3. The work shall be construction-staked by the developer or its designee. A sufficient number of stakes shall be maintained during construction to assure compliance with the approved plans. Alternatively, a recorded survey following the completion of work, may be completed and submitted to the Township to assure proper compliance with all applicable requirements.
4. A cash bond or performance guarantee in an amount equal to the road construction cost shall be provided to Township. The applicant's engineer shall provide a detailed cost estimate or contractor construction-cost quote as a basis for determining the cash figure or guaranteed amount, but the amount shall be subject to Township approval. A performance bond (with surety acceptable to the Township) or letter of credit in the amount of the entire construction costs shall be made payable to Blendon Township and it shall be subject to the approval of the Township Attorney as to form and content. The bond or letter of credit shall be made for a period not less than two years and shall not be cancelled or otherwise allowed to expire without at least a sixty-day notice to the Township. If a performance bond or letter of credit expires prior to final approval of the completed private road, the bond or letter of credit shall be immediately renewed upon the same terms and conditions, except that the Township may permit a shorter term thereof.

(k) All private roads shall maintain an unobstructed travel area of not less than sixteen (16) feet in width and sixteen (16) feet in height for the purpose of emergency vehicle clearance.

09.05.03 **Road Names and Signage**

(a) Road Names: Road names shall be provided to assist public emergency services. Any proposed roadway that is an extension of, or in a direct line with, an existing street shall carry the name of the street that is in existence at the time the proposal is made. Other roads shall be given a name of the applicant's choice, subject to approval by the Planning Commission and the Ottawa County Road Commission. Written approval of the road name from the Ottawa County Road Commission shall be provided with the site plan. Proposed names will be checked against other existing roads within the County for potential conflicts that may be confusing to emergency services.

(b) Signs: All signs within the private road easement shall be identified on the site plan and shall be in accordance with the Michigan Manual of Uniform Traffic Control Devices, unless the Planning Commission approves another type of design for consistency with the character of the development. Street signs shall be provided at all intersections.

These signs shall contrast in terms of color with public street signs to indicate the road is private and such sign lettering shall be of a reflective material.

09.05.04 **Private Road Easements**

A private road easement agreement in recordable form shall be required. It shall meet the following minimum requirements:

(a) Access Easement Width: The site plan shall provide an easement or easements not less than sixty-six (66) feet in width, except that the Planning Commission may reduce the required width to not less than fifty (50) feet when all of the following criteria are met:

(1) the reduced fifty (50) foot easement width will preserve natural features that would otherwise be affected by the sixty-six (66) foot right of way;

(2) the width is determined to be adequate for the necessary pavement and utilities;

(3) adequate clear sight distance can be maintained; and

(4) is not expected to accommodate over three hundred (300) vehicle trips per average weekday, calculated in accordance with the Institute of Transportation Engineers Manual on Trip Generation.

(b) Legal Description: A detailed legal description of the private road easement shall be submitted at the time of application for approval of the road.

(c) Emergency and Public Vehicle Access: The easement shall provide for unrestricted access for emergency and public vehicles used in the performance of necessary public services.

(d) Utilities: Below ground utilities may be located within the private road easement.

09.05.05 **Private Road Maintenance Agreement**

Continued maintenance of private roads shall be the responsibility of the property owner(s) served by the roads. Private roads shall be maintained in a condition suitable for travel at the design speed, and passable for emergency vehicles as determined by the township engineer. Prior to issuance of construction permits, the property owner(s) shall enter into a legally binding easement maintenance agreement, which shall be subject to review and approval by the Township Attorney.

(a) The easement maintenance agreement shall acknowledge that the road surface and easement area are privately owned and therefore all construction and improvements within the easement shall be contracted and paid for by the signatories to the agreement.

(b) The agreement shall describe the method by which maintenance costs and costs of improvements will be apportioned among the original users.

(c) The agreement shall describe the method for apportioning costs to new users for a proportionate share of the maintenance costs and costs of improvements. The agreement shall indicate that the method of apportioning costs applies whether the new users are a result of: (1) extension of the private road or driveway beyond its initial length, or (2) connection to another private road, or (3) division of property that is served by the private road or shared driveway.

(d) The agreement shall outline a maintenance schedule indicating intervals for road inspection. Such inspection shall be accomplished by a licensed professional engineer and be the responsibility of the signatories to the agreement. The results of the road inspection shall be promptly submitted to the Township for review. The Township may require maintenance as described above.

(e) All road easements and road easement maintenance agreements shall be recorded by the applicant at the Ottawa County Register of Deeds and proof of their recording shall be submitted to the Township prior to any clearing for or construction of the private road.

09.05.06 Special Assessment Provision

The easement maintenance agreement shall contain a provision to permit the Township Board to authorize the repair of any private road which is not being maintained adequately, so as to permit safe access by users and emergency vehicles, and to assess the cost of such repair, including the costs of engineering and administration, to the signatories of the agreement on an equitable basis. The decision to authorize repair of a private road shall be at the Township Board's sole discretion.

09.05.07 Private Road Construction Approval

Once constructed, the private road shall receive final approval by the zoning administrator upon recommendation by the township engineer**.**

(a) Final Inspection: Private road construction shall be inspected by the township engineer upon certification by the applicant’s engineer that the materials and construction techniques are consistent with the plans provided. Material certifications from suppliers shall be provided to the Township, upon request. Testing certifications shall be required on the following frequency:

Item	Certification	Test Required	Frequency
Pipe	Manufacturer	ASTM std for material provided	NA.
Fine Aggregates	Supplier stock pile	Gradation, Compaction in place	1/1000tons
Dense or Open Graded Aggregates	Supplier stock pile	Gradation, Compaction in place	1/1000tons
Hot Mix Asphalt	Mix design by Supplier	Gradation, Compaction in place	1/1000tons
Hot Mix Asphalt		extraction test	1/1000tons
Concrete	Supplier design	28 Day break	1/50 cyd

(b) Following the completion of all proposed work and receipt of certifications, the zoning administrator shall be notified so that a final inspection can be completed by the township engineer.

(c) Recorded plans noting any changes shall be provided and changes affecting the design may be cause for rejection.

09.05.08 **Final Approval Application Requirements**

The zoning administrator shall consider for final approval only applications which contain all of the following:

(a) Final inspection and approval of private road by the township engineer.

(b) Proof of installation of street name sign and traffic control devices.

(c) Proof of installation of underground utilities required to adequately serve the parcels served by the private road.

(d) Three (3) copies of a recorded land survey and legal descriptions showing easements for underground electrical and communication service lines, drainage, sanitary sewer, water, and private road and dedication of any public road rights-of-way.

(e) Three (3) copies of the recorded road maintenance agreement.

(f) Three (3) copies of the recorded deed restrictions, if any, and easements.

09.05.09 **Decision by Zoning Administrator**

If there is compliance with this and all other applicable Township ordinances, and the zoning administrator finds that requirements in this section 09.05 have been complied with, the zoning administrator shall give final approval to the private road. If final approval is denied, the zoning administrator shall state in writing the reasons for the denial. The developer shall submit copies of the plan to the Ottawa County Road Commission, appropriate fire department(s), police department(s), ambulance department(s) 9-1-1 and all utilities which serve the parcels benefited by the private road.

09.05.10 **Road to be Constructed Prior to Building Permit Etc.**

(a) No building permit shall be issued for any dwelling or other building, structure or use, the primary access to which is to be provided by a private road, until the private road has been approved in accordance with this Section 09.05 and until the private road has been constructed, inspected by the township and given final approval by the township, except as stated in subparagraph (b).

(b) If a proposed private road has been approved, but if the construction of the private road has not been completed or received final approval by the township, the applicant may submit to the township a performance guaranty, in the form of a performance bond, with an acceptable surety, or a letter of credit drawn on a financial institution, conditioned upon the timely and full completion of the private road in accordance with this Section 09.05. In such a case, and upon township approval of the form and content of the guaranty, a building permit may nevertheless be issued for a dwelling or for other building, structure or use, the primary access to which is to be provided by the private road; provided, however, that no such permit shall be issued unless the building official also determines that persons and vehicles may traverse the incomplete private road in sufficient safety. In such a case, the further construction of the private road shall be pursued diligently to completion, not later than the completion date, acceptable to the township, that shall be specified in the performance bond or letter of credit. In any event, no certificate of occupancy shall be issued for any dwelling or other building until the private road providing the primary access to the dwelling or building has been completed, inspected by the township and given final approval by the township; provided, however, that if inclement weather or anticipated heavy truck traffic prevents the installation of the finish-coat of asphalt or other final road surface material, the certificate of occupancy may, in the sole discretion of the township, be issued, but in that case, the certificate shall be conditioned upon the final completion of the private road not later than a date to be specified in the certificate.

(c) In the case of a private road that is required to be constructed as a condition of obtaining approval of additional resulting parcels under Section 108(3) of the Land Division Act and the township land division ordinance, the private road shall be constructed, inspected by the Township and be given final approval by the Township, if final approval is warranted, prior to the recording of the deeds or other legal instruments that accomplish the division of the land into any of the resulting parcels that would be provided primary access by the private road; provided, however, that the construction of the private road may be temporarily deferred by the submission of a qualifying performance guaranty in accordance with the terms of subparagraph (b) of this subsection 09.05.10.

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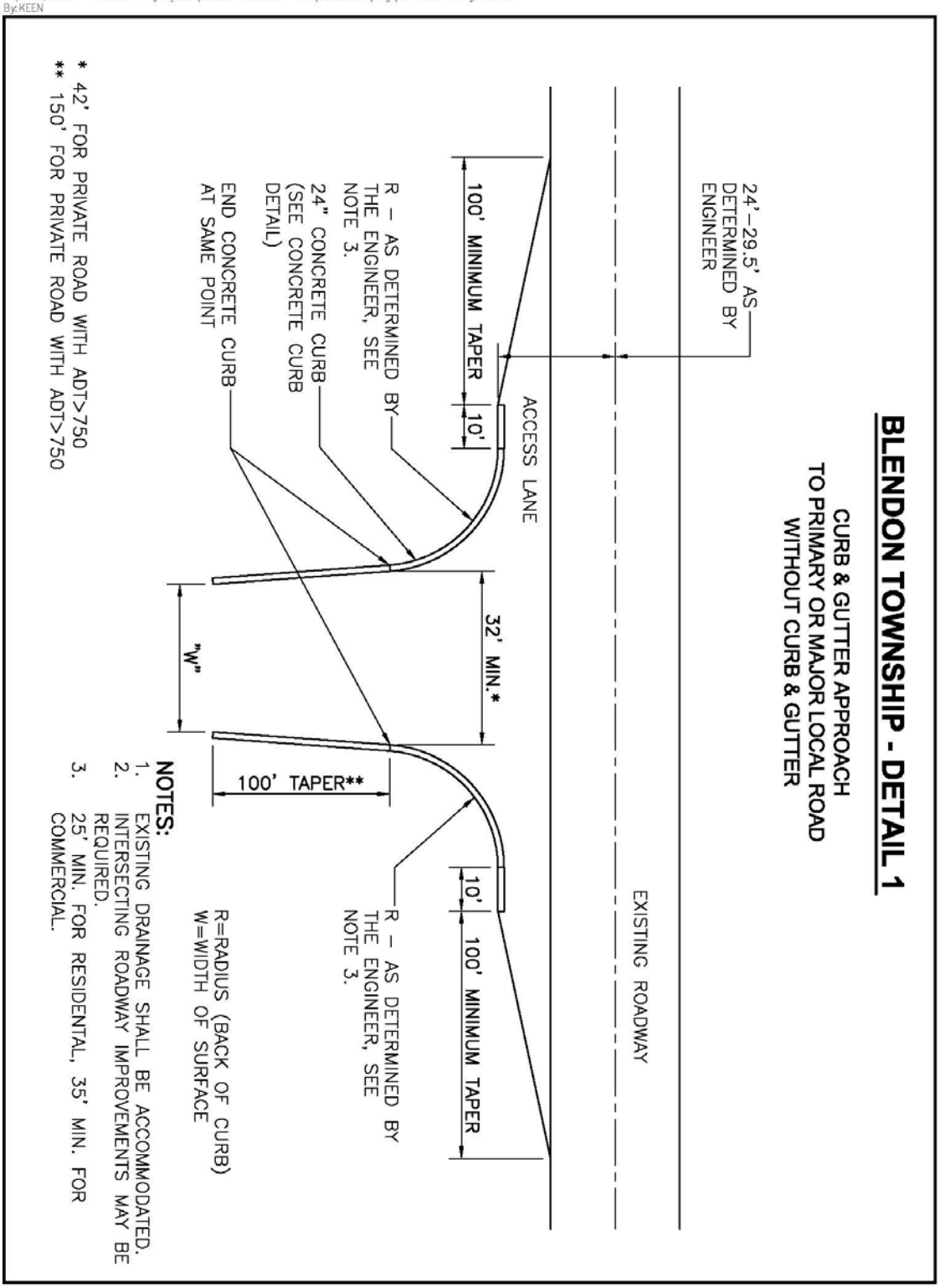
By:KEEN



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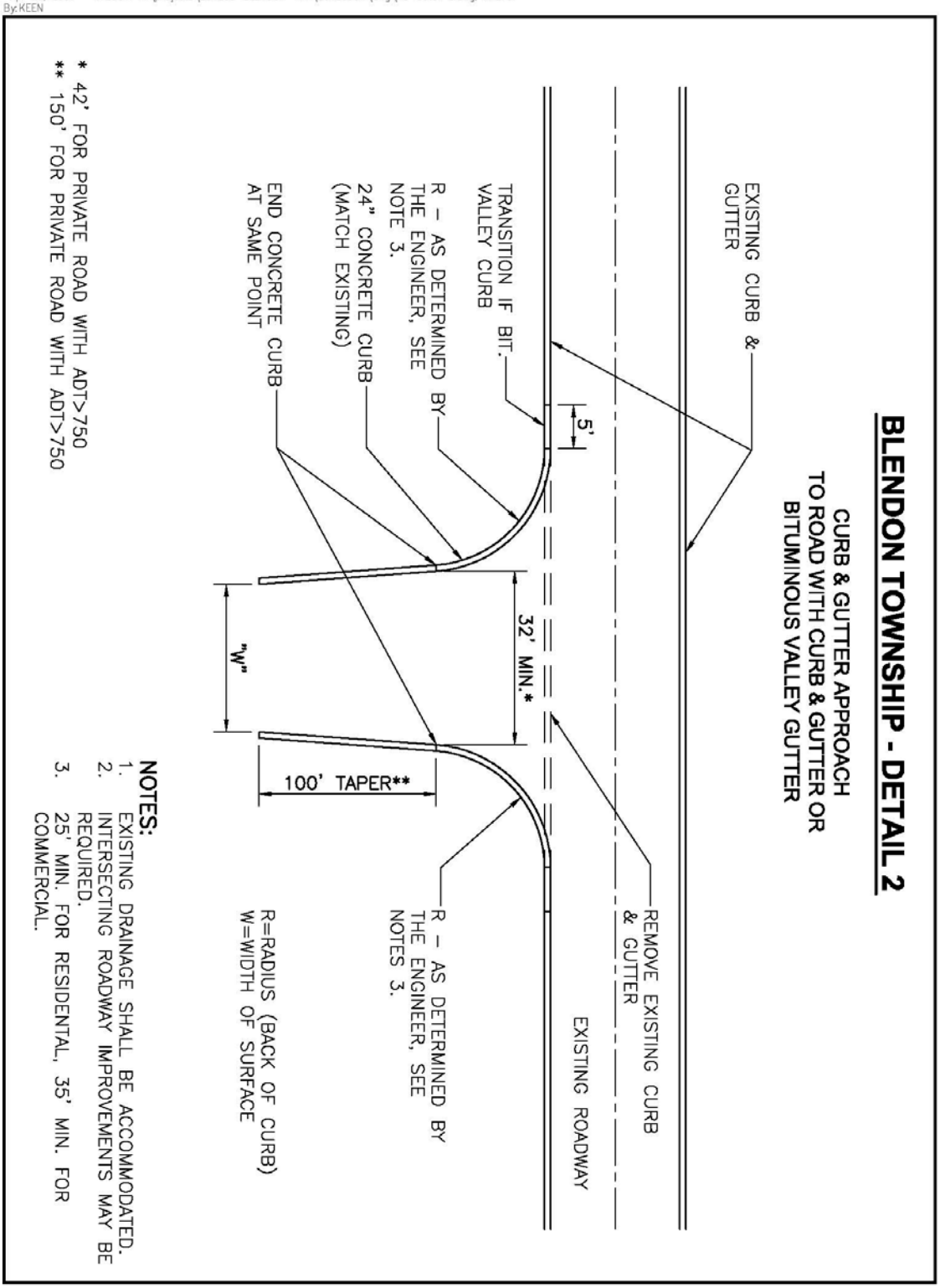

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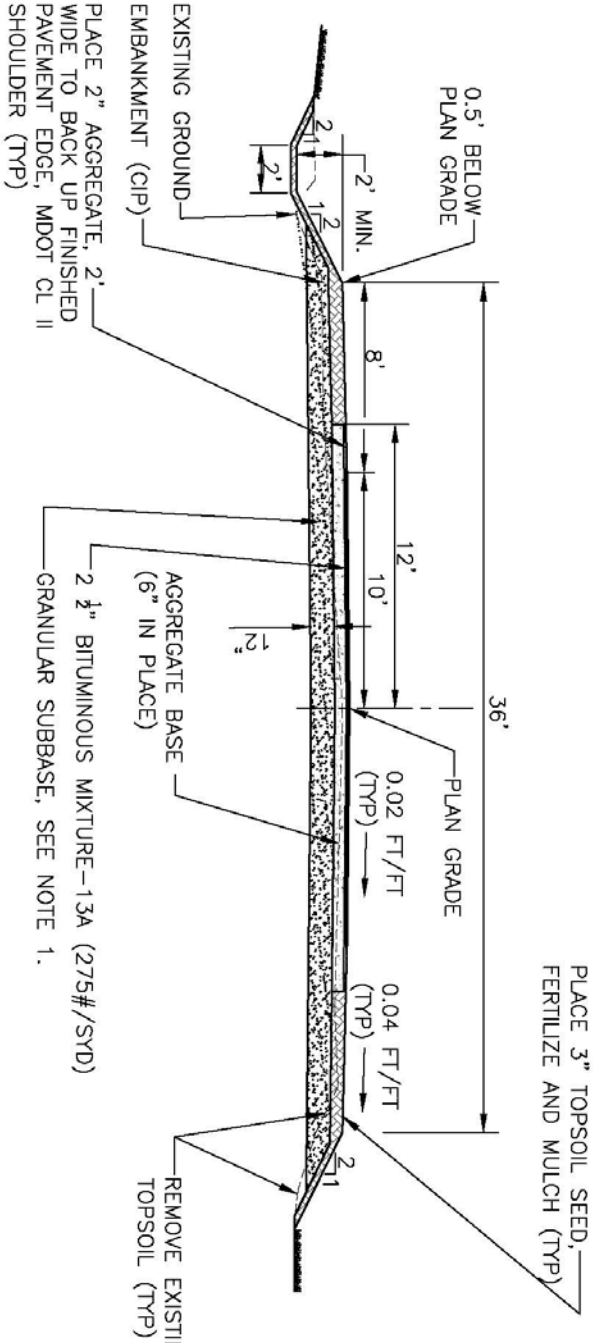
BLENDON TOWNSHIP - DETAIL 3

TYPICAL 36' GRADE SECTION
ADT 400 OR LESS



NOTES:

1. LAB RESULTS FOR NATIVE MATERIAL MEETING CRITERIA FOR MDOT CLASS II OR BETTER SHALL BE PROVIDED TO QUALIFY.
2. DITCH DEPTH SHALL BE EVALUATED FOR DRAINAGE BASIN SERVED.
3. CULVERTS SHALL HAVE A MINIMUM OF 18 INCHES VERTICAL COVER.

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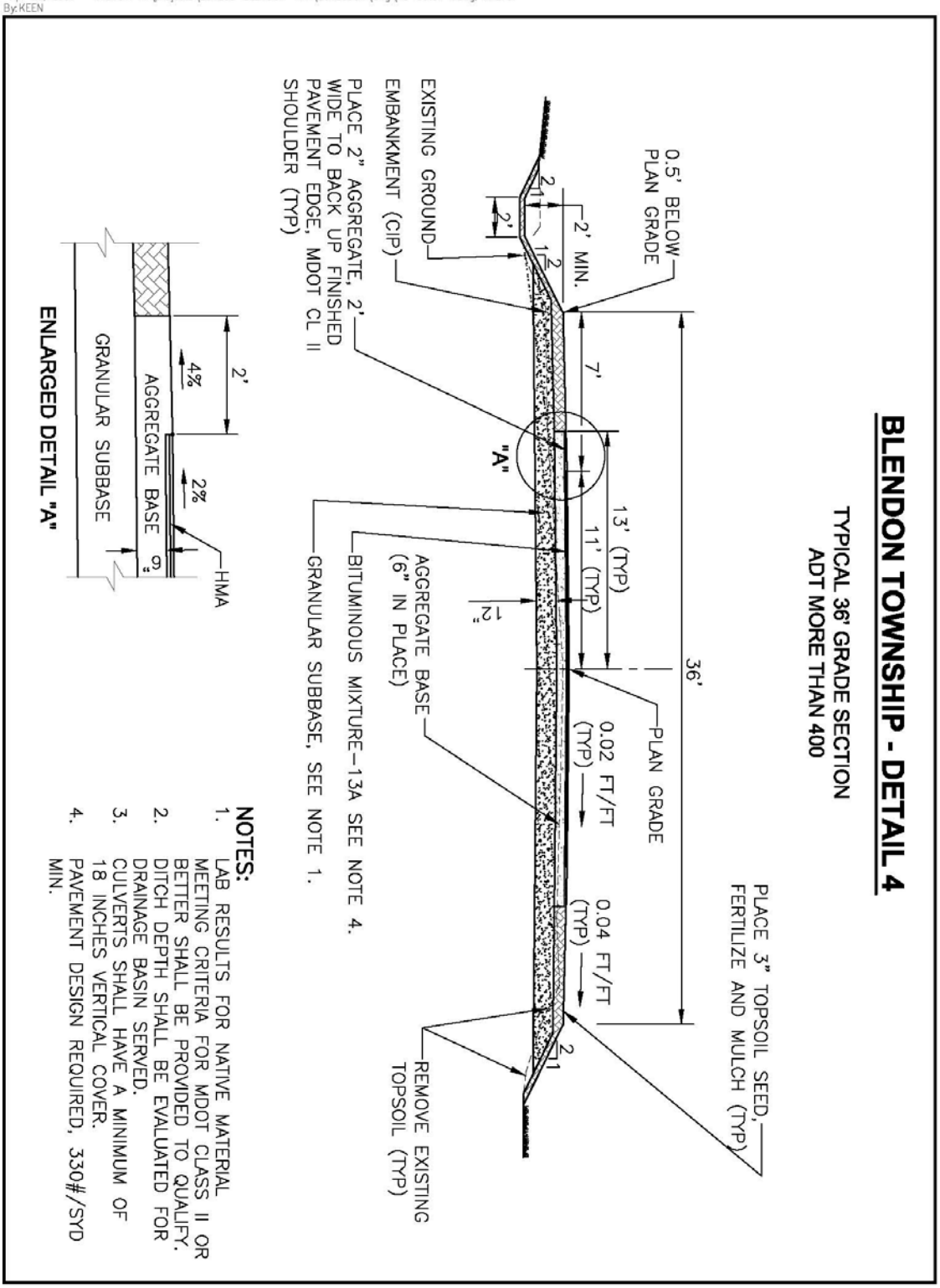
By:KEEN



Section 09.06 Bicycle Paths and Sidewalks

09.06.01 Intent

It is hereby determined that bicycle paths promote and provide for the public health, safety, and general welfare by achieving the following public purposes:

(a) Bicycle paths provide a safer location for travel along roads for bicyclists and pedestrians, including school children, than the edge of the traveled road.

(b) Bicycle paths encourage and promote aerobic exercise by bicyclists and others utilizing the bicycle paths.

(c) Bicycle paths conserve energy and reduce air pollution by allowing for a convenient means of travel by bicycle or as a pedestrian, rather than utilizing a motor vehicle.

(d) Bicycle paths reduce traffic congestion by providing a safe location for bicycles and pedestrians, which results in fewer vehicles on the road.

09.06.02 Scope and Applicability

(a) Bike paths shall be required along the entire site frontage of a county road for any non-agricultural use site plan and any residential subdivision, site condominium or multiple family developments, as provided for herein.

(b) Sidewalks shall be required along both sides of all internal streets within any residential subdivision, site condominium multiple family development or manufactured housing park. The Planning Commission may modify this requirement within residential developments that have an overall density less than one (1) dwelling unit per acre provided another type of pedestrian trail system shall be provided by the applicant that meets the intent of this Section.

09.06.03 Bicycle Path Location

Bicycle paths shall be installed by the developer one (1) foot within the dedicated road right-of-way along the entire frontage of the site. Where the road is shown on the ***Blendon Township Master Plan Roadway Functional Classification Map*** to have a greater planned right-of-way than the current road right-of-way, the bicycle path shall be installed by the developer one (1) foot within the planned road right-of-way and a public access easement shall be granted to the Township over the bicycle path.

09.06.04 Pathway Design

The following construction standards shall apply to all bicycle paths and sidewalks:

(a) All bicycle paths shall be at least ten (10) feet wide asphalt and constructed in accordance with the specifications of the American Association of State Highway and Transportation Officials (AASHTO). Bicycle paths shall be constructed to meet all requirements of the Ottawa County Road Commission.

(b) All sidewalks shall be a minimum five (5) feet wide concrete and constructed to the specifications of the AASHTO.

(c) Where walking trails are being provided within open space areas of residential developments, trails shall be six (6) foot wide crushed aggregate stone, woodchip or asphalt, or wooden boardwalks in areas with sensitive environmental features.

(d) An inclined approach shall be required where sidewalks and bicycle paths intersect curbs for barrier free access. Crosswalk pavement markings and signs may be required by the Planning Commission.

(e) Residential subdivisions or site condominiums shall provide pathway or sidewalk connections to adjacent residential subdivisions or site condominiums.

09.06.05 **Installation**

(a) A certificate of occupancy shall not be issued until the required bicycle path is installed along the road frontage.

(b) A performance guarantee, in lieu of bicycle path construction, may be allowed by the Planning Commission in instances where utility and other infrastructure improvements are planned for the site within a two (2) year period. Under these circumstances, the sidewalk/pathway shall be constructed once the utility improvement is complete. The Planning Commission or Zoning Administrator, as applicable, may delay construction of the bike path without a performance guarantee where no other similar path or sidewalk exists to which the bike path will connect. in these instances, the Planning Commission or Zoning Administrator shall state conditions under which the bike path construction will be required. Failure to construct the bike path when required under this ordinance provision shall be considered a violation of this ordinance.

(c) Where a subdivision plat, site condominium or manufactured home park contains sidewalks, sidewalks may be installed along each residential lot's frontage following construction of the dwelling unit, provided a performance guarantee shall be issued to the Township for construction of the sidewalks through the development prior to issuance of any building permits for individual dwellings. Certificates of occupancy shall not be issued for individual dwellings until the required sidewalk has been installed along that individual lot's frontage. The Township Board may require the completion of all sidewalks within the development where not all sidewalks have been completed within five (5) years of issuance of the first building permit.

Section 09.07 Traffic Impact Analysis

09.07.01 **Intent.** Blendon Township recognizes the direct correlation between land use decisions and traffic operations. The intent of this Section is to permit accurate evaluation of expected impacts of proposed projects to assist in decision-making. This Section is further intended to help achieve the following objectives:

(a) Provide a standard set of analytic tools and format for preparing traffic impact studies.

(b) Allow the Township to assess the effects that a proposed project may have on the township by outlining information needed and evaluation procedures to be used.

(c) Help ensure safe and reasonable traffic operating conditions on streets and intersections after development of the proposed use.

(d) Reduce the negative traffic impacts created by individual developments, and which may negatively impact such developments, by helping to ensure the transportation system can accommodate the expected traffic safely and efficiently.

(e) For rezonings, the traffic impact study is intended to evaluate whether the rezoning is timely and, if inconsistent with the Blendon Township Master Plan, if the rezoning would be a logical alternative to the Plan.

(f) Realize a comprehensive approach to the overall impacts of various developments along a corridor or within part of the township rather than a piecemeal approach.

(g) Provide direction to Township decision makers, road agencies and developers of expected impacts of a project.

(h) Alert the Township, road agencies, and developers of improvements or modifications needed to the roadway, access or site design.

(i) Protect the substantial public investment in the existing street system.

09.07.02 **Definitions**. The following terms used in this Section shall be defined as follows:

Average Day: A Tuesday, Wednesday, or Thursday for most uses. The average day may be a Saturday for uses that have higher peak-hour traffic volumes on a Saturday and Sunday rather than mid-week.

Gap (critical gap): The median time headway (in seconds) between vehicles in a major traffic stream which will permit side-street vehicles at STOP or YIELD controlled approach to cross through or merge with the major traffic stream under prevailing traffic and roadway conditions.

Level of service: A qualitative measure describing operational conditions within a traffic stream; generally described in terms of such factors as speed and travel time, delay, freedom to maneuver, traffic interruptions, comfort and convenience, and safety.

Peak Hour: A one (1) hour period representing the highest hourly volume of traffic flow on the adjacent street system during the morning (a.m. peak hour), during the afternoon or evening (p.m. peak hour); or representing the hour of highest volume of traffic entering or exiting a site (peak hour of generator).

Study Area: The geographic area containing those critical arterial intersections (and connecting roadway segments) that are expected to be affected by the site-traffic generated by a development.

Traffic Impact Study: The analysis of the potential traffic impacts generated by a proposed project. This type of study and level of analysis will vary dependent upon the type and size of the project - Traffic Impact Assessment, Rezoning Traffic Impact Study, Traffic Impact Statement, and Regional Traffic Impact Study.

Trip (i.e. directional trip): A single or one-direction vehicle movement with either the origin or the destination (exiting or entering) inside a study site.

09.07.03 **Applicability.** A traffic impact study shall be required and shall be submitted by a petitioner for a rezoning, site plan or subdivision approval under any of the following situations. The type of study required shall be dependent upon the type and scale of the proposed use and existing traffic conditions.

(a) A "Rezoning Traffic Impact Study" for rezonings when a rezoning would permit uses that could generate one hundred (100) or more directional trips during the peak hour, or at least seven hundred fifty (750) or more trips per day, than the majority of the uses that could be developed under current zoning.

(b) Development Proposals for site plans, plats, manufactured home parks, site condominiums, multiple family projects:

(1) A Traffic Impact Statement shall be required for any proposed development which would be expected to generate over one hundred (100) directional trips during the peak hour of the traffic generator or the peak hour on the adjacent streets, or over seven hundred fifty (750) trips in an average day.

(2) A Traffic Impact Assessment shall be required for projects that could generate fifty to ninety nine (50-99) directional trips during a peak hour.

09.07.04 **Traffic Impact Study Contents**

(a) Description of the site, surroundings, and study area: Illustrations and a narrative should describe the characteristics of the site and adjacent roadway system (functional classification, lanes, speed limits, etc.). This description should include surrounding land uses, expected development in the vicinity which could influence future traffic conditions, special site features and a description of any committed roadway improvements. The study should define and justify the study area selected for analysis.

(b) Description of the requested zoning or use

(1) Traffic study for a rezoning or Master Plan amendment request: a description of the potential uses which would be allowed, compared to those allowed under current zoning. If the use is not consistent with the ***Blendon Township's Master Plan***, an explanation of the difference should be provided.

(2) Traffic study for a site plan review, manufactured home park, site condominium project or subdivision tentative preliminary plat, or specified special land uses: a description of factors such as the number and types of dwelling units, the GFA and UFA, and the number of employees and shift change factors. Intended phasing or future expansion should also be noted.

(c) Description of existing traffic conditions

(1) Traffic counts: Existing conditions including existing peak-hour traffic volumes (and daily volumes if applicable) on street(s) adjacent to the site. Existing counts and levels of service for intersections in the vicinity that are expected to be impacted, as identified by the Township at a pre-application conference or discussion, should be provided for projects requiring a Traffic Impact Statement or Regional Traffic Analysis. Traffic count data shall not be over two (2) years old, except the township or County Road Commission may permit (24) hour counts up to three (3) years old to be increased by a factor supported by documentation or a finding that traffic has increased at a rate less than two percent (2%) annually in the past three to five (3-5) years.

Traffic counts shall be taken on a Tuesday, Wednesday or Thursday of non-holiday weeks. Additional counts (i.e. on a Saturday for a proposed commercial development) may also be required in some cases. The individual or firm performing the impact study shall obtain the traffic counts during average or higher than average volume conditions (i.e. regarding weather or seasonal variations and in consideration of any construction or special events) for the area under study.

(2) Roadway characteristics shall be described and illustrated, as appropriate. Features to be addressed include lane configurations, geometries, signal timing, traffic control devices, posted speed limits, average running speeds and any sight distance limitations. Existing levels of service shall be calculated for intersections included within the study area.

(3) Existing driveways and potential turning movement conflicts in the vicinity of the site shall be illustrated and described.

(4) The existing right-of-way shall be identified along with any planned or desired expansion of the right-of-way requested by the road commission.

(5) Traffic crash data and analysis covering the most recent three (3) years for the study area or proximity to site access points may be required by the Township, particularly for sites along roadways identified as Critical or Congested Corridors. (Note: crash analyses are not generally appropriate for a Rezoning Traffic Study or a Traffic Impact Assessment)

(d) Background Traffic Growth: For any project requiring a Traffic Impact Statement with a completion date beyond one (1) year at the time of the traffic study, the analysis shall also include a scenario analyzing forecast traffic at date of completion along the adjacent street network using a forecast based on a network traffic

assignment model (if available), historic annual percentage increases and/or future development in the area which has been approved. For project requiring a Regional Traffic Analysis, available long range traffic projections shall be used.

(e) Trip Generation

(1) Forecasted trip generation of the proposed use for the a.m.(if applicable) and p.m. peak hour and average day. The forecasts shall be based on the data and procedures outlined in the most recent edition of ***Trip Generation***, published by the Institute of Transportation Engineers (ITE). The applicant may use other commonly accepted sources of data or supplement the standard data with data from at least three (3) similar projects in Michigan.

(2) For rezoning requests where a traffic study is required, the study should contrast the traffic impacts of typical uses permitted in the requested District with uses permitted in the current District.

(3) Any trip reduction for pass-by trips, transit, ridesharing, other modes, internal capture rates, etc. shall be based both on ITE findings and documented survey results acceptable to the agency reviewers.

(4) For projects intended to be developed in phases, the trip generation by phase shall be described.

(f) Trip Distribution: The projected traffic generated shall be distributed (inbound v. outbound, left turn v. right turn) onto the existing street network to project turning movements at site access points, and nearby intersections where required. Projected turning movements shall be illustrated in the report. A description of the application of standard engineering procedures for determining the distribution should also be attached (trip distribution model, market studies, counts at existing driveways, etc.).

(g) Impact Analysis: Level of service or "capacity" analysis at the proposed access points using the procedures outlined in the most recent edition of the Highway Capacity Manual published by the Transportation Research Board shall be provided. For projects requiring a Traffic Impact Statement, before and after capacity analyses shall also be performed for all street intersections where the expected traffic generated at the site will comprise at least five percent (5%) of the existing intersection capacity, and/or for roadway sections and intersections experiencing congestion or a relatively high crash rate, as determined by the Township or County Road Commission.

(h) Access Design/Access Management Standards: The report shall include a map and description of the location and design of proposed access (driveways or new street intersections) including: any sight distance limitations, dimensions from adjacent driveways and intersections within two hundred fifty (250) feet on either side of the main roadway, data to demonstrate that the number of driveways proposed is the fewest necessary, support that the access points will provide safe and efficient traffic operation and be in accordance with the standards of ***Section 09.04, Access Driveways and Service Drives*** and the County Road Commission.

(i) Other study items

The traffic impact study shall include:

(1) Need for, or provision of, any-additional right-of-way where planned or desired by the Road Commission.

(2) Changes which should be considered to the plat or site plan layout.

(3) Description of any needed non-motorized facilities.

(4) If the use involves a drive-through facility, the adequacy of the (queuing stacking) area should be evaluated.

(5) If a median crossover is desired, separate analysis should be provided.

(6) If a traffic signal is being requested, the relationship of anticipated traffic to traffic signal warrants in the Michigan Manual of Uniform Traffic Control Devices. Analysis should also be provided on the impacts to traffic progression along the roadway through coordinated timing, etc.

(7) Description of site circulation and available sight distances at site driveways.

(j) Mitigation/Alternatives: The study shall outline mitigation measures and demonstrate any changes to the level of service achieved by these measures. Any alternatives or suggested phasing of improvements should be described. The mitigation measures may include items such as roadway widening, need for bypass lanes or deceleration tapers/lanes, changes to signalization, use of access management techniques or a reduction in the proposed intensity of use. Proposed mitigation measures should be discussed with the County Road Commission. The responsibility and timing of roadway improvements shall be described.

09.07.05 **Procedures**

(a) The applicant shall discuss or meet with the Township Engineer to determine if a study is needed, what type of study is needed and specific items to be addressed.

(b) The applicant submits a traffic impact study to the Township, with the request for rezoning or development proposal. A revised study may be required as the scope and details of the request change.

(c) The Township distributes the traffic impact study to the County Road Commission, and adjacent townships, if appropriate.

(d) Road and other review agencies provide Township with comments prior to any action on the project.

09.07.06 **Waiver of Study Requirements.** The requirement for a traffic impact study, or the study elements listed in ***Section 09.07.04 Traffic Impact Study Contents***, may be

waived/modified by the Planning Commission based upon the recommendation of the Township Engineer. Factors to be considered include:

(a) Roadway improvements are scheduled which are expected to mitigate any impacts associated with the proposed project.

(b) The existing level of service along the roadway is not expected to drop below Level of Service C due to the proposed project.

(c) The existing level of service is not expected to be significantly reduced by the proposed project due to specific conditions at this location.

(d) A similar traffic study was previously prepared for the site and is still considered applicable.

CHAPTER 10
SIGNS

Section 10.01 Signs – Intent

Regulations pertaining to signs are intended to regulate and limit the construction or reconstruction of signs to protect the public health, safety, aesthetics and general welfare. Such signs as will not, by reason of their size, location, construction, or manner of display, endanger life and limb, confuse or mislead traffic, obstruct vision necessary for vehicular and pedestrian traffic safety, or otherwise endanger public welfare, shall be permitted except as may be otherwise provided for herein.

Section 10.02 Scope of Requirements

10.02.01 It will be unlawful for any person, firm or corporation to erect, construct, or alter any sign in Blendon Township except in conformance with the provisions of this Chapter, subject to issuance of a permit, except as otherwise provided herein.

Section 10.03 Definitions

10.03.01 **Advertising Sign:** A sign that directs attention to a business, commodity, service or event conducted, sold or offered on a premises.

10.03.02 **Awning Sign:** See "marquee sign"

10.03.03 **Banner:** A sign constructed of canvas, paper, vinyl or other similar materials that is not permanently affixed to any wall or sign structure and is intended for a limited period of display.

10.03.04 **Billboard:** A sign that is affixed to or erected upon a freestanding framework designed or intended to be used for posting information not pertaining directly to the use of the premises on which it is located

10.03.05 **Business Center: Any two (2) or more businesses which:**

(a) are located on a single parcel; or

(b) are under one (1) common ownership or management and have a common arrangement for the maintenance of the grounds; or

(c) are connected by common walls, partitions, canopies, other structural members, or walkways to form a continuous building or group of buildings; or

(d) share a common parking area; or

(e) otherwise present the appearance of single continuous business area.

10.03.06 **Construction Sign:** A temporary sign which identifies the owners, financiers, contractors, architects, and engineers of a project under construction.

10.03.07 **Decorative Sign:** A sign mounted on a single pole intended to adorn, enrich, or beautify the property or use thereof, and does not contain an explicit commercial or advertising message.

10.03.08 **Directional Sign:** A sign which gives directions, instructions, identifying logos without text, or facility information related to the use on the property on which the sign is located, such as parking or exit and entrance signs and which sets forth no other advertisement.

10.03.09 **Electronic Message Board:** A sign with a fixed or changing display or message composed of a series of lights that may be changed through electronic means.

10.03.10 **Flashing Sign:** A sign which contains an intermittent or sequential flashing light source.

10.03.11 **Government Sign:** A temporary or permanent sign erected by Blendon Township, Ottawa County, state, or federal government.

10.03.12 **Ground Sign:** A sign not attached to a building or wall, with a foundation and base permanently attached to the ground.

10.03.13 **Identification Sign:** A sign that identifies the business, owner or resident and/or the street address and which sets forth no other advertisement.

10.03.14 **Illuminated Sign:** A sign that provides artificial light directly (or through any transparent or translucent material) from a source of light within such sign, or a sign illuminated by a light.

10.03.15 **Incidental Sign:** A sign that identifies street address, entrances and exits, safety precautions, identifying logos without text, and other such incidental information, and which sets forth no other advertisement. Examples of incidental signs include credit card signs, signs indicating the hours of business, no smoking signs, signs used to designate bathrooms, and signs providing information on credit cards and business affiliations.

10.03.16 **Marquee:** A permanent structure that projects from the exterior wall of a building.

10.03.17 **Marquee Sign:** A sign attached to a marquee, canopy or awning projecting from and supported by the building.

10.03.18 **Mean Grade:** The elevation of the centerline of the street perpendicular to the sign.

10.03.19 **Monument**: An architectural structure intended to enhance the character and/or design of the property without a commercial message and permitted under the landscaping requirements of Chapter 11.

10.03.20 **Placard:** A sign not exceeding two (2) square feet which provides notice of a public nature, such as "No Trespassing" or "No Hunting" signs.

10.03.21 **Nameplate:** A non electric on premise identification sign giving only the name, address, and/or occupation of an occupant or group of occupants.

10.03.22 **Nonconforming Sign:** A sign that does not meet the standards of this Ordinance.

10.03.23 **Obsolete Sign:** A sign that advertises a product that is no longer made or that advertises a business that has closed.

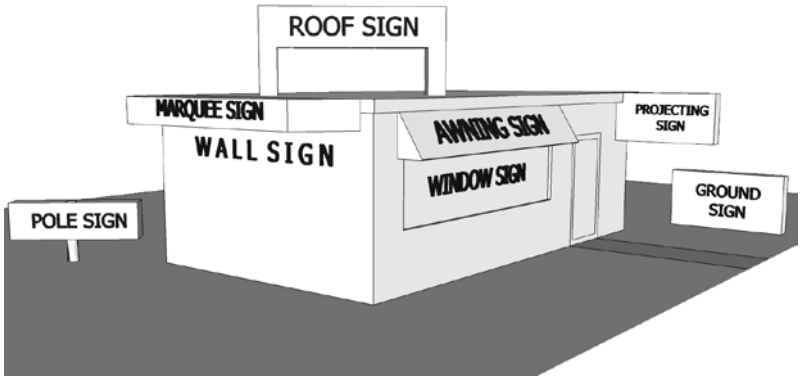
10.03.24 **Off Premise Sign:** A ground or temporary sign whose message relates to a business, service, commodity, profession or event lawfully being conducted, sold or offered on premises other than that upon which the sign is located.

10.03.25 **On Premise Sign:** A ground, portable or temporary sign whose message relates to a business, service, commodity, profession or event lawfully being conducted, sold or offered on the same premises.

10.03.26 **Plat Entry Sign:** A sign placed at a street entrance to a subdivision, manufactured home park, multiple family development, site condo, residential PUD, commercial PUD or industrial PUD containing the name of the development.

10.03.27 **Political Sign:** A temporary sign used in connection with an official Blendon Township, school district, county, state, or federal election, referendum or ballot proposal.

10.03.28 **Pole Sign:** A sign supported by pole permanently attached to the ground.



10.03.29 **Portable Sign:** A sign not permanently anchored or secured to either a building or the ground such as but not limited to "A" frame, "T" shaped, or inverted "T" shaped sign structures, and signs affixed to movable trailers.

10.03.30 **Projecting Sign:** A sign which projects from and is supported by a wall of a building and does not extend beyond, into, or over the street right-of-way.

10.03.31 **Public Sign:** A sign erected in the public interest by or upon orders from a local, state, or federal public official. Examples of public signs include: legal notices, safety signs, traffic signs, memorial plaques, signs of historical interest, and similar signs

10.03.32 **Reader Board:** A portion of a sign on which copy is changed manually.

10.03.33 **Real Estate Sign:** A sign located on premises containing land or buildings for sale, rent or lease, or buildings under construction and intended for sale, rent or lease.

10.03.34 **Roof Line:** That line which represents the highest portion of any part of the roof structure, excepting gables, chimneys or other incidental architectural features.

10.03.35 **Roof Signs:** Any sign erected, constructed and maintained wholly upon or over the roof of any building with its principal support on the roof structure.

10.03.36 **Seasonal Agricultural Sign**: A sign that advertises a farm market, nursery, roadside stand or similar business that operates on a seasonal basis.

10.03.37 **Sign:** A name, identification, description, display, or illustration which is affixed to, or painted, or represented directly or indirectly upon a building, structure or piece of land, and which draws direct attention to an object, product, place, activity, person, institution, organization or business.

10.03.38 **Special Event Sign:** Temporary signs containing public messages concerning special events sponsored by governmental agencies or non-profit organizations.

10.03.39 **Temporary Sign:** A display, informational sign, or other advertising device with or without a structure frame and intended for limited display period.

10.03.40 **Vehicle Sign:** Signs painted or mounted on the side of a vehicle, including signs on the face of a truck trailer.

10.03.41 **Wall Sign:** A sign which is attached directly to or painted upon a building wall.

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

Section 10.04 – Signs Prohibited: The following signs are prohibited in all Districts

10.04.01 Any sign not expressly permitted under Section 10.14 or exempt under Section 10.06;

10.04.02 String lights used for commercial purposes, other than holiday decorations;

10.04.03 Any sign or sign structure which:

(a) is structurally unsafe;

(b) constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation, or abandonment;

(c) is capable of causing electric shock to person who comes in contact with it; or

(d) is not kept in good repair, such that it has broken parts, missing letters, or non operational lights.

10.04.04 Obsolete signs, as defined in this Chapter;

10.04.05 Portable signs, as defined, except where expressly permitted in this Chapter;

10.04.06 Vehicle signs;

10.04.07 Signs which obstruct free access or egress from any building;

10.04.08 Any sign which makes use of the words "stop", "look", or "danger", or any other words, phrases, symbols, or characters, in such a manner as to interfere with, mislead, or confuse traffic;

10.04.09 Signs which in any way simulate or could be confused with the lighting of emergency vehicles or traffic signals; nor interfere with vision clearance along any highway, street, or road or at any intersection of two (2) or more streets;

10.04.10 Billboards

10.04.11 Any sign containing obscene, indecent, or immoral matter.

Section 10.05 – General Sign Provisions

10.05.01 Illumination

(a) Signs shall be illuminated only by steady, stationary, shielded light sources directed solely at the sign, or internal to it. Sign lighting shall comply with the lighting standards of Section 15.01.08 Exterior Lighting.

(b) Use of glaring undiffused lights or bulbs shall be prohibited. Lights shall be shaded so as not to project onto adjoining properties or roads

(c) Sign illumination that could distract motorists or otherwise create a traffic hazard shall be prohibited.

(d) There shall be no flashing, oscillating or intermittent sign. All illuminated signs shall be designed and located to prevent the light there from being cast upon adjoining residences.

10.05.02 No sign shall be placed in, upon or over any public right of way, alley, or other public place, except as may be otherwise permitted by this Ordinance or other Ordinance of Blendon Township.

10.05.03 No light pole, utility pole, or similar structure shall be used for the placement of any sign unless specifically designed and approved for such use.

10.05.04 No commercial vehicles, or vehicle signs which in the opinion of the Zoning Administrator has the intended function of acting as a sign, shall be parked in any area abutting the street, unless no other parking area is available.

10.05.05 No sign shall employ any flashing, moving, oscillating, blinking, or variable intensity light, provided variable time temperature signs may be permitted.

10.05.06 No sign shall contain any moving or animated parts nor have the appearance of having any moving or animated parts.

10.05.07 No wall sign shall extend beyond the edge of the wall to which it is affixed, and no wall sign shall extend above the roofline of a building.

10.05.08 All ground and wall signs may include reader boards.

10.05.09 Political signs shall be removed within ten (10) days after the official election or referendum to which such sign pertains.

Section 10.06 – Exempted Signs: The following signs are specifically exempt from the provisions of this Chapter, provided those signs are outside of the public street right-of-way and are located to ensure adequate sight distance:

10.06.01 Address numbers with a numeral height no greater than six (6) inches for residences and eighteen (18) inches for businesses;

10.06.02 Garage sale and estate sale signs announcing the sale of household goods, provided the following: there is only one (1) sign per premises; that they are on premise only, entirely on private property; that they do not exceed six (6) square feet in area; and that they erected no more than five (5) business days before and are removed within one (1) business day after the announced sale;

10.06.03 “Help wanted" signs soliciting employees for the place of business where posted, provided that the maximum area for all such signs shall be six (6) square feet with a maximum height of four (4) feet.

10.06.04 Historical marker including plaques or signs describing state or national designation as a historical site or structure and containing narrative, not exceeding twelve (12) square feet in area;

10.06.05 Incidental signs not exceeding a total of two (2) square feet, a total of two (2) signs per business indicating acceptance of credit cards or describing business affiliations and are attached to a permitted sign, exterior wall, building entrance or window and not visible from the street;

10.06.06 Memorial signs or tablets, names of buildings and date of erection, monumental citations, commemorative tablets when carved into stone, concrete or similar material or made of bronze, aluminum or other noncombustible material and made an integral part of the structure and not exceeding twenty five (25) square feet in area;

10.06.07 Non commercial signs including signs containing non commercial messages, such as those designating the location of public telephones, restrooms, restrictions on smoking and restrictions on building entrances, provided that such signs do not exceed two (2) square feet in area;

10.06.08 Regulatory and directional traffic control and street signs erected by a public agency in compliance with Michigan Manual of Uniform Traffic Control Devices, including private traffic control signs which conform to the requirements of the Michigan Manual of Uniform Traffic Control Devices;

10.06.09 Residential nameplates identifying the occupants of the building, a home occupation, or for professional purposes provided such sign shall be limited to one (1) per dwelling and not to exceed two (2) square feet in area; the sign shall not be illuminated and must be attached to an exterior building wall;

10.06.10 Vehicle signs on a vehicle while operated and used for transport in the normal course of a business, provided that the primary use of the vehicle displaying the sign shall not be for the purpose of advertising a business on the premises where the vehicle is parked;

10.06.11 Permanent signs on vending machines, gas pumps, or ice containers indicating only the contents of such devices, provided that the sign area of each device shall not exceed three (3) square feet in area, limit of one (1) sign per vending machine, gas pump or ice container;

10.06.12 Portable real estate "open house" signs provided the following conditions are met:

(a) each sign shall be a maximum of four (4) square feet in size and three (3) feet in height above grade;

(b) signs shall not be affixed to other signs, utility poles, fire hydrants or trees;

(c) the person or firm placing the signs shall obtain the written permission from the owner or occupant of all properties on which the signs are placed;

(d) the signs shall be displayed for a maximum of eight (8) hours per day;

(e) the signs shall be removed within one (1) hour following closing of the open house; and

(f) only two (2) signs are permitted to be placed off premise and one (1) on premise.

10.06.13 Publicly authorized warning signs, such as no trespassing, warning of electrical currents or animals, provided such signs do not exceed two (2) square feet in area;

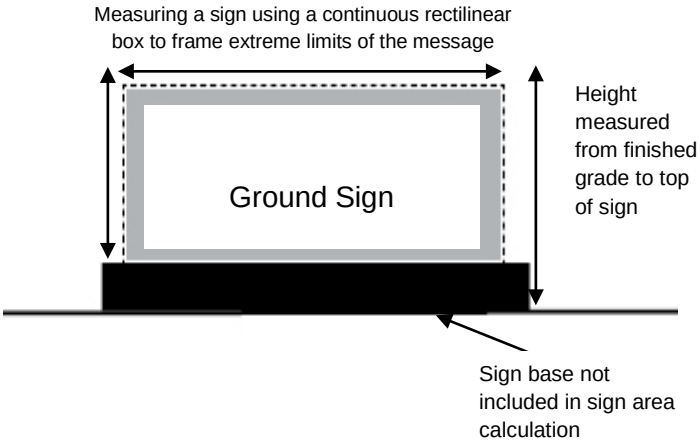
10.06.14 Any sign which is located completely within an enclosed building, and which is not visible from outside the building;

10.06.15 Murals which are not related to a commercial sign or advertisement; and

10.06.16 Flags or insignia of any nation, state, township, community organization or educational institution, or government signs.

Section 10.07 Measurement of Area and Height of Sign

10.07.01 The measurement of the area of a sign shall include the entire area within a circle, triangle or parallelogram enclosing the extreme limits of writing, representation, emblem, or any figure of similar character, together with any frame or other material forming an integral part of the display or used to differentiate such sign from the background against which it is placed; excluding the necessary supports or uprights on which such sign is placed.

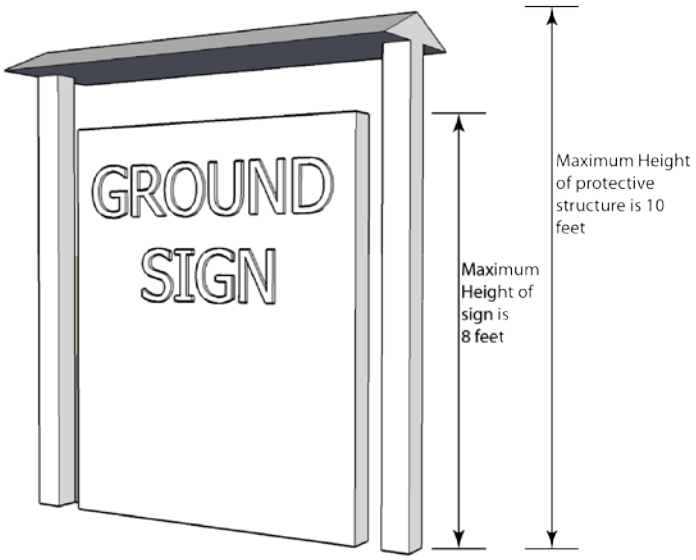


10.07.02 Where a sign has two (2) or more faces, the area of all faces shall be included in determining the area of the sign, except that where two (2) such faces are placed back to back and are at no point more than two (2) feet apart from one another, the area of the sign shall be taken as the area of one (1) face if the two (2) faces are of equal area, or the area of the larger face if the two (2) faces are of unequal

area. In the case of a circle or sphere, the total area of the circle or sphere is divided by two (2) for purposes of determining the maximum permitted sign area.

10.07.03 The height of the sign shall be measured as the vertical distance from the highest point of the sign to the mean grade of the adjacent street.

10.07.04 An architectural structure intended to protect a sign cannot exceed ten (10) feet in height. Zoning Administrator approval is required prior to placement of such structure.



10.07.05 Any sign, including any awning to which a sign is 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.

10.07.06 For buildings with multiple tenants, sign areas for wall signs, projecting signs, and awning signs shall be determined by taking that portion of the front wall of the building applicable to each tenant and computing sign limits for that portion of the total wall. Area requirements for such signs must follow the standards set forth in Section 10.08.04.

Section 10.08 Banners

10.08.01 A permit from the Township Zoning Administrator is required prior to the placement of a banner.

10.08.02 Banners shall be placed in a location approved by the Zoning Administrator, and shall not be permitted for more than four (4) display periods per calendar year. A display period shall not exceed ten (10) days. Banners shall be removed within one (1) business day following the event, and must be removed for a minimum of five (5) consecutive days between display periods.

10.08.03 Banners shall not be permitted when there is a portable sign on site.

10.08.04 Banners shall be subject to the following area requirements:

Establishment size, in lineal feet of Building fronting on a public road	Maximum permitted banner area
0 feet to 50 feet	1 ½ sq ft. of sign area per lineal ft of building

50 feet to 100 feet	74 sq ft. plus 1 additional sq ft of sign area for each lineal ft. of building in excess of 50 feet.
greater than 100 feet	125 sq ft. plus .5 additional sq ft of sign area for each lineal feet of building in excess of 100 feet

Section 10.09 Portable signs

10.09.01 A permit is required prior to the placement of a portable sign. A permit will require a refundable deposit as established by the Township Board for each display period. A permit sticker shall be affixed to the sign for the entire display period.

10.09.02 One (1) portable sign shall be permitted per parcel and shall not exceed thirty-two (32) square feet in area. A portable sign may not exceed a height of six (6) feet.

10.09.03 A portable sign shall be set back a minimum of ten (10) feet from the road right of way.

10.09.04 A portable sign shall not be permitted for more than four (4) display periods per calendar year. A display period shall not exceed ten (10) days. Portable signs shall be removed with one (1) business day following the event and must be removed for a minimum of five (5) consecutive days between display periods.

10.09.05 A portable sign shall be related to a special event occurring on the site.

10.09.06 No electrical cord attached to a portable sign shall extend across a drivable surface.

Section 10.10 Off Premise Signs

10.10.01 A permit is required prior to the placement of any off premise sign. A permit shall not be granted without written permission from the property owner where the sign will be located.

10.10.02 Off premise signs shall not exceed an area of twelve (12) square feet and a height of six (6) feet.

10.10.03 Off premise signs shall not be located more than three (3) miles from the facility it is advertising.

10.10.04 No more than two (2) off premise signs shall be permitted per use.

10.10.05 Off premise signs shall not be illuminated.

10.10.06 Off premise signs shall be located a minimum of ten (10) feet from the road right of way line.

10.10.07 No more than one (1) off premise sign will be permitted on any parcel.

Section 10.11 Electronic Message Boards

10.11.01 An electronic message board is permitted on ground signs only.

10.11.02 An electronic message board shall be located on the same parcel as the principal use.

10.11.03 An electronic message board shall only be permitted in the C-1, OS, or LI districts. Electronic message boards are also permitted in any district for churches, schools and municipal/governmental buildings.

10.11.04 The intensity and contrast of light levels on the electronic message board shall remain constant throughout the sign face. An electronic message board shall use automatic day/night dimming software to reduce the illumination intensity of the sign.

10.11.05 A photometric plan shall be submitted to the Zoning Administrator prior to the placement of an electronic message board, and shall meet the following requirements:

(a) The message board shall not have scrolling, flashing, blinking or similar effect.

(b) The message shall change no more frequently than every five (5) seconds.

(c) The brightness of an electronic message board, measured at the property line, shall not exceed 0.3 footcandles.

(d) It shall be the responsibility of the owner on whose property the sign is located to present to the Township Zoning Administrator documentation that the brightness of the electronic message board is compliant with this ordinance within ten (10) days of installation.

Section 10.12 Seasonal Agricultural Signs

10.12.01 A seasonal agricultural sign may be displayed for no more than six months per calendar year.

10.12.02 A seasonal agricultural sign shall not exceed eight (8) feet in height

10.12.03 A seasonal agricultural sign shall not exceed twenty-four (24) square feet

10.12.04 A maximum of one seasonal agricultural sign shall be permitted per one hundred (100) feet of road frontage of the parcel on which the sign is located, to a maximum of four (4) signs total.

Section 10.13 Decorative Signs

10.13.01 A maximum of one (1) decorative sign shall be permitted per one hundred (100) feet of road frontage of the parcel on which the sign is located, to a maximum of four (4) signs total.

10.13.02 The area of a decorative sign shall not exceed twenty-four (24) square feet.

10.13.03 The height of a decorative sign shall not exceed eight (8) feet.

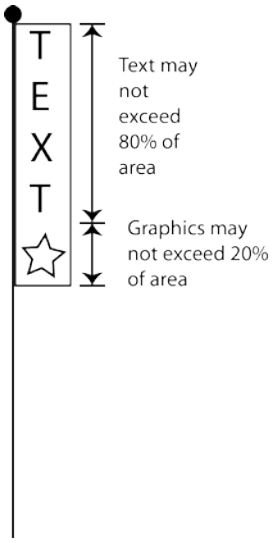
10.13.04 Text on a decorative sign shall not exceed 80% of the sign area.

10.13.05 Graphics on a decorative sign shall not exceed 20%.

10.13.06 Decorative signs shall have a height to width ratio not less than 3:1.

10.13.07 Decorative signs shall be only permitted in the E-AG, AG, and R-1 districts.

10.13.08 Decorative signs shall not be illuminated.



Section 10.14 – Permitted Signs: Signs are permitted according to the District in which they are located or proposed in accordance with this Section. A permit shall be required pursuant to Section 10.15.06 and 10.15.07 prior to the placement of any sign permitted in this Section.

Section 10.14.01 – Permitted Signs in the EAG, AG and R-1 districts

Sign Type	Land use	Number Permitted	Maximum area	Location	Maximum Height
Political sign	All permitted and special land uses	1 per issue or candidate per parcel	6 square feet	At least 15 feet from any side or rear property line and at least 10 feet from the road right-of-way	6 feet if located within 10 feet of property line, 8 feet if at least 10 feet from property line
Real estate sign	All permitted and special land uses	1 per street frontage	6 square feet for parcels under 1 acre, 16 square feet for parcels one acre or larger	At least 15 feet from any side or rear property line and at least 10 feet from the road right-of-way	6 feet if located within 10 feet of property line, 8 feet if at least 10 feet from property line
Plat Entry Signs	Plats, subdivisions and site condos	1 per entrance	48 square feet	At least 15 feet from any side or rear property line and at least 10 feet from the road right-of-way	6 feet if located within 10 feet of property line, 8 feet if at least 10 feet from property line
Temporary Signs	Plats, subdivisions and site condos	1 per entrance	64 square feet	At least 15 feet from any side or rear property line and at least 10 feet from the road right-of-way	6 feet if located within 10 feet of property line, 8 feet if at least 10 feet from property line

Sign Type	Land use	Number Permitted	Maximum area	Location	Maximum Height
Wall sign	Home occupations	1 per parcel	4 square feet	Must be on wall of building	N/A
Wall sign	Non-residential permitted and special land uses (excluding home occupations)	1 per street frontage	5% of area of wall to which sign is affixed	Must be on wall of building	N/A
Ground sign	Non-residential permitted and special land uses (excluding home occupations)	1 per lot, parcel or use	48 square feet	At least 10 feet from any side or rear property line and at least 10 feet from the road right-of-way	6 feet if located within 10 feet of property line, 8 feet if at least 10 feet from property line

Section 10.14.02 – Additional Signs Permitted in the EAG, AG and R-1 districts: In addition to the sign types listed in Section 10.14.01, one of the following sign types is also permitted, subject to Zoning Administrator approval. No more than one of the sign types listed in this Section 10.14.02 may be displayed at any given time.

Sign Type	Land use	Number Permitted	Maximum area	Location	Maximum Height
Portable sign, pursuant to Section 10.09 OR	All permitted and special land uses	See Section 10.09	See Section 10.09	At least 10 feet from any side or rear property line and at least 10 feet from the road right-of-way	See Section 10.09
Banner,	All permitted	See Section	See Section 10.08	At least 10 feet from any	N/A

pursuant to Section 10.08 OR	and special land uses	10.08		side or rear property line and at least 10 feet from the road right-of-way	
Seasonal Agricultural Sign, pursuant to Section 10.12 OR	Non-residential permitted and special land uses (excluding home occupations)	See section 10.12	See section 10.12	At least 10 feet from any side or rear property line and at least 10 feet from the road right-of-way	See section 10.12
Decorative Sign, pursuant to Section 10.13 OR	Non-residential permitted and special land uses (excluding home occupations)	See Section 10.13	See section 10.13	At least 10 feet from any side or rear property line and at least 10 feet from the road right-of-way	See Section 10.13
Off-premise sign, pursuant to Section 10.10	All permitted and special land uses	See Section 10.10	See Section 10.10	At least 10 feet from any side or rear property line and at least 10 feet from the road right-of-way	See Section 10.10

Section 10.14.03 – Permitted Signs in the R-2, R-3 and MHP districts

Sign Type	Land use	Number Permitted	Maximum area	Location	Maximum Height
Political sign	All permitted and special land uses	1 per issue or candidate per parcel	6 square feet	At least 15 feet from any side or rear property line and at least 10 feet from the road right-of-way	6 feet if located within 10 feet of property line, 8 feet if at least 10 feet from property line
Real estate sign	All permitted and special land uses	1 per street frontage	6 square feet for parcels under 1 acre, 16 square feet for parcels one acre or larger	At least 15 feet from any side or rear property line and at least 10 feet from the road right-of-way	6 feet if located within 10 feet of property line, 8 feet if at least 10 feet from property line
Plat Entry Signs	Plats, subdivisions and site condos	1 per entrance	48 square feet	At least 15 feet from any side or rear property line and at least 10 feet from the road right-of-way	6 feet if located within 10 feet of property line, 8 feet if at least 10 feet from property line
Temporary Signs	Plats, subdivisions and site condos	1 per entrance	64 square feet	At least 15 feet from any side or rear property line and at least 10 feet from the road right-of-way	6 feet if located within 10 feet of property line, 8 feet if at least 10 feet from property line
Wall sign	Home occupations	1 per parcel	4 square feet	Must be on wall of building	N/A
Wall sign	Non-residential permitted and special land uses (excluding home occupations)	1 per street frontage	5% of area of wall to which sign is affixed	Must be on wall of building	N/A

Ground sign	Non-residential permitted and special land uses (excluding home occupations)	1 per lot, parcel or use	48 square feet	At least 10 feet from any side or rear property line and at least 10 feet from the road right-of-way	6 feet if located within 10 feet of property line, 8 feet if at least 10 feet from property line

Section 10.14.04 – Additional Signs Permitted in the in the R-2, R-3 and MHP districts: In addition to the sign types listed in Section 10.14.03, one of the following sign types is also permitted, subject to Zoning Administrator approval. No more than one of the sign types listed in this Section 10.14.04 may be displayed at any given time.

Sign Type	Land use	Number Permitted	Maximum area	Location	Maximum Height
Portable sign, pursuant to Section 10.09 OR	All permitted and special land uses	See Section 10.09	See Section 10.09	At least 10 feet from any side or rear property line and at least 10 feet from the road right-of-way	See Section 10.09
Banner, pursuant to Section 10.08	All permitted and special land uses	See Section 10.08	See Section 10.08	At least 10 feet from any side or rear property line and at least 10 feet from the road right-of-way	N/A

Section 10.14.05 Permitted Signs in the C-1, OS and LI districts

Sign Type	Land use	Number Permitted	Maximum area	Location	Maximum Height
Wall sign OR	All permitted and special land uses	1 per street frontage	5% of area of wall to which sign is affixed	Must be on wall of building	N/A
Awning Sign/ Marquee Sign OR	All permitted and special land uses	1 per street frontage	5% of area of wall to which sign is affixed	Must be on wall of building	N/A
Projecting Sign AND	All permitted and special land uses	1 per street frontage	6 square feet	Must be attached to wall of building	N/A
Ground sign OR	All permitted and special land uses	1 per lot or parcel	48 square feet	At least 10 feet from any side or rear property line and at least 10 feet from the road right-of-way	6 feet if located within 10 feet of property line, 8 feet if at least 10 feet from property line
Pole Sign OR	All permitted and special land uses	1 per lot or parcel	48 square feet	At least 10 feet from any side or rear property line and at least 10 feet from the road right-of-way	6 feet if located within 10 feet of property line, 8 feet if at least 10 feet from property line
Roof Sign AND	All permitted and special land uses	1 per lot or parcel	48 square feet	Must be placed on building it is advertising	8 feet
Political sign	All permitted and special land uses	1 per issue or candidate per parcel	32 square feet	At least 15 feet from any side or rear property line and at least 10 feet from	6 feet if located within 10 feet of property line, 8 feet if at least 10 feet from property line

				the road right-of-way	
Real estate sign	All permitted and special land uses	1 per street frontage	16 square feet	At least 15 feet from any side or rear property line and at least 10 feet from the road right-of-way	6 feet if located within 10 feet of property line, 8 feet if at least 10 feet from property line
Temporary Sign	All permitted and special land uses	1 per street frontage	16 square feet	At least 15 feet from any side or rear property line and at least 10 feet from the road right-of-way	6 feet if located within 10 feet of property line, 8 feet if at least 10 feet from property line

Ground signs in the C-1, OS and LI districts may include electronic message boards pursuant to Section 10.11.

Section 10.14.06 – Additional Signs Permitted in the in the C-1 and OS districts: In addition to the sign types listed in Section 10.14.05, one of the following sign types is also permitted, subject to Zoning Administrator approval. No more than one of the sign types listed in this Section 10.14.06 may be displayed at any given time.

Sign Type	Land use	Number Permitted	Maximum area	Location	Maximum Height
Portable sign, pursuant to Section 10.09 OR	All permitted and special land uses	See Section 10.09	See Section 10.09	At least 10 feet from any side or rear property line and at least 10 feet from the road right-of-way	See Section 10.09
Banner, pursuant to Section 10.08 OR	All permitted and special land uses	See Section 10.08	See Section 10.08	At least 10 feet from any side or rear property line and at least 10 feet from the road right-of-way	N/A
Off-premise sign, pursuant to Section 10.10	All permitted and special land uses	See Section 10.10	See Section 10.10	At least 10 feet from any side or rear property line and at least 10 feet from the road right-of-way	See Section 10.10

Section 10.15 – Construction and Maintenance

10.15.01 All signs shall be constructed and maintained in accordance with the Michigan Building Code.

10.15.02 Signs shall be maintained free of peeling paint or paper, fading, staining, rust, or other conditions which impair legibility.

10.15.03 All signs, sign supports, frames, braces, wiring, guys and anchors shall not be maintained in such a manner which, in the opinion of the Zoning Administrator, has the potential to create a hazard for pedestrians and vehicles.

10.15.04 Signs shall not be allowed to become unsightly through disrepair or action of the elements.

10.15.05 Wall signs, ground signs, pole signs, plat entry signs, off-premise signs and all other signs intended to be permanent shall be designed to ensure a dead load and wind pressure in any direction of not less than thirty (30) pounds per square foot of area and shall meet the standards of the Michigan Building Code.

All other signs, including, but not limited to banners, temporary signs, portable signs, seasonal agricultural signs, decorative signs, political signs and real estate signs shall be securely anchored or otherwise made immobile to the satisfaction of the Zoning Administrator.

Section 10.16 – Permit Required

10.16.01 Applicants for subdivision signs and temporary signs shall file a cash bond with the Township Clerk to guarantee proper maintenance during the permit period and removal of the signs. In the event the applicant fails to maintain any sign properly or fails to remove the sign at the time of expiration of the permit, such bond shall be entirely forfeited and the applicant shall be required to remove such sign. An inspection fee, as determined by the Township Board, shall be paid to the Zoning Administrator for each such sign at the time of the original permit and at each renewal thereof.

10.16.02 Except as noted in Section 10.16.03, a permit shall be required for the erection, construction or alteration of any sign exceeding twenty (20) square feet in area, and all signs shall be approved by the Zoning Administrator as to their conformance with the requirements of the Zoning District in which they are located and the requirements of this Chapter.

10. 16.03 A permit is not required for the following types of signs:

(a) Directional signs of six (6) square feet in size or less

(b) Government signs

(c) Placards

(d) Window signs

(e) Political signs

(f) Real estate signs

Section 10.17 – Nonconforming Signs

10.17.01 Signs lawfully erected prior to the adoption of this Ordinance or applicable amendment thereto which do not meet the standards of this Chapter may be continued, except as hereinafter provided. No non conforming sign shall:

(a) have any changes made in the words or symbols used or the message displayed on the sign, unless the sign is specifically designed for periodic change of message;

(b) be structurally altered so as to change the shape, size, type or design of the sign; or

(c) be reestablished or continued after the activity, business, or use to which it applied has been discontinued for ninety (90) days or longer.

10.17.02 Normal maintenance shall be permitted, provided that any nonconforming sign that is destroyed by any means to an extent greater than fifty percent (50%) of the sign's pre-catastrophe fair market value, exclusive of the foundation, shall not be reconstructed. Normal maintenance shall include painting of chipped or faded signs; replacement of faded or damaged surface panels; or, repair or replacement of electrical wiring or electrical devices.

10.17.03 Signs lawfully erected prior to the adoption of this Ordinance or applicable amendment thereto which do not meet the size limitations of this Chapter may be changed to another non conforming sign, provided that the sign replacing the original non conforming sign is at least thirty percent (30%) smaller in area than the original non conforming sign.

10.17.04 No sign shall be required to be removed which was erected in compliance with this Chapter if such sign becomes nonconforming due to a change occurring after the adoption of this Ordinance or applicable amendment thereto in the location of a building, streets, or other signs, and which change is beyond the control of the owner of the premises on which the sign is located.

10.17.05 If the owner of the premises on which a sign is located changes the use of the building, or changes the location of any property line or sign, so that any sign is rendered non conforming, that sign must be removed or made to conform to this Ordinance.

Section 10.18 – Discontinuance or Abandonment

10.18.01 Whenever the activity, business or use of a primary premises to which a sign is attached or related has been discontinued for a period of ninety (90) days or longer, the discontinuance shall be considered conclusive evidence of an intention to abandon the sign attached or related thereto. At the end of this period of abandonment, the sign shall either be removed or altered to conform to the provisions of this Section. All costs of removal shall be at the property owner's expense.

CHAPTER 11
LANDSCAPING

Section 11.01 Intent

The intent of this Chapter is to promote the public health, safety and welfare by establishing minimum requirements for the design installation and maintenance of landscaping, greenbelts and buffer zones. Landscaping, greenbelts, and buffer zones are necessary for the continued protection and enhancement of all land uses. Landscaping and greenbelts enhance the visual image of the Township, preserve natural features, improve property values, and alleviate the impact of noise, traffic, and visual distraction. Buffer zones protect less-intense uses from the noise, light, traffic, litter and other impacts. These regulations are further intended to maintain and enhance the natural, rural character of Blendon Township.

Section 11.02 Scope of Application and Definitions

11.02.01 Scope of Application

(a) The requirements set forth herein shall apply to all lots, sites, parcels and uses which are developed, expanded, or changed following the effective date of this Ordinance. No site plan, subdivision plat or site condominium shall be approved unless landscaping consistent with the requirements of this Chapter is provided.

(b) The landscaping requirements shall be met prior to the issuance of a certificate of occupancy and shall be continuously maintained in a sound, healthy, and vigorous growing condition.

(c) The requirements set forth herein are minimum requirements, and nothing herein shall preclude the applicant and the Township from agreeing to more extensive landscaping.

(d) Creativity in landscape design is encouraged. The requirements are intentionally flexible to encourage adaptability and creative design. Required trees and shrubs may be planted at uniform intervals, at random, or in groupings, depending on the designer's desired visual effect and the intent of the Township to preserve the natural, rural character of the Township.

11.02.02 Definitions

Whenever used in this Ordinance, the following words and phrases shall have the following meaning ascribed to them:

Berm: A continuous, raised earthen mound comprised of non-toxic materials with a flattened top and sloped sides, capable of supporting live landscaping materials.

Buffer Zone: A strip of land with landscaping, berms or walls singularly or in combination required along mutual lot lines between certain zoning districts based on the landscaping standards of this zoning ordinance. The intent of the required buffer zones is to lessen the impact to less-intensive uses from the noise, light, traffic, clutter and litter of adjacent land uses.

Grass: Any of a family of plants with narrow leaves normally grown as permanent lawns in Ottawa County, Michigan.

Greenbelt: A strip of land of definite width and location along a public road right-of-way or private road easement reserved for the planting of trees, and ground cover to enhance the visual image of the Township.

Ground Cover: Low-growing plants that form a dense, extensive growth after one (1) complete growing season, and tend to prevent weeds and soil erosion.

Landscaping: The treatment of the ground surface with live plant materials such as, but not limited to, grass, ground cover, trees, shrubs, vines, and other live plant material. In addition, a landscape design may include other decorative non-living materials, such as wood chips, crushed stone, boulders or mulch.

Parking Lot Landscaping: Landscaped areas located in and around (within eighteen (18) feet of the edge of the parking lot) a parking lot in specified quantities to improve the safety of pedestrian and vehicular traffic, guide traffic movement, improve the environment and improve the appearance of the parking area and site.

Screen or Screening: A wall, wood fencing or combination of plantings of sufficient height, length, and opacity to form a visual barrier. If the screen is composed of non-living material, such material shall be compatible with materials used in construction of the main building, but in no case shall include wire fencing.

Shrub: A self-supporting, deciduous or evergreen woody plant, normally branched near the base, bushy, and less than fifteen (15) feet in height.

Tree: A self-supporting woody, deciduous or evergreen plant with a well-defined central trunk or stem which normally grows to a mature height of fifteen (15) feet or more in Ottawa County, Michigan.

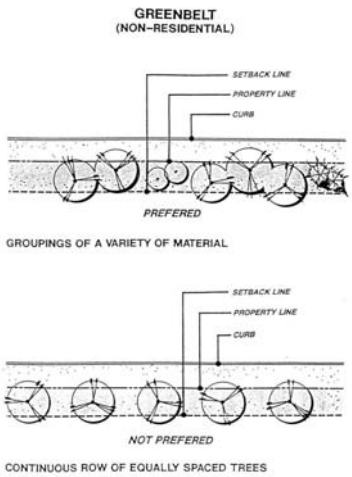
Ornamental Tree: A deciduous tree which is typically grown because of its shape, flowering characteristics, or other attractive features, and which grows to a mature height of twenty-five (25) feet or less.

Section 11.03 Landscaping Requirements

11.03.01 General Requirements

Unpaved portions of the site shall be planted with grass, ground cover, shrubbery, or other suitable live plant material. Areas to be preserved in a natural state may be planted with native groundcover and maintained in an unimproved state.

11.03.02 Greenbelts



(a) Within all Districts, a twenty (20) foot wide greenbelt shall be planted adjacent to and outside of the public right-of-way that shall conform to the following standards:

(1) A required greenbelt may be interrupted only to provide for pedestrian or vehicular access.

(2) Grass, ground cover, or other suitable live plant material shall be planted over the entire greenbelt area, except where paved walkways are used.

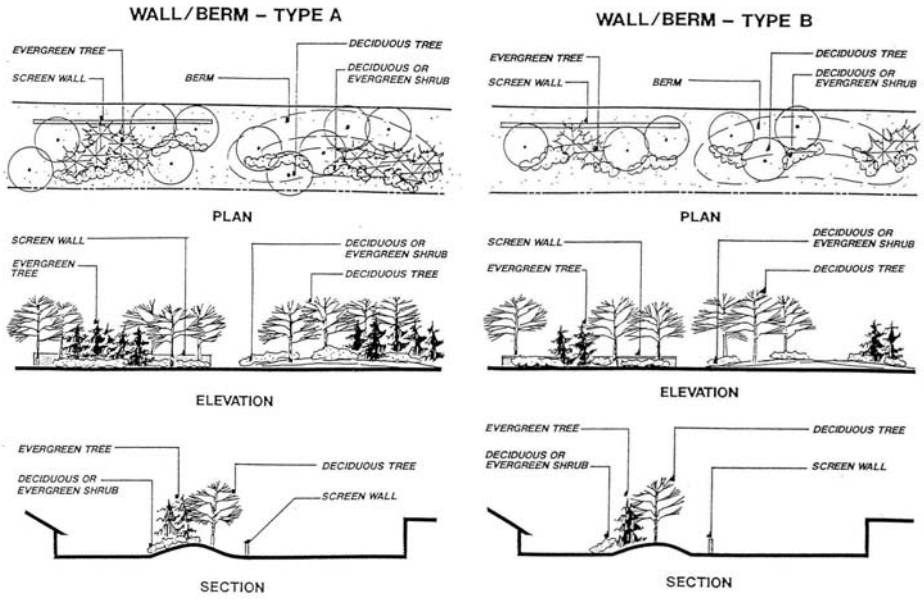
(3) A minimum of one (1) deciduous shade tree and one (1) evergreen tree shall be planted for each thirty (30) lineal feet, or portion thereof, of required greenbelt length. Trees may be planted at uniform intervals, at random, or in groupings.

(5) All existing trees four (4) inches or greater in diameter (dbh) within the greenbelt shall be preserved, except where necessary to install vehicular, pedestrian and utility access points.

(b) All single or two family residential lots shall provide one (1) canopy tree within twenty (20) feet of the front lot line, provided corner lots and lots having a width of eighty (80) feet or more shall provide two (2) canopy trees. These trees shall be indicated on the plot plan submittal for a building permit.

(c) All tree plantings within the greenbelt shall be located to avoid overhead utility lines.

11.03.03 Buffer Zones



In order to provide protective screening and buffers between abutting land uses, a landscaped buffer zone, and wall, fence or berm shall be provided by the applicant in accordance with this subsection. This subsection applies to any application for site plan, multiple family subdivision or site condominium approval. Single and two family dwellings located on individual lots of record are exempt from the regulations of this Section. These regulations do not apply

along a lot line where the abutting land use is separated by a public road right-of-way or private road easement.

Table 11.03.3.A identifies the location and type of buffer required based upon the zoning of adjacent property. The proposed use is listed on the left column and adjacent property zoning across the top row. Table 11.03.3.B details the minimum landscape elements that must be included in each type of buffer zone. For a mixed-use project, the Planning Commission shall determine the appropriate internal buffers based upon site design.

TABLE 11.03.3.A
REQUIRED BUFFER ZONES

	Proposed Use Will Be Adjacent To:			
The Proposed Use Will Be:	**Residential District**	**Manufactured Home Park District**	**C-1 District**	**LI District**
Single Family Residential [1]	None	C	B	B
Multiple Family Residential	B	C	B	B
Manufactured Home Park	B	C	B	B
Commercial [2]	B	B	C	C
Industrial	A	A	B	None

Footnotes:

1. Applies to applications for subdivision plat or site condominium site plan approval only.
2. Includes non-residential special land uses in a Residential District such as churches.

TABLE 11.03.3.B
DESCRIPTION OF REQUIRED BUFFER ZONES

Buffer Zone	**Minimum Width**	**Minimum Plant Materials**
A	50 feet	1 deciduous tree, 2 evergreen trees and 4 shrubs per each 20 linear feet along the property line, rounded upward and a 6-foot tall wall.
B	20 feet	1 deciduous tree, 1 evergreen tree and 4 shrubs per each 20 linear feet along the property line, rounded upward and a 6-foot tall wall or 3 foot tall berm.
C	10 feet	1 deciduous or evergreen tree or 4 shrubs per each 20 linear feet along the property line, rounded upward.

11.03.04 **Landscaping of Off-Street Parking Areas**

(a) When off-street parking and loading areas of a non-single family detached residential use abut a Residential District, the parking lot and loading area shall be screened from the contiguous, Residential District by a solid, ornamental masonry wall at least six (6) feet tall meeting the requirements of Section 11.05**,** in addition to the landscape plant materials required in Section 11.03.3. In lieu of a wall, the Planning Commission may permit or require one (1) evergreen tree planted every

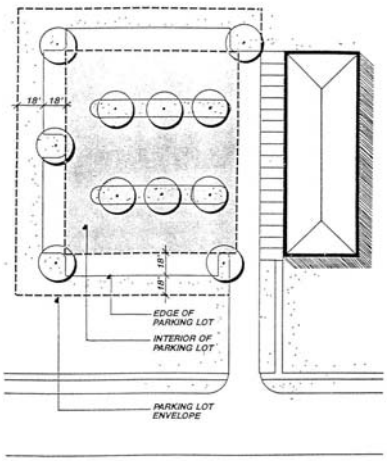
ten (10) feet planted in staggered rows along the mutual property boundary, in addition to the landscape plant materials required in ***Section 11.03.3. Required Buffer Zones.***

(b) In addition to required screening around off-street parking and loading areas, all off-street parking areas containing greater than twenty (20) spaces shall provide the following landscaping within the parking lot envelope, described as the area including the parking lot surface and extending eighteen (18) feet from the edge of the parking lot.

(1) One (1) canopy tree shall be required for each three thousand (3,000) square feet of the total of the paved driveway and parking lot surface, provided that in no case less than two (2) trees shall be provided. A minimum of one-third (1/3) of the trees required shall be placed within landscape islands in the interior of the parking lot.

(2) Landscaped areas in parking lots shall be no less than ten (10) feet in any dimension and no less than one hundred fifty (150) square feet in area per tree. Landscaped areas shall be protected with curbing or other means to prevent overhang encroachment of vehicles.

LANDSCAPING REQUIRED IN PARKING AREA



(c) Required landscaping elsewhere on the parcel shall not be counted in meeting the parking lot landscaping requirements and the parking lot landscaping required in this section cannot be credited toward required greenbelts, or buffers.

(d) Whenever possible, parking lot landscaping shall be designed to improve the safety of pedestrian and vehicular traffic, guide traffic movement, and improve the appearance of the parking area. Landscaping shall be installed such that, when mature, it does not obscure traffic signs or lighting, obstruct access to fire hydrants, interfere with adequate sight distance for motorists, nor disrupt drainage patterns on the site or adjacent properties.

(e) Landscaping shall be dispersed throughout the parking lot in order to break up large expanses of pavement and help direct smooth traffic flow within the lot.

(f) Landscaped areas shall be covered by grass or other living ground cover. Wood chips or similar material, a minimum depth of three (3) inches is permitted for planting beds immediately surrounding plant material. Such material should be identified on the landscape plan.

11.03.05 Landscaping of Rights-of-Way

Public rights-of-way located adjacent to require landscaped areas and greenbelts shall be planted with grass or other suitable live ground cover, and shall be maintained by the owner or occupant of the adjacent property as if the rights-of-way were part of the required landscaped areas or greenbelts.

11.03.06 **Utility Structures**

(a) Utility structures such as electrical transformers or sewer pump stations shall be screened from view by landscaping. A minimum of three (3) evergreen trees shall be planted adjacent to the utility structure to screen it from view.

(b) All landscape plantings shall be spaced a minimum of fifteen (15) feet from any fire hydrant.

(c) Trees shall be placed to avoid growing into overhead utility lines.

11.03.07 **Maintenance of Unobstructed Visibility for Drivers**

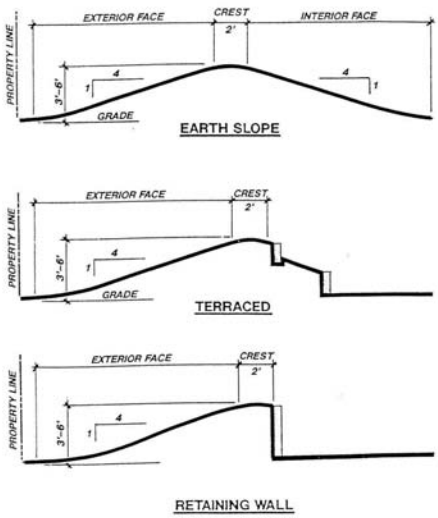
Where a driveway intersects a public right-of-way or private road or where a site abuts the intersection of public rights-of-way or private roads, all landscaping described within the ***Section 15.02.05 Clear Vision Corners*** shall not be permitted to grow to a height of more than thirty (30) inches above the pavement grade at the edge of the pavement.

11.03.08 **Berms.** Where required or provided, berms shall conform to the following standards:

(a) Required berms shall be at least three (3) feet above grade elevation, and shall be constructed with slopes no steeper than one (1) foot vertical for each four (4) feet horizontal (25 percent slope), with at least a two (2) foot flat area on the top. The Planning Commission may modify the height requirement in cases where sufficient room does not exist to construct a three (3) foot high berm.

(b) Required berms shall be planted with grass, ground cover, or other suitable live plant material to protect it from erosion so that it retains its height and shape.

WALL AND BERM



11.03.09 **Modification of Landscape Requirements**

The Planning Commission may reduce or modify the location of the landscape requirements contained in this section based upon a determination that the landscaping required in this Section will not be necessary or effective in meeting the intent of this Chapter. In making this determination, the following shall be considered:

(a) The existence of natural vegetation that will meet the requirements of this Ordinance and will be preserved as part of the site plan.

(b) Parking, vehicular circulation, or existing or planned land use are such that required landscaping would not enhance the site or result in the desired screening effect.

(c) The public benefit intended by the landscape regulations could be better achieved with a plan that varies from the strict requirements of the Ordinance.

(d) The intent to comply with the standards has been demonstrated by the applicant with alternatives considered by the applicant prior to the Planning Commission consideration of modification to requirements.

Section 11.04 Plant Material Requirements

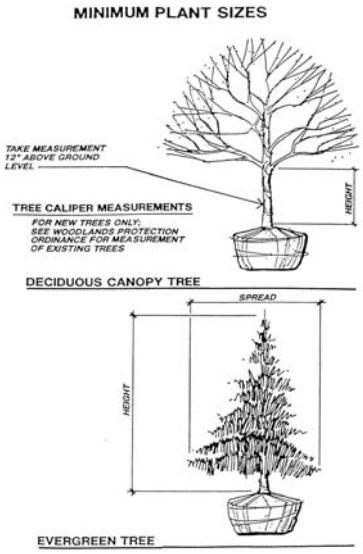
11.04.01 Standards for Landscape Materials

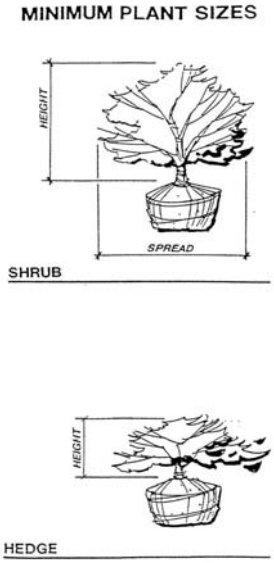
Unless otherwise specified, all landscape materials shall comply with the following standards:

(a) **Plant Quality:** Plant materials used in compliance with the provisions of this Ordinance shall be nursery grown, free of pests and diseases, hardy in Ottawa County, in conformance with the standards of the American Nursery and Landscape Association or ANSI American Nursery Stock Index, and shall have passed inspections required under state regulations. Landscaping shall be native to the state of Michigan. Growth stunted or dwarf trees shall not be permitted.

(b) **Plant Material Specifications:** The following minimum specifications shall apply to all plant material at the time of planting proposed in accordance with the landscaping requirements of this Ordinance:

MINIMUM PLANT MATERIAL SIZE			
Plant Type	**Minimum Caliper**	**Minimum Height**	**Minimum Spread**
Deciduous shade trees	3 inches	4 feet first branch	--
Ornamental trees	2 inches	6 feet	--
Evergreen trees	--	6 feet	2 ½ feet
Shrubs	--	2 feet	15 inches
Hedges	--	4 feet	–





(c) Grass area(s) shall be planted using species normally grown as permanent lawns in Ottawa County. Grass, sod, and seed shall be clean and free of weeds, noxious pests, and diseases. Straw or other mulch shall be used to protect newly seeded areas.

11.04.02 **Suggested Plant Material**

The following table lists recommended plant materials for required landscaping. Plant materials of equal or better quality may be substituted for suggested plant materials.

RECOMMENDED PLANT MATERIALS	
COMMON NAME	**GENUS**
Deciduous Canopy Trees	
1. Oaks*	Quercus
2. Hard Maples (Except Japanese)*	Acer
3. Hackberry*	Celtis
4. Planetree (Sycamore)*	Platanus
5. Birch*	Betula
6. Beech*	Fagus
7. Gingko (male)	Ginkgo
8. Honeylocust (Thornless Cultivars only)*	Gleditsia
9. Hophornbeam (Ironwood)*	Ostrya
10. Linden	Tilia
11. Ashes*	Fraxinus
12. Hickory*	Carya
13. Hornbeam (Blue Beech)*	Carpinus
* Although the use of ashes is suggested, due to recent disease and pest problems associated with ashes in the area, it is recommended that more disease resistant ash cultivars be used and that no one cultivar be planted as the dominant tree type.	
Deciduous Ornamental Trees	
1. Amelanchier*	Amelanchier
2. Redbud*	Cercis
3. Dogwood (Tree Form)*	Cornus
4. Hawthorn*	Crataegus
5. Flowering Crabapple (Disease Resistant Cultivars)	Malus
6. Flowering Plum (Tree Form)	Prunus
7. Flowering Pear	Pyrus
8. Magnolia	Magnolia
9. Hornbeam*	Carpinus
10. Rose of Sharon	Hibiscus

RECOMMENDED PLANT MATERIALS	
COMMON NAME	**GENUS**
Evergreen Trees	
1. Fir	Abies
2. Hemlock	Tsuga
3. Spruce	Picea
4. Pine*	Pinus
5. Douglas Fir	Pseudotsuga
* Dwarf, Globe, Pendulous species/Cultivars are not permitted.	
Narrow Evergreens	
1. Juniper*	Juniperus
2. Arborvitae	Thuja
*: Dwarf, Globe, Spreading Species/Cultivars are not permitted.	
Large Shrubs	
Deciduous	
a. Dogwood (Shrub Form)*	Cornus
b. Cotoneaster	Cotoneaster
c. Forsythia	Forsythia
d. Mock-Orange	Philadelphus
e. Sumac*	Rhus
f. Lilac	Syringa
g. Viburnum*	Viburnum
h. Witchhazel*	Hamamelis
I. Euonymus	Euonymus
j. Privet	Ligustrum
k. Ninebark*	Physocarpus
Evergreens	
a. Juniper (Hetz, Pfitzer, Savin)	Juniperus
b. Yew (Pyramidal Japanese)	Taxus
Small Shrubs	
Deciduous	
a. Barberry	Berberis
b. Boxwood	Buxus
c. Quince	Chaenomeles
d. Cotoneaster	Cotoneaster
e. Euonymus*	Euonymus
f. Forsythia	Forsythia

RECOMMENDED PLANT MATERIALS	
COMMON NAME	**GENUS**
g. Hydrangea	Hydrangea
h. Holly*	Ilex
i. Privet	Ligustrum
j. Potentilla*	Potentilla
k. Currant*	Ribes
l. Lilac	Syringa
m. Viburnum*	Viburnum
n. Weigela	Weigela
Evergreens	
a. Fir	Abies
b. False Cypress	Chamaecyparis
c. Juniper (Low Spreading)*	Juniperus
d. Spruce	Picea
e. Pine	Pinus
f. Yew (Globe, Spreading, Upright)*	Taxus
g. Arborvitae (Globe/Dwarf)	Thuja

* See ***Section 11.04.5*** Undesirable Plant Material.

11.04.03 **Installation and Maintenance**

The following standards shall be observed where installation and maintenance of landscape materials is required:

(a) **Installation:** Landscaping shall be installed in a sound, professional manner to ensure the continued growth of healthy plant material.

(b) **Protection from Vehicles:** Landscaping shall be protected from vehicles through curbing. Landscape areas shall be elevated above the pavement to a height adequate to protect the plants from snow removal, salt, and other hazards.

(c) **Maintenance:** Required landscaping (including berms, greenbelts, buffer zones, walls woodlots, trees, lawns and ground cover) shall be maintained in a healthy, neat, and orderly appearance, free from refuse and debris. All unhealthy and dead plant material shall be replaced in the next appropriate planting period. The landscape plan shall indicate the individual(s) or business(es) who will be responsible for continued maintenance of the landscaping. Those charged with this responsibility shall also be responsible for maintenance of adjacent landscaped areas in public rights-of-way. Underground irrigation shall be installed and maintained for irrigation of all premium turfed and landscaped areas.

11.04.04 Treatment of Existing Plant Material

The following regulations shall apply to existing plant material:

(a) **Utilization of Existing Elements in the Landscape Design:** In instances where healthy plant material exists on a site prior to its development, the Planning Commission may permit substitution of such plant material in place of the requirements set forth previously in this section. Site plans shall show existing trees which are located in the portions of the site that will be built upon or otherwise altered, and are to be credited towards landscaping requirements.

(b) **Preservation of Existing Plant Material:** Before development, land clearing, grading or land alteration commences, the applicant shall be required to erect protection fencing for the protection of remaining plants. The protection fencing shall be placed around the critical root zone of any trees within the construction area to be preserved and at the edge of any open space identified on the site plan or plat to remain natural. No filling, excavating or storage of materials, debris or equipment shall take place within the fenced area. Such protection shall remain in its approved location until construction is complete. During construction, no attachments or wires shall be attached to any of said trees so protected.

11.04.05 Undesirable Plant Material

Use of the following plant materials (or their clones and cultivars) is not encouraged because of susceptibility to storm damage, disease, or other undesirable characteristics: The Planning Commission, however, may allow trees from this list when associated with an appropriate ecosystem, such as a wetland area.

UNDESIRABLE PLANT MATERIALS	
COMMON NAME	GENUS SPECIES
Silver Maple	Acer sacharinum
Box Elder	Acer negundo
Tree of Heaven	Ailanthus altissima
European Barberry	Berberis thunbergii
Northern Catalpa	Catalpa speciosa
Eastern Red Cedar	Juniperus virginiana
Poplar	Populus deltoides
Willow	Salix spp.
American Elm	Ulmus americana

Section 11.05 Obscuring Wall Requirements

Where permitted or required by this Ordinance, obscuring walls shall be subject to the following regulations.

11.05.01 **Location**

Required obscuring walls shall be placed on the lot line except in the following instances:

(a) Where underground utilities interfere with placement of the wall on the property line, the wall shall be placed on the utility easement line located nearest the property line.

(b) Where located adjacent to a side street, the wall shall be set back eight (8) feet from the side property line. The area between the wall and the property line shall be landscaped in accordance with the greenbelt provisions set forth previously.

11.05.02 **Substitution**

As a substitute for a required obscuring wall, the Planning Commission may, in its review of the site plan, approve the use of other existing or proposed natural or man-made landscape features (such as two (2) staggered rows of evergreen trees spaced ten (10) feet on center) that would produce substantially the same results in terms of screening, durability, and permanence.

11.05.03 **Wall Specifications**

(a) Required obscuring walls shall be six (6) feet in height or taller as necessary to screen outdoor storage as determined by the Planning Commission, and shall be constructed of the materials that are architecturally compatible with the materials used on the facade of the main buildings or structure on the site.

(b) Masonry walls shall be erected on a concrete foundation that shall have a minimum depth of forty-two (42) inches and shall not be less than four (4) inches wider than the wall to be erected.

(c) The Planning Commission may require brick or decorative facing with the same or complementary materials as the main building on the residential side of the wall or both sides of the wall.

11.05.04 **Fence Specifications**

(a) The Planning Commission may permit the substitution of a wood-screening fence in lue of a masonry wall where the likelihood of damage by vehicles is minimal and a wood fence would be more compatible with the character of adjoining property.

(b) Fences erected for screening purposes shall be a minimum of six (6) feet in height or taller as necessary to screen outdoor storage as determined by the Planning Commission, and shall be constructed of redwood, cedar, vinyl or pressure-treated wood, with posts sunk into the ground at least three (3) feet.

(c) Chain link fences shall not be permitted for screening purposes.

CHAPTER 12
SITE PLAN REVIEW PROCEDURES AND REQUIREMENTS

Section 12.01 Purpose and Scope

12.01.01 **Purpose**: The intent of this Chapter is to provide for consultation and cooperation between the applicant and the Planning Commission in order that the applicant may accomplish his objectives in the utilization of his land within the regulations of this Zoning Ordinance and with minimum adverse effect on the use of adjacent streets and highways, and on existing and future uses and environment in the immediate area and vicinity.

12.01.02 **Scope:** In accordance with the provisions of this Chapter, the Planning Commission shall be furnished a Site Plan of the proposed development prior to the creation of a use or the erection of a building in the Districts and conditions cited below: The extent of site plan review for various types of projects is classified into three types in Table 12.01.

(a) Full Site Plan: Most new developments and major expansions shall require a site plan under ***Section 12.02 Site Plan Review Process***. Special land uses must also comply with the requirements of ***Chapter 13, Special Land Uses***. The establishment of a condominium project shall require the submission of a site plan and must also comply with ***Chapter 12A, Condominiums and Site Condominiums***.

(b) Administrative review: Select smaller scale projects and expansions or changes in use to existing sites, which are required to provide a sketch plan, do not require review by the Planning Commission; but instead shall undergo a formal review for approval by the Zoning Administrator.

(c) Exempt: Select projects, such as single family homes on an individual lot, are exempt from site plan review given their relatively low level of impact on adjacent land uses, and given that compliance with applicable zoning regulations can be addressed during the building permit review process. Other applicable approvals are still required such as zoning compliance permit, building permits and inspections.

Table 12.01
Table of Required Review Process

SITUATION/USE	REQUIRED REVIEW		
	Full Site Plan	Admin. Review	Exempt
NEW DEVELOPMENT			
Construction of a single-family or two-family dwelling unit on one (1) lot in a residential zoning district.			✓
Construction of a multiple family dwelling.	✓		
Open space cluster development	✓		
Establishment of a condominium project.	✓		
Construction of any nonresidential use or building (commercial, industrial, institutional).	✓		
Establishment of Special Land Uses	✓		
Farms			✓
Construction of essential public service buildings and storage areas.	✓		
Minor changes during construction required by outside agencies.		✓	

Table 12.01
Table of Required Review Process

SITUATION/USE	REQUIRED REVIEW		
	Full Site Plan	Admin. Review	Exempt
EXPANSIONS			
Expansion of one single-family dwelling unit on one lot in a residential zoning district.			✓
For non-residential, an increase in the floor area up to five hundred (500) square feet or five percent (5%) of the existing floor area, whichever is less.		✓	
For non-residential, an increase in the floor area greater than that specified above.	✓		
An increase in parking or loading area of up to 10% or 6000 square feet of pavement area without any building changes.		✓	
An increase in parking or loading area over 10% or 6000 square feet of pavement area.	✓		
Changes to building height that do not add additional floor area.		✓	
CHANGES IN USE			
Any change in the use of land or a building to a more intensive use, in terms of parking needs, noise, traffic volumes, and similar impacts.	✓		
A change in use to a similar or less intense use provided the site shall not require any significant changes in the existing site facilities such as parking, landscaping, lighting, signs, bikepaths or sidewalks.		✓	
A change from a nonconforming use to a conforming use.		✓	
OTHER TYPES OF PROJECTS			
Accessory open air businesses.	✓		
Accessory buildings and structures constructed or erected accessory to a permitted single-family dwelling unit.			✓
Accessory buildings associated with a non-single family residential use.		✓	
Architectural changes to a non-single family residential structure.		✓	
Bikepath, pathway or sidewalk construction or relocation.		✓	
Construction of an entrance feature associated with a residential development		✓	
Home occupations.		✓	
Internal construction or change in the floor plan that does not increase gross floor area, increase the intensity of use or affect parking requirements on a site which meets all site design standards of the Ordinance.			✓
Landscape changes that are consistent with the standards of this Ordinance.			✓
Modifications to upgrade a non-single family residential building to improve barrier-free design, or to comply with the Americans with Disabilities Act or other federal, state or county regulations.			✓
Parking lot improvements that do not decrease the total number of spaces		✓	
Residential care facilities licensed by the state that require special land use approval.	✓		
Sign relocation or replacement provided it meets the dimensional and location standards of this Ordinance.		✓	
Site improvements such as installation of walls, fences, lighting or curbing consistent with Ordinance standards.		✓	
Temporary uses, sales and seasonal events.	✓		
Utility system improvements.			✓
Waste receptacle relocation to a more inconspicuous location or installation of screening around the waste receptacle.		✓	

Section 12.02 Site Plan Review Process

12.02.01 Application Procedures

An application for Site Plan Review, plus either a preliminary or final site plan, shall be submitted seven (7) days prior to the next scheduled Planning Commission meeting through the Zoning Administrator who will review the application and plans for completeness, then transmit to the Planning Commission. The application shall be submitted by all owners of interest in the land for which site plan approval is sought, or the designated agent of the owner. The applicant or a designated representative must be present at all scheduled review meetings or consideration of the plan shall be tabled due to lack of representation.

12.02.02 Planning Commission Review of Preliminary Site Plan

(a) Preliminary sketches (ten (10) copies) of proposed site and development plans may be submitted for review to the Planning Commission prior to final site plan submittal. The purpose of such procedure is to allow discussion between the applicant and the Planning Commission to better inform the applicant of the acceptability of his proposed plans prior to incurring extensive engineering and other costs which might be necessary for final site plan approval.

(b) In addition to the above, the applicant shall submit a fee in accordance with the fee schedule established by the Township Board to cover the normal and specially incurred expenses of the Planning Commission. One-half (1/2) of the fee shall be paid upon submission of the preliminary site plan and the balance upon submission of the final site plan.

(c) The Planning Commission shall review the preliminary site plan and make recommendations to the applicant at the regular Planning Commission meeting based on the purposes, objectives and requirements of this Ordinance, and specifically, the considerations listed in ***Section 12.04, Site Plan Review Criteria***.

12.02.03 Planning Commission Review of Final Site Plan

(a) The final site plan shall be submitted thirty (30) days prior to the next scheduled Planning Commission meeting through the Zoning Administrator who will review the application for completeness, then transmit to the Planning Commission. Each application shall be accompanied by the payment of a fee in accordance with the schedule of fees adopted by the Township Board to cover the costs of processing the application. The Planning Commission shall review the final site plan and either approve, deny, or approve with conditions, the final site plan based on the purposes, objectives and requirements of this Ordinance and specifically the considerations listed in ***Section 12.04, Site Plan Review Criteria***.

(b) Upon approval of said plan, the Chairman of the Planning Commission shall sign three (3) copies thereof. One (l) signed copy shall be made a part of the Commission's files and one (l) shall be forwarded to the Building Inspector for issuance of a building permit. The third copy shall be returned to the applicant.

(c) Each development shall be under construction within one (l) year after the date of final approval by the Planning Commission, and be diligently carried on towards completion. If said applicant does not fulfill this provision, the Planning Commission may grant a sixty (60) day extension provided the applicant presents reasonable evidence to the effect that said development has encountered unforeseen difficulties but is then ready to proceed. Should neither of the aforementioned provisions be fulfilled or a sixty (60) day extension has expired without construction underway, the site development plan shall be null and void.

(d) Following approval of the final site plan, an electronic copy of the site plan CADD file shall be provided to the Township on disk.

12.02.03 **Combined Preliminary and Final Site Plan**

(a) The preliminary and final site plan reviews with the Planning Commission may be combined into a single meeting, provided the following requirements are met:

(1) A complete site plan meeting the requirements for final site plan approval are provided.

(2) Digital renderings are provided for the site that illustrates that appearance of the site both before and after site development.

(b) The review and approved procedures of Section 12.02.02 shall be followed in processing a combined application.

Section 12.03 Site Plan Contents

The following data shall be included with and as part of the site plan(s) or sketch plan(s) submitted for review**,** unless deemed unnecessary by the Zoning Administrator:

TABLE 12.03 SITE PLAN DATA	**Required For**		
	Sketch Plan	**Prelim. Site Plan**	**Final Site Plan**
A. Application Form: The application form shall contain the following information			
name and address of the applicant and property owner;	✓	✓	✓
address and common description of property and complete legal description;	✓	✓	✓
dimensions of land and total acreage;	✓	✓	✓
zoning on the site and all adjacent properties;	✓	✓	✓
description of proposed project or use, type of building or structures, and name of proposed development, if applicable;	✓	✓	✓
name and address of firm or individual who prepared site plan; and,	-	✓	✓
proof of property ownership.	✓	✓	✓
B. Site Plan Descriptive and Identification Data			
Site plans shall consist of an overall plan for the entire development, drawn to an engineer's scale of not less than 1 inch = 50 feet for property less than 3 acres, or 1 inch = 100 feet for property 3 acres or more in size;	✓	✓	✓
title block with sheet number/title; name, address and telephone number of the applicant and firm or individual who prepared the plans; and date(s) of submission and any revisions;	-	✓	✓
scale and north-point;	-	✓	✓

TABLE 12.03 SITE PLAN DATA	Required For		
	Sketch Plan	Prelim. Site Plan	Final Site Plan
location map drawn to a separate scale with north-point, showing surrounding land, water features, zoning and streets within a quarter mile;	-	✓	✓
legal and common description of property;	-	✓	✓
identification and seal of architect, engineer, or l and surveyor who prepared drawings;	-	✓	✓
zoning classification of petitioner's parcel and all abutting parcels;	✓	✓	✓
proximity to section corner and major thoroughfares; and,	-	✓	✓
net acreage (minus rights-of-way) and total acreage.	✓	✓	✓
C. Site Data			
existing lot lines, building lines, structures, parking areas and other improvements on the site and within 100 feet of the site;	✓	✓	✓
topography on the site and within 100 feet of the site at two-foot contour intervals, referenced to a U.S.G.S. benchmark;	-	✓	✓
proposed lot lines, lot dimensions, property lines, setback dimensions, structures, and other improvements on the site and within 100 feet of the site;	✓	✓	✓
location of existing drainage courses, streams and wetlands;	✓	✓	✓
all existing and proposed easements;	✓	✓	✓
location of exterior lighting (site and building lighting);	-	-	✓
location of trash receptacle(s) and transformer pad(s) and method of screening;	-	-	✓
extent of any outdoor sales or display area; and,	-	-	✓
D. Access and Circulation			
dimensions, curve radii and centerlines of existing and proposed access points, roads and road rights-of-way or access easements;	-	✓	✓
opposing driveways and intersections within 250 feet of site;	-	✓	✓
cross section details of proposed roads, driveways, parking lots, sidewalks and non-motorized paths illustrating materials and thickness;	-	-	✓
dimensions of acceleration, deceleration, and passing lanes;	-	-	✓
dimensions of parking spaces, islands, circulation aisles and loading zones;	-	-	✓
calculations for required number of parking and loading spaces;	✓	✓	✓
designation of fire lanes;	-	-	✓
traffic regulatory signs and pavement markings;	-	-	✓
location of existing and proposed sidewalks/pathways within the site or right-of-way;	-	-	✓
location, height, and outside dimensions of all storage areas and facilities.	✓	✓	✓
E. Landscape Plans			
general location of existing trees;	-	✓	-
location, sizes, and types of existing trees six (6) inches or greater in diameter, with an identification of materials to be removed and materials to be preserved;	-	-	✓
description of methods to preserve existing landscaping;	-	-	✓
the location of existing and proposed lawns and landscaped areas;	✓	✓	✓
landscape plan, including location and type of proposed shrubs, trees, and other plant material;	-	-	✓
landscape irrigation plan;	-	-	✓
planting list for proposed landscape materials with caliper size or height of material, method of installation, botanical and common names, and quantity.	-	-	✓
F. Building and Structure Details			
location, height, and outside dimensions of all proposed buildings or structures;	✓	✓	✓
building floor plans and total floor area;	-	-	✓

TABLE 12.03 SITE PLAN DATA	Required For		
	Sketch Plan	Prelim. Site Plan	Final Site Plan
details on accessory structures and any screening;	-	-	✓
location, size, height and material of construction for all obscuring wall(s) or berm(s) with cross-sections, where required;	-	-	✓
building facade elevations for all sides, drawn at an appropriate scale; and,	-	-	✓
description of exterior building materials and colors.	-	-	✓
digital renderings illustrating the appearance of the site both before and after site development shall be required for any proposal that includes more than fifty dwellings or has more than 50,000 square feet of floor area.	-	-	✓
G. Information Concerning Utilities, Drainage and Related Issues			
location of sanitary sewers and septic systems, existing and proposed;	✓	✓	✓
location and size of existing and proposed water mains, well sites, water service, storm sewers loads, and fire hydrants;	-	✓	✓
conceptual drainage plan;	-	✓	-
stormwater drainage and retention/detention calculations;	-	-	✓
site grading, drainage patterns and other stormwater management measures;	-	-	✓
stormwater retention and detention ponds, including grading, side slopes, depth, high water elevation, volume and outfalls;	-	-	✓
location and size of underground storm sewers and drains;	-	-	✓
location of above and below ground gas, electric and telephone lines; and,	-	-	✓
location of transformers and utility boxes.	-	-	✓
size, height and method of shielding for all site and building lighting;	-	-	✓
location, size, height, and lighting of all proposed site and wall signs;	-	-	✓
photometric grid indicating lighting intensities on the site and at all site boundaries	-	-	✓
H. Additional information required for Multiple-Family Residential Development			
the number and location of each type of residential unit (one bedroom units, two bedroom units;	-	✓	✓
density calculations by type of residential unit (dwelling units per acre);	-	✓	✓
garage and/or carport locations and details, if proposed;	-	-	✓
mailbox clusters;	-	-	✓
location, dimensions, floor plans and elevations of common building(s), if applicable;	-	-	✓
swimming pool fencing detail, including height and type of fence, if applicable;	-	-	✓
location and size of recreation and open space areas; and,	-	✓	✓
indication of type of recreation facilities proposed for recreation area.	-	-	✓

Section 12.04 Site Plan Review Criteria

Site plan approval shall be granted only if the site plan meets all applicable standards set forth in this Ordinance as outlined below:

12.04.01 **Adequacy of Information:** The site plan shall include all required information in sufficiently complete and understandable form to provide an accurate description of the proposed use(s) and structure(s).

12.04.02 **Site Design Characteristics:** All elements of the site design shall be harmoniously and efficiently organized in relation to topography, the size and type of lot, the character of adjoining property, and the type and size of buildings. The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted by this Ordinance. The site shall be designed to conform to all

provisions of this Ordinance. Redevelopment of existing sites shall be brought into conformance with all site improvement provisions of this Ordinance that are relative to and proportionate to the extent of redevelopment, as determined by the Planning Commission.

12.04.03 **Buildings:** Buildings and structures will meet or exceed setback, height and other dimensional requirements, and be consistent with applicable building design standards.

12.04.04 **Preservation of Natural Areas:** The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal, alteration to the natural drainage courses, and the amount of cutting, filling and grading. Insofar as practical, natural features and the site topography, viewsheds, historical markers and environmental areas shall be incorporated into the proposed site design. Natural woodlands along the road frontage shall be preserved to the maximum extent practicable.

12.04.05 **Privacy:** The site design shall provide reasonable visual and sound privacy for dwelling units located therein and adjacent thereto. Fences, walks, barriers, and landscaping shall be used, as appropriate, for the protection and enhancement of property and the privacy of its occupants.

12.04.06 **Emergency Vehicle Access:** All buildings or groups of buildings shall be arranged so as to permit emergency vehicle access by some practicable means to all vehicles.

12.04.07 **Ingress and Egress:** Every structure or dwelling unit shall be provided with adequate means of ingress and egress via public streets or private roads and walkways. Driveway permits shall be obtained from the County Road Commission.

12.04.08 **Pedestrian Circulation:** The site plan shall provide a pedestrian circulation system, which is insulated as completely as is reasonably possible from the vehicular circulation system.

12.04.09 **Vehicular and Pedestrian Circulation Layout:** The arrangement of public or common ways for vehicular and pedestrian circulation shall respect the pattern of existing or planned streets and pedestrian or bicycle pathways in the area. The width of streets and drives shall be appropriate for the volume of traffic they will carry.

12.04.10 **Drainage:** Stormwater management system and facilities shall preserve the natural drainage characteristics and enhance the aesthetics of the site to the maximum extent possible, and shall not substantially reduce or increase the natural retention or storage capacity of any wetland or water course, or cause alterations which could increase flooding or water pollution on or off the site.

12.04.11 **Soil Erosion:** The proposed development shall include measures to prevent soil erosion and sedimentation. Soil erosion control permits shall be obtained from the County Drain Commission.

12.04.12 **Exterior Lighting:** Exterior lighting shall be designed so that it is deflected away from adjacent properties and so that it does not impede the vision of drivers on public streets.

12.04.13 **Public Services:** The scale and design of the proposed development shall facilitate the adequate provision of services currently furnished by or that may be required of the Township or other public agency including, but not limited to, fire and police protection, stormwater management, sanitary sewage removal and treatment, traffic control and administrative services. All new utilities shall be installed underground.

12.04.14 **Traffic Impact:** The expected volume of traffic to be generated by the proposed use shall not adversely impact existing roads and the circulation thereon. Driveways shall be located

to minimize conflict with traffic operations on the adjoining road. The number of driveways shall be the minimum needed to provide reasonable access to the site.

12.04.15 **Master Plan:** Sites shall be designed to be compatible with and in accordance with the general principles and objectives of the ***Blendon Township Master Plan***.

Section 12.05 Changes in the Approved Site Plan During Construction

The holder of an approved site plan shall notify the Zoning Administrator of any changes to an approved site plan required during the construction process. Documentation outlining conditions necessitating the changes shall be provided. Changes to the approved site plan shall be permitted only under the following circumstances:

12.05.01 **Minor Amendments:** Minor changes may be approved by the Zoning Administrator upon determining that the proposed revision(s) will not alter the basic design nor any specified conditions imposed as part of the original approval. Minor changes shall include the following:

(a) Change in the building size, up to five percent (5%) in total floor area.

(b) Movement of buildings or other structures by no more than ten (10) feet.

(c) Replacement of plant material specified in the landscape plan with comparable materials of an equal or greater size.

(d) Changes in building materials to a comparable or higher quality.

(e) Changes in floor plans that do not alter the character of the use.

(f) Changes required or requested by the Township, the Ottawa County Road Commission, or other County, State, or Federal regulatory agency in order to conform to other laws or regulations.

12.05.02 **Major Amendments:** A proposed change not determined by the Zoning Administrator to be minor shall be submitted to the Planning Commission as a site plan amendment and shall be reviewed in the same manner as the original application. The Zoning Administrator may refer any site plan change that would otherwise be considered minor under ***Section12.05.01*** to the Planning Commission where compliance with the intent of the original site plan approval is unclear.

Section 12.06 Appeal of Decision

If any person shall be aggrieved by the action of the Planning Commission, appeal in writing to the Zoning Board of Appeals may be taken within five (5) days after the date of such action. The Board shall fix a time and place for a public hearing to be published in a newspaper prior to the hearing. All interested parties shall be afforded the opportunity to be heard thereat. After the hearing, the Board, in compliance with ***Section 16.04 Appeals,*** shall affirm or reverse the action of the Planning Commission, stating its findings and the reasons for its action and a written copy of such findings, reasons, and action shall be given to the appellant.

CHAPTER 12A
CONDOMINIUMS AND SITE CONDOMINIUMS

Section 12A.01 Purpose

(a) Lands that are developed and sold as condominiums and site condominiums are not subject to regulation under the Michigan Land Division Act. The Township determines it is in the best interest of public health, safety, and welfare to regulate the creation of condominiums and site condominiums to assure that these developments will be established consistent with the public interest and in a manner which will avoid adverse effects on other lands and property interests.

(b) This chapter regulates both site condominium and condominium developments, whether for residential use or non-residential use.

(c) For convenience, the provisions of this chapter, other than Sections 12A.01 and 12A.02, are divided into Part 1, Site Condominiums, and Part 2, Condominiums.

Section 12A.02 **Definitions.** For purposes of this chapter, the following words and phrases are defined as follows:

(a) **"Building Envelope"** means the area of a site condominium unit within which the principal building or structure may be constructed, together with any accessory structures. In a detached-building residential or other site condominium project, the building envelope refers to the area of each site condominium unit within which the dwelling or other principal building and any accessory structures may be built. In a condominium consisting of detached buildings, building envelope means that area of land around all sides of the building and included within lines accurately drawn to show the location of the required minimum front yard, required minimum side yard and required minimum rear yard setback lines of the zone district in which the condominium is located.

(b) **"Condominium Unit"** means a condominium unit established in compliance with the Condominium Act which consists of a volume of surface or subsurface vacant air space, designed and intended for separate ownership and use as described in the condominium master deed.

(c) **"Condominium Act"** means the Michigan Condominium Act, Act 59 of the Public Acts of Michigan of 1978, as amended, or successor legislation.

(d) **"Site Condominium Unit"** means a site condominium unit established in compliance with the Condominium Act, which consists of an area of vacant land and a volume of surface or subsurface vacant air space, designed and intended for separate ownership and use as described in the site condominium project master deed, and within which a building or other improvements may be constructed by the site condominium unit owner. For purposes of determining compliance with the applicable requirements of the zoning ordinance (including, without limitation, height, area, yard, and density requirements) or with other applicable laws, ordinances or regulations, a site condominium unit shall be considered to be the equivalent of a "lot."

(e) **"Condominium Project"** means a project consisting of not less than two condominium units established in compliance with the Condominium Act.

(f) **"Site Condominium Project"** means a project consisting of not less than two site condominium units established in compliance with the Condominium Act.

(g) **"Condominium Project Plan"** means the plans, drawings and information prepared for a condominium project as required by Section 66 of the Condominium Act and as required by this chapter for review of the condominium project by the Planning Commission and the Township Board.

(h) **"Site Condominium Project Plan"** means the plans, drawings and information prepared for a site condominium project as required by Section 66 of the Condominium Act and as required by this chapter for review of the site condominium project by the Planning Commission and the Township Board.

Except as otherwise provided by this chapter, words and phrases shall have the meanings stated in the Condominium Act.

PART 1 – SITE CONDOMINIUMS

Section 12 A.03 Application for Site Condominium Approval. An application for site condominium approval shall include the following information.

(a) A site condominium project plan which includes the documents and information required by Section 66 of the Condominium Act, and which includes the following information to the extent not included in such plan:

(b) The information required for preliminary site plan approval under Section 12.03 of this Ordinance.

(c) Layout and dimensions of each site condominium unit, and the building envelope for such unit. The site condominium project plan shall depict a building envelope around each building so as to demonstrate compliance with the minimum lot area requirement, the minimum lot width requirement, and the minimum building setback requirement of the zone district in which the condominium is located.

(d) Approval or tentative approval of the proposed design and location of the entrance to the site condominium from the county road commission or Michigan Department of Transportation.

(e) The use and occupancy restrictions and maintenance provisions for all general and limited common elements that will be included in the master deed.

(f) A storm water drainage plan, including proposed swales, drainage basins, and other proposed facilities and easements for installation, repair and maintenance of drainage facilities.

(g) A utility plan showing the proposed location of all water and sewer lines, if any, and easements for the installation, repair and maintenance of utilities, or, if on-site facilities, the proposed locations and replacement locations of water supply wells and septic tank and drain field systems, and proposed isolation distances of septic tank and drain field systems from buildings and water supply wells.

(h) A narrative describing the overall objectives of the proposed site condominium project.

(i) A narrative describing the proposed method of providing potable water supply, waste disposal facilities and public and private utilities.

(j) A street construction, paving and maintenance plan for all public and private streets within the proposed site condominium project, including a drawing of typical street cross-sections.

(k) Tabulations of building density for the entire site condominium, including tabulations of the density of one-family, two-family and multiple-family dwellings and such other similar information as the Planning Commission or Township Board may require with regard to building density within the site condominium project.

(l) A landscape plan, being either a part of, or submitted separately from, the site condominium project plan.

(m) Such other information as the Planning Commission or Township Board may reasonably request in their review of the proposed site condominium project. Unless requested by the Planning Commission, the proposed master deed and condominium bylaws need not necessarily be submitted with the application.

(n) If public utilities are not proposed to be provided, the condominium project plan shall include locations for adequate easements for future public utilities.

Section 12A.04 Review of Preliminary Plans by the Planning Commission

(a) Site condominium project plan review shall be commenced by filing with the Township Zoning Administrator 13 copies of a preliminary site condominium project plan which complies with Section 12A.03, together with the required application fee.

(b) The Township Planner shall review the preliminary plan to determine its completeness and to provide any comments to the Planning Commission regarding the plan. If the plan is not complete, it shall be returned to the applicant with a written explanation of any deficiencies. If the plan is complete, it shall be forwarded to the Planning Commission, together with the Planner's report or other comments concerning the site condominium project.

(c) The Planning Commission shall review the preliminary site condominium project plan in accordance with the standards and requirements of this chapter.

(d) After reviewing the preliminary site condominium project plan, the Planning Commission shall approve a resolution stating the Commission's findings concerning the preliminary plan and recommending approval, denial or approval with conditions, of the proposed site condominium project. If a resolution of approval, the resolution shall include any suggested or required changes in the site condominium project plan.

Section 12A.05 Review and Approval of Final Plans by the Township Board

(a) After receiving the Planning Commission's recommendations on the preliminary plan, the applicant shall submit to the Township Zoning Administrator a minimum of 11 copies of a final site condominium project plan which complies with the requirements of this chapter.

(b) The Township Planner shall review the final plan to determine its completeness and to provide any comments to the Township Board regarding the plan. If the plan is not complete, it shall be returned to the applicant with a written explanation of any deficiencies. A corrected application may be submitted without payment of a new application fee within six months of the return of any plan to an applicant.

(c) If the plan is complete, it shall be forwarded to the Township Board, together with any report or comments by the Planner concerning the plan.

(d) The final site condominium project plan submitted by the applicant shall incorporate all of the recommendations, if any, made by the Planning Commission based on its prior review of the preliminary plan; provided, however that if any of the Planning Commission's recommendations are not incorporated in the final plan, the applicant shall specify in writing which recommendations have not been incorporated and the reasons why they have not been incorporated.

(e) Except for changes made to the plan as necessary to incorporate the recommendations of the Planning Commission, the final plan shall be identical to the preliminary plan which was reviewed by the Planning Commission; provided, however, that if changes are made to the plan that are in addition to those necessary to incorporate the recommendations of the Planning Commission, these shall first be reviewed by the Planning Commission, prior to consideration of the final plan by the Township Board.

(f) After receiving the Planning Commission's recommendations on the preliminary plan and after receiving the final site condominium project plan from the applicant, the Township Board shall review and by resolution shall approve, deny or approve with conditions, the final plan in accordance with the standards in Section 12A.06.

(g) The resolution of the Township Board approving, denying or approving with conditions the final site condominium project plan may include conditions required to assure compliance with the requirements of this chapter and other conditions of approval specified for site development plans under the terms of the site plan review chapter.

(h) The Township Board resolution may also include terms and conditions required to assure compliance with other Township ordinances, state laws and regulations of other agencies having jurisdiction.

(i) All terms and conditions included by the Planning Commission and Township Board in their respective approvals of a site condominium project plan shall be incorporated in the recorded Master Deed, or shall be reflected in the final site condominium plan, when recorded as a part of the Master Deed.

Section 12A.06 Standards for Approval. A site condominium project plan shall satisfy the following requirements:

(a) The plan shall satisfy the standards and requirements for site plan approval in Chapter 12 of this Ordinance.

(b) The proposed common elements and maintenance provisions, use and occupancy restrictions, utility systems and streets, project layout and design, and other aspects of the proposed project, shall comply with the Condominium Act and other applicable laws, ordinances and regulations.

(c) Each site condominium unit shall comply with all zone district and other applicable provisions of this Ordinance, including minimum lot area; minimum lot width; required front, side and rear yards; maximum building height; and other applicable land use and dimensional requirements.

(d) If a site condominium project is proposed to have public streets, the streets shall be paved and developed to the minimum design, construction, inspection, approval, and maintenance requirements for platted public streets as required by the Ottawa County Road Commission.

(e) Private streets may be permitted to provide access to and throughout a site condominium:

i. All private streets shall comply with Section 09.05 of this Ordinance.

ii. Provisions in the master deed and site condominium bylaws shall obligate the developer and/or the site condominium association to assure that the private streets are regularly maintained, repaired and snowplowed so as to assure that they are safe for travel at all times.

(f) The Township may require the site condominium to include pedestrian sidewalks at specified locations, and sidewalks shall be required along private streets in accordance with Section 09.06.02. The Township may also require street lighting at intersections or otherwise within street rights-of-way; and greenbelts or other landscaping in order to obscure the view of other types of land uses that may be near or adjacent to the site condominium, such as commercial or industrial uses, highways, railroads and the like.

(g) The site condominium project shall be connected to public water and public sanitary sewer facilities, if available according to Township ordinances. If public water supply and public sanitary sewer facilities are not available, the site condominium project shall either be served by private community systems (designed for connection to public system when and if public systems are made available), or shall have a well, septic tank, and drain field located within each site condominium unit. Water and sanitary sewer facilities shall be subject to approval by the county health department and the Township in accordance with applicable requirements.

Section 12A.07 Construction in Compliance with Approved Plan. No buildings or structures shall be constructed nor shall any other site improvements or changes be made within the site condominium project except in compliance with the final site condominium project plan as approved by the Township Board, including any conditions of approval.

Section 12A.08 Completion Of Improvements. No building or occupancy permit for a site condominium unit in an approved site condominium project shall be issued until construction of all required project improvements has been completed and approved by the Township, or unless acceptable security (which may be an acceptable performance bond or letter of credit) for the completion of such improvements has been provided; such security may be required by the Planning Commission in its consideration of the preliminary site condominium project plan, or it may be required by the Township Board in its consideration of the final site condominium project plan.

Section 12A.09 Expandable Or Convertible Condominium Projects. Approval of a final site condominium project plan shall not constitute approval of expandable or convertible portions of a site condominium project unless the expandable or convertible areas are specifically reviewed and approved by

the Planning Commission and Township Board in compliance with the procedures, standards and requirements of this chapter.

Section 12A.10 Revisions Of Approved Final Site Condominium Project Plan.

(a) Changes to a development for which a site condominium project plan has been approved are subject to this section.

(b) Any change which constitutes an exempt change shall not be subject to review by the Planning Commission under this chapter, but a copy of an exempt change shall be filed with the Township Zoning Administrator; provided, however, that the Zoning Administrator and Township Planner shall determine if the proposed change is an exempt change, and shall notify the applicant accordingly. An exempt change shall include only the following:

(i) A change in the name of the site condominium, a change in the name of a street within the site condominium or a change in the name of the developer.

(ii) Any other change in the site condominium which, as determined by the Township Zoning Administrator, does not constitute a major or minor change or will not otherwise change the site configuration, design, layout, topography or any other aspect of the land, buildings or structures in or proposed for the site condominium.

(c) Any change which constitutes a minor change shall be reviewed and approved by the Township Zoning Administrator, but in the discretion of the Zoning Administrator, any such minor change may be referred for decision by the Planning Commission. A minor change means a minor change in the site configuration, design, layout or topography of a site condominium (or any portion thereof), including any change that will result in:

(i) A decrease in the number of site condominium units.

(ii) A reduction in the area of the building envelope for any site condominium unit.

(iii) A reduction of less than 10 percent in the total combined area of the general common elements of the site condominium.

(iv) A reduction in the total combined area of all limited common elements of the site condominium.

(v) Any other minor variation in the site configuration, design, layout, topography or other aspect of the site condominium and which, as determined by the Zoning Administrator, does not constitute a major change.

(d) Any change which constitutes a major change shall be reviewed by the Planning Commission and the Township Board, as provided in this chapter for the original review and approval of site condominium project plans. A major change means a major change in the site configuration, design, layout or topography of a site condominium (or any portion thereof), including any change that could result in:

(i) An increase in the number of site condominium units.

(ii) Any other change in the site configuration, design, layout, topography, or other aspect of the site condominium which is subject to regulation under this Ordinance,

including, without limitation, a change in the location of streets and utilities, or in the size, location, area, horizontal boundaries or vertical boundaries of a site condominium unit, and which is determined by the Township Zoning Administrator to constitute a major change in the site condominium.

Section 12A.11 Incorporation Of Approved Provisions In Master Deed. All provisions of an approved site condominium project plan shall be incorporated by reference in the master deed for the site condominium. The Master Deed shall be reviewed by the Township Attorney, prior to recording, and it shall be subject to the attorney's approval, consistent with this chapter and the Township's approval of the site condominium. A copy of the master deed as recorded with the county Register of Deeds shall be provided to the Township promptly after recording, but in any event, not later than the filing of the application for the first building permit for a building in the project.

Section 12A.12 Approval Effective For One Year. Approval of a final site condominium project plan by the Township Board shall be effective for a period of one year, but such effectiveness shall continue so long as the development and construction of the site condominium commences within such period of one year and is diligently pursued thereafter. If construction or development of the site condominium has not commenced during such one-year period, such period of time may be extended by the Township Board in its discretion, for up to two additional periods of one year each, if such an extension is applied for during a previous period of approval, or shortly thereafter.

PART 2 – CONDOMINIUMS

Section 12A.13 Application For Condominium Approval. An application for condominium approval shall include the following information:

(a) A condominium project plan which includes the documents and information required by Section 66 of the Condominium Act, and which includes the following information to the extent not included in such plans:

(b) The information required for preliminary site plan review under Section 12.03 of this Ordinance.

(c) Location and dimensions of each building in the condominium project. The condominium project plan shall depict a building envelope around each building so as to demonstrate compliance with the minimum lot area requirement, the minimum lot width requirement, and the minimum building setback requirements of the zone district in which the condominium project is located.

(d) Approval or tentative approval of the proposed design and location of the entrance to the condominium from the county road commission or Michigan Department of Transportation.

(e) The use and occupancy restrictions and maintenance provisions for all general and limited common elements that will be included in the master deed.

(f) A storm water drainage plan, including proposed swales, drainage basins, and other proposed facilities and easements for installation, repair, and maintenance of drainage facilities.

(g) A utility plan showing the proposed location of all water and sewer lines, if any, and easements for the installation, repair and maintenance of utilities, or, if on-site facilities, the proposed locations replacement locations of water supply wells and septic tank and drain field systems, and proposed isolation distances of septic tank and drain field systems from buildings and water supply wells.

(h) A narrative describing the overall objectives of the condominium project.

(i) A narrative describing the proposed method of providing potable water supply, waste disposal facilities and public and private utilities.

(j) A street construction, paving and maintenance plan for all public and private streets within the proposed condominium project, including a drawing of typical street cross-sections.

(k) Tabulations of building density for the entire condominium, including tabulations of the density of one-family, two-family and multiple-family dwellings and such other similar information as the Planning Commission or Township Board may require with regard to building density within the condominium project.

(l) A landscape plan, being either a part of, or submitted separately from, the condominium project plan.

(m) Such other information as the Planning Commission or Township Board may reasonably request in their review of the proposed condominium project. Unless requested by the Planning Commission, the proposed master deed and condominium bylaws need not necessarily be submitted with the application.

(n) If public utilities are not proposed to be provided, the condominium project plan shall include locations for adequate easements for future public utilities.

Section 12A.14 Review Of Preliminary Plans By The Planning Commission.

(a) Condominium project plan review shall be commenced by filing with the Township Zoning Administrator 13 copies of a preliminary condominium project plan which complies with Section 12A.13, together with the required application fee.

(b) The Township Planner shall review the preliminary plan to determine its completeness and to provide any comments to the Planning Commission regarding the plan. If the plan is not complete, it shall be returned to the applicant with a written explanation of any deficiencies. If the plan is complete, it shall be forwarded to the Planning Commission, together with the Planner's report or other comments concerning the condominium project.

(c) The Planning Commission shall review the preliminary condominium project plan in accordance with the standards and requirements of this chapter.

(d) After reviewing the preliminary condominium project plan, the Planning Commission shall approve a resolution stating the Commission's findings concerning the preliminary plan and recommending approval, denial or approval with conditions, of the proposed condominium project. If a resolution of approval, the resolution shall include any suggested or required changes in the condominium project plan.

Section 12A.15 Review And Approval Of Final Plans By Township Board.

(a) After receiving the Planning Commission's recommendations on the preliminary plan, the applicant shall submit to the Township Zoning Administrator a minimum of 11 copies of a final condominium project plan which complies with the requirements of this chapter.

(b) The Township Planner shall review the final plan to determine its completeness and to provide any comments to the Township Board regarding the plan. If the plan is not complete, it shall be returned to the applicant with a written explanation of any deficiencies. A corrected application may be submitted without payment of a new application fee within six months of the return of any plan to an applicant.

(c) If the plan is complete, it shall be forwarded to the Township Board, together with any report or comments by the Planner concerning the plan.

(d) The final condominium project plan submitted by the applicant shall incorporate all of the recommendations, if any, made by the Planning Commission based on its prior review of the preliminary plan; provided, however that if any of the Planning Commission's recommendations are not incorporated in the final plan, the applicant shall specify in writing which recommendations have not been incorporated and the reasons why they have not been incorporated.

(e) Except for changes made to the plan as necessary to incorporate the recommendations of the Planning Commission, the final plan shall be identical to the preliminary plan which was reviewed by the Planning Commission; provided, however, that if changes are made to the plan that are in addition to those necessary to incorporate the recommendations of the Planning Commission, these shall first be reviewed by the Planning Commission, prior to consideration of the final plan by the Township Board.

(f) After receiving the Planning Commission's recommendations on the preliminary plan and after receiving the final condominium project plan from the applicant, the Township Board shall review and by resolution shall approve, deny or approve with conditions, the final plan in accordance with the standards in Section 12A.16.

(g) The resolution of the Township Board approving, denying or approving with conditions the final condominium project plan may include conditions required to assure compliance with the requirements of this chapter and other conditions of approval specified for site development plans under the terms of the site plan review chapter.

(h) The Township Board resolution may also include terms and conditions required to assure compliance with other Township ordinances, state laws and regulations of other agencies having jurisdiction.

(i) All terms and conditions included by the Planning Commission and Township Board in their respective approvals of a condominium project plan shall be incorporated in the recorded Master Deed, or shall be reflected in the final condominium plan, when recorded as a part of the Master Deed.

Section 12A.16 Standards For Approval. To receive approval, a condominium project plan shall satisfy the following requirements:

(a) The plan shall satisfy the standards and requirements for site plan approval in Chapter 12 of this Ordinance.

(b) The proposed common elements and maintenance provisions, use and occupancy restrictions, utility systems and streets, project layout and design, or other aspects of the proposed project, shall comply with the Condominium Act and other applicable laws, ordinances or regulations.

i. The condominium project shall comply with all applicable provisions of this Ordinance, including without limitation, the minimum building height, lot area, lot width and yard size requirements with respect to each of the buildings in which the condominium units are located. The minimum requirements of this Ordinance with respect to dwelling unit density shall be met with respect to all of the attached condominium units located in the condominium project, in relation to the area of the project. For purposes of demonstrating compliance with this provision, the condominium project plan shall include lines drawn around each building, accurately depicting minimum or greater lot area and minimum or greater lot width, and minimum or greater yard sizes in compliance with the zone district in which the condominium is located.

ii. In the case of a condominium project containing detached single-family condominium buildings, or other detached buildings, the minimum requirements of this Ordinance, including without limitation, the minimum building height, lot area, lot width and yard size requirements, shall apply with respect with each detached condominium building. For purposes of demonstrating compliance with this provision, the condominium project plan shall include lines drawn around each building, accurately depicting minimum or greater lot area, minimum or greater lot width, and minimum or greater yard sizes in compliance with the zone district in which the condominium is located.

(c) If a condominium project is proposed to have public streets, the streets shall be paved and developed to the minimum design, construction, inspection, approval, and maintenance requirements for platted public streets as required by the Ottawa County Road Commission.

(d) Private streets may be permitted to provide access to and throughout a condominium.

i. All private streets shall comply with Section 09.05 of this Ordinance.

ii. Provisions in the master deed and condominium bylaws shall obligate the developer and/or the condominium association to assure that the private streets are regularly maintained, repaired and snowplowed so as to assure that they are safe for travel at all times.

(e) The Township may require the condominium to include pedestrian sidewalks at specified locations, and sidewalks shall be required along private streets in accordance with Section 09.06.02. The Township may also require street lighting at intersections or otherwise within street rights-of-way; and greenbelts or other landscaping in order to obscure the view of other types of land uses that may be near or adjacent to the condominium, such as commercial or industrial uses, highways, railroads and the like.

(f) The condominium project shall be connected to public water and public sanitary sewer facilities, if available according to Township ordinances. If public water and public sanitary sewer facilities are not available, the condominium project shall either be served by private community systems (designed for connection to public system when and if public systems are made available), or shall have a well, septic tank, and drain field to secure each condominium building.

Water and sanitary sewer facilities shall be subject to approval by the county health department and the Township in accordance with applicable requirements.

12A.17 Construction In Compliance With Approved Plan. No buildings or structures shall be constructed nor shall any other site improvements or changes be made within the condominium project except in compliance with the final condominium project plan as approved by the Township Board, including any conditions of approval.

12A.18 Completion Of Improvements. No building or occupancy permit for a building in an approved condominium project shall be issued until construction of all required project improvements has been completed and approved by the Township, or unless acceptable security (which may be an acceptable performance bond or letter of credit) for the completion of such improvements has been provided; such security may be required by the Planning Commission in its consideration of the preliminary condominium project plan, or it may be required by the Township Board in its consideration of the final condominium project plan.

12A.19 Expandable Or Convertible Condominium Projects. Approval of a final condominium project plan shall not constitute approval of expandable or convertible portions of a condominium project unless the expandable or convertible areas are specifically reviewed and approved by the Planning Commission and Township Board in compliance with the procedures, standards and requirements of this chapter.

12A.20 Revisions Of Approved Final Condominium Project Plan.

(a) Changes to a development for which a condominium project plan has been approved are subject to this section.

(b) Any change which constitutes an exempt change shall not be subject to review by the Planning Commission under this chapter, but a copy of an exempt change shall be filed with the Township Zoning Administrator; provided, however, that the Zoning Administrator and Township Planner shall determine if the proposed change is an exempt change, and shall notify the applicant accordingly. An exempt change shall include only the following:

i. A change in the name of the condominium, a change in the name of a street within the condominium or a change in the name of the developer.

ii. Any other change in the condominium which, as determined by the Township Zoning Administrator, does not constitute a major or minor change or will not otherwise change the site configuration, design, layout, topography or any other aspect of the land, buildings or structures in or proposed for the condominium.

(c) Any change which constitutes a minor change shall be reviewed and approved by the Township Zoning Administrator, but in the discretion of the Zoning Administrator, any such minor change may be referred for decision by the Planning Commission. A minor change means a minor change in the site configuration, design, layout or topography of a condominium (or any portion thereof), including any change that will result in:

i. A decrease in the number of condominium units.

ii. A reduction of less than 10 percent in the total combined area of the general common elements of the condominium.

iii. A reduction in the total combined area of all limited common elements of the condominium.

iv. Any other minor variation in the site configuration, design, layout, topography or other aspect of the condominium and which, as determined by the Zoning Administrator, does not constitute a major change.

(d) Any change which constitutes a major change shall be reviewed by the Planning Commission and the Township Board, as provided in this chapter for the original review and approval of condominium project plans. A major change means a major change in the site configuration, design, layout or topography of a condominium (or any portion thereof), including any change that could result in:

i. An increase in the number of condominium units.

ii. Any other change in the site configuration, design, layout, topography, or other aspect of the condominium which is subject to regulation under this Ordinance, including, without limitation, a change in the location of streets and utilities, or in the size, location, area, horizontal boundaries or vertical boundaries of a condominium unit, and which is determined by the Township Zoning Administrator to constitute a major change in the condominium.

12A.21 Incorporation Of Approved Provisions In Master Deed. All provisions of an approved condominium project plan shall be incorporated by reference in the master deed for the condominium. The Master Deed shall be reviewed by the Township Attorney, prior to recording, and it shall be subject to the attorney's approval, consistent with this chapter and the Township's approval of the condominium. A copy of the master deed as recorded with the county Register of Deeds shall be provided to the Township promptly after recording, but in any event, not later than the filing of the application for the first building permit for a building in the project.

12A.22 Approval Effective For One Year. Approval of a final condominium project plan by the Township Board shall be effective for a period of one year, but such effectiveness shall continue so long as the development and construction of the condominium commences within such period of one year and is diligently pursued thereafter. If construction or development of the condominium has not commenced during such one-year period, such period of time may be extended by the Township Board in its discretion, for up to two additional periods of one year each, if such an extension is applied for during a previous period of approval, or shortly thereafter.

CHAPTER 13
SPECIAL LAND USES

Section 13.01 Purpose

Special Land Uses are those uses of land which are essentially compatible with those otherwise permitted in a zoning district, but possess characteristics or locational qualities requiring individual review and discretion in order to avoid incompatibility with the character of the surrounding area, public services and facilities, and adjacent uses of land. The purpose of this Chapter is to establish equitable procedures and criteria which shall be applied in the determination of requests to establish Special Land Uses. The criteria for decision and requirements provided for under the provisions of the Chapter shall be in addition to those required elsewhere in this Ordinance which are applicable to the special land use under consideration.

Section 13.02 Special Land Use Review Procedure

An application for permission to establish a Special Land Use shall be submitted and acted upon in accordance with the following procedures:

13.02.01 **Site Plan Review:** An application for special land use review shall be reviewed by the Planning Commission following the procedure for site plans specified in ***Section 12.02 Site Plan Review Process.***

13.02.02 **Required Information:** An application for a Special Land Use permit shall include all of the following documents and information:

(a) An application form supplied by the Zoning Administrator, which shall be completed in full by the applicant.

(b) Site plans, as specified in ***Section 12.03, Site Plan Contents***.

(c) A statement with regard to compliance with the criteria required for approval in ***Section 13.03 Standards for Special Land Use Approval,*** and ***Section 13.05, Special Land Use Specific Requirements,*** and other criteria imposed by this Ordinance affecting the special land use under consideration.

13.02.03 **Public Hearing:** Upon receipt of an application for a Special Land Use, the Planning Commission shall call a public hearing for the purpose of receiving comments relative to the Special Land Use application. Notice of the public hearing shall be published and delivered in accordance with Section 17.14 of this Ordinance. The public hearing shall be conducted at the first Planning Commission meeting where the final site plan is presented.

13.02.04 **Review and Approval:** The Planning Commission shall review the application for a special land use, comments received at the public hearing, the site plan and other materials submitted in relation to the application, and make a determination on the Special Land Use application in accordance with the criteria for approval stated in ***Section 13.03 Standards for Special Land Use Approval,*** and ***Section 13.05, Special Land Use Specific Requirements,*** and standards contained in this Ordinance which relate to the Special Land

Uses under consideration. Upon the approval or approval with conditions by the Planning Commission, the applicant may apply for a building permit.

13.02.05 **Initiation of Construction:** A Special Land Use approved pursuant to this Chapter shall be under construction within one (1) year after the date of approval of the Special Land Use, except as noted below.

(a) The Planning Commission may grant one (1) six (6) month extension of the time period, provided the applicant requests the extension prior to the date of the expiration of the Special Land Use approval.

(b) The extension shall be approved if the applicant presents reasonable evidence to the effect that the development has encountered unforeseen difficulties beyond the control of the applicant, and the project will proceed within the extension period.

(c) If neither of the above provisions is fulfilled or the six (6) month extension has expired prior to construction, the Special Land Use approval shall be considered null and void.

13.02.06 **Resubmission:** No petition for Special Land Use approval which has been disapproved shall be resubmitted for a period of one (1) year from the date of disapproval, except as may be permitted after learning of new and significant facts or conditions which address the reasons for the initial disapproval.

13.02.07 **Revocation of Special Land Use Approval:** The Planning Commission shall have the authority to revoke any Special Land Use approval after it has been shown that the holder of the approval has failed to comply with any of the applicable requirements of this Chapter, other applicable sections of this Ordinance, or conditions of the Special Land Use approval. Prior to any action, the Planning Commission shall conduct a public hearing following the notification procedures for the original approval.

Section 13.03 Standards for Special Land Use Approval

A Special Land Use proposal shall be approved only where the proposed use will comply with all applicable requirements of this Ordinance including those set forth in ***Section 12.04, Site Plan Review Criteria,*** applicable standards for specific uses, and all of the following standards:

13.03.01 **Compatibility with the Master Plan:** The proposed Special Land Use shall be compatible with and in accordance with the general principles and objectives of the ***Blendon Township Master Plan*** and shall promote the intent and purpose of this Ordinance.

13.03.02 **Compatibility with Adjacent Uses:** The Special Land Use shall be designed, constructed, operated and maintained in a manner harmonious with the character of adjacent property and the surrounding area. In determining whether a Special Land Use will be harmonious and not create a significant detrimental impact, as compared to the impacts of permitted uses, consideration shall be given to the degree of effect the Special Land Use may have on adjacent property, as compared with the expected value to the township. The following types of effects shall be considered:

(a) use activities, processes, materials, equipment, or conditions of operation;

(b) vehicular circulation and parking areas;

(c) outdoor activity, storage and work areas;

(d) hours of operation;

(e) production of traffic, noise, vibration, smoke, fumes, odors, dust, glare, and light;

(f) impacts on adjacent property values; and

(g) the relative ease by which the impacts above will be mitigated.

13.03.03 **Impact of Traffic on the Street System:** The location and design of the proposed Special Land Use shall minimize the negative impact on the street system in consideration of items such as vehicle trip generation (i.e. volumes), types of traffic, access location and design, circulation and parking design, road capacity, traffic operations at proposed access points, and traffic operations at nearby intersections and access points.

13.03.04 **Impact on the Overall Environment:** The proposed Special Land Use shall not have an unacceptable significant adverse effect on the quality of the natural environment in comparison to the impacts associated with typical permitted uses.

13.03.05 **Compliance with Zoning Ordinance Standards:** The proposed Special Land Use shall be designed, constructed, operated and maintained to meet the stated intent of the zoning district.

13.03.06 **Public Services:** The proposed Special Land Use shall be located where it can be adequately served by essential public facilities and services, such as streets, pedestrian or bicycle facilities, police and fire protection, drainage systems and water and sewage facilities.

Section 13.04 Existing Special Land Use Situations

Uses of land and/or development projects granted special exception or Special Land Use status by the Township prior to the adoption of this Zoning Ordinance may continue this status, provided the rules, regulations, requirements, and conditions of the special exception or Special Land Use continue to be met, provided changes to the Special Land Use shall comply with the following:

13.04.01 **Major Changes:** Any major change to an existing Special Land Use shall require submittal of a new application for Special Land Use and follow the review procedures contained in this Chapter. The Zoning Administrator shall determine whether the proposed amendment constitutes a minor or major amendment, based on the standards below:

(a) changes increase the buildings usable floor area by more than twenty five (25%) or 5,000 square feet, whichever is less; or,

(b) parking lots are expanded by more than twenty five (25%) or 6,000 square feet of pavement, whichever is less.

13.04.02 **Minor Amendment:** Minor amendment to an approved Special Land Use does not require submittal of a new application for a Special Land Use. It may be approved as a site plan amendment under ***Chapter 12, Site Plan Review***.

13.04.03 **Change in Use:** Change to another Special Land Use shall require submittal of a new application for Special Land Use and follow the review procedures contained in this Chapter.

Section 13.05 Special Land Use Specific Requirements

The specific and detailed requirements set forth in this Section relate to particular land uses, whether such uses are permitted by right or by special land use, and are requirements which must be met by those uses in addition to the general standards and requirements of this Ordinance. *(amended September 2016)*

13.05.01 Adult uses
13.05.02 Airports
13.05.03 Auto wash
13.05.04 Automobile service stations and automobile repair (minor) facilities, including the selling of convenience goods, but not including body shops
13.05.05 Banks, loan and/or finance offices, including drive through service
13.05.06 Bed and breakfast inns
13.05.07 Body shop, automobile repair (major) facilities
13.05.08 Bowling alley
13.05.09 Country clubs, golf courses, riding stables, and athletic grounds
13.05.10 Farm market
13.05.11 Farms with sales and entertainment facilities
13.05.12 Funeral homes and mortuaries
13.05.13 Retail operations for greenhouses and nurseries
13.05.14 Kennels, including commercial kennels
13.05.15 Machine shop
13.05.16 Multiple-family dwellings
13.05.17 Open air businesses
13.05.18 Public or private campgrounds
13.05.19 Excavation and Filling of Land
13.05.20 Restaurants, including drive through service
13.05.21 Roadside stands for sale of produce grown on the premises
13.05.22 Utility and public service buildings, without storage yards, but not including essential public services such as poles, wires, and underground utility systems
13.05.23 Wind Energy Conversion Systems (WCES)
13.05.24 Planned Unit Development (PUD)
13.05.25 Hunting Club
13.05.26 Ethanol Production Faculty Adjoining Residentially Zond Land or Produces in Excess of 10,000 Gallons of Ethanol
13.05.27 Conversion of a Court-Ordered Manufactured Home park or Mobile Home Condominiums Project

13.05.01 Adult Uses

(a) In the development and execution of this subsection, it is recognized that there are some uses which, because of their very nature, have serious objectionable operational characteristics, particularly when several are concentrated in certain areas, or when located in proximity to a Residential District, thereby having a detrimental 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 neighborhood. These controls of this subsection are for the purpose of preventing a concentration of these uses within any one area, or to prevent deterioration or blighting of a nearby residential or other neighborhood. These controls do not legitimize activities that are prohibited in other Sections of the Zoning Ordinance.

(b) Adult uses shall comply with the following requirements:

(1) The use shall not be located within a one-thousand (1,000) foot radius of any other adult use.

(2) Entrances to the proposed adult use must be posted on both the exterior and interior walls, in a location clearly visible to those entering and exiting the business, and using clearly marked lettering no less than two (2) inches in height stating that: 1) "Persons under the age of 18 are not permitted to enter the premises", and 2) "No alcoholic beverages of any type are permitted within the premises unless specifically allowed pursuant to a license duly issued by the Michigan Liquor Control Commission."

(3) No product or service for sale or gift, or any picture or other representation of any product or service for sale or gift, shall be displayed so as to be visible by a person of normal visual acuity from the nearest adjoining right-of-way of a public or private road or a neighboring property.

(4) Hours of operation shall be limited to 10:00 AM to 10:00 PM, Monday through Saturday. All adult uses shall remain closed on Sundays and legal holidays.

(5) All off-street parking areas shall be illuminated after sunset during all hours of operation of the adult use, and until one hour after the business closes. The illumination shall be designed to comply with the lighting standards of ***Section 15.01.08, Exterior Lighting.***

(6) Any booth, room or cubicle available in any adult use, that is used by patrons for the viewing of any entertainment characterized by the showing of Specified Anatomical Areas or Specified Sexual Activities shall:

a. Be handicap accessible to the extent required by law,
b. Be unobstructed by any floor, lock or other entrance and exit control device,
c. Have at least one (1) side totally open to a public, lighted aisle so that there is an unobstructed view of any occupant at all times from the adjoining aisle,

d. Be illuminated so that a person of normal visual acuity can, by looking into the booth, room or cubicle from its entrance adjoining the public lighted aisle, clearly determine the number of people within, and

e. Have no holes or openings in any side or rear walls not relating to utility, ventilation or temperature control services or otherwise required by any governmental buildings code authority.

(c) The Planning Commission may impose reasonable conditions in conjunction with the approval of a Special Land Use permit for an adult use. The conditions imposed shall be limited to conditions necessary to ensure that the adult use will not be unreasonably detrimental to the public health, safety, or general welfare of the Township, nor unreasonably injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor unreasonably impede the normal and orderly development and improvement of the surrounding property for uses permitted under the Ordinance.

(d) The decision of the Planning Commission shall be final. Notwithstanding any provisions of this Ordinance to the contrary, if the Planning Commission denies an application for Special Land Use permit, or approval of a site plan, or both, for a adult use, the applicant shall be entitled to prompt judicial review of the Planning Commission's decision in any court of competent jurisdiction.

(e) All persons massaging any client or customer must be certified as a massage therapist by the American Massage Therapy Association or be a graduate of a School of Massage Therapy that is certified by the State of Michigan, or have other similar qualifications which must be submitted to and approved by the Planning Commission. All massage clinics are subject to inspection from time to time by the Zoning Administrator and shall be required to file reports as may be required by the Township, at least annually, as to the names and qualifications of each person who administers massages under the authority or supervision of the massage establishment.

(f) Establishments where uses subject to the control of this subsection are located shall not be expanded in any manner without first applying for and receiving the approval of the Planning Commission, as provided herein.

13.05.02 **Airports**

The site plan, as required in Section 12.02, shall contain the following additional information:

(a) The location of any homes within two thousand (2,000) feet of the boundaries of the property on which the airport or airport expansion would be located.

(b) The location and height of any trees, groups of trees, mounds of earth, buildings, or other structures within one thousand (1,000) feet of the proposed airport.

13.05.03 **Auto wash**

(a) All washing activities must be carried on within a building.

(b) Vacuuming activities shall not be conducted in any required yard and shall take place a minimum of one hundred (100) feet from any Residential District or use property line.

(c) Sufficient space shall be provided to accommodate all vehicle queuing on the property, so no vehicles are required to wait on an adjoining street to enter the site.

13.05.04 **Automobile service stations and repair facilities, including the selling of convenience goods, but not including body shops**

(a) There shall be a minimum lot width of two hundred (200) feet.

(b) Any main building shall be a minimum of one hundred (100) feet from a road/street right-of-way and a minimum of two hundred (200) feet from adjacent residential structures. If the adjacent properties do not contain residential structures, the use shall have side and rear yards of one hundred (100) feet each.

(c) Any outside storage area shall not exceed two thousand (2,000) square feet in area and shall be screened from view on all sides by a six (6) foot tall or greater solid, decorative fence or wall, or landscaped equivalent. The fence or wall shall be tall enough to screen the view of the contents of the storage area.

(d) In no event shall the use be conducted in a building in excess of three thousand five hundred (3,500) square feet.

(e) No articles or merchandise for sale shall be displayed on the lot or parcel utilized for the use outside of the main building.

13.05.05 **Banks, loan and/or finance offices, including drive through service**

Sufficient space shall be provided to accommodate all vehicle queuing on the property, so no vehicles are required to wait on an adjoining street to enter the site.

13.05.06 **Bed and breakfast inns**

(a) The dwelling in which the bed and breakfast is located shall meet all applicable codes and ordinances of the Township, County of Ottawa and State of Michigan.

(b) Floor plans drawn to scale of all floors to be utilized for bed and breakfast activities shall be submitted to the Planning Commission.

(c) The dwelling shall be suitable in character for the use proposed, shall not be cause for a change in character of the neighborhood and shall have a facade style consistent with surrounding main buildings.

(d) The dwelling shall be the permanent residence of the bed and breakfast operator. The bed and breakfast shall employ only those living in the house or up to one (1) additional employee.

(e) The dwelling shall be a single family dwelling with not more than eight (8) sleeping rooms available for guests of the bed and breakfast.

(f) The lot shall have frontage on a County Primary road.

(g) There shall be no separate cooking facilities provided for the bed and breakfast occupants. Meals, other than those served as a part of the normal operation of the household, shall be served only to occupants of the bed and breakfast inn.

(h) Occupancy shall be of a transient nature, for periods not to exceed four (4) weeks within a given one (1) year period.

13.05.07 **Body shops, automobile repair (major) facilities**

(a) The site shall be provided with suitable access to a paved County Primary road.

(b) No portion of any storage area shall be located within two hundred (200) feet of any Residential District or use property line.

(c) Any outdoor storage area shall be completely enclosed by a fence or wall at least six (6) feet in height constructed of a sturdy, durable material and sufficiently opaque to ensure that the stored material/vehicles are not visible from outside the storage area. The fence or wall shall be tall enough to screen the view of the contents of the storage area. The fence or wall shall be continuously maintained in good condition and shall contain only approved signs.

(d) Materials stored outdoors shall not be stacked higher than the height of the storage area fence or wall and shall be stored in a manner so as not to be visible from adjoining properties or rights-of-way. In no case shall material be stored at a height exceeding ten (10) feet.

(e) The fence or wall enclosing the storage area shall meet the setback requirements applicable to a main building.

(f) Conditions within the facility shall be controlled to minimize the hazards of fire and other threats to health and safety.

(g) All portions of the facility shall be accessible to emergency vehicles.

(h) Vehicle parts shall not be stored, loaded, unloaded, or dismantled outside the fence enclosing the storage area.

13.05.08 **Bowling alley**

(a) Lighting for parking areas or outdoor activity areas shall be shielded to prevent light from spilling onto any Residential District or use.

(b) Main buildings shall be set back a minimum of one-hundred (100) feet from any Residential District or use property line.

13.05.09 **Country clubs, golf courses, riding stables, and athletic grounds**

(a) The use shall be located on property with direct access to a public street.

(b) Any outdoor activity areas shall be set back a minimum of fifty (50) feet from any Residential District or use property line.

(c) Lighting for parking areas or outdoor activity areas shall be shielded to prevent light from spilling onto any Residential District or use.

(d) Buildings housing animals, storage equipment, or other similar buildings shall be located at least fifty (50) feet from any lot line.

13.05.10 **Farm markets**

(a) The standards of this subsection shall apply to farm markets that have ongoing retail sales as part of an agricultural operation. This subsection shall not apply to farms with sales and entertainment facilities, which shall be subject to Section 13.05.11; greenhouses and nurseries, which shall be subject to Section 13.05.13; and roadside stands, which shall be subject to Section 13.05.21.

(b) Farms markets shall have direct access to a paved major thoroughfare.

(c) The site plan shall show the intended use and location of all buildings, structures, growing areas, parking facilities, drives, pedestrian circulation, location of service areas for various facilities and transition plantings or screening.

(d) The retail portion of the site shall provide greenbelt landscaping along the road frontage meeting the requirements of ***Chapter 11, Landscaping***.

(e) Greenbelt tree plantings or other effective visual screening shall be provided where there are abutting residential uses within (200) feet of the lot line.

(f) All parking for retail uses shall meet the requirements of ***Chapter 9, Parking, Loading, Driveway Access, Private Roads and Bike Paths***.

13.05.11 **Farms with sales and entertainment facilities**

(a) The requirements of this subsection shall apply to farms with sales and entertainment facilities that are seasonal in nature such as cider mills, hay rides, haunted houses and corn mazes. This sub section shall not apply to farm markets, which shall be subject to Section 13.05.10; greenhouses and nurseries, which shall be subject to Section 13.05.13; and roadside stands, which shall be subject to Section 13.05.21.

(b) Farms with sales or entertainment facilities shall have direct access to a major thoroughfare.

(c) The site plan shall show the intended use and location of all buildings, structures, growing areas, parking facilities, drives, pedestrian circulation, location of service areas for various facilities and transition plantings or screening.

(d) Crop growing area of a depth of not less than two hundred (200) feet shall be provided on all sides of the property not abutting a roadway.

(e) Greenbelt tree plantings or other effective visual screening shall be provided where there is abutting residential uses within two hundred (200) feet of the lot line.

(f) All parking shall be provided outside of the road right-of-way.

(g) Hours of operation of any outdoor entertainment facilities shall be limited to reasonable hours.

13.05.12 **Funeral homes and mortuaries**

(a) Minimum lot area shall be one (1) acre with a minimum width of one hundred and fifty (150) feet.

(b) A well-designed and landscaped off-street vehicle assembly area shall be provided to be used in support of funeral procession activity. This area shall not obstruct internal circulation within the required off-street parking area or its related maneuvering space.

(c) A caretaker's residence may be provided within the main building.

(d) The proposed site shall front upon a paved County Primary street. All ingress and egress shall be from the thoroughfare.

13.05.13 **Retail operations for greenhouses and nurseries**

(a) Minimum lot width shall be two hundred (200) feet.

(b) The Planning Commission may require a six (6) foot tall or greater fence or wall to be constructed along the rear and/or sides of the lot to keep trash, paper, and other debris from blowing off the premises.

(c) All businesses shall comply with all applicable Health Department regulations regarding sanitation and general health conditions.

(d) The lot area used for parking for customers shall be paved with asphalt or concrete, provided the Planning Commission may permit a gravel surface in lieu of paving. The display or storage areas shall be provided with a permanent, durable, and dustless surface, and shall be graded and drained so as to dispose of all surface water.

(e) The storage or materials display areas shall meet all the yard setback requirements applicable to any building in the District.

(f) All loading activities and parking areas shall be provided on the same premises (off-street).

(g) The storage of any soil, fertilizer, or similar loosely packaged materials shall be sufficiently contained to prevent any adverse effect upon adjacent properties.

(h) No display area shall be located within ten (10) feet of a road right-of-way line.

13.05.14 **Kennels, including commercial kennels.**

(a) No kennel shall be approved or operated on a parcel of less than three (3) acres.

(b) Areas housing or exercising animals outdoors shall be located at least one hundred (100) feet from any property line of any adjacent Residential District or use.

13.05.15 **Machine shop**

(a) There shall be a minimum lot width of two hundred (200) feet.

(b) Any main building shall be a minimum of one hundred (100) feet from a road/street right-of-way and a minimum of two hundred (200) feet from adjacent residential dwellings. If the adjacent properties do not contain residential dwellings, the use shall have side and rear yards of one hundred (100) feet each.

(c) Any outside storage area shall not exceed two thousand (2,000) square feet in area and shall be screened from view on all sides by a six (6) foot or greater solid, decorative fence or wall, or landscaped equivalent. The fence or wall shall be tall enough to screen the view of the contents of the storage area.

(d) Any portion of a building containing the use shall not have loading doors, windows, or other similar openings facing an abutting Residential District or use. If openings are present, they shall remain closed at all times while any part of the business is in operation.

13.05.16 **Multiple-family dwellings**

(a) Trash receptacles used for any multiple family structures shall be fully enclosed by a minimum six (6) feet high, opaque decorative wall or fence.

(b) Parking areas shall have a front yard setback of twenty (20) feet and side and rear yard setbacks of ten (10) feet.

(c) Buildings shall be spaced a minimum of thirty (30) feet from each other.

(d) Lighting for parking areas or outdoor activity areas shall be shielded to prevent light from spilling onto any Residential District or use.

13.05.17 **Open air businesses**

(a) Minimum lot width shall be two hundred (200) feet.

(b) The Planning Commission may require a six (6) foot or greater fence or wall to be constructed along the rear and/or sides of the lot to keep trash, paper, and other debris from blowing off the premises. The fence or wall shall be tall enough to screen the view of the contents of the storage area.

(c) All open-air businesses shall comply with all applicable Health Department regulations regarding sanitation and general health conditions.

(d) The Planning Commission may require the permittee to furnish a performance guarantee in accordance with this Ordinance to insure strict compliance with any regulation contained herein and required as a condition of special land use approval.

(e) The lot area used for parking shall be paved with asphalt or concrete and the display or storage areas shall be provided with a permanent, durable, and dustless surface, and shall be graded and drained so as to dispose of all surface water.

(f) In the case of a plant materials nursery:

(1) The storage or materials display areas shall meet all the yard setback requirements applicable to any building in the District.

(2) All loading activities and parking areas shall be provided on the same premises (off-street).

(3) The storage of any soil, fertilizer, or similar loosely packaged materials shall be sufficiently contained to prevent any adverse effect upon adjacent properties.

(g) No display area shall be located within ten (10) feet of a road right-of-way line.

13.05.18 **Public or private campgrounds**

(a) The location of the campground in respect to whether the land is presently being utilized or is capable of being used for the production of agricultural crops;

(b) The location of the campground and lot in respect to whether it would interfere with, or substantially hinders, any existing or potential future farming operations or activity within the immediate area;

(c) No travel trailer, camper, motor home, manufactured home or tent shall be allowed to be occupied in the campground for more than six (6) months within a one (1) year period;

(d) The applicant shall secure all necessary permits from Township, County, State and Federal authorities.

13.05.19 **Excavation and Filling of Land (Updated June 2009)**

(a) Definitions. The following words, terms and phrases, when used in this Section shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

(1) *Activities* refers to the moving, removing, excavating, processing, mining, filling, dumping, and transporting Earth Materials that require special land use approval.

(2) *Earth Materials* means topsoil, subsoil, clay, sand, gravel, rock, stone, organic material and aggregate, earth or any other similar material proposed to be, removed, excavated, mined, filled, or deposited on land.

(3) *Pond* means an outdoor body of standing water, accumulated in a natural

or artificially constructed basin or depression in the earth, either above or below or partly above or partly below grade, capable of holding water to a depth of greater than two (2) feet when filled to capacity. This shall not be construed to be the same as a swimming pool, as regulated by Section 15.03.03 of this Ordinance.

(4) *Project* means any activity or operation relating to moving, removing, excavating, mining or dumping of Earth Materials.

(5) *Processing* means any washing, crushing, or similar processing of on-site material that does not inherently change the nature of the product.

(b) Special Land Use Approval Required.

(1) A Special Land Use shall be required before any person shall move, remove, excavate, mine, fill, or dump Earth Materials except as noted below.

a) A Special Land Use approval shall be required for the moving, removing, excavating, mining, filling or dumping of Earth Materials over three hundred (300) cubic yards except for the following activities and circumstances:

(i) the excavation and/or filling of an excavation for a foundation of a building, structure or other improvement for which a permit has been issued pursuant to the Township building code. The applicant shall indicate the origin of the fill material or for excavation, the destination of excavated material ; or

(ii) the landscaping of a lawn or yard, the construction or alteration of a driveway, the moving of Earth Materials in preparation for cultivation, or the construction of subdivision improvements; or

(iii) the creation or cleaning of a pond provided that not more than 10,000 cubic yards of earth materials may be moved or removed. The following standards shall apply to the creation or cleaning for ponds:

1. The creation or cleaning of ponds shall occur in the EAG, AG, or R-1 district only.
2. The area of the principal and accessory buildings, and pond, shall not exceed fifty (50) percent of the gross lot area.
3. A sketch plan is required in accordance with Article 12 and shall be reviewed administratively.
4. The Zoning Administrator shall utilize the standards of Section 13 (b) (19) for review and approval. A decision of the Zoning Administrator may be conditioned upon the applicant receiving approvals

from the Ottawa County Health Department, Drain Commission, and/or Michigan Department of Environmental Quality, if and when applicable.

5. The applicant shall adhere to the applicable Operations Standards, as determined by the Zoning Administrator, in Section 13 (g) items 1-30.
6. Creation or cleaning of a pond and site restoration shall not exceed a period of six (6) consecutive months.

b) A Special Land Use approval shall be required should the Activities noted in subparagraphs (i) through (iii) above exceed ten thousand (10,000) cubic yards.

(2) The cubic yard capacities cited in subsection (1) a) and b) above are measured by including previous and prospective activities on the parcel.

(3) If Earth Materials are to be moved, removed, excavated or mined at one parcel of land in the township and filled or dumped at another parcel of land in the township, individual permits will be required for each site, as required by this Ordinance.

(4) Application requirements. In addition to the requirements of Section 13.02, any person or firm requiring special land use approval shall submit the items listed in (5) through (13) below, to the Zoning Administrator.

(5) Application form. The applicant shall submit a completed permit application form provided by the Zoning Administrator.

(6) Plan Narrative. The applicant shall submit a narrative covering a time period from the current year to completion of all Activities, including:

a) A description of materials including quantities of each to be mined; and the methods of mining, moving, processing, loading and transporting materials on and from the site;
b) Identification of and proposed sequence in which cells will be mined;
c) The estimated dates for completion of the restoration and reuse of cells;
d) The measures to be taken to:

i. control noise;
ii. control wind-blown minerals, dust/dirt or sand; and erosion;
iii. control access and prevent trespassing to the site;
iv. prevent waste accumulation;
v. prevent stagnant water;
vi. preserve existing vegetation;

e) A description of the requested hours of each operation;
f) If mined materials will be shipped off-site by truck;
i. A description of the type and weight of trucks (when loaded) used;

ii. Number of trucks leaving the site per day, and
iii. Route through the township to be used by trucks leaving the site.

g) A description of any other significant aspect of the proposed Activities;

h) A description of the impact of the proposed Activities upon existing Activities in the township.

(7) Hydrogeological report. If it is determined that the Activities may have an effect on adjacent wells or area water tables, the Planning Commission may require that the applicant submit a current hydrogeological report. This report shall be prepared by a Licensed Professional Engineer, Geologist and/or environmental consultant (herein after referred to as applicant's "Professional Contractor"). The Professional Contractor shall supply a certificate of its professional liability coverage. The report shall contain the following minimum information:

a) A full determination of groundwater flow across site. The Hydrogeological report shall define the effect that the proposed Activities may have on the local groundwater regimes surrounding its property and any adjacent properties.
b) Counter Measures: If the groundwater quality or flow would be detrimentally affected by the proposed operation, the applicant shall submit a supplemental report disclosing proposed means by which the detrimental affects would be ameliorated. The report will contain at a minimum:

1) The direct effect on the local surface water and groundwater regimes.
2) Any proposed structural containment.
3) Engineering diagrams of the structural containment drawn to scale.

(8) Site Plan. The applicant shall submit a site plan (drawing) prepared by a registered engineer or land surveyor, is dated, sealed, and signed, and is on a scale of one (1) inch = one hundred (100) feet, containing the information required by Section 12.03 for a Preliminary Site Plan. The following information shall also be provided:

a) Existing elevations at five (5) foot contours;
b) Driveways and on-site service roads;
c) The location of proposed fences, gates, signs, and parking areas;
d) The location of proposed fixed mining, processing, and loading equipment or structures;
e) The boundaries of the lot or lots for which a permit is sought;
f) The boundaries of adjacent properties within two hundred (200) feet of the lot boundaries;
g) The boundaries of the area proposed to be mined, with mining cells numbered and cell boundaries indicated and cell acreage indicated; and completed, interim, active and future cells;
h) Setback lines as required by this Ordinance;
i) The boundaries of proposed man-made lakes, and an indication of the

existing acreage of surface area.

j) The location, slope and height of any proposed stockpiles.

(9) Soil Erosion Study: A Soil Erosion Study which shall, at a minimum, contain the following:

a) A soil erosion permit issued by Ottawa County to the extent required by Part 91 of the Michigan Natural Resources and Environmental Protection Act.

b) A Storm Water Pollution Prevention Plan (SWPPP) to the extent required by the Federal Clean Water Act.

(10) Wetland Impact Study: The applicant shall submit a current wetland identification and/or delineation report detailing the presence of wetland conditions on the site and, as appropriate, their status as regulated or un-regulated. The wetland report shall include any applications for permit or copies of permits as required or issued by the MDEQ.

(11) Site Restoration Plan. The applicant shall submit a restoration plan drawing, prepared by a registered engineer or land surveyor, dated, sealed and signed, and on a scale of one (1) inch = one hundred (100) feet, and containing the information required by Section 12.03 for a Preliminary Site Plan. The following information shall also be provided:

a) The locations of post-mining structures and land improvements, if any;

b) Post-mining elevations at five (5)-foot contours;

c) Post-mining driveways and on-site service roads;

d) The location of any recorded easements or rights-of-way;

e) The location of any post-mining fences, gates, signs, and parking areas;

f) The boundaries of the lot or lots for which a permit is sought;

g) The boundaries of adjacent properties within two hundred (200) feet of the lot boundaries;

h) The boundaries of the land area that has been or is in the process of being restored, and an indication of the acreage;

i) The boundaries of the land area being mined, and an indication of the acreage;

j) Setback lines as required by this Ordinance;

k) The boundaries of any man-made lakes, and an indication of the acreage of surface area;

l) A complete narrative description of:

1) The materials and methods proposed to restore the topsoil, and the amount and type of plants or landscaping proposed to restore the finished elevations;

2) The schedule of restoration activities from the permit application year to completion, including the starting and completion of final grading, topsoil replacement, and planting or landscaping, by cell;

3) An estimate of the current costs to complete the restoration of each cell, and a total for all cells; and

4) A schedule and estimate of current costs for removal from the site

of all structures, equipment, and other items.

(12) Site Reuse Plan. For operations which will result in an excavation exceeding fifty thousand (50,000) cubic yards, the applicant shall submit a reuse plan (drawing) The reuse plan shall not be binding upon either the applicant or the Township and shall not constitute either an application for or approval by the Township of any zoning application. The reuse plan shall be dated, sealed, and signed, and have a scale of one (1) inch = one hundred (100) feet, and shall include the information required by Section 12.03 for a Preliminary Site Plan. The following information shall also be provided:

a) Final elevations at five (5)-foot contours;
b) A complete narrative description of:

1) Proposed land use or uses, which is or are compatible with the Blendon Township Master Plan.;
2) An estimate of the water and sanitary sewer use factors for the proposed land uses;
3) An estimate of the current costs to extend water mains, sanitary sewer mains, and storm water drainage facilities, with appurtenances, to the site in sufficient capacities to serve the proposed use;
4) The proposed schedule for implementing the proposed uses (described in 1) above.

(13) Fees. The applicant shall submit an application and fee pursuant to the fee schedule as determined by the Township Board.

(14) Number of Copies; Form; Date of Submission. An applicant for a Permit shall submit (12) copies of all materials to the Township Zoning Administrator at least sixty (60) days prior to the proposed date of commencement of operations, or at least (90) days prior to the expiration of any previously issued mineral mining permit. An incomplete submittal shall be returned to the applicant. An applicant is encouraged to review a draft submittal with the Zoning Administrator prior to submitting the application. The Zoning Administrator shall provide one (1) copy of the application to the Planning Commissioners and one (1) copy of the application to the Ottawa County Road Commission within seven (7) days following filing.

(15) The applicant shall disclose with the application all of the required County, State and Federal permits as outlined within this submission.

(16) Initial Review and Report. Upon receiving a complete application for a Permit, the Zoning Administrator shall review the application for compliance with the requirements of this Ordinance and report his findings to the Planning Commission.

(17) Notice of Hearing. The Township Clerk shall schedule a public hearing on the application by the Planning Commission in accordance with the requirements of Section 13.02.03. Notice of the public hearing shall also be mailed to the Ottawa County Road Commission. The public hearing may be adjourned by the Planning

Commission for good cause.

(18) Additional Information; Planning Commission Review. After the public hearing, the Planning Commission may request additional information from the applicant.

(19) Standards for Review of Permit Applications. The following are the standards for the Planning Commission's review of permit applications in addition to the Standards of Section 13.03:

a) the applicant's compliance with the operations, maintenance, performance, reclamation, and reuse standards;
b) the impact of the Activities on adjacent property;
c) the impact of the Activities on the groundwater under the mining site and under adjacent properties;
d) the potential for the creation of any public or private nuisance;
e) the adequacy of the plan for restoration and/or reuse of the site after the Activities are completed;
f) the spirit and intent of the Blendon Township Master Plan being preserved and promoted by the reuse plan;
g) the reasonableness of the applicant's schedule for completion of the Activities, completion of restoration of the mining site, and commencement of reuse of the restored site;
h) special conditions which may need to be imposed, including, but not necessarily limited to those necessary to:

1) eliminate or mitigate any potentially adverse impacts upon adjacent property, on public services or facilities, or on the natural environment;
2) conserve natural resources or energy;
3) ensure that mineral operations will not create a nuisance or unreasonably interfere with the enjoyment of life or property;
4) otherwise to protect the public health, safety and welfare.

(c) Performance Guarantee.

(1) Performance guarantee required; contents. Each applicant for a Permit for whom a Permit has been authorized by the Planning Commission shall submit to the Township Clerk a performance guarantee in compliance with the requirements of Section 17.13. The performance guarantee shall name the Township as the beneficiary. The performance guarantee shall be conditioned upon the prompt and complete compliance by the applicant with all terms of this Ordinance and with the terms and conditions of a mineral mining permit issued in accordance with this Chapter.

(2) Amount.

a) The amount of the required performance guarantee shall be established by the Planning Commission considering the prevailing cost to complete restoration of the site, the complete removal of all mining, moving, processing and loading equipment

and any other equipment if the permittee terminates the operations, and other reasonable expenses.

b) The Planning Commission shall also consider the amount of any performance guarantees which an applicant may have provided to the MDEQ or other public agency which guarantees completion of any of the work described in this subsection.

c) The Zoning Administrator shall not issue a Permit until the Township has received the required performance guarantee as described in this subsection.

d) Special assessment. If the performance guarantee submitted in accordance with this subsection is insufficient to pay for the costs for restoration of a site, or to pay for the costs for removal of all mining, moving, processing, loading and transportation equipment, or to pay for the Township's other reasonable expenses, then any of the costs not covered by the performance guarantee may be reported to the Township as a special assessment upon the premises owned by the permittee, subject to the requirements pertaining to special assessments.

(d) Term of Permit. Each permit issued by the Zoning Administrator in accordance with this subsection shall be valid for a period of up to three (3) years from the date of issuance stated on the permit.

(e) Transferability. A permit issued pursuant to this subsection may be transferred, provided a written request for transfer and a written acceptance by the new permittee are submitted to the Township.

(f) Permit Renewal. Permit renewal application requirements: If an operator with a valid permit issued in accordance with this Section desires to continue any operations beyond the stated expiration date of the permit, the operator shall submit to the Zoning Administrator a completed mineral mining permit application form, reports and fees provided by the Zoning Administrator, which shall be the same form as described in (b), above.

(g) Operations Standards.

(1) Access. Each site shall have at least one (1) access to a public road. Each driveway serving a site shall meet applicable Township standards for driveways in Chapter 9. Driveways leading to a site shall be secured to prevent unauthorized access during non-operating hours.

(2) Burning. Intentional burning on any site shall comply with the requirements of any applicable Township ordinances.

(3) Clay Aquitard. An operator of a site shall not disturb in any manner any clay aquitard underlying the mineral formations which are being mined. An operator of a site shall be permitted to mine or to otherwise disturb clay lenses within mineral formations which are being mined, so long as those clay lenses are not contiguous to a clay aquitard.

(4) Driveways and on-site Roads. An operator of a site will control dust on any unpaved driveway or road on the site. As a minimum, the first seventy-five (75) feet of any driveway to a site from a public road regularly used in the course of Activities shall be paved constructed with a hard surface adequate to clear exiting vehicles of excess tire debris. Surface materials to be used shall be specified on the site plan. The permittee shall be responsible for removal of any materials which fall from trucks onto public streets, without requiring any notice or request from the Township.

(5) Erosion. An operator of a site shall make provisions to prevent the blowing of sand or dust which would be a nuisance to adjacent public or private property. Vegetation indigenous to the undisturbed portion of a cell shall not be removed prior to commencement of Activities in that cell unless the vegetation removal maintains the ground cover and topsoil within the cell in stable condition.

(6) Fencing. Except for fencing installed as of the effective date of this Ordinance, a fence at least five (5) feet high and of a type to discourage and impede unauthorized entry shall be erected around all areas of a site where slopes exceed 3:1 and around any other hazardous areas within a site, or as may be required by the Zoning Administrator.

(7) Glare. Any lighting associated with Activities shall be directed away from adjacent property so as to avoid as nearly as possible the direction of glare onto adjacent property.

(8) Noise. At no point on the boundaries of a site shall the sound pressure level of a sound emanating from any mineral mining equipment, any mineral moving equipment, any mineral processing equipment, and any mineral loading equipment exceed 70 dB(A), except for warning devices emitting sound for warning purposes as required by law.

(9) Only that equipment which has been authorized specifically through the permit process of this subsection is permitted on a site. In order to add equipment after a permit has been issued, the permittee shall notify in writing the Zoning Administrator at least (30) days prior to the planned placement of the equipment. The Zoning Administrator may authorize the placement of the equipment, unless he believes the proposed equipment would result in a significant, material, and substantial change in the permitted Activities, in which case he may refer the request to the Planning Commission for approval or disapproval. Thereafter, the permittee shall not install the proposed equipment until the Planning Commission authorizes the installation.

(10) Screening. Residential uses and public streets adjacent to a site shall be screened from Activities with a minimum six (6)-foot high screen. Acceptable screening methods are raised earth berms, coniferous trees, fences which provide eighty percent (80%) solid visual barrier, and natural topography. The Planning Commission may determine that setbacks from property lines, existing landscaping, or other measures are

acceptable means to fulfill the screening requirement.

(11) Setbacks.

Type of Operation or Equipment	Setbacks (in feet) From:	
	Property Lines	Public Streets
Mining	50	100
Moving	50	50
Processing*	300	300
Loading*	300	300
Includes only those structures and equipment which remain on the site for the duration of the mining or removal Processing equipment in place as of the effective date of this Ordinance are not included. Setbacks of existing processing equipment shall not be reduced.		

(12) Signs. Any sign on a site shall comply with Township sign regulations applicable to the District in which it is located.

(13) Slopes.

a) Any site shall have slopes restored as follows:

1) surface slopes: minimum three (3) feet horizontal/one (1) foot vertical;
2) subsurface slopes:

a. minimum four (4) feet horizontal/one (1) foot vertical from water's edge to six (6) feet deep;
b. minimum one (1) foot horizontal/one (1) foot vertical beyond six (6) feet deep.

b) The Planning Commission may modify these requirements to allow steeper restored surface slopes, provided the permittee can demonstrate that steeper surface slopes would provide a more orderly transition to undisturbed topographic features.

(14) Structures. Any existing or new structure, or any addition thereto, on a site must comply with applicable Township building codes and ordinances.

(15) Surface mining. Any surface mining activity shall comply with applicable state regulations.

(16) Truck traffic. Trucks used to ship materials from the mining site shall follow a route designated by the Planning Commission that poses the least interference with other traffic.

(17) Vegetation existing. Vegetation existing on a mining site shall not be removed preparatory to mining so as to expose the surface to erosion. On-site burial of existing vegetation is prohibited.

(18) Waste.

a) No trash, rubbish, junk, refuse of any kind, inoperable vehicles or equipment, building materials, or unwholesome substances shall be permitted to accumulate at any mining site, unless contained in a dumpster or, in the case of inoperable vehicles or equipment, unless they are housed within a building or structure, or are enclosed completely by an opaque fence which is erected and maintained in compliance with Township ordinances.

b) Building materials on a mining site to be used as part of construction on the site for which a Township building permit has been issued are not considered waste.

(19) Water body creation. Any body of water resulting from Activities shall not be permitted to become stagnant. Final underwater slopes shall be as required above. Beyond the intercept of submerged slopes, the minimum depth of such a body of water shall be ten (10)feet. Unless the Planning Commission finds that a lesser depth is possible that will be permit water to become stagnant, using such methods as aeration or other means. Creation of a body of water shall also comply with state regulations.

(20) Monitoring Well Report. The Applicant shall cause to be filed with the Township Clerk an annual report by the applicant's Professional Contractor showing changes in the information previously reported pursuant to this Ordinance or in the previous annual report. The annual report shall be filed not earlier than thirty (30) days prior to and not later than an anniversary date of a permit.

(21) Administration and enforcement fee. The permitee shall pay to the Township a fee equal to five (5) cents per cubic yard of materials mined on a monthly basis to finance the administration and enforcement of this Ordinance. Payment of the fee may be waived by the Township Board. A permitee shall provide a monthly report no later than the fifteenth (15th) day of each month stating the amount of Minerals mined during the previous calendar month.

(23) Activities shall not cause surface water to collect or run off onto adjoining lands contrary to normal and natural drainage patterns.

(24) Activities shall not result in off-site fugitive dust, grime, or soil. The operator shall comply with dust control measures required by the Planning Commission.

(25) All fill shall be properly compacted to ensure a stable surface and to prevent settling.

(26) Activities shall comply with the Soil Erosion and Sedimentation Part 91d, Public Act 451 of the Public Acts of 1994.

(27) Except to the extent specified by the Planning Commission Activities shall be conducted only within the following times:

April 1 through October 31	7 a.m. to 6 p.m. Monday through Friday
	7 a.m. to 1 p.m. Saturday
November 1 through March 31	8 a.m. to 5 p.m. Monday through Friday
	8 a.m. to 1 p.m. Saturday

(28) Activities shall not result in the spread of dirt, mud, or other debris on the public road or drainage system.

(29) Fill Operations shall meet or exceed the minimum "clean" levels identified by the Michigan Department of Environmental Quality. and the United States Environmental Protection Agency considering the range of uses provided in the underlying zone district. In no case shall fill material present an environmental hazard or be classified by the State of Michigan or United States Environmental Protection Agency as environmentally unsafe or as a hazardous material. In all instances, the Planning Commission may require written analysis and certification regarding the composition of all fill material. All analysis shall be conducted and certified by a independent testing laboratory as approved by the Zoning Administrator.

(30) Except to the extent provided by the Planning Commission, activities (including the parking and use of equipment) shall not be conducted within fifty (50) feet of the lot lines of the parcel.

(h) Restoration Requirement.

(1) Reclamation and Restoration. Within twelve (12) months after the termination of Activities, the permittee shall have completed the following:

a) restoration of the mining site in accordance with the last restoration plan submitted by the permittee and approved by the Township; and
b) the removal of all stockpiles and equipment, above or below ground, or in, on, over or under water.

(2) Restoration plan. Any required restoration plan shall provide for restoration of the surface with compatible vegetation at twenty four (24) inches on center with appropriate fertilizer, or an approved compatible alternate, to within ten (10)feet of any water body that may be created. Any required restoration plan shall provide for restoration of above-surface and below-surface slopes as required by this Ordinance. No restoration of a mining site, including any filling, is permitted except in accordance with a permit issued pursuant to this subsection. Restored areas of a mining site shall be maintained by the permittee for at least one (1) year.

(3) Reuse Requirements. Each applicant for a Permit shall submit a reuse plan for each mining site, in accordance with the requirements of this subsection.

(i) Right of Entry. The Zoning Administrator and other Township representatives shall have the right to enter and to inspect a permitted mining site at all reasonable times for purposes

of monitoring compliance with this ordinance and with the terms of any Permit issued pursuant to this ordinance.

(j) Noncompliance; Permit Revocation; Appeals.

(1) If the Zoning Administrator determines any instance of noncompliance with the terms of this Ordinance or with the terms of a Permit issued pursuant to this Ordinance, he shall notify the permittee in writing of the instance or instances of noncompliance, and shall give the permittee thirty (30) days to comply with the terms of this Ordinance and Permit.

(2) If a permittee has not brought the operations into compliance, the Zoning Administrator shall deliver to the permittee at the local business address listed on the permit a notice of revocation of the Permit. Upon receipt thereof, the permittee shall promptly cease all Activities until the entire operation is brought into compliance as requested.

(3) If a permittee disagrees with a determination of the Zoning Administrator, a permittee may obtain a redetermination of the facts and the Ordinance from the Township Supervisor. A permittee shall file an application for redetermination with the Township Supervisor no later than thirty (30) days after the determination of the Zoning Administrator was delivered or mailed to the permittee. A record shall be made of the redetermination hearing. A permittee who is aggrieved by the redetermination of the Township Supervisor may appeal the redetermination by filing an appeal with the Circuit Court of Ottawa County no later than thirty (30) days after the date that the redetermination was delivered or mailed to the permittee. On appeal, the Circuit Court shall review the record and the decision of the Township Supervisor to insure that the decision: (1) complies with the laws of the state; (2) is based upon proper procedure; (3) is supported by competent, material, and substantial evidence on the record; and (4) represents the reasonable exercise of discretion by the Township Supervisor.

13.05.20 **Restaurants, including drive through service**

(a) Parking areas shall be set back a minimum of twenty five (25) feet from any Residential District or use property line.

(b) Sufficient space shall be provided to accommodate all vehicle queuing on the property, so no vehicles are required to wait on an adjoining street to enter the site.

13.05.21 **Roadside stands**

(a) Only produce grown by the farm on which the roadside stand is situated shall be sold.

(b) The Planning Commission may require a six (6) foot or greater fence or wall to be constructed along the rear and/or sides of the area used for the roadside stand to keep trash, paper, and other debris from blowing off the premises.

(c) All businesses shall comply with all applicable Health Department regulations regarding sanitation and general health conditions.

(d) Parking for customers shall be off-street.

(e) Ingress and egress shall be provided as far as practicable from two (2) intersecting streets and shall be at least one hundred (100) feet from the nearest part of any street intersection.

(f) No display area shall be located within ten (10) feet of a road right-of-way line.

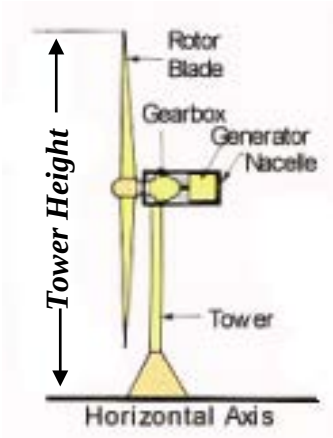
13.05.22 **Utility and public service buildings, without storage yards, but not including essential public services such as poles, wires, and underground utility systems**

(a) Any building shall be generally compatible, with respect to materials and color, with the surrounding neighborhood.

(b) Any building shall comply with the setback requirements of the District in which it is located.

13.05.23 **Wind Energy Conversion Systems (WECS).**

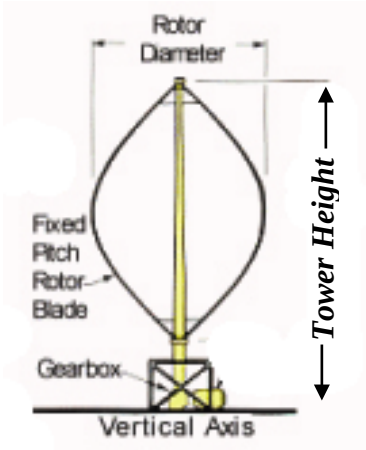
(a) Purpose and Intent. The purpose of this subsection is to establish standards and procedures by which the installation and operation of WECS shall be governed within the Township.



(b) Definitions:

(1) Interconnected WECS: A WECS, which is electrically connected to the local electrical power utility system and could feed power back into the local electrical power utility system.

(2) Survival Wind Speed: The maximum wind speed, as designated by the WECS manufacturer, at which a WECS, in unattended operation (not necessarily producing power) is designed to survive without damage to any structural equipment or loss of the ability to function normally.



(3) Tower Height

a. Horizontal Axis Wind Turbine Rotors: The distance between the ground and the highest point of the WECS, as measured from the ground, plus the length by which the rotor blade on a horizontal mounted WECS exceeds the structure which supports the rotor and blades;

b. Vertical Axis Wind Turbine: The distance between the ground and the highest point of the WECS.

(4) Wind Energy Conversion System (WECS) - shall mean a combination of:

a. A surface area, either variable or fixed, for utilizing the wind for electrical powers; and

b. 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; and

c. The generator, alternator, or other device to convert the mechanical energy of the surface area into electrical energy; and

d. The tower, pylon, or other structure upon which any, all, or some combination of the above are mounted.

(5) Wind Farm: Clusters (2 or more) of WECS towers placed upon land with the intent to sell or provide electricity to others. Said towers may or may not be owned by the owner of the property upon which the towers are placed.

(6) Single WECS for Commercial Purposes: A WECS tower placed upon land with the intent to sell or provide electricity to others. Said tower may or may not be owned by the owner of the property upon which the tower is placed.

(7) WECS Testing Facility: A structure and equipment used to determine the potential for the placement of a WECS.

(c) Applicability

(1) Wind Farms, Single WECS for Commercial Purposes, and WECS Testing Facilities: Wind energy conversion systems as “wind farms”, single WECS for commercial purposes, and WECS Testing Facilities associated with the commercial application of WECS may be allowed as a Special Land Use within the EAG - Exclusive Agricultural District, AG - Agricultural Preservation District and R-1 - Rural Agricultural District of the Township, subject to the regulations and requirements of this section and the review procedures and standards/criteria of Chapter 13 of this Zoning Ordinance.

(2) Single WECS for On-Site Service Only: Single WECS applications of wind energy conversion systems, including WECS Testing Facilities, to serve the energy needs of the property owner may be allowed in any zoning district as a Special Land Use, provided the property upon which the system is to be located is at least two and one-half (2-1/2) acres in size and subject to the regulations and requirements of this section and the review procedures and standards/criteria of Chapter 13 of this Zoning Ordinance.

(d) Site Plan Drawing. All applications for a WECS special land use permit shall be accompanied by a detailed site plan drawn to scale and dimensioned, displaying the following information:

(1) Lot lines and dimensions.

(2) Location and height of all buildings, structures, towers, guy wires, guy wire anchors, security fencing, and other above ground structures associated with the WECS.

(3) Locations and height of all adjacent buildings, structures, and above ground utilities located within three hundred (300) feet of the exterior boundaries of the site housing the WECS and/or Testing Facility. The boundaries to include the outermost locations upon which towers, structures, fencing, facilities, and other items associated with a WECS are placed. Specific distances to other on-site buildings, structures, and utilities shall be provided.

(4) Existing and proposed setbacks of all structures located on the property in question.

(5) Sketch elevation of the premises accurately depicting the proposed WECS and its relationship to all structures within three hundred (300) feet. For wind farms in which case numerous towers of similar height are planned, sketches are necessary only at borders of proposed project and when adjacent to other established structures within three hundred (300) feet.

(6) Access road to the WECS and Testing Facility with detail on dimensions, composition, and maintenance.

(7) Planned security measures to prevent unauthorized trespass and access.

(8) WECS and Testing Facility Maintenance Programs – Provide a description of the maintenance program used to maintain the WECS and Testing Facility, including removal when determined to be obsolete.

(9) Additional detail as required by the requirements of this section.

(e) Compliance with National Building Code. A copy of the manufacturer's installation instruction shall be provided. Included as part of or as an attachment to the installation instructions shall be standard drawings of the structural components of the wind energy conversion system and support structures, including base and footings provided along with engineering data and calculations to demonstrate compliance with the structural design provisions of the National Building Code as adopted by the Township; drawings and engineering calculations shall be certified by a registered engineer licensed to practice in the State of Michigan.

(f) Compliance with National Electrical Code. WECS and Testing Facility electrical equipment and connections shall be designed and installed in adherence to the National Electrical Code as adopted by the Township. A copy of manufacturers installation instruction shall be provided.

(g) Design Standards.

(1) Height. The permitted maximum height of a WECS and Testing Facility shall be two hundred and fifty (250) feet. Towers shall be required to be less than two hundred and fifty (250) feet in height under the following circumstances:

a. Towers near property lines shall be required to be less than two hundred and fifty (250) feet in height through use of the formula of one (1) foot of

height permitted for every two (2) foot of horizontal distance between the closest property line to the base of the WECS system.

b. State or federal regulations may require a lesser height.

c. As part of special land use review a determination is made that tower heights of a lesser height would be more appropriate for a certain area of the township.

(2) Setbacks. No part of a WECS or Testing Facility (including guy wire anchors) shall be located within or above any required front, side or rear yard setback. WECS towers shall be setback from the closest property line two (2) feet for every one (1) foot of system height. WECS and Testing Facilities shall not be located within thirty (30) feet of an above ground utility line.

(3) Rotor Clearance**.** Blade-arcs created by the WECS shall have a minimum of thirty (30) feet of clearance over any structure, land or tree within a two hundred (200) foot radius of the tower.

(4) Rotor Safety. Each WECS shall be equipped with both a manual and automatic braking device capable of stopping the WECS operation in high winds (40 MPH or greater).

(5) Tower Access. To prevent unauthorized climbing, WECS and Testing Facility towers must comply with one of the following provisions:

(6) Tower climbing apparatus shall not be located within twelve (12) feet of the ground.

a. A locked anti-climb device shall be installed on the tower.

b. Tower capable of being climbed shall be enclosed by a locked, protective fence at least six (6) feet high.

(7) Signs. Each WECS and Testing Facility shall have one sign, not to exceed two (2) square feet in area posted at the base of the tower. The sign shall contain the following information:

a. Warning high voltage.

b. Manufacturer's name.

c. Emergency phone number.

d. Emergency shutdown procedures.

(8) Lighting. WECS and Testing Facilities shall not have affixed or attached any lights, reflectors, flashers or any other illumination, except for illumination devices required by Federal regulations.

(9) Electromagnetic Interference. WECS and Testing Facilities shall be designed and constructed so as not to cause radio and television interference.

(10) Noise Emissions. Noise emanating from the operation of WECS and Testing Facilities shall not exceed fifty (50) decibels, as measured on the DBA scale,

measured at the nearest property line. Estimates of noise levels shall be provided by applicant for property lines for normal operating conditions.

(11) Utility Company Interconnection (Interconnected WECS). 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.

(h.) Ornamental Wind Devices. Ornamental wind devices that are not a WECS shall be exempt from the provisions of this Section.

(i) Inspection. The Township hereby reserves the right upon issuing any WECS and Testing Facility special land use permit to inspect the premises on which the WECS is located. If a WECS is not maintained in operational condition and poses a potential safety hazard, the owner shall take expeditious action to correct the situation.

(j) Abandonment. Any WECS and Testing Facilities which are not used for six (6) successive months shall be deemed abandoned and shall be dismantled and removed from the property at the expense of the property owner. The Township may require a performance guarantee in accordance with the provisions of Section 17.13 to ensure enforcement of this requirement.

13.05.24 **Planned Unit Development (PUD)** (Amended effective 6/12/08)

(a) Intent

(1) Planned Unit Developments are promoted as Special Land Uses in Blendon Township as a way for the Township to encourage high quality development with an emphasis on enhanced architectural and site design, landscaping, pedestrian, motorized and non-motorized activities. The developer may expect a cooperative working relationship with the Township by receiving relief from typical Zoning Ordinance standards, such as setbacks and parking requirements.

(2) Planned Unit Developments (PUDs) may be established as a Special Land Use when approved by the Planning Commission in accordance with the procedures specified in this Chapter. It is the intent of this subsection to:

a. Provide for flexibility in the regulation of land development;

b. Provide a more desirable living environment by preserving the character of the Township and by protecting open fields, stands of trees, lakes, streams, hills, wetlands, and similar natural assets.

c. Encourage innovation in land use and variety in design, layout, and type of buildings and structures;

d. Achieve economy and efficiency in the use of land, natural resources, energy, and the provision of public services and utilities;

e. Encourage the use of land in accordance with its character and adaptability.

f. Encourage useful open space; and

g. Create better living environments by the creative design of residential development in a cohesive, planned project.

(3) In order to accomplish this intent, a PUD approval permits the relaxation of the conventional requirements found in the Zoning Districts. The use of land and the construction and use of buildings and other structures as PUDs shall be in conformance with the procedures, standards, requirements, and conditions for eligibility contained in this subsection.

(b) Qualifying Conditions: Any development that fails to meet the following qualifying conditions, at a minimum, shall not be considered for a special land use:

(1) The PUD site shall not be less than twenty (20) acres of fully contiguous property not separated by a public road, railroad, or other similar feature or barrier.

a. The Planning Commission may consider a PUD on lesser acreage if it is clear that the proposed PUD substantially promotes the intent of a PUD as stated above.

b. In addition, the Planning Commission may consider a PUD with property that may be separated by a public road, railroad, or other feature or barrier if the PUD applicant can demonstrate why the separation would not restrict their ability to develop a cohesive PUD.

(2) The PUD may be in any District, except for the EAG, Exclusive Agricultural, LI, Light Industrial, and MHP, Manufactured Home Park Districts.

(3) The PUD may contain a mixture of land uses, including residential and nonresidential uses, as permitted by this subsection, or may consist of a single use residential development, e.g. only single family residential uses, or only multiple family residential uses.

(4) The PUD shall be served by public water and sanitary sewer facilities or other approved community wastewater or water system. For lots not served by public water and sanitary sewer the Planning Commission may allow a common engineered drainfield or similar common system, provided the system shall be approved by the County Health Department and other applicable agencies, and the Township is provided with a mechanism in a form approved by the Township Attorney to fund the long-term maintenance of the system.

(5) The tract of land for which a PUD application is received shall be either in one (1) ownership, filed jointly by the owners of all properties or through option agreements relating to the property in question.

(6) The PUD shall provide for integrated, safe and abundant pedestrian access and movement within the PUD and to adjacent properties.

(7) The PUD should provide for coordinated and innovative architectural styles, building forms and building relationships.

(8) The PUD should provide for enhanced landscaping within the development. Examples include efforts to preserve the natural landscape, tree lined streets, decorative landscaping around structures and focal landscape areas.

(c) Uses: The following uses are provided for within a PUD.

(1) Any residential use permitted by right or as a Special Land Use in the R-1, R-2, or R-3 Districts, provided that two-family and multiple family dwellings shall make up no more than forty percent (40%) of the total number of residential dwelling units;

(2) The Planning Commission may permit any Uses Permitted or any Special Land Use in the C-1 District, provided that:

a. Commercial uses that relate to the project shall not occupy an area greater than fifteen percent (15%) of the total land area included in the PUD.

b. Prior to the construction of any part of the commercial uses, at least thirty percent (30%) of the residential dwelling units in the PUD must be constructed and available for occupancy.

c. The applicant demonstrates that the proposed nonresidential uses would enhance the development and be compatible with surrounding and nearby uses.

(3) All individual Special Land Uses proposed within the PUD shall comply with the applicable provisions of Section 13.05.

(4) The residential component of the PUD may also utilize the open space cluster development option provided in Chapter 4 of this Ordinance, provided that all regulations applicable to that option are met.

(d) Development Regulations

(1) The submitted preliminary or final site plan shall show any planned deviations from the lot size, lot width, setback, height, lot coverage, parking or sign regulations, or any other requirement of this Ordinance related to the Zoning District(s) in which the PUD is to be located.

(2) Residential Density: The number of dwelling units allowable within a PUD shall be determined through preparation of a parallel plan.

a. The applicant shall prepare, and present to the Township for review, a parallel plan for the project that is consistent with State, County and Township requirements and design criteria for a tentative preliminary

plat.

b. The parallel plan shall meet all standards for lot width and setbacks as normally required by the underlying zoning district, public roadway improvements and contain an area which conceptually would provide sufficient area for storm water detention.

c. The Planning Commission shall review the design and determine the number of lots that could be feasibly constructed with the underlying zoning following the parallel plan and would constitute a plan that the Township would normally approve using the underlying Zoning District requirements. This number of units as determined by the Planning Commission, shall be the maximum number of dwelling units allowable for the PUD.

(3) All Zoning Ordinance regulatory modifications (e.g.- setbacks) shall be individually approved through a finding by the Planning Commission that the deviation shall result in a higher quality of development than would be possible using the requirements otherwise imposed by this Ordinance.

(4) Regulatory modifications shall not be required to receive variance approvals by the Zoning Board of Appeals. However, this provision shall not take the place of the requirement for an individual lot owner to seek a variance for individual lot development requirements (e.g. - a residential detached garage variance related to setbacks) following final approval of the PUD, provided the variance does not involve alterations to open space areas or other major elements of the approved PUD site plan.

(5) A table shall be provided on the preliminary and final site plans which specifically details all deviations from the established general provisions area, height and setback regulations, off-street parking regulations, general provisions, or other regulations which would otherwise be applicable to the uses and development proposed in the absence of this PUD section.

(e) Open Space Requirements

(1) The PUD shall contain usable open space in an amount equal to at least forty percent (40%) of the total PUD site. The Planning Commission may consider a PUD with a lesser amount of open space if it is clear that the proposed PUD substantially promotes the intent of a PUD as stated above. Open space is a important element of a PUD and reductions to the open space provision should be granted only as a result of specific, clearly documented reasons.

(2) Useable open space shall not include required yards or buffers, parking areas, drives, rights-of-way, utility or road easements, storm water detention ponds, and structures.

(3) Open space shall be permanently set aside for the benefit, use, and enjoyment of present and future occupants of the PUD through covenant, deed restriction, open space easement, or similar legal instrument acceptable to the Township; or, if agreed to by the Township Board, the open space may be

conveyed to the Township for the use of the general public.

(f) Pre-Application Conference

(1) Prior to submission for the special land use, the applicant shall submit a request to the Zoning Administrator for a pre-application conference held with the Planning Commission for the purpose of exchanging information, providing guidance to the applicant and determining the eligibility of the request for consideration as a PUD.

(2) As part of the pre-application conference, the applicant shall submit a fee, as established by the Township Board, and twelve (12) copies of a conceptual plan, at least seven (7) days prior to the pre-application conference, which shows the property location, boundaries, significant natural features, vehicular and pedestrian circulation, and proposed land use(s) for the entire site.

(3) The Planning Commission shall advise the applicant of the conformance of the PUD concept with the intent and objectives of a PUD, and whether it meets the qualifying conditions listed above.

(4) No formal action will be taken at a pre-application conference nor will any party consider statements made at the pre-application conference to be legally binding commitments.

(g) PUD Application and Review Process

(1) Following the pre-application conference, applicants seeking approval of a PUD shall submit a complete application for review to the Zoning Administrator who shall schedule a date and time for a public hearing and Planning Commission review. The application shall include, at a minimum, the following:

a. A completed application form, supplied by the Zoning Administrator.

b. Payment of a fee, as established by the Township Board.

c. A narrative statement describing:

1) The objectives of the PUD and how it relates to the Intent of the PUD District, as described above.
2) Phases of development and approximate time frame for each phase
3) Proposed deed restrictions, covenants, or similar legal instruments to be used within the PUD.
4) Anticipated start and completion of construction, including future phases if a multi-phased PUD.
5) Location, type, and size of areas to be dedicated for common open space.

d. Twelve (12) copies of a preliminary development plan shall be provided

to the Zoning Administrator. If the PUD is to be developed in phases, the preliminary development plan shall show all phases. The preliminary plan shall contain the same information required on Table 12.03 for a Preliminary Site Plan.

e. If desired by the applicant, a final site plan meeting the requirements of Table 12.03 may be submitted for the entire development or any phase thereof.

(2) Upon receipt of an application for PUD approval, the Zoning Administrator shall cause notice to be given, in accordance with the requirements of this Chapter.

(3) Planning Commission Action on Preliminary/Final Plan and Special Land Use

a. Following notice, the Planning Commission shall hold a public hearing on the proposed PUD special land use, for the purpose of receiving public comment on the application.

b. Following the public hearing, the Planning Commission shall review the PUD request and preliminary or final site plan based on the conformance with the requirements of this subsection, the general standards of Section 13.03, and the applicable Special Land Use Specific Requirements of Section 13.05, and shall approve, approve with conditions, or deny the PUD special land use.

c. Approval of the Special Land Use and preliminary plan constitutes approval of the PUD. Development of the PUD or any phase of the PUD shall not proceed until a final site plan is approved for the entire PUD or any phase thereof.

(4) Final Development Plan Review

a. If a final site plan is not submitted with the initial approval for either the entire PUD or a phase thereof, within twelve (12) months of the Planning Commission's approval of the PUD, including the preliminary site plan, the applicant shall submit a request to the Zoning Administrator for final site plan approval of the entire PUD or a phase thereof.

b. If the applicant fails to submit a request within this period, the PUD approval shall expire.

c. If the PUD is developed in phases, the applicant must submit each subsequent phase within twenty-four (24) months of the approval date of the previous phase. If the applicant fails to submit the next phase within this time period, any phase included as part of the preliminary site plan not approved for final site plan shall be deemed expired.

d. Each phase of a PUD must be independent of any other phase such that if a subsequent phase were not developed the completed portions of the PUD would not be affected.

e. The Planning Commission shall review the final site plan in relation to its conformance with the preliminary development plan and any conditions of the PUD approval. If it is determined that the final plan is not in substantial conformance with the preliminarily development plan, the review process shall be required to resubmit a new application for a special land use for the PUD, according to the requirements of this Chapter.

f. The Planning Commission shall prepare a record of its findings and shall approve, approve with conditions, or deny the final development plan.

(h) PUD Development Agreement

(1) Prior to issuance of any building permits or commencement of construction on any portion of the PUD, the applicant shall enter into an agreement with the Township in recordable form, setting forth the applicant's obligations with respect to the PUD.

(2) The agreement shall describe all improvements to be constructed as part of the PUD and shall incorporate, by reference, the final development plan with all required revisions, other documents which comprise the PUD, and all conditions attached to the approval by the Planning Commission.

(3) A phasing plan shall also be submitted describing the intended schedule for start and completion of each phase and the improvements to be undertaken in each phase.

(4) The agreement shall also establish the remedies of the Township in the event of default by the applicant in carrying out the PUD, and such remedies shall be binding on all successors in interest to the applicant.

(5) The Agreement shall be forwarded to the Township Board for its approval as to form. All documents shall be executed and recorded in the office of the Ottawa County Register of Deeds.

(i) Changes To An Approved Final PUD

(1) The holder of an approved PUD final development plan shall notify the Zoning Administrator of any desired change to the approved PUD.

(2) Minor changes may be approved by the Zoning Administrator upon determining that the proposed revision(s) will not alter the basic design and character of the PUD, nor any specified conditions imposed as part of the original approval. Minor site plan changes shall include those of Section 12.05.01. Major changes to the special land uses shall be those of Section 13.04.02.

(3) A proposed change not determined by the Zoning Administrator to be minor shall be submitted and processed in the same manner as the original PUD application.

(j) Time Limit For Approved PUD

(1) Once the final site plan for the PUD is approved, the area subject to the approval must be under construction within twelve (12) months after the date of approval of the PUD final development plan, except as noted in this subsection.

(2) The Planning Commission may grant an extension for a period of time determined by the Planning Commission from the expiration date of the PUD or phase of a PUD if the applicant applies for such extension at least thirty (30) days prior to the date of the expiration of the PUD or PUD phase, and provided that:

a. The applicant presents reasonable evidence that the development has encountered unforeseen difficulties beyond the control of the applicant; and

b. The PUD requirements and standards, including those of the Zoning Ordinance, that are reasonably related to the development have not changed. Review of the approved PUD final plan shall be required by the Zoning Administrator and/or the Planning Commission; and

c. Development or redevelopment in proximity to the approved PUD has not resulted in changed conditions impacting the site; and

d. Land use designation of the subject site or areas adjacent to the subject site in the Blendon Township Master Plan has not changed.

(3) Should neither of the above provisions be fulfilled, or an extension has expired without construction underway, the PUD final plan approval(s) shall be null and void. This does not include any phases that may have previously received final PUD approval.

13.05.25 **Hunting Club** (amended effective 6/20/06).

(a) Purpose and Intent.

(1) The purpose of this subsection is to establish minimum requirements and other provisions for the hunting club special land use authorized for consideration and approval on lands in the AG Agricultural Preservation District. While the establishing and operation of a hunting club may be a suitable land use at particular locations in the AG district, such a land use may have potentially adverse effects on adjacent or nearby lands, particularly if hunting or other sport-shooting activity occurs out of doors. Accordingly, the provisions in this subsection are adopted for the purpose, among others, of assuring that an approved hunting club shall be located and operated so as to prevent or avoid adverse effects on other lands and land uses, and will

therefore be developed and operated in a manner consistent with the public health and safety.

(2) It is understood that there are provisions of State law covering some aspects of the subject matter specified in this ordinance. Such State law provisions may, in some respects, serve to preempt Township regulations, though certain other of the State law provisions are such that both State regulation and Township regulation are available as a matter of law. In any event, it is not the intent of the Township, in adopting the provisions in this section, to establish regulations which may lie outside the scope of permitted Township regulation as established by applicable law. Accordingly, should any of the provisions of this Section be determined to be preempted by State law, such provisions, to the extent of such preemption, shall be deemed ineffective. All other provisions of this section shall be in full force and effect according to their terms.

(b) Permitted Uses.

(1) Live game bird and/or live game animal hunting, if licensed by the State Department of Natural Resources or other State licensing agency.

(2) Game bird and/or game animal preserve, if licensed by the State Department of Natural Resources or other State licensing agency.

(3) Outdoor clays shooting course.

(4) Outdoor target shooting range, for firearms or bow and arrow.

(5) Indoor target shooting, for firearms or bow and arrow.

(6) Accessory uses customarily incidental to the hunting club use; provided, however, all accessory uses shall be subordinate to the principal use of the property as a hunting club and shall be compatible with surrounding lands and uses. The Planning Commission may impose reasonable conditions on the accessory uses to assure that these requirements are satisfied.

The following listed accessory uses shall only be permitted if the Planning Commission determines that the accessory use will not injure or detract from the agricultural, rural character of the zoning district or of neighboring properties, that the accessory use will not have a negative effect upon the natural environment and natural resources available, that the accessory use will not result in an increase in the use of utilities or other public services that would exceed the customary level of such services in the area; and that the accessory use will not generate excess motor vehicle traffic, noise or have other serious adverse effects on adjacent or nearby lands.
As to the following listed accessory uses, the Planning Commission shall also, at a minimum, impose the specific conditions provided for such accessory use:

(i) Sales and rental of firearms, archery equipment, ammunition, clays, targets, gun and archery accessories or other hunting and shooting accessory equipment; provided, however, such sales and rental shall comply with the following conditions:

(A) No less than *60%* of the annual (calendar year) gross receipts from the sales and rental of firearms, archery equipment, ammunition, clays, targets, gun and archery accessories or other hunting and shooting accessory equipment shall be derived from merchandise or equipment used in or associated with the hunting or other permitted uses on the premises. At least annually, at the end of each calendar year, not later than April 15 of the following year, the holder of the special land use shall submit a written report to the Township accurately stating, among other information, the total amount of gross receipts from the sales and rental of all firearms, archery equipment and other equipment sold or rented under the terms of the special land use, and the total amount of gross receipts derived from the sales and rental of firearms, archery equipment and other merchandise used in or associated with the hunting or other permitted uses on the premises. If desired by the holder of the special land use, and if permitted by law, the Township shall keep confidential the monetary figures specified in the report. If the Township prepares a form to be used for the annual report, the holder of the special land use shall use the Township form.

(B) No more than 20%, but in any event not more than 2,000 square feet, of the total floor area of the principal building may be used for the sales and rental of firearms, archery equipment, ammunition, clays, targets, gun and archery accessories or other hunting and shooting accessory equipment. Access during regular business hours shall be granted to the Township for inspections to ensure compliance with this section. Such access shall be a condition to the special land use.

(C) No firearms, ammunition or other hunting and shooting equipment and accessories shall be sold, used or stored on the premises, except in a safe manner and in full compliance with all federal, state and local requirements.

(D) The Planning Commission may establish additional setback, lighting, landscaping/screening and building requirements for the property to ensure that the agricultural, rural character of the area is preserved in a manner consistent with the other agricultural district uses in the area.

(ii) Meetings of gun clubs, sport-shooting clubs and other clubs established for recreational shooting or archery purposes.

(iii) The serving of light or convenience foods for the persons engaged in the permitted hunting and shooting on the premises and in other permitted uses on the premises, but the serving of meals, such as would be prepared or served at a restaurant, shall not be permitted. Alcoholic beverages shall not be served on the premises.

(c) A site plan in compliance with Section 12.03 shall be submitted. The special land use shall comply with the site plan as approved by the Planning Commission.

(d) Any building or other improvement shall have such size, height and setbacks from property lines as are approved by the Planning Commission.

(e) If the hunting club includes outdoor hunting, shooting, archery or the like, it shall be at least 40 acres in area, unless the Planning Commission permits a smaller area.

(f) If the hunting club includes only indoor shooting, indoor archery or the like, and does not include outdoor hunting, archery or shooting, it shall be at least 10 acres in area, unless a different area is required by the Planning Commission.

(g) Motor vehicle access to the hunting club shall be established and maintained in compliance with the access requirements of Chapter 9, or as otherwise required by the Planning Commission in its approval of the special land use.

(h) Outdoor hunting, shooting, archery and other permitted outdoor activities shall be subject to such setbacks from the property lines as are required by the Planning Commission in its approval of the special land use.

(i) Hunting, shooting, archery and other activities included in the special land use shall be subject to such operational and other conditions as may be required by the Planning Commission, including hours and days of operation; extent of supervision; noise control; prohibition of adverse effects on other lands; number of participants on the premises; and other regulations for the safe operation of the use and the prevention or avoidance of adverse effects on other lands and land uses.

(j) Off-street parking area shall be provided in compliance with Chapter 9 or as otherwise required by the Planning Commission in its approval of the special land use. The Planning Commission may permit alternative hard-surface materials for the parking use if the alternative materials will provide safe, dust-free parking in a manner that is more compatible with the principal use and the character of surrounding lands.

(k) The Planning Commission may require that the hunting club lands, or any portion of them, be fenced if outdoor hunting, outdoor shooting or outdoor archery is included in the use. Such fencing shall comply with requirements of the Planning Commission as to the nature, height, location and other features of the fencing and the gates thereof.

(l) Provisions for sanitary sewage disposal and control and management of storm water drainage shall be as required by the Planning Commission and shall comply with the applicable requirements of the Ottawa County Health Department and Ottawa

County Drain Commissioner.

(m) Landscaping, if required, shall comply with applicable provisions of Chapter 11, or shall be as otherwise required by the Planning Commission.

(n) Exterior lighting, if permitted by the Planning Commission, shall be designed so that it is deflected away from other lands and adjacent streets; such lighting shall otherwise comply with Planning Commission requirements.

(o) Signs identifying the special land use shall comply with the non-residential sign requirements in the AG district, as stated in Section 10.08, or with such other sign requirements determined by the Planning Commission.

(p) Motor vehicle traffic on the site, the location and configuration of entrances and other aspects of motor vehicle traffic volume and circulation shall be as required by the Planning Commission. A traffic impact study may be required.

(q) If any of the activities comprising the special land use are subject to State or other licensing, all of such licenses shall be complied with and copies thereof shall be submitted to the Township prior to the commencement of the use.

(r) Standards for Approval of the Special Land Use. In considering whether the special land use shall be approved, the Planning Commission shall consider the following standards, in addition to the standards of Section 13.03:

(1) The location of the use, in relation to residential, agricultural and other adjacent and nearby land uses.

(2) The effects and impact of the special land use on adjacent or nearby lands or land uses.

(3) The extent to which potential adverse effects of the special land use will be prevented, avoided or moderated by the conditions imposed in the approval of the use.

(4) The extent to which the use would be consistent with the intent and purposes of the AG district.

(5) The extent to which the special land use would be consistent with the goals and objectives of the Township Master Plan.

(6) Other considerations relevant to the location and nature of the special land use and effects resulting from its operation.

13.05.26 Ethanol Production Facility Adjoining Residentially Zoned Land or Produces in Excess of 10,000 Gallons of Ethanol

(a) The intent of this section is to provide regulations for the proper location and safe operation of Ethanol Production Facilities in order to provide for the safety and welfare of nearby residents, protect property, and preserve the natural environment.

(b) An Ethanol Production Facility shall be used exclusively for uses associated with the agricultural operations of the farmer producing the ethanol.

(c) A building permit shall be required for the installation of an Ethanol Production Facility.

(d) All equipment used to produce ethanol, storage tanks used to hold ethanol, and buildings used in the production of ethanol shall be a minimum of 100 feet from any property line in addition to meeting all setbacks and standards for the agricultural district, as well as all standards, setback requirements, fire codes, and building codes of local, state, and federal government agencies.

(e) Ethanol production shall not occur unless the owner operator of the Ethanol Production Facility can provide the Township with proof of compliance that all necessary approvals have been obtained from the Michigan Department of Environmental Quality (MDEQ) and other State and Federal agencies which are involved in permitting any of the following aspects of ethanol production: storage of raw materials, fuel, and byproducts used in, or resulting from, ethanol production; reuse and disposal of byproducts resulting from ethanol production; air quality standards associated with ethanol production; and transportation of ethanol products.

(f) An applicant for an Ethanol Production Facility shall provide a site plan in accordance with the requirements of Chapter 12 (Site Plan Review) as well as all of the following information:

1. A map of the property, existing and proposed buildings, and the proposed location of the ethanol operation;
2. The process used to produce the ethanol;
3. The anticipated production of ethanol, measured in gallons per year;
4. An emergency access and fire protection plan with review and approval by responding service providers;
5. Written documentation from the applicable Ottawa County, State of Michigan and Federal agencies that the proposed use will comply with local, state, and federal regulations (these regulations will include, but not be limited to, the following: storage of raw materials, fuel, and byproducts; reuse and disposal of byproducts; air quality; and transportation of fuel);
6. A study of water usage by a Michigan professional engineer or other professional familiar with hydrogeologic reports addressing how much water will be utilized and identifying the impact upon Township infrastructure and water sources; and
7. Any additional information as may be required by the Planning Commission.

(g) The owner operator of the Ethanol Production Facility shall maintain the facility in a neat and clean condition and operate it so as not to create a nuisance. An Ethanol Production Facility shall contain sufficient storage for raw materials, fuel and byproducts or have the capacity to dispose of the same through land application, livestock consumption or sale, each in accordance with local, state, and federal regulations. Conditions within the premises shall be controlled to minimize noise,

odors, and lighting pollution. The Township shall have the right to make inspection of the premises upon which any Ethanol Production Facility is maintained.

13.05.27 **Conversion of a Manufactured Home Park or Mobile Home Condominium Project *(amended July 18, 2013)***

To be eligible for consideration for a special land use permit for conversion of a manufactured home park or mobile home condominium project from one solely for manufactured homes, to one in which manufactured homes, and single family dwellings which are not defined as a "manufactured home" according to the Ordinance, are permitted, the manufactured home park or mobile home condominium project must meet all of the following qualifications:

(a) The manufactured home park or mobile home condominium project must have been approved either by the Mobile Home Commission, the Township, or by court order prior to January 1, 2008.

(b) All of the lands included within the proposed special land use must have been included within a condominium created by master deed recorded on or before January 1, 2008. Lands denominated only as "expansion areas" within such a deed, or which were contracted out of the Condominium prior to January 1, 2008, are not eligible for this special land use.

(c) Roads, utilities, and other infrastructure have been installed to service at least 30% of the land area within the manufactured home park or mobile home condominium project.

(d) At least three years have elapsed since units were available for occupancy within the manufactured home park or mobile home condominium project, and at the time of application less than 25% of the units created by the master deed are occupied by dwellings.

(e) Following approval of the special land use, all units within the development shall be offered and available either for the installation of manufactured homes, or for single family dwellings which are not defined as a manufactured home according to this Ordinance.

(f) The site is or shall be served with adequate water and wastewater facilities.

(g) The number of lots and dwellings in the manufactured home park or mobile home condominium project shall not exceed the number of lots originally approved in the existing court-ordered manufactured home park or mobile home condominium project. The Planning Commission may permit lot or unit combinations or boundary line alterations without further public hearing, provided that the number of lots or dwellings is not increased.

(h) Manufactured homes and single-family dwellings which are not defined as a manufactured home according to this Ordinance shall meet the standards of Chapter 7 of this Ordinance or applicable court order.

(i) For purposes of Chapter 7 of the Zoning Ordinance, a single family dwelling,

which is not defined as a "manufactured home" according to the Ordinance, shall be subject to the same provisions applicable to manufactured homes in Chapter 7 (or applicable court order), including but not limited to provisions relating to lot size and area, setback, off-street parking, height, structure setback, and accessory structures. Unless contrary to this section, the provisions of Chapter 7 made for manufactured homes shall be applied equally to those single family dwellings which are not defined as a "manufactured home" according to the Ordinance.

The provisions of section 15.04 of this Ordinance do not apply to manufactured homes or single family dwellings which are not defined as a manufactured home according to this Ordinance, within the manufactured home park or mobile home condominium project.

(j) The proposed physical layout of the lots or units, streets, common areas, amenities and other features, shall not depart significantly from that established through the court order or other approval given for the existing manufactured home park.

13.05.28 **Adult Foster Care Congregate Facility *(amended September 2016)***

(a) The facility shall be established and maintained in accordance with all applicable Local, State and Federal laws. As a condition of Special Use approval, at all times the adult foster care congregate facility shall maintain all valid state and local licenses.

(b) An adult foster care congregate facility shall front and derive its primary access from a paved, all-season road.

(c) An adult foster care congregate facility shall be connected to public water and sanitary sewer services.

(d) The Planning Commission shall evaluate landscaping and screening to assure that the scale of the proposed adult foster care congregate facility is complementary to the surrounding area.

13.05.29 **Assisted Living Facility *(amended September 2016)***

(a) The facility shall be established and maintained in accordance with all applicable Local, State and Federal laws. As a condition of Special Use approval, at all times the assisted living facility shall maintain all valid state and local licenses.

(b) An assisted living facility shall not be located within one thousand five hundred (1,500) feet of any other assisted living facility.

(c) An assisted living facility shall front and derive its primary access from a paved, all-season road.

(d) An assisted living facility shall be connected to public water and sanitary sewer services.

(e) The Planning Commission shall evaluate landscaping and screening to assure that the scale of the proposed assisted living facility is complementary to the surrounding area.

13.05.30 **Nursing Home *(amended September 2016)***

(a) The facility shall be established and maintained in accordance with all applicable Local, State and Federal laws. As a condition of Special Use approval, at all times the nursing home shall maintain all valid state and local licenses.

(b) A nursing home shall front and derive its primary access from a paved, all-season road.

(c) A nursing home shall be connected to public water and sanitary sewer services.

(d) The Planning Commission shall evaluate landscaping and screening to assure that the scale of the proposed nursing home is complementary to the surrounding area.

13.05.31 **Child Caring Institution *(amended September 2016)***

(a) The facility shall be established and maintained in accordance with all applicable Local, State and Federal laws. As a condition of approval, at all times the child caring institution shall maintain all valid state and local licenses.

(b) A child caring institution shall front and derive its primary access from a paved, all-season road.

(c) A child caring institution shall be connected to public water and sanitary sewer services.

(d) The Planning Commission shall evaluate landscaping and screening to assure that the scale of the proposed child caring institution is complementary to the surrounding area.

CHAPTER 14
NONCONFORMING LOTS, USES AND STRUCTURES

Section 14.01 Intent

Nonconformities are lots, uses, structures, buildings, or developed site improvements which do not conform to one (1) or more provisions or requirements of this Ordinance, but which were lawfully established prior to the effective date of this Ordinance. Such nonconformities are considered to be incompatible with the current or intended use of land, buildings or structures, in the district in which they are located.

The objectives of this Chapter are to eliminate, or bring into compliance, lots, buildings, structures and uses which legally existed at the date of adoption of this Ordinance, but do not meet the current requirements of this Ordinance. This Chapter also has special provisions to permit certain nonconforming situations considered to be less harmful to continue under certain conditions, but to discourage their expansion, enlargement, or extension, except in certain cases where specific conditions can be met. The requirements of this Chapter are intended to accomplish the following:

14.01.01 Eliminate nonconforming uses that are considered to be incompatible with permitted uses, or encourage redevelopment into a more conforming use.

14.01.02 Permit nonconforming buildings, structures or uses to remain until they are discontinued or removed, but to discourage their long-term survival.

14.01.03 Encourage a gradual upgrading to a more conforming status of site landscaping, parking, paving, signs or other features of a site required by this Ordinance developed in compliance with the requirements at the time of their construction, but which do not meet the site requirements of this Ordinance.

14.01.04 Encourage the combination of contiguous nonconforming lots of record to create lots which conform or more closely conform to current requirements, are compatible with other lots in the zoning districts in which they are located, to promote the public health, safety and welfare and to eliminate problems associated with the overcrowding of land.

Section 14.02 Applicability

14.02.01 Any building or structure shall be considered existing and lawful and for purposes of Section 14.01 to have been in use for the purpose for which constructed if on the effective date of this Ordinance, a building permit has been obtained therefore, if required, or, if no building permit is required, a substantial start has been made toward construction and construction is thereafter pursued diligently to conclusion.

14.02.02 Any use, building, accessory structure or any combination thereof established in violation of this Ordinance are for the purposes of this Ordinance considered a nuisance and shall not receive any of the rights, privileges or protection conferred by this Chapter for nonconformities.

14.02.03 Any structures or uses which fail to conform to the previous Blendon Township Zoning Ordinance, were not permissible, nonconforming uses or structures there under, and which violate the within Zoning Ordinance shall not be considered permissible

nonconforming uses under the within Ordinance but shall be considered impermissible nonconforming uses subject to the criminal and civil penalties and remedies herein contained.

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

Section 14.03 Definitions

For the purposes of this Ordinance, the following words and phrases shall have the meaning described below:

14.03.01 ***Abandonment:*** The cessation of a nonconforming use of the land by the owner or lessee without any intention of transferring rights to another land owner or resuming the use of the land or building (i.e. a discontinuance and an indication of an intent to abandon).

14.03.02 ***Discontinuance:*** Vacation of a lot, building or structure; or a ceasing of the activities related to the nonconforming situation for a period of time as specified by this Chapter..

14.03.03 ***Effective Date:*** Whenever this Chapter refers to "effective date" of this Ordinance, it shall be deemed to include the effective date of the amendment that created or increased the nonconforming situation.

14.03.04 ***Nonconformities:*** Existing lots, buildings, structures, site plans and uses of land that were lawful prior to the effective date of this Ordinance, but which have become nonconforming under the terms of this Ordinance.

14.03.05 ***Illegal Lot, Use, Building or Structure:*** Any lot, use, building, structure or any combination thereof that was established in violation of this Ordinance and not approved by the Township prior to or following the effective date of this Ordinance.

14.03.06 ***Market Value:*** For the purpose of this Chapter, "Market Value" shall mean the assessed value of property as determined by the Township Assessor and as reflected in the Township's tax rolls for the current year.

14.03.07 ***Nonconforming Building:*** A building or portion thereof lawfully existing at the effective date of this Ordinance that does not meet the current minimum size, setbacks, height or other building provisions of the Ordinance in the district in which it is located. (Example: a house that does not meet the required front yard setback).

14.03.08 ***Nonconforming Lot:*** A lot lawfully existing at the effective date of this Ordinance that does not meet the current minimum area or lot dimensional requirements for the district in which it is located. (Example: a twenty-five thousand [25,000] square foot lot of record in a district that requires a minimum thirty-thousand [30,000] square foot lot).

14.03.09 ***Nonconforming Sign:*** A sign lawfully existing on the effective date of this Ordinance that does not meet the requirements of this Ordinance. (Example: a business with a twenty [20] foot tall pole sign when the current Ordinance allows only a ten [10] foot tall ground sign).

14.03.10 ***Nonconforming Site:*** Development improvements on a site which met the Zoning Ordinance requirements for site development at the time the site was developed, such as the amount of parking, parking lot pavement, landscaping, signs or tree preservation; but which do not meet the current site development requirements of the Township. (Example: a retail store with ten [10] parking spaces when the current Zoning Ordinance requires fifteen [15] parking spaces).

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

14.03.12 ***Nuisance:*** Any offensive, annoying, or disturbing practice or object, which prevents the free use of surrounding property, or which renders ordinary use or physical occupation of surrounding property uncomfortable. Nuisance commonly involves continuous or recurrent acts which give offense to the senses, contributes to blight, violates the laws of decency, obstructs reasonable and comfortable use of property or endangers life and health.

14.03.13 ***Zoning Lot:*** A lot that meets all width, area and setback requirements for the District in which it is located.

Section 14.04 Nonconforming Lots

The following regulations shall apply to any nonconforming lot existing prior to the effective date of this Ordinance:

14.04.01 Use of Nonconforming Lots: In any District a Use Permitted or Special Land Use (after approval) that are applicable in the District may be approved on any single lot existing at the effective date of this Zoning Ordinance, even though the lot fails to meet the requirements for area or width, or both. Any permitted main or accessory building or principal use constructed or established on the lot shall be in conformance with all other applicable yard setback, minimum floor area, maximum height and access requirements for the District in which it is located.

14.04.02 Variance to Area and Dimensional Requirements: If the use of a nonconforming lot requires a variation of the minimum floor area and dimensional (minimum setback and maximum height) requirements, then the main or accessory building or principal use constructed or established on the nonconforming lot shall be permitted only if the required variance(s) is granted by the Zoning Board of Appeals.

14.04.03 If two (2) or more 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, are:

(a) in common ownership;
(b) adjacent each other or have continuous frontage, and;
(c) individually do not meet the lot width or lot area requirements of this Ordinance,

the lands involved shall be considered to be an undivided parcel for the purposes of this Ordinance. The parcels shall be combined into a lot or lots meeting the lot width and lot area requirements of this Ordinance. No portion of the parcel shall be used or divided in a manner which diminishes compliance with lot width and area requirements of this

Ordinance. This provision shall not apply to lots which are included as part of a subdivision of platted lots as of the effective date of this Ordinance.

Section 14.05 Nonconforming Uses

Where, at the effective date of this Ordinance, a lawful use exists that no longer complies with the terms of this Zoning Ordinance, a nonconforming use may be continued, so long as it remains otherwise lawful, subject to the following provisions:

14.05.01 Expansions: Except as may be permitted by this Section, no nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of this Ordinance. A nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use, and which existed at the effective date of this Ordinance, but the nonconforming use shall not be extended to occupy any land outside the building. The Zoning Board of Appeals may approve the expansion of a nonconforming use based upon the following criteria:

(a) The existing building and any proposed additions shall comply with all dimensional requirements of this Ordinance as well as all parking, sign, or other applicable regulations for the area affected by the proposed enlargement, increase, or greater area;

(b) The expansion will not alter the essential character of the area and shall be compatible with character of surrounding uses. In determining whether the effect the expansion will have on the character of the area, the established type and pattern of land uses in the area, character of buildings, views to the site from surrounding property and the natural characteristics of the site and surrounding area will be considered.

(c) The proposed enlargement, increase, or greater area shall not be larger than twenty five percent (25%) of the original nonconforming area.

(d) A site plan shall be submitted to the Planning Commission for review and approval in accordance with the requirements of Section 12.02 that demonstrates full compliance with all other requirements of this Ordinance.

14.05.02 Relocations: No nonconforming use or any building or structure containing a nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel not occupied by the use at the time when the use became nonconforming.

14.05.03 Discontinuance or Abandonment: If the nonconforming use ceases for any reason for a period of twelve (l2) months then the nonconforming use shall be determined to be abandoned. Such discontinuation of use shall be demonstrated where one (1) or more of the following conditions exist, which shall be deemed to constitute an intent on the part of the property owner to abandon the non-conforming use:

(a) Utilities, such as water, gas and electricity to the property, have been disconnected;

(b) The property, buildings, and grounds, have fallen into disrepair;

(c) Signs or other indications of the existence of the nonconforming use have been removed;

(d) Removal of equipment or fixtures that are necessary for the operation of the nonconforming use;

(e) Other actions, which in the opinion of the Zoning Administrator constitute an intention of the part of the property owner or lessee to abandon the nonconforming use.

14.05.04 Change in Use, Nonresidential District: In any Nonresidential District any nonconforming use may be changed to another nonconforming use provided that the Zoning Board of Appeals shall find that the proposed use is equal to or more conforming to the uses permitted in the District in which it is located. In permitting this change, the Zoning Board of Appeals may require appropriate conditions and safeguards in accord with the purpose and intent of this Chapter. Where a nonconforming use is hereafter changed to an equal or more conforming use it shall not thereafter be changed to a less conforming use

14.05.05 Change in Use, Residential District: In any Residential District, a nonconforming use of a structure, or structure and land, after abandonment, may only be changed to a use permitted in the district in which it is located.

14.05.06 Manufactured Home: Where nonconforming use status applies to a manufactured home, trailer coach or manufactured housing unit presently located outside a licensed mobile home park, nonconforming use status shall be extinguished and eliminated if the mobile home, trailer coach or manufactured housing unit is moved to a different lot outside a licensed manufactured home park.

14.05.07 Documentation: Those alleged nonconforming uses which cannot be proved to have lawfully existed prior to the effective date of this Ordinance shall be declared illegal and shall be discontinued and made subject to the enforcement provisions of this Ordinance.

Section 14.06 Nonconforming Buildings and Structures: Where a lawful structure exists at the effective date of this Ordinance, such building or structure may be continued so long as it remains otherwise lawful, subject to the following conditions:

14.06.01 Increased Nonconformity: No nonconforming structure may be enlarged or altered in a way which increases its nonconformity, unless a variance is obtained from the Zoning Board of Appeals as noted in Section 16.06.03.

14.06.02 Permitted Building Improvements: A nonconforming residential building may be altered or rehabilitated if the activity will cause the building to more closely conform to the requirements of this Ordinance, and provided that all building codes are met.

14.06.03 Expansion of a Nonconforming Residential Building on a Conforming Lot: A residential nonconforming building may be expanded provided the expansion will be within required setbacks and that other dimensional and building code requirements are met (spacing between structures, height, maximum lot coverage, etc.). Example: a home with a nonconforming front yard setback may be expanded in the rear so long as the rear yard setback remains conforming and maximum lot coverage is not exceeded.

14.06.04 Permitted Expansion of Nonresidential Nonconforming Buildings: Nonresidential nonconforming buildings shall not be expanded, unless a variance is obtained from the Zoning Board of Appeals.

14.06.05 Expansion of a Nonconforming Residential Building: The Zoning Board of Appeals may permit an expansion of a nonconforming residential building into a required side or rear yard provided that all of the following standards are met. Any proposed expansion not meeting the following requirements shall only be permitted after obtaining a variance from the Zoning Board of Appeals.

(a) The expansion does not extend closer to the lot line than any existing, nonconforming part of the structure.

(b) The addition does not extend beyond the predominant existing building line along the same block.

(c) The addition retains compliance with all other setback, lot coverage, and height requirements.

(d) The addition will meet all minimum building code and any other applicable Ordinance requirements of the Township.

(e) The resultant addition, in terms of dimensions and design, would be compatible with the existing structure and the established character of the neighborhood.

14.06.06 Damaged Nonconforming Buildings and Structures: Should a nonconforming building or structure be damaged by flood, fire vandalism or other means to an extent of less than fifty percent (50%) of its market value (as defined) at the time of destruction, it may be repaired back to it's original condition prior to such damage. Should a nonconforming building or structure be destroyed or damaged by flood, fire vandalism or other means to an extent of more than fifty percent (50%) of its market value at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this Zoning Ordinance.

14.06.07 Safety related repairs, improvements and modernization: Repairs, improvements, or modernization of nonconforming buildings or structures deemed necessary by the Building Department to keep a nonconforming building structurally safe and sound shall be permitted provided such repairs or improvements do not exceed fifty percent (50%) of the market value of the building or structure during any period of twelve (12) consecutive months. This cost/value calculation shall not include any costs associated with modernization of electrical, plumbing, heating or cooling systems to meet Building Code requirements. Any such repairs, improvements, and modernization shall not result in an enlargement of the nonconforming structure. Subject to the provisions of this Chapter, nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition of any part of any building or structure which is unsafe.

14.06.08 Non-safety improvements and modernization: Improvements, or modernization of nonconforming structures which are not deemed necessary by the Building Department to keep a nonconforming building structurally safe and sound shall be permitted provided such repairs or improvements do not exceed twenty five percent (25%) of the market value of the structure during any period of twelve (12) consecutive months. Any such

improvements or modernization shall not result in an enlargement of the nonconforming structure except as may otherwise, be permitted by this Chapter.

14.06.09 Relocation: Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the requirements of this Ordinance for the District in which it is located after it is moved and the Township's Building Code requirements.

14.06.10 Elimination or Reduction in Nonconformity: Should a nonconforming structure be altered or modified so as to eliminate, remove or lessen any or all of its nonconforming characteristics, then those nonconforming characteristics shall not be later reestablished or increased.

Section 14.07 Nonconforming Sites

14.07.01 The intent of this Section is to permit improvements and minor modifications to a conforming use and building which does not meet all of the various site improvement related regulations of this Zoning Ordinance, including provisions such as landscaping, paving, driveway spacing and other non-safety site related items. The purpose is to allow gradual compliance with these and other site related requirements, for the entire site, for sites that predate the various requirements of this Ordinance.

14.07.02 Site improvements or expansions on nonconforming sites may be permitted by the Planning Commission during Special Land Use or site plan review without a complete upgrade of all site elements under the following conditions. The Township may require a performance guarantee to ensure that all improvements permitted under this Section will be made in accordance with the approved plan.

(a) There are reasonable site improvements on the overall site in relation to the scale and construction cost of the building improvements or expansion.

(b) Safety-related site issues are met.

(c) Driveways that do not conform to the access management requirements of this Ordinance shall be eliminated, provided that the minimum reasonable access shall be maintained.

(d) Landscaping shall be required to more closely conform to the requirements of ***Chapter 11 Landscaping.***

(e) Signs must conform with ***Chapter 10, Signs.***

(f) The improvements or minor expansions shall not increase any existing nonconformity with site requirements.

(g) A site plan shall be submitted and reviewed in accordance with ***Chapter 12, Site Plan Review Procedures and Requirements***.

Section 14.08 Change of Tenancy or Ownership, Purchase or Condemnation

14.08.01 A change in tenancy, ownership, or management, of an existing nonconforming use or structure shall not change any nonconforming rights of this Ordinance.

14.08.02 The Township Board may acquire, by purchase, condemnation, or otherwise, private property, or an interest in private property for the removal of nonconforming buildings, structures, or uses. The cost and expense, or a portion thereof, of acquiring the private property may be paid from general funds or assessed to a special district in accordance with the applicable statutory provisions relating to the creation and operation of special assessment districts for public improvements in Townships.

14.08.03 The elimination of the nonconforming buildings, structures or uses is declared to be for a public purpose and for a public use. The Township Board may institute and prosecute proceedings for condemnation of nonconforming buildings, structures or uses under the power of eminent domain in accordance with Act 149 of the Public Acts of 1911, as amended, being Sections 213.21 to 213.41 of the Michigan Compiled Laws or other applicable statute.

CHAPTER 15
GENERAL PROVISIONS

Section 15.01 Uses and Use Requirements

The following provisions shall apply to all uses in all Zoning Districts.

15.01.01 Principal Use on a Lot

(a) No lot or parcel of land shall contain more than (1) main building or one (1) principal use.

(b) Land and buildings may be considered a principal use collectively if the following conditions are met.

(1) The land and buildings are planned and designed as a single integral development, including joint parking, compatible architecture, shared driveways, shared signs, and other similar features.

(2) All uses, if not the same, shall be similar in function and/or operation, such as multiple family buildings, shopping centers, office or industrial parks.

15.01.02 Accessory Uses and Buildings - Generally

(a) In any District, accessory uses, incidental only to a permitted use, are permitted when located on the same property as a permitted use, provided such accessory use is clearly incidental to the primary use of the property. An accessory building or use shall only be permitted on lot that contains a principal use or main building.

(b) In any District an accessory building may be erected detached from the main building, or it may be erected as an integral part of the main building. Except as may otherwise be required, all accessory buildings shall comply in all respects with the requirements of this Ordinance applicable to the main building.

(c) No accessory building shall be used as a dwelling unit or any part of a dwelling unit.

15.01.03 Temporary Uses or Structures Requiring Zoning Administrator Authorization

(a) Upon application, the Zoning Administrator may issue a permit for a temporary office building or yard for construction materials and/or equipment which is both incidental and necessary to construction at the site where located.

(b) Upon application, the Zoning Administrator may issue a permit for a temporary office that is both incidental and necessary for the sale or rental of real property in a new subdivision or housing project. Each permit shall specify the location of the office.

(c) Upon application, the Zoning Administrator may issue a permit to an individual to park and occupy a temporary manufactured home in any Residential District. Prior

to issuing a permit the Zoning Administrator shall make the following determinations:

(1) The manufactured home will be used only as a temporary use on the same lot while the individual is constructing a permanent residence.

(2) A building permit has been issued for the construction of a permanent residence to the individual applying for the temporary manufactured home permit.

(3) The manufactured home meets the requirements of the Ottawa County Health Department and all applicable Township ordinances.

(d) Upon applying for a temporary manufactured home permit, the applicant shall pay a fee to the Township Treasurer as determined by the Township Board. The fee shall also be collected for any extensions granted by the Zoning Administrator.

(e) A performance bond shall be provided to the Township in amount sufficient to pay for the removal of the temporary manufactured home. The bond shall be refunded upon removal of the temporary manufactured home.

(f) Each permit for a temporary use or structure shall be valid for a period of not more than six (6) calendar months and may be renewed by the Zoning Administrator for not more than four (4) additional successive periods of six (6) calendar months at the same location if the temporary use is still incidental and necessary.

(g) In considering authorization for approval of a temporary use or structure, the Zoning Administrator shall consider the following standards:

(1) Whether or not the use or structure creates an unreasonable detrimental effect upon adjacent properties;

(2) Whether or not the use or structure is reasonably necessary for the convenience and safety of the construction proposed;

(3) Whether or not the use or structure has a negative affect upon the nature of the surrounding neighborhood;

(4) Whether or not access to the site of the use or structure is located at the least offensive point.

15.01.04 Outdoor Storage and Waste Disposal

(a) All outdoor storage facilities shall be enclosed by a fence or wall adequate to conceal such facilities from adjacent property. Any outside storage area shall be screened from view on all sides by a six (6) foot or greater solid, decorative fence or wall. The fence or wall shall be tall enough to screen the view of the contents of the storage area.

(b) All materials or wastes which might cause fumes, odors or dust which constitute a fire hazard or which may be edible by rodents or insects shall be stored outdoors only in closed containers and screened from the street or adjacent property.

(c) No materials or wastes shall be deposited on the premises in such form or manner that they may be moved off the premises by natural causes or forces.

(d) Waste materials shall not be allowed to accumulate on the premises in such manner as to be unsightly, constitute a fire hazard, or contribute to unsanitary conditions.

15.01.05 **Waste Receptacles**

(a) A waste receptacle enclosure shall be provided for all uses, except single family residential and uses that the Planning Commission determines do not require a waste receptacle for waste disposal. The enclosure shall meet the following standards:

(1) The enclosure shall be provided on three (3) sides with a gate on the fourth side. The gate shall be constructed of steel.

(2) The enclosure shall be constructed of brick or decorative masonry material, which matches or complements the primary building material. Steel pipe bollards shall be provided to protect the enclosure from damage resulting from the emptying of the trash receptacle.

(3) The height shall be at least six (6) feet or one (1) foot above the height of the enclosed waste receptacle, whichever is greater. The enclosure shall provide a three (3) foot clear area on all sides between the waste receptacle and any screen wall. A change to a larger or taller waste receptacle may require modifications to the screening to retain compliance with these standards.

(4) A concrete base shall be provided that extends six (6) feet beyond the front edge of the receptacle pad or gate, to support the front axle load of a refuse vehicle, and be constructed with six (6) inches of reinforced concrete.

(b) Waste receptacles may be located in a required rear or side yard, but shall not be located in a front yard. The enclosure shall be located as far as practical, but not less than twenty (20) feet, from a residential property line or District. If the enclosure is visible from the public road, the enclosure gate shall not face the road.

(c) Waste receptacles must be conveniently located and accessible to servicing vehicles and not unduly interfere with traffic circulation and parking.

15.01.06 **Performance Standards**

All agricultural uses shall be conducted in accordance with the Michigan Right to Farm Act, P.A. 93 of 1981 and the Michigan Commission of Agriculture♠s Generally Accepted Agricultural and Management Practices. All non-agricultural uses within any District shall conform to the following standards of use, occupancy, and operation:

(a) Smoke: It shall be unlawful for any person, firm or corporation to permit the emission of smoke from any source in an amount which shall be injurious or substantially annoying to persons residing in the affected area.

(b) Airborne Solids: It shall be unlawful for any person, firm or corporation to operate and maintain, or cause to be operated and maintained, any process or activity which shall be productive of dust, dirt, fly ash or other airborne matter which shall be injurious or substantially annoying to persons in the vicinity of such activity or process, or which shall cause injury to neighboring business or property.

(c) Odor: The emission of odors found by the Zoning Administrator to be obnoxious to any considerable number of persons at their place of residence shall be prohibited.

(d) Gases: The emission or release of corrosive or toxic gases, in amounts which are injurious or substantially annoying to persons living or working in the affected area, shall be prohibited.

(e) Vibration: Machines or operations which cause vibration shall be permitted in the Light Industrial District, provided vibrations emanating there from shall not be discernable and substantially annoying or injurious to property beyond the lot lines of the affected premises.

(f) Noise: The noise permitted under any use of land shall be no greater than the normal level of traffic noise existing in the area at the time of such emission, when determined at the boundary of the property. The Light Industrial District may have higher levels of noise within their industrial premises, provided berms, walls or other sound barriers of equal effect shall prevent their being substantially annoying to adjacent areas.

(g) Glare and Radioactive Materials: Glare from any process or operation shall be shielded to be invisible beyond the property lines of the premises on which the process is performed. Radiation, including radioactive materials and electro-magnetic radiation such as that emitted by the x-ray process or diathermy, shall not be emitted to exceed quantities established as safe by the U.S. Bureau of Standards when measured at the property line.

(h) Fire and Safety Hazards: The storage and handling of flammable liquids, liquefied petroleum gases and explosives shall comply with all regulations of the Township and with all state rules and regulations. Further, all storage tanks for flammable liquid materials above ground shall be located at least one hundred and fifty (150) feet from all property lines, and shall be completely surrounded by earth embankments, dikes or other types of retaining wall which will contain the total capacity of all tanks so enclosed.

(i) Underground Storage Tanks: Storage of flammable liquids or hazardous materials below ground shall be located not closer to a lot line than the greater depth to the bottom of the buried tank, and shall be enclosed by an impervious envelope adequate to prevent a liquid from contaminating the groundwater in an event of a rupture of the tank.

(j) Above Ground Storage of Toxic and Hazardous Material: The above ground storage of toxic and hazardous material shall be located within a secondary containment structure that will prevent a leak of the tank from flowing onto the soil in order to protect against groundwater contamination. The volume of the secondary containment shall be of sufficient size to contain the total capacity of the tank.

15.01.07 **Seasonal Uses**

(a) The Zoning Administrator may issue a permit for the temporary sale of merchandise, related to a seasonal or periodic event. Seasonal uses shall include the sale of Christmas trees, fireworks, and similar activities, but shall not include roadside stands.

(b) In considering a request for a temporary permit, the Zoning Administrator must determine that the operation of a use is seasonal in nature and will not be established as a permanent use. The Zoning Administrator shall also determine:

(1) that the use does not have an unreasonable detrimental effect upon adjacent properties;

(2) that the use does not impact the nature of the surrounding neighborhood;

(3) that access to the area will not constitute a traffic hazard due to ingress or egress;

(4) that adequate off-street parking is available to accommodate the use.

(c) Each permit shall be valid for a period of not more than one (1) calendar month and may be renewed by the Zoning Administrator for up to one (1) additional successive month, provided the season or event to which the use relates is continued.

15.01.08 **Exterior Lighting**

(a) Exterior lighting shall be fully shielded and directed downward to prevent off-site glare. Decorative light fixtures may be approved, as an alternative to shielded fixtures, provided a cut-off mechanism used in conjunction with the fixture to limit excess glare. The intensity of light within a site shall not exceed ten (10) foot candles within any site or one (1) foot candle at any property line, except where the subject site abuts a Residential District or use whereby a maximum of one-half (0.5) foot candles is permitted.

(b) For gas station canopies and automobile dealership lighting not located within or adjacent to a Residential District, a maximum of twenty (20) foot candles is permitted within the site but the above standards shall apply to intensity at the property line. All gas station and other canopy lighting must be recessed.

(c) Metal halide fixtures shall be used in an effort to maintain a unified lighting standard throughout the township and prevent ■sky glow.•

(d) Parking lot light fixtures shall not exceed fifteen (15) feet in height, measured from the parking lot grade.

(e) For sites abutting or adjacent to a Residential District or use, the intensity shall not exceed two hundred and fifty (250) watts. For all other sites, the light intensity shall not exceed five hundred (500) watts.

(f) Luminous tube and exposed bulb fluorescent lighting is prohibited as an architectural detail on all buildings, e.g. along the roofline and eaves, around windows, etc.

(g) Lighting shall not be of a flashing, moving or intermittent type. The use of laser light source, searchlights or any similar high intensity light for outdoor advertisement or entertainment is prohibited.

(h) Except for single and two family dwellings, lighting shall not be attached to buildings or other structures that permit light to be directed horizontally. Lighting attached to single and two family dwellings shall not cause glare on roads or adjoining property.

Section 15.02 Dimensional Requirements

The following dimensional provisions shall apply to all uses in all zoning districts in addition to the specific dimensional requirements of the zoning district.

15.02.01 Area, Height, and Use Conditions and Exceptions

(a) Required Area or Space - A lot or lots in common ownership or a yard, court, parking area or other space shall not be divided, altered or reduced so as to make it not in conformance with the minimum requirements of this Ordinance. If already less than the minimum requirements of this Ordinance, a lot or lots in common ownership or a yard, court, parking area or other space shall not be divided, altered or reduced so as to increase its noncompliance with these requirements.

(b) Existing Lots of Record - A lot which is platted, or otherwise of record as of the effective date of this Ordinance, may be used as specified in the Zoning District, subject to ***Section 14.04 Nonconforming Lots***.

(c) Height Exceptions - The following buildings and structures shall be exempt from maximum height regulations in all Zoning Districts: parapet walls not exceeding four (4) feet in height, chimneys, cooling towers, elevator bulkheads, fire towers, grain elevators, silos, stacks, elevated water towers, stage towers, scenery lofts, monuments, cupolas, domes, spires, penthouses housing necessary mechanical appurtenances, wind powered electrical generator, and television and radio reception and transmission antennas and towers which do not exceed one hundred (100) feet in height.

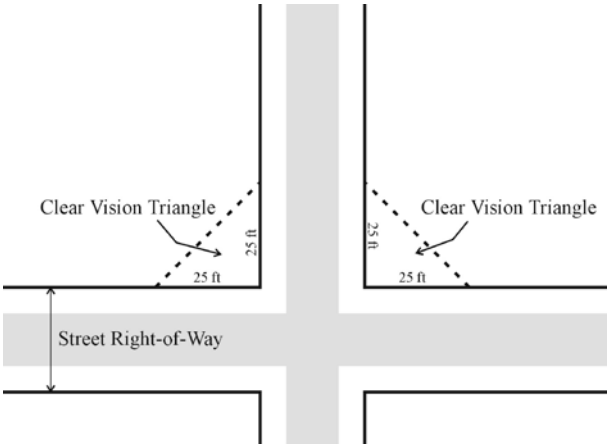
15.02.02 **Required Yard or Lot**: All lots, yards, parking areas or other spaces created after the effective date of this Ordinance shall comply with the minimum requirements of the Zoning District in which they are located.

15.02.03 **Double Frontage and Corner Lots**: Buildings on lots having frontage on two (2) intersecting or nonintersecting streets shall comply with front yard requirements on both streets.

15.02.04 **Minimum Public Street Frontage**: Every main building and principal use shall be located on a lot having a minimum of fifty (50) feet of frontage on a public street, private road or shared driveway meeting the requirements of ***Chapter 09, Parking Loading Driveway Access and Private Roads***, and a minimum lot width measured at the minimum building setback line as specified in the respective Zoning District.

15.02.05 **Clear Vision Corners**

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



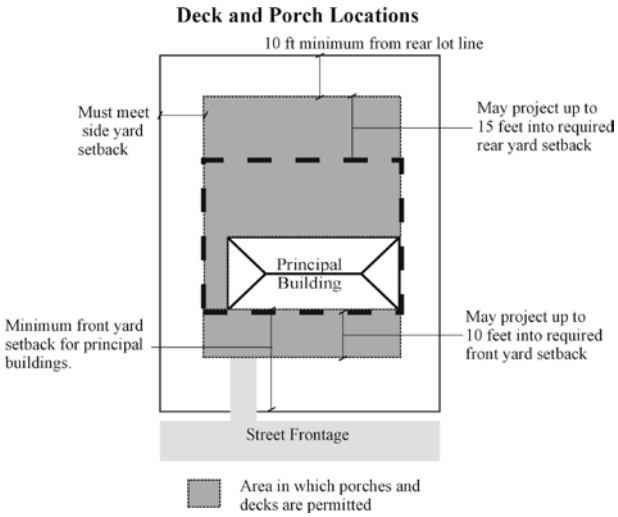
(b) Fences, walls, poles, posts, and other customary yard accessories, ornaments and furniture may be permitted in any yard subject to height limitations and requirements limiting obstruction of visibility of this Ordinance.

15.02.06 **Mechanical Appurtenances**: Mechanical appurtenances, such as blowers, ventilating fans and air conditioning units, must be attached to or within ten (10) feet of the main building and be placed not closer than twenty (20) feet to adjoining properties. Rooftop equipment shall be screened by a parapet wall of sufficient height so as to not be visible from the adjoining public road or adjacent property.

15.02.07 **Projections into Yards**

(a) Certain architectural features, such as cornices, bay windows (or windows without foundations), gutters, chimneys, pilasters and similar features may project a maximum of four (4) feet into a required front, side or rear yard.

(b) Porches, terraces, decks, balconies, window awnings, and similar structures which are open on all sides, unenclosed, and uncovered. These structures:



(1) may project a maximum of ten (10) feet into a required front yard;
(2) may project a maximum of fifteen (15) feet into a required rear yard;
(3) shall not project into a required side yard.
(4) shall not be placed closer than ten (10) feet to any front or rear lot line.
(5) If such structures are enclosed on any side or covered in any manner they shall be considered part of the main building.

15.02.08 **Razing of Building**: No building shall be razed until a permit has been obtained from the Zoning Administrator who shall be authorized to require a performance bond in an amount determined by the Zoning Administrator based upon an estimate. The bond shall be conditioned on the applicant completing the razing within such reasonable period as shall be prescribed in the permit and complying with any regulations as to health and safety as the Zoning Administrator may, from time to time, prescribe, including filling of excavations and proper termination of utility connections.

15.02.9 **Moving of Building**: 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 Zoning Administrator. All buildings shall meet the building code as adopted by the Township. In considering the permit, the Zoning Administrator shall consider the following standards:

(a) 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.

(b) Whether or not the type and age of the building is in keeping with adjoining and neighboring buildings.

Section 15.03 Agricultural and Residential Accessory Buildings and Uses

The following regulations shall apply to all accessory buildings and uses located within an Agricultural or Residential District.

15.03.01 Accessory Uses

(a) Accessory uses, incidental only to a permitted use or Special Land Use, are permitted when located on the same property; provided that accessory uses shall not involve the conduct of any business, trade or industry, except as provided for by ***Section 15.03.08***.

(b) Gardening and the keeping of domestic or farm animals shall be considered customary to, and commonly associated with, the operation of the permitted uses; provided any structure housing farm animals located less than one hundred twenty-five (125) feet from the road right-of-way shall be a minimum of one hundred (100) feet from every property line. Any structure housing farm animals located more than one hundred twenty-five (125) feet from the road right-of-way shall be a minimum of fifty (50) feet from the side and rear property line, provided the farm structure is located a minimum of one hundred twenty-five (125) feet from existing residential structures.

(c) Private garages shall be considered customary to, and commonly associated with a residential use. No accessory building, including detached garages, shall be used as a dwelling unit or any part of a dwelling unit.

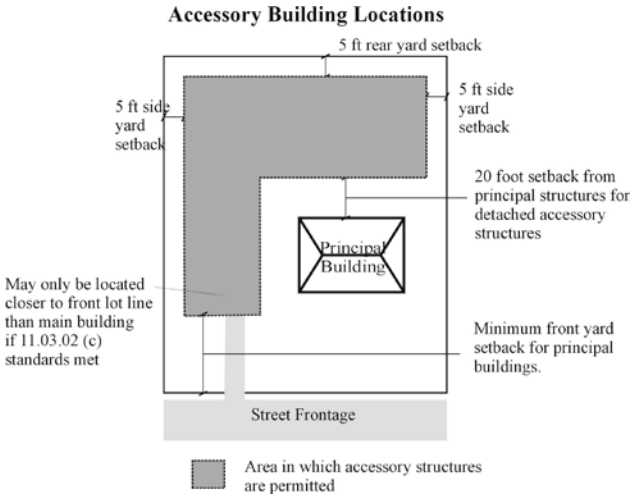
15.03.02 **Accessory Buildings**

(a) In any District, except as noted elsewhere, an accessory building may be erected, detached from the main building, or it may be erected as an integral part of the main building. When erected as an integral part of the main building, it shall comply in all respects with the requirements of this Ordinance applicable to the main building.

(b) Except as permitted elsewhere in this Ordinance, detached accessory buildings and garages shall be located:

(1) a minimum of twenty (20) feet from any main building, and a minimum of ten (10) feet from any other building on the parcel;

(2) a minimum of five (5) feet to any side or rear lot line, as measured to the eaves of the building, provided that any accessory building larger than four hundred (400) square feet in area shall be at least twenty (20) feet from the side and rear lot line; and



(3) no closer to the front lot line than the main building, unless otherwise provided for in this Ordinance (Section 15.03.02, (c)).

(c) No detached accessory building shall be permitted in any front yard in any District, except the EAG, AG, or R-1 District, as provided for below:

(1) The lot has a minimum of two hundred and fifty (250) feet of depth;

(2) The accessory building shall not be located closer to the front lot/right-of-way line than one-half (.) the distance between the lot line and the main building;

(3) The accessory building placed in the front yard under these provisions shall maintain a minimum side yard setback of fifty (50) feet;

(4) The total area of the accessory buildings placed in the front yard under these provisions shall not exceed the total square foot area of the ground floor of the main building on the property.

(d) An accessory building or use shall only be permitted on a lot that contains a principal use or main building. If an accessory building or a barn exists on the parcel prior to a dwelling unit being constructed, the dwelling unit shall meet the setback

requirement of the respective Zoning District and shall not be located so the accessory building or barn is located between the street and dwelling unit. If a dwelling unit is proposed to be constructed with the existing accessory building or barn between the street and dwelling unit then the applicable provisions of paragraph (c), shall apply.

(e) Detached accessory buildings - Maximum floor areas:

(1) For single and two family dwellings: Shall meet the setback requirements outlined in Section 15.03.02, (b) above, and the lot coverage requirements for the Zoning District in which the lot is located.

(2) Buildings accessory to agricultural operations: no size limitation.

(3) Multiple family developments: an area not to exceed six hundred (600) square feet per dwelling unit.

(4) Manufactured Home parks: as required by ***Chapter 7, Manufactured Housing District.***

(g) No detached accessory building in a Residential District shall exceed twenty four (24) feet in height (See definition of *building height* in ***Section 18.03, Definitions – B***) excluding A-Frame and flat roof accessory buildings which shall not exceed eighteen (18) feet in height (See ***Section 18.03, Definitions – B*).** No accessory building shall exceed thirty two (32) feet in overall height or have a door opening greater than sixteen (16) feet in height, except those buildings used for agricultural operations. .

15.03.03 **Swimming Pools**

(a) Pools used for swimming or bathing shall conform with the requirements of this Section; provided, however, these regulations shall not be applicable to any pool less than twenty-four (24) inches deep or having a surface area less than two hundred and fifty (250) square feet, except where pools are permanently equipped with a water recirculation system or involve structural materials.

(b) A swimming pool or their necessary appurtenances shall not be constructed, installed, enlarged or altered until a permit has been obtained from the Zoning Administrator.

(c) The outside edge of the pool wall shall not be located closer than six (6) feet from any rear or side property line; provided, that if any part of the pool walls are more than two (2) feet above the surrounding grade level, the pool shall be placed or erected not less than ten (10) feet from any lot line.

(d) No pool shall be located under any electrical wiring or in a front yard.

(e) Each pool shall be enclosed by a fence or wall with a height of at least four (4) feet, sufficient to make the body of water inaccessible to small children. The enclosure, including gates therein, must be not less than four (4) feet above the underlying ground; all gates must be self-latching with latches placed four (4) feet above the

underlying ground or otherwise made inaccessible from the outside to small children.

(f) All swimming pool installations shall comply with the State Construction Code and all standard codes referred to therein.

15.03.04 **Fences:** For Residential Districts, fences, hedges or clumps of shrubs within fifteen (15) feet of the front lot line, or other lot line adjoining a public street, higher than thirty (30) inches above the average sidewalk grade measured at the center of the lot are prohibited. All other fences may not exceed a height of six (6) feet above the lot grade.

15.03.05 **Storage of Recreation Equipment** Recreational vehicles and recreational equipment may be located outside of an enclosed building on any lot within the specified districts provided that the following requirements are met:

(a) Storage of recreational vehicles and recreational equipment may be located outside of an enclosed building only within EAG-Exclusive Agricultural, AG-Agricultural Preservation, R-1, Low Density Residential, R-2, Medium Density Residential, R-3, High Density Residential Districts. The outside storage of recreational vehicles or recreational equipment is not permitted in front of a dwelling, accessory building or structure in the first one hundred (100) foot setback as measured from the front lot line. Outside storage of recreational vehicles or recreational equipment is not permitted in the C-1 Neighborhood Commercial, L-I, Light Industrial, O-S, Office Service Districts except as permitted by special land use. (*Amended September 30, 2010*)

(b) Notwithstanding the provisions of this Section, recreational equipment may be parked within any yard, but not within a required yard, for cleaning, loading, or unloading purposes for not more than forty eight (48) hours within any seven (7) day period.

(c) Recreational equipment may be used for living or housekeeping purposes for a period not exceeding fourteen (14) days in any calendar year, provided that running water or indoor sewage facilities within the equipment is not utilized.

(d) Where physical features of a property, such as, but not limited to, immovable structures, or a tree with a diameter of four (4) inches or greater, prohibit recreational equipment from being parked in compliance with this Section, the owner may apply to the Zoning Administrator for permission to park the recreational equipment on the lot. This permission shall be granted, provided that the following requirements are met:

(1) A twenty (20) foot setback shall be maintained from the recreational equipment to the edge of the street pavement or curb; or, if a sidewalk exists, the twenty (20) foot setback shall be measured from the inside edge of the sidewalk.

(2) Parking approval, if granted by the Zoning Administrator, shall be effective for five (5) years following the date of issuance. The Zoning Administrator may grant additional approvals in accordance with this Section.

15.03.06 **Mechanical Work**

(a) Mechanical work on trucks over one (1) ton or more, racecars or stock cars is prohibited in Residential Districts. Any permitted work on vehicles must be performed entirely within a building, and no parts or vehicles not in a legally operable condition shall be stored outside. All vehicle wastes shall be properly disposed of off-site in accordance with all state and federal regulations.

(b) In all Residential Districts, motor vehicles that are not licensed and operable private passenger vehicles shall be garaged at all times.

15.03.07 **Keeping of Pets**: No more than three (3) adult dogs or cats in combination shall be kept or housed in one (1) residential unit in any Residential District.

15.03.08 **Home Occupations**: All home occupations shall be subject to the following restrictions and regulations:

(a) The home occupation shall be conducted entirely within the main building or an accessory building. Not more than one (1) person shall be employed who is not a resident of the premises.

(b) No home occupation shall occupy more space than twenty percent (20%) of the total floor area of a residence, exclusive of any open porch, attached garage, or similar space not suited for, or intended to be occupied as, living quarters; provided, however, that in no event shall a home occupation utilize more than three hundred (300) square feet. Where an accessory building is utilized for a home occupation, the home occupation shall not utilize more than three hundred (300) square feet of the accessory building.

(c) For the purpose of identification, one (1) non-illuminated wall sign not exceeding four (4) square feet in area may be permitted. The sign shall identify only the name of the profession and the name of the occupant of the premises.

(d) No motor other than electrically operated motors shall be used in conjunction with a home occupation, and the total horsepower of permitted electrical motors shall not exceed three (3) horsepower, or one (1) horsepower for any single motor. All motors and equipment used in the conduct of any home occupation shall be shielded so as not to cause radio or television interference.

(e) There shall be no alteration in the residential character of the premises in connection with the home occupation.

(f) No merchandise or articles for sale shall be displayed for advertising purposes and no sign or device relative to the sale of such merchandise shall be displayed on the premises. Only those materials produced on the premises or directly incidental to the home occupation may be submitted for sale.

(g) No articles or materials used in connection with a home occupation shall be stored other than in the main building. The storage area used for the home occupation shall be considered as part of the total square footage permitted in (b) above.

(h) No traffic shall be generated by any home occupation in greater volume than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of the home occupation shall be provided off the street and not within the required front yard.

(i) Home occupations shall require administrative approval by the Zoning Administrator in accordance with ***Chapter 12, Site Plan Review Procedures and Requirements***. Primary Caregiver Home Occupations shall not require administrative approval. *(Amended January 2015)*

15.03.08A **Primary Caregiver Home Occupation.** A Primary Caregiver Home Occupation shall be subject to the following regulations, in addition to the general requirements of Section 15.03.08. In case of inconsistency, the more stringent provision of Section 15.03.08A or Section 15.03.08 shall apply. *(Amended January 2015)*

(a) A Primary Caregiver Home Occupation is the only Primary Caregiver activity permitted in Blendon Township. The activities of a Primary Caregiver, that is, the medical use of marihuana, other than by a Qualifying Patient for their personal use, do not constitute a commercial, industrial, agricultural or other type of accessory use, and shall not be considered as similar to any listed commercial, agricultural, industrial or other use in the interpretation of this Ordinance. Without limiting the generality of the foregoing, the following shall be prohibited in the Township, whether or not such facilities are now or hereafter permitted under Michigan or Federal law:

- facilities at which marihuana is kept for distribution to Qualifying Patients, other than as permitted herein (sometimes known as “dispensaries”)
- locations at which two or more caregivers cultivate marijuana plants (sometimes known as “common grow” facilities)
- any other location or facility (except a Primary Caregiver Home Occupation) which acquires, possesses, cultivates, manufactures, delivers, transfers, tests, or transports medical marijuana and sells, supplies or dispenses it to registered Qualifying Patients, directly or through the patient’s registered Primary Caregivers (sometimes known as a “provisioning center” or “safety compliance center”)

(b) The Primary Caregiver must make the location of the Primary Caregiver Home Occupation his or her principal residence, notwithstanding Section 15.03.08(a).

(c) A Primary Caregiver Home Occupation shall be conducted only in a detached single family dwelling or a lawful accessory building.

(d) Only one Primary Caregiver may conduct his or her activities on a single lot.

(e) The Primary Caregiver Home Occupation shall be operated entirely within the dwelling, attached garage or lawful accessory building. All marihuana plants and processing equipment used for the medical use of marihuana shall be kept in an enclosed, locked portion of a dwelling, attached garage or lawful accessory building.

(f) The Primary Caregivers shall only provide medical marihuana to their designated qualified patients, not exceeding five (5), as defined in the Michigan Medical Marihuana Act.

(g) All growing operations, processing operations and use shall be conducted in compliance with the Michigan Medical Marihuana Act and other applicable State laws and regulations. A Primary Caregiver Home Occupation, conducted in accordance with this Ordinance and the Michigan Medical Marihuana Act, does not grant a Primary Caregiver immunity from violation of state or federal laws.

(h) Modifications or alterations to dwellings containing a Primary Caregiver Home Occupation and installation of any equipment shall conform to applicable building, plumbing, electrical, and mechanical codes.

(i) A Primary Caregiver Home Occupation shall not bear any sign, emblem or any other mark that would indicate the presence of the activity.

(j) A Primary Caregiver Home Occupation shall not be located within 1,000 feet of a school property.

(k) Delivery of marihuana for medical use to a Qualifying Patient shall take place only at a location other than the premises of the Primary Caregiver.

(l) No person other than the Primary Caregiver shall be permitted to deliver marihuana to the Qualifying Patient.

(m) At the Primary Caregiver's premises, there shall be no use of equipment not usually associated with a dwelling, except for lighting, heating, ventilation and watering equipment necessary to cultivate marihuana for medical use.

(n) No quantity of marihuana, other than the maximum number of plants permitted for the Primary Caregiver, based on the caregiver's number of Qualifying Patients, and any Qualifying Patients who have their principal residence there, shall be located on any one premises.

(o) If a room with windows is used as a growing location of marihuana, the windows must either be covered or the plants must be so located that no marihuana plant is visible outside the dwelling or other building.

15.03.09 **Outdoor Parking of Semi-Trucks and Construction Equipment on Residential Lots:** The storage or parking of semi-tractor trucks and/or semi-trailers, bulldozers, earth carriers, cranes or any other similar equipment or machinery on a Residential District or use lot is prohibited with the exception of the following:

(a) Parking and storage of vehicles for farming operations is permitted provided the vehicles are exclusively for agricultural use.

(b) Construction vehicles may be parked for approved construction on the property only while a current building permit is in effect.

(c) The parking of a single semi-tractor in the EAG, AG, or R-1 districts where the semi is the property of the occupant of the dwelling.

Section 15.04 Regulations Applicable to All Single-Family Dwellings

It is the intent of this Section to establish minimum standards of appearance and construction for all single-family dwellings placed in the township, whether constructed on a lot or a manufactured home. Construction and/or placement of a single-family dwelling on any lot or parcel shall be permitted only if the dwelling complies with all of the following standards:

15.04.01 **Manufactured Home:** If the dwelling unit is a manufactured home, the manufactured home must either be:

(a) New and certified by the manufacturer and/or appropriate inspection agency as meeting the Mobile Home Construction and Safety Standards of the U.S. Department of Housing and Urban Development, as amended, or any similar successor or replacement standards which may be promulgated; or

(b) Used and certified by the manufacturer and/or appropriate inspection agency as meeting the standards referenced in subsection (a) above, and found, on inspection by the Building Inspector or his designee, to be in excellent condition and safe and fit for residential occupancy.

15.04.02 **Compliance With Codes:** The dwelling unit shall comply with all applicable building, electrical, plumbing, fire energy and other similar codes which are or may be adopted by the Township, and with applicable federal or state standards or regulations for construction. Appropriate evidence of compliance with these standards or regulations shall be provided to the Building Inspector.

15.04.03 **Zoning Compliance:** The dwelling unit shall comply with all restrictions and requirements of this Ordinance, including, without limitation, the lot area, lot width, residential floor area, setback, and building height requirements of the District in which it is located.

15.04.04 **Foundation:** The dwelling unit shall be firmly attached to a permanent continuous foundation which complies with applicable provisions of the building code adopted by the Township.

15.04.05 **Installation:** If the dwelling unit is a manufactured home, the manufactured home shall be installed with the wheels and towing mechanism removed.

15.04.06 **Accessory Building:** The dwelling shall be provided with one (1) accessory building or garage, either attached to the dwelling unit or detached on the same lot, having minimum square footage of one hundred (100) square feet. Accessory buildings shall also comply with ***Section 15.03, Residential Accessory Buildings and Uses.***

15.04.07 **Water and Sanitary:** The dwelling unit shall be connected to public sewer and water supply systems, or to private facilities for potable water and disposal of sewage approved by the Ottawa County Health Department.

15.04.08 **Minimum Width:** All single-family dwellings shall have a minimum width of twenty-two (22) feet throughout the entire length as measured between the exterior part of the walls having the greatest length

15.04.09 **Manufactured Home Park:** The standards and requirements of this Section shall not apply to a manufactured home located in a manufactured home park licensed by the Michigan Manufactured Home Commission and approved by the Township according to the provisions of this Ordinance except to the extent required by state or federal law.

Section 15.05 Public Services, Utilities and Communication

The following essential public services, utilities and wireless communication facilities shall be allowed as provided below, subject to any applicable requirements of the Michigan Public Service Commission and any Township or County franchise agreement.

15.05.01 **Essential Service**

(a) The erection, construction, alteration or maintenance by public utilities or governmental units, boards or commissions of overhead or underground gas, electrical, steam or water distribution, transmission, collection, communication, or supply systems including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers, poles, electrical substations, gas regulator stations, utility pump and metering stations, and other similar equipment and accessories in connection therewith which are reasonably necessary for the furnishing of adequate service by a public utility or municipal department of commission or for the public health, safety or general welfare is permitted in any Zoning District.

(b) Notwithstanding the exceptions contained in (a) above:

(1) Electrical substations and/or gas regulator stations shall be enclosed with a fence or wall six (6) feet high and adequate to obstruct passage of persons or materials.

(2) Public utility buildings when located in any Residential District shall not include maintenance shops, repair garages, or storage yards as a principal or accessory use.

(3) Public utility facilities in any zoning district are required to be constructed and maintained in a neat and orderly manner. Any building that is constructed shall be landscaped and shall conform to the general character of the architecture of the surrounding neighborhood.

15.05.02 **Governmental Improvements**: The provisions of this Ordinance shall be applicable to and enforceable against the Township and all other governmental agencies and units, federal, state or county, except as otherwise provided for by state or federal law.

15.05.03 **Health Department Approval**:

(a) No permit shall be issued for the construction of a building or structure having drinking water and/or sanitary facilities located therein until it is demonstrated that such building or structure is in compliance with the rules and regulations governing waste and sewage disposal of the Ottawa County Health Department.

(b) Any form of common sanitary drainfield or similar common system that serves more than two (2) dwelling units shall be approved by the Township Board, the County Health Department and the Michigan Department of Environmental Quality (MDEQ), where required by law, prior to any building permits being issued for residential units. The system shall be designed to meet all requirements of the County Health Department and the MDEQ. A mechanism to fund the long-term maintenance of the system shall be provided in a form approved by the Township Attorney. The Township may require that the community system be dedicated to the County or other public agency for operation and maintenance.

15.05.04 **Satellite Dish Antennas**: A satellite dish antenna is permitted in all Zoning Districts. Any satellite dish in excess of one (1) meter in diameter in Residential Districts and two (2) meters in Nonresidential Districts shall require a permit from the Building Inspector, provided the following provisions are satisfied:

(a) The satellite dish antenna shall be permanently anchored to a foundation.

(b) No portion of the satellite dish antenna shall conduct or display any advertising, message or other graphic representation other than the manufacturer's name.

(c) No satellite dish antenna shall exceed a height of fifteen (15) feet, including its mounting structure.

(d) A satellite dish antenna shall only be located in a rear yard and shall not be closer to a property line than its height.

(e) A satellite dish antenna may be mounted on the roof of a main or accessory building, provided it shall not exceed a height of five (5) feet above the roofline.

(f) The Building Inspector may waive any provision of this Section if its enforcement inhibits or prevents the proper operation of the satellite dish antenna.

(g) These regulations are formulated to ensure that adequate protection measures are provided in the Ordinance for ensuring that sight distance is not impaired, that such dish antennas are located and constructed in a manner that will not afford the potential for injury, and to ensure that the intent and purposes of this Ordinance are met.

15.05.05 **Wireless Communication Facilities**

(a) **Purpose and Intent.** The regulations of this Section are intended to conform to federal laws and administrative rules governing facilities needed to operate wireless communication systems and to set forth procedures and standards for review and approval for the location of these facilities within Blendon Township. It is the Township•s intent to reasonably regulate the location and design of these facilities to retain the integrity of neighborhoods and the character, property values and aesthetic quality of the township. Given the increase in the number of wireless communication facilities requested as a result of the new technology and the Federal Telecommunications Act of 1996, it is the policy of the Township that all users should co-locate on Attached Wireless Communication Facilities and Wireless Communication Support Structures. Co-location is proposed in order to assure the

most economic use of land and to prevent the proliferation of duplicated services. In recognition of the Township♠s concern that technological advances may render certain Wireless Communication Facilities obsolete or unnecessary in the future, requirements are set forth for the removal of unused or unnecessary facilities in a timely manner and provide security for removal.

(b) **Definitions.** The following definitions shall apply in the interpretation of this Section:

(1) **Wireless Communication Facilities.** All structures and accessory facilities relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals. This may include, but shall not be limited to, radio towers, television towers, telephone devices, personal communication transmission equipment and exchanges, microwave relay towers, telephone transmission equipment building and commercial mobile radio service facilities. This definition does not include a reception antenna for an individual lot as otherwise defined and regulated in this Ordinance as provided in Section 15.05.04.

(2) **Attached Wireless Communication Facilities.** Wireless communication facilities affixed to existing structures, including but not limited to existing buildings, towers, water tanks, or utility poles.

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

(4) **Co-location**. Location by two (2) or more wireless communication providers of wireless communication facilities on a common structure, tower, or building, to reduce the overall number of structures required to support wireless communication antennas within the township.

(c) **Zoning Districts and Approval Process for Wireless Communication Facilities**. Wireless Communication Facilities may be located within the township in accordance with the Table set forth below. Wireless communication facilities may be located on a lot with other uses, provided all setback and applicable fall-zone requirements can be met from other buildings on the site.

Type/Location of Wireless Communication Facility	Districts Permitted	Approval Procedure
1. Attached to existing structures		
Attached to an existing conforming structure that will not be materially altered or changed in appearance	All	Administrative approval by the Zoning Administrator except in a Residential Districts where site plan approval shall be required by the Planning Commission
Attached to an existing utility pole that will not be modified or materially alter the pole or impair sight lines or compromise safety	All	Administrative approval by the Zoning Administrator, provided letter of acceptance is provided by the utility company
Co-location upon an attached wireless communication facility previously approved for such co-location	All	Administrative approval by the Zoning Administrator
2. Located on a municipally owned site or a site owned by another governmental entity, religious institution, or public school		
Monopole up to 100 feet in height	All	Special Land Use and Site Plan approval
3. New facility not addressed above		
Monopole up to 120 feet tall	C-1 District	Special Land Use and Site Plan approval
Monopole any height	LI District	Special Land Use and Site Plan approval
Lattice tower where it can be demonstrated that a monopole is not feasible.	LI District	Special Land Use and Site Plan approval

(d) **Application Requirements**. The following information shall be provided with the application, in addition to other submission requirements for site plan, as required in Chapter 9.

(1) Signed certification by a professional engineer licensed by the State of Michigan with regard to the manner in which the proposed structure will fall in the event of damage, accident or injury (i.e. fall zone), and that the setback area provided shall accommodate the structure should it fall or break and provide a reasonable buffer in the event the structure fails.

(2) A description of performance guarantee to be posted at the time of receiving a land use permit for the facility to ensure removal of the facility when it is abandoned or is no longer needed. The applicant shall demonstrate that funds will be available to the Township for removal of any structure used for wireless communication in an amount which reasonably reflects the cost of removal of the facility and restoration of the property or structure upon which the facility is located or placed. Adequate funds shall also be provided to cover the Township's administrative costs in the event that the applicant or its successor does not remove the Wireless Communication Facility in a timely manner.

The security shall, at the election of the Township Board, be in the form of: (1) cash; (2) security bond; (3) letter of credit; or, (4) an agreement in a form

approved by the Township Attorney and recordable at the office of the Register of Deeds, establishing a promise of the applicant and owner of the property, or their successors, to remove the facility in a timely manner as required under this section of the ordinance. The applicant, owner or successor, shall be responsible for payment of any costs or attorney fees incurred by the Township in securing removal.

(3) A map that illustrates existing and known proposed Wireless Communication Facilities within Blendon Township and adjacent communities, which are relevant in terms of potential co-location or to demonstrate the need for the proposed facility. If and to the extent the information in question is on file with the Township, the applicant shall be required only to update as needed. Any information which is trade secret and/or other confidential commercial information which, if released would result in commercial disadvantage to the applicant, may be submitted with a request for confidentiality in connection with the development of governmental policy. (MCL 15.243(l)(g).) This sub section shall serve as the promise to maintain confidentiality to the extent permitted by law. The request for confidentiality must be prominently stated in order to bring it to the attention of the Township.

(4) For all new facilities, in recognition of the Township•s policy to promote co-location, a written agreement, transferable to all assessors and assigns, that the operator shall make space available on the facility for co-location.

(5) The name, address and phone number of the person to contact for engineering, maintenance and other notice purposes. This information shall be continuously updated during all times the facility is on the premises.

(e) **Design Standards Applicable to All Wireless Communication Facilities.** In addition to the ***Criteria of Site Plan Review of Section 12.04*** and standards for ***Special Land Use Approval of Section 13.03***, all Wireless Communication Facilities shall be constructed and maintained in accordance with the following standards:

(1) Facilities shall be located and designed to be harmonious with the surrounding areas. The Planning Commission may require unique design of the structure to either diminish the visual impact or to create an architectural feature that will contribute to or enhance community character.

(2) A permit for the construction and use of a new Wireless Communication Facility shall not be granted until the applicant demonstrates a feasible co-location is not available for the coverage area and capacity needs.

(3) All new and modified Wireless Communication Facility shall be designed and constructed to accommodate co-location, with a written agreement in a format approved by the Township Attorney.

(4) Landscaping shall be provided to screen the structure base, accessory buildings and enclosure from adjacent uses and public rights-of-way.

(5) Elevations of the accessory buildings shall be provided. All accessory buildings shall be constructed of brick or other masonry, provided the

Planning Commission may waive this requirement for a building that is located in the Light Industrial District and is not visible from a public right-of-way or District other than a Light Industrial District.

(6) Fencing shall be provided for protection of the support structure and security from children and other persons who may otherwise access facilities.

(7) Any nonconforming situations on the site, such as outdoor storage, signs, inadequate landscaping, unpaved parking, lack of a sidewalk, improper lighting or similar conditions shall be brought into conformance prior to the erection of the Wireless Communication Facility. If existing buildings or structures are not in conformance with current zoning, improvements shall be made to decrease the nonconformity or additional landscaping shall be provided to reduce the effects of the nonconformity and the wireless facility.

(8) The applicant shall demonstrate that the requested height of the new or modified support structure and antenna shall be the minimum height necessary for reasonable communication by the applicant, including additional height to accommodate future co-location where appropriate.

(9) Minimum required setbacks for new facility or support structure.

a. From any Residential District - the height of the structure, plus twenty five (25) feet. The approving authority for the Township may decrease this setback to that provided in c, below upon a finding that no residential use exists or is expected to exist on the adjacent site.

b. From any existing or proposed rights-of-way or other publicly traveled roads or non-motorized improved pathways - one half (1/2) the height of the structure, plus twenty five (25) feet, provided the engineering information required in (d)(1) above is provided; otherwise the setback shall be the height of the facility.

c. From Nonresidential Districts - one half (1/2) the height of the structure, plus ten (10) feet, provided the engineering information required in (d)(1) above demonstrates that the setback is adequate.

(11) Accessory buildings shall be a maximum of fourteen (14) feet high and shall be set back in accordance with the requirements for main buildings in that District.

(12) There shall be unobstructed access to the support structure, for operation, maintenance, repair and inspection purposes, which may be provided through or over an easement. This access shall have a width and location determined by such factors as: the location of adjacent thoroughfares and traffic and circulation within the site; utilities needed to service the tower and any attendant facilities; the location of buildings and parking facilities; proximity to a Residential District and minimizing disturbance to the natural landscape; and the type of equipment which will need to access the site.

(13) Where an attached Wireless Communication Facility is proposed on the roof of a building if the equipment enclosure is proposed as a roof appliance or penthouse on the building, it shall be designed, constructed and maintained to be architecturally compatible with the main building. The equipment enclosure may be located within the main building or may be an accessory building. If proposed as an accessory building, it shall conform to all District requirements for main buildings, including setbacks.

(14) The support system shall be constructed in accordance with all applicable building codes and shall include the submission of a soils report from a geotechnical engineer, licensed in the State of Michigan. This soils report shall include soil borings and statements confirming the suitability of soil conditions for the proposed use.

(15) The requirements of the Federal Aviation Administration, Federal Communication Commission, and Michigan Aeronautics Commission shall be noted. Any aviation hazard lighting shall be detailed on the plans.

(16) A maintenance plan, and any applicable maintenance agreement, shall be presented and approved as part of the site plan for the proposed facility. This plan shall be designed to ensure the long term, continuous maintenance to a reasonably prudent standard.

(f) Removal. As a condition of every approval of a Wireless Communication Facility, adequate provision shall be made for removal of all or part of the facility by users and owners upon the occurrence of one (1) or more of the following events:

(1) When the facility has not been used for one hundred eighty (180) days or more. For purposes of this sub section, the removal of antennas or other equipment from the facility, or the cessation of operations (transmission and/or reception of radio signals) shall be considered as the beginning of a period of non-use.

(2) Six (6) months after new technology is available at reasonable cost, as determined by the Township Board, which permits the operation of the communication system without the requirement of the support structure.

(3) The situations in which removal of a facility is required, as set forth in paragraph (1) above, may be applied and limited to portions of a facility.

(4) Upon the occurrence of one (1) or more of the events requiring removal, specified in paragraph (1) above, the property owner or persons who had used the facility shall immediately apply or secure the application for any required demolition or removal permits, and immediately proceed with and complete the demolition/removal, restoring the premises to an acceptable condition as reasonably determined by the Zoning Administrator.

(5) If the required removal of a facility or a portion thereof has not been lawfully completed within sixty (60) days of the applicable deadline, and after at least thirty (30) days written notice, the Township may remove or secure the removal of the facility or required portions thereof, with its actual cost and

reasonable administrative charge to be drawn or collected and/or enforced from or under the security posted at the time application was made for establishing the facility.

(g) **Co-Location.**

(1) Statement of Policy. It is the policy of Blendon Township to minimize the overall number of newly established locations for Wireless Communication Facilities and Wireless Communication Support Structures within the Township and to encourage the use of existing structures for Attached Wireless Communication Facilities. If a provider fails or refuses to permit co-location on a facility owned or controlled by it, where co-location is feasible, the result will be that a new and unnecessary additional structure will be required, in contradiction with Township policy. Co-location shall be required unless an applicant demonstrates that co-location is not feasible.

(2) Feasibility of Co-location. Co-location shall be deemed "feasible" for the purpose of this sub section where all of the following are met:

a. The wireless communication provider or property owner where co-location is proposed will accept market rent or other market compensation for co-location and the wireless communication provider seeking the facility will pay these rates.

b. The site on which co-location is being considered, taking into consideration reasonable modification or replacement of a facility, is able to provide structural support.

c. The co-location being considered is technically reasonable, e.g. the co-location will not result in unreasonable interference, given appropriate physical and other adjustments in relation to the structure, antennas and the like.

(h) **Nonconforming facilities and penalties for not permitting co-location**. If a party who owns or otherwise controls a Wireless Communication Facility shall fail or refuse to alter a structure to accommodate a proposed and otherwise feasible co-location, such facility shall thereupon and thereafter be deemed to be a nonconforming structure and use, and shall not be altered, expanded or extended in any respect. In addition, if a party refuses to allow co-location in accordance with the intent of this Section, and this action results in construction of a new tower, the Township may refuse to approve a new Wireless Communication Support Structure from that party for a period of up to five (5) years. A variance may be sought from the Zoning Board of Appeals if and to the limited extent the applicant demonstrates entitlement to variance relief which, in this context, shall mean a demonstration that enforcement of the five (5) year prohibition would unreasonably discriminate among providers of functionally equivalent wireless communication services, or that enforcement would have the effect of prohibiting the provision of personal wireless communication services to a significant portion of the population.

(i) **Variances**. The Zoning Board of Appeals may consider a variance from the standards of this Section, based upon a finding that one (1) or more of the following factors exist, as appropriate for the type of variance requested:

(1) For location, the applicant has demonstrated that a location within a District or location in accordance with the standards of this Sub Section cannot reasonably meet the coverage or capacity needs of the applicant.

(2) For no co-location the applicant has demonstrated that a feasible co-location is not available for the coverage area and capacity needs because existing structures cannot support the facility, that co-location would result in unreasonable interference, or that reasonable financial terms are not available for co-location.

(3) For setback, the applicant has provided engineering information that documents that the tower is self-collapsing and that the setback area provided shall accommodate the structure should it fall or break and provide a reasonable buffer in the event the structure fails.

(4) For height, the height requested is due to signal interference due to topography, tall buildings, masses of trees, or other obstructions, or would reduce the number of towers to the benefit of the Township.

(5) For all, the applicant has proposed means to mitigate any negative impacts through provision for future co-location, if found to be appropriate by the township, and special design of the facility and site.

(6) For all, the wireless communication and accessory facilities shall be designed to be compatible with the existing character of the proposed site, neighborhood and general area such as a steeple, bell tower, or similar form.

CHAPTER 16
ZONING BOARD OF APPEALS

Section 16.01 Creation of Zoning Board of Appeals. The Zoning Board of Appeals (the "Board of Appeals") is hereby created. The Board of Appeals shall have the authority and responsibilities conferred by law and this Ordinance.

Section 16.02 Membership.

16.02.01 The Board of Appeals shall consist of five members. The members shall be appointed by affirmative majority vote of the total number of members of the Township Board.

16.02.02 One member of the Board of Appeals shall be a member of the Township Planning Commission.

16.02.03 One member of the Board of Appeals may be a member of the Township Board.

16.02.04 The members of the Board of Appeals other than those stated in 16.02.02 and 16.02.03 shall be electors of the Township residing within its zoning jurisdiction.

16.02.05 There may be not more than two alternate members of the Board of Appeals, appointed in the same manner as regular members of the Board of Appeals. They shall be electors of the Township residing within its zoning jurisdiction. They shall have the authority and duties stated in Section 16.13.

16.02.06 An employee or contractor of the Township shall not serve as a member of the Board of Appeals.

Section 16.03 Terms of Office.

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

16.03.02 The terms of the Board of Appeals members who are a Township Board member and a Planning Commission member shall coincide with their respective terms as members of those bodies.

16.03.03 A member of the Board of Appeals may be reappointed.

16.03.04 A vacancy in the office of a member of the Board of Appeals shall be filled for the remainder of the unexpired term in the same manner as an original appointment is made.

Section 16.04 Jurisdiction.

16.04.01 The Board of Appeals shall act upon all questions arising in the administration of the Zoning Ordinance, including interpretation of the Zoning Map and the text of the Zoning Ordinance.

16.04.02 The Board of Appeals shall hear and decide all appeals from any order, decision or determination made by the Zoning Administrator or other person authorized to enforce the provisions of this Ordinance.

16.04.03 The Board of Appeals shall hear and decide all matters assigned to it for decision under the terms of this Ordinance.

16.04.04 The Board of Appeals shall have no jurisdiction or authority over or with regard to the following:

(a) Any aspect or part of an application for approval of a special land use or open space cluster development.

(b) An appeal from any aspect or part of a determination or decision made with regard to a special land use or open space cluster development.

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

Section 16.05 Types of Available Relief. The Board of Appeals shall have authority to hear and decide appeals and other applications for relief as follows:

(a) Cases in which it is alleged that there is error or misinterpretation in any order, decision or determination made by the Zoning Administrator or any other person authorized to enforce the provisions of this Ordinance.

(b) Cases in which it is alleged that there are practical difficulties in carrying out the literal requirements of this Ordinance by reason of (i) the exceptional narrowness, shallowness or shape of a lot or parcel of land; (ii) exceptional topographic conditions or (iii) extraordinary dimensional conditions of land, buildings or structures.

(c) Cases in which it is alleged that there is unnecessary hardship if the land use requirements of this ordinance are enforced against a parcel of land and if there are other grounds for such relief, as stated in Section 16.07.

Section 16.06 Dimensional Variances. If an applicant seeks a dimensional variance from the provisions or requirements of this Ordinance because of dimensional characteristics of a lot or parcel of land, or because of exceptional topographic or similar conditions of the land, buildings or

structures, the applicant shall demonstrate through competent, material and substantial evidence on the record that all of the following exist:

(a) That the enforcement of the literal requirements of this Ordinance would involve practical difficulties.

(b) That special conditions or circumstances exist which are peculiar to the land, structures or buildings involved and which are not applicable to other lands, structures or buildings in the same zoning district.

(c) That such a variance is necessary for the preservation and enjoyment of a substantial property right possessed by other properties in the same zoning district and in the vicinity.

(d) That the authorizing of such variance will not be of substantial detriment to other lands and uses and will not be contrary to the spirit and purpose of this Ordinance.

In approving a dimensional variance, the Board of Appeals may include such terms and conditions that the Board deems reasonably necessary to carry out the intent and purposes of this Ordinance and for the protection and advancement of the public interest.

Section 16.07 Use Variances. If an applicant seeks a use variance from the provisions or requirements of this Ordinance, the applicant shall demonstrate, and the Board of Appeals shall make findings based upon competent, material and substantial evidence on the whole record that all of the following exist:

(a) That the enforcement of the literal requirements of this Ordinance would cause unnecessary hardship.

(b) That such a variance is necessary for the preservation and enjoyment of a substantial property right possessed by other properties in the same zoning district and in the vicinity.

(c) That special conditions or circumstances exist which are peculiar to the land, structures or buildings involved and which are not applicable to other lands, structures or buildings in the same zoning district.

(d) That the authorizing of such variance will not be of substantial detriment to the adjacent and nearby properties and will not be contrary to the spirit and purpose of this Ordinance.

In approving a use variance, the Board of Appeals may include such terms and conditions that the Board deems reasonably necessary to carry out the intent and purposes of this Ordinance and for the protection and advancement of the public interest. Among other terms and conditions, the Board may require that the applicant prepare and submit a site plan depicting the land, buildings or other structures, the current condition of the land and the condition thereof if the requested variance were approved.

Section 16.08 Time Limitations on Variances. Any variance granted under the provisions of this Ordinance shall become null and void unless the construction or other work authorized by a variance

shall be completed not later than one year after the granting of the variance and is being carried forward to completion or occupancy of land, premises or buildings.

Section 16.09 Appeals and Other Applications for Relief.

16.09.01 An appeal from an order, decision or determination by the Zoning Administrator or other person authorized to enforce or administer this Ordinance may be taken by any person aggrieved by such order, decision or determination.

16.09.02. An application for an appeal, a variance or other authorized relief shall be accompanied by payment of the required application fee.

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

16.09.04 An applicant seeking relief within the jurisdiction of the Board of Appeals shall apply for such relief by means of an application form provided by the Township, together with a scaled drawing with sufficient detail to indicate the nature and necessity of the request, and shall pay the required application fee and deposit any required sum into a Township escrow account for the purpose of any required reimbursement of Township expenses incurred in the consideration of the application.

16.09.05 After an application for an appeal, a variance or other authorized relief is complete, has been filed in proper form, and the application fee has been paid, the Zoning Administrator shall forward to the Board of Appeals the application or notice of appeal and other materials comprising the record of the matter from which the application or appeal is taken. The Zoning Administrator shall schedule the application or appeal for a public meeting or, if required, for a public hearing, within a reasonable time. Any required notice of hearing shall be given in accordance with this Ordinance.

Section 16.10 Decisions of the Board of Appeals.

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

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

16.10.03 The affirmative vote of a majority of the members of the Board of Appeals shall be required to reverse or affirm the order, decision or determination that is being appealed, or to grant a variance from any provision of this Ordinance; provided, however, that a use variance shall not be granted unless approved by an affirmative vote of at least a two-thirds majority of the members of the Board of Appeals.

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

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

16.10.06 No application which has been denied wholly or in part by the Board of Appeals shall be resubmitted for a period of one year from the date of the last denial, except on grounds of changed conditions that would significantly change the nature of the request or affect the reasons for denial first decided by the Board.

16.10.07 The members of the Board of Appeals who are members of the Township Board and of the Planning Commission, respectively, shall not participate in or vote on matters that the members previously voted on in their respective capacities as Township Board member or Planning Commission member.

Section 16.11 Officers.

16.11.01 The Board of Appeals shall elect from its members a chairperson, vice chairperson and secretary.

(a) The chairperson shall preside at meetings of the Board; the vice-chairperson shall preside in the absence of the chairperson.

(b) The secretary shall prepare and sign the minutes of each Board meeting; provided, however, that minutes may be taken by a recording secretary, but the minutes as approved by the Board shall be signed by the secretary.

16.11.02 The Board of Appeals member who is a Township Board member may not serve as chairperson of the Board of Appeals.

16.11.03 An officer of the Board of Appeals shall have a term of one year and until the officer's successor is elected and qualifies. An officer may be reelected.

16.11.04 An alternate member of the Board of Appeals shall not be eligible for election as an officer of the Board, but an alternate member who is called upon to serve as a member of the Board in the absence of a regular member who is an officer of the Board may, while serving, carry out the duties of the officer in whose absence the alternate member is serving.

Section 16.12 Meetings and Procedures

16.12.01 The Board of Appeals shall adopt bylaws and rules of procedure for the conduct of its meetings and related purposes.

16.12.02 The Board of Appeals shall conduct business only when a majority of its members is present, including any alternate member serving in the absence of a regular member in accordance with Section 16.13. Three members shall constitute a quorum.

16.12.03 At the first meeting of each calendar year, the Board of Appeals shall adopt a schedule of regular meetings; provided, however, that a meeting need not be held if pending matters do not warrant a meeting.

16.12.04 The Board of Appeals may convene special meetings at such times as it shall determine.

16.12.05 The Board of Appeals shall conduct a public hearing on an appeal of an administrative order, decision or determination, or on an application for an interpretation of this Ordinance or the Zoning Map.

(a) Notice of the public hearing shall be given by one publication of a notice of hearing in a newspaper of general circulation in the Township, at least 15 days before the date of hearing.

(b) Notice of the public hearing shall also be given by personal delivery or by U.S. mail to the owner of property that is the subject of the application and to all persons to whom real property is assessed within 300 feet of the subject property; provided, however, that if the application does not involve a specific parcel of property, notice need be given only to the person making the application, in the manner stated above, and by publication in the manner stated in subparagraph (a).

(c) Notice of the public hearing, and the extent manner of providing such notice, shall also comply with Section 17.14.

16.12.06 The Board of Appeals shall keep minutes of its proceedings, showing the actions of the Board.

Section 16.13 Alternate Members.

16.13.01 The Township Board may appoint not more than two alternate members of the Board of Appeals, in the same manner as regular members are appointed.

16.13.02 An alternate member may serve as a member of the Board of Appeals in the absence of a regular member if the regular member will be unable to attend one or more meetings.

16.13.03 An alternate member may also serve as a member of the Board for the purpose of reaching a decision in a case in which a regular member has abstained because of conflict of interest.

16.13.04 An alternate member who is called to serve in a case before the Board shall serve in the case until a final decision is made, whether at one or more meetings.

16.13.05 An alternate member of the Board of Appeals has the same voting rights as a regular member of the Board.

Section 16.14 Removal of Members; Conflicts of Interest.

16.14.01 A member of the Board of Appeals may be removed by the Township Board for misfeasance, malfeasance or nonfeasance in office, upon a written statement of the reasons or grounds for the proposed removal and after a public hearing by the Township Board. At the public hearing, the member who is proposed to be removed shall be given an opportunity to address the Township Board.

16.14.02 A member of the Board of Appeals shall disqualify himself or herself from voting on a matter in which the member has a conflict of interest. Failure of a member to disqualify himself or herself from voting in a matter in which the member has a conflict of interest constitutes malfeasance in office.

Section 16.15 Appeals from Decisions of the Board of Appeals.

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

(a) That it complies with the Constitution and laws of the state.

(b) That it is based upon proper procedures.

(c) That it is supported by competent, material and substantial evidence on the record of the Board of Appeals.

(d) That it represents the reasonable exercise of discretion as granted by law to the Board of Appeals.

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

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

Section 16.16 Reduction of Natural Feature Setback:

The natural feature setback may be reduced by the Zoning Board of Appeals upon a determination that it is in the public interest. In determining whether the setback reduction is in the public interest, the benefit which would reasonably be expected to accrue from the proposed development shall be balanced against the reasonably

foreseeable detriments to the natural feature. The following general criteria shall be applied in undertaking this balancing test:

16.16.01 The relative extent of the public and private need for the proposed activity.

16.16.02 The availability of feasible and prudent alternative locations and methods to accomplish the expected benefits from the activity.

16.16.03 The extent and permanence of the beneficial or detrimental effects which the proposed activity may have on the public and private use to which the area is suited.

16.16.04 The probable impact of the proposal in relation to the cumulative effect created by other existing and anticipated activities in the watershed.

16.16.05 The probable impact on recognized historic, cultural, scenic, ecological, or recreational values and on the public health or fish or wildlife.

16.16.06 The size and quality of the natural feature.

16.16.07 Proximity to any drainageway.

16.16.08 Extent to which upland soil erosion adjacent to protected wetlands or drainageways is controlled.

16.16.09 Economic value, both public and private, of the proposed land change.

Section 16.17 Decisions

16.17.01 Any decision of the Board shall not become final until minutes of the meeting at which final action on the request was taken are officially approved and adopted by the Zoning Board of Appeals, unless the Board shall find the immediate effect of the order is necessary for the preservation of property or personal rights and shall certify that fact on the record.

16.17.02 The decision of the Zoning Board of Appeals shall be final; however, a party aggrieved by the decision of the Zoning Board of Appeals may appeal to the circuit court, to the extent and in the manner permitted by law.

16.17.03 Each decision entered under the provisions of this Chapter shall become null and void unless the construction or other action authorized by the decision has been started within one (1) year after the decision was made and is being carried forward to completion or occupancy of land, premises, or buildings.

CHAPTER 17
ADMINISTRATION AND ENFORCEMENT

Section 17.01 Zoning Administration

The provisions of this Ordinance shall be administered and enforced by the Zoning Administrator; and for the purpose of this Ordinance, the Building Inspector and/or Zoning Administrator is designated as said Zoning Administrator.

Section 17.02 Zoning Administrator

The Zoning Administrator shall be appointed by the Township Board for such term and subject to such conditions and at such rate of compensation as the Township Board shall determine. To be eligible for appointment to the post of Zoning Administrator, the applicant must:

17.02.01 be generally informed of the provisions of this Ordinance;

17.02.02 have a general knowledge of the building arts and trades; and

17.02.03 be in good health and physically capable of fulfilling the duties of the Zoning Administrator.

17.02.04 have no interest whatsoever, directly or indirectly, in the sale or manufacture of any material, process, facility or device entering into or used in connection with building construction.

Section 17.03 Building Permits for Zoning Compliance and Plans

No structure or part thereof shall be constructed, reconstructed, erected, moved, enlarged or altered, nor shall any use on any property be changed to another use, until a building permit for zoning compliance has been granted by the Zoning Administrator. Application for a building permit for zoning compliance shall be filed by the owner or his agent and it shall state the intended use of the structure and of the land. The application shall be accompanied by building plans and specifications, a plot plan, a site plan where required, and such other information as may be necessary to provide for the enforcement of this Ordinance.

17.03.01 Plans shall be drawn to scale and shall show dimensions in figures. Plans shall be signed by the person preparing them and by the owner of the property or building involved. A fee of $10 to defray the costs of administration and inspections shall accompany any plans or applications for a building permit for zoning compliance. In the event a building permit is also required by the building code of the Township, then said $10 shall be credited toward the building permit required by the Building Code of the Township.

17.03.02 No building permit for zoning compliance shall be issued unless the plans and intended use conform in all respects to the provisions of this Ordinance. All building permits for zoning compliance shall expire one (1) year from their date of issuance. A copy of all approved building permits shall be sent to the Assessor.

17.03.03 No building permit for zoning compliance shall be issued until the owner verifies that the lot involved has been created in conformance with this Ordinance and/or State and Township Subdivision Regulations.

17.03.04 The Zoning Administrator shall have a reasonable period of time to review all plans and specifications prior to taking appropriate action thereon.

17.03.05 A building permit for zoning compliance shall be displayed so as to be visible from a public street at the site where authorized action is being undertaken.

Section 17.04 Duties of the Zoning Administrator

This Ordinance shall be enforced by the Zoning Administrator who shall, in no case, issue
any building permit nor grant any occupancy permit where the proposed structure, alteration or use would be in violation of any provisions of this Ordinance except under written order of the Zoning Board of Appeals, the Township Board, or a court of competent jurisdiction.

17.04.01 The Zoning Administrator shall investigate any alleged violation of the Zoning Ordinance
coming to his attention. If a violation is found to exist, he shall serve written notice upon the owner to cease said violation as provided by law. If said owner fails to act diligently to
correct said violation and does not correct such violation within fourteen (14) days or any extension of time authorized by the Township Board, the Zoning Administrator shall serve
notice upon the owner, notify the Township Board, and prosecute such violator to terminate said violation before a court of proper jurisdiction.

17.04.02 The Zoning Administrator shall inspect all new construction or alterations at the time footings are placed, when framing is underway, and at the completion of the construction or alterations authorized. He shall make such additional inspections he deems necessary to insure compliance with the provisions of this Ordinance. The Building Inspector shall make periodic inspections of the Township to ascertain that all the requirements of this Ordinance are being complied with.

17.04.03 The Zoning Administrator shall keep records of all inspections, applications, applications and permits issued, with a notation of all Special Land Use conditions involved. He shall file and safely keep copies of all plans, other than for single-family dwellings, and records of all fees submitted with applications. The same shall form a part of the records of his office and shall be available to the Township Board and all other officials of the Township.

Section 17.05 Property Surveys

If the Zoning Administrator in the performance of his duties under this Ordinance (or the Planning Commission, Zoning Board of Appeals, or Township Board pursuant to their zoning review and approval powers under this Ordinance) may require that a survey be done by a professional surveyor or engineer for property at issue (including a written drawing and stakes set on the property boundaries or corners) in order to ensure that all requirements of this Ordinance will be met. The survey and related information shall be

paid for and provided by the property owner or applicant and no building permit or other Township permit(s) shall be issued or approved until and unless the survey and related information has been provided to the Township.

Section 17.06 Certificate of Occupancy

No land shall be used and no building hereafter erected or altered shall be occupied or used for any purpose until a certificate of occupancy shall have been issued by the Zoning Administrator stating that the premises or building complies with the provisions of approved plans and all Ordinances of the Township. Where any use conditions are applicable, said conditions shall be stated on the certificate of occupancy. A record of all certificates of occupancy shall be kept on file in the office of the Zoning Administrator. Where a building permit is not involved, a fee of two dollars ($2.00) shall be charged for each permit. A copy shall be sent to the Clerk and Assessor.

Section 17.07 Initiation of Amendments

17.07.01 Whenever the public necessity, convenience, general welfare or good zoning practice require the regulations, restrictions and district boundaries set forth in this Ordinance may from time to time be amended, supplemented, changed or repealed; provided, however, that no such action may be taken until a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard.

17.07.02 An amendment, supplement or change may be initiated by the Township Board or the Township Planning Commission on a motion by either of these bodies, or by a verified application of one (1) or more of the owners or lessees of property within the area proposed to be changed or affected by this Ordinance.

17.07.03 Applications - Applications for amendments and district changes shall be submitted to the Township Planning Commission upon forms carefully filled out with such data and information as to assure the fullest practical presentation of facts for the permanent record.

17.07.04 Notice of Public Hearing. Before submitting its recommendations on a proposed amendment of the text or district change, the Planning Commission shall hold at least one public hearing, notice of which shall be given in accordance with Section 17.14 of this Ordinance. If a notice is delivered by mail, an affidavit of mailing shall be filed with the Planning Commission before the hearing.

17.07.05 County Planning Commission - Following such hearing or hearings, the Township Planning Commission shall submit the proposed amendment to the County Planning Commission for approval, disapproval or suggestions. The approval of the Planning Commission shall be conclusively presumed unless such Commission shall, within thirty (30) days of its receipt, have notified the Township Clerk to the contrary.

17.07.06 Township Board – The Township Planning Commission shall transmit a summary of comments received at the public hearing and the proposed zoning ordinance amendment, along with a recommendation of granting or denying the amendment to the Township Board. The Township Board may hold additional hearings if the Township Board considers it necessary. Notice of a public hearing held by the Township Board shall be published and delivered in accordance with Section 17.14 of this Ordinance. If it desires, the Township

Board may refer any proposed amending back to the Planning Commission for further consideration and comment within a time specified by the Township Board, but the Board is not required to do so.

17.07.07 Whenever a proposed amendment or district change has not been adopted by the Township Board, the Planning Commission shall refuse to consider the same for at least one (1) year unless it is conclusively shown that new conditions and circumstances exist.

17.07.08 Criteria for Amendment of the Official Zoning Map: The Planning Commission shall and Township Board may, at minimum, consider the following before taking action on any proposed rezoning:

(a) Whether the proposed amendment will be in accordance with the basic intent and purpose of the Zoning Ordinance.

(b) Whether the proposed amendment will be consistent with the goals, policies and future land use map of the Blendon Township Master Plan. If conditions have changed since the Master Plan was adopted, whether it will be consistent with recent development trends in the area.

(c) Whether conditions have changed since the Zoning Ordinance was adopted, or a mistake exists in the Zoning Ordinance, that justifies the amendment.

(d) Whether the amendment set an inappropriate precedent.

(e) Whether the proposed zoning is consistent with the zoning classification of surrounding land.

(f) Whether all requirements in the proposed zoning classification can be complied with on the subject parcel.

(g) Whether the proposed zoning is consistent with the trends in land development in the general vicinity of the property in question.

(h) Whether the proposed zoning is compatible with the site's physical, geological, hydrological and other environmental features with the host of uses permitted in the proposed zoning district.

(i) Whether all the potential uses allowed in the proposed zoning district are compatible with surrounding uses and zoning in terms of land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, infrastructure and potential influence on property values.

(j) Whether the capacity of Township utilities and services is sufficient to accommodate the uses permitted in the requested district without compromising the "health, safety and welfare" of the Township.

(k) Whether there is sufficient capacity in the street system to safely and efficiently accommodate the expected traffic generated by uses permitted in the requested zoning district.

(l) If a rezoning is appropriate, whether the requested zoning district is considered to be more appropriate from the Township's perspective than another zoning district.

17.07.09 If an interested property owner requests a hearing by the Township Board on a proposed Zoning Ordinance amendment, and if such request is in writing and is sent by certified U.S. mail, addressed to the Township Clerk, the Township Board shall convene such a hearing. In that case, written notice of the date, time, place and purpose of the hearing shall be given to the requesting property owner in the same manner and to the same extent that notice of a Planning Commission public hearing is given to an applicant, but no other notice of the Township Board hearing need be given by publication, U.S. mail or otherwise.

Section 17.08 Schedule of Fees

17.08.01 No action shall be taken on the application for a temporary use or structure permit, variance, appeal, ordinance interpretation, special land use, planned unit development, site plan review, or zoning change or amendment, or any other approval required by this Ordinance, as the case may be, unless or until fees connected with such application have been paid as determined by the Township Board.

17.08.02 Where structures are started or are occupied before permit, zoning change or variance is granted, an administrative fee may be charged in addition to the fee for the building permit, but payment of such administrative fee shall not relieve any person from fully complying with the requirements of this Zoning Ordinance.

Section 17.09 Penalties

17.09.01 Any building or structure which is erected, moved, placed, reconstructed, razed, extended,

enlarged, altered, maintained or used, or any use of a lot or land which has begun, maintained or changed in violation of any term of provision of this Ordinance, is hereby declared to be a nuisance per se.

17.09.02 A violation of this Ordinance shall be a civil infraction subject to a fine. Increased civil fines will be imposed for repeated violations that occur within a six (6) month period. The civil fine for a first offense is fifty dollars ($50.00). The civil fine for the first repeat offense is two hundred and fifty dollars ($250.00). The civil fine for the second repeat offense is five hundred dollars ($500.00). The Township shall also be entitled to equitable relief to abate the violation and to such other relief as may be available to the Township pursuant to chapters 83 and 87 of the Michigan Revised Judicature Act, as amended.

17.09.03 Each day on which any violation of this Ordinance occurs shall constitute a separate offense.

Section 17.10 Stop Work Orders

17.10.01 Notice to Owner: Upon notice from the Zoning Administrator that any use is being conducted or that any work on any building or structure is being prosecuted contrary to the
provisions of this Ordinance, such work or use shall be immediately stopped. The Stop

Work Order shall be in writing and shall be given to the owner of the property involved, to
the owner's agent, or to the person doing the work and shall state the conditions, if any, under which work or the use will be permitted to resume.

17.10.02 Unlawful Continuance: Any person who shall continue to work in or about the structure, land or building, or use after having been served with a Stop Work Order, except such work as that person is directed to perform to remove a violation or correct an unsafe condition, shall be in violation of this Ordinance.

Section 17.11 Citations

The Building Inspector and Zoning Administrator of the Township of Blendon and all police officers and deputy sheriffs authorized to act on behalf of the Township of Blendon are authorized to issue civil infraction citations pursuant to this Ordinance.

Section 17.12 Administrative Liability

No officer, agent, employee, or member of the Planning Commission, Township Board or Zoning Board of Appeals shall render himself personally liable for any damage that may accrue to any person as the result of any act, decision, or other consequence or occurrence arising out of the discharge of his duties and responsibilities pursuant to this Ordinance.

Section 17.13 Performance Guarantees

The Township is empowered to require a performance bond or certified check in an amount equal to the estimated cost of improvements (as defined in ***Chapter 18, Definitions***) associated with the project. A performance guarantee shall be deposited with the Clerk of the Township at the time of the issuance of the permit authorizing the activity or project to insure faithful completion of the improvements indicated with the approved site plan; if not, said performance bond shall be forfeited. The Township shall rebate a proportional share of cash deposits only when requested by the depositor, based on the percent of improvements completed, as attested to by the depositor and verified by the Zoning Administrator. In cases where the provisions of this Ordinance have not been met, the submitted performance guarantee shall be used by the Township to return the property to a safe and healthy condition; and the balance, if any, shall be returned to the applicant.

Section 17.14 Publication and Delivery of Notice of Public Hearing.

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

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

17.14.02 For applications involving the rezoning of ten or fewer adjacent properties; for applications to the Zoning Board of Appeals involving a specific parcel of land; for all open space cluster development and special land use applications; and for other

zoning applications as to which a public hearing is required, a notice of public hearing shall be personally delivered or shall be mailed by first-class U.S. mail to the following persons, at least 15 days before the date of the public hearing:

The applicant; the owner of the subject property, if different from the applicant.

(a) All persons to whom real property is assessed for property taxes within 300 feet of the property that is the subject of the application;

(b) One occupant of each dwelling unit in each building that contains four or fewer dwelling units and is located within 300 feet of the subject property; and

(c) The owner or manager of a building containing more than four dwelling units, who shall be requested in writing to post the notice at the primary entrance of the building, but failure of such posting shall not constitute lack of notice to the owners or occupants of such dwelling units.

If the above-described 300-foot radius extends outside the Township's boundaries, the notice shall nevertheless be provided outside of the Township's boundaries, within the 300-foot radius, to all persons stated above in this subsection.

17.14.03 The notice of public hearing shall include the following information:

A description of the application or request.

(a) An identification of the property that is the subject of the application or request. The notice shall include a listing of all existing street addresses within the property; provided, however, that street addresses do not need to be created and listed if no such addresses currently exist within the property; and provided further that street addresses do not need to be listed if eleven or more adjacent properties are being proposed for rezoning.

(b) The date and time when the application or request will be considered; the location of the public hearing.

(c) The location or address where written comments concerning the application or request will be received; the period of time within which such written comments may be submitted.

Section 17.15 Severability

This Ordinance and the various parts, sections, subsections, paragraphs, sentences, phrases and clauses thereof are hereby declared to be severable. If any part, section, subsection, paragraph, sentence, phrase or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of this Ordinance shall not be affected thereby.

Section 17.16 Repeal

This ordinance shall constitute a new Zoning Ordinance for the Township of Blendon, Ottawa County, Michigan superseding and replacing in its entirety the previous Township Zoning Ordinance. All other ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 17.17 Effective Date

This Ordinance was adopted by the Township Board and is ordered to take effect thirty (30) days following publication. This Ordinance became effective on August 28, 2003.

CHAPTER 18
DEFINITIONS

Section 18.01 Definitions and Rules Applying to Text

The listed terms and words of this Chapter are defined for the purpose of their use in this Ordinance; these definitions shall apply in the interpretation and enforcement of this Ordinance unless otherwise specifically stated. The following listed rules of construction apply to the text of this Ordinance:

18.01.01 The particular shall control the general.

18.01.02 The headings which title a chapter, section or subsection are for convenience only and are not to be considered in any construction or interpretation of this Ordinance or as enlarging or restricting the terms and provisions of this Ordinance in any respect.

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

18.01.04 Unless the context clearly indicates to the contrary, words used in the present tense shall include the future tense; words used in the singular number shall include the plural number; and words used in the plural number shall include the singular number.

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

18.01.06 The word "person" includes a firm, association, partnership, joint venture, corporation, trust, or equivalent entity or a combination of any of them as well as a natural person.

18.01.07 The words "used" or "occupied," as applied to any land or building, shall be construed to include the words "intended," "arranged," or "designed to be used," or "occupied."

18.01.08 Any word or term not defined herein shall be considered to be defined in accordance with its common or standard definition.

Section 18.02 Definitions - A

ABUTTING (Lot or Parcel): A lot or parcel that touches along part or all of another lot or parcel.

ACCESSORY USE, BUILDING OR STRUCTURE: A use, building or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use, main building or structure. Where an accessory structure is attached to a main building, such accessory building shall be deemed a part of the main building. Where two (2) or more activities take place within a main building, the accessory use shall be the use occupying the least square footage or generating the least amount of traffic or other external effects.

ADJACENT (Lot, Parcel or Use): A lot, parcel or use that is located near to or in the vicinity of another lot, parcel or use. For example, lots, parcels or uses separated by a road may be considered to be adjacent to each other.

ADULT DAY CARE FAMILY HOME: A private residence that is used for daytime care for any part of a day but less than 24 hours for not more than six (6) functionally impaired elderly persons and is provided through a structured program of social and rehabilitative and/or maintenance services in a supportive group setting other than the client's home. *(amended September 2016)*

ADULT DAY CARE GROUP HOME: A private residence used for daytime care for any part of a day but less than 24 hours for at least seven (7) but not more than twelve (12) functionally impaired elderly persons and is provided through a structured program of social and rehabilitative and/or maintenance services in a supportive group setting other than the client's home. *(amended September 2016)*

ADULT DAY CARE CENTER: A facility other than a private residence that is used for daytime care for any part of a day but less than 24 hours for more than twelve (12) functionally impaired elderly persons and is provided through a structured program of social and rehabilitative and/or maintenance services in a supportive group setting other than the client's home. *(amended September 2016)*

ADULT FOSTER CARE FACILITY: A governmental or nongovernmental establishment that provides supervision, personal care, and protection in addition to room and board, for 24 hours a day, 5 or more days a week, and for 2 or more consecutive weeks for compensation to adults, pursuant to Act 218 of 1979, (MCL 400.701 *et. seq.*) as amended. An Adult Foster Care Facility does not include any of the following: *(amended September 2016)*

(a) A nursing home licensed under article 17 of the public health code, 1978 PA 368, MCL 333.20101 to 333.22260.

(b) A home for the aged licensed under article 17 of the public health code, 1978 PA 368, MCL 333.20101 to 333.22260.

(c) A hospital licensed under article 17 of the public health code, 1978 PA 368, MCL 333.20101 to 333.22260.

(d) A hospital for the mentally ill or a facility for the developmentally disabled operated by the department of community health under the mental health code, 1974 PA 258, MCL 330.1001 to 330.2106.

(e) A county infirmary operated by a county department of social services or family independence agency under section 55 of the social welfare act, 1939 PA 280, MCL 400.55.

(f) A child caring institution, children's camp, foster family home, or foster family group home licensed or approved under 1973 PA 116, MCL 722.111 to 722.128, if the number of residents who become 18 years of age while residing in the institution, camp, or home does not exceed the following:

    (i) Two, if the total number of residents is 10 or fewer.

    (ii) Three, if the total number of residents is not less than 11 and not more than 14.

    (iii) Four, if the total number of residents is not less than 15 and not more than 20.

    (iv) Five, if the total number of residents is 21 or more.

(g) A foster family home licensed or approved under 1973 PA 116, MCL 722.111 to 722.128, that has a person who is 18 years of age or older placed in the foster family home under section 5(7) of 1973 PA 116, MCL 722.115.

(h) An establishment commonly described as an alcohol or a substance abuse rehabilitation center, a residential facility for persons released from or assigned to adult correctional institutions, a maternity home, or a hotel or rooming house that does not provide or offer to provide foster care.

(i) A facility created by 1885 PA 152, MCL 36.1 to 36.12.

ADULT FOSTER CARE FAMILY HOME: An adult foster care facility that is a private residence with the approved capacity to receive 6 or fewer adults to be provided with foster care for 5 or more days a week and for 2 or more consecutive weeks. The adult foster care family home licensee shall be a member of the household, and an occupant of the residence. *(amended September 2016)*

ADULT FOSTER CARE SMALL GROUP HOME: An adult foster care facility, other than an adult foster care family home, with the approved capacity to receive 6 or fewer adults to be provided with foster care. *(amended September 2016)*

ADULT FOSTER CARE MEDIUM GROUP HOME: An adult foster care facility with the approved capacity to receive at least 7 but not more than 12 adults to be provided with foster care. *(amended September 2016)*

ADULT FOSTER CARE LARGE GROUP HOME: An adult foster care facility with the approved capacity to receive at least 13 but not more than 20 adults to be provided with foster care. *(amended September 2016)*

ADULT FOSTER CARE CONGREGATE FACILITY: An adult foster care facility with the approved capacity to receive more than 20 adults to be provided with foster care. *(amended September 2016)*

ADULT USE: An enclosed building used for an adult bookstore, adult live entertainment theater, massage parlor, or adult motion picture theater.

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

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

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

(d) ***MASSAGE PARLOR***: Any establishment having a fixed place of business where massages are administered for pay, including but not limited to massage parlors, sauna baths, and steam baths. This definition shall not be construed to include a hospital, nursing home, medical clinic, or the office of a physician, surgeon, chiropractor, osteopath, or physical therapist duly licensed by the State of Michigan, nor barber shops or beauty salons in which massages are administered only to the scalp, the face, the neck or the shoulder. This definition shall not be construed to include a non-profit organization operating a community center, swimming pool, tennis court, or other educational, cultural, recreational, and athletic facilities for the welfare of the residents of the area, nor practices of massage therapists who meet one or more of the following criteria:

(1) Proof of graduation from a school of massage licensed by the State of Michigan;

(2) Official transcripts verifying completion of at least 300 hours of massage training from an American community college or university; plus three references from massage therapists who are professional members of a massage association referred to in this section;

(3) Certificate of professional membership in the American Massage Therapy Association, International Myomassethics Federation, or any other recognized massage association with equivalent professional membership standards; or,

(4) A current occupational license from another state.

(e) ***SPECIFIED ANATOMICAL AREAS***: Less than completely and opaquely covered human genitals, pubic region, buttock and female breast below a point immediately above the top of the areola; and human male genitals in a discernible turgid state, even if completely and opaquely covered.

(f) ***SPECIFIED SEXUAL ACTIVITIES:*** Human genitals in a state of sexual stimulation or arousal; acts of human masturbation, sexual intercourse or sodomy; fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

AGRICULTURAL DISTRICT: The EAG Exclusive Agricultural District.

ALTERATIONS, STRUCTURAL: Any change in the supporting members of a building or structure such as bearing walls, columns, beams or girders, any substantial change in the roof, or an addition to or diminution of a structure or building.

ANIMAL:

(a) ***ANIMAL, EXOTIC:*** Any animal that attacks, bites, or injures human beings or domesticated animals without adequate provocation, or which because of temperament, conditioning, or training, has a known propensity to attack, bite, or

injure human beings or domesticated animals. Or, an animal from a species which is not commonly domesticated or kept as livestock, or which is not native to the State of Michigan, or a species which, irrespective of geographic origin, is of wild or predatory character, or which because of size, aggressive or vicious characteristics would constitute an unreasonable danger to human life or property if not kept, maintained or confined in a safe and secure manner, including any hybrid animal that is part exotic animal. Such animal shall include:

(1) Nonhuman primates

(2) Wild cats of family Felidae, except for the domestic cat, Felis Catus (domesticus)

(3) Bear

(4) Wild carnivores of family Canidae, except for the domestic dog (Canis familiaris)

(5) Venomous reptiles including venomous colubrids, elapids and sea snakes, vipers and venomous lizards.

(b) ***GAME:*** An animal that is native to Michigan, not domesticated and commonly hunted, including deer, elk, bear and buffalo.

(c) ***LIVESTOCK:*** Any of various bird or animal breeds, long ago domesticated by man so as to live and breed in a tame, docile, tractable condition useful to man, including horses, ponies, mules, donkeys, cattle, sheep, goats, , llama, ostriches, chickens, ducks, geese turkeys and swine.

(d) ***PET:*** An animal that is commonly considered capable of being trained or is capable of adapting to living in a human environment and being of use to human beings, and which is not likely to bite without provocation nor cause death, maiming or illness to human beings, including by way of example: bird (caged), fish, rodent (bred, such as a gerbil, rabbit, hamster or guinea pig), cat (domesticated), lizard (non-poisonous), and dog. Wild, vicious, or exotic animals shall not be considered domesticated. Animals bred, raised or boarded for commercial purposes are not considered pets.

ASSISTED LIVING FACILITY or HOME FOR THE AGED: A supervised personal care facility that provides room, board, and supervised personal care to 21 or more unrelated, nontransient individuals 60 years of age or older. An assisted living facility or home for the aged includes a supervised personal care facility for 20 or fewer individuals 60 years of age or older if the facility is operated in conjunction with and as a distinct part of a licensed nursing home. *(amended September 2016)*

AUTOMOBILE / VEHICLE DEALERSHIP: A building or premises used primarily for the sale of new and used automobiles and other motor vehicles such as motorcycles, boats, recreational vehicles or other similar methods of transportation. A dealership may have outdoor display and accessory indoor maintenance and/or repair.

AUTOMOBILE REPAIR - MAJOR: General repair, rebuilding, or reconditioning of engines, or vehicles, collision service (including body repair and frame straightening), painting or upholstering; or vehicle steam cleaning and undercoating.

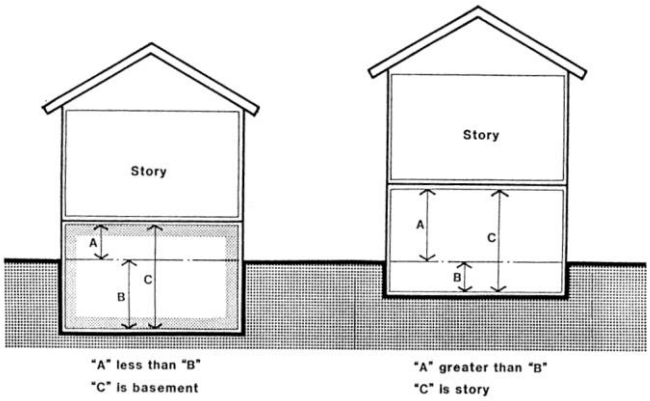
AUTOMOBILE REPAIR - MINOR: Minor repairs, incidental replacement of parts, or motor service to passenger automobiles and trucks not exceeding two (2) tons capacity; provided, however, there is excluded any repair or work included in the definition of "Automobile Repair- Major".

AUTO WASHES: A building or structure, or portion thereof, containing facilities for washing motor vehicles using production line methods with a conveyor, blower, steam cleaning device or other mechanical washing devices. Automobile washes include coin and attendant operated drive-through, automatic self-serve, track mounted units and similar high volume washing establishments, but exclude hand washing operations.

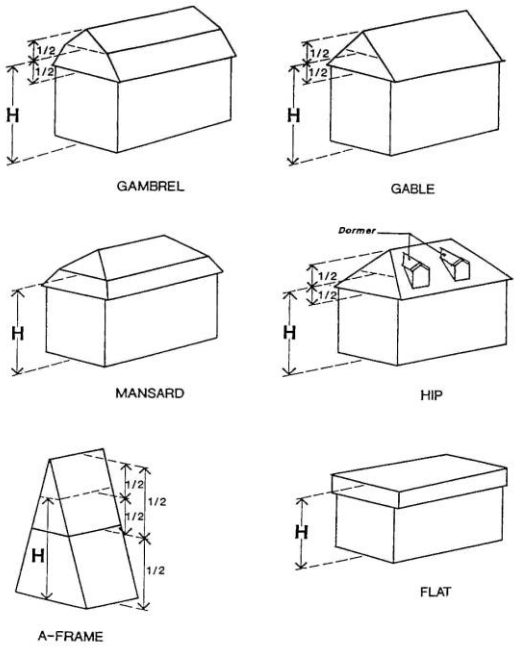
AUTOMOBILE SERVICE STATION: Buildings and premises used for the purpose of retail such as gasoline, oil, grease, batteries, tires, mufflers, automotive accessories, and other similar products, as well as the installation of such commodities and minor automobile repair as defined above.

Section 18.03 Definitions - B

BASEMENT: A portion of a building partly or wholly below grade but so located that the vertical distance from grade to the floor is greater than the vertical distance from the grade to the ceiling; provided the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling.



BED AND BREAKFAST INN: Any dwelling in which transient guests are provided overnight accommodations, breakfast and access to bathing/lavatory facilities in return for compensation. A bed and breakfast shall have only one (1) set of kitchen facilities, employ only those living in the house plus up to one (1) additional employee and have a facade treatment that is consistent with surrounding homes.



BUILDING: Any structure which 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 and has a permanent foundation. Truck trailers, truck bodies or bus bodies are not considered to be a building.

BUILDING ALTERATIONS: Any change to the supporting members of a building such as bearing walls, columns or girders, any

alteration or relocation of a building and any change in use.

BUILDING ENVELOPE: the ground area of a lot defined by the minimum setback and spacing requirements for a main building.

BUILDING HEIGHT: The vertical distance measured from the ground/grade to the highest point of the roof surface for flat roofs; to the deck line of mansard roofs and to the average height between eaves and ridge for gable, hop and gambrel roofs. Where a building is located on sloping terrain, the height is measured from the average grade surrounding the base of the building wall.

BUILDING SETBACK: The minimal horizontal distance a building or structure, or any portion thereof, is required by this Ordinance to be located from the boundaries of the lot or parcel of land upon which the same is situated.

Section 18.04 Definitions - C

CARPORT: A shelter for vehicles consisting of a roof extended from a wall of a building or a partially open structure consisting of a roof and possibly walls. Carports shall comply with all yard requirements applicable to accessory buildings.

CEMETERY: A parcel of land intended for the burial of deceased humans (or pets within pet cemeteries). A marker or memorial is erected at each gravesite for permanent remembrance of the deceased.

CHILD CARE CENTER: A facility, other than a private residence, receiving 1 or more preschool or school-age children for care for periods of less than 24 hours a day, where the parents or guardians are not immediately available to the child. Child care center or day care center includes a facility that provides care for not less than 2 consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, playgroup, before- or after-school program, or drop-in center. Child care center or day care center does not include any of the following: *(amended September 2016)*

(a) A Sunday school, a vacation bible school, or a religious instructional class that is conducted by a religious organization where children are attending for not more than 3 hours per day for an indefinite period or for not more than 8 hours per day for a period not to exceed 4 weeks during a 12-month period.

(b) A facility operated by a religious organization where children are in the religious organization's care for not more than 3 hours while persons responsible for the children are attending religious services.

(c) A program that is primarily supervised, school-age-child-focused training in a specific subject, including, but not limited to, dancing, drama, music, or religion. This exclusion applies only to the time a child is involved in supervised, school-age-child-focused training.

(d) A program that is primarily an incident of group athletic or social activities for school-age children sponsored by or under the supervision of an organized club or hobby group, including, but not limited to, youth clubs, scouting, and school-age recreational or supplementary education programs. This exclusion applies only to the time the school-age child is engaged in the group athletic or social activities and if the school-

age child can come and go at will.

CHILD CARE HOME, FAMILY: A private home in which 1 but fewer than 7 minor children are received for care and supervision for compensation for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Family child care home includes a home in which care is given to an unrelated minor child for more than 4 weeks during a calendar year. A family child care home does not include an individual providing babysitting services for another individual. *(amended September 2016)*

CHILD CARE HOME, GROUP: A private home in which more than 6 but not more than 12 minor children are given care and supervision for periods of less than 24 hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Group child care home includes a home in which care is given to an unrelated minor child for more than 4 weeks during a calendar year.

CHILD CARING INSTITUTION: A child care facility that is organized for the purpose of receiving minor children for care, maintenance, and supervision, usually on a 24-hour basis, in buildings maintained by the child caring institution for that purpose, and operates throughout the year. An educational program may be provided, but the educational program shall not be the primary purpose of the facility. Child caring institution includes a maternity home for the care of unmarried mothers who are minors and an agency group home, that is described as a small child caring institution, owned, leased, or rented by a licensed agency providing care for more than 4 but less than 13 minor children. Child caring institution also includes institutions for developmentally disabled or emotionally disturbed minor children. Child caring institution does not include a hospital, nursing home, or home for the aged licensed under article 17 of the public health code, 1978 PA 368, MCL 333.20101 to 333.22260, a boarding school licensed under section 1335 of the revised school code, 1976 PA 451, MCL 380.1335, a hospital or facility operated by the state or licensed under the mental health code, 1974 PA 258, MCL 330.1001 to 330.2106, or an adult foster care family home or an adult foster care small group home licensed under the adult foster care facility licensing act, 1979 PA 218, MCL 400.701 to 400.737, in which a child has been placed pursuant to MCL 722.111. *(amended September 2016)*

CHURCHES, TEMPLES, AND OTHER PLACES OF RELIGIOUS WORSHIP: A site used for the regular assembly of persons conducting religious services or worship and customary accessory uses. Permitted accessory uses may include living quarters for clergy and other members of religious orders who carry out their duties primarily on site, religious education classes, church sponsored day care, youth centers, religious activities office space and other similar activities customarily associated with churches. Soup kitchens, rescue missions and residential facilities for men, women or families are not considered accessory uses. Temporary religious assemblies such as tent revivals are not included within this definition.

CLINIC, DENTAL OR MEDICAL: A building in which a group of physicians, dentists, or physicians and dentists or related medical professionals and their allied professional assistants are associated for the purpose of practicing their profession. The clinic may include a medical or dental laboratory. It shall not include in-patient care or operating rooms for major surgery.

COMMERCIAL VEHICLE: Any vehicle bearing, or required to bear, commercial license plates such as a truck tractor, a semi-trailer, flat beds, stake beds, roll-off containers, tanker bodies, dump bodies and full or partial box-type enclosures; vehicles of a type that are commonly used for the delivery, hauling or construction oriented contractors; tow trucks; vehicle repair service trucks; snow plowing trucks and any other vehicle with a commercial license plate having a gross vehicle weight in excess of ten thousand (10,000) pounds or a total length in excess of twenty two (22) feet.

Section 18.05 Definitions - D

DRIVE-THROUGH SERVICE: A business establishment so developed that its retail or service character provides a driveway approach or parking spaces for motor vehicles to serve patrons while in the motor vehicle either exclusively or in addition to service within a building or structure, or to provide self-service for patrons and food carry-out.

DWELLING: Any building or portion thereof which is occupied in whole or in part as a home, residence, or sleeping place, either permanently or temporarily, by one (1) or more families, but not including motels, hotels, or tourist rooms or cabins.

(a) Dwelling, Single-Family - A building designed exclusively for, and occupied exclusively by, one (1) family only.
(b) Dwelling, Two-Family - A building designed exclusively for, and occupied exclusively by two (2) families only.
(c) Dwelling, Multi-Family - A building designed exclusively for, and occupied exclusively by three (3) or more families.

DWELLING UNIT: One (1) or more rooms designed for use or occupancy by one (1) family for living and sleeping purposes with housekeeping facilities.

Section 18.06 Definitions - E

EASEMENT: A right-of-way granted, but not dedicated, for limited use of private land for private, public or quasi-public purpose such as for franchised utilities, a conservation easement or an access easement for a private road or service drive.

Section 18.07 Definitions - F

FABRICATION: Fabrication means the stamping, cutting or otherwise shaping of processed materials into useful objects.

FAMILY

(a) An individual or group of two (2) or more persons related by blood, marriage, or adoption, together with foster children and servants of the principal occupants who are domiciled together as a single housekeeping unit in a dwelling unit; or

(b) A collective number of individuals domiciled together in one (1) dwelling unit whose relationship is of a continuing, nontransient domestic character and who are cooking and living as a single nonprofit housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, half-way house, lodge, coterie, organization, group of students, or other individual whose domestic

relationship is of a transitory or seasonal nature, is for an anticipated limited duration of s school term or during a period of rehabilitation or treatment, or is otherwise not intended to be of a permanent nature.

FARM - GENERAL: Any tract of land, regardless of size or area, devoted to general agricultural activities not involving animals for general commercial purposes, such as field crops, truck farming, orchards and nurseries. Farms may include related dwelling units, customary barns, and similar buildings, and "U-pick" operations where customers may pay for and pick their own produce.

FARM MARKET: A retail use in a permanent building situated on a farm that provides ongoing retail sales of produce grown on the farm and other related goods that may or may not be grown on the farm as part of an agricultural operation. See also "***Nursery"*** and ***"Roadside Stand***."

FARM - SPECIALIZED: Any tract of land used for specialized animal operations, such as apiaries, chicken hatcheries, poultry farms, dairying, beef farms, animal husbandry, stockyards, livestock feed lots, swine farms or establishments keeping fur-bearing animals or game, or operating fish hatcheries, and general agricultural activities such as field crops, truck farming, orchards and nurseries. Farms may include related dwelling units, customary barns, and similar buildings.

FARMS WITH SALES AND ENTERTAINMENT FACILITIES: Farms that provide entertainment facilities and sales of produce grown on the farm, which are seasonal in nature, such as cider mills, hay rides, haunted houses and corn mazes.

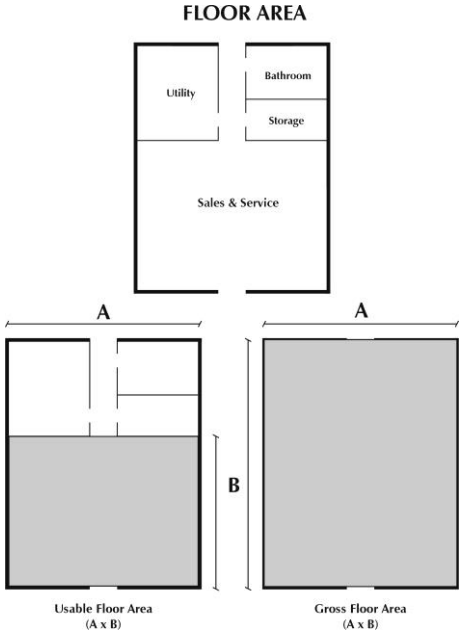
FENCE: A structure of definite height and location constructed of wood, masonry, stone, wire, metal, other similar material or combination of approved materials to serve as a physical barrier, marker or enclosure provided the fence does not consist of a solid masonry wall, low rise decorative fences or railings.

FENCE, ORNAMENTAL: A fence not necessarily used for enclosure, which is part of an overall landscape plan and constructed of natural materials such as wood, brick, stone or decorative metal.

FLOOR AREA:

(a) ***GROSS FLOOR AREA (GFA):*** The sum of the gross horizontal area of the several floors of the building measured from the interior faces of the exterior walls or from the centerline of walls separating two (2) buildings. The GFA of a building shall include the basement floor area when more than one-half (.) of the basement height is above the established curb level, or finished lot grade, whichever is higher. (See Basement.)

Gross Floor Area shall not include attic space having headroom of seven and one-half (7-1/2) feet or less, or interior balconies or mezzanines.



Any space devoted to off-street parking or loading shall not be included in floor area. Areas of basements (except as provided above), breezeways, porches, or attached garages are not included.

(b) ***USABLE FLOOR AREA (UFA):*** That area used for or intended to be used for the sale of merchandise or services, or for use to serve patrons, clients, or customers; or area used in a dwelling unit for living purposes. Floor area which is used or intended to be used principally for the storage or processing of merchandise, for hallways, or for utilities shall be excluded from the computation of UFA. Measurement of UFA shall be the sum of the horizontal areas of the several floors of the building measured from the interior faces of the exterior walls.

FOSTER FAMILY HOME: A private home in which 1 but not more than 4 minor children, who are not related to an adult member of the household by blood or marriage, or who are not placed in the household under the Michigan adoption code, chapter X of the probate code of 1939, 1939 PA 288, MCL 710.21 to 710.70, are given care and supervision for 24 hours a day, for 4 or more days a week, for 2 or more consecutive weeks, unattended by a parent, legal guardian, or legal custodian. *(amended September 2016)*

FOSTER FAMILY GROUP HOME: A private home in which more than 4 but fewer than 7 minor children, who are not related to an adult member of the household by blood or marriage, or who are not placed in the household under the Michigan adoption code, chapter X of the probate code of 1939, 1939 PA 288, MCL 710.21 to 710.70, are provided care for 24 hours a day, for 4 or more days a week, for 2 or more consecutive weeks, unattended by a parent, legal guardian, or legal custodian. *(amended September 2016)*

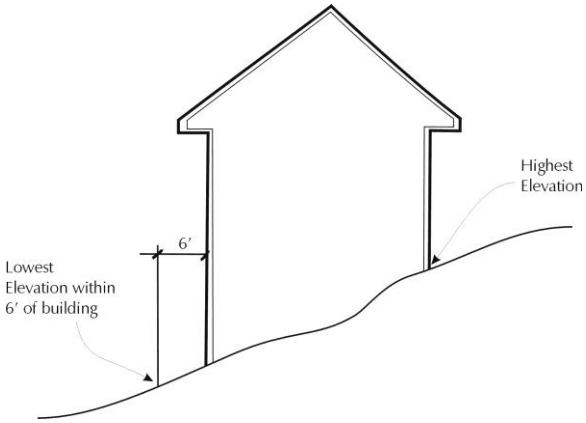
FUNERAL HOME*:* A facility for funerals often including: a chapel for funeral services; viewing rooms; visitation rooms, preparation rooms (embalming, cosmetic treatment and clothing of the deceased); display rooms and storage for caskets; garages for hearses and other equipment and administrative offices. A funeral home may include family living quarters for the funeral director/owner as an accessory use.

Section 18.08 Definitions - G

GARAGE: Part of a main or accessory building or structure used primarily for the parking or storage of vehicles in connection with a permitted use.

GRADE: The average of the lowest and highest elevations in an area within six (6) feet of a building or structure's foundation.

GRADE, FINISHED: The resultant elevation of the land after completion of alterations and development.



GRADE, NATURAL: The grade as determined by the natural topography that existed before alteration.

Section 18.09 Definitions - H

HOME OCCUPATION: An occupation customarily conducted within a dwelling by its occupants and that is clearly an incidental and subordinate use of the dwelling. Without limiting the foregoing, a single-family residence used by an occupant of that residence to give instruction in a craft or fine art within the residence shall be considered a home occupation.

HUNTING CLUB: A property, location or land use established and used for recreational hunting and shooting purposes, including the hunting of live game birds and live game animals with firearms, bow and arrow or other means; shooting at targets or clays; the breeding, raising and maintaining of live game birds and live game animals, whether in enclosures or at free-range; other similar activities for recreational hunting or shooting purposes. Such property, location or land use may be operated for profit and may include accessory uses that are customarily incidental to the principal uses, such as but not limited to convenience sales of ammunition, clays, targets, gun and archery accessories and other merchandise or equipment used in or associated with the hunting or similar uses occurring on the property. A hunting club may include improvements such as buildings used for permitted purposes.

Section 18.10 Definitions - I

IMPROVEMENTS: Those features and actions associated with a project which are considered necessary by the body or official granting zoning approval, to protect natural resources, or the health, safety, and welfare of the residents of the township and future users or inhabitants of the proposed project area, including roadways, lighting, utilities, sidewalks, screening, drainage, parking areas and landscaping.

Section 18.11 Definitions - K

KENNEL: Any land, building, or structure where five (5) or more cats and/or dogs six (6) months of age or older are boarded, housed, or bred. A commercial kennel is a kennel, which is operated as a business and which is the principal use of the lot or parcel on which it is located.

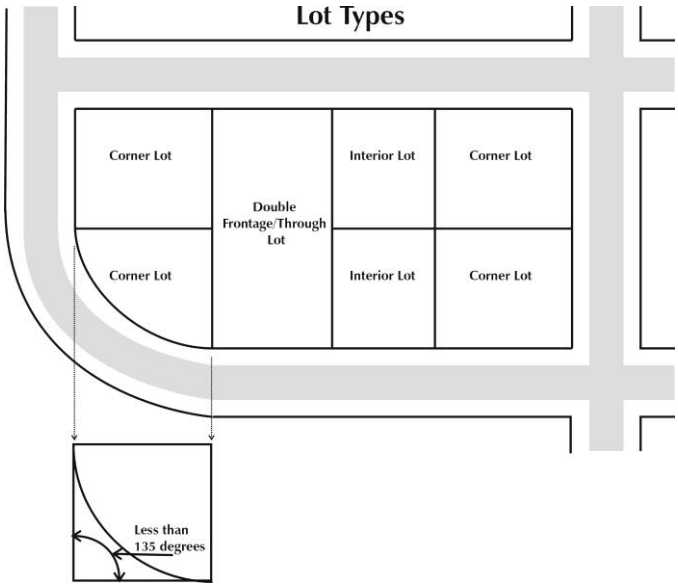
Section 18.12 Definitions - L

LIVESTOCK: See: ***ANIMAL, LIVESTOCK***.

LOT: A piece or parcel of land occupied or intended to be occupied by a main building or a group of main buildings and accessory structures, or utilized for a principal use and accessory uses, together with such open spaces as are required by this Ordinance.

LOT AREA: The total horizontal area within the lot lines, exclusive of any abutting public street right-of-way.

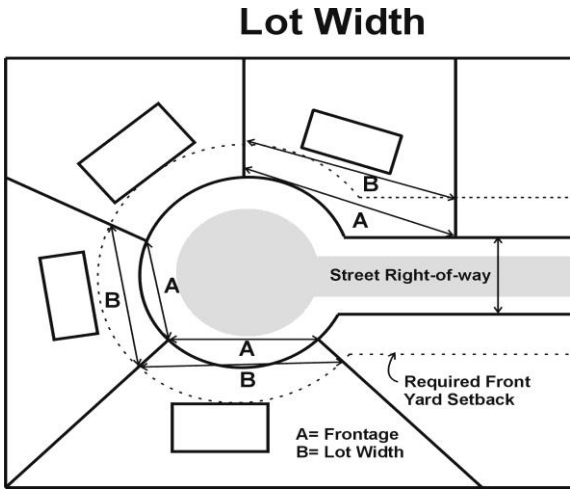
LOT CORNER: A lot located at the intersection of two (2) or more streets where the corner interior angle, formed by the intersection of the center lines of the streets, is one hundred thirty-five (135) degrees or less, or a lot abutting upon a curved street or streets if tangents to the curve at the two (2) points where the lot lines meet the centerline curve form an interior angle of one hundred thirty-five (135) degrees or less.



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

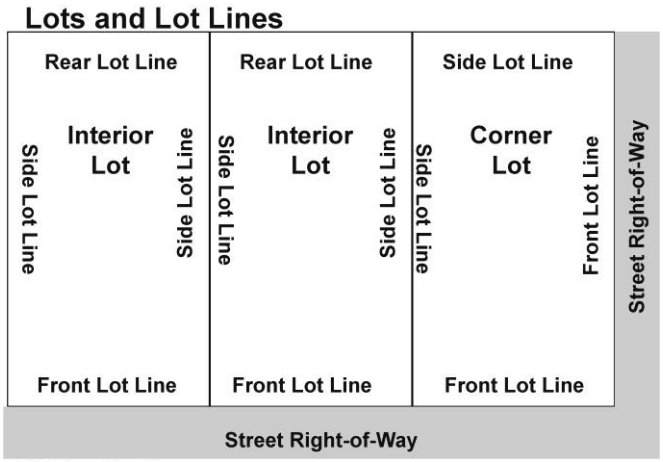
LOT, DOUBLE FRONTAGE: Any lot, excluding a corner lot, which fronts on two (2) streets that do not intersect.

LOT WIDTH: The continuous distance between the side lot lines, measured at the minimum building setback line and at right angles to the lot depth. For a lot on a cul-de-sac or curved street the lot width shall be measured along a cord that connects the points at which the minimum front yard setback intersects the side lot lines.



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

LOT LINES: the fixed boundaries of a described by a survey or recorded plat.



LSL Planning, Inc.

(a) ***FRONT LOT LINE:*** The lot line separating said lot from the public-right-of way or easement. In the of a double frontage lot, it is the line separating the lot from that street which is designated as the front yard.

(b) ***REAR LOT LINE:*** The lot line opposite, parallel and most distant from the front lot line and intersecting the side lot lines. In the case of an irregular shaped, the rear lot line shall be an imaginary line parallel to

the front lot line, not less than (10) feet in length and located entirely within the subject parcel.

(c) ***SIDE LOT LINE:*** Any lot line other than the front lot line or rear lot line. A side lot line separating a lot from a street is an exterior side lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

Section 18.13 Definitions - M

MAIN BUILDING: The building in which the principal use is located.

MANUFACTURED HOME: Any movable or portable dwelling, office or other business-type structure constructed intended to be occupied, to be towed on its chassis, connected to utilities, with or without a permanent foundation for year-round occupancy as a single-family dwelling, office or other business use. The foundation shall be designed to permit the removal of the manufactured home and its adaptation to transportation upon public streets or highways. A manufactured home may contain parts that may be combined, folded, collapsed or telescoped when being towed and expanded later to provide additional cubic capacity.

MANUFACTURED HOME LOT: A measured parcel of land within a manufactured home park which is delineated by lot lines on a final development plan and which is intended for the placement of a manufactured home and the exclusive use of the occupants of such manufactured home.

MANUFACTURED HOME PAD: That portion of a manufactured home lot reserved for the placement of a manufactured home, appurtenant structures, or additions.

MANUFACTURED HOME PARK: A parcel of land under single ownership that has been planned and improved for the placement of manufactured homes on a rental basis for non-transient use.

***MARIHUANA*:** This term shall have the meaning given to it in the Michigan Public Health Code, 1978 PA 368, MCL 333.7106, as is referred to in Section 3(d) of the Michigan Medical Marihuana Act, PA 2008, Initiated Law, MCL 333.26423(d). *(Amended January 2015)*

MASSAGE PARLOR: See *Adult Use*.

***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 No. 1, MCL 333.26423(d). *(Amended January 2015)*

MOTEL: A building or group of buildings on the same lot, whether detached or in connected rows, containing sleeping or dwelling units that may or may not be independently accessible from the outside with garage or parking space located on the lot and designed for, or occupied by, automobile travelers. The term shall include any building or building groups designated as motor lodges, transient cabins, or by any other

title intended to identify them as providing lodging, with or without meals, for compensation on a transient basis.

MOTOR VEHICLE: Any vehicle designed to be self-propelled.

Section 18.14 Definitions - N

NONCONFORMING : See ***Chapter 15, Nonconforming Lots, Uses and Structures***.

NONRESIDENTIAL DISTRICT: The C-1 Neighborhood District and the LI - Light Industrial District.

NURSERY: A field, building, structure, or combination thereof, for the storage of live trees, shrubs or plants offered for wholesale to off-site retailers or landscape contractors.

NURSERY, RETAIL: A field, building, structure, or combination thereof, for the storage of live trees, shrubs or plants offered for retail sale on the premises including products used for gardening or landscaping. The definition of nursery within the meaning of this ordinance does not include any space, building or structure used exclusively for the sale of fruit, vegetables or Christmas trees.

NURSING HOME: A facility that provides organized long-term nursing care and medical treatment to individuals, licensed pursuant to Part 17 of Act 368 of 1978 (MCL 333.21701 *et. seq.*) For the purposes of this Ordinance, a county medical care facility or a long-term care unit in a licensed hospital shall be considered a nursing home.

Section 18.15 Definitions - O

OPEN AIR BUSINESS: Uses operated for profit substantially in the open air, including, but not limited to:

(a) Bicycle, utility truck or trailer, motor vehicle, boats, or home equipment sale, repair, rental, or storage services.
(b) Outdoor display and sale of garages, motor homes, manufactured homes, snowmobiles, farm implements, swimming pools, and similar activities.

(c) Retail sale of trees, fruits, vegetables, shrubbery, plants, seeds, topsoil, humus, fertilizer, trellises, lawn furniture, playground equipment, and other home garden supplies and equipment.

(d) Tennis courts, archery courts, shuffleboard, horseshoe courts, rifle ranges, miniature golf, golf driving ranges, children's amusement park or similar recreation uses (transient or permanent).

OUTDOOR STORAGE: The keeping, in an unroofed area, of any goods, junk, material, merchandise or vehicles in the same place for more than twenty-four (24) hours.

Section 18.16 Definitions - P

PARKING AREA, SPACE OR LOT: An off-street open area, the principal use of which is for the parking of automobiles, whether for compensation or not, or as an

accommodation to clients, customers, visitors, or employees. Parking area shall include access drives within the actual parking area.

PARKING BAY: A hard surface area adjacent and connected to, but distinct from, a street intended for parking motor vehicles.

***PATIENT OR QUALIFYING PATIENT*:** A person as defined under MCL 333.7106(h) of the Michigan Medical Marihuana Act, and who has been issued and possesses a valid Registry Identification Card under the Act. *(Amended January 2015)*

PET: See: ***ANIMAL***

PLANNING COMMISSION: The Blendon Township Planning Commission.

PRIMARY CAREGIVER: A person as defined under MCL 333.7106(g) of the Michigan Medical Marihuana Act, and who has been issued and possesses a valid Registry Identification Card under the Act. *(Amended January 2015)*

***PRIMARY CAREGIVER HOME OCCUPATION*:** An activity in which a Primary Caregiver assists qualified patents with the medical use of marihuana as a Home Occupation. *(Amended January 2015)*

PRINCIPAL USE: The primary use to which the premises are devoted and the principal purpose for which the premises exists.

PROCESSING: Any operation changing the nature of material or materials such as the chemical composition or physical qualities. Does not include operations described as fabrication.

PERSONAL SERVICE ESTBLISHMENTS: Businesses performing on-site services, such as but not limited to: repair shops (watches, radio, television, shoe, etc.), tailor shops, beauty/barber shops, photographic studios and self-service laundries or similar services.

Section 18.17 Definitions - R

RECREATIONAL VEHICLE: A vehicle or equipment intended for temporary or periodic use for recreational or leisure pursuits. Such vehicles shall include boats, airplanes, special purpose automobiles, floats, rafts, trailers, snowmobiles, camping or travel trailers, motorized homes, detachable travel equipment of the type adaptable to light trucks, and other equipment or vehicles of a similar nature.

RESIDENTIAL DISTRICT: The AG Agricultural Preservation District, R-1 – Low Density Residential District, R-2 - Medium Density Residential District, R-3 - High Density Residential District, MHP - Manufactured Home Park District.

ROADSIDE STAND: A temporary building or structure designed or used for the display and/or sale of agricultural products produced on the premises upon which the stand is located. See also "***Farm Market***."

RIGHT-OF-WAY: A public or private strip of land acquired or utilized by reservation, dedication, easement, prescription, purchase or condemnation and permanently established

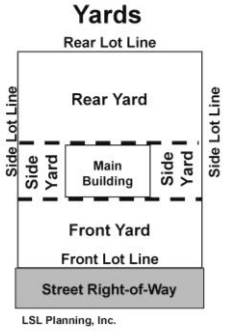
for the passage of persons, vehicles, railroads, water, utility lines and other similar uses.

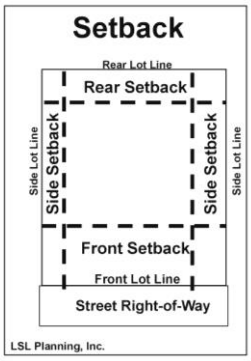
Section 18.18 Definitions - S

SERVICES, ESSENTIAL: The phrase "essential services" means the erection, construction, alteration, or maintenance by public utilities or municipal departments or commissions of underground, surface, or overhead gas, electrical, steam, or water transmission or distribution systems, collection, communication supply or disposal systems, including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, traffic signals, hydrants, towers, poles, and other similar equipment, and accessories in connection therewith reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions or for the public health or general welfare, but not including cellular telephone or communications towers or antennas, or buildings other than such buildings as are primarily enclosures or shelters of the above essential service equipment.

SETBACK: The distance required to obtain the minimum required distance between the front, side or rear lot lines and the building line or parking lot. Setbacks from a public street or private road shall be measured from the right-of-way line or easement. Setbacks shall remain as open space as defined herein, unless otherwise provided for in this Ordinance.

SPECIAL LAND USE: As referred to in the Zoning Act; a use of land for an activity which, under usual circumstances, could be detrimental to other land uses permitted within the same district but which may be permitted because of circumstances unique to the location of the particular use and which use can be conditionally permitted without jeopardy to uses permitted within a District.





STREET: A publicly owned and maintained right-of-way which affords traffic circulation and principal means of access to abutting property, including any avenue, place, way, drive, lane, boulevard, highway, road, or other thoroughfare, except an alley.

STRUCTURE: Anything except a building, constructed or erected, the use of which requires permanent location on the ground or attachment to something having a permanent location on the ground.

Section 18.19 Definitions - T

TOWNSHIP BOARD: The Blendon Township Board.

TOWNSHIP: Blendon Township, Ottawa County, Michigan.

TRAVEL TRAILER: A transportable unit intended for occasional or short-term occupancy as a dwelling unit during travel, recreational, or vacation use.

Section 18.20 Definitions - V

VARIANCE: A modification of a Zoning Ordinance standard granted when strict application of the ordinance would cause a practical difficulty (for non-use variances) or unnecessary hardship (for use variances) upon the individual property in which the variance is requested.

VEHICLE: Every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices propelled by human power or used exclusively upon stationary rails or tracks.

VETERINARY CLINIC: A facility providing diagnosis, treatment, surgery and similar veterinary care for small domestic animals with no overnight boarding and indoor boarding of a maximum three animals at any one time.

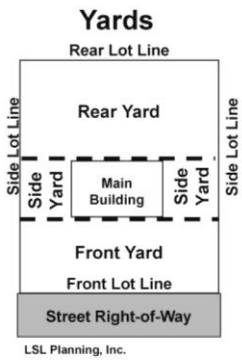
VETERINARY HOSPITAL: A facility which provides diagnosis, treatment, surgery and other veterinary care for domestic animals, horses and livestock. A veterinary hospital may include outdoor boarding incidental to treatment.

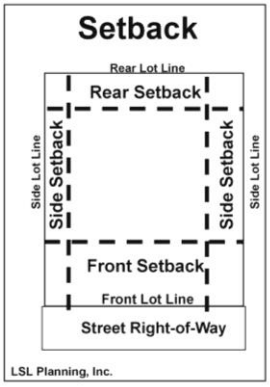
Section 18.21 Definitions - W

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

Section 18.22 Definitions - Y

YARD: A required open space other than a court unoccupied and unobstructed by any building or structure or portion thereof from thirty (30) inches above the general ground level of the lot upward.





(a) ***FRONT YARD.*** A yard extending across the full width of the lot, the depth of which is the distance between the public street right-of-way line or private street driveway easement line and the main wall of the building or structure.

(b) ***REAR YARD.*** A yard, unoccupied except for accessory buildings, extending across the full width of the lot, the depth of which is the distance between the rear lot line and the rear wall of the main building.

(c) ***SIDE YARD.*** A yard between a building and the side lot line, extending from the front yard to the rear yard. The width of the required side yard shall be measured

from the nearest point of the side lot line to the nearest part of the main building.

YARD, REQUIRED: See: ***SETBACK.***

Section 18.23 Definitions - Z

ZONING ACT: Michigan Act 184 of 1943, as amended.

ZONING ADMINISTRATOR: The Blendon Township Zoning Administrator.

ZONING ORDINANCE, or ORDINANCE: The Zoning Ordinance of Blendon Township.