

ARTICLE XX

SCHEDULE OF LOT, YARD AND AREA REQUIREMENTS

No building/structure shall be erected, reconstructed, moved, altered, or enlarged, and no land or building shall be used, designed, built, or arranged, and no open space surrounding any building/structure shall be encroached upon or reduced in any manner, except in conformity with the lot, yard and area regulations hereinafter designated for the zoning district in which such building/structure or land or open space is located.

(See Schedules and footnotes for applicable regulations).

ARTICLE XX: SCHEDULE OF LOT, YARD AND AREA REQUIREMENTS

PRINCIPLE BUILDING/STRUCTURE	AG-1	AG-2	R-1	R-2	R-3	R-4	R-6	R-7
Min. Lot Frontage/Lot Width (Ft.)*	1/	1/					9/	
Single Family	165'	220'	220'	165'	132'	---		80'
Two Family	---	---	---	---	132'	---		---
Multiple Family	---	---	---	---	---	150		---
Min. Lot Area Per Dwelling Unit (Acre or Sq. Ft.)	1/	1/						
Single Family	60,000	3 ac.	3 ac.	60,000	15,000	---		13,000
Two Family	---	---	---	---	7,500	---		---
Multiple Family	---	---	---	---	---	5,000		---
Min. Dwelling Structure Width (Ft.)	24'	24'	24'	24'	24'	24'		24'
Max. Building or Structure (Peak) Height (Ft.) 2/	40'	40'	40'	40'	40'	40'		40'
Max. Building Coverage (% of Lot)	---	10	5	10	20	30		20
Min. Gross Floor Area Per Dwelling Unit (Sq. Ft.)								
Single Family	1,000	1,000	1,000	1,000	1,000	---		1,000
Two Family	---	---	---	---	800	---		---
Multiple Family	---	---	---	---	---	600		---
Min. Front Yard Setback (Ft.) 3/, 4/, 8/	50'	50'	40'	40'	35'	35'		35'
Min. Side Yard Setback (Ft.) 3/, 4/, 8/	20'	20'	15'	10'	10'	10'		10'
Min. Rear Yard Setback (Ft.) 3/, 4/, 8/	40'	40'	40'	35'	30'	30'		30'
ACCESSORY BUILDINGS/STRUCTURES								
Min. Front Yard Setback (Ft.) 3/, 4/, 8/	See Section 22.1.3 of this Ordinance							
Min. Side Yard Setback (Ft.) 3/, 4/, 8/	20'	20'	15'	10'	10'	10'		10'
Min. Rear Yard Setback (Ft.) 3/, 4/, 8/	40'	40'	25'	20'	20'	20'		20'
Max. Building or Structure (Peak) Height (Ft.) 2/, 11/	---	---	6/	6/	6/	6/		6/
Max. Building or Structure (Eave) Height (Ft.) 2/	---	---	7/	7/	7/	7/		7/
Max. Building Coverage of Lot 10/	---	5/	5/	5/	5/	5/		5/

*In addition, the depth of a lot shall not exceed four times the frontage/width of the lot.

SCHEDULE OF LOT, YARD AND AREA REQUIREMENTS (Cont.)

PRINCIPLE BUILDING/STRUCTURE	C-1	C-4	R-IP	I-1	TPU
Min. Lot Frontage/Lot Width (Ft.)*	150'	150'	250'	200'	-
Min. Lot Area (Sq. Ft.)	20,000	40,000	87,120	50,000	-
Max. Building or Structure (Peak) Height (Ft.) 2/	40'	40'	13/	40'	40'
Max. Building Coverage (% of Lot)	40	40	14/	40	40
Min. Front Yard Setback (Ft.) 3/, 4/ 8/	40'	50'	15/	50'	40'
Min. Side Yard Setback (Ft.) 3/ 4/, 8/	20'	25'	25'	50'	10'
Min. Rear Yard Setback (Ft.) 3/, 4/, 8/	20'	25'	50'	50'	10'
ACCESSORY BUILDING/STRUCTURE					
Min. Front Yard Setback (Ft.) 3/, 4/ 8/	See Section 22.1.3 of this Ordinance				40'
Min. Side Yard Setback (Ft.) 3/ 4/, 8/	10'	10'	20'	20'	10'
Min. Rear Yard Setback (Ft.) 3/, 4/, 8/	20'	20'	20'	20'	10'
Max. Building or Structure (Peak) Height (Ft.) 2/, 11/	20'	20'	20'	20'	35'
Max. Building or Structure (Eave) Height (Ft.) 2/	15'	15'	15'	15'	25'
Max. Building Coverage of Lot 10/	10	10	25	10	-

*In addition, the depth of a lot shall not exceed four times the frontage/width of the lot.

FOOTNOTES
SCHEDULE OF LOT, YARD AND AREA REQUIREMENTS

- 1/ Notwithstanding the generally applicable minimum lot frontage/lot width requirements, in the AG Districts a buildable lot may be created without the required frontage on a public street if all of the following conditions are met:
 - a. The lot has at least 66 feet of frontage on a public street (or is served by a recorded easement dedicating at least 66 feet of frontage on a public street for ingress and egress purposes to the lot).
 - b. The building line is at least 250 feet from the public street (straight line measurement).
 - c. The lot width as measured at the building line complies with the minimum lot width requirement of Article XX.
 - d. The lot has the minimum lot area required by Article XX, not including the area of that portion of the lot/easement providing ingress and egress to the public street.
 - e. The portion of the lot/easement providing ingress and egress to the public street is maintained exclusively for such ingress and egress purposes.
- 2/ See Section 5.11 for exceptions to general height requirements.
- 3/ Notwithstanding any provision of this Ordinance to the contrary, on property contiguous to any primary county paved road or I-94, all buildings or structures shall be at least 75' from the nearest right-of-way line.
- 4/ Buildings and structures on a double frontage lot or corner lot shall comply with the minimum front yard setback requirement on each adjoining street.
- 5/ Unless specifically provided for otherwise in this Ordinance the total floor area of all allowed accessory buildings located upon any lot in the "AG-2" General Agriculture District or in any Residential District shall not exceed 50% of the square footage of the ground coverage of the principle building, or 3% of the lot area, whichever is greater.
- 6/ Unless specifically provided for otherwise in this Ordinance the maximum accessory building/structure roof height in any Residential District shall be determined based on the location of the accessory building/structure on the lot, as follows:
 - a. Rear yard location --- 30 feet maximum roof height
 - b. Front yard and/or side yard location --- 20 feet maximum roof height

- 7/ Unless specifically provided for otherwise in this Ordinance the maximum accessory building/structure eave height in any Residential District shall be determined based on the location of the accessory building/structure on the lot, as follows:
- a. Rear yard location --- same as maximum roof height
 - b. Front yard and/or side yard location --- 12 feet maximum eave height
- 8/ See Section 5.16.3 for special setback requirements applicable to septic systems, buildings, and structures on lots fronting on a watercourse.
- 9/ The lot, yard and area requirements for principal buildings/structures, accessory buildings/structures and private garages in a mobile home park are the applicable requirements imposed by Michigan Public Act 96 of 1987 and any and all amendments thereto, and the applicable regulations promulgated thereunder by the Michigan Mobile Home Commission or the Michigan Department of Public Health, which are hereby incorporated by reference.

The lot, yard and area requirements for all principal buildings/structures, accessory buildings/structures and private garages not situated in a mobile home park are the pertinent requirements set forth in this Ordinance for the "R-3" Single Family and Two Family Residential zoning district, which are hereby incorporated by reference.

- 10/ See Section 5.16.4 for the special accessory building size (lot coverage) requirements applicable to accessory buildings on all lake lots.
- 11/ See Section 5.16.4 for the special accessory building height requirements applicable to accessory buildings on all lake lots.
- 12/ (deleted)
- 13/ Principal buildings and structures in the "R-IP" Research and Industrial Park District shall have a maximum eave height of 30 feet and a maximum peak height of 40 feet; provided that buildings and structures located at least 300 feet from any Residential District and at least 300 feet from any property used for residential purposes shall be allowed an additional one foot of building height for each 10 feet beyond said 300 foot distance, up to a maximum possible peak height of 50 feet.
- 14/ Principal buildings and structures in the "R-IP" Research and Industrial Park District shall be subject to a maximum lot coverage of 25%; provided that where principal buildings or structures are located at least 300 feet from any Residential District or any property used for residential purposes the principal building/structure coverage of such lot shall not exceed 40%.

- 15/ Principal buildings and structures in the "R-IP" Research and Industrial Park District shall have a minimum front yard setback of 75 feet, or 2.0 times the peak height of the tallest principal building/structure on the lot, whichever is greater.

Pages 108 & 109 reserved for expansion

ARTICLE XXI

KEEPING OF ANIMALS

- 21.1 ANIMALS PROHIBITED EXCEPT AS ALLOWED: The keeping of animals in the various zoning districts is regulated by the applicable provisions of this Article, and except as specifically allowed herein animals shall not be possessed, kept or raised on any premises in Charleston Township for any hobby, pleasure, commercial, or other purpose.
- 21.2 DEFINITIONS: For purposes of this Article the following words and terms shall have the designated meanings:
1. Animal: Any live non-human species of mammal, and any species of reptile, amphibian, insect or bird.
 2. Domestic Animal: Any live animal of a species indigenous to the State of Michigan and not a wild animal or farm animal, including dogs and cats, and also including birds, non-poisonous snakes and lizards, non-poisonous insects, and rabbits, kept as household pets.
 3. Exotic Animal: Any live animal of a species not indigenous to the State of Michigan and not a domestic animal or a farm animal, including any hybrid animal which is part exotic animal.
 4. Farm Animal: Any live animal (other than a domestic animal) of a species customarily and normally kept as livestock on a farm; and also any other animal other than dogs, cats, exotic animals and wild animals, raised for commercial profit or slaughter.
 - a. Large farm animals: cows and other bovine, horses and other equine, hogs and other swine, sheep and goats and other ovine, and other livestock animals of comparable size.
 - b. Small farm animals: chickens and other poultry, turkeys, ducks, geese, and rabbits, and other livestock animals of comparable size.
 5. Wild Animal: Any live animal of a species indigenous to the State of Michigan and not a domestic animal or a farm animal, including any hybrid animal which is part wild animal.

21.3 EXOTIC ANIMALS: Exotic animals are not allowed upon any premises in any zoning district, except in the following situations:

1. A public zoo, or educational exhibition sponsored by a governmental entity.
2. A bona fide licensed circus.

21.4 WILD ANIMALS: Wild animals are not allowed upon any premises in any zoning district, except in the following situations:

1. A public zoo, or other educational exhibition sponsored by a governmental entity.
2. A bona fide licensed circus.
3. A veterinary clinic lawfully providing professional veterinarian services to a wild animal in need of those services.
4. Pursuant to a possession permit issued by the Michigan Department of Natural Resources authorizing temporary non-commercial shelter and/or treatment for an injured or abandoned wild animal until the animal can feasibly be released from captivity.

21.5 DOMESTIC ANIMALS:

1. Agriculture and Residential Zoning Districts: In these zoning districts domestic animals are allowed as follows:
 - a. Not more than 3 domestic dogs and cats are allowed as an accessory use to a dwelling on the premises; plus the litters of same in excess of the limit, for not more than 6 months after birth.
 - b. Caged domestic birds, caged non-poisonous snakes and lizards, caged insects, and other caged small domestic animals (such as hamsters, mice, guinea pigs and rabbits) are also allowed as an accessory use to a dwelling on the premises, provided they are housed in an enclosed structure.
 - c. A Kennel involving more than 3 dogs or cats is allowed in the "AG-2" General Agriculture District as a special exception use (see Section 23.7.11 of this Ordinance).

- d. Domestic animals are also allowed in the same situations designated for wild animals in Section 21.4, subsections 1-3 of this Ordinance.
2. "R-IP" Research and Industrial Park District, and the Commercial and Industrial Districts: In these zoning districts domestic animals shall not be kept on any premises, except as follows:
- a. Not more than 1 confined guard dog is allowed on any non-residentially used premises.
 - b. Domestic animals are allowed as an accessory use to a dwelling on any premises lawfully used for residential purposes, as designated in Section 21.5, subsections 1.a.-1.b. of this Ordinance.
 - c. Domestic animals are also allowed in the same situations designated for wild animals in Section 21.4, subsections 1-3 of this Ordinance.

21.6 FARM ANIMALS:

1. "AG-1" Exclusive Agriculture District: In this zoning district farm animals are allowed as follows:
- a. Livestock Production (commercial) is a permitted use; and the non-commercial raising or keeping of farm animals is a permitted use. The siting of a new or expanding commercial livestock production facility in this district is controlled by the State of Michigan pursuant to the Generally Accepted Agricultural and Management Practices for Site Selection and Odor Control for New and Expanding Livestock Facilities issued by the Michigan Commission of Agriculture & Rural Development under authority of the Michigan Right To Farm Act.
 - b. Horse Boarding or Riding Stable is a special exception use (see Section 23.7.9A. of this Ordinance).
2. "AG-2" General Agriculture District: In this zoning district farm animals are allowed as follows:
- a. Livestock Production (commercial) is a permitted use; and the non-commercial raising or keeping of farm animals is a permitted use. The siting of a new or expanding commercial livestock production facility in this district is controlled by the State of Michigan pursuant to the Generally Accepted Agricultural and Management Practices for Site Selection and Odor Control for New and Expanding Livestock Facilities issued by the Michigan Commission of

Agriculture & Rural Development under authority of the Michigan Right To Farm Act.

- b. Horse Boarding or Riding Stable is a special exception use (see Section 23.7.9A. of this Ordinance).
3. "R-1" Single Family Rural Residential District: In this zoning district farm animals are not allowed, except as follows:
- a. Certain premises in this district may be determined by the State of Michigan to be permissible for the siting of a new or expanding commercial livestock production facility pursuant to the Generally Accepted Agricultural and Management Practices for Site Selection and Odor Control for New and Expanding Livestock Facilities issued by the Michigan Commission of Agriculture & Rural Development under authority of the Michigan Right To Farm Act.
 - b. Large farm animals are allowed to be kept only on an exclusively non-commercial basis, for the personal/recreational use and enjoyment of the residents of the premises, as an accessory use incidental to an existing dwelling on the premises, subject to all applicable provisions of this Ordinance, including the following density, setback, and other requirements:
 - (1) The premises shall have a lot area of at least three acres and a lot frontage/width of at least 200 feet.
 - (2) No more than two animals shall be allowed on the initial three acres.
 - (3) At least one additional acre shall be required for each additional animal up to a maximum total of 10 head.
 - (4) Barns or shelters shall be located at least 150 feet from all existing residences on adjacent properties.
 - (5) Holding pens, paddocks and riding rings shall be located at least 100 feet from all existing residences on adjacent properties.
 - (6) Pastures used for grazing shall be located at least 25 feet from all existing residences on adjacent properties.
 - (7) Waste storage areas shall be located at least 150 feet from all existing residences on adjacent properties, and at least 75 feet from all adjoining property lines. Waste shall be properly disposed of at appropriate intervals sufficient to

avoid the creation of obnoxious odors or insect problems perceptible beyond the boundaries of the subject property.

- (8) Odors, dust, noise and drainage shall be controlled so as to not become a nuisance, hazard or annoyance to adjoining residents.

- c. Small farm animals are allowed to be kept only on an exclusively non-commercial basis, for the personal/recreational use and enjoyment of the residents of the premises, as an accessory use incidental to an existing dwelling on the premises, subject to all applicable provisions of this Ordinance, including the following density, setback, and other requirements:

- (1) No more than 20 chickens or other poultry/fowl shall be allowed, and no more than 10 turkeys, ducks, geese or rabbits (combined) shall be allowed.
- (2) The provisions of Section 21.6, subsections 3.a.(4)-(8) of this Ordinance shall be complied with.

- 4. "R-2" Single Family Residential District: In this zoning district farm animals are not allowed, except as follows:

- a. Certain premises in this district may be determined by the State of Michigan to be permissible for the siting of a new or expanding commercial livestock production facility pursuant to the Generally Accepted Agricultural and Management Practices for Site Selection and Odor Control for New and Expanding Livestock Facilities issued by the Michigan Commission of Agriculture & Rural Development under authority of the Michigan Right To Farm Act.

- b. Large farm animals are only allowed as an accessory residential use incidental to an existing dwelling on the premises, on a purely non-commercial basis, and subject to all applicable provisions of this Ordinance, including the following density, setback, and other requirements:

- (1) The premises shall have a lot area of at least three acres and a lot frontage/width of at least 220 feet.
- (2) No more than two large farm animals shall be allowed.
- (3) Barns or shelters shall be located at least 150 feet from all existing residences on adjacent properties.

- (4) Holding pens, paddocks and riding rings shall be located at least 100 feet from all existing residences on adjacent properties.
 - (5) Pastures used for grazing shall be located at least 25 feet from all existing residences on adjacent properties.
 - (6) Waste storage areas shall be located at least 150 feet from all existing residences on adjacent properties, and at least 75 feet from all adjoining property lines. Waste shall be properly disposed of at appropriate intervals sufficient to avoid the creation of obnoxious odors or insect problems perceptible beyond the boundaries of the subject property.
 - (7) Odors, dust, noise and drainage shall be controlled so as to not become a nuisance, hazard or annoyance to adjoining residents.
- c. Small farm animals are allowed as an accessory use to a dwelling on the premises, subject to all applicable provisions of this Ordinance, including the following density, setback, and other requirements:
 - (1) No more than 20 chickens or other poultry/fowl shall be allowed, and no more than 10 turkeys, ducks, geese or rabbits (combined) shall be allowed.
 - (2) The provisions of Section 21.6, subsections 3.a.(4)-(8) of this Ordinance shall be complied with.
- 5. "R-3" Single Family and Two Family Residential District, "R-4" Multiple Family Residential District, "R-6" Mobile Home Park Residential District, "R-7" Single Family Residential Subdivision District, Commercial and Industrial Districts, and "R-IP" Research and Industrial Park District: In these zoning districts farm animals are not allowed, except as follows:
 - a. Certain premises in one or more of these districts may be determined by the State of Michigan to be permissible for the siting of a new or expanding commercial livestock production facility pursuant to the Generally Accepted Agricultural and Management Practices for Site Selection and Odor Control for New and Expanding Livestock Facilities issued by the Michigan Commission of Agriculture & Rural Development under authority of the Michigan Right To Farm Act.
 - b. In conjunction with an otherwise permissible retail or service land use, such as a veterinary clinic/animal hospital where allowed in a Commercial District.
- 6. "TPU" Township Public Use District: In this zoning district farm animals are not allowed.

ARTICLE XXII

ACCESSORY BUILDINGS/STRUCTURES AND ACCESSORY USES

22.1 GENERAL REQUIREMENTS FOR ACCESSORY BUILDINGS/STRUCTURES AND ACCESSORY USES: The following regulations are applicable to accessory buildings/structures and accessory uses in all zoning districts throughout the Township, except as to those requirements that are stated to be applicable only in a specific zoning district.

1. Except as may be specified to the contrary elsewhere in this Ordinance, in all zoning districts there is no specific limitation on the number of accessory buildings/structures per zoning lot.
2. In all the Residential Districts no accessory building or garage shall be constructed without a dwelling or other allowed principal structure being in existence, or being under simultaneous construction pursuant to a valid building permit.
3. Accessory buildings/structures shall be located only in the rear yard, except in the following circumstances, subject in each instance to applicable setback requirements:
 - a. An attached private garage may be located in the rear yard or side yards in any zoning district.
 - b. Unattached garages, and accessory structures other than buildings, may be located in the side yard in any zoning district if they comply with the setback requirements applicable to the principal structure.
 - c. In the R-1" Single Family Rural Residential District and the R-2" Single Family Residential District accessory buildings/structures may be located in the front yard of lots with more than 165 feet of lot frontage/width if the accessory building is no closer to the front lot line than a distance equal to $\frac{1}{2}$ the distance from the minimum required front yard setback line to the actual building line of the principle structure.
 - d. In the "AG" Agriculture Districts farm structures used in conjunction with agricultural production may be located in the front, rear, and side yards.

- e. On a lake lot in any zoning district an accessory building (other than a permissible private garage) shall not be located in the front yard (street side), but may be located in the rear yard (lake side) or side yard of such lot; subject to the setback, size and height requirements specially applicable to accessory buildings on lake lots as set forth in Section 5.16, subsections 3 and 4, of this Ordinance.
- 4. All accessory buildings and structures, including private garages, whether attached or detached, are subject to the lot, yard and area requirements specified in Article XX of this Ordinance.
 - 5. All accessory buildings/structures, and accessory uses, shall be located and maintained under the same ownership as the principal use.
 - 6. All accessory buildings/structures, and accessory uses, shall be located and maintained on the same lot as the principal use, or on a contiguous lot under single ownership, which shall include a lot separated from the main lot by a street.
 - 7. All accessory buildings/structures, and accessory uses, shall be clearly incidental and subordinate to the principal use with which it is commonly associated.
 - 8. Accessory buildings/structures shall not include provisions for or be used for lodging or sleeping of human beings.
 - 9. If an accessory use is carried on within the structure containing the principal use, the gross floor area utilized by the accessory use (except garages and off-street loading facilities) shall not be greater than:
 - a. For a single unit dwelling, 20% of the gross floor area, or 300 square feet, whichever is less.
 - b. For any principal use other than a single unit dwelling, 10% of the gross floor area.
 - 10. Accessory buildings/structures may be used only for purposes accessory to uses allowed in the zoning district in which it is located.
 - 11. Where a building/structure (such as a garage) is initially constructed as the principal structure, but is subsequently to be rendered an accessory building/structure due to other construction (such as a dwelling), all such construction shall be proceeded with so as to fully comply with all applicable requirements in this Article. (The intent of this provision is to require "accessory" type buildings to be sited so as to permit sufficient

space for development of a future principal structure in compliance with all applicable regulations of this Ordinance).

ARTICLE XXIII

SPECIAL EXCEPTION USES

- 23.1 EXPLANATION OF SPECIAL EXCEPTION USES: In order to make this Ordinance a flexible zoning control and still afford protection of property values and facilitate orderly and compatible development of property within the Township, the Township Board, in addition to its other functions, is authorized to approve the establishment of certain uses designated as Special Exception Uses within the various zoning classifications set forth in the ordinance.

Such Special Exception Uses have been selected because of the unique characteristics of the use which, in the particular zone involved, under certain physical circumstances and without proper controls and limitations, might cause it to be incompatible with the other uses permitted in such zoning district and accordingly detrimental thereto.

With this in mind, such special exception uses are not allowed to be engaged in within the particular zone in which they are listed unless and until the Township Board determines, after a public hearing, that the particular property can be developed and used for the proposed use in accordance with the applicable standards and other criteria for special exception use approval set forth in this Ordinance.

23.2 SPECIAL EXCEPTION USE PROCEDURE:

1. All applications for Special Exception Use Permits shall be filed with the Township Clerk and shall include all pertinent plans, specifications and other data upon which the applicant intends to rely for a Special Exception Use Permit. An application shall not be submitted for consideration until it is administratively complete, and all required fees have been paid.
2. Upon receipt of an administratively complete application the Township Clerk shall refer the application and all pertinent plans, specifications, data, and correspondence to the Planning Commission. The Planning Commission shall have a reasonable opportunity to review the application and make an advisory recommendation to the Township Board with respect to the application, based on the standards for special exception use approval in this Ordinance. Notice of the meeting at which the Planning Commission will conduct its advisory review of the application shall be given in such manner as the Township Board or Planning Commission may determine. In the event that the Planning Commission fails to make an advisory recommendation as provided herein within 30 days of the receipt of an application from the Township Clerk, the Township Board may proceed to act on the application

as provided herein without receiving the advisory recommendation of the Planning Commission.

3. The Township Board shall schedule and hold a public hearing on an administratively complete application, preceded by notification as required by law. The applicant shall have the burden of proof for issuance of the Special Exception Use Permit, which shall include the burden of going forward with the evidence, and the burden of persuasion on all questions of fact which are to be determined by the Township Board.
4. Following such hearing, the Township Board shall either grant or approve, deny, or approve with conditions a permit for such Special Exception Use and shall state its reasons for its decision in the matter. All conditions, limitations, and requirements upon which any such permit is granted shall be specified by the Township Board in its decision and shall be filed with the Zoning Administrator and the Township Clerk.

23.3 CRITERIA FOR DECISION: Special exception uses are not permitted to be engaged in within a particular zone in which they are listed in this Ordinance unless and until the Township Board approves or approves with conditions a special exception use permit. Such approval shall be granted when the Township Board finds from the evidence produced at the hearing that:

1. The use will not adversely affect the general plan for the physical development of the Township, as embodied in the Charleston Township Land Use Plan and this Ordinance.
2. The size, nature and character of the use will be compatible with the other uses and buildings and structures expressly permitted within the zoning district, especially where the location of the use is adjacent to or in the approximate area of residential dwellings;
3. The use will be compatible with the natural environment of the area;

4. The use will not adversely affect the capacities of public services and facilities, and will not cause unreasonable traffic congestion or otherwise specially burden the public roads and streets in the area;
5. The lot upon which the use is proposed is able to accommodate all off-street parking facilities required by this Ordinance;
6. The use will not in any manner be detrimental or injurious to the use or development of adjacent properties, to the occupants thereof, or to the general neighborhood;
7. The use will not adversely affect the public health, safety, and general welfare of the community;
8. The use will be in accordance with the character and adaptability of the land at issue;
9. The general standards hereinabove required for the allowance of such a Special Exception Use can and will, in the Board=s judgment, be met at all times by the applicant;
10. The specific standards applicable to particular uses as set forth in Section 23.7 or elsewhere in this Ordinance can and will, in the Board=s judgment, be complied with at all times.

23.4 CONDITIONS IMPOSED UPON APPROVED SPECIAL EXCEPTION USES:

Any conditions upon which approval is based shall be reasonable and necessary to insure that public services and facilities affected by the proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, or necessary to protect the natural environment and conserve natural resources and energy, or necessary to insure compatibility with adjacent uses of land, or necessary to promote the use of land in a socially and economically desirable manner. Any such conditions shall also meet all of the following requirements:

1. Be designed to protect natural resources, the health, safety, and welfare and the social and economic well being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
2. Be related to the valid exercise of the police power, and purposes which are affected by the proposed use or activity.
3. Be necessary to meet the intent and purpose of the Zoning Ordinance, be related to the standards established in the ordinance for the land use or

activity under consideration, and be necessary to insure compliance with those standards.

The Township Board shall have the right to limit the duration of a special exception use where the same is of a temporary nature.

On all special exception use matters the Township Board shall be deemed to have imposed as an approval condition the right of periodic review of compliance with the standards and conditions pertinent to such use, as well as a right of reasonable access to conduct such periodic reviews upon reasonable notice.

23.5 COMPLIANCE WITH APPROVAL:

Pertinent plans and specifications and all conditions, limitations and requirements imposed by the Township Board shall be recorded with the Township Clerk and Zoning Administrator, and shall be incorporated as a part of the Special Exception Use Permit. An approved special exception use which at any time fails to comply with the terms of the permit, or any provision of this Ordinance, shall cease to be a lawful use, and shall be subject to suspension and/or revocation in accordance with Section 23.6 of this Ordinance, in addition to the legal penalties and remedies generally applicable to any violation of this Ordinance.

23.6 SUSPENSION AND/OR REVOCATION OF SPECIAL EXCEPTION USE PERMITS:

All special exception uses for which a permit has been approved shall be subject to the following provisions, as a condition upon every such approved special exception use:

1. Suspension of Special Exception Use Permit: Upon a finding by a Township official authorized to enforce this Ordinance, including the Township Supervisor, of a probable violation of the terms and conditions of the special exception use permit, the ordinances of Charleston Township, or the laws of the State of Michigan, the Township Supervisor may suspend the special exception use permit and require the permit holder to immediately cease and suspend use of the property for the purposes for which the special exception use permit was previously granted, pending a public hearing and further determination of the Township Board as provided hereinbelow in subsection 2. Notice of the suspension shall be provided to the permit holder/property owner by personal delivery or by certified mail, return receipt requested.
2. Township Board Review of Suspension: The Township Board shall review the status of the suspension at the earliest feasible opportunity, after a public hearing before the Township Board has been held. Notice of the public hearing shall be provided in accordance with the statutory provisions governing special exception use matters. A majority of the Township Board members present and voting may vacate the suspension upon a determination that the violations causing the suspension have been cured, or

may modify or extend the suspension upon a finding that the violations causing the suspension have not been cured, but are reasonably likely to be cured in a further period of time to be specified by the Township Board.

3. Revocation of Special Exception Use Permit: A majority of the Township Board members present and voting may, after notice and public hearing as provided herein, determine to revoke a special exception use permit which has been suspended, upon a finding that the violations causing the suspension have not been cured within a reasonable period of time as established by the Township Board. Notification of a Township Board determination to revoke a special exception use permit shall be provided to the permit holder and property owner by personal delivery or by certified mail, return receipt requested. A determination of the Township Board revoking a special exception use permit may be appealed to the Township Zoning Board of Appeals within 21 days of the determination. Premises for which a special exception use permit has been revoked by the Township Board shall be used only as allowed pursuant to the relevant sections of the Zoning Ordinance for the applicable use district.

23.7 SPECIFIC STANDARDS REQUIRED OF PARTICULAR SPECIAL EXCEPTION USES: The following specific standards shall be required of the particular special exception uses designated in this section, pursuant to Section 23.3 of this Ordinance.

1. Automotive Repair Garage/Automotive Service Station:
 - a. The lot shall be located so that it is at least 500 feet from an entrance or exit to any property on which is situated a public library, public school, private school, playground, athletic field, park, church, hospital, or residential district boundary.
 - b. No drive or curb opening shall be located within 25 feet of a street intersection or adjacent residential property line. No drive shall be located within 30 feet, as measured along the property line, from any other drive on the premises.
 - c. A raised curb of six inches in height shall be constructed along all street frontages at the right-of-way line, except for drive openings.
 - d. No more than one curb cut shall be permitted for every 50 feet of frontage along any street, and a curb cut shall not be permitted where it may produce a safety hazard to adjacent pedestrian or vehicular traffic.

- e. The entire lot, excluding the area occupied by a building, shall be hard surfaced with concrete or a plant mixed bituminous material, except desirable landscaped areas which shall be separated from all paved areas by a low barrier or curb.
- f. All gasoline pumps shall be located at least 20 feet from any lot line, and shall be arranged so that motor vehicles shall not be supplied with gasoline or serviced while parked upon or overhanging any public sidewalk, street or right-of-way.
- g. All lubrication equipment, motor vehicle washing equipment, hydraulic hoists and pits shall be enclosed entirely within a building.
- h. All outside storage areas for trash, used tires, auto parts and similar items shall be enclosed by a six foot screening wall and shall comply with the requirements for location of accessory buildings as specified in this Ordinance. Outside storage or parking of disabled, wrecked, or partially dismantled vehicles for any overnight period shall not exceed more than two vehicles awaiting repairs for each indoor repair stall, and in no event shall the outdoor storage or parking of any such vehicle be permitted for a period exceeding five days.

2. Bed & Breakfast Facility:

- a. All bed & breakfast facilities shall be subject to and comply with the characteristics of a "home occupation" as set forth in Section 3.1 of this Ordinance.
- b. A dwelling in which a bed & breakfast facility is allowed shall be occupied by the owner of the premises as his/her principal residence.
- c. The maximum stay for patrons of a bed & breakfast facility shall be 30 days.
- d. Sufficient off-street parking area shall be available on the premises so as to provide one parking space per sleeping room, not including spaces required for the permanent occupants of the premises.
- e. All bed & breakfast facilities shall have a smoke detector in proper working order in every sleeping room, and a fire extinguisher in proper working order on every floor of the dwelling.

3. Child (Group) Day Care Home:

- a. It shall be located at least 1,500 feet from any of the following facilities (measured along a road, street or other thoroughfare open to use by the public as a matter of right for the purpose of vehicular traffic, excluding an alley):
 - (1) Another state licensed group day care home;
 - (2) Another adult foster care small group home or large group home licensed by the State of Michigan under the Adult Foster Care Facility Licensing Act (1979 Public Act 218, as amended --- MCLA 400.701 et seq);
 - (3) A facility offering substance abuse treatment and rehabilitation service to 7 or more people licensed by the State of Michigan under article 6 of the Michigan Public Health Code (1978 Public Act 368, as amended --- MCLA 333.6101 et seq);
 - (4) A community correction center, resident home, half way house, or other similar facility which houses an inmate population under the jurisdiction of the Michigan Department of Corrections.
- b. It shall have appropriate fencing enclosing all outdoor play areas, as determined by the Township Board. Such fencing shall be at least 54" high and non-climbable in design.
- c. It shall maintain the property consistent with (or better than) the visible characteristics of the neighborhood.
- d. It shall not exceed 16 hours of operation during a 24 hour period. Operation between 10:00 p.m. and 6:00 a.m. may be limited, but not prohibited.
- e. It shall meet all applicable sign regulations set forth in this Ordinance.
- f. It shall meet all applicable off-street parking requirements set forth in this Ordinance.

4. Wireless Communications Support Structure (including equipment compound and wireless communications equipment).

- a. Purpose. The purpose of this portion of the Zoning Ordinance is to establish standards for the siting of wireless communication support structures/equipment compounds and wireless communications equipment (for convenience sometimes referred to as “towers” or “communication towers” and “antennas”) based on the following goals: (1) protect residential areas and land uses from potential adverse impacts of towers and antennas; (2) encourage the location of towers in non-residential areas; (3) minimize the total number of towers throughout the community; (4) strongly encourage the joint use of new and existing tower sites as a primary option rather than construction of additional single-use towers; (5) encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the community is minimal; (6) encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas through careful design, siting, landscape screening, and innovative camouflaging techniques; (7) enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively, and efficiently; (8) protect the public health and safety; and (9) avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures.
- b. Definitions. The following terms used in this portion of the Zoning Ordinance shall be defined as follows:
- (1) "Alternative tower structure" means man-made trees, clock towers, steeples, light poles and similar alternative-design mounting structures that camouflage or minimize the presence of antennas or towers.
 - (2) "Antenna" means any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals, or other communication signals.
 - (3) "Backhaul network" means the lines that connect a provider's towers/cell sites to one or more wireless telephone switching offices, and/or long distance providers, or the public switched telephone network.
 - (4) "Collocate" means to place or install wireless communications equipment on an existing wireless communications support

structure or in an existing equipment compound. "Colocation" has a corresponding meaning.

- (5) "Communication Tower" or "Tower" means the same thing as wireless communications support structure, except where the context of the usage of the term is clearly applicable to only a tower type of support structure.
- (6) "Equipment Compound" means an area surrounding or adjacent to the base of a wireless communications support structure and within which wireless communications equipment is located.
- (7) "Height" means, when referring to a wireless communications support structure, the distance measured from the finished grade to the highest point on the structure, including the base pad and any antenna.
- (8) "Wireless Communications Equipment" means the set of equipment and network components used in the provision of wireless communications services, including, but not limited to, antennas, transmitters, receivers, base stations, equipment shelters, cabinets, emergency generators, power supply cables, and coaxial and fiber optic cables; but does not include any wireless communications support structure, alternative tower structure, or other structure or device designed to support or capable of supporting wireless communications equipment.
- (9) "Wireless Communications Support Structure" (see definition in Section 3.1).

c. Information Required with Special Exception Use Application.

- (1) In addition to any information required for applications for special exception use permits pursuant to Section 23.2 of the Zoning Ordinance, applicants for a special exception use permit for a communication tower/antenna shall submit the following information:
 - (a) A scaled site plan clearly indicating the location, type and height of the proposed tower, specifications on all proposed antennas, on-site land uses and zoning, adjacent land uses and zoning (including when adjacent to other municipalities), Land Use Plan classification of the site and all properties within the applicable separation distances set forth in subpart d(3), adjacent roadways, proposed means of access, setbacks from property lines, elevation drawings of the proposed tower and any other structures, topography, parking, and other information

deemed by the Zoning Administrator or Planning Commission/Township Board to be necessary to assess compliance with the standards for approval in this Ordinance.

- (b) Legal description and ownership of the parent parcel (and leased parcel, if applicable).
- (c) The setback distance between the proposed tower and the nearest dwelling unit, and the nearest property in a Residential zoning district.
- (d) An inventory of existing towers, antennas, or sites approved for towers or antennas, that are owned/used by the applicant or any affiliated entity within Kalamazoo County, or within any adjoining township/county within 1 mile of Charleston Township. This inventory shall include the location, height, and design of each existing tower. The location of all such existing towers, and sites approved for towers or antennas, shall also be depicted on a single scaled map. The applicant shall also designate on this map the location of all existing towers not owned/used by the applicant or any affiliated entity located within Charleston Township or within 1 mile of any boundary thereof, and indicate the owner/operator of such towers if known.
- (e) A landscape plan showing fencing and specific landscape materials.
- (f) Finished color and, if applicable, the method of camouflage and illumination.
- (g) A description of compliance with all applicable federal, state and local laws.
- (h) A notarized statement by the applicant as to whether construction of the tower will accommodate collocation of additional antennas for future users.
- (i) Identification of the entities providing the backhaul network for the tower(s) described in the application and other wireless sites owned or operated by the applicant or any affiliated entity in the Township.
- (j) A description of the suitability of the use of existing towers, other structures or alternative technology not

requiring the use of towers or structures to provide the services to be provided through the use of the proposed new tower.

- (k) A description of the desirable characteristics justifying the suitability of the proposed location.
- (l) Point of view renderings of how the proposed tower will appear from the surrounding area.
- (m) Any additional information requested by the Planning Commission or Township Board relevant to compliance with any provision of this Ordinance pertaining to special exception use application, review, or approval, including any lawful conditions imposed on approval.

All information of an engineering nature, whether civil, mechanical, or electrical, shall be certified by a licensed professional engineer.

Note: Section 3514 of the Michigan Zoning Enabling Act, as amended by 2012 Public Act 143, requires a special exception use application for this land use to be reviewed by the Zoning Administrator to determine whether it is administratively complete. The application shall be considered administratively complete 14 business days after receipt of the application, unless the Zoning Administrator determines the application is administratively complete within that 14 day period, or before expiration of that 14 day period notifies the applicant (in writing, or electronically) that the application is not administrative complete and specifies the information and/or application fee payment necessary to make the application administratively complete. The statute also requires the Township Board to approve or deny a special exception use application for this land use not more than 90 days after the application is considered to be administratively complete.

- d. Specific Standards for Approval of Special Exception Use Permit for Wireless Communication Support Structure. In addition to the generally applicable standards for approval of special exception use permit applications pursuant to Section 23.3 of the Zoning Ordinance, the applicant for special exception use approval of a wireless communications support structure, also sometimes referred to as a “tower”, shall present evidence demonstrating compliance with the following standards specific to this land use:

- (1) Availability of Suitable Existing Towers, Other Structures, or Alternative Technology. The applicant shall demonstrate that

no existing tower, other structure, or alternative technology that does not require the use of towers or structures, can accommodate the applicant's proposed antenna, based on information submitted by the applicant showing any of the following:

- (a) No existing towers or structures are located within the geographic area which meet applicant's engineering requirements.
 - (b) Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.
 - (c) Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.
 - (d) The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.
 - (e) The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.
 - (f) There are other limiting factors that render existing towers and structures unsuitable.
 - (g) An alternative technology that does not require the use of towers or structures, such as a cable microcell network using multiple low-powered transmitters/ receivers attached to a wireline system, is unsuitable. Costs of alternative technology that exceed new tower or antenna development shall not be presumed to render the technology unsuitable.
- (2) Setbacks. The tower base must be set back a distance equal to 110% of the height of the tower from any adjoining lot line; provided the Township Board is authorized to approve a lesser minimum setback in circumstances where the tower is designed, in the event of failure, to fold-over or otherwise collapse within a fall zone less than the total height of the tower.

The Township Board determination as to the appropriate minimum required setback shall be based on the tower design and other pertinent circumstances of each individual application, and shall be made pursuant to the general standards for special exception use approval in Section 23.3 of this Ordinance. Tower support apparatus, including guy lines and accessory buildings, must satisfy the minimum building/structure setback requirements for the applicable zoning district.

(3) Separation.

- (a) Separation from off-site uses/designated areas. The tower shall comply with the minimum separation requirements from off-site uses and designated areas as specified in Table 1, measured from the base of the tower to the lot line of the off-site uses and/or designated areas (straight line measurement):

Table 1

Off-Site Use/Designated Area	Separation Distance
Single-family, two-family or multiple-family residential uses	1,000 feet or 300% of height of tower, whichever is greater
Areas in any Residential zoning district	1,000 feet or 300% of height of tower, whichever is greater
Non-residentially zoned lands and non-residential uses	None; only setbacks apply

- (b) Separation distances between towers. The tower shall comply with the minimum separation requirements from other towers as specified in Table 2, measured between the bases of the proposed tower and preexisting towers (straight line measurement).

Table 2

Existing Towers - Types

	Lattice	Guyed	Monopole 75 Ft in Height or Greater	Monopole Less Than 75 Ft in Height
Lattice	5000 ft.	5000 ft.	1500 ft.	750 ft.
Guyed	5000 ft.	5000 ft.	1500 ft.	750 ft.

Monopole 75 Ft in Height or Greater	1500 ft.	1500 ft.	1500 ft.	750 ft.
Monopole Less Than 75 Ft in Height	750 ft.	750 ft.	750 ft.	750 ft.

- (4) Maximum Tower Height. The maximum tower height is 300 feet.
- (5) Colocation. The tower shall be designed and constructed (structurally, electrically, and in all other respects) to accommodate the applicant's antennas and compatible antennas for at least two other users, unless the Township Board determines pursuant to specific information submitted by the applicant that this multiple user requirement is not technically feasible for the site, or would result in a tower that fails to otherwise comply with all applicable special exception use approval standards. Where a multiple user tower is proposed, or is otherwise required by the Township Board pursuant to this Ordinance, the applicant shall furnish a written agreement providing that the applicant shall not prevent or deny space on the tower for compatible antennas of other users, and shall make the tower available to share at a fair market rate as determined by customary industry standards.
- (6) Security fencing; safety. The equipment compound shall be enclosed by security fencing or other suitable enclosure not less than six feet in height, to be determined by the Township Board, sufficient to restrict access to authorized personnel only. The tower shall be equipped with an appropriate anti-climbing device.
- (7) Landscaping and Site Maintenance. A six foot tall landscape screen is required to effectively screen the equipment compound from adjacent residential property, streets and public property, except in locations where the visual impact of the equipment compound would be minimal. The tower site shall be mowed or otherwise maintained in such a manner as to effectively control undesirable or noxious weeds.
- (8) Lighting. The tower shall not be illuminated by artificial means and shall not display strobe lights unless specifically required by the Federal Aviation Administration or other federal or state

authority for the tower. If lighting is required it shall be oriented inward so as to not project onto surrounding property or roadways, shall be designed to cause the least disturbance to surrounding properties, and shall be designed to minimize bird collisions with the tower.

- (9) Signs. The use of any portion of a tower/antenna or equipment compound for signs other than warning or equipment information is prohibited.
- (10) Weather Resistance. The tower and all antennas located on the tower shall be designed, constructed and maintained so as to withstand all generally expected weather conditions in the area.
- (11) Non-Interference. The tower and all antennas located on the tower shall not interfere with any radio or television transmission or reception in the area.
- (12) Abandonment of Unused Towers or Portions of Towers. The applicant shall be required by deed, land contract, lease, or license agreement provisions to remove the tower or portion of tower and associated facilities upon cessation of the use of same. A tower or portion of tower that has no users for a continuous period of at least 1 year shall be considered abandoned, and shall be dismantled and removed from the premises within 90 days after receipt of notice of such abandonment to the owner of the subject premises.
- (13) Aesthetics. Towers and antennas shall meet the following requirements:
 - (a) Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness.
 - (b) If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.

Notwithstanding the foregoing, the Township Board may also require tower and guy wire devices designed to minimize bird-tower collisions.

- (14) Accessory Structures. The design of the buildings and other accessory structures at or in an equipment compound shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend them in with the surrounding environment. All such buildings/structures shall meet the minimum setback requirements of the underlying zoning district. Ground mounted equipment shall be screened from view by suitable vegetation, except where a design of non-vegetative screening better reflects and complements the architectural character of the surrounding neighborhood.
 - (15) Inspection and Maintenance. An approved tower/antenna shall be inspected at regular intervals, not less than once a year, and shall be serviced as frequently as may be necessary to maintain same in a safe and weather-withstanding condition. Reports of all inspections and maintenance shall be made available to the Township upon written request.
 - (16) Minimum Lot and Yard Requirements. For purposes of determining whether a proposed tower site complies with zoning regulations for the applicable district, including minimum lot area, maximum lot coverage, and yard requirements, the dimensions of the entire lot shall control where a proposed tower site is created pursuant to a lease or license agreement encompassing less than the entire lot.
- e. Installation of Antenna or Other Wireless Communications Equipment on Existing Tower or in Existing Equipment Compound. The following provisions govern the installation of antenna apparatus and other wireless communications equipment on an existing communication tower or other wireless communications support structure or within an equipment compound on the site of an existing communication tower:
- (1) Where the existing tower has been granted special exception use and site plan approvals, no further zoning approvals are required if the Zoning Administrator determines the proposed wireless communications equipment and, where applicable, proposed associated accessory buildings/structures and proposed changes to the existing equipment compound, are in complete conformance with the underlying special exception use permit and approved site plan for the tower with respect to the total approved number of antenna apparatus on the tower, the array of the antenna apparatus, and the number, size and location of associated accessory buildings/structures.

(2) Where the existing tower has been granted special exception use and site plan approvals, or has not been granted such approvals but is determined by the Zoning Administrator to otherwise be in compliance with the Zoning Ordinance, no further zoning approvals are required if the Zoning Administrator further determines the proposed wireless communications equipment and where applicable, the proposed associated accessory buildings/structures and/or proposed changes to the existing equipment compound comply with all of the following (as applicable):

- (a) The wireless communications equipment will be collocated on an existing wireless communications support structure or in an existing equipment compound.
- (b) The existing wireless communications support structure/ existing equipment compound is itself in compliance with the zoning ordinance.
- (c) The wireless communications equipment will not increase the overall height of the existing support structure by the greater of 20 feet or 10% of its original height.
- (d) The wireless communications equipment will not increase the width of the existing support structure by more than the minimum necessary to permit collocation.
- (e) The wireless communications equipment will not increase the area of the existing equipment compound so as to be more than 2,500 square feet.
- (f) The proposed change(s) will comply with the terms and conditions of any previous final approval of the existing support structure/compound.

A proposed change that does not comply with (c), (d), (e), or (f), but which otherwise is compliant with sub-part (2), is subject to zoning approval pursuant to approval of an amended site plan by the Planning Commission in accordance with all applicable provisions of this Ordinance, but without further special exception use approval.

- (3) Where a proposed installation of wireless communications equipment on an existing wireless communications support structure is not subject to either preceding sub-parts (1) or (2) of this subsection e, the installation shall be subject to special exception use and site plan approvals in a zoning district where Wireless Communications Support Structure is designated as a special exception use.

5. Earth Removal:

a. Location:

- (1) The entrance to all such operations shall be located on a primary road as defined by the County Road Commission for ingress and egress thereto, or on a road which does not create traffic through an area developed primarily for residential purposes. Where necessary, the Township Board may require the applicant to construct and/or improve a road to accommodate the truck travel necessitated by the operations as a condition to approval of such operations, and for the purpose of routing traffic around residential areas and preventing the breaking up of existing roads which are not "all weather" roads.
- (2) Sufficient setbacks shall be provided from all property lines and public highways to assure adequate lateral support for adjacent public and private property. All excavation operations shall be at least 150 feet from interior boundary lines of the property, and the Township Board may increase such setback if required to adequately protect adjoining properties. However, if the adjoining property is also used for such mining and excavation operation, then the Township Board may reduce or eliminate the required setback from that interior boundary line. In addition, such setback may be temporarily reduced to 50 feet if reclamation of the land is promptly effected to increase the setback to at least 150 feet in accordance with the reclamation plan approved by the Township Board and adequate lateral support is at all times maintained. However, notwithstanding the foregoing, all excavation operations shall be at least 400 feet from any dwelling, regardless of the zoning district in which such dwelling may be located.
- (3) All excavation operations shall be at least 50 feet from adjoining public rights-of-way to the grade level of said rights-of-way. Excavation operations shall not be allowed where adequate lateral support for the maintenance of adjoining lands is not maintained.
- (4) A processing plant and its accessory structures shall be located at least 250 feet from the interior property lines and adjoining public rights-of-way and shall, where practicable, be located at a lower level than the surrounding terrain to lessen visual and noise impact. In addition, the foregoing shall apply to digging or excavating apparatus and to the stockpiling or loading of

materials and to the location of transportation equipment. However, notwithstanding the foregoing, all excavation operations shall be at least 400 feet from any dwelling, regardless of the zoning district in which such dwelling may be located.

- (5) All excavation operations, processing plants, and accessory structures shall be at least 250 feet from the banks of any lake, stream, or other watercourse unless a lesser setback is approved, in writing, by the state agency having jurisdiction thereof. No such mining operations shall interfere with the natural established flow of surface waters to the detriment or damage of adjoining public or private properties. Where it appears that substantial sediment may be carried into any nearby watercourse, the Township Board may require, as a condition of approval, that the applicant construct an adequate sediment basin.
- (6) All private drives and private access routes serving excavation or processing operations shall be located at least 250 feet from any dwelling, regardless of the zoning district in which such dwelling may be located.

b. Sight Barriers:

- (1) Sight barriers shall be provided and maintained along all setback lines of the site which lack natural screening conditions through existing contours or evergreen growth. Such barriers shall consist of one or more of the following:
 - (a) Earth berms constructed to a height of 10 feet above the mean elevation of the center line of the adjacent public roadway or 10 feet above the general level of terrain along interior property lines, as the case may be. Such berms shall have slopes that are not in excess of 1 foot vertical to 3 feet horizontal and shall be planted with grass, trees or shrubs.

- (b) Plantings or evergreen trees not more than 10 feet apart or shrubbery not more than 5 feet apart, in three staggered rows parallel to the boundaries of the property, which shall be at least 4 feet in height at the time of planting and which grow to at least 10 feet in height at maturity and sufficiently spaced to provide effective sight barriers when 10 feet in height. Plantings/trees/shrubbery that die shall be promptly replaced at the same location.
 - (c) Earth berms planted with grass and evergreen trees or shrubbery as specified in (b) above, provided that the total height of the berm and the trees for shrubbery at maturity shall be at least 10 feet above the general level of the terrain along interior property lines or the mean elevation of the center line of the adjacent public roadway, as the case may be.
- (2) The 10 foot height requirement for screening by means of a berm and/or plantings may be reduced by the Township Board to not less than 6 feet if the particular site and terrain, with screening of a reduced height, will still afford adequate sight barriers.

c. Nuisance Abatement:

- (1) Noise shall be regulated by and be subject to Charleston Township Ordinance No. 26 as now promulgated or hereafter amended.
- (2) Vibration shall be minimized in its effect upon adjacent properties by the utilization of modern equipment designed to accomplish such minimization and by the proper use of berms, walls, and natural planting screens. All equipment shall be maintained and operated in such a manner so as to eliminate, as far as practicable, excessive vibrations which are not necessary in the operation of such equipment.
- (3) Air pollution in the form of dust and dirt shall also be kept to a minimum by the use of modern equipment and methods of operation designed to avoid any excessive dust or dirt or other air pollution potentially injurious or substantially annoying to adjoining property owners. Interior and adjoining roads used in the operations shall have their surface treated to minimize any such nuisance.

- (4) The operation shall be restricted to the hours of 7:00 a.m. until 6:00 p.m. and no operations shall be allowed on Sundays or legal holidays.

Further, the hours of operation for the purpose of loading and transporting aggregate material from existing stockpiles may be extended when necessary pursuant to a contract from a federal, state or municipal government which clearly requires supplying aggregate material during a period outside the generally allowed hours of operation of the earth removal operation. In this event the operator of the earth removal operation shall notify the Township of the required hours of operation in advance of initiating the extended hours. The Township may establish other requirements deemed necessary to protect the public health, safety, and general welfare during these periods of extended operation (e.g. lighting control and noise abatement), pursuant to its authority under Section 23.4 of the Zoning Ordinance to impose conditions upon an approved special exception use.

- (5) All dangerous excavations, pits, pond areas, banks or slopes shall be fenced and posted with signs around the perimeter thereof and maintained to prevent injury to children or others, and shall be eliminated as expeditiously as possible.

d. Environmental Protection:

- (1) Earth removal operations shall not create erosion problems, or alter the groundwater table of the area.
- (2) Earth removal operations shall not cause the creation of sand blows, stagnant water pools, or stagnant swampy areas.
- (3) Earth removal operations shall not cause a permanent adverse affect to the environment, the natural topography, or any natural resource, other than the earth materials involved.

e. Reclamation of Mined Areas:

- (1) Reclamation and rehabilitation of mined areas shall be accomplished as soon as practicable following the mining or excavation of an area. Rehabilitation and reclamation shall be commenced immediately upon the termination of the mining or excavation operations in any area consisting of one acre or more. Substantial completion of reclamation and rehabilitation

shall be effected within one year of termination of mining or excavation activity. Inactivity for a 12-month consecutive period shall constitute, for this purpose, termination of mining activity.

- (2) The following standards shall control reclamation and rehabilitation:
 - (a) All excavation shall be either to a water-producing depth of not less than 5 feet below the average summer level of water in the excavation, or shall be graded or back-filled with non-noxious, non-inflammable and non-combustible solids to insure:
 - (i) That the excavated area shall not collect stagnant water and not permit the same to remain therein; or
 - (ii) That the surface of such area which is not permanently submerged is graded or back-filled as necessary to produce a gently rolling surface that will minimize wind and water erosion, and which will be generally compatible with the adjoining land area.
 - (b) The banks of all excavations shall be sloped to the waterline in a water-producing excavation, and to the pit floor in a dry operation, at a slope which shall not be steeper than 1 foot vertical to 3 feet horizontal.
 - (c) Top soil of a quality at least equal to that occurring naturally in the area shall be replaced on excavated areas not covered by water, except where streets, beaches, or other planned improvements are to be completed within a one-year period. Where used, top soil shall be applied to a minimum depth of 4 inches sufficient to support vegetation.
 - (d) Vegetation shall be restored by the appropriate seeding of grasses or the planting of trees and shrubs, to establish a permanent vegetative cover on the land surface and to minimize erosion.
 - (e) Upon cessation of mining operations by abandonment or otherwise, the operating company, within a reasonable period of time not to exceed 12 months thereafter, shall

remove all structures, foundations, buildings, stockpiles and equipment, provided that buildings and structures which have a function under the reclamation plan and which can be lawfully used under the requirements of the zoning district in which they will be located under such plan may be retained.

- (f) A performance bond or cash shall be furnished to the township clerk insuring the proper rehabilitation and reclamation of the mined and excavated areas prior to the commencement of any such mining or excavating operations. The amount of the guarantee shall be not less than \$5,000 per acre proposed to be mined or excavated in the following 12-month period and which has previously been mined or excavated during any preceding period and not reclaimed and rehabilitated in accordance with this Ordinance and the applicant's filed plan. Mined areas resulting in a water depth of 5 feet or more shall be deemed to be reclaimed areas to within 15 feet of any vertical shore line thereof and to the extent of the shore line where the same has been sloped to a grade of not more than one foot vertical to three foot horizontal, for the purpose of this financial guarantee. The Zoning Administrator and/or Township Board may review such financial guarantee annually, on or about the anniversary date of the excavation permit, for adjustment and compliance with the foregoing requirements. In no event shall such financial guarantee be less than \$5,000 in amount.

f. Submission of Operational and Reclamation Plans:

- (1) No earth removal, gravel processing, mining, or related mineral extraction activity shall be allowed or commenced until a plan has been submitted to the Township Board disclosing compliance with all of the provisions of the within Ordinance or the manner in which compliance will be secured by the applicant. Such plans shall comply with the general site plan content requirements set forth in this Ordinance, and shall in any event also include the following:
 - (a) A contour map of the tract of land involved in the operations, including dimensions of the same, access to abutting public streets, and whether or not the same are "all weather" roads, additional roads, if any, to be con-

structed, and the location and nature of abutting improvements on adjoining property.

- (b) The number of acres and the location of the same proposed to be operated upon within the following 12-month period after commencement of operations.
- (c) The type of mining or processing proposed to be conducted and the nature of the equipment to be used.
- (d) The location of the principal processing plant and the distance of any proposed excavation or mining from the boundaries of the site.
- (e) A map or plan disclosing the final grades and elevations to be established following the completion of the mining operations, including the proposed uses then contemplated for the land, future lakes and roads and such other matters as may evidence the bona fide nature of the reclamation and rehabilitation plans and the fact that the land will not be devastated and rendered unusable by the proposed mining activities.

g. Use of a Portable Concrete Mixing Plant in Commercial Excavation Business:

In any commercial excavation area which complies with the terms of this subsection 5, either as a legal nonconforming use or as an approved special exception use, the Township Board may allow a portable concrete ready-mix plant on the premises of an existing and operating commercial excavation, on a temporary basis not to exceed 12 months. Said ready-mix plant shall be Aportable@, meaning that it is essentially pre-assembled elsewhere and hauled to the site with limited construction on the site. It shall have a covered area for the dumping of aggregate, cement, water, etc. into trucks for mixing, so as to minimize dust and noise as much as possible. The ready-mix plant and all associated staging areas shall be located at least 1,000 feet from all residentially zoned property and all property used for residential purposes.

h. Asphalt Plant Located Within Earth Removal Operation: An asphalt plant may be granted special exception use approval within an earth removal operation existing as either a legal nonconforming use or as an approved special exception use, pursuant to the following requirements.

- (1) The asphalt plant shall be located within the site of an active or inactive earth removal operation.
- (2) The asphalt plant shall use an existing driveway/access road for the earth removal operation to the public road; there shall be no additional access from the asphalt plant to the public road.
- (3) The asphalt plant shall be depressed as much as possible within the earth removal operation site, considering soils, water table, and other natural conditions on the site.
- (4) The asphalt plant shall be set back at least 500 feet from the perimeter boundary lines of the earth removal operation.
- (5) All state and federal regulations pertaining to noise, odor, groundwater protection, air and soil pollution, and vibration are incorporated by reference with respect to operation of the asphalt plant and are enforceable by the Township.
- (6) The site layout for the asphalt plant, including oil storage tanks and gas lines, shall be submitted for approval by the Township Fire Chief. The Township Board may, upon recommendation from the Fire Chief, require appropriate on-site fire protection capabilities as a condition of special exception use permit approval.
- (7) Materials shall be transferred on-site in an enclosed area to prevent fugitive dust from leaving the site. Transfer operations shall stop immediately if substantial dust is being released into the air, and shall not resume until the condition is corrected. Any spill of material shall be immediately cleaned-up.
- (8) All relevant, pertinent and applicable requirements of this ordinance pertaining to earth removal operations shall apply to the asphalt plant; except the permissible hours of operation are 6:00 a.m. to 6:00 p.m. Further, the hours of operation of the asphalt plant may be extended when necessary pursuant to a contract from a federal, state or municipal government clearly requiring asphalt paving during a period outside the generally allowed hours of operation of the asphalt plant. In this event the operator of the asphalt plant shall notify the Township of the required hours of operation, in advance of initiating the extended hours. The Township may establish other requirements deemed necessary to protect the public health, safety and general welfare during these periods of extended operation (e.g. lighting control, noise abatement, etc.).

- (9) A site plan shall be submitted and approved pursuant to the applicable provisions of this Ordinance before an asphalt plant shall be allowed in an active or inactive earth removal operation site.

6. Foster Care (Large Group) Facility:

- a. (Subsection a. of Section 23.7.2 is incorporated herein by reference).
- b. It shall maintain the property consistent with (or better than) the visible characteristics of the neighborhood.
- c. If the facility involves more than 12 residents, it shall provide a designated passenger loading/unloading area near a barrier-free entrance to the facility.
- d. If the facility involves more than 12 residents, it shall provide a loading/unloading area of adequate dimensions for delivery vehicles servicing the facility.

7. Golf Course:

- a. All tees, fairways and greens shall be located so as to be at least 50 feet from any adjacent residentially zoned property under separate ownership.
- b. All tees, fairways and greens shall be located so as to be at least 50 feet from any public street right-of-way.
- c. All tees, fairways and greens which are located within 150 feet from any property used for residential purposes under separate ownership, regardless of the zoning classification of such property, shall be adequately fenced to prevent trespassing upon said residential property.
- d. Clubhouses and other buildings shall be set back at least 500 feet from any adjacent residentially zoned land under different ownership, and shall be set back at least 80 feet from every street. Overnight accommodations shall not be provided for or permitted, except for a dwelling unit for the owner or manager of the facility complying with applicable provisions of this Ordinance and the Township Building Code.
- e. Adequate public rest rooms and other facilities shall be constructed and properly maintained upon the premises.

- f. Rubbish receptacles and disposal service shall be provided in such a manner as to adequately handle rubbish generated on the premises and avoid any nuisance or annoyance to adjoining property owners or the general public.
- g. Off-street parking and loading areas shall be provided as set forth in Article XXVI of this Ordinance.
- h. Any sale of foodstuffs, beverages or merchandise shall be clearly incidental to the needs of the occupants and users of the golf course facilities while on the property.
- i. All night lighting shall be designed and arranged so that it does not produce a glare on adjoining premises and/or streets.
- j. No more than one advertising sign shall be allowed on the premises, as set forth in Article XXV of this Ordinance.
- k. No golf course shall be designed or arranged so as to require patrons, whether in a golf cart or on foot, to cross a street, except by use of a bridge or viaduct.

8. Home Occupation:

- a. The occupation is operated in its entirety by the person or persons residing in the dwelling, and not more than two other persons residing outside of the dwelling.
- b. The occupation is operated in its entirety within the dwelling unit, and not in a garage or accessory building.
- c. The occupation is clearly incidental and secondary to the residential use of the building, and does not utilize more than 20% of the gross floor area of the dwelling, or 300 square feet, whichever is less.
- d. All goods sold from the premises are created on the premises, or are incidental to services sold on the premises.
- e. The dwelling has no exterior evidence indicating that the building is being utilized for any purpose other than that of a dwelling, except a name plate sign not exceeding one square foot in area containing the name and occupation of the occupant of the premises.
- f. Noise or other objectionable characteristics associated with the home occupation are not discernible beyond the boundaries of the premises.

9A. Horse Boarding or Riding Stable (applicable only in the "AG-1" Exclusive Agriculture and "AG-2" General Agriculture Districts):

- a. The property shall have a minimum lot area of 40 contiguous acres owned by the owner/operator of the stable.
- b. The horse boarding stable shall be owned/operated by the resident owner of the dwelling on the premises.
- c. Barns or shelters shall be located at least 150 feet from all existing residences on adjacent properties.
- d. Holding pens, paddocks and riding rings shall be located at least 100 feet from all existing residences on adjacent properties.
- e. Pastures used for grazing shall be located at least 25 feet from all existing residences on adjacent properties.
- f. Waste storage areas shall be located at least 150 feet from all existing residences on adjacent properties, and at least 75 feet from all adjoining property lines. Waste shall be properly disposed of at appropriate intervals sufficient to avoid the creation of obnoxious odors or insect problems perceptible beyond the boundaries of the subject property.
- g. Odors, dust, noise and drainage shall be controlled so as to not become a nuisance, hazard or annoyance to adjoining residents.
- h. Any sale of foodstuffs, beverages, or merchandise shall be clearly incidental to the needs of the users of the stable facilities while on the property, including when scheduled horse shows or other equestrian events are taking place.

~~9B. Horse Boarding or Riding Stable (applicable only in the "R-1" Single Family Rural Residential District): (no longer in effect pursuant to Ord. No. 155)~~

- ~~a. The property shall have a minimum lot area of five contiguous acres.~~
- ~~b. No more than four animals shall be allowed on the initial five acres.~~
- ~~c. At least one additional acre shall be required for each additional animal.~~
- ~~d. Barns or shelters shall be located at least 150 feet from all existing residences on adjacent properties.~~

- e. ~~Holding pens, paddocks and riding rings shall be located at least 100 feet from all existing residences on adjacent properties.~~
- f. ~~Pastures used for grazing shall be located at least 25 feet from all existing residences on adjacent properties.~~
- g. ~~Waste storage areas shall be located at least 150 feet from all existing residences on adjacent properties, and at least 75 feet from all adjoining property lines. Waste shall be properly disposed of at appropriate intervals sufficient to avoid the creation of obnoxious odors or insect problems perceptible beyond the boundaries of the subject property.~~
- h. ~~Boarded horses not owned by the property owner shall not exceed 50% of the horses lawfully on the property in accordance with the animal density requirements set forth in Section 21.6.3, subsections (2) (3), of this Ordinance.~~
- i. ~~Unreasonable noise, odor or other objectionable characteristics shall not be discernible beyond the boundaries of the property upon which the stable is situated.~~
- j. ~~There shall be no sale of foodstuffs, beverages, equipment, or other merchandise, except for hay, grain or other horse feed incidental to the care of the boarded horses on the premises. (Nothing herein shall be construed to restrict the sale of agricultural products produced upon the premises where such sales are part of "Agricultural or Livestock Production" as allowed in the "R-1" Single Family Rural Residential District).~~
- k. ~~No horse shows or other commercial activities shall take place on the premises, except for horse riding lessons given to the owners of horses presently boarded upon the premises.~~
- l. ~~Sufficient area shall be available to satisfy the parking needs for the vehicles of boarders. Such parking area(s) shall be located on the premises in such a manner as to not be detrimental to the use or development of adjacent property or the occupants thereof.~~

10. Institutional or Public Use:

- a. The lot location shall be such that at least one property line abuts a collector street, secondary thoroughfare, or major thoroughfare, and all ingress and egress to and from the lot shall be directly from and on to said street or thoroughfare.

- b. The off-street parking area required by Article XXVI of this Ordinance shall not be located within the required front yard setback area.
 - c. For every foot of height by which the building, exclusive of spire, exceeds the maximum height limitation for the district, an additional foot of front, side and rear yard setback shall be provided beyond the minimum setback requirements.
- 11. (Reserved for expansion)
- 12. (Reserved for expansion)
- 13. Kennel:
 - a. The kennel shall be operated in conformance with all applicable county and state laws and regulations.
 - b. A kennel involving dogs shall be located on property with a lot area of at least five contiguous acres owned by the owner/operator of the kennel for the first four dogs, and an additional one acre for each three additional dogs, up to a limit of ten dogs. A kennel involving cats shall be located on property with a lot area of at least five contiguous acres owned by the owner/operator of the kennel, with no required additional acreage for additional cats, up to a limit of ten cats. A kennel may involve both dogs and cats, subject to the above minimum lot area requirements and animal limit restrictions.
 - c. A kennel facility with outside animal runs or other outside animal activities shall be situated at least 500 feet from the boundary lines of any residentially zoned or residentially used property.
 - d. A fully enclosed kennel facility without any outside animal runs or other outside animal activities shall be situated at least 200 feet from all boundary lines of any residentially zoned or residentially used property.
 - e. The kennel facility shall have waste disposal systems and plans adequate to handle all animal waste, food waste, bedding, dead animals, and debris generated from the kennel facilities.
 - f. Noise, odor, or other objectionable characteristics incident to the operation of the kennel facility shall not be discernible beyond the boundaries of the property upon which the facility is located.

- g. The kennel facility shall be designed, constructed, operated and maintained in such a manner as to provide humane, clean, dry, and sanitary conditions for each animal kept on the premises, including sufficient square footage for each animal, in accordance with applicable state laws and regulations, and the recommendations of the American Kennel Association.
- h. The nature and character of all buildings and structures used for kennel purposes shall be aesthetically compatible with the principal use of the premises upon which the kennel is located, and with the principal uses of adjoining properties.
- i. Sufficient off-street parking shall be provided upon the premises upon which the kennel is operated to prevent any traffic congestion as a result of the kennel.
- j. The kennel facility shall be subject to such other conditions and limitations as the Township Board shall deem necessary in the specific circumstances at issue to protect adjoining property owners and the area in general, such as fencing, sound proofing, sanitary requirements, and other reasonable conditions and limitations imposed pursuant to Section 23.4 of this Ordinance.

14. Mini-Storage Facility:

- a. The premises shall be completely fenced, with the design, height and type of such fencing and screening to be approved by the Township Board.
- b. The storage building(s) and its location on the premises shall be approved by the Township Board.
- c. A dwelling unit for an on-site manager and family is permissible, provided the dwelling unit contains at least six hundred square feet of floor area, and complies with all applicable provisions of this Ordinance and the Township Building Code.

15. Private Airstrip:

- a. All private airstrips shall be located so that the centerline of such airstrip is at least:
 - (1) 200 feet from the property line of the premises upon which the airstrip is located.

- (2) 200 feet from all public roadways, railroad tracks or dwellings.
 - (3) 250 feet from any building or structure intended for the congregation of people.
- b. The ends of all private airstrips shall be located so that each end is at least:
 - (1) 250 feet from the property lines of the premises upon which the airstrip is located.
 - (2) 340 feet from any interstate highway, and 300 feet from any other public roadway.
 - (3) 500 feet from any railroad track.
 - (4) 500 feet from any structure intended for the congregation of people.
 - (5) 500 feet from any dwelling.
- c. The airstrip conforms to all applicable Federal Aviation Administration rules and regulations, and where any such regulations supersede the requirements in subsections a or b above the federal regulations shall be controlling.

16. Public Utility Service Facilities:

- a. Public utility buildings shall, whenever practicable, have an exterior appearance similar to or aesthetically compatible with buildings in the immediate area.
- b. All substations, regulator stations and similar facilities shall be enclosed by fencing, or other suitable means of enclosure, not less than six feet in height as determined by the Township Board, so as to restrict access to authorized personnel only.
- c. All substations, regulator stations or similar facilities shall be designed, constructed and operated in accordance with all applicable federal, state and local laws, regulations and ordinances, including such laws and regulations of the Michigan Public Service Commission as may apply.

- d. All substations, regulator stations and similar facilities shall be inspected and approved by state-authorized inspectors prior to any operation of the facility.
17. Recreational Vehicle Campground:
- a. All campground facilities shall comply with the requirements imposed by part 125 of the Michigan Public Health Code (MCLA 333.12501 et seq; and any and all amendments thereto, and with any and all regulations promulgated thereunder.
 - b. Any sale of food stuffs, beverages or merchandise shall be clearly incidental to the needs of the occupants and users of the campground and related facilities while on the property.
18. Seasonal Mobile Home Park:
- a. All seasonal mobile home parks shall comply with the requirements applicable thereto imposed by Michigan Public Act 96 of 1987, (MCLA 125.2301 et seq) and any and all amendments thereto, and with any and all regulations promulgated thereunder by the Michigan Mobile Home Commission or the Michigan Department of Public Health.
19. Veterinary Clinic/Animal Hospital:
- a. The facility shall have frontage on a county primary street.
 - b. A facility with outside animal runs or other outside animal activities shall be situated at least 500 feet from any residentially zoned or used property.
 - c. A fully enclosed facility without any outside animal runs or other outside animal activities shall be situated at least 100 feet from any residentially zoned or used property.
 - d. All Kennel facilities associated with an animal hospital shall also be subject to the specific standards for a "Kennel" set forth in Section 23.7, subsection 13 of this Ordinance, except for the kennel facilities setback requirement in part a. of same, which is superseded by the applicable setback requirement in part b. or part c. above.
20. Private Wind Powered Generator (PWPG) system:
- a. On-Site Use. The PWPG system shall be designed, constructed and intended to primarily serve the premises on which the system is

located; provided that excess electricity generated by the system but not used on the premises may be transferred to an electric utility grid.

- b. Setbacks. The PWPG system shall have a setback from all lot lines equal to at least 1.5 times the maximum height of any part of the system, including the tip of the rotor blade in its highest position. Any part of a peripheral anchoring system, such as guy wires, may be located within this required minimum setback distance, but shall comply with all minimum setbacks for accessory structures in the pertinent zoning district.
- c. Codes and Regulations. The PWPG system shall comply with all applicable building and electrical codes, and any other applicable regulations imposed by federal or state law, including the Michigan Tall Structures Act and any lighting regulations imposed by the Federal Aviation Administration; in each instance to the extent such standards and regulations are not less restrictive than any specific standards set forth herein.
- d. Safety. The system shall be designed and operated so as to include all of the following components and safety features, in addition to such measures as may be required by the codes and regulations referenced in the preceding paragraph:
 - (1) An automatic braking, governing or feathering system to prevent uncontrolled rotation and over-speeding of the rotor.
 - (2) Lightning protection.
 - (3) The use of color or other devices to cause any guy wires or other ground anchoring device for the system to be clearly visible from the ground to a vertical height of at least six feet above the ground.
 - (4) A non-climbable tower/pole design, or an anti-climb device effective to at least 12 feet above the ground at the tower/pole base.
 - (5) The rotor blade shall have a ground clearance of at least 20 feet when the blade tip is at its lowest point (not applicable to a roof-mounted system).
 - (6) Electrical lines used for the transmission of electricity generated by the system shall be placed underground from the system to the point of use on the premises or the point of distribution to the electric utility grid.

- (7) All aspects of the system and its intended operation shall be located, designed and constructed so as to not be detrimental or hazardous to any persons or property on the subject premises or any adjacent premises, or to the public health, safety and welfare, generally.
- e. Potential Interferences. The system shall be designed, constructed and operated in a manner as to not interfere with any electrical and/or electronic device, such as television, radio, microwave, or navigational equipment.
- f. Maintenance and Removal. The PWPG system shall be properly maintained in accordance with the manufacturer's recommendations, and so as to be operable as designed. A PWPG system shall be dismantled and removed if it is not being properly maintained, or if it is not operated for a continuous period of 12 months and is therefore considered abandoned.
- g. Noise. The system shall be designed, constructed and operated in such a manner as to at all times comply with local regulations pertaining to noise, including the Charleston Township Anti-Noise and Public Nuisance Ordinance (Ordinance No. 26, as may be amended and/or replaced).
- h. Height. The total height of a PWPG system, including the tip of the rotor blade at its highest point (measured from ground grade), shall not exceed such height as is permissible to comply with the setback/location requirements in subsection b. above.

21. Outdoor Entertainment Venue:

- a. Specified Events/Activities. The venue shall be limited to the types of events and activities specified in the application and granted special exception use approval, including accessory uses incidental to a specific approved event/activity.
- b. Access. The site shall be directly accessible from a state highway. Access to/from the site shall be managed on days in which events are being held to the extent necessary to avoid unreasonably disrupting the flow of traffic on the adjoining public road.
- c. Parking. Street parking in connection with events/activities at the venue shall be strictly prohibited. The site shall have sufficient area to accommodate off-street parking for all vendors, event attendees, event staff, and all other persons associated with a scheduled event, and shall also be sufficient to allow for the possibility of multiple

simultaneous events. All off-street parking areas on the site shall be subject to the following requirements:

- (1) The perimeter of all parking areas shall be visibly delineated.
 - (2) All parking areas, and access drives, shall be maintained in a usable dust-free condition, but need not be hard-surfaced with asphalt or concrete, or have individual lined parking spaces.
 - (3) All parking areas shall be compatible with and meet all requirements of the Americans with Disabilities Act.
 - (4) All parking areas, and access drives, shall be located at least 70 feet from any lot line abutting a Residentially zoned lot or a residentially used lot, and shall be at least 10 feet from any other lot line.
 - (5) All parking areas shall be located and managed so as to facilitate unimpeded access by emergency vehicles.
- d. Camping. Unless zoning approval for a Recreational Vehicle Campground is separately requested and granted, on-site camping is permissible only incidental to a specific event, and for the duration of the specific event, by persons participating in that event as a vendor, attendee, or staff, and in compliance with all applicable state, county and township regulations.
- e. Food and Beverage Sales. On-site sales of food and beverages are permissible only incidental to the needs of persons participating in a specific event as a vendor, attendee, or staff, and in compliance with all applicable state, county and township regulations.
- f. Merchandise Sales. On-site display and sale of merchandise is permissible only incidental to a specific event, by persons participating in that event as a vendor, attendee, or staff, and in compliance with all applicable state, county and township regulations.
- g. Noise/Nuisance. All events and activities shall be capable of being conducted, and shall actually be conducted, so as to avoid any unreasonable or unnecessarily loud noise, or emission of dust, smoke, fly ash or noxious odors to adjacent property owners and residents or to the general public; including but not necessarily limited to any noise or other disturbance sufficient to constitute a violation of any other ordinance of the Township regulating noise and/or public nuisance.
- h. Lighting. All permanent and any temporary on-site lighting shall be shielded away from or otherwise located/directed so as to not

adversely affect any adjacent property, any vehicle on the adjoining public road, or the general public.

- i. Sanitation. Permanent and/or temporary on-site facilities shall be provided sufficient to assure the lawful disposal of all human waste, food waste and trash/rubbish generated on-site during any event/activity, and also so as to assure a sufficient supply of potable water available at all times to event attendees, vendors, staff, and any other persons. The site shall be cleaned-up between events, and trash/waste products removed from the site between events or otherwise at sufficient intervals to avoid unsanitary or unsightly conditions.
- j. Safety and Security. The applicant shall provide such personnel and administer such procedures as may be necessary to provide for the adequate safety and security of the maximum number of event attendees and vendors at every event/activity, and to assure coordination with local emergency services.
- k. Other Laws and Ordinances. The applicant shall comply with all such other state laws, county regulations, and other township ordinances as may be applicable to the subject property or any event/activity thereon.

Note: No amendments of the Zoning Ordinance were considered necessary to add specific new requirements for signage associated with an Outdoor Entertainment Venue. Accordingly, Section 25.5 of the existing Zoning Ordinance pertaining to signs in the Agricultural Districts applies to this land use. Subsection 5 of that section allows one on-premises Advertising Sign per lot, not exceeding 32 square feet in area, relating to a conforming non-residential use on the premises, subject to the following: the height of any such allowed sign shall not exceed 5' above the ground on which the sign sits or the grade of the abutting roadway, whichever is greater; the sign must be set back so as to not project beyond the adjoining street right-of-way line; and the sign must be situated, with respect to side lot lines, so as to be placed within the middle 1/3 of the street frontage of the parcel on which the sign is erected. Certain other types of signs may also be allowed in connection with an Outdoor Entertainment Venue pursuant to existing Section 25.13 of the Zoning Ordinance pertaining to signs allowed in all zoning districts; such as signs directing and guiding traffic and parking on private property, not exceeding 4 square feet in area, limited to traffic control functions, and bearing no advertising matter (subsection 5). Permissible signage for a specific site is determined during the site plan review process.

22. On-Farm Biofuel Production Facility (Type II or Type III).

- a. The facility has all of the characteristics for the term “On-Farm Biofuel Production Facility (Type II or Type III)” as defined in Section 3.1 of this Ordinance.
- b. The application for special exception use approval included, in addition to the content required by any other provision of this Ordinance, all of the following:
 - (1) A description of the process to be used to produce biofuel.
 - (2) The number of gallons of biofuel anticipated to be produced annually, and the designed annual biofuel production capacity (in gallons) of the facility.
 - (3) An emergency access and fire protection plan that has been reviewed and approved by the Kalamazoo County Sheriff's Department and the Galesburg-Charleston Fire Department.
 - (4) For an ethanol production facility that will produce more than 10,000 proof gallons (as defined in 27 Code of Federal Regulations 19.907) annually, completed United States Department of the Treasury, Alcohol and Tobacco Tax and Trade Bureau Forms 5000.29 (Environmental Information) and 5000.30 (Supplemental Information on Water Quality Considerations Under 33 USC 1341(a)), or successor forms, required to implement regulations under the National Environmental Policy Act of 1969, 42 USC 4321 to 4347, and the Federal Water Pollution Control Act, 33 USC 1251 to 1387.
 - (5) Information that demonstrates the biofuel production facility will comply with all of the special exception use approval standards specified herein.
 - (6) Any additional information requested by the Planning Commission or Township Board relevant to compliance with any provision of this ordinance pertaining to special exception use application, review, or approval, including any lawful conditions imposed on approval.
- c. (required condition on approval) Before the facility begins operation, all buildings, facilities, and equipment used in the production or storage of biofuel shall comply with all applicable local, state and federal laws.
- d. (required condition on approval) Before the facility begins operation, the owner or operator of the biofuel production facility has provided the

Township with proof that all necessary approvals have been obtained from the Michigan Department of Environmental Quality (or a successor agency) and other state and federal agencies that are involved in permitting any of the following aspects of biofuel production:

- (1) Air pollution emissions.
 - (2) Transportation of biofuel or additional products resulting from biofuel production.
 - (3) Use or reuse of additional products resulting from biofuel production.
 - (4) Storage of raw materials, fuel, or additional products used in, or resulting from, biofuel production.
- e. (required condition on approval) Before the facility begins operation, the biofuel production facility includes sufficient storage for raw materials, fuel, and additional products resulting from biofuel production or the capacity to dispose of additional products through land application, livestock consumption, sale, or other legal use.

Note: the Township Board is required to hold a hearing on an application for special exception use approval of an On-Farm Biofuel Production Facility (Type II or Type III) not more than 60 days after a (complete) application is filed. *MCL 125.3513(4)*.

23. Indoor Boat Storage (in the AG-2 General Agriculture District):

- a. The property shall not exceed a lot area of 10 acres, and shall have specific characteristics that cause significant parts of the property to not be generally conducive to agricultural production land uses.
- b. The business shall be limited to the storage of boats, other watercraft, and boat trailers, inside of a fully enclosed building; and not more than 15 boats or other watercraft and boat trailers stored outside of a fully enclosed building in such a manner as to not be visible from any public roadway.
- c. The Township Board may approve one or more buildings for Indoor Boat Storage use that meet or exceed commercial storage building construction requirements, subject to the 10% maximum building coverage limitation that is generally applicable to principal buildings in the AG-2 General Agriculture District pursuant to Article XX of this Ordinance (Schedule of Lot, Yard and Area Requirements), calculated cumulatively for the principal building or buildings.

- d. A boat/other watercraft/boat trailer brought to the premises for storage may be temporarily parked outside of a storage building or the permissible limited outdoor storage area for not more than 72 hours pending placement in a storage building or the limited outdoor storage area; and a boat/other watercraft/boat trailer removed from a storage building for intended pick-up by its owner or the designee of same may be parked outside of a storage building for no more than 72 hours.
- e. The business shall not involve any retail sales, any repair or maintenance services, or offer any other retail/wholesale services to the general public.
- f. The site shall incorporate such berming, vegetative screening and/or fencing as the Township Board may determine to be necessary to insure compatibility with adjacent uses of land and therefore imposed as a condition upon special exception use approval pursuant to Section 23.4 of this Ordinance, and/or imposed by the Planning Commission as a condition on site plan approval pursuant to Article XXIV of this Ordinance.
- g. One on-premises Advertising Sign not exceeding 32 square feet in area relating to the Indoor Boat Storage use on the premises may be erected pursuant to Section 25.5 of this Ordinance and all applicable general provisions and requirements for signage specified in Section 25.4 of this Ordinance.
- h. The Township Board may approve a single family dwelling unit as an accessory use to the indoor boat storage principal use pursuant to the following requirements:
 - (1) The dwelling unit shall be occupied by only an on-site manager and the family of same.
 - (2) The dwelling unit shall contain at least 600 feet of floor area, and comply with the Township Building Code and all otherwise applicable provisions of this Ordinance, including the dwelling standards specified in Section 5.5 of this Ordinance (except for the minimum gross floor area and minimum width/depth requirements of subsections 1-2 of same that would apply if the dwelling unit was a stand-alone single family dwelling).
 - (3) The dwelling unit shall be either situated within an Indoor Boat Storage building or attached to and made part of an Indoor Boat Storage building.

24. Private Non-Commercial Club:

- a. The use of the club's facilities shall be generally restricted to bonafide members of the club/organization that operates on the subject property; but any one or more of the following incidental services and activities sponsored or hosted by the club may be made available to non-members as well as members:
 - (1) Memorial services, memorial or commemorative picnics, and other similar gatherings associated with the purposes of the club.
 - (2) Occasional food/beverage services (for example, a weekly pancake breakfast or chicken dinner by a VFW Post) as fundraisers to support the activities of the club.
 - (3) Banquet-type special events/receptions held no more frequently than two days a week.
- b. Accessory outdoor structures and activities are permissible, including recreational events such as horseshoe contests, provided such activities are located entirely on the subject premises and conducted so as to not adversely affect the permissible use of any adjoining property.
- c. The premises shall be capable of supporting all applicable off-street parking and loading required pursuant to Article XXVI of this Ordinance.

25. Summer Stock Theatre:

- a. On-site housing. On-site housing shall be limited to residency by actors, crew, and staff during the theatre season, which may include pre-season and post-season activities. Such housing may be in apartments and/or dormitories.
- b. Food/beverage services. Food/beverage services may be offered to theatre patrons and crew/staff on the same premises as the theatre, incidental to performances, during the summer stock season and when the theatre is otherwise offering performance entertainment, such as during the Christmas holiday season. Where the food/beverage services are operated from a secondary building, separated from the theatre building, the special exception use approval may include authorization for a non-seasonal (other than in conjunction with the theatre schedule) theatre-themed bar/restaurant operating from such secondary building, upon a specific determination that the proposed

non-seasonal bar/restaurant will itself meet all the special exception use criteria specified in Section in 23.3 of this Ordinance, and that the non-seasonal bar/restaurant will provide a desirable asset to the community.

- c. On-site parking. All aspects of the theatre use shall provide off-street parking in accordance with all applicable provisions of Article XXVI of this Ordinance (Parking and Loading Spaces); provided, however, consistent with the seasonal nature of this land use, the applicant may request and the Township may approve use of lawn or otherwise unpaved/unlined parking areas/parking spaces to accommodate the parking needs of theatre patrons, cast/crew members, staff, employees, and otherwise lawful residential occupants of the premises. A bar/restaurant on the premises proposed to operate on a non-seasonal basis (other than in conjunction with the theatre schedule) shall comply with all requirements of this Ordinance applicable to bar/restaurant parking and loading spaces.
- d. Storage buildings. The special exception use approval may include authorization for one or more buildings for the storage needs of the theatre and its permissible accessory uses, including for the storage of sets, scenery, costumes, and other usual and customary storage needs associated with same. Any such storage building shall comply with all applicable provisions of this Ordinance, including Article XXII (Accessory Buildings/Structures and Accessory Uses) and Article XX (Schedule of Lot, Yard and Area Requirements).
- e. Leisure/Recreational Structures. The applicant may propose and the Township may approve one or more leisure and/or recreational structures for use by patrons, cast/crew, staff, and other users of the premises, such as gazebos, adult and/or children swings, and other such leisure/recreational structures that are compatible with and complementary to the principal summer stock theatre use.
- f. Outdoor performance restriction. The premises shall not be used as a venue for outdoor theatrical, musical, or other open-air performances of any kind, unless such use of the premises has been explicitly granted special exception use approval in accordance with all applicable requirements of this Ordinance. If such outdoor performance activity is granted zoning approval, any such activity shall fully comply with all other ordinances as may be applicable, including the Anti-Noise and Public Nuisance Ordinance (Ordinance No. 26), the Outdoor Assembly Ordinance (Ordinance No. 21, as amended by Ordinance No. 23), as either of same may be subsequently amended, and any other applicable laws and ordinances.

Pages 161-162 reserved for expansion

ARTICLE XXIV

SITE PLAN REVIEW

24.1 PURPOSE: The intent of these Ordinance provisions is to provide for consultation and cooperation between the land developer and the Township Planning Commission in order that the developer may accomplish his objectives in the utilization of his land in accordance with the regulations of this Zoning Ordinance and with minimum adverse effect on the use of adjacent streets and on existing and future land uses in the immediate area and vicinity.

24.2 USES SUBJECT TO SITE PLAN REVIEW: Except as provided in Section 24.11 of this Ordinance with respect to the matters subject to administrative site plan review as designated therein, the following uses shall not be conducted upon any land or in any building/structure, nor shall a building permit be issued for the construction of a building/structure associated with such uses, until a site plan has been submitted to, reviewed, and approved by the Planning Commission in accordance with the provisions of this Ordinance pertaining to site plans:

1. Special exception uses.
2. Office and commercial buildings and developments.
3. Multiple family dwellings.
4. Industrial buildings and developments.
5. Mobile home parks.
6. Churches.
7. Planned unit developments, including site condominium projects.

Notwithstanding the foregoing, all otherwise permissible Township-owned and/or operated land uses in the Township Public Use District, as specified in Article XVIII of this Ordinance, are subject only to administrative site plan review pursuant to Section 24.11.3 of this Ordinance, without regard to the project eligibility limitation or exclusion provisions of Section 24.11.1.

24.3 SKETCH PLAN REVIEW: Preliminary sketches of site and development plans may be submitted to the Township Planning Commission. The purpose of the sketch stage is to allow discussion between the developer and the Planning Commission as to site, building and general requirements, to allow the developer to become acquainted with proper procedure and to investigate the feasibility of the project prior to extensive engineering plans being prepared for the final site plan review procedure. All sketch plan stage applications shall include:

1. The name and address of applicant. If a corporation, the name and address of the resident agent thereof. If a partnership, the names and addresses of each partner.
2. Legal description of the property.
3. Drawings showing tentative plans.

24.4 FORMAL SITE PLAN APPLICATION CONTENT: All formal site plan review applications shall include, in addition to 1 and 2 above, the following:

1. The date, north arrow and scale [the scale shall be not less than one inch equals twenty feet for property under three acres and at least one inch equals one hundred feet for those three acres or more].
2. All lot and/or property lines shown and dimensioned, including building setback lines.
3. The location, type and height of all existing and proposed structures on and within one hundred feet of the subject property.
4. The location and dimensions of all existing and proposed acceleration and deceleration lanes, sidewalks, curb openings, signs, exterior lighting, parking spaces, drives and aisles, loading and unloading areas, outdoor display and storage areas, and recreation areas, etc.
5. The location of the pavement and right-of-way width of all abutting roads, streets or alleys.
6. The name and firm address of the professional individual responsible for the preparation of the site plan (including imprint of professional seal, if any).
7. The name and address of the property owner or petitioner.
8. The location of all rubbish and recycling receptacles, landscaping, and the location, height and type of fences and walls.
9. The size and location of existing and proposed utilities, including proposed connections to public sewer or water supply systems, if available.
10. The location of all fire hydrants.

11. The lot size (basis of calculation), setbacks, trailer pads, patios, and complete park layout for mobile home parks.
12. The location and dimensions of all existing and proposed interior and exterior areas and structures (including above or below ground storage tanks) to be used for the collection, storage, use, loading/unloading, recycling or disposal of any chemicals, fuels, flammable materials, contaminated stormwater or washwater, or hazardous materials.
13. The size, type and location of all existing and proposed floor drains.
14. The location and size of all existing and proposed exterior drains, drywells, catch basins, retention/detention areas, sumps and other facilities designed to collect, store or transport stormwater, including the point of discharge for all associated drains and pipes.
15. The location of all areas on the site which are known or suspected to be contaminated, together with a report on the status of site clean-up.
16. The percentage of the property covered by buildings, and the portion reserved for open space.
17. A property survey by registered surveyor.
18. The existing and proposed contour of the property, and its relationship to adjoining lands [two foot intervals, minimum].
19. The location of all lakes, streams, wetlands, county drains, and other waterways abutting or within 100 feet of the subject property.
20. The front, side and rear elevations for all buildings on the property. Also, with respect to site plans involving multiple dwellings, either floor plans for all such buildings or information which is otherwise sufficient to show compliance with the applicable minimum gross floor area per dwelling unit square footage requirement. (Complete floor plans are optional with respect to other types of developments subject to site plan review, but may be required by the Planning Commission where deemed necessary to properly evaluate compliance with the criteria for site plan approval).
21. A description of the operation proposed in sufficient detail to indicate the effects of those operations in producing traffic congestion, noise, glare, air pollution, water pollution, land pollution, fire or safety hazards, or the emission of all potentially harmful or obnoxious matter or radiation.

22. A statement of the environmental impact of the development, to the extent not addressed by the description of the operation, as required above.
23. Engineering and architectural plans approved by the appropriate regulatory agency for the treatment or disposal of sewage and/or industrial waste tailings and unusable by-products.
24. The proposed number of shifts to be worked and the maximum number of employees on each shift.
25. Any other relevant information deemed necessary by the Planning Commission.
26. The Planning Commission may waive any of the above enumerated requirements whenever the Planning Commission determines that such requirement is not necessary for a specific site plan due to the fact that:
 - a. The Planning Commission finds from the evidence presented that the condition does not apply and is therefore unnecessary to evaluate the use for which approval is sought; or
 - b. The Planning Commission finds from the evidence that the condition can be waived or modified because there are practical difficulties or unnecessary hardships of a non-monetary nature in carrying out the strict letter of the condition, and the Planning Commission finds as a fact that the waiver or modification is appropriate so that the spirit of the Ordinance is observed, public safety is secured, there is no detriment resulting therefrom, or a detriment is alleviated thereby.

24.5 FORMAL SITE PLAN SUBMITTAL AND REVIEW SCHEDULING PROCEDURES:

1. The applicant shall submit the site plan and all related information to the Township Zoning Administrator (or other designee of the Planning Commission) at least 30 days before the Planning Commission meeting at which the applicant would like to have the site plan reviewed.
2. The Township Zoning Administrator (or other designee of the Planning Commission) shall initially review the site plan and all related information submitted by the applicant for "administrative completeness", and shall identify all concerns relating to the ordinance criteria for approval of the site plan.

3. A site plan which is determined by the Zoning Administrator (or other designee of the Planning Commission) to be administratively incomplete shall not be distributed to the Planning Commission or placed on the agenda of a Planning Commission meeting, without the permission of the Chairperson of the Planning Commission.
4. When the Zoning Administrator (or other designee of the Planning Commission) has determined a site plan to be administratively complete the applicant shall supply the Zoning Administrator with 11 copies of the administratively complete site plan and all related information. The Zoning Administrator shall distribute a copy of the site plan and all related information submitted by the applicant, and the Administrator's report on same, to each member of the Planning Commission and to the Building Official no later than 7 days prior to the Planning Commission meeting at which the applicant would like to have the site plan reviewed. The Zoning Administrator shall retain 1 copy of the administratively complete site plan and all related information submitted by the applicant, and shall file 1 copy of same with the Township office to be available for public examination.

24.6 SITE PLAN APPROVAL:

1. The Township Planning Commission shall approve or disapprove, or approve subject to compliance with certain modifications, the site plan in accordance with the purpose and intent of this Ordinance and the criteria set forth in this Ordinance. Prior to reviewing or approving a site plan the Planning Commission may, in its discretion, request comments and recommendations on the site plan from the Township Planner, the Township Engineer, the Township Fire Chief/Fire Marshall, the Township Building Official, and such other parties as the Planning Commission may, in its discretion, determine to be advisable or necessary with respect to a particular site plan.

2. Criteria for Site Plan Review:

The site plan shall be reviewed and approved by the Township Planning Commission upon a finding that:

- a. The proposed use will not have a harmful effect on the surrounding neighborhood development, and any adverse effect upon surrounding property is minimized by appropriate screening in the form of fencing, walls and/or landscaping.
- b. There is a proper relationship between the existing streets and proposed service drives, acceleration and deceleration lanes, and

driveways and parking areas so as to insure the safety and convenience of pedestrian and vehicular traffic.

- c. The adverse effects resulting from the locations of buildings and accessory structures are minimized to the occupants of adjacent properties.
- d. The proper development of roads, easements and utilities has been provided to protect the general health, safety and welfare of the citizens of the Township.
- e. The natural features of the landscape, such as ponds, streams, hills, wooded areas, etc. have been retained as practicable, where they afford a barrier or buffer between adjoining properties being put to different use or where they assist in preserving the general appearance of the area, and any grade changes are in keeping with the general appearance of neighboring developed areas and not detrimental to erosion control.
- f. The height and location of all portions of buildings and structures are accessible to available emergency vehicles and equipment.
- g. The proposed development will comply with all applicable provisions of this Ordinance, and all other applicable ordinances, laws, rules and regulations.
- h. The development plan is consistent with the purposes of zoning regulation in Charleston Township, as set forth in Section 1.2 of this Ordinance.
- i. All areas and structures where chemicals, fuels, flammable materials, contaminated stormwater or washwater, or hazardous materials are to be collected, stored, used, loaded/unloaded, recycled, generated or disposed of have been designed and located to prevent spills and discharges to the air, surface of the ground, groundwater, lakes, streams, rivers and wetlands, except as may be specifically permitted by a state or federal governmental agency.
- j. All floor drains have been approved by the responsible governmental agency for connection to an on-site closed holding tank, or, where appropriate, to a septic system or public sewer system, or regulated through a State of Michigan groundwater discharge permit.

3. Security Deposit:

- a. To insure compliance with the zoning ordinance and conditions imposed at the time of site plan approval, the Planning Commission may require that a cash deposit, certified check, irrevocable bank letter of credit or surety bond acceptable to the Planning Commission, covering the estimated costs of improvements associated with a project for which the site plan approval is sought, be deposited with the Township Clerk to insure faithful completion of the improvements.
- b. The Planning Commission shall by resolution request the Township Clerk to rebate said security deposit in reasonable proportion to the ratio of work completed on the required improvements as the work progresses. The amount of rebate shall be determined from time to time at regular or special meetings of the Planning Commission based upon evidence presented by the applicant and/or appropriate township officials demonstrating the ratio of work completed on the required improvements.
- c. If any improvements are not constructed within the time limit established as part of the site plan approval or within any extension thereof, then the Planning Commission shall by resolution request the Township Board to take appropriate legal steps to insure completion using so much of the security deposit as is necessary for such purpose.
- d. As used herein, "improvements" means those features and actions associated with a project which are considered necessary by the Planning Commission to protect natural resources, or the health, safety, and welfare of the residents of a Township and future users or inhabitants of the proposed project or project area, including but not limited to roadways, lighting, utilities, sidewalks, screening, and drainage. Improvements does not include the entire project which is the subject of zoning approval.

24.7 MODIFICATIONS: Any modifications of the site plan desired by the Township shall be so stated in writing to the applicant. Site plan approval may then be granted contingent upon the revision of said site plan by the petitioner to the satisfaction of the Township Planning Commission. If any part of the approved site plan is in conflict with any section of this Ordinance in terms of setbacks, parking spaces, maneuvering lanes, etc., a variance must first be obtained from the Zoning Board of Appeals. A copy of the final approved site plan, with its modifications, shall be on record in the Township offices. The copy shall have

the signature of the Planning Commission Chairman. If variances are required and have been secured, the document granting variance shall show the signature of the Chairman of the Zoning Board of Appeals.

- 24.8 CONFORMITY TO APPROVED SITE PLAN: Property which is the subject of site plan approval must be developed in strict conformity with the approved site plan for that property, including any site plan modifications approved by the Planning Commission and variances granted by the Zoning Board of Appeals in accordance with this Ordinance.
- 24.9 REVOCATION: Any site plan approval may be revoked when the construction of said development is not in conformance with the approved plans, in which case the Township Planning Commission shall give the applicant notice of intention to revoke such approval at least ten days prior to review by the Planning Commission. After conclusion of such review, the Planning Commission may revoke its approval of the development if the Commission determines that a violation in fact exists and has not been remedied prior to such hearing.
- 24.10 TERM OF APPROVAL. The site plan approval shall be valid for a period of one year. One six-month time extension may be granted by the Planning Commission upon a showing of good cause. At the end of the approval period, including any extension granted by the Planning Commission, if no building permit has been obtained and on-site development actually begun the site plan approval becomes void, and the developer shall submit a new application for approval before any construction or earth change is commenced.
- 24.11. ADMINISTRATIVE SITE PLAN REVIEW: The following administrative site plan review (ASPR) process shall apply in the circumstances and to the extent specified in this section, as an alternate to the generally applicable formal site plan review process specified pursuant to this Article.
1. Projects eligible for ASPR. A project is eligible for the ASPR process only with respect to any of the following changes to an existing development:
 - a. A reduction of the size of an existing building or structure.
 - b. An expansion of an existing building or structure, not exceeding 25% of the existing square footage, and not exceeding a cost of \$40,000.
 - c. The internal rearrangement of a parking lot and/or parking spaces, where the total number of parking spaces is neither increased nor decreased, and there is no alteration of the access location or design.

- d. The relocation of an existing building or structure, where all setback and yard location requirements are met.
- e. Other similar changes of a minor nature which the Zoning Administrator, upon consultation with the Planning Commission Chairperson, determines will not materially affect the character or intensity of use, vehicular or pedestrian circulation, drainage patterns, or the demand for public services; will not have any adverse affect on adjacent or nearby property or the use thereof; and will not have any adverse affect on the health, safety, or welfare of the general public.

The ASPR process shall not apply if any of the above-listed circumstances involve any of the following:

- a. A new building or structure.
 - b. A new or altered access to the site.
 - c. A change in use and/or a new use.
 - d. A variance from any provision of the Zoning Ordinance is required; or the project fails to comply with any applicable provision of this Ordinance, or any other applicable ordinance regulation or law.
2. ASPR Process. The Zoning Administrator, after consultation with the Planning Commission Chairperson, may determine whether a proposed project is eligible for the ASPR process and may be granted site plan approval pursuant to that process. The Zoning Administrator shall refer to the Planning Commission for review and approval consideration pursuant to the preceding sections of this Article any proposed project for which the Planning Commission Chairperson has not recommended approval pursuant to the ASPR process. In addition, the Zoning Administrator shall have discretion to decline applying the ASPR process to an eligible project, and instead refer such project to the Planning Commission for review and approval consideration pursuant to the preceding sections of this Article.
 3. Review and Approval Criteria. The Zoning Administrator shall review and determine whether to approve a project eligible for the ASPR process pursuant to the criteria specified in Section 24.6, subsection 2 of this Ordinance and all other applicable provisions. The Zoning Administrator may require the applicant to submit such information, pursuant to the formal site plan application content requirements of Section 24.4 of this

Ordinance, as the Zoning Administrator deems necessary to properly review the project pursuant to the ASRP process.

4. Significance of Approval Pursuant to ASRP Process. A project approved by the Zoning Administrator pursuant to the ASRP process shall be considered to have site plan approval, subject to sections 24.8-24.10 of this Ordinance.

ARTICLE XXV

SIGN REGULATIONS

- 25.1 PURPOSE AND INTENT: The purpose of this Article is to regulate and limit the construction and reconstruction of various types of signs, including billboards, to protect the public health, safety, and general welfare. These regulations are therefore designed to restrict or prohibit signs which would, by reason of their size, location, construction or manner of display, endanger life or property, confuse or mislead traffic, obstruct vision necessary for vehicular and pedestrian traffic safety, or otherwise be inconsistent with other allowed land uses or contrary to the public welfare.
- 25.2 DEFINITIONS: For purposes of this Article, the following words and terms shall have the meanings hereinafter set forth in this Section.
1. Accessory Sign: A secondary sign relating in its subject matter to the premises on which it is located, or to products, accommodations, services, or activities on the premises.
 2. Advertising Sign: Any sign, or portion thereof, including the wall of any building, advertising a business, service, product, activity, person, or event, which is made, produced, assembled, stored, distributed, leased, sold, or conducted on the premises upon which the sign is located.
 3. Area (Surface Area): The entire area within a regular geometric form or combination of regular geometric forms comprising all of the display area of the sign and including all of the elements of the matter displayed. Frames and structural members not bearing advertising matter shall not be included in computation of surface area.
 4. Billboard: Any outdoor sign, or portion thereof, including the wall of any building, advertising a business, service, product, activity, person, or event, which is not made, produced, assembled, stored, distributed, leased, sold, or conducted on the premises upon which the sign is located.
 5. Election/Campaign Signs: Signs advertising candidates for any public office, or soliciting votes in support of or against any ballot proposition or issue, at any general, primary, special, school or other election. These types of signs shall, by their nature, also be considered "Temporary"; provided, however, that permanent Billboards advertising such political matters shall not constitute an Election/Campaign sign for purposes of this Article.

6. Free-Standing Sign: A sign supported by one or more uprights, poles or braces placed in or upon the ground surface and not attached to any building.
7. Identification Sign: A sign that only identifies the name and street address of the owner or resident of premises.
8. Illuminated (or Illumination): These terms refer to any artificial means of lighting, either directly or indirectly, any portion of a sign.
9. Institutional Bulletin Board: A sign containing a surface area upon which is displayed the name of a religious institution, school, library, community center or similar institution, and the announcement of its institutional services or activities.
10. Number (of Signs): Except as otherwise provided in this Article with respect to Billboards, for the purpose of determining the permitted number of signs, a sign shall be considered to be a single display surface or display device containing elements organized, related, and composed to form a unit. Where matter is displayed in a random manner without recognized relationship of elements, or where there is reasonable doubt about the relationship of elements, each element shall be considered to be a single sign.
11. Off-Premises: This term refers to a sign whose message relates to a business, service, commodity, or profession lawfully being conducted, sold or offered on premises other than that upon which the sign is situated.
12. On-Premises: This term refers to a sign whose message relates to a business, service, commodity, or profession lawfully being conducted, sold or offered on the premises upon which the sign is situated.
13. Portable Sign: A type of free-standing sign not permanently anchored or secured to either a building or the ground.
14. Real Estate Sign: A sign advertising the sale, rental or leasing of the land or buildings upon which the sign is located, or buildings under construction and intended for sale, rental or leasing upon completion of construction.
15. Sign: Any structure or device using words, numerals, figures, designs or trademarks designed to inform or attract the attention of persons.
16. Subdivision Sign: A sign placed at the primary entrance to a subdivision, containing information only about that subdivision.

17. Temporary Sign: A type of sign which may or may not have a structural frame, and which because of its function, such as advertising seasonal produce sales, holiday or civic events, political candidates or issues, or other short-term matters, is not intended to be permanent.
 18. Wall Sign: A sign which is attached directly to or painted upon a building wall or window.
- 25.3 SIGNS ALLOWED/PROHIBITED: Signs are allowed to be located according to the zoning district in which they are situated in accordance with the provisions of this Article pertinent to the particular zoning district, in accordance with Section 25.4 governing signs allowed in all zoning districts, and further in accordance with the General Provisions section of this Article governing certain aspects of signs in all zoning districts. A sign not expressly allowed in a specific zoning district or generally allowed in all zoning districts pursuant to this Article is prohibited.
- 25.4 GENERAL PROVISIONS AND REQUIREMENTS: The following provisions and requirements shall be applicable to all types of signs in all zoning districts, unless specifically stated to the contrary in this Article:
1. No free-standing Advertising Sign or Billboard shall be erected without a permit for same being first obtained from the Zoning Administrator or Building Official, or such other appropriate official as may be designated by the Township Board, which permit shall be granted upon a showing of compliance with the provisions of this Ordinance and payment of the required fee. Fees for such permits shall be established from time to time by motion or resolution of the Township Board, with the amount of such fees being reasonably related to the costs to the Township of administering the portions of this Ordinance and any other ordinances applicable to such signs.
 2. No sign shall be erected at any location where, by reason of position, size, shape or color, it may interfere with, obstruct the view of, or be confused with an authorized traffic sign, signal or device, or so as to interfere with, mislead or confuse vehicular or pedestrian traffic.
 3. No rotating beam, beacon or flashing illumination shall be used in connection with any sign.
 4. Subject to the preceding restriction, signs may be illuminated unless prohibited by another Section of this Article applicable to a particular type of sign; where illumination is allowed, such illumination shall be concentrated on the surface of the sign, and the source of illumination shall be designed and located so as to avoid glare or reflection on to any

portion of an adjacent street, the path of on-coming vehicles, or any adjacent premises.

5. All signs shall be designed and constructed in such a manner as to withstand all wind and other weather conditions normally expected to occur in the area. All signs shall be properly maintained and repaired so as to assure proper alignment of structure, continued structural soundness, and continued readability of message, and also so as to not become unsightly or dilapidated in appearance or function through disrepair or exposure to the elements.
6. Temporary signs shall be removed from view of public roadways and adjoining properties within five days after the event or matter to which they pertained has been concluded.
7. All lawful nonconforming signs and sign structures shall be subject to the regulations governing nonconforming uses and nonconforming structures set forth in Article XXVII of this Ordinance.

25.5 SIGNS IN THE "AG" AGRICULTURAL DISTRICTS: The following types of signs are allowed in the "AG" Agricultural Districts, provided that the height of any such allowed signs shall not exceed five feet above (1) the grade of the ground on which the sign sits or (2) the grade of the abutting roadway, whichever is greater; such signs, including all supporting members and overhangs, shall be set back so as to not project beyond the adjoining street right-of-way line; and such signs shall be situated, with respect to side lot lines, so as to be placed within the middle 1/3 of the street frontage of the parcel upon which the sign is erected:

1. One non-illuminated Identification Sign per dwelling unit, not exceeding two square feet in area.
2. One or more signs that serve only to identify the name of a farm, farm owner, or types of agricultural products produced thereon, not exceeding an aggregate total of 32 square feet for all such signs pertaining to the same farm or farm parcel.
3. One on-premises Institutional Bulletin Board per Institutional or Public Use, not exceeding 32 square feet in area.
4. One Temporary Sign per lot advertising for sale produce raised on the premises, not exceeding 32 square feet in area.
5. One on-premises Advertising Sign per lot, not exceeding 32 square feet in area, relating to a conforming non-residential use on the premises, other than a sign for a use specifically provided for herein.

6. Two on-premises Subdivision Signs, placed at the primary entrance to a subdivision, each not exceeding 16 square feet in area; or, in the alternative, one such sign not exceeding 32 square feet in area.

25.6 SIGNS IN THE "R-1" SINGLE FAMILY RURAL RESIDENTIAL DISTRICT: The following types of signs are allowed in the "R-1" Single Family Rural Residential District, provided that the height of any such allowed signs shall not exceed five feet above (1) the grade of the ground on which the sign sits or (2) the grade of the abutting roadway, whichever is greater; such signs, including all supporting members and overhangs, shall be set back a minimum of five feet from the adjoining street right-of-way line; and such signs shall be situated, with respect to side lot lines, so as to be placed within the middle 1/3 of the street frontage of the parcel upon which the sign is erected:

1. Those signs allowed in the "AG" Agricultural Districts pursuant to Section 25.5 of this Ordinance, except as may be otherwise provided in this Section.
2. Two on-premises Subdivision Signs, placed at the primary entrance to a subdivision, each not exceeding 16 square feet in area; or, in the alternative, one such sign not exceeding 32 square feet in area.

25.7 SIGNS IN THE "R-2" SINGLE FAMILY RESIDENTIAL DISTRICT, THE "R-3" SINGLE FAMILY AND TWO-FAMILY RESIDENTIAL DISTRICT. AND THE AR-7" SINGLE FAMILY RESIDENTIAL SUBDIVISION DISTRICT: The following types of signs are allowed in the "R-2" Single Family Residential District, the "R-3" Single Family and Two-Family Residential District, and the AR-7" Single Family Residential Subdivision District, provided that the height of any such allowed signs shall not exceed five feet above (1) the grade of the ground on which the sign sits or (2) the grade of the abutting roadway, whichever is greater; such signs, including all supporting members and overhangs, shall be set back a minimum of five feet from the adjoining street right-of-way line; and such signs shall be situated, with respect to side lot lines, so as to be placed within the middle 1/3 of the street frontage of the parcel upon which the sign is erected:

1. One non-illuminated Identification Sign per dwelling unit, not exceeding two square feet in area.
2. One on-premises Institutional Bulletin Board per Institutional or Public Use, not exceeding 32 square feet in area. (Note: not applicable in R-7 zoning district).

3. Two on-premises Subdivision Signs, placed at the primary entrance to a subdivision, each not exceeding 16 square feet in area; or, in the alternative, one such sign not exceeding 32 square feet in area.

25.8 SIGNS IN THE "R-4" MULTIPLE FAMILY RESIDENTIAL DISTRICT: The following types of signs are allowed in the "R-4" Multiple Family Residential District, provided that the height of any such allowed signs shall not exceed five feet above (1) the grade of the ground on which the sign sits or (2) the grade of the abutting roadway, whichever is greater; such signs, including all supporting members and overhangs, shall be set back a minimum of five feet from the adjoining street right-of-way line; and such signs shall be situated, with respect to side lot lines, so as to be placed within the middle 1/3 of the street frontage of the parcel upon which the sign is erected:

1. Those signs allowed in the "R-2" and "R-3" Districts pursuant to Section 25.7 of this Ordinance, except as may be otherwise provided in this Section.
2. One on-premises Identification Sign per multiple family dwelling development, placed at the primary entrance to the development, and not exceeding 32 square feet in area.
3. One on-premises Advertising Sign per lot, not exceeding 32 square feet in area, relating to a conforming non-residential use on the premises, placed at the primary entrance to the use.

25.9 SIGNS IN THE "R-6" MOBILE HOME PARK RESIDENTIAL DISTRICT: The following types of signs are allowed in the "R-6" Mobile Home Residential District, provided that the height of any such allowed signs shall not exceed five feet above (1) the grade of the ground on which the sign sits or (2) the grade of the abutting roadway, whichever is greater; such signs, including all supporting members and overhangs, shall be set back a minimum of five feet from the adjoining street right-of-way line; and such signs shall be situated, with respect to side lot lines, so as to be placed within the middle 1/3 of the street frontage of the parcel upon which the sign is erected:

1. One non-illuminated Identification Sign per dwelling unit, not exceeding one square foot in area.
2. One on-premises Institutional Bulletin Board per Institutional Public Use, not exceeding 32 square feet in area.
3. Two on-premises signs identifying or containing information only about the mobile home park, placed at the primary entrance to the mobile home park, and not exceeding 16 square feet in area; or, in the alternative, one such sign not exceeding 32 square feet in area.

25.10 SIGNS IN THE "C-1" LOCAL BUSINESS DISTRICT: The following types of signs are allowed in the "C-1" Local Business District:

1. One on-premises Advertising Sign per lot, complying with the following requirements:
 - a. The total sign area shall not exceed 80 square feet; provided, however, that the maximum sign area shall be 125 square feet for conforming lots zoned C-1 fronting on I-94 or that portion of Michigan Avenue running parallel to I-94 between 40th Street and Mercury Drive.
 - b. The height of the sign shall not exceed 20 feet above (1) the grade of the ground on which the sign is situated or (2) the grade of the abutting roadway, whichever is higher.
 - c. The sign, including all supporting members and overhangs, shall be set back a minimum of five feet from the adjoining street right-of-way line.
 - d. The sign shall be situated, with respect to side lot lines, so as to be placed within the middle 1/3 of the street frontage of the parcel upon which the sign is erected.
2. In addition, not more than five accessory signs, including wall signs, are allowed for on-premises advertising, complying with the following requirements:
 - a. The combined area of all such accessory signs shall not exceed 100 square feet, or, in the case of wall signs, 15% of the total area of the wall to which the signs are attached, not to exceed 100 square feet; provided, however, in cases where a commercial building houses multiple business enterprises each of which exclusively occupies a distinct portion of the building accessed by a separate entrance, each such separate business enterprise shall be allowed wall signs covering not more than 15% of the total front wall space pertaining to such business entity, not to exceed 100 square feet.
 - b. All wall signs shall project no more than 18 inches from the wall, and shall be no less than eleven feet above the abutting grade.
 - c. Free-standing or portable accessory signs (not wall signs) shall comply with the height, setback and placement requirements

applicable to the primary Advertising Sign allowed pursuant to subsection 1 of this section.

25.11 SIGNS IN THE "C-4" HIGHWAY BUSINESS DISTRICT, AND THE "I-1" LIGHT INDUSTRIAL DISTRICT: The following types of signs are allowed in the "C-4" Highway Business District, and the "I-1" Light Industrial District:

1. Those signs allowed in the "C-1" Local Business District pursuant to Section 25.10 of this Ordinance, except as otherwise provided in this Section.
2. Billboards shall be allowed on property located within 200 feet of the I-94 right-of-way, in accordance with the following regulations:
 - a. Not more than three billboards may be located per linear mile of street or highway regardless of the fact that such billboards may be located on different sides of the same street or highway. The linear mile measurement shall not be limited to the boundaries of Charleston Township where the particular street or highway extends beyond such boundaries. Double-faced billboard structures (i.e., structures having back-to-back billboard faces) and V-type billboard structures having only one face visible to traffic proceeding from any given direction on a street or highway shall be considered as one billboard. Additionally, billboard structures having tandem billboard faces (i.e., two parallel billboard faces facing the same direction and side-by-side to one another) or stacked billboard faces (i.e., two parallel billboard faces facing the same direction with one face being directly above the other) shall be considered as one billboard. Otherwise, billboard structures having more than one billboard face shall be considered as two billboards and shall be prohibited in accordance with the minimum spacing requirement set forth in subsection b. below.
 - b. No billboard shall be located within 2,000 feet of another billboard abutting either side of the same street or highway.
 - c. No billboard shall be located within 200 feet of a residential zone and/or existing residence, church, or school. If the billboard is illuminated, this required distance shall instead be 300 feet.

- d. No billboard shall be located closer than 75 feet from a property line adjoining a public right-of-way, or further than 200 feet from a property line adjoining a public right-of-way. Further, no billboard shall be located closer than 10 feet from any interior boundary lines of the premises on which the billboard is located.
- e. The surface display area of any side of a billboard shall not exceed 200 sq. feet. In the case of billboard structures with tandem or stacked billboard faces, the combined surface display area of both faces shall not exceed 200 sq. feet.
- f. The height of a billboard shall not exceed 30 feet above (1) the grade of the ground on which the billboard sits or (2) the grade of the abutting roadway, whichever is higher.
- g. No billboard shall be on top of, cantilevered or otherwise suspended above the roof of any building.
- h. A billboard may be illuminated, provided such illumination is concentrated on the surface of the sign and is so located as to avoid glare or reflection onto any portion of an adjacent street or highway, the path of on-coming vehicles, or any adjacent premises. In no event shall any billboard have flashing or intermittent lights, nor shall the lights be permitted to rotate or oscillate.
- i. A billboard established within a business, commercial, or industrial area, as defined in the "Highway Advertising Act of 1972" (1972 PA 106, as amended) bordering interstate highways, freeways or primary highways as defined in said Act shall, in addition to complying with the above conditions, also comply with all applicable provisions of said Act and the regulations promulgated thereunder, as such may from time to time be amended. In the event of a conflict between the applicable provisions of said Act and the applicable provisions of this Ordinance, the provisions of this Ordinance shall be controlling.

25.12 SIGNS IN THE "R-IP" RESEARCH AND INDUSTRIAL PARK DISTRICT: The following types of signs are allowed in the "R-IP" Research and Industrial Park District:

- 1. One on-premises Advertising Sign per lot, complying with the following requirements:
 - a. The total sign area shall not exceed 32 square feet.

- b. The height of the sign shall not exceed 10 feet above (1) the grade of the ground on which the sign is situated or (2) the grade of the abutting roadway, whichever is higher.
 - c. The sign, including all supporting members and overhangs, shall be set back a minimum of five feet from the adjoining street right-of-way line.
 - d. The sign shall be situated, with respect to side lot lines, so as to be placed within the middle 1/3 of the street frontage of the parcel upon which the sign is erected.
2. In circumstances where a business park has been created one permanent entryway or park identification sign may be placed at the primary entrance to the park, not exceeding 125 square feet in area, and not exceeding 12 feet in height, displaying the name of the park, the developer and/or the occupants of the individual lots within the park.

25.13 SIGNS IN THE "TPU" TOWNSHIP PUBLIC USE DISTRICT: The following types of signs are allowed in the "TPU" Township Public Use District:

1. One on-premises Institutional Bulletin Board for each governmental administration or service building owned and or occupied by Charleston Township, not exceeding 32 square feet in area.

25.14 SIGNS ALLOWED IN ALL ZONING DISTRICTS: The following types of signs shall be allowed in all zoning districts, subject to the lighting, maintenance and locational regulations in Section 25.4 of this Ordinance, and any other applicable laws:

1. Flags and insignia of any government, except when displayed in connection with commercial promotion.
2. Legal notices posted by any governmental body.
3. Identification, informational or directional signs, or other types of signs lawfully erected or required by any governmental body including, but not limited to, the State of Michigan, Kalamazoo County or Charleston Township.
4. Governmental use signs erected by governmental bodies to designate hours of activity or conditions of use for parks, parking lots, recreational areas, governmental buildings, or other public places.
5. Signs directing and guiding traffic and parking on private property, including private off-street parking areas open to the public, provided any

such sign does not exceed four square feet in area, and is limited to traffic control functions, and bears no advertising matter.

6. Historic signs designating sites recognized by the State of Michigan as Centennial Farms or Historic Landmarks, provided any such sign does not exceed 16 square feet in area.
7. Signs posted to control or prohibit trespassing, hunting or fishing upon private property or public property.
8. Essential service signs designating utility lines, railroad lines, hazards, or precautions, properly erected and placed by a public or private utility company or railroad, or a governmental entity.
9. Headstones and monuments in public or lawfully established private cemeteries, and memorial signs or tablets which are either (1) cut into the face of a masonry surface, or (2) constructed of bronze or other incombustible materials and located flat on the face of a building.
10. Temporary banners and similar devices erected by a governmental entity to advertise a public event or civic function sponsored by a governmental entity.
11. Temporary Election/Campaign signs.
12. One Real Estate Sign per lot, located on-premises only while the premises are actually on the market for sale, rent or lease, and not exceeding eight square feet in area; provided, however, that on a corner lot or lot with more than 330 feet of road frontage, more than one Real Estate Sign is allowed so long as the aggregate total of all such signs does not exceed eight square feet in area.
13. Temporary construction signs designating architects, engineers, or contractors in conjunction with construction work under construction, not exceeding one per project of no more than eight square feet for single family dwelling and two-family dwelling construction projects, and not exceeding 32 square feet in area for all other types of construction projects.
14. Signs or other special decorative displays used for holidays, public demonstrations, or promotion of civic welfare or charitable purposes, only when authorized by the Township Board, based upon the following standards:

- a. The size, character and nature of the sign or display shall be compatible with the nature of the matter being promoted.
 - b. The duration or time period during which the sign or display will be utilized shall be reasonably related to the nature of the matter being promoted and the proper promotion of same. Arrangement shall be made for the prompt removal of the sign or display after the conclusion of the matter being promoted.
 - c. The sign or display shall not affect light or air circulation for lots which are either adjoining or in the surrounding neighborhood of the proposed sign or display.
 - d. The sign or display shall not constitute a traffic hazard.
 - e. The sign or display shall not have an adverse or detrimental impact on adjoining lots or the surrounding neighborhood.
15. One temporary auction or garage sale/yard sale sign located on the premises where such a sale is lawfully being conducted, only while the sale is in progress, and not exceeding 8 square feet in area.
16. One or more signs serving only to identify the type of seed or row crop planted in a particular area, from the time the crop is planted until it is harvested.

ARTICLE XXVI

PARKING AND LOADING SPACES

- 26.1 GENERAL OFF-STREET PARKING REQUIREMENT: In all zoning districts, every property owner shall provide and maintain at all times sufficient off-street parking areas, and the necessary loading and unloading facilities associated thereto, for all the occupants, employees and patrons of all land uses on the property, in accordance with the provisions of this Article. No parking area or space, or loading/unloading facilities which exist at the time this Ordinance becomes effective, or which subsequently is provided for the purpose of complying with the provisions of this Ordinance, shall thereafter be relinquished or reduced in any manner below the requirements established by this Ordinance.
- 26.2 PARKING SPACE SIZE AND ACCESS: Each off-street parking space required by this Article shall be at least nine feet in width and 180 square feet in area, exclusive of access drives or aisles. Handicapped parking spaces shall be provided in accordance with state law. There shall be adequate provision for ingress and egress to all parking spaces.
- 26.3 BUILDING ADDITIONS: Whenever an addition is made to an existing building, the parking area shall be increased sufficiently to comply with the requirements of this Article.
- 26.4 MULTIPLE AND JOINT USE: The number of parking spaces required for land or buildings used for two or more purposes shall be the sum of the requirements for the various individual uses, computed in accordance with this Article. Parking facilities for one use shall not be considered as providing the required parking facilities for any other use; provided, that requirements for the provisions of parking facilities with respect to two or more property uses of the same or different types may be satisfied by a common parking facility, cooperatively established and operated, which permanently allocates a number of spaces not less than the sum of the requisite number of spaces for each use as provided in this Article.
- 26.5 PROHIBITED DESIGN: All off-street parking areas that make it necessary for any vehicle to back out directly into a public street are prohibited; provided that this requirement shall not be applicable to parking areas on platted lots located in the "R-2" Single Family Residential District or the "R-3" Single Family and Two Family Residential District.
- 26.6 PARKING SPACES FOR USES NOT SPECIFIED: In the case of a use not specifically mentioned in this Article in the Table of Off-Street Parking Requirements, the applicable requirement for the number of off-street parking

spaces shall be the requirement for a use which is so mentioned and which is most similar to the unspecified use.

26.7 FRACTIONAL SPACES: When the calculation of the required number of parking spaces pursuant to this Article results in a fractional space, any fraction up to and including one half shall be disregarded, and fractions over one half shall require one parking space.

26.8 REQUIREMENTS FOR PARKING IN AGRICULTURAL AND RESIDENTIAL DISTRICTS: All uses and buildings on premises in the Agricultural District or any of the Residential Districts shall comply with the following:

1. The requirements in Sections 26.1 - 26.7 of this Article.
2. The applicable portion of the Table of Off-Street Parking Requirements set forth hereafter in this Article.
3. The parking of motor vehicles shall be limited to passenger vehicles, including vans and pickup trucks, motor homes, and not more than one commercial vehicle of the light delivery type not exceeding 8,500 pounds of gross vehicle weight (weight of vehicle and load capacity). The parking of any other type of commercial vehicle is prohibited in these zones, except those used for agricultural production in conjunction with an allowed use on the premises.
4. All off-street parking spaces required pursuant to this Article shall be located on the same lot as the principal use.
5. All off-street parking spaces shall be at least 5 feet from any property line or street.

26.9 REQUIREMENTS FOR PARKING IN COMMERCIAL AND INDUSTRIAL DISTRICTS, AND IN THE AR-IP@ RESEARCH AND INDUSTRIAL PARK DISTRICT: All uses and buildings on premises in the Commercial or Industrial Districts, or in the Research and Industrial Park District, shall comply with the following:

1. The requirements of Sections 26.1 - 26.7 of this Article.
2. The applicable portion of the Table of Off-Street Parking Requirements set forth hereafter in this Article.

3. All off-street parking facilities required pursuant to this Article shall be located on the same parcel as the principal use, or on an contiguous lot, which shall include a lot separated from the main lot by a street.
4. All off-street parking spaces shall be at least 10 feet from any property line or street.
5. All off-street parking facilities shall be drained so as to prevent run-off on adjacent properties or public streets.
6. Off-street parking areas which adjoin premises situated in a Residential District shall be set back at least 30 feet from all property in that District, and shall be effectively screened by either a dense evergreen planting, fence, or retaining wall, not less than four feet or more than eight feet in height, as determined, with respect to type and height of screening, by the Planning Commission in the site plan review process.
7. Lighting of off-street parking areas shall be designed and arranged so as to reflect the light away from all adjacent residentially used lots, regardless of the zoning district in which such lots are situated.
8. Service or access drives shall be located at least 70 feet from a lot line abutting a residentially used lot, regardless of zoning classification, and at least 10 feet from all other lot lines.
9. No ingress or egress to a non-residential parking area shall utilize any residential street, other than a side street with no residential lots facing upon it.
10. All off-street parking areas providing space for more than four vehicles shall be hard-surfaced with concrete or plant-mixed bituminous asphalt material, and maintained in a smooth and useable dust-free condition; provided that in the site plan review process the Planning Commission may defer, modify, or waive this concrete or asphalt surfacing requirement if the Planning Commission determines the requirement is incompatible with the nature of the associated land use, or is unnecessary for the associated land use on a particular parcel, and that all applicable site plan approval standards will be met even if the requirement is deferred, modified, or waived. The Planning Commission, in determining to defer, modify or waive the surfacing requirement, may consider the impact (or lack of impact) on adjoining properties and the public roads, and the desirability of having, for a particular parcel, a pervious parking surface rather than an impervious parking surface so as to reduce and/or minimize stormwater runoff from a parking area.

11. All off-street parking areas providing space for more than four vehicles shall have the individual parking spaces marked on the surface of the parking area; provided that in the site plan review process the Planning Commission may defer, modify, or waive this parking space marking requirement if the Planning Commission determines the requirement is incompatible with the nature of the associated land use, or is unnecessary for the associated land use on a particular parcel, and that all applicable site plan approval standards will be met even if the requirement is deferred, modified, or waived.
12. Sufficient on-premises loading/unloading space shall be provided in such a manner as to avoid undue interference with public use of the streets or any access aisles for off-street parking areas. For any commercial or industrial use requiring more than four off-street parking spaces pursuant to this Article, the loading/unloading areas shall be conducted in side or rear areas of the building, and shall not in any manner utilize the required off-street parking spaces.
13. No parking area may be constructed, enlarged or altered before a building permit is obtained. A permit shall not be issued until the site development plan has been approved by the Planning Commission in accordance with this Ordinance.

26.9-A. REQUIREMENTS FOR PARKING IN TOWNSHIP PUBLIC USE DISTRICT: All uses and buildings on premises in the Township Public Use District shall comply with the parking and loading requirements specified in Section 26.9, except where any provision therein is clearly not applicable in the context of the particular governmental/public use at issue, or would otherwise unreasonably prevent or impede the governmental/public use on the premises zoned for such purposes.

26.10 TABLE OF OFF-STREET PARKING REQUIREMENTS: The amount of required off-street parking space for new uses or buildings, additions thereto, and additions to existing buildings as specified above, shall be determined in accordance with the following table, and the space so required shall be stated in the application for a building permit and shall be irrevocably reserved for such use; provided, however, that notwithstanding the following minimum parking space requirements designated for various land uses, every property owner shall provide and maintain at all times a sufficient number of off-street parking spaces and, where applicable, the necessary loading and unloading facilities associated therewith, for all the occupants, employees and visitors of the property. Thus, depending upon individual circumstances, a greater number of parking spaces may be required in order to comply with this overriding requirement.

	USE	NUMBER OF MINIMUM PARKING SPACES PER UNIT OF MEASURE
1.	<u>Residential</u>	
	a. Single Family and Two Family Dwelling	Three for each dwelling unit
	b. Multiple Family Dwelling	Two for each dwelling
	c. Mobile Home Park	Two for each mobile home site; plus one for each employee
	d. Boarding House	One for each sleeping room
	e. Child Day Care Home (family or group); Foster Care Facility	One for each care attendant or employee not residing in the home or facility
2.	<u>Institutional and Recreational</u>	
	a. Church	One for each 4 seats in the worship facility
	b. Hospital	1.75 for each bed; plus the number required for office, clinic and similar uses, where applicable
	c. Convalescent or Nursing Home	0.5 for each bed; plus one for each employee
	d. Elementary and Junior High School	One for each teacher and administrator; plus the number required for the auditorium/gym, where applicable
	e. Senior High School	One for each teacher and administrator; plus one for each five students; plus the number required for the auditorium/gym, where applicable
	f. Private Club	One for each 350 square feet of usable floor area
	g. Golf Course	Six for each golf hole; plus one for each 100 square feet of usable floor area of clubhouse/pro shop; plus one for each employee
	h. Miniature Golf Course	Three for each hole; plus one for each employee
	i. Auditorium, Gymnasium, Indoor Theater, Stadium, Sports Arena or Similar Place Of Assembly	Indoor theater: one for each three seats; plus five for employees Others: one for each four seats
3.	<u>Business and Commercial</u>	
	a. Automotive Service Station/Repair Garage	Six for customer vehicles; plus one for each employee
	b. Car Wash	One for each employee
	c. Barber and Beauty Shop	Two for each barber chair; and three for each beautician station

	USE	NUMBER OF MINIMUM PARKING SPACES PER UNIT OF MEASURE
	d. Child Day Care Center	One for each staff member; plus one for each five children (or one for each ten children if adequate drop-off facilities are provided)
	e. Drive-in Establishment	One for each 50 square feet of gross floor area.
	f. Restaurant or other Establishment for Sale/Consumption of Beverages, Food or Refreshments on the Premises	One for each 75 square feet of gross floor area; plus one for each employee
	g. Furniture and Appliance Household Equipment, Repair Shop, Showroom for Plumber, Decorator, Electrician or Similar Trade, Shoe Repair and other similar uses	Showrooms: one for each 400 square feet of usable floor area Repair Shops: One for each 350 square feet of usable floor area
	h. Laundromat and Coin Operated Dry Cleaner	One for each 350 square feet of gross floor area
	i. Funeral Establishment	Three for each 100 square feet of gross floor area
	j. Automotive Sales Area (Including Boats, Farm Equipment, Etc.)	One for each 400 square feet of usable floor area
	k. Retail Store, Except as Otherwise Specified Herein	One for each 350 square feet of floor area on each floor used for retail sales
4.	<u>Offices</u>	
	a. Bank, Credit Union, Savings and Loan	One for each 250 square feet of Gross floor area
	b. Business or Professional Office, except as indicated in the following item (c)	One for each 200 square feet of gross floor area
	c. Medical or Dental Clinic, Professional Offices of Doctor, Dentist or Similar Professions	One for each 175 square feet of gross floor area
5.	<u>Industrial</u>	
	a. Industrial or Research Establishment	One for each 1,000 square feet of floor area; plus one for each 350 square feet of office, sales, or similar space. Space on-site shall also be provided for all construction workers during periods of plant construction.

	USE	NUMBER OF MINIMUM PARKING SPACES PER UNIT OF MEASURE
	b. Wholesale or Warehouse Establishment	One for each 1,000 square feet of gross floor area for the first 20,000 square feet; plus one for each 2,000 square feet of gross floor area for the second 20,000 square feet; plus one for each 4,000 square feet of gross floor area over 40,000 square feet.

ARTICLE XXVII

NONCONFORMING USES, BUILDINGS/STRUCTURES AND LOTS

- 27.1 SCOPE OF REGULATIONS: This Article governs lawfully established nonconforming uses, buildings, structures, and lots, and nothing herein shall be interpreted as authorization for or approval of the initiation, continuance or reestablishment of an unlawful use, building/structure or lot.
- 27.2 CONTINUATION OF NONCONFORMING USES AND BUILDINGS/STRUCTURES: Except where specifically provided to the contrary, and subject to the provisions of this Article, a lawful use, building/structure or lot which is existing and lawful on the effective date of this Ordinance, or in the case of an amendment of this Ordinance then on the effective date of such amendment, may be continued even though such use, building/ structure or lot does not conform with the provisions of this Ordinance or applicable amendment thereof. A change in the ownership, tenancy or occupancy of a use, building/structure or lot shall not affect such continuation rights.
- 27.3 EXPANSION OF NONCONFORMING USE OR BUILDING/STRUCTURE: A nonconforming use or nonconforming building/structure shall not be expanded, extended, enlarged, or otherwise altered, unless:
1. Such expansion, extension, enlargement or alteration is, by itself, in conformity with the provisions of this Ordinance and does not aggravate the existing nonconforming condition; or,
 2. Such expansion, extension, enlargement or alteration is authorized by the Zoning Board of Appeals pursuant to Article XXVIII of this Ordinance and upon a showing that the requested expansion, extension, enlargement or alteration will not substantially extend the otherwise reasonably anticipated useful life of the nonconforming use or building/structure.
- 27.4 REPAIR, MAINTENANCE AND RESTORATION OF NONCONFORMING USE OR BUILDING/STRUCTURE: Such ordinary repairs and maintenance work as may be necessary to keep a nonconforming use or building/structure in sound condition may be made provided that no such work shall include structural alterations which are likely to extend the reasonably anticipated useful life of the building/structure. If a nonconforming building/structure is damaged or destroyed by fire, flood, wind, or other calamity to the extent of 50% or more of its fair market value at the time of such damage or destruction, said building/structure shall not be repaired or otherwise restored or reconstructed except in conformity with this Ordinance. Where such damage or destruction is less than 50% of the fair market value of the building/structure at the time of such damage or destruction, the building/structure may be repaired or otherwise restored and reconstructed so as to be not more nonconforming than at the time of the

damage or destruction. Any such reconstruction right shall be considered terminated by abandonment if reconstruction is not started within six months and completed within one year from the time of the damage or destruction.

27.5 CHANGE OF NONCONFORMING USE: A nonconforming use shall not be changed to any other nonconforming use except as may be authorized by the Zoning Board of Appeals pursuant to Article XXVIII of this Ordinance, and upon a finding that the proposed new use will substantially decrease the degree of nonconformity and be more compatible with adjacent uses than the prior nonconforming use.

27.6 DISCONTINUATION AND REESTABLISHMENT OF NONCONFORMING USES AND BUILDINGS/STRUCTURES:

1. Reestablishment: A nonconforming use shall not be reestablished after it has been changed to a conforming use. A nonconforming building/structure shall not be reestablished after it has been changed to a conforming building/structure.

2. Discontinuation: A nonconforming use or nonconforming building/structure shall not be reestablished after being discontinued, vacant, not conducted or abandoned without an intention to resume same. Such an intention shall be presumed after discontinuation, etc. for a period of one year.

27.7 NONCONFORMITY DUE TO REZONING OR TEXT AMENDMENT: The provisions of this Article shall also apply to uses, buildings/structures or lots which hereafter become nonconforming due to any rezoning or a change in the text provisions of this Ordinance.

27.8 BUILDING UPON NONCONFORMING LOTS: Any lot that was lawfully created prior to the date of enactment of this Ordinance (including in compliance with any zoning ordinance in effect at the time the lot was created) but which fails to comply with the minimum lot area or lot width requirements of this Ordinance, shall be considered to be a "buildable" lot for a single family dwelling or other allowed use in that zoning district; provided that notwithstanding any of the foregoing, two or more undeveloped contiguous lots or portions of lots in single ownership on the date of enactment of this Ordinance or at the date of building permit application shall be required to be considered as an undivided "zoning lot" to create a conforming or less nonconforming lot for purposes of this Ordinance, regardless of when such lots were created.

Except as provided above, a nonconforming lot created prior to the date of enactment of this Ordinance shall be "buildable" only pursuant to a variance approved by the Zoning Board of Appeals.

Except as specifically provided herein, all use and development of a "buildable" nonconforming lot must comply with all applicable provisions of this Ordinance (setbacks, parking, signage, etc.).

ARTICLE XXVIII

ZONING BOARD OF APPEALS

- 28.1 CREATION: There is hereby created a Zoning Board of Appeals, which shall perform its duties and exercise its powers and jurisdiction as provided by applicable laws, and by the provisions of this Ordinance to the end that the objectives of this Ordinance are observed, public safety and general welfare secured, and substantial justice done.
- 28.2 MEMBERSHIP/ELECTION OF OFFICERS: The Zoning Board of Appeals shall be appointed by the Township Board as prescribed by statute with all the powers and authority prescribed by law or delegated to it under specific provisions of this Ordinance. The Zoning Board of Appeals shall consist of five members; one member shall be a member of the Township Planning Commission. The Zoning Board of Appeals shall elect a chairman and a secretary. A member of the Township Board may be a regular member of the Zoning Board of Appeals, but shall not serve as Chair of the Zoning Board of Appeals. An employee or contractor of the Township Board shall not serve as a member of the Zoning Board of Appeals.

The Township Board may also appoint not more than two alternate members of the Zoning Board of Appeals for the same term as regular members. An alternate member may be called to sit as a regular member in the absence of a regular member if the regular member will be unable to attend one or more meetings. An alternate member may also be called to serve in the place of a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest. In such situations the alternate member shall serve until a final decision has been made. An alternate member of the Zoning Board of Appeals shall have the same voting rights, when called to serve, as a regular member.

- 28.3 TERM: The term of each member shall be three years and until a successor has been appointed and qualified; such successor shall be appointed not more than one month after the expiration of the preceding term. Staggered terms shall be effected by one or more of the first appointed members serving for less than three years. Members from the Township Board and from the Planning Commission shall have terms limited to their respective other official terms or to such lesser period determined by resolution of the Township Board.
- 28.4 JURISDICTION AND POWERS: The Zoning Board of Appeals shall have all powers and jurisdiction granted by applicable laws, and all powers and jurisdiction prescribed in other Articles of this Ordinance, including the following specific powers and jurisdiction:

1. The jurisdiction and power to hear and decide appeals from and review any order, requirement, decision or determination made by the Zoning Administrator. The Zoning Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination as in its opinion ought to be done, and to that end it shall have all the powers of the Zoning Administrator and may issue or direct the issuance of a permit.
2. The jurisdiction and power to act upon all questions as they may arise in the administration of this Ordinance, including interpretation of the zoning map.
3. The jurisdiction and power to authorize, subject to Section 28.8, requests for a nonuse variance relating to the construction, structural changes, or alteration of buildings or structures related to dimensional requirements of the Zoning Ordinance, or to any other nonuse-related requirement in the Ordinance, if there are practical difficulties in the way of carrying out the strict letter of the Zoning Ordinance, so that the spirit of the Zoning Ordinance is observed, public safety secured, and substantial justice done.

28.5 EMPLOYEES: The Zoning Board of Appeals may employ clerical or other assistance as may be necessary, provided that it shall not at any time incur any expense beyond the amount made available for that purpose.

28.6 MEETINGS/RULES OF PROCEDURE: Meetings of the Zoning Board of Appeals shall be held at the call of the chairman and at such other times as the Zoning Board of Appeals may determine for the efficient conduct of its business. All meetings shall be open to the public. The Zoning Board of Appeals shall not conduct business unless a majority of its regular members is present. The Zoning Board of Appeals may adopt such rules of procedure consistent with the provisions of applicable laws, this Ordinance, and other local ordinances as it may deem necessary to the proper performance of its duties and the proper exercise of its powers.

28.7 APPEALS: Appeals to the Zoning Board of Appeals may be taken by any party aggrieved by a decision or order of the Zoning Administrator. A notice of appeal specifying the grounds thereof shall be filed with the Zoning Board of Appeals within 30 days after the date of the action appealed. A copy of the notice shall promptly be served upon the officer from whose decision or order the appeal is taken, who shall forthwith transmit to the Zoning Board of Appeals all records pertaining to the action appealed from. An appeal shall stay all proceedings, decisions or orders unless said officer certifies to the Zoning Board of Appeals that a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed except upon a restraining order by the Township Board or by the circuit court.

28.8 VARIANCE STANDARDS:

1. No variance from any provision or requirement of this Ordinance shall be approved by the Zoning Board of Appeals unless it finds all of the following from the evidence presented:
 - a. there are practical difficulties in the way of carrying out the strict letter of the provision or requirement, by reason of the exceptional narrowness, shallowness, size or shape of the specific property at issue, or by reason of exceptional topographic conditions or some other unusual or extraordinary condition related to the subject property, rather than being derived from the personal circumstances of the applicant/owner/occupants of the subject property.
 - b. the variance will not affect any adjoining property or other property in such a manner as to be of substantial detriment to such property.
 - c. the variance will allow the spirit of the ordinance provision or requirement to be observed, and public safety secured.
 - d. the variance is necessary for substantial justice to be done, e.g. to ensure that the property may be used in a manner specified by the zoning classification and similar to other properties in the same zone.
2. Hardships based solely on economic conditions are not grounds for approval of a variance.
3. Hardships that were self-created (by the applicant, the owner of the property, or by a family member of the applicant or owner) are not grounds for approval of a variance.

28.9 CONDITIONS: The Zoning Board of Appeals may attach conditions or limitations upon a variance where necessary to (1) insure that public services and facilities affected by a requested variance and the associated land use or activity will be capable of accommodating increased service and facility loads caused by the variance and associated land use or activity, (2) protect the natural environment and conserve natural resources and energy, (3) insure compatibility with adjacent uses of land, and (4) promote the use of land in a socially and economically desirable manner.

Prior to attaching a condition or limitation to a variance the Zoning Board of Appeals shall also specifically determine the following:

- a. That the condition or limitation is designed to protect natural resources, the health, safety and welfare and the social and economic well-being of those who will use the land use or activity associated with the variance under consideration, residents and land owners immediately adjacent to the land use or activity, and the community as a whole; and,
- b. That the condition or limitation is related to the valid exercise of the police power, and purposes which are effected by the proposed variance; and,
- c. That the condition or limitation is necessary to meet the intent and purpose of the zoning ordinance, is related to the standards established in the ordinance for the variance under consideration and associated land use or activity, and is necessary to insure compliance with those standards.

Any such conditions and limitations may impose greater or more restrictions and requirements than are included in this Ordinance generally, and may include the provision of reasonable financial security to guarantee performance. Violation of any such conditions or limitations shall be deemed a violation of this Ordinance.

- 28.10 LAND USE VARIANCE: The Zoning Board of Appeals shall not act on a request for a land use variance (for a use not allowed in a zone).
- 28.11 APPLICATION SITE PLAN REQUIREMENTS: A site plan, plot plan or other acceptable diagram showing the general development plan of the property which is the subject of a variance or appeal request shall be submitted with each such request. The plan shall show, at a minimum, the location of all abutting streets, the location of all existing and proposed buildings and structures, the types of buildings and their uses, and the existing or proposed setback of each building or structure which is the subject of the variance or appeal request, measured to the street line and all pertinent lot lines.
- 28.12 PUBLIC HEARING: Upon the filing of any appeal or other matter over which the Zoning Board of Appeals has jurisdiction, the Zoning Board of Appeals shall hold a public hearing on such matter preceded by notice as required by law.

28.13 DECISIONS: The Zoning Board of Appeals shall render its decision upon such application within 60 days after the hearing thereon and notify the applicant of its decision.

28.14 TIME LIMITS:

- a. If a variance is granted or other action by the applicant is authorized, the necessary permit shall be secured and the authorized action begun within six months after the date the variance is granted, or said variance shall be deemed abandoned and withdrawn.
- b. No application for a variance which has been denied shall be reheard for a period of one year from the date of the last denial, unless the Zoning Board of Appeals finds that grounds for such a rehearing exists on the basis of either newly discovered evidence or proof of changed conditions which were not known to the applicant or the Board at the time of the initial hearing.

28.15 VOTE NECESSARY FOR DECISION: The final decision of the Zoning Board of Appeals on any matter shall require the concurring vote of a majority of its membership.

28.16 MINUTES AND RECORDS: The secretary shall keep minutes of the Zoning Board of Appeals' proceedings showing the vote of each member upon every question, or if absent or failing to vote, indicating that fact. The secretary shall keep records of the Zoning Board of Appeals' examinations and official actions; all of which shall be filed with the Township Clerk and be a public record.

28.17 LIMITATION OF BOARD ACTION: Except as authorized in this Article, the Zoning Board of Appeals may not, through any decision, interpretation or action, alter, vary or otherwise negate any provisions of this Ordinance, and where the Zoning Board of Appeals considers that any specific provision is inappropriate it shall submit to the Township Planning Commission a request for review of said provision.

ARTICLE XXIX

ADMINISTRATION AND ENFORCEMENT OF ZONING ORDINANCE

- 29.1 ZONING ADMINISTRATION AND ENFORCEMENT: The provisions of this Ordinance shall be administered and enforced by the Zoning Administrator (who may also be known as the Zoning Ordinance Enforcement Officer), and such other persons as the Township Board may designate.
- 29.2 ZONING ADMINISTRATOR APPOINTMENT: 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.
- 29.3 ZONING ADMINISTRATOR DUTIES:
1. Violations: The Zoning Administrator shall investigate any alleged violation of the Zoning Ordinance coming to his or her attention. If a violation is found to exist, the Zoning Administrator shall proceed in accordance with policies established by the Township Board and as otherwise provided by law.
 2. Administration: The Zoning Administrator shall, upon the request of the Township Board or the Planning Commission, review special exception use and site plan review applications for administrative completeness, and shall identify any concerns relative to the standards for approval of such applications.
 3. Records: The Zoning Administrator shall keep records of all official activities in carrying out his/her responsibilities pursuant to this Ordinance.
 4. Responsibility: The Township Board may in its discretion require the Zoning Administrator to attend the meetings of the Township Board, Planning Commission, and the Zoning Board of Appeals, and keep the members of same informed of all matters pertaining to zoning.
- 29.4 ZONING FEES: The Township Board is authorized to establish, by motion, fees for an application to the Planning Commission for consideration of a request for a special exception use permit, site plan review, a rezoning of property, an amendment to the text of the Zoning Ordinance or Land Use Plan, a zoning compliance permit, or other matter properly heard or reviewed by the Planning Commission and/or Township Board and/or Zoning Administrator. The Township Board is also authorized to establish, by motion, fees for an application to the Zoning Board of Appeals for consideration of a request for a variance, interpretation of the Zoning Ordinance or Zoning Map, or other matter properly heard by the Zoning Board of Appeals. Said fees may be established at different

levels for matters being considered at a regular meeting and matters being considered at a special meeting. All such fees applicable to a particular application shall be paid to the Township Clerk in order for the application to be considered administratively complete and processed for consideration. Such fees may be changed by motion of the Township Board at any lawful meeting, and may take effect immediately or upon such later date as the Board may specify.

ARTICLE XXX

VIOLATION AND SANCTIONS

30.1 NUISANCE PER SE: Any building or structure which is erected, moved, placed, reconstructed, razed, extended, enlarged, altered, maintained or used, and any use of a lot or land which is begun, maintained or changed in violation of any term or provision of this Ordinance, is hereby declared to be a nuisance per se subject to abatement pursuant to MCL 125.294 and as otherwise provided by law.

30.2 VIOLATION AND SANCTIONS:

A. Any person who violates, disobeys, neglects or refuses to comply with any provision of this Ordinance, any administrative decision made under the Ordinance, or any permit or approval issued under the Ordinance, including any conditions imposed thereon, or who causes, allows, or consents to any of same, shall be deemed to be responsible for a violation of this Ordinance.

Any person responsible for a violation of this Ordinance, whether as an owner (by deed or land contract), lessee, licensee, agent, contractor, servant, employee, or otherwise, shall be liable as a principal. Each day that a violation exists shall constitute a separate offense.

B. Any violation of this Ordinance shall constitute a basis for injunctive relief to compel compliance with the Ordinance and/or to restrain and prohibit continuation of the violation, or other appropriate relief in any court of competent jurisdiction, in addition to any other relief or sanction herein set forth or allowed by law.

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

	Minimum Fine	Maximum Fine
--- 1st offense within 3-year period*	\$ 75.00	\$500.00
--- 2nd offense within 3-year period*	150.00	500.00
--- 3rd offense within 3-year period*	325.00	500.00
--- 4th or more offense within 3-year period*	500.00	500.00

*Determined on the basis of the date of commission of the offense(s).

Additionally, the violator shall pay costs which may include all expenses, direct and indirect, which the Township has incurred in connection with the municipal civil infraction. In no case, however, shall costs of less than \$9.00 be ordered.

- 30.3 AUTHORITY TO COMMENCE LEGAL ACTION: The Township Supervisor, the Zoning Administrator, and such other persons as the Township Board may properly designate, may institute such legal actions or proceedings as may be appropriate to prevent, enjoin, abate, remove or penalize any violation of this Ordinance; provided that actions in the Circuit Court shall be authorized by the Township Board.

ARTICLE XXXI

TEXT AMENDMENT/REZONING PROCEDURES

- 31.1 INITIATION OF AMENDMENTS: Amendments to this Ordinance (text or rezoning) may be initiated by the Planning Commission or Township Board, or by any interested person by application.
- 31.2 AMENDMENT APPLICATION PROCEDURE: All amendments of this Ordinance initiated by application shall be in writing, signed and filed with the Township Clerk for presentation to the Planning Commission, and shall be accompanied by such amendment application fee as may be established by the Township Board. No action shall be taken on any amendment request until the fee is paid in full. Such applications shall include the following:
1. The applicant's name, address, and interest in the application, as well as the name, address and interest of every person having a legal or equitable interest in any land which is proposed to be rezoned.
 2. In the case of a rezoning application:
 - a. The legal description of the land proposed to be rezoned.
 - b. All existing street addresses within the property proposed to be rezoned.
 - c. The present and requested zoning classification of the property proposed to be rezoned.
 - d. The area of the land proposed to be rezoned, stated in square feet if less than one acre and in acres if one acre or more.
 - e. A fully dimensioned map showing the property proposed to be rezoned, including all public and private rights-of-way and easements bounding and intersecting same, and showing the zoning classification of all abutting lands.
 3. In the case of a text amendment application, the proposed text to be added and/or the existing text to be revised/deleted.
 4. The changed or changing conditions in a particular area or in the Township generally that make the proposed rezoning or text amendment reasonably necessary to the promotion of the public health, safety, and general welfare.
 5. All other circumstances, factors, and reasons which the applicant offers in support of the proposed amendment.

- 31.3 AMENDMENT PROCEDURE: After initiation, amendments to this Ordinance shall be considered as provided in Public Act No. 110 of 2006, as may be amended, and any other applicable laws.

ARTICLE XXXII

MISCELLANEOUS PROVISIONS

- 32.1 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.
- 32.2 REPEAL: This Ordinance shall be deemed to repeal and supersede in its entirety the Charleston Township Zoning Ordinance which was effective October 5, 1964, and all amendments thereto.
- 32.3 EFFECTIVE DATE: This Ordinance was approved by the Township Board on September 26, 2000 and is ordered to take effect on the 8th day after publication or on such later date as may be required by law.
- 32.4 ADMINISTRATIVE LIABILITY: No officer, agent, employee, or member of the Planning Commission, Township Board or Zoning Board of Appeals shall render himself or herself 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 or her duties and responsibilities pursuant to this Ordinance.